INTERNATIONAL COURT OF JUSTICE

OBLIGATION TO NEGOTIATE ACCESS TO THE PACIFIC OCEAN

(BOLIVIA v. CHILE)

COUNTER-MEMORIAL OF THE REPUBLIC OF CHILE

Volume 5 of 6

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13 JULY 2016

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Official Message from the Consulate General of Chile in Bolivia to the Directorate of Bilateral Affairs of the Ministry of Foreign Affairs of Chile, No 80, 14 February 1985

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

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MINISTRY OF FOREIGN AFFAIRS

SECTION: POLITICAL

OFFICIAL MESSAGE

0004469

Classification	Number	Time Origin	Month	Year
ORDINARY	080	141030	FEBRUARY	1985
From: CONGECHILE LA PAZ [Consulate of Chile in La Paz]				
To: DIBILAT [Directorate of Bilateral Affairs] cc DIMULTI [Directorate for Multilateral Policy]				

INTER-MINISTERIAL COMMITTEE ON INFRASTRUCTURE (COMINF)

LOCAL FOREIGN MINISTRY ISSUED THE FOLLOWING COMMUNICATION YESTERDAY:

1. ON THE OCCASION OF THE MINISTERIAL CONFERENCE OF THE MEMBER COUNTRIES OF THE CARTAGENA CONSENSUS, HELD RECENTLY IN THE CITY OF SANTO DOMINGO, AND IN RESPONSE TO A KIND INVITATION BY THE MINISTER OF FOREIGN AFFAIRS OF COLOMBIA, MR. AUGUSTO RAMIREZ OCAMPO, ON THE 6TH OF THIS MONTH A MEETING WAS HELD AT THE COLOMBIAN AMBASSADOR'S RESIDENCE. THE PARTICIPANTS OF THIS CONVERSATION, ASIDE FROM THE HOST MINISTER, WERE THE MINISTER OF FOREIGN AFFAIRS OF CHILE, MR. JAIME DEL VALLE, AND THE MINISTER OF FOREIGN AFFAIRS OF BOLIVIA, MR. EDGARDO CAMACHO OMISTE.

2. ON THAT OCCASION, MANY IDEAS WERE EXCHANGED TOGETHER WITH A DETAILED ANALYSIS OF THE BACKGROUND AND CONTACTS THAT TOOK PLACE DURING RECENT MONTHS BETWEEN THE FOREIGN MINISTRIES OF BOLIVIA AND CHILE IN ORDER TO INITIATE A FORMAL DIALOGUE TO SEEK, THROUGH DIRECT NEGOTIATIONS, SOLUTIONS TO BOLIVIA'S MARITIME PROBLEM.

3. THE CONVERSATION ALLOWED US TO VERIFY THAT THE CHILEAN FOREIGN MINISTRY REMAINS RELUCTANT TO ADVANCE WITH THE PROCESS OF RAPPROCHEMENT SIMULTANEOUSLY WITH THE COMMENCEMENT OF THE NEGOTIATIONS IN WHICH THE GOVERNMENT OF BOLIVIA HAS AN INTEREST AND FOR WHICH PURPOSE BOLIVIA IS SUPPORTED BY THE OTHER COUNTRIES IN THE AMERICAS.

THE GOVERNMENT OF BOLIVIA SHALL CONTINUE TO PROPITIATE THE OPPORTUNITY TO ALLOW DIRECT DIALOGUE TO BE INITIATED IN THE NEAR FUTURE, TO FIND A SOLUTION TO THE HUNDRED-YEAR-OLD PROBLEM OF ITS FORCED GEOGRAPHIC CONFINEMENT.

VIAL

REFERENCE: COMMUNICATION BY THE BOLIVIAN FOREIGN MINISTRY

Minutes of the Third Meeting of the General Committee of the Organization of American States General Assembly, 6 December 1985

(English translation only)

Organization of American States, General Assembly, Fifteenth Regular Session, 1985, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XV.O.2 (1986), pp 140 and 149-168

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GENERAL COMMITTEE MINUTES OF THE THIRD MEETING

<u>Date</u> : <u>Time</u> : <u>Location</u> :	6 December 1985 3:30 p.m. Barahona Room	
President:	Mr. Augusto Ramírez Ocampo Minister of Foreign Affairs of Color	nbia
Attendees:	Messrs.	
	James O'Neil Lewis José Roberto Andino Salazar Roberto Leyton Gastón de Prat Gay Joseph Edsel Edmunds Gastón Araoz Keith Johnson Ernest Remy Luis F. Vidal Espaillat Rafael de la Colina Rafael García Velasco Albert O. Xavier Lowell R. Fleischer Guillermo Fernández de Soto Luis E. Guardia Peter D. Laurie Edmund H. Lake Marcos Martínez Mendieta Orlando J. Moncada Jorge Raygada Jorge R. Hernández Alcerro Eduardo A. Mayora Ruwaldo E. van Bochove Pedro Uriarte Edilberto Moreno George Stewart Dário M. de Castro Alves Mateo Marques Seré João Clemente Baena Soares Val T. McComie	<pre>(Trinidad and Tobago) (El Salvador) (Panama) (Argentina) (Saint Lucia) (Bolivia) (Jamaica) (Haiti) (Dominican Republic) (Mexico) (Ecuador) (Grenada) (United States) (Colombia) (Costa Rica) (Barbados) (Antigua and Barbuda) (Paraguay) (Nicaragua) (Peru) (Honduras) (Guatemala) (Suriname) (Chile) (Venezuela) (Bahamas) (Brazil) (Uruguay) (Secretary General of the OAS) (Assistant Secretary General)</pre>
	Val T. McComie	(Assistant Secretary General)

[...]

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5. <u>Report on Bolivia's maritime problem (Draft resolution submitted by the Delegations of Bolivia, Mexico, Panama, the Dominican Republic, Uruguay and Venezuela (AG/doc.1912/85 and AG/CG/doc.11/85 (item 13 on the agenda) (continued)</u>

The PRESIDENT: So, we will move on to item 5 on the agenda related to the report on Bolivia's maritime problem. This item was included in the agenda at the request of the Government of Bolivia through a note included in document AG/doc.1912/85. I give the floor to the Minister of Foreign Affairs of Bolivia, who yesterday requested that consideration of this issue be postponed in order to submit a draft resolution at this meeting.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Araoz): Mr. President, distinguished Representatives, Secretary General:

Since the search for a solution to Bolivia's maritime problem is being pursued under the auspices of the OAS, the corresponding report on this matter has been included on the agenda, in accordance with successive resolutions of our General Assembly. Consequently, I have the honor to submit for your consideration this report about item 13 on the agenda.

Before doing so, I would like to make some brief points that support my country's reasons for requesting, through this Organization, a just solution to the geographic confinement that has been imposed upon it.

It is not necessary to reiterate the historical and legal background that led to Bolivia's possession, since time immemorial, of a vast littoral zone, which was severed by a war of expansion and the imposition of a treaty. The international community has expressed its awareness of the just cause of Bolivia's return to the Pacific Ocean by means of free, useful, and sovereign access, and it has done so with clear expressions of solidarity and recognition.

Regarding these expressions, we mention specifically only the most recent ones. These include the statement made in the Bolivarian Declaration of Caracas, which was issued on the occasion of the conference on Latin American political thought, held on the bicentennial

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of the birth of the Liberator, Simón Bolívar. In it, citizens with various ideological perspectives, from all of the countries of the great Latin American community, stated: "In the process towards unity, we call on the Latin American people to commit to peacefully resolving their territorial disagreements and ongoing disputes, such as Bolivia's landlocked situation, among other cases." The Declaration of the Presidents of the Andean countries, "Para nosotros la Patria es América" ["The Americas are our Homeland"], which was also issued on the occasion of the bicentennial of Simón Bolívar's birth, states the intention to take effective action to contribute to resolving its landlocked situation, since Bolivia does not have a sovereign useful access to the Pacific Ocean.

The Non-Aligned Movement, at its recent ministerial meeting in Luanda, Angola, adopted the declarations of Havana and New Delhi, and reiterated its categorical support for the Republic of Bolivia's legitimate, just claim to regain a direct and useful outlet to the Pacific Ocean with full sovereignty.

As this clear demonstration of understanding and support shows, the community of nations is convinced that this deplorable situation must be rectified by means of a peaceful settlement. During six ordinary session of the General Assembly of our Organization, resolutions were adopted that state that this problem is categorically a matter of continuing hemispheric interest. This designation gives the matter a high degree of significance, reflecting a concern with ensuring peace, harmony, and justice. In general, the provisions of the OAS Charter are intended to prevent possible causes of difficulties and ensure the peaceful settlement of disputes; seek the solution to political, legal, and economic problems that may arise among them; condemn wars of aggression: victory does not give rights; maintain friendly relations among the Member States; and effectively assist them in the peaceful settlement of their disputes.

The forced landlocked situation that has been imposed on Bolivia does not have the same connotation than that of the situation of other sister nations that are also confined, but that did not previously have maritime coasts or suffer a loss of territory. The nations of the Continent know that Bolivia's confinement is also the cause of enormous limitations, the most significant of which continue to pose serious difficulties to its full economic and social development ... ¹ a country deprived of its maritime connection to the world. It is worth citing the principle set forth in the Charter of Economic Rights and Duties of States, which establishes the remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development.

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Having elucidated these statements and the reasons behind them, I now offer the following report to the Assembly.

In addition to the circumstances that are recorded in the minutes of the Fourteenth Ordinary General Assembly, covering up to 17 November of last year, I must note that some other meetings between Bolivia and Chile took place after that date. Later, in February of this year, those meetings were interrupted for various reasons put forward by both Parties. However, it is worth noting that during the Cartagena Consensus ministerial meeting, held in Santo Domingo in early February of this year, the Ministers of Foreign Affairs of Bolivia, Colombia, and Chile met, and Foreign Minister Jaime del Valle informed the other two Foreign Ministers that his Government had decided to wait for the new administration to take office in Bolivia, in August, before taking up further consideration of the matter.

I take this opportunity to thank Colombia for the interest that it has shown in attempting to foster a productive dialogue. I would like to have the record show that I welcome this attitude of the Government of Colombia towards the dialogue, based on the view that initiatives of this kind will play an effective and positive role in encouraging the success of the negotiations to resolve Bolivia's maritime problem.

Bolivia is present here today with the wish to overcome the difficulties that are constantly arising because of attitudes that in fact constitute delay tactics. We return to this great American entity that has never lacked understanding and support for our just cause, which is recognized as a problem whose solution is of interest to the hemispheric community.

The forced geographic confinement that confronts Bolivia is not consistent with an era when nations foster processes of integration, cooperation and coexistence in a spirit of fraternity realistically to overcome their differences, in a generous spirit of mutual trust and good faith. We believe in the path that leads to ongoing rapprochement, and in good neighborly relations.

With an intent that is clearly peaceful and consistent with the principles that govern the international legal order, Bolivia now seeks a definite, pragmatic decision, a course of action that indicates certain, concrete, constructive paths to the solution of its centuries-old problem.

Bolivia hopes for a sincere positive response that is governed by the spirit that also prevails in our continental community's concerns regarding Bolivia's maritime problem. When we act with a genuine desire for Latin American unity, in reliance on law and justice, we will be able to achieve peaceful coexistence in a spirit of fraternity. Our nations must ensure a united Latin American Homeland for future generations. It would not be fair to leave them with dangerous animosities, much less with conflicts without solutions. [p 152]

The time has come, Mr. President, for a just solution to a just cause. That solution will require the persistent attentive support of our regional organization. It is clear that Bolivia always has been and remains willing to engage in direct negotiations with the interested parties. With Chile and, of course, with Peru, if necessary.

At the present time, nations are realistically confronting their differences, and so we welcome the winds that are blowing for understanding. We are also encouraged by the outcome of the meeting between the leaders of the two great powers. At that meeting, the foundation was laid for a dialogue aimed at seeking solutions that would allow a glimmer of world peace and security, reducing the risks of a holocaust.

At this moment in our time, with these good omens, we must not leave problems without a peaceful resolution. We are certain that at this important regular session of the General Assembly, progress will be made in this direction.

As I indicated during the Extraordinary General Assembly that was just held, my Government reiterates its long-standing willingness to maintain a dialogue that enables constructive cordial negotiations. They could continue according to the letter and the spirit of the resolutions adopted by the General Assemblies of the OAS, and the proposals made by my country, provided that the purpose is to find a just solution regarding Bolivia's legitimate right to a free, sovereign, and useful outlet to the Pacific Ocean without territorial compensation.

Mr. President, Representatives: Bolivia cherishes the certainty that when it returns to the sea, it will do so with the minimum essential conditions that would enable it, like its sister nations along the Pacific, to again have a sovereign access that is genuinely useful and that responds to its major national objectives in the context of fruitful coexistence and in a spirit of integration and effective cooperation under the constant, indissoluble fraternity and loyal Americanist friendship. Indeed, as everyone knows, where the great cause of maritime integration is concerned, the unanimous will of the Bolivian nation is united with the full backing of the hemisphere and the world.

Here in Cartagena de Indias, the birthplace of decisions essential to forging our common destiny, it is instructive to recall the words spoken in this Assembly by the illustrious leader Belisario Betancur. Recalling the solution to the issue of the Panama Canal, he said: "It is a matter of resuming that path, which is certainly better than the path of confrontation ..." Well, if we take those realities as our starting point, we will be able to enshrine in the law a new pact of association that would bring peace to our nations.

Before introducing the draft resolution that has been distributed, Mr. President, I would like to request that this report on item 13 on our agenda, and the deliberations about it, be placed on the record.

We have introduced a draft resolution [AG/CG/doc.11/85], which is cosponsored by our fellow Delegations from the Dominican Republic, Mexico, Uruguay, and Venezuela; Panama has announced that it will also co-sponsor it. I express my gratitude to these countries for this new gesture of their support and understanding for the cause of the Bolivian Government and people. We are sure that this draft resolution will be approved and adopted by our other sister nations on the Continent, in the spirit of steadfast solidarity that they have traditionally expressed. Thank you very much.

The PRESIDENT: Thank you very much, distinguished Foreign Minister of Bolivia. The Foreign Minister of Chile has the floor.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF CHILE (Mr. del Valle): Mr. President, first of all, I would like to note that unfortunately the draft resolution referred to by my distinguished friend, Foreign Minister Araoz of Bolivia, has not come into our possession. So, my words will be in response to his words, but without concrete knowledge of the draft resolution.

Mr. President, as all of you know, Bolivia has insisted on addressing the issue of its maritime aspiration in this multilateral forum. For the past six General Assemblies, my Delegation has repeatedly stated that it does not recognize this Organization's power to rule on situations that are solely within the exclusive competence of the States, and that involve matters which affect their territorial integrity or the relations among one another.

We have spoken against this Assembly's intervening in the way Chile must conduct its bilateral relations. We have not accepted that the OAS, in violation of its own Charter, can issue opinions about a demarcation of borders established by virtue of a treaty.

Nor can it be accepted that an inter-American doctrine or an OAS doctrine exists on this subject. On the contrary, this Organization came into being precisely to defend the sovereignty, territorial integrity, and independence of its members. The members of the OAS could hardly hold opinions that are at odds with the principles underlying the entire hemispheric System.

What we can indeed accept as doctrine is the unanimous opinion of the members of this Organization, to the effect that Bolivia's maritime aspiration can only be addressed bilaterally.

The Delegation of Bolivia has, once again, described its wish to have access to the Pacific Ocean as a right. Once again, I must recall the existence of a treaty that definitively established the borders between Chile and Bolivia. There are no pending problems, involving either borders or territory, between the two countries. Chile is the sole holder of the [p 154]

rights to its territory; these rights belong to Chile, not only by the force of a treaty, but also because this territory is inhabited by Chileans.

Bolivia's aspiration to count on a sovereign outlet to the Pacific Ocean through Chilean territory does not constitute a right. The sources of a right have been defined and classified by international law. My country's rights derive from the first and most authoritative of the sources recognized by international law, i.e., treaties. The will or desire of one party is not a source of international law. Therefore, Bolivia's aspiration does not change Bolivia into the holder of a non-existent right nor does it make Chile responsible for a non-existent obligation. Consequently, neither the OAS nor any of its Member State has the power to decide on rights that have only one exclusive holder: Chile and its people.

The principle of non-intervention has been one of the cornerstones of the System of which we are all part. Articles 18 and 19 of the OAS Charter lay the foundation for inter-American coexistence, by establishing that no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other. Furthermore, no State may use or encourage the use of measures in order to force the sovereign will of another State to obtain advantages of any kind.

The principles indicated have been ratified and strengthened by the Cartagena Protocol, since they form the essential foundation for hemispheric relations. If the OAS has repeatedly recommended, urged, recognized that Bolivia's maritime aspiration can only be addressed bilaterally, why compromise the Organization and insist that it take actions that are beyond the scope of its competence and the gravity of its decisions? Chile has reiterated, before the hemispheric community, its willingness to engage in dialogue with Bolivia. It has also reiterated its opposition to this Organization taking up matters that significantly impact Chile's sovereignty and territorial integrity.

We have repeatedly indicated that this willingness to engage in dialogue is being seriously affected by the OAS's involvement. Since the first time that the matter was included on the agenda, we have been saying that Bolivia, by bringing its aspiration to this forum, is complicating the chances of reaching a good understanding. We have invariably insisted that as long as Bolivia is resorting to multilateral channels, bilateral negotiations are difficult. However, Bolivia has once again brought this matter before this Assembly. We have learned that Bolivia will insist on introducing a resolution to involve the Organization in a matter that has been resolved by a treaty in force. This amounts to interfering in internal Chilean affairs, by taking a position on the conduct of my country's bilateral relations. For all these reasons, my Delegation will vote against any draft resolution introduced. Thank you very much. [p 155]

The PRESIDENT: Thank you very much, distinguished Foreign Minister of Chile. The Foreign Minister of Bolivia now has the floor.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Araoz): Mr. President, it is my belief that the Representatives present at this great Assembly should not have been surprised by the statements legitimately made by the distinguished Minister of Foreign Affairs of Chile. They are also well aware of the position taken by my country in regard to these statements; we do not agree with them. Therefore, I would like to conclude my remarks in this way, without going into the details, because the details are already a matter of long-standing knowledge within our Organization. Thank you very much.

[...]

THE REPRESENTATIVE OF CHILE (Mr. del Valle): Mr. President, although I have already announced our vote against this draft resolution, I would like to note that point 3 of the operative part goes further than previous resolutions, because it aims to have the report on the maritime problem of Bolivia included on the agenda of subsequent regular sessions of the General Assembly. This would mean that the OAS is giving a matter that it has always classified as simply a problem, and not as a dispute—these are the words of the Delegation of Bolivia alone—even greater priority than it gives the Contadora situation, which is included every year at this Assembly.

Finally, Mr. President, I would like to say something very important to this Assembly. Chile has demonstrated—specifically with the outcomes of the past year—that it is able to solve its problems through bilateral talks.

The Treaty of Peace and Amity with the Argentine Republic is a clear demonstration of what Chile's political will can accomplish when it comes to resolving its problems with its neighbors. That Treaty has been mentioned here and in other international forums as an example to the world.

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Not more than a week ago, Chile put an end to all of the unresolved problems that it could have had with its sister nation, the Republic of Peru, in regard to the treaty executed in 1929. It has been fifty-five years. Those problems that had been debated for so many years were resolved directly with my colleague, the distinguished Foreign Minister Wagner, in only six days of meetings. So, when I say that Chile knows how to solve its problems through bilateral talks, I say this because Chile has shown it to be the case. We are not stalling or deceiving anyone. We are stating a truth. Mr. President, my words represent my country's sincere attitude, a sincere attitude that has been plainly demonstrated, in the opinion of this Assembly and the opinion of the entire world. Thank you very much.

The PRESIDENT: Thank you, Representative of Chile. The Representative of Trinidad and Tobago now has the floor.

[...]

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The PRESIDENT: Thank you, distinguished Representative of Antigua and Barbuda. The Representative of Bolivia has the floor.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Araoz): Mr. President, in regard to point 3 of the operative part, I wanted to note that the previous Resolution of our Assembly stated:

To declare that either of the parties may request inclusion of the topic "Report on the maritime problem of Bolivia" on the draft agenda of the next regular session of the General Assembly.

As it is written now, it conveys some of the meaning of other resolutions that have now been introduced, and it simply expresses the idea of continuing to consider the report on Bolivia's maritime problem during subsequent sessions of the General Assembly. This is not an automatic thing, because it goes on to say: "any of the parties may request". This is because if, during the course of the negotiationswhich we approach in the most constructive open spirit; in my country, there is a Government that expresses that willingness, and I want to expressly mention it here---if, at a later point, as I say, we are engaged in dialogue and the issue need not be included on the agenda, we will not do so. But otherwise, as it was formulated, it would seem that in the event that one of them is forgotten, there would be some kind of usefulness in a way which might not be felt by the other side. I think that from this moment on, we should act in good faith, with the thought that what I have said on behalf of my Government, Mr. President and Representatives, really is a clear expression of the spirit in which we wish to overcome any differences that may exist between us. Let us look forward, with the conviction that in this way, as I said a moment ago, we will re-establish a fraternal friendship, a coexistence that rests on the best foundation, oriented towards the prospect of cooperation, of integration, of complementarity, which I think is the shared responsibility of all of the sister nations on our Continent. I wanted to give that explanation in regard to point 3 of the operative part, Mr. President.

The PRESIDENT: Thank you very much, Foreign Minister. For those Representatives who have, with all reason, noted that no translation of this document exists, I would ask for your indulgence to let the Secretary read the draft resolution and use the simultaneous interpretation channels to hear the draft. I ask the Secretary to be so kind as to read the draft.

The SECRETARY: [Reads:]

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THE ASSEMBLY GENERAL,

IN VIEW OF

Resolutions AG/RES. 426 (IX-0/79) of 31 October 1979, AG/RES. 481 (x-0-80) of 27 November 1980; AG/RES. 560 (XI-0/81) of 10 December 1981; AG/RES. 602 (XII-0/82) of 20 November 1982; AG/RES. 686 (XIII-0/83) of 18 November 1983 and AG/RES. 701 (XIV-0/84) of 17 November 1984, where it was repeatedly declared that finding an equitable solution whereby Bolivia would obtain sovereign and useful access to the Pacific Ocean was a matter of continuing hemispheric interest, and

WHEREAS:

In view of the auspicious invitation made by the Government of Colombia, preliminary conversations were initiated,

RESOLVES:

- 1. To take note of the report by the Government of Bolivia concerning that country's maritime problem, of the reply by the Government of Chile on this topic, and of other statements made.
- 2. To reiterate its appeal to the Governments of Bolivia and Chile to resume dialogue, with a constructive and Americanist spirit, in order to find a satisfactory solution that will give Bolivia a connection with and sovereign and useful territorial access to the Pacific Ocean, based on a consideration of the rights and interests of all Parties.
- 3. That any of the parties may request that the topic report on the Maritime Problem of Bolivia be considered by the next regular session of the General Assembly.

[...]

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THE MINISTER OF FOREIGN AFFAIRS OF CHILE (Mr. del Valle): Mr. President, I cannot let the words of the Representative of Saint Lucia pass without comment, because I believe that it is necessary to state something clearly. We have here a treaty signed by these countries in 1904. In other words, many years after the end of the armed conflict between Bolivia and Chile.

Second, just as he has read an article of the Charter, I also want to read Article 1 of the Charter, which states:

<u>Article 1</u>: The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.

So I believe, first, that it is necessary to specify that no conflict exists here, because a conflict hardly could exist, with the Treaty being in full force.

Second, just as Article 2 has been mentioned, there is also another provision in the Charter—the first provision, no less—which contradicts the spirit, at least, that he believed he found in the Charter.

The PRESIDENT: Thank you very much, Foreign Minister. I am very thankful to the Ambassadors who have suggested the possibility that the President attempt to obtain consensus again.

In relation to this matter, Colombia has worked hard for the past two years and we have had several meetings with the different Ministers of Foreign Affairs of Bolivia and Chile, separately, and on two or three occasions, we met with them jointly at informal and preliminary meetings. Based on such

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knowledge of the matter, I would say, with a great deal of frustration, that I do not see any grounds for consensus at the moment, in this Room, on a project of this nature and, therefore, the situation we are faced with is the same situation faced by last year's Assembly in Brasilia, when it was necessary to put the matter to a vote.

I would like to ask the Foreign Minister of Bolivia and the Foreign Minister of Chile if at this moment they are of the idea of putting the matter to a vote or not. The Representative of Bolivia has the floor.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Araoz): Mr. President, the remark actually was made in regard to point 3. I want to report that the rest of the draft has been the subject of laborious negotiations and rapprochement in regard to its text, being the substance of the problem, in the terms of the exhortation that appears here.

Next, in respect of point 3 of the operative part, I would like to ask for some understanding in this regard, because we see another resolution being introduced within this same Assembly, stating: "To continue examining this issue in future regular sessions of the General Assembly until its definitive settlement." And we, precisely for the sake of always offering an alternative and an opening, are adding the phrase "any of the parties may request" as a condition.

It is likely, as I said a moment ago-and I would like to make the Room understand this point—that we would not need to do so, depending on the progress of the dialogue. It is likely that at the next Assembly, we will be engaged in negotiations which—we hope—are based on a great understanding, and it is likely that we will decide by mutual agreement not to include the matter on the agenda. Because, a contrario sensu, it could happen that at a later regular session of the Assembly, if no provision of this kind is established, there would be no possibility of including the matter on the agenda. The meaning, and the scope of the provision, is the same as existed in previous resolutions. This is what I wanted to explain in very good faith, making clear that this is in fact merely a procedural issue, and there is no question of ulterior motives behind it, once the explanation has been given as to why, in light of another resolution of this Assembly, we have added them. Now, it would be a serious matter if we had just simply put "until the problem is resolved". But it is always at the request of either Party, and I think that this is reasonable, Mr. President. I do not mean to lock myself into a position, but rather to explain what we have done, in the most constructive spirit.

The PRESIDENT: Thank you very much, Foreign Minister of Bolivia. The Representative of Chile has the floor.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF CHILE (Mr. del Valle): Mr. President, I would like to make some minor clarifications. Firstly, regardless of whether point 3 of the operative part is omitted, this does not alter the substance of Chile's observation, which is based on the idea that this

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matter should not be addressed in this forum. This is so true that last year I asked the Bolivian Minister of Foreign Affairs specifically not to bring the matter to this forum. And I want to tell the members of the OAS in detail about something that I think they should know.

After 1983, I myself was specifically the one who approached Bolivia's Minister of Foreign Affairs at the time on several occasions to deal with this matter. I was the one who approached him; I was the one who suggested to him the procedure that we should follow. Chile was the one who yielded in regard to the process of how we should handle this matter. We even altered the procedure or framework that the OAS had suggested, at the request of the Government of Bolivia. We took all of those steps, and we were on the point of issuing a joint declaration, one day before the Minister of Foreign Affairs of Bolivia was going to give his speech at the United Nations, in 1984. And that joint declaration was not signed, because the content of the Bolivian Foreign Minister's speech was so offensive to my country that we were left with no choice but to not sign.

In the following months, when we two Ministers of Foreign Affairs were going to come together in Bogotá, specifically to agree on the procedure, the Bolivian Foreign Minister again issued some statements that were so unfortunate that Chile had to refrain from attending. So, I want to make it very clear that the reason why Chile is voting against this proposal is that our experience so far has been extremely disappointing. We have taken the initiative to seek a dialogue, and we have not been able to obtain one. And that is why I told the Foreign Minister at the time, in February of this year, that we were halting this dialogue until the new administration took office in Bolivia. And our hope, Mr. President, is that the new Bolivian Administration understands that the great manner, the great way to approach a fraternal, positive dialogue that brings results is the one that we have vehemently suggested on this occasion. And, Mr. President, before this vote, I will say that I have spoken with complete sincerity, with the sincerity that has characterized all of my actions in this Assembly, in previous Assemblies, or any action that I have taken during my role.

Therefore, I cannot take back the words that I have spoken, to the effect that Chile will cast a negative vote, and its reason for doing so is precisely because it has hopes of seeking a solution to the problem of Bolivia.

So, Mr. President, to respond specifically to what you asked, I ask that a vote be taken, and I hope that it will be a roll call vote.

The PRESIDENT: Yes, clearly, as I was informing the Room, I believe that under the current circumstances it would be really hard, not to say impossible, to reach consensus. We have worked on that very hard and to no avail so far. The Representative of Argentina has the floor. [p 162]

The REPRESENTATIVE OF ARGENTINA (Mr. de Prat Gay): Thank you, Mr. President. Your words, which affect me deeply, lead me to take the floor at this time regarding our country's position on this issue.

Argentina's position, which has been stated during various Assemblies of the Organization, is well known. Our country welcomes any initiative taken to settle international controversies by peaceful procedures. We trust that Bolivia will resolve the problem it is facing, and that this solution will be reached through comprehensive, free negotiations between the Parties directly involved. This should be done with full respect for existing treaties, and with the understanding that both Parties have the right to determine, in a sovereign manner, all matters related to negotiations that may, in due course, be recommended.

On various occasions, through resolutions adopted in recent years in this same forum, the OAS has aspired to reach the goal of a peaceful settlement, through respect for the full sovereignty of both countries.

It is implicitly understood that our Organization must not go beyond urging or calling on the Parties to seek common ground. A recommendation should come from this forum, rather than a formula for negotiations. To offer the latter would be to interfere in problems related to the territorial sovereignty of the States.

A recommendation to seek a solution to the problem is, we think, the task with which our Assembly should concern itself. We trust that this work, together with the work previously done within the Organization, may one day lead to a happy ending to the problem of Bolivia's confinement.

Consequently, Mr. President, Argentina supports this draft resolution. Thank you very much.

The PRESIDENT: Thank you very much, Ambassador. The Foreign Minister of Bolivia has the floor.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Araoz): Mr. President, for the sake of maintaining in our deliberations the spirit in which we have been working during these days, if it is satisfactory to do so, I would like to agree that point 3 of the operative part should state: "To continue examining the report on the maritime problem of Bolivia in the next regular session of the General Assembly at the request of either party." Thank you very much.

The PRESIDENT: Thank you, Foreign Minister. Therefore, you are formally introducing such amendment to the draft and, would you request that a vote be taken in relation to such amendment?

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The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Araoz): Yes, to contribute to reaching consensus.

The PRESIDENT: I ask the Foreign Minister of Chile if he would be satisfied with such wording.

The REPRESENTATIVE OF CHILE (Mr. del Valle): Mr. President, I have been very clear. No, unfortunately I have very strong reasons, which I have broadly explained. I believe we have no other option but to take a roll call vote. Thank you.

[...]

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The MINISTER OF FOREIGN AFFAIRS OF BOLIVIA (Mr. Araoz): Mr. President, I in fact introduced that amendment because I thought, according to some information that I received, that this would be a formulation that could enable us to move forward. That is why I did it, for the sake of a solution. I would even be in agreement, Mr. President, with repeating the same text that is in all of the previous resolutions. We would have no objection. In other words, what is said in the one from 1984, from 1983, which the distinguished Delegation of Chile voted on, and which states:

Either Party may request that the topic "report on the maritime problem of Bolivia" be included on the agenda of the next regular session of the General Assembly.

I even come to that point, because really, I want to convey here what the new Government, headed by Víctor Paz Estenssoro, is, and what that administration represents at this time, insofar as it reflects a new historic circumstance in my country, with effects that are related in significant ways to the events that we are experiencing in our time. Thank you, Mr. President.

[...]

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The PRESIDENT: Thank you very much, Ambassador. I know that Cartagena works miracles, Sir, and this has really been a place of great consensus decisions. The "Cartagena Consensus" was born here, precisely to address the issue of the debt. Here, a few months ago, we had a wonderful meeting that consolidated the Support Group proposed by the Foreign Ministers of Brazil, Argentina, Peru, Uruguay and that had also been put on the table in the inaugural speech of President Alan García, in a declaration made in Lima. The "Cartagena Agreement", which has been the basis of the Andean integration program, was founded here. And here, overcoming all kinds of scepticism, we had something that is very much like the rebirth of the OAS. In all or in many of such matters, I have had the chance to act directly, and I know that really the spirit of Cartagena, the environment of Cartagena, can do a lot.

Over the past few days we have been systematically working on this matter with the Ministers and, in view of such conversations, I would like to tell you not that we have fallen and risen, but that really, working in a very pragmatic mannerand in this I believe that specifically the Representatives of the Caribbean, in speaking, usually teach us permanent lessons of pragmatism-, I can say that I do not find grounds at this point to achieve a consensus document. Not once or twice, but many times have we discussed it and tried to achieve it, and at this moment I act in a very realistic manner. I believe that we would make no progress if we delayed a decision on this matter, but I would be willing to, of course, postpone the vote on this resolution, a day or two; but I am afraid that the Foreign Minister of Bolivia will be away on a trip. I understand that he is leaving tomorrow. In addition, the delegations that sponsor this project, among others, the Delegation of Uruguay, have worked hard in preparing a draft resolution that would be as close as possible to the ideas presented by the distinguished Delegation of Chile, and in this regard I would like to acknowledge the efforts made by the Foreign Minister of Bolivia, who has not created any obstacles so that the resolution would be as acceptable as possible.

Even so, as you have seen, the amendments that may be made to the draft resolution are not at all acceptable to the Delegation of Chile. There is an argument that has been stated with great clarity by the Foreign Minister of Chile, who thinks that this should not be a matter to be discussed at the OAS. Thus, he has stated a reason of substance, a matter of principle; however, the distinguished Delegation of Bolivia, and many other delegations, which have even read articles of the Charter to support their position, consider that this is indeed a matter that should be discussed by the General Assembly, and that has in fact been discussed by it for years.

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When such a fundamental principle is in play, it really does not seem possible to achieve a new miracle. There was a miracle in 1983, when a consensus resolution was achieved and such consensus resolution significantly raised our hope to continue down the road of negotiations, where the foreign ministers, in this case, two Foreign Ministers who preceded honorable Foreign Minister Gastón Araoz and Foreign Minister del Valle, performed their work in the same manner and these conversations could not be initiated. Therefore, Ambassador of Antigua and Barbuda, Ambassador of Trinidad and Tobago, believe me that it is not a lack of interest, discouragement, or lack of time; we can stay here until dawn as many times as we like, and dawn in Cartagena also has its charm; but I honestly think that we would be making a futile effort. So, I will put Bolivia's draft resolution to a vote. I understand that the amendment with the amendment proposed by the Foreign Minister of Bolivia, that is, point of the operative part would be replaced in totum by the exact wording approved by consensus in 1983, that is, establishing here that for the next session any of the Parties may request that the matter be included. I will ask the Secretary to read the new wording of point 3 of the operative part.

The SECRETARY: [Reads:]

3. That any of the parties may request that the topic, "Report on the maritime problem of Bolivia," be considered by the next regular session of the General Assembly.

The PRESIDENT: Thank you very much. So, we will proceed to vote on the draft resolution including point 3 of the operative part which has just been read. As a roll call vote has been requested, I ask the Secretary to perform the relevant drawing of lots to determine which delegation will vote first. [A paper slip was taken out]. The Delegation of the United States will vote first.

United States	-
Colombia	Yes
Costa Rica	Yes
Barbados	-
Antigua and Barbuda	Yes
Paraguay	Yes
Nicaragua	Yes
Peru	Yes
Honduras	Yes
St. Kitts and Nevis	[Absent]
Guatemala	Yes
Suriname	Yes
Chile	No

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Saint Vincent and the Grenadines Venezuela Bahamas Brazil Dominica Uruguay Trinidad and Tobago El Salvador Panama Argentina Saint Lucia Bolivia	[Absent] Yes Yes [Absent] Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes
e	- • *
e	- • *
Bolivia	Yes
Jamaica	Yes
Haiti	Yes
Dominican Republic	Yes
Mexico	Yes
Ecuador	Yes
Grenada	Yes

The SECRETARY: The result of the vote has been the following, Mr. President: twenty-five positive votes, one negative vote and no abstentions.

The PRESIDENT: Thank you very much. The draft resolution has been approved. The Representative of Paraguay has the floor.

The REPRESENTATIVE OF PARAGUAY (Mr. Martínez Mendieta): Thank you very much, Mr. President. By way of explanation of vote, the Delegation of Paraguay would like to state expressly that as the only other landlocked country in the Americas and in our System, we understand the problem well, the situation faced by countries without a maritime littoral. We have supported this resolution with our vote, as we have done on previous occasions. But let us make it very clear that our support should be understood as a call on the Parties involved to find a solution to the problem through peaceful negotiation. My Delegation does not wish to prejudge what that solution might be. And today, as in all of the previous instances, I again reiterate that we are and always will be strong adherents of the principle of non-intervention in the internal affairs of other States. That is how Paraguay's support for this resolution should be interpreted. Thank you very much.

The PRESIDENT: Thank you very much, Ambassador, for your vigorous explanation of your vote. The Representative of Peru has the floor.

The REPRESENTATIVE OF PERU (Mr. Raygada): Thank you very much, Mr. President. The Delegation of Peru, with its steadfast support for and understanding of the maritime cause of Bolivia, has joined in approving the resolution on the report on the maritime problem of Bolivia. At the

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same time, we note, as we have done on previous occasions, that this matter is the sovereign responsibility and concern of the Parties directly involved, according to their mutual interests and with full respect for the treaties in force on the subject. Mr. President, I ask that you be so kind as to order that this statement be placed on the record of this session. Thank you very much, Mr. President.

The PRESIDENT: Thank you very much, Ambassador, that will be done. If there are no further vote explanations, we will move on to another subject. The Foreign Minister of Bolivia has the floor.

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Araoz): Mr. President, Representatives, we have a profound belief in Latin American unity, as well as respect—I will say it again—for the international legal order-we could not do otherwise-and an ongoing commitment to peace. And now we are in Cartagena de Indias and at this Organization of American States, with great respect for its principles and rules, which hold within them the very possibility of a peaceful resolution to situations that, as in Bolivia's case, may arise during the course of changing historical realities, and as a result of past events that are known to everyone. I again note the constructive spirit in which we have come to address this issue, which is a vital issue in my country, a vital issue to the Bolivian people. It is with great emotion that I wish to express, with recognition for the inter-American community, the community of sister nations that make up the OAS, my deepest appreciation for the vote that has been taken in support of the resolution that we have just approved. And as you will have seen, Bolivia has at all times demonstrated the most open, conciliatory spirit in regard to moving forward with this aim of obtaining a sovereign, useful access to the Pacific Ocean. Thank you, Mr. President.

Minutes of the Third Plenary Meeting of the Organization of American States General Assembly, 9 December 1985

(English translation only)

Organization of American States, General Assembly, Fifteenth Regular Session, 1985, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XV.O.2 (1986), pp 41and 48-50

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MINUTES OF THE THIRD PLENARY MEETING

<u>Date</u> : <u>Time</u> : <u>Location</u> :	9 December 1985 10:15 a.m. Barahona Room	
President:	Mr. Augusto Ramírez Ocampo Minister of Foreign Affairs of Co	lombia
Present:	Messrs.	
	George W. McKenzie José Roberto Andino Salazar Roberto Leyton Gastón de Prat Gay Joseph Edsel Edmunds Armando Soriano Keith Johnson Ernst Remy Luis F. Vidal Espaillat José Luis Vallarta Rafael García Velasco Albert O. Xavier John J. Crowley, Jr. Guillermo Fernández de Soto Luis E. Guardia Peter D. Laurie Edmund H. Lake Marcos Martínez Mendieta Orlando J. Moncada Jorge Raygada Jorge R. Hernández Alcerro Eduardo A. Mayora Donald A. McLeod Jaime del Valle Edilberto Moreno Joshua Sears Dário M. de Castro Alves Franklin A. Baron Alfredo Platas	 (Trinidad and Tobago) (El Salvador) (Panama) (Argentina) (Saint Lucia) (Bolivia) (Jamaica) (Haiti) (Dominican Republic) (Mexico) (Ecuador) (Grenada) (United States) (Colombia) (Costa Rica) (Barbados) (Antigua and Barbuda) (Paraguay) (Nicaragua) (Peru) (Honduras) (Guatemala) (Suriname) (Chile) (Venezuela) (Bahamas) (Brazil) (Dominica) (Uruguay)

(Secretary General of the OAS) (Assistant Secretary General)

[...]

Val T. McComie

[p 48]

e. <u>Report on the maritime problem of Bolivia (AG/doc.1986/85)</u>

The PRESIDENT: We are considering the draft resolution on the report on the maritime problem of Bolivia [AG/doc.1986/85]. The Representative of Chile has the floor.

THE REPRESENTATIVE OF CHILE (Mr. Larraín): Thank you very much, Mr. President. Mr. President, our Delegation requests that a roll call vote be taken on this draft resolution.

The PRESIDENT: Of course, Mr. Representative. I therefore request the Secretary to proceed with the regulatory lottery required to see which delegation will begin the voting. [He draws a paper.] Guatemala will vote first.

[p 49]

(The roll-call vote is taken, with the following result:)

Guatemala	
Suriname	Yes
Chile	No
Saint Vincent and the Grenadines	-
Venezuela	Yes
Bahamas	Yes
Brazil	Yes
Dominica	-
Uruguay	Yes
Trinidad and Tobago	Yes
El Salvador	Yes
Panama	Yes
Argentina	Yes
Saint Lucia	Yes
Bolivia	Yes
Jamaica	Yes
Haiti	Yes
Dominican Republic	Yes
Mexico	Yes
Ecuador	Yes
Grenada	Yes
United States	-
Colombia	Yes
Costa Rica	Yes
Barbados	-
Antigua and Barbuda	Yes
Paraguay	Yes
Nicaragua	Yes
Peru	Yes
Honduras	Yes
St. Kitts and Nevis	[Absent]

The SECRETARY: The result of the vote was as follows: twenty-four votes in favor, one against, and no abstentions.

THE PRESIDENT: Thank you. The draft resolution has been approved. The Representative of Paraguay has the floor.

THE REPRESENTATIVE OF PARAGUAY (Mr. Fernández): Thank you, Mr. President. I asked for the floor to request that my Delegation's declaration when we discussed this issue in the General Committee be included in the minutes. Thank you very much, Mr. President.

[p 50]

The PRESIDENT: Thank you very much, that is what we will do. The Representative of Peru has the floor.

The REPRESENTATIVE OF PERU (Mr. Raygada): Thank you very much, Mr. President. The Delegation of Peru requests that the declaration made by my Delegation in the General Committee when this issue was discussed be reproduced in the minutes of this meeting. Thank you very much.

The PRESIDENT: That is what we will do, Mr. Representative. The Representative of Chile has the floor.

THE REPRESENTATIVE OF CHILE (Mr. Larraín): Thank you, Mr. President. Mr. President, the Chilean Delegation requests that the record in the minutes show that its negative vote is because this organization lacks jurisdiction to handle this matter, as was noted in due course in the General Committee.

The PRESIDENT: That is what we will do, Mr. Representative.

Organization of American States, General Assembly, resolution AG/RES. 766 (XV–O/85), Report on the Maritime Problem of Bolivia, 9 December 1985

(Original in English and French)

Organization of American States, General Assembly, Fifteenth Regular Session, 1985, *Proceedings*, Vol. I, OEA/Ser.P/XV.O.2 (1986), pp 22-23

Annex 282

ORGANIZATION OF AMERICAN STATES GENERAL ASSEMBLY	
OEA/Ser P/XV 0.2 2 April 1996 Volume 1	
FIFTEENTH REGULAR SESSION CARTAGENA DE INDIAS, COLOMBIA DECEMBER 5-9, 1985	
PROCEEDINGS	
VOLUME I	
AG/RES. 748 (XV-O/85) — AG/RES. 794 (XV-O/85) CERTIFIED TEXTS OF THE RESOLUTIONS	
	- 22 -
GENERAL SECRETARIAT ORGANIZATION OF AMERICAN STATES WASHINGTON, D. C. 20006 1986	AG/RES. 766 (XV-0/85)
RE	PORT ON THE MARITIME PROBLEM OF BOLIVIA
(Resol	ution adopted at the third plenary session, held on December 9, 1985)
THE GENERAL AS	SEMBLY,
AG/RES. 481 (X-0/ December 10, 1981; 686 (XIII-0/83) o November 17, 1984, the hemisphere to	esolutions AG/RES. 426 (1X-0/79) of October 31, 1979; 80) of November 27, 1980; AG/RES. 560 (XI-0/81) of AG/RES. 602 (XII-0/82) of November 20, 1982; AG/RES. f November 18, 1983 and AG/RES. 701 (XIV-0/84) of which reiterate that it is of continuing interest to find an equitable solution whereby Bolivia may obtain 1 access to the Pacific Ocean; and
CONSIDERING:	
	talks began in response to an encouraging invitation ernment of Colombia,
RESOLVES:	
concerning that cou	note of the report of the Government of Bolivia intry's maritime problem, of the reply by the Government pic, and of other statements made.
that they resume di with a view to fin with a sovereign a Ocean taking into a	ate its appeal to the governments of Bolivia and Chile alogue in a constructive spirit of American solidarity, ding a satisfactory solution that will provide Bolivia and useful territorial link and access to the Pacific ccount the rights and interests of all parties involved.
	of the parties may request that the topic, "Report on lem of Bolivia," be considered by the next regular ral Assembly.

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AG/RES. 766 (XV-0/85)

RAPPORT SUR LE PROBLEME DE L'ACCES DE LA BOLIVIE A LA MER

(résolution adoptée à la troisième séance plénière tenue le 9 décembre 1985)

L'ASSEMBLEE GENERALE,

VU

Les résolutions AG/RES. 426 (IX-0/79) du 31 octobre 1979; AG/RES. 481 (X-0/80) du 27 novembre 1980, AG/RES. 560 (XI-0/81) du 10 décembre 1981, AG/RES. 602 (XII-0/82) du 20 novembre 1982, AG/RES. 686 (XIII-0/83) du 18 novembre 1983 et AG/RES. 701 (XIV-0/84) du 17 novembre 1984, par lesquelles elle a déclaré à plusieurs reprises l'intérêt permanent que porte le continent à une solution équitable qui permettrait à la Bolivie d'avoir un accès souverain et utile à l'Océan pacifique;

CONSIDERANT

Que des conversations préliminaires ont eu lieu suite à l'invitation du gouvernement de la Colombie,

DECIDE:

1. De prendre note du rapport du gouvernement bolivien concernant le problème de son accès à la mer, ainsi que de la réponse du gouvernement chilien sur cette question et d'autres observations émises.

2. D'encourager à nouveau les gouvernements de la Bolivie et du Chili à reprendre leur dialogue dans un esprit constructif et américaniste afin de trouver une solution satisfaisante qui donne à la Bolivie une voie et un accès territorial souverain et utile à l'Océan pacifique, tenant compte des droits et intérêts de toutes les parties.

3. Que l'une ou l'autre des parties peut demander l'inscription du point intitulé "Rapport sur le problème de l'accès de la Bolivie à la mer" à l'ordre du jour de la prochaine session de l'Assemblée générale.

"Foreign Minister Del Valle: 'Chile and Bolivia Must Seek a Rapprochement", *El Mercurio* (Chile), 25 February 1986

(Original in Spanish, English translation)

El Mercurio (Chile)



Canciller Del Valle: "Chile y Bolivia Deben Procurar Un Acercamiento"

Ministro de RR.EE. expresó la satisfacción del Gobierno ante las declaraciones del Presidente boliviano, Víctor Paz Estenssoro, quien se manifestó dispuesto a revisar el problema de relaciones con nuestro país.

El Ministro de Relaciones Exteriores, Jaime del Valle, expresó ayer la satisfacción del Gobierno chileno frente a las declaraciones del Presidente de Bolivia, Víctor Paz Estenssoro, quien se manifestó dispuesto a revisar el problema de las relaciones con Chile, en procura de alcanzar un entendimiento.

El Mandatario boliviano señaló este fin de semana, durante una conferencia de prensa, que su país está considerando cuidadosamente la situación con Chile. "Creo que nosotros necesitamos un enfoque fresco del problema. No seguir dando vueltas, como ha sido norma en los últimos años", señalo Paz Estenssoro. Las relaciones diplomáticas entre ambas naciones están interrumpidas desde 1978.

El Canciller Del Valle dijo ayer que

(Continúa en la página A 12



EL MERCURIO

Santiago de Chile, Tuesday, 25 February 1986.

[...]

Foreign Minister Del Valle:

"Chile and Bolivia Must Seek a Rapprochement"

• The Minister of Foreign Affairs expressed his Government's satisfaction with statements by Bolivian President Víctor Paz Estenssoro, who showed a willingness to review the problem of relations with our country.

Yesterday, the Minister of Foreign Affairs Jaime Del Valle expressed the Chilean Government's satisfaction with statements by President of Boliva Víctor Paz Estenssoro, who showed a willingness to review the problem of relations with Chile, with a view to reaching an understanding.

The Bolivian President pointed out this weekend, during a press conference, that

his country is carefully pondering the situation with Chile. "I think we need to come up with a fresh approach to the problem, rather than continuing beating around the bush, as has been the rule over the last years," pointed out Paz Estenssoro. Diplomatic relations between both nations have been broken off since 1978.

Foreign Minister Del Valle said yesterday that

(Continues on page A 12)



DIPLOMATICOS FILIPINOS

LONDRES, 24 (UPI) .- Numerosos diplomáticos filipinos en distintas partes del mundo se sumaron hoy a la rebelión contra el Presidente Ferdinand Marcos, pero otros han decidido

esperar hasta que se aclare el resul-tado de la actual lucha por el poder. En Washington, un funcionario de la Embajada de Filipinas, quien pidió no ser identificado, dijo: "Estamos obno ser identificado, dijo: "Estamos ob-servando los eventos. Pero hasta que algo pase, todavía seguimos siendo re-

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vecinos.

"Si uno revisa la situación con cada uno de los países vecinos, vamos a ver que tenemos mayor complementación económica con Chile", por lo que "Chi-le puede ser un mercado para una can-tidad de productos de Bolivía".

Expuso que como fruto de la actual política econômica, para superar la crisis "tenemos que exportar por sobre to das las cosas", y entonces "tenemos que buscar mercados no tradicionales".

OPINIONES DE PRENSA

A DAZ 94 (ITPI) Onimi "the President of Bolivia in his statements concurred with what we have said on many occasions: that one of the fundamental issues between the two countries is to procure a rapprochement."

"We agree with his statements, and I believe that such statements agree with what have been claiming for a long time," he said.

The Foreign Minister pointed out that one of the steps toward complementation is trade, "and then there are other steps revealing a closer degree of friendship between two nations, as might be the case of cultural or technological exchange, for instance. Any type of thing that indicates that the two countries are integrating with each other in some way, as is logical and natural between two American countries."

When asked about the reasons to

which he attributed to the change in Bolivia's foreign policy, he replied that this has been taking place since the beginning of the Paz Estenssoro administration, "so we are not surprised at and in some way we are pleased with them," he pointed out.

The Minister pointed out that, in any case, there have been no further conversations with the Bolivian Government other than those maintained by the Foreign Minister himself with the Foreign Minister of that country at the Cartagena meeting.

PAZ ESTENSSORO'S STATEMENTS

A UPI news cable containing the Bolivian President's statements reads as follows:

LA PAZ, 23 (UPI). Bolivia will seek a path of understanding with Chile in order to resolve its landlocked situation by means of a "fresh approach" aimed at creating stronger, enduring economic interest relations, as President Víctor Paz Estenssoro stated yesterday.

In that way, he replied to a question put to him during a lengthy press conference held at the Government Palace about what his Government would do to regain a its own outlet into the Pacific Ocean with the support of the hemispheric community.

"We are carefully considering this problem, like all of our country's problems," said the President, further adding that he believed that "we need to come up with a fresh approach, rather than continuing beating around the bush, as has been the rule over the last years."

Bolivia broke off relations with Chile in 1978, as negotiations failed over the granting this country of a strip of land leading to the Pacific Ocean along the Peruvian border, because of Chile's demands for territorial compensation.

Bolivia's landlocked situation originated in the war that both countries waged in 1879, which resulted in the Bolivian maritime coast becoming part of Chilean territory.

Paz Estenssoro explained that when he mentioned a "fresh approach" he did so because "Chile has solved its Beagle problem with Argentina and is reaching an understanding with Peru, not only on border issues, but on arms control issues as well." He further noted that "then we will remain isolated," for which reason he considered that "we must seek a path of understanding with Chile."

He further held that, in addition, "there is another circumstance" relating to trade between Bolivia and its neighbors.

"If we analyze the situation with each of our neighboring countries, we will see that we have a stronger economic complementation with Chile," for which reason "Chile may become a market for a number of Bolivian products."

He mentioned that, as a result of the current economic policy, and in order to overcome this crisis, "we must become an exporting country above all things," and then he added that "we must seek non-traditional markets."

Minutes of the Binational Rapprochement Committee, 17 October 1986

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



REPUBLICA DE BOLIVIA

MINISTERIO DE RELACIONES EXTERIORES Y CULTO

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ACTA DE LA "COMISION BINACIONAL DE ACERCAMIENTO" CONVOCADA POR LOS CANCILLERES DE CHILE Y BOLIVIA PARA TRATAR LOS PUNTOS ACO<u>R</u> DADOS EN SU REUNION DE NUEVA YORK EN SEPTIEMBRE PASADO, Y QUE SERA SOMETIDA A LA APROBACION DE LOS SEÑORES CANCILLERES.

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2.

MINUTES OF THE "BINATIONAL RAPPROCHEMENT COMMITTEE" ORGANIZED BY THE MINISTERS OF FOREIGN AFFAIRS OF CHILE AND BOLIVIA TO ADDRESS THE ISSUES AGREED UPON IN THEIR MEETING IN NEW YORK LAST SEPTEMBER, WHICH ARE TO BE SUBMITTED FOR THE APPROVAL OF THE MINISTERS OF FOREIGN AFFAIRS.



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De conformidad a lo acordado por los Cancillere de Chile y Bolivia en sus entrevistas efectuadas en Nueva
York, en el mes de septiembre del presente año, se celebró en La Paz, entre los días 15 y 17 de octubre de 1986, la Pr
mera Reunión de la Comisión Binacional de Acercamiento entr ambos países.
La Delegación de Bolivia estuvo integrada por:
-Embajador Don Felipe Tredinnick, Secretario General de la
Cancilleria, Preșidente de la Delegación.
-Embajador Don René Soria Galvarro, Director General del Gabinete del Ministro.
-Embajador Don Carlos Trigo, Director General de América.
-Ministro Consejero Don Ramiro Prudencio, Director Adjunto de la Academia Diplomática.
La Delegación de Chile estuvo integrada por:
-Embajador Don Jaime Herrera C., Director de Política Bila teral, Presidente de la Delegación.
-Teniente Coronel Don Sergio Castillo Gonzáles, Director d Planificación.
-Ministro Consejero Don Juan E <mark>nrique Walker, Director de</mark> R laciones Econômicas Bilateral <mark>es.</mark>

In conformity to what was agreed upon by the Ministers of Foreign Affairs of Chile and Bolivia in their meetings held in September of this year in New York, the First Meeting of the Binational Rapprochement Committee between the two countries was held in La Paz between 15 and 17 October 1986.

The Delegation of Bolivia was composed of:

- Ambassador Felipe Tredinnick, Secretary General of the Ministry of Foreign Affairs, President of the Delegation.
- Ambassador René Soria Galvarro, Director General of the Cabinet of Ministers.
- Ambassador Carlos Trigo, Director General of the Americas.
- Minister Councilor Ramiro Prudencio, Deputy Director General of the Academy of Diplomacy.

The Delegation of Chile was composed of:

- Ambassador Jaime Herrera C., Director of Bilateral Affairs, President of the Delegation.
- Lieutenant Colonel Sergio Castillo Gonzáles, Director of Planning.
- Minister Councilor Juan Enrique Walker, Director of Bilateral Economic Affairs.



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> Participaron además en las reuniones de trabajo, por la parte boliviana el Ministro Consejero Eulalio Medina y el Primer Secretario Roberto Calzadilla. Por la parte chilena lo hicieron el Ministro Consejero Patricio Rodríguez Rentería, Cónsul General de Chile en La Paz y el Primer Secretario Emilio Ruiz-Tagle Orrego, Cónsul Ad junto de Chile en La Paz.

> La Comisión Binacional se abocó al estudio de una agenda elaborada en base a las listas aprobadas por los Cancilleres de ambos países en Nueva York. A continuación se dan a conocer los principales aspectos tratados y los avances o acuerdos logrados en cada uno de los puntos de la Agenda:

A. TEMAS REFERIDOS AL SISTEMA INTEGRADO DE TRANSITO Y

MATERIAS CONEXAS

1. Ferrocarril Antofagasta - Bolivia.-

La Comisión Binacional recoméndó que toda modificación de tarifas proyectada por la empresa que administra el FF.CC. Antofagasta - Bolivia, sea consultada previamen te a la Empresa Nacional de Ferrocarriles de Bolivia (ENFE).

En caso de que dichas empresas no lleguen a un acuerdo al respecto, la delegación boliviana reiteró la necesi dad de que el Gobierno de Chile ratifique su compromiso asumido en las Actas de la Comisión Mixta Técnica de 1974, donde se declara que prestaría su mediación en cualquier cuestión que se suscitase entre la empresa que administra el Ferrocarril Antofagasta - Bolivia y las autoridades bolivianas.

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Among the participants in the working meetings were Minister Councilor Eulalio Medina and First Secretary Roberto Calzadilla, on behalf of Bolivia. The Chilean part included Minister Councilor Patricio Rodríguez Rentería, Consul General of Chile in La Paz, and First Secretary Emilio Ruiz-Tagle Orrego, Deputy Consul General of Chile in La Paz.

The Binational Committee set out to study an agenda prepared according to the lists approved by the Ministers of Foreign Affairs of both countries in New York. Below is an outline of the main aspects addressed and the progress or the agreements reached in connection with each of the items of the Agenda:

A. ISSUES RELATED TO THE INTEGRATED TRANSIT SYSTEM AND OTHER RELATED ISSUES

1. <u>Antofagasta–Bolivia Railway.</u>

The Binational Committee recommended that any modification to tariffs projected by the company managing the Antofagasta–Bolivia Railway be previously consulted with by Empresa Nacional de Ferrocarriles de Bolivia (ENFE).

In the event that such companies do not reach an agreement in that respect, the Bolivian delegation reiterated that it is necessary for the Government of Chile to ratify its commitment under the Minutes prepared by the Binational Technical Commission in 1974, where it was declared that it would mediate any question arising between the company managing the Antofagasta–Bolivia Railway and the Bolivian authorities.



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> La delegación chilena por su parte, manifestó que es tudiará con sumo interés esta problemática.

2. Ferrocarril Arica - La Paz.-

La Comisión Binacional tomó nota de la recomendación emanada de la reciente reunión de las empresas de fe rrocarriles de Bolivia y Chile celebrada en Santa Cruz de la Sierra entre el 30 de septiembre y el 4 de octubre de 1986, donde se acordó presentar una so licitud conjunta a la CEPAL para que efectúe una eva luación del sistema integrado de tránsito entre ambos países, en vista que dicho organismo regional tu vo a su cargo el estudio de la estructura del sistema original.

Ambas delegaciones acordaron someter esta proposición de las empresas ferroviarias de Chile y Bolivia a las autoridades pertinentes de sus respectivos países.

La delegación boliviana solicitó el mejoramiento y mo dernización del tramo chileno del ferrocarril Arica -La Paz (material de tracción, rieles y sistema de comunicación). La parte chilena tomó debida nota de ello y se comprometió a informar de este planteamiento a las autoridades chilenas pertinentes; destacando, asimismo, la conveniencia de evaluar la eficien cia conjunta de ambas secciones del citado ferrocarril.

Añadió la delegación de Chile que como forma de ayudar a proceder de manera rápida a las mejoras del tramo chileno del citado ferrocarril, recababa a la delega ción boliviana para interceder urgentemente ante las autoridades bolivianas pertinentes a fin de que se agilicen los pagos pendientes por parte de Bolivia al Ferrocarril chileno.

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For its part, the Chilean delegation stated that it would analyze the problems with keen interest.

2. <u>Arica–La Paz Railway.</u>

The Binational Committee took note of the recommendation resulting from the recent meeting held between the Bolivian and Chilean railway companies in Santa Cruz de la Sierra between 30 September and 4 October 1986, where it was agreed that a joint request would be submitted to ECLAC, considering that such regional organization was responsible for analyzing the structure of the original system, so that it may assess the integrated transit system between both countries.

Both delegations agreed to submit this proposition by the railway companies of Chile and Bolivia to the relevant authorities in their countries.

The Bolivian delegation requested that the Chilean section of the Arica–La Paz railway be improved and modernized (traction material, rails, and the communication system). The Chilean delegation took due note of this and undertook to inform the relevant Chilean authorities of this plan, additionally emphasizing that they consider it appropriate to assess the joint efficiency of both sections of the aforementioned railway.

The delegation of Chile added that, as a way of rapidly helping in making the improvements to the Chilean section of the aforementioned railway, it would call on the Bolivian delegation to urgently intercede with the competent Bolivian authorities, so that Bolivia may expedite the relevant payments of all amounts due to the Chilean railway company.

ISTERIO D EXTERIOR			- 4 -
	З.	Carreteras al Pacífico	
		a) Carretera La Paz - Patacamaya - Tambo Arica.	Quemado -
		Ambas partes concordaron en otorgar pr ridad a la conclusión de esta carreter te chilena se compromete a reparar y m tramo chileno. Bolivia expresó que se en curso una solicitud de financiamien pavimentación del tramo Patacamaya - T do y tiene este proyecto una alta prio	a. La par ejorar el encuentra to para la ambo Quem <u>a</u>
		b) Carretera Oruro - Pisiga - Iquique. La parte chilena tomó debida nota del liviano en la construcción de esta car bas partes se comprometieron a que se los estudios de pre-factibilidad para ción de las secciones respectivas.	retera. Am elaboren
	4.	Permisos de Ingreso Temporal de Vehículos Chile	de carga a
		La parte chilena tomó debida nota de la p boliviana por la limitación à un plazo de los permisos de ingreso temporal de vehíc ga a su territorio, actualmente en vigenc legación boliviana solicitó ampliación a	15 días de ulos de car ia, La De-
		La Delegación chilena transmitirá esta si las autoridades del Ministerio de Transpo lecomunicaciones de Chile, a objeto de qu quen vías de solución.	rteș y Te-

3. <u>Roads to the Pacific.</u>

(a) La Paz–Patacamaya–Tambo Quemado–Arica Road.

Both delegations agreed to give top priority to the completion of this road. The Chilean delegation undertook to have the Chilean section repaired and improved. Bolivia stated that a request is currently underway for the financing to repave the Patacamaya–Tambo Quemado section, and that such project has been given high priority.

(b) Oruro–Pisiga–Iquique Road.

The Chilean delegation took due note of Bolivia's interest in the construction of this road. Both delegations undertook to develop all pre-feasibility studies for the construction of the respective sections.

4. <u>Permits for Temporary Entry of Vehicles Carrying Goods into Chile.</u>

The Chilean delegation took note of Bolivia's concern over the current maximum 15-day stay permitted for vehicles carrying goods that temporarily enter its territory. The Bolivian delegation requested that such permitted stay be extended to 30 days.

The Chilean delegation will notify the authorities of the Ministry of Transportation and Telecommunications of Chile of this situation, so that a solution may be found.



REPUBLICA DE BOLIVIA

MINISTERIO DE RELACIONES EXTERIORES Y CULTO

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5. Construcción de Silos en Antofagasta y Arica.-

Bolivia plantea la necesidad de contar con silos para el almacenaje de sus im⁻ortaciones de granos efec tuadas fundamentalmente a través del puerto de Antofagasta, debido a que la actual situación le acarrea pérdidas entre un 3% y un 5% del volumen importado y genera problemas de contaminación.

La parre chilena comparte plenamente la preocupación boliviana en este sentido y está de acuerdo en la construcción de los citados silos a la brevedad posible. Para tales efectos, la delegación boliviana se comprometió a hacer llegar los antecedentes pertinentes (número de silos, financiamiento, capaci dad y otras especificaciones técnicas) y la delegación chilena asumió el compromiso de resolver el procedimiento para materializar esta iniciativa.

6. Seguridad de las Mercancías en puertos (Antofagasta y Arica).-

La delegación boliviana manifestó su preocupación por la alta proporción de pérdidas en dichos puertos, lo que ha generado reclamaciones de las Compañías de Seguros y una alza en las primas correspondientes.

La parte chilena hizo presente la existencia de otros factores que pueden incidir en la pérdida de mercan – cías, en especial durante su transporte. No obstante lo anterior, se informará de esta situación a las autoridades chilenas competentes, recomendando la adopción de medidas tendientes a superar estas deficien – cias.

.../

5. <u>Construction of Silos in Antofagasta and Arica.</u>

Bolivia expressed the need for silos for storing its grain imports coming mainly into the country through the port of Antofagasta due to the fact that the current situation is causing losses equivalent to between 3% and 5% of the volume of imports and generating pollution problems.

The Chilean delegation fully shared Bolivia's concern over this issue, and agreed that the referenced silos should be built as soon as practicable. To such end, the Bolivian delegation undertook to submit all relevant background information (number of silos, financing, capacity, and other technical specifications), and the Chilean delegation undertook to streamline the relevant procedure to set this initiative in motion.

6. <u>Safety of Merchandise at Ports (Antofagasta and Arica).</u>

The Bolivian delegation expressed its concern over the high proportion of losses at said ports, which has resulted in claims to Insurance Companies and higher premiums.

The Chilean delegation mentioned a number of other factors that could contribute to merchandise being lost, especially during their transportation. Notwithstanding the foregoing, the competent Chilean authorities shall be informed of this situation, and recommendations shall be made for the adoption of measures aimed at overcoming these deficiencies.

REPUBLICA DE BOLIVIA MINISTERIO DE RELACIONES EXTERIORES Y CULTO - 6 -Ð 7. Tarifas de Movilización portuaria de mercancias en tránsito a Bolivia y de Bolivia.-Ambas delegaciones concordaron en la conveniencia de solicitar información técnica de los orgamis mos competentes de cada país. Exención del pago de comisiones, impuestos y contri 8. DDD DD buciones para mercancías de tipo alimenticio en AU tránsito hacia Bolivia.-La delegación chilena tomó conocimiento de la solicitud boliviana en este sentido y la hará llegar a las autoridades pertinentes. TEMAS COMERCIALES: в. 1. Revisión del Acuerdo de Alcance Parcial N927 y otras materias en el ámbito de ALADI.-Ambas delegaciones concordaron intercambiar listas de productos de interés, en el transcurso de la pro xima semana, con el fin de que se reúnan expertos de ambos países durante el presente año para perfec cionar el acuerdo de alcance parcial Nº27 de ALADI. Asimismo, Bolivia presentaria una lista de produc tos que desearía exportar a Chile de acuerdo al mar co preferencial que se viene negociando en dicho or ganismo en favor de los países de "menor desarrollo económico relativo". Venta de gas boliviano.-2. Ambas delegaciones sugirieron que se reunan persone ros de Yacimientos Petroliferos Fiscales Bolivianos (Y.P.F.E.) y de la Empresa LIPIGAS de Chile, con el .../

7. <u>Port Handling Tariffs for merchandise in transit transported to and from</u> <u>Bolivia.</u>

Both delegations agreed on the appropriateness of requesting technical information from each country's competent organizations.

8. <u>Exemption from the payment of commissions, taxes and levies on food</u> products in transit transported to Bolivia.

The Chilean delegation took note of Bolivia's request in this respect, and shall notify the relevant authorities of such request.

B. <u>COMMERCIAL ISSUES:</u>

1. <u>Revision of Partial Scope Agreement N° 27 and other issues within the</u> purview of the Latin American Integration Association (ALADI).

Both delegations agreed to exchange lists of products of interest over the course of the following week, so that experts from both countries may meet this year to revise ALADI's Partial Scope Agreement N° 27. Furthermore, Bolivia may submit a list of products that it wishes to export to Chile under a preferential regime that is being negotiated at said organization in favor of "relatively less economically developed" countries.

2. <u>Bolivian Gas Sales.</u>

Both delegations suggested that officials from Yacimientos Petrolíferos Fiscales Bolivianos (Y.P.F.B.) and from the Chilean company LIPIGAS meet in order

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		fin de estudiar la factibilidad de una eventual op <u>e</u> ración de venta de gas en el Norte chileno.	
	3.	Participación en Ferias y Exposiciones	
		Ambas delegaciones concordaron en la importancia de estos eventos como instrumentos de promoción de ex- portaciones.	
		La delegación de Chile manifestó su satisfacción por su reciente participación en la Feria EXPCCRUZ 86 y a su vez la delegación boliviana expresó su disposición para colaborar en la participación de empresarios bolivianos en Ferias chilenas, a fin de promover productos bolivianos en el mercado de Chile.	
i	ч.	Venta de carne vacuna boliviana	
C		La delegación boliviana expresó que existe interés por parte de Bolivia de vender carne vacuna para abastecer la zona norte de Chile.	
		Sobre ello, la delegación chilena informó que, pre viamente, era necesaria la suscripción de un Acuer do fito-sanitario entre ambos países, a cuyo efec- to se comprometió enviar un proyecto tipo para la consideración del Gobierno boliviano.	
	5.	Proyecto de Convenio de sanidad vegetal	
		La delegación de Chile planteó la conveniencia de que se llegue a firmar a la brevedad el Convenio de sanidad vegetal entre Perú, Bolivia y Chile cu- yo fin es regular el tránsito de alimentos por las fronteras.	

to conduct a feasibility study on a potential gas sale in Northern Chile.

3. <u>Participation in Fairs and Exhibitions.</u>

Both delegations were in agreement with respect to the importance of these events as instruments for promoting exports.

The delegation of Chile expressed its satisfaction with its recent participation in the EXPOCRUZ 86 Fair. In turn, the Bolivian delegation expressed its willingness to collaborate in having Bolivian businesspeople participate in Chilean fairs, in order to promote Bolivian products in the Chilean market.

4. <u>Bolivian Cattle Sales.</u>

The Bolivian delegation stated that Bolivia is interested in selling cattle to Northern Chile.

In that regard, the Chilean delegation reported that it was necessary for both countries to previously enter into a Phytosanitary Agreement, for which purpose it undertook to submit a draft agreement to the Bolivian Government for consideration.

5. Draft Plant Health Convention.

The delegation of Chile suggested that it was advisable for Peru, Bolivia, and Chile to enter into a Plant Health Convention as soon as practicable, the purpose of which is to regulate the transit of food through borders.



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La delegación de Bolivia informó que dicho proyecto de Convenio se encuentra en estudio.

6. Estructura de promoción de exportaciones.-

Con el propósito de que los organismos pertinentes de Bolivia y los sectores industriales tomen conocimiento de la estructura de promoción de exportaciones de Chile, la delegación chilena invitó a que funcionarios de gobierno visiten PROCHILE con el fin de que conozcan el funcionamiento de esta institución y asimismo se comprometió a enviar información acerca de los cursos y seminarios para empresarios, que se llevan a cabo en las Universidades,relativos al tema de las exportaciones.

C. TEMAS DE COOPERACION TECNICA:

1. Medios de Cooperación Técnica.-

Sobre este tema la Comisión Binacional consideró conveniente estudiar medios de cooperación técnica en varias áreas, tales como la administración de servicios dependientes del Estado, planifica – ción, manejo y control de Parques Nacionales, reservas, servicios agrícolas, ganaderos, vivienda, urbanismo y otros.

2. Intercambio Tecnológico.-

La delegación chilena expresó su interés de desarrollar un intercambio tecnológico entre ambos países. La delegación boliviana manifestó su interés en materializar esta iniciativa en el ámbito minero-metalúrgico y otros. Asimismo, se concordó en la necesidad de identificar los requeriThe delegation of Bolivia reported that such draft Convention is currently under review.

6. <u>Export Promotion Structure.</u>

In order for the relevant organizations of Bolivia and industrial sectors to learn about Chile's export promotion structure, the Chilean delegation invited government officials to visit PROCHILE, so that they may become familiar with such institution's operations, and further undertook to send information on university courses and seminars for businesspeople on export-related matters.

C. <u>TECHNICAL COOPERATION ISSUES</u>:

1. Means for Technical Cooperation.

Regarding this subject, the Binational Committee considered it appropriate to analyze the means for technical cooperation in several fields, such as the administration of State-run services, the planning, management and control of National Parks, reserves, agricultural services, cattle-related services, housing, urban planning and others.

2. <u>Technological Exchange</u>.

The Chilean delegation expressed its interest in developing a technological exchange between both countries. The Bolivian delegation expressed its interest in implementing this initiative in the mining and iron and steel industries, among others. Further, the need for identifying requirements



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mientos en esta materia a objeto de hacerlos saber oportunamente.

Ambas Delegaciones estuvieron de acuerdo en aprove char las respectivas experiencias tecnológicas a través de una mayor cooperación en este ámbito.

D. TEMAS CULTURALES:

1. Programas de Intercambio Académico.-

Ambas delegaciones estuvieron de acuerdo en la conveniencia de incrementar en todo lo posible el inter cambio recíproco en el plano académico. Se acordó al respecto consultar a las Universidades de ambos países las posibilidades concretas sobre la materia a fin de estructurar posteriormente programas de mutuo interés.

Respecto de tales programas se hizo notar la conveniencia de auspiciar prioritariamente actividades de post-grado, dado el efecto multiplicador que pue de derivar de este procedimiento.

2. Ampliación de cupos para estudiantes universitarios.-

Se acordó, asimismo, la conveniencia de consultar con las Universidades de ambos países la posibilidad de crear y/o determinar cupos para estudiantes en universidades chilenas y bolivianas, así como un eventual otorgamiento de becas, total o parcial, para tales cupos.

3. Iniciativas para estimular el intercambio cultural.-

Se acordó al respecto la necesidad de proceder a una revisión y actualización del Convenio Cultural vigen

.../

in this field in order to inform such requirements in due course was agreed upon.

Both delegations agreed to make the most of their technological experiences through increased cooperation in this field.

[...]



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te entre ambos países.

El Presidente de la delegación chilena enfatizó la conveniencia que exista presencia permanente de ac tividades culturales en ambos países y propuso la adopción de programas ejecutivos en la materia, anunciando que la Dirección Cultural de la Canci llería chilena estaría dispuesta a configurar para el próximo año un programa que contemplaría, entre otras, las siguientes actividades: -Exposición de pintura chilena.

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.../

-Presentación en La Paz y otras ciudades bolivianas del Ballet de la Universidad de Chile.

-Presentación de la Orquesta Sinfónica chilena. +Presentación del Ballet Folkíórico Nacional de Chile.

-Nueva presentación del Conjunto de Cámara "Trio Mistral", así como de otros conjuntos de cámara.

La delegación boliviana manifestó, por su parte, que estudiaría, dentro de sus posibilidades, el estructurar un plan ejecutivo en esta materia, que comunicaría oportunamente a su contraparte chilena.

 Intercambio de técnicas y programas estatales de televisión.-

Se acordó incentivar a los canales estatales de ambos países para proceder a intercambiar experien cias y técnica⁵, así como programación de producción propia, dándose especial énfasis a aquella de carácter educatiyo, cultural y científico.

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5. Vinculación entre Cámaras del Libro.-

Se analizó la conveniencia de poner en contacto a las Cámaras del Libro de ambos países a objeto de estudiar y promover actividades recipro cas.

6. Actividades dentro del Convenio Andrés Bello.-

Se consideró la utilidad de analizar las posibi lidades de acciones concretas dentro del marco del Convenio Andrés Bello.

7. Protección de los Derechos de Autor.-

La delegación de Chile recogió la inquietud expuesta por la delegación boliviana en cuanto a que en diversas oportunidades expresiones folkló ricas bolivianas son presentadas en Chile sin es pecificarse claramente el origen y autoría de ta les expresiones. Por lo tanto, la delegación bo liviana subrayó la necesidad del respeto a los derechos de autores bolivianos.

- E. TEMAS DEPORTIVOS Y DE RECREACION:
- Capacitación profesional en áreas del deporte y recreación.-

Se acordó al respecto poner en vinculación a la Secretaría Nacional de Deportes y Juventudes de Bolivia con la Dirección General de Deportes y Recreación de Chile, a fin de que procedan a in tercambiar proyectos para desarrollar planes conjuntos de capacitación a nivel profesional en sus respectivas áreas de formación.

.../

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	2.	Estímulo a programas de intercambio deportávo	
		Se acordó sugerir a las autoridades nacionales pertinentes para que programen y promueyan ac-	
		tividades de intercambio deportivo a nivel re-	
		gional y nacional.	
	F .	TEMAS VARIOS:	
	4		
	1.	Situación pendiente entre AADAA y obreros tem-	
		portatos entreneos.	
		Se considerő el problema existente entre la Ad	
		ministración Autónoma de Almacenes Aduaneros	
, ((AADAA) con grupos de trabajadores que realiza	
X I		ron labores eyentuales para dicha empresa.	
\mathbb{N}		Al manual in Solamonian belivions colicità	
		Al respecto, la delegación boliviana solicitó que el Gobierno de Chile interponga su media-	
¢.		ción a fin de que los mencionados trabajadores	
		acepten el monto de transacción ofrecido por	
		A A D A A .	
		;	
		La delegación chilena tomó nota de lo anterior	
		y solicitó se le entregaran antecedentes actua	:
		lizados sobre este tema, con el objeto de estu	
		diarles y determinar la factibilidad de poder interceder en la solución del problema.	
		interceder en id sorgeron dez programa.	
	2.	Situación de Inmigrantes bolivianos en el Norte	
		de Chile,-	
,	.'		
· · · ·		La delegación boliviana planteó su inquietud por	
		la situación de los numerosos inmigrantes boli -	

F. <u>MISCELLANEOUS:</u>

 Pending situation between AADAA and temporary Chilean workers
 Consideration was given to the problem existing between the Autonomous Administration of Customs Warehouses (AADAA) and groups of workers hired by such company.

In that regard, the Bolivian delegation requested that the Government of Chile mediate the conflict so these workers accept the settlement amount offered by AADAA.

The Chilean delegation took note of the foregoing and requested that all relevant information on this issue be submitted to it, so that it may analyze such information and determine whether it is possible for it to intercede in the conflict to reach a solution.

2. <u>Situation of Bolivian Immigrants in Northern Chile.</u>

The Bolivian delegation expressed its concern over the situation of the numerous undocumented Bolivian immigrants in the northern area of Chile,



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lo que genera con frecuencia casos de tensión (expulsiones, detenciones, etc.) y situaciones de abuso por parte de empleadores chilenos que no respetan la legislación laboral vigente res pecto de ellos.

La parte chilena hizo notar que, como primera medida, corresponde a las autoridades bolivianas controlar y limitar, en lo posible, este flujo de inmigrantes ilegales. Hizo ver,igual mente, que esta șituación agrava el desempleo en esta zona. Asimismo, se destacó la existen cia de una legislación en materia de inmigra ción que necesariamente debe ser cumplida por parte de las autoridades regionales.

Se convino en transmitir esta situación a las autoridades pertinentes, en procura de huscar una solución globalidel problema.

 Adhesión de Chile al Convenio "Rodrigo Lara Bor nilla" sobre prevención del narcotráfico.-

Al respecto, la delegación chilena recibió de la delegación boliviana el texto del Convenio, manifestando en principio sus mejores intenciones para suscribirlo, previo estudio de los organismos competentes en el tema.

4. Normalización de las actividades de la Comisión Mixta de Límites Chileno-Boliviana.-

La delegación chilena planteó la necesidad de nor, malizar las actividades de la citada comisión, las

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which often creates tensions (expulsions, arrests, etc.) and abuses by Chilean employers, who do not respect the applicable labor laws with respect to them.

The Chilean delegation noted that, as a first measure, it is the Bolivian authorities' responsibility to control and limit the flow of illegal immigrants, where possible. It equally noted that this situation is aggravating the unemployment rate in that area. Further, it was stressed that there are immigration laws in place, which must necessarily be complied with by regional authorities.

It was agreed that relevant authorities would be informed of this situation, in an attempt to reach a global solution to this problem.

[...]

4. <u>Normalization of activities of the Chilean-Bolivian Mixed Boundary</u> <u>Commission.</u>

The Chilean delegation expressed the need for a normalization of the activities of this Commission,

REPUBLICA DE BOLIVIA MISTERIO DE RELACIONES EXTERIORES Y CULTO - 14 que han sido postergadas en repetidas oportunida des. Asimismo, se dió a conocer la proposición chilena de reanudar los trabajos de terreno en el mes de agosto de 1987, previa realizacion de la XVIII Reunión Plenaria. La delegación boliviana se manifestó conforme con esta proposición. G. ESTUDIOS TECNICOS: Se acordó someter a las respectivas entidades técnicas de ambos países las consultas de ese carácter que fuesen necesarias, las que elevarán sus informes a las respectivas comisiones nacionales en el curso del mes de noviembre ve nidero a fin de ser consideradas por la Comi sión Binacional en su próximo encuentro en San tiago, en diciembre próximo. El presente Acta se firma en dos ejemplares, de un mismo tenor e igualmente válidos, a los 17 días del mes de octubre de 1986. . Por la Delegación Chilena Por la Delegación Boliviana Embajador Jaime Herrera C. Embajador Felipe Tredinnick

which had been postponed on several occasions. Further, a Chilean proposition became known for resuming fieldwork in August 1987, after the 18th Plenary Session has taken place.

The Bolivian delegation expressed its satisfaction with this proposition.

G. <u>TECHNICAL STUDIES:</u>

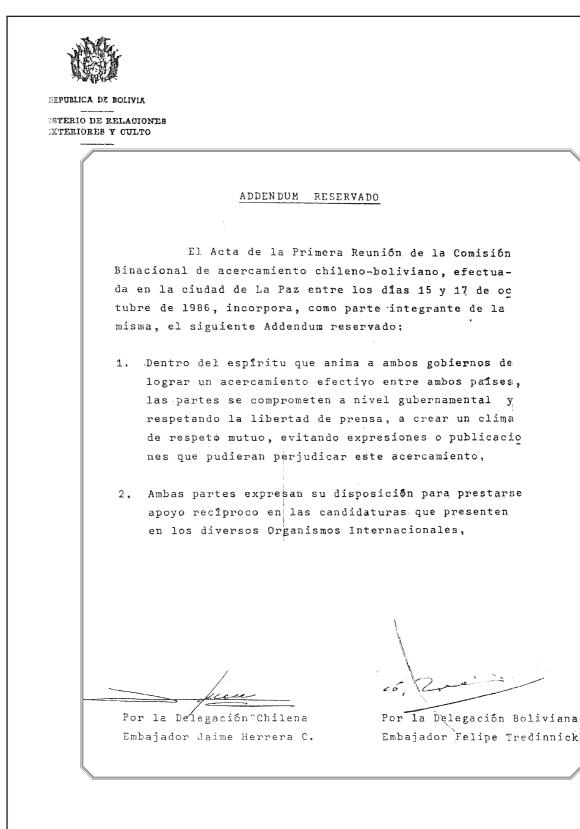
It was agreed that respective technical entities from both countries would submit to technical consultations, where appropriate, which shall submit their reports to the respective national commissions during the course of next November to be considered by the Binational Committee at its next meeting in Santiago next December.

These Minutes have been executed on 17 October 1986 in two copies, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signed] By the Chilean Delegation Ambassador Jaime Herrera C.

By the Bolivian Delegation Ambassador Felipe Tredinnick

[Signed]



CONFIDENTIAL ADDENDUM

The Minutes of the First Meeting of the Binational Chilean-Bolivian Rapprochement Committee, held in the city of La Paz between 15 and 17 October 1986, include the following confidential Addendum as an integral part thereof:

- 1. In keeping with the spirit that motivates both governments to achieve an actual rapprochement between both countries, the parties undertake, at the government level, while respecting the freedom of speech, to create an atmosphere of mutual respect, avoiding expressions or publications that may be detrimental to this rapprochement.
- 2. Both parties express their willingness to provide reciprocal support to each other for all nominations to be submitted to various International Organizations.

[Signed]

[Signed]

By the Chilean Delegation Ambassador Jaime Herrera C. By the Bolivian Delegation Ambassador Felipe Tredinnick

Minutes of the Third Meeting of the General Committee of the Organization of American States General Assembly, 12 November 1986

(English translation only)

Organization of American States, General Assembly, Sixteenth Regular Session, 1986, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XVI.O.2 (1987), pp 313, 317-319 and 322-325

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MINUTES OF THE THIRD MEETING OF THE GENERAL COMMITTEE

Date: <u>Time:</u> <u>Place:</u>	12 November 1986 10:00 a.m. Hotel El Dorado	
<u>President</u> : <u>Present</u> :	Mr. Mario Rafael Quiñones Amézqu Minister of Foreign Affairs of Guate Messrs.	
	Carlos Augusto Saldívar Rafael Rangel Vargas Rafael García Velasco Henk F. Herrenberg Edmund H. Lake Eduardo Castillo Arreola Joseph Edsel Edmunds Víctor M. Barletta Bernardo Pericás Guillermo Villalobos Arce Juan Carlos Capuñay Mateo Marques Seré William V. Herbert Pablo M. Alvergue Guillermo Bedregal Gutiérrez Orlando J. Moncada Mauricio Acero James 'O'Neil Lewis Jacques Vilgrain Richard T. McCormack Peter D. Laurie José Luis Vallarta Gastón de Prat Gay Donald J. Reid Jeanette R. Grant-Woodham Hernán Antonio Bermúdez A. Jaime del Valle James B. Moultrie João Clemente Baena Soares Val T. McComie	(Paraguay) (Venezuela) (Ecuador) (Suriname) (Antigua and Barbuda) (Guatemala) (Saint Lucia) (Panama) (Brazil) (Costa Rica) (Peru) (Uruguay) (Saint Kitts and Nevis) (El Salvador) (Bolivia) (Nicaragua) (Colombia) (Trinidad and Tobago) (Haiti) (United States) (Barbados) (Mexico) (Argentina) (Dominican Republic) (Jamaica) (Honduras) (Chile) (Bahamas) (Secretary General of the OAS) (Assistant Secretary General)

[...]

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4. <u>Report on the maritime problem of Bolivia</u> (Draft resolution submitted by the Delegations of Bolivia, Guatemala, Mexico, Panama and Venezuela) (AG/CG/doc.2/86) (item 15 on the agenda)

The PRESIDENT: We will now consider the report on the maritime problem of Bolivia. The Representative of Bolivia has the floor.

The REPRESENTATIVE OF BOLIVIA (Mr. Bedregal): Thank you very much, Mr. President. I would like to briefly discuss this issue at this level.

Mr. President, we will deliberately abbreviate the historical and legal background that illustrates the process that imposed harmful conditions and vital limitations on Bolivia's development more than a century ago. The

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world's opinion, as categorically expressed by the majority at international forums and meetings, recognizes Bolivia's just and legitimate claim for obtaining a direct useful outlet to the Pacific Ocean.

Since 1979, the successive Assemblies have presented reports on my country's maritime problem. These resolutions, drawn up with different formal wording, have invariably maintained a uniform accent that reflects the collective Americanist longing summarized in the recommendations encouraging dialogue to reconcile our rights and mutual interests. The essential wording of the OAS resolutions is inspired by the solidary principle of seeking a conciliation by peaceful means to problems that arise between the American States. The attitude of the OAS in voting on these successive resolutions on the matter in question is based on the conscious conviction that it is of hemispheric interest to find an equitable solution whereby Bolivia obtains useful sovereign access to the Pacific Ocean.

This laudable position of the American States has been transformed into a single initiative that unites everyone's interest in ensuring a future of cordial, friendly understanding between two sister nations and of encouraging economic and social progress in an area of the Americas affected by Bolivia's geographic confinement. This noble multilateral, unobjectionable, and pacifist position, whose orientation is fair, has been expressed by encouraging dialogue between the countries of Chile and Bolivia, and the eventual participation of the Parties linked to the problem. The multilateral invocation of genuine legal grounds promotes the instigation of dialogue as an indispensable complement to direct, decisive negotiations. A fresh air of optimism encourages the discussions with Chile under the aegis of stimulating initiatives by the largest organization representing the thought and will of the American world.

Bolivia wants to emphasize that, by following the path of international exhortations, it has had promising contacts of rapprochement with Chile that would satisfy the sincere general intention of favouring an equitable solution to our landlocked status. We are pleased to point out, Mr. President, Chile's willingness to strengthen the efforts that will lead the problem affecting my country to a positive end. As the culmination of this report, we have presented, along with the distinguished Delegations of Guatemala, Mexico, Panama and Venezuela, a draft resolution on this issue which we ask be considered. Thank you very much, Mr. President.

The PRESIDENT: Thank you, Mr. Foreign Minister of Bolivia. The Representative of Chile has the floor.

The REPRESENTATIVE OF CHILE (Mr. del Valle): Mr. President, Chile will vote against the draft resolution entitled "Report on the maritime problem of Bolivia." This position is consistent with the one that

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my country has invariably held at prior meetings of the OAS General Assembly. I would like to remind you here again of Chile's opinion on this issue: there is no territorial dispute between Chile and Bolivia because our borders were determined by the Treaty of Peace and Amity signed in 1904, whose inviolability we uphold. This means that international organizations lack jurisdiction to consider any question related to a matter that has already been resolved by a bilateral treaty.

Distinguished Foreign Ministers, Chile has always made public its willingness to address matters with Bolivia that are of common interest, including those related to Bolivia's landlocked status. It is important to note that it was at Chile's initiative that discussions were initiated between our two countries in 1975, with the goal of giving Bolivia access to the Pacific. Since 1984 it has been up to me personally, as Minister of Foreign Affairs of Chile, to maintain friendly contacts with various Bolivian Foreign Ministers. I have met on three occasions this year, not including this one, with my distinguished colleague present here today, Foreign Minister Guillermo Bedregal: in August, on the occasion of the new President taking office in Colombia; in September, during the United Nations General Assembly, and in October in Lima, where the Latin American Council of the Latin American Economic System met. As a result of these encounters, and by the sovereign will of our Governments, we have initiated a process of rapprochement between Chile and Bolivia. So it is that the first meeting of the Binational Rapprochement Commission was held in La Paz, where around 30 economic, cultural, etc. topics of mutual interest were discussed

The foregoing shows that the bilateral path is the only one conducive to dealing with the questions that interest Chile and Bolivia. Intervention by the OAS, distinguished Foreign Ministers–I must say it with the candor that is typical of meis an obstacle on this path and will only make the process of rapprochement between our two countries more difficult. For these reasons, and as it did at the last Assembly, Chile will vote against the resolution presented by Bolivia, and requests that a roll call vote be taken. However, this does not keep me on this occasion from expressing my satisfaction with the positive progress of the process of rapprochement in which Chile and Bolivia are involved, and I reiterate the arguments on this issue that were made in my speech to the plenary Assembly here. Thank you very much, Mr. President.

The PRESIDENT: I thank the Chilean Foreign Minister for his words. I ask the Secretary to read aloud the draft resolution [AG/CG/doc.2/86].

The SECRETARY: [reads]

[...]

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The PRESIDENT: I thank the Representative of Antigua and Barbuda for his interesting arguments.

A roll-call vote has been requested, and therefore, if there are no more comments, we will proceed with the lottery to determine which delegation will start the voting. [He draws a paper.] Based on the lottery, the Delegation of Haiti will vote first.

Please vote in favour, against or abstain, but without making any arguments when you vote. After the vote, you can explain your vote.

[The roll-call vote is taken, with the following result:]

Haiti	Yes
United States	-
Barbados	[Did not participate]
Mexico	Yes
Argentina	Yes
Dominican Republic	Yes
Jamaica	-
Honduras	Yes
Chile	No
Bahamas	Yes
Paraguay	Yes

X X 1	* *
Venezuela	Yes
Ecuador	Yes
Suriname	Abstention
Antigua and Barbuda	Yes
Guatemala	Yes
Saint Lucia	-
Panama	Yes
Brazil	Yes
Costa Rica	Yes
Peru	Yes
Uruguay	Yes
St. Kitts and Nevis	Abstention
El Salvador	Yes
Bolivia	Yes
Saint Vincent and the Grenadines	[Absent]
Nicaragua	Yes
Grenada	[Absent]
Dominica	[Absent]
Colombia	Yes
Trinidad and Tobago	Yes

The SECRETARY: Twenty-one votes have been recorded in favour, one against, and two abstentions.

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The PRESIDENT: Thank you very much. The result of the vote is twentyone votes in favour, one against, and two abstentions. Consequently, the draft resolution is approved, and it will be submitted to the plenary meeting.

[...]

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The REPRESENTATIVE OF CHILE (Mr. del Valle): Mr. President. I would like to thank the Representatives who have stated their desire in any form to see the Foreign Ministers of Bolivia and Chile seek greater harmony on the resolution, through discussions, so that it may be approved with the consensus of all countries.

However, I should state that such agreement is impossible for us, because even on the substantive issue, we have repeatedly stated that we want to enter into dialogue with our brothers from Bolivia. That is why by mutual agreement, we have initiated a phase of rapprochement. Where we disagree is the issue of this Organization's competence to handle this matter, which is exclusively within the competence of

[p 325]

Bolivia and Chile, because there is a treaty between them, and we maintain that this treaty is in full force and effect. Therefore, thank you in any event for your understanding and your desire for a dialogue, but I want to repeat that the difficulty solely relates to the fact that we do not grant any competence to this Organization. On the other hand, we repeat, as we did during our speech and as we did last year, that our intention is to get along with the Government of Bolivia, and that is why we ourselves have taken all the steps that are necessary for greater rapprochement. Thank you very much, Mr. President.

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

The REPRESENTATIVE OF BOLIVIA (Mr. Bedregal): Mr. President, through you, I would like to express the gratitude of the Bolivian people, those of this and of previous generations, for this vote. We are not going to disagree about problems of methodology and legal interpretation, when a climate seeking peace and understanding prevails in Latin America and the Caribbean, in the hemispheric domain. Any legal subterfuge is worth considering, but it is the not heart of this matter. From that perspective I would like to reiterate that international forums are precisely the place where people seek consensus, or to use a better word, unanimity. This unanimity at times results in an instrument that is neither sure nor exactly democratic, because the democracy that we pride ourselves on having rescued in our countries is based on the will of the majority. That is the essence of representative democracy. Obviously transferring the criterion of consensus to international forums can sometimes mean that we are wrongfully including a criterion that applies to vetoes, or simply subjective positions that are not consistent with the pluralism within which our hemisphere moves.

I would state once again in this forum, which is the forum of all of the Americas, the fraternal, cordial, sincere will of the people of Bolivia, with absolute good faith, and I ratify the words of the Chilean Foreign Minister, my illustrious friend Jaime del Valle, that we are indeed making this effort of both people with a completely clear conscience, secure that in the Americas, in this case as always, as we saw in the case of the Falkland Islands, as we saw in the case of Panama, justice and liberty will prevail over any secondary consideration. Thank you very much, distinguished Representatives, on behalf of the people and Government of Bolivia, and thank you very much, Mr. President, for your exceptional, intelligent moderation in this important matter.

Minutes of the Ninth Plenary Meeting of the Organization of American States General Assembly, 15 November 1986

(English translation only)

Organization of American States, General Assembly, Sixteenth Regular Session, 1986, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XVI.O.2 (1987), pp 247 and 256-257

[p 247]

MINUTES OF THE NINTH PLENARY MEETING

	15 November 1986 9:50 a.m.
Place:	Hotel El Dorado
President:	Mr. Mario Rafael Quiñones Amézquita
	Minister of Foreign Affairs of Guatemala

Present: Messrs.

Juan Alberto Llanes Alexandra París Rafael García Velasco Arnold T Halfhide Edmund H. Lake Eduardo Meyer Maldonado Roberto Leyton Dário M. de Castro Alves Mario Charpentier Percy Murillo Alfredo Platas Erstein M. Edwards Ricardo Acevedo Peralta Armando Soriano Badani Mauricio Herdocia Franklin A. Baron Guillermo Vanegas S. James O'Neil Lewis Jean-Baptiste Reynold Leroy William T. Prvce S. Rozanne Osborne Antonio de Icaza Gastón de Prat Gay Frederick Eman-Zade Evadne Cove Hernán Antonio Bermúdez A. Jaime del Valle María Teresa Butler

João Clemente Baena Soares Val T. McComie (Paraguay) (Venezuela) (Ecuador) (Suriname) (Antigua and Barbuda) (Guatemala) (Panama) (Brazil) (Costa Rica) (Peru) (Uruguay) (St. Kitts and Nevis) (El Salvador) (Bolivia) (Nicaragua) (Dominica) (Colombia) (Trinidad and Tobago) (Haiti) (United States) (Barbados) (Mexico) (Argentina) (Dominican Republic) (Jamaica) (Honduras) (Chile) (Bahamas)

(Secretary General of the OAS) (Assistant Secretary General) [p 256]

d. <u>Report on the maritime problem of Bolivia (AG/doc.2079/86)</u>

The PRESIDENT: We will now consider the report on the maritime problem of Bolivia [AG/doc.2079/86]. The Representative of Chile has the floor.

The REPRESENTATIVE OF CHILE (Mr. del Valle): I would only like to ask that, as in the General Committee, a roll call vote be taken on this draft resolution.

The PRESIDENT: Very well, Mr. Representative. I therefore ask the Secretary to proceed with the lottery required by regulations to see which delegation will begin the voting. [Draws a paper.] Bahamas will begin the voting.

[The roll-call vote is taken, with the following result:]

Bahamas	Yes
Paraguay	Yes
Venezuela	Yes
Ecuador	Yes
Suriname	-
Antigua and Barbuda	Yes
Guatemala	Yes
Santa Lucia	[Absent]
Panama	Yes
Brazil	Yes
Costa Rica	Yes
Peru	Yes
Uruguay	Yes
St. Kitts and Nevis	-
El Salvador	Yes
Bolivia	Yes
Saint Vincent and the Grenadines	[Absent]
Nicaragua	-
Grenada	[Absent]
Dominica	Yes
Colombia	Yes
Trinidad and Tobago	Yes
Haiti	Yes
United States	-
Barbados	[Did not participate]
Mexico	Yes
Argentina	Yes
Dominican Republic	Yes
Jamaica	Yes
Honduras	Yes
Chile	No
	110

The SECRETARY: The result of the vote is 22 votes in favor and one against.

[p 257]

The PRESIDENT: The resolution is approved.

Organization of American States, General Assembly, resolution AG/RES. 816 (XVI–O/86), Report on the Maritime Problem of Bolivia, 15 November 1986

(Original in English and French)

Organization of American States, General Assembly, Sixteenth Regular Session, 1986, *Proceedings*, Vol. I, OEA/Ser.P/XVI/O.2 (1986), pp 39 and 40

Annex 287

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ORGANIZATION OF AMERICAN STATES GENERAL ASSEMBLY			
OEA/Ser P/XVI 0.2 17 Docember 1086 Volume I			
SIXTEENTH REQULAR SESSION GUATEMALA CITY, GUATEMALA NOVEMBER 10-15, 1986			
PROCEEDINGS			
VOLUMEI			
AG/RES. 795 (XVI-O/86) — AG/RES. 851 (XVI-O/86) CERTIFIED TEXTS OF THE RESOLUTIONS			
	- 39 -		
GENERAL SECRETARIAT ORGANIZATION OF AMERICAN STATES WASHINGTON, D.C. 20006 1986	AG/RES. 816 (XVI-0/86)		
	REPORT ON THE MARITIME PROBLEM OF BOLIVIA		
(Res	olution adopted at the ninth plenary session, held on November 15, 1986)		
THE GENERAL ASSEMBLY,			
HAVING SEEN:			
(X-0/80) of Novem AG/RES. 602 (XII November 18, 19	AG/RES. 426 (IX-0/79) of October 31, 1979; AG/RES. 481 aber 27, 1980; AG/RES. 560 (XI-0/81) of December 10, 1981; -0/82) of November 20, 1982; AG/RES. 686 (XIII-0/83) of 83; AG/RES. 701 (XIV-0/84) of November 17, 1984, and //85) of December 9, 1985; and		
CONSIDERING:			
That the objective indicated in the abovementioned resolutions must be achieved in a spirit of fraternity and integration of the hemisphere, thereby stimulating economic and social development in the American hemisphere, particularly in the area affected by the consequences of Bolivia's landlocked status,			
RESOLVES:			
of Bolivia and o begun a process conducive to dia	note, with satisfaction, of the report of the Government of the response from the Government of Chile, which have of <u>rapprochement</u> with a view to creating an environment alogue and understanding between the two nations, in an e the substantive issues that are in their interests.		
	ice its hopes for the success of this process of I its noble objectives.		
"Report on the M	e that either of the parties may request that the topic faritime Problem of Bolivia" be placed on the agenda for session of the General Assembly.		

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- 40 -

AG/RES. 816 (XVI-0/86)

RAPPORT SUR LE PROBLEME DE L'ACCES DE LA BOLIVIE A LA MER

(Résolution adoptée à la neuvième séance plénière tenue le 15 novembre 1986)

L'ASSEMBLEE GENERALE,

VU

Les résolutions AG/RES. 426 (IX-0/79) du 31 octobre 1979, AG/RES. 481 (X-0/80) du 27 novembre 1980, AG/RES. 560 (XI-0/81) du 10 décembre 1981, AG/RES. 602 (XII-0/82) du 20 novembre 1982, AG/RES. 686 (XIII-0/83) du 18 novembre 1983, AG/RES. 701 (XIV-0/84) du 17 novembre 1984 et AG/RES. 766 (XV-0/85) du 9 décembre 1985;

CONSIDERANT

Qu'il faut atteindre, dans un esprit de fraternité et d'intégration américaines, l'objectif énoncé dans les résolutions précitées, afin d'intensifier le processus de développement économique et social du continent américain et en particulier de la zone affectée par l'absence de littoral de la Bolivie,

DECIDE:

1. De prendre acte, avec satisfaction, du rapport du gouvernement bolivien et de la réponse du gouvernement chilien, lesquels ont amorcé un processus de rapprochement en vue de créer un climat propice au dialogue et à la compréhension entre les deux nations, ainsi qu'à la solution des questions de fond qui intéressent leurs pays.

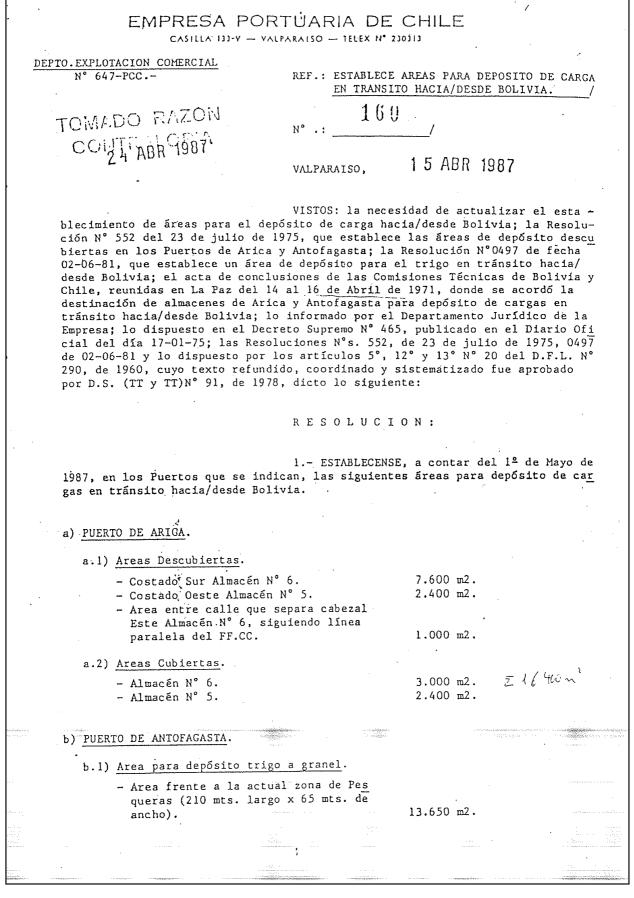
2. De former des voeux pour le succès de ce processus de rapprochement et des nobles objectifs qu'il poursuit.

3. D'arrêter que chacune des parties peut demander l'inscription du point "Rapport sur le problème de l'accès de la Bolivie à la mer" à l'ordre du jour de sa prochaine session ordinaire.

Empresa Portuaria de Chile, Resolution No 160, 15 April 1987

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



1928

Empresa Portuaria de Chile Mailbox 133-V – Valparaiso – Telex No 230313

COMMERCIAL OPERATION DIVISION No. 647-PCC

REF. ESTABLISHES CARGO STORAGE AREAS FOR
CARGO IN TRANSIT COMING FROM OR BOUND
FOR BOLIVIA24 APR 1987

No. 160

VALPARAISO, 15 April 1987

WHEREAS, it is necessary to update the establishment of cargo storage areas for goods in transit to/ from Bolivia; Resolution No. 552, dated 23 July 1975, established uncovered storage areas at the Arica and Antofagasta ports; Resolution No. 0497, dated 2 June 1981, established a storage area for wheat grain in transit to/ from Bolivia; the final minutes of the Bolivian and Chilean Technical Commissions, which met in La Paz on 14 and 16 April 1971, stipulated an agreement on the use of warehouses in Arica and Antofagasta for the storage of cargo in transit to/ from Bolivia; the Legal Department of the Company furnished information; Supreme Decree No. 465, published in the Official Gazette on 17 January 1975; Resolutions No. 552 dated 23 July 1975, No. 0497 dated 2 June 1981, and the provisions of Section 5, 12, and 13(20) of D.F.L. [Law-ranking decree] No. 290 of 1960, the text of which has been reinstated, coordinated and organized by means of Supreme Decree (TT. and TT.) No. 91 of 1978, I hereby issue the following

RESOLUTION:

1. – The following storage areas are hereby ESTABLISHED for cargo in transit to/ from Bolivia as of 1 May 1987, at the Ports listed below:

a) PORT OF ARICA

. . .

a.1) Uncovered areas.	
- Southern side Warehouse No. 6.	7,600 sq. m.
- Western side Warehouse No. 5.	2,400 sq. m.
- Space between the street dividing forefront	1 0 0 0
This Warehouse No. 6 is parallel to the railroad	l 1,000 sq. m.
a.2) Covered areas.	
- Warehouse No. 6.	3,000 sq. m.
- Warehouse No. 5.	2,400 sq. m.
b) PORT OF ANTOFAGASTA	
a.1) Bulk wheat grain storage area.	
- Space in front of the current Fisheries	
(210 m large (5 m mid))	12 (50

Area (210 m. long x 65 m. wide) 13,650 sq. m.

EMPRESA PORTUARIA DE CHILE CASILLA 133-Y - VALPARAISO - TELEX Nº 230313 2 --b.2) Areas Descubiertas. - Costado Norte Almacén de cargas en 2.210 m2. tránsito. - Costado Sur Almacén Boliviano. 2.210 m2. b.3) Areas Cubiertas. - Almacén cargas en tránsito ubicado 521170 3.100 m2. lado posterior al Almacén Nº 2. 2.- Todas las áreas descritas anteriormente, estarán sujetas a las normas generales establecidas en el reglamento de los servicios y tarifas para este tránsito, en el Decreto Supremo Nº 465, publicado en el Diario Oficial de 17 de Enero de 1975. 3.- DEROGANSE las Resoluciones N°s 552, de 23 de Julio de 1975 y 0497, de 02 de junio de 1981. ANOTESE, REMITASE A LA CONTRALORIA GENE RAL DE LA REPUBLICA PARA SU TOMA DE RAZON Y COMUNIQUESE. BAEZA CONCH cealmirante Directof DIRECTOR RUM/evg.-Distribución: - Sr. Jefe Depto. Explotación Comercial. - Sr. Jefe Depto. Jurídico. - Sr. Jefe Depto. Contraloría Interna. - Sres, Administradores de ARI y ANF - Of. de Partes. - Archivos.

b.2) Uncovered areas.
Northern side Warehouse for cargo in transit 2,210 sq. m.
Southern side Bolivian Warehouse 2,210 sq. m.
b.3) Covered areas.
Warehouse for cargo in transit on the rear side of Warehouse No. 2 3,100 sq. m.

2. – All the above described areas will be subject to the general provisions established in the port rate and service regulations with regard to this transit, under Supreme Decree No. 465, published in the Official Gazette on 17 January 1975.

3. – Resolutions No. 552, dated 23 July 1975 and No. 0497, dated 2 June 1981, are hereby REPEALED.

BE THIS RESOLUTION RECORDED, SENT TO THE OFFICE OF THE COMPTROLLER GENERAL FOR LEGALITY CON-TROLS, AND NOTIFIED.

[Seal] [Signed]

JORGE BAEZA CONCHA

Vice Admiral

Director

RUM/evg.-

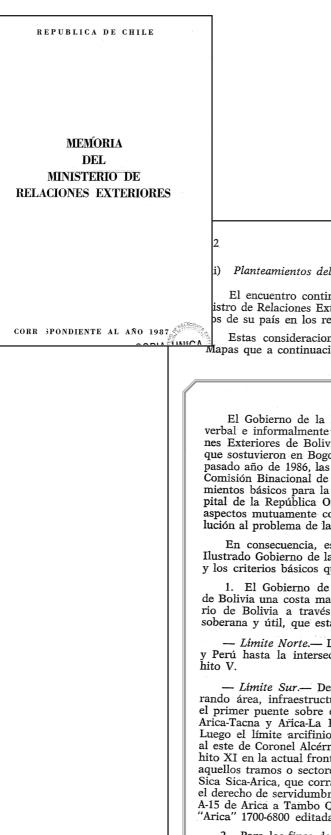
Distributed to:

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- Offices of the Parties
- Archive

Bolivian Memorandum No 1 of 18 April 1987

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Chile, Memoria of the Ministry of Foreign Affairs for 1987, pp 32-34



Planteamientos del Gobierno de Bolivia

El encuentro continuó con la exposición que realizó el señor Miistro de Relaciones Exteriores de Bolivia, respecto de los planteamienos de su país en los referidos aspectos de fondo.

Estas consideraciones fueron incorporadas a los Memorándum y Mapas que a continuación se transcriben:

MEMORANDUM Nº 1

El Gobierno de la República de Bolivia, conforme a lo acordado verbal e informalmente entre los Excelentísimos Ministros de Relaciones Exteriores de Bolivia y Chile, en las conversaciones preparatorias que sostuvieron en Bogotá, Nueva York, Lima y Guatemala, durante el pasado año de 1986, las cuales determinaron también la creación de la Comisión Binacional de Acercamiento, tiene el honor de fijar los lineamientos básicos para la negociación que se iniciará en Montevideo, capital de la República Oriental del Uruguay, entre ambos países, sobre aspectos mutuamente convenientes para encontrar una fórmula de solución al problema de la salida de Bolivia al Océano Pacífico.

En consecuencia, estima oportuno presentar a consideración del Ilustrado Gobierno de la República de Chile, el siguiente marco general y los criterios básicos que sirvan para iniciar dicha negociación:

1. El Gobierno de la República de Chile cederá a la República de Bolivia una costa marítima propia, soberana y útil, unida al territorio de Bolivia a través de una franja territorial igualmente propia, soberana y útil, que estará comprendida entre los siguientes límites:

- Límite Norte.- La línea de la Concordia, actual límite de Chile y Perú hasta la intersección con la frontera boliviano-peruana, en el

- Límite Sur.- Del casco norte de la ciudad de Arica, incorporando área, infraestructura, servicios e instalaciones portuarias hasta el primer puente sobre el río Lluta, cruce con los tramos ferroviarios Arica-Tacna y Arica-La Paz y la carretera Panamericana Arica-Tacna. Luego el límite arcifinio será el curso del río Lluta hasta un punto al este de Coronel Alcérreca y, finalmente, una línea geodésica hasta el hito XI en la actual frontera de Bolivia y Chile, de tal manera que para aquellos tramos o sectores del Ferrocarril Arica-La Paz y del oleoducto Sica Sica-Arica, que corran o queden en territorio de Chile, se acuerde el derecho de servidumbre en favor de Bolivia, así como en la carretera A-15 de Arica a Tambo Quemado, según anexo de la Hoja Cartográfica "Arica" 1700-6800 editada por el Instituto Geográfico Militar de Chile.

2. Para los fines de cálculo de superficie y demarcación definitiva de límites se reunirá la Comisión Mixta de Límites Boliviano-Chilena, de acuerdo a las referencias fijadas para la nueva delimitación territorial en el numeral 1 del presente Memorándum.

MEMORANDUM 1

The Government of the Republic of Bolivia, conforming to what was verbally and informally agreed upon between the Honorable Ministers of Foreign Affairs of Bolivia and Chile during their preparatory conversations held in Bogotá, New York, Lima and Guatemala last year in 1986, which also gave rise to the creation of the Binational Rapprochement Commission, is honored to set down the basic guidelines for the negotiation that will commence between both countries in Montevideo, capital of the Eastern Republic of Uruguay, in connection with mutually convenient aspects for finding a solution to the problem of Bolivia's outlet to the Pacific Ocean.

Consequently, it deems it appropriate to submit the following general framework and basic criteria on which said negotiation can be initiated for consideration to the Illustrious Government of the Republic of Chile:

1. The Government of the Republic of Chile shall cede to the Republic of Bolivia a sovereign and useful maritime coast of its own, joined to the territory of Bolivia by an equally sovereign and useful strip of territory of its own, the boundaries of which shall be as follows:

- *Northern Boundary:* The Concordia line, current boundary between Chile and Peru, up to the intersection with the Bolivian-Peruvian boundary, in marker V.

- Southern Boundary: From the northern historical center of the city of Arica, including the port area, infrastructure, services and facilities up to the first bridge over the Lluta River, junction with the Arica-Tacna and Arica-La Paz railway sections and the Pan American Arica-Tacna highway. The arcifinious boundary shall be the course of the Lluta River up to a point to the east of Coronel Alcérreca and, finally, a geodesic line up to marker XI in the current boundary of Bolivia and Chile. In this way, Bolivia shall be granted a servitude in respect of the sections or areas of the Arica-La Paz railway and Sica-Sica-Arica oil pipeline that go through or fall within the territory of Chile, as well as the A-15 highway from Arica to Tambo Quemado, as per annex to the Map Sheet "Arica" 1700-6800 published by the Military Geographic Institute of Chile.

2. The Bolivia-Chile Mixed Boundary Commission shall meet in order to calculate the area and establish the final demarcation of boundaries in accordance with the references provided in Item 1 of this Memorandum for the new territorial delimitation.

3. Consiguientemente, la República de Chile cederá el territorio marítimo comprendido entre las líneas de base o los paralelos de los puntos extremos de la costa marítima citada en el numeral 1 del presente Memorándum.

Bolivia, en su área marítima, aplicará los principios y regulaciones que la Convención de las Naciones Unidas sobre el Derecho del Mar reconoce a los Estados Ribereños.

Asimismo, las Repúblicas de Bolivia y Chile acordarán mediante convenios bilaterales la cooperación recíproca necesaria para la explotación y aprovechamiento de los recursos naturales vivos del mar, en el marco de la misma Convención.

4. El Gobierno de Bolivia se compromete a respetar los derechos privados, legalmente adquiridos, en el territorio que le será cedido por la República de Chile.

5. La República de Bolivia velará porque su franja territorial, costa marítima y mar territorial complementen y coadyuven al desarrollo integral de las regiones de Arica y Tacna. Asimismo, respetará las servidumbres internacionales que pesan sobre el territorio de la franja.

6. Por su parte, el Gobierno de la República de Bolivia está dispuesto a buscar una real y fructífera integración física, económica y cultural con las Repúblicas de Chile y Perú, con el objeto de concluir satisfactoriamente la cuestión del Pacífico que, en sus derivaciones finales, ha constituido un obstáculo para el desarrollo e integración de estas naciones, generando tensiones contrarias a los fines pacíficos de los tres países.

Para el logro de tan elevado objetivo y con miras al gran desafío que significa la proximidad del siglo XXI, siendo imperativo fomentar el establecimiento de fronteras vivas, Bolivia propone al Gobierno de Chile la conformación de una Comisión Mixta que estudie el aprovechamiento racional en favor de la zona fronteriza boliviano-chilena de los recursos hídricos existentes en la cuenca del Altiplano boliviano, preservando primordialmente el equilibrio ecológico, el clima y las necesidades vitales de las poblaciones bolivianas, así como los convenios internacionales existentes.

Esos recursos hídricos podrían contribuir al aumento y mejoramiento de riego y a la mayor generación de energía hidroeléctrica para la región de Arica y la franja territorial cedida a Bolivia, así como también para incrementar el caudal del río Lluta.

7. Con miras a la creación de un polo de desarrollo integrado en la zona comprendida entre Arica, la franja territorial cedida a Bolivia y Tacna, Bolivia propone la conformación de una segunda Comisión Mixta que estudie los recursos energéticos, minerales y agropecuarios que Bolivia podría aportar, como también Chile y el Perú. En su oportunidad, se invitaría al Perú a integrarse a esta Comisión.

Con fines de financiamiento, Bolivia buscaría el respaldo de las Naciones Unidas y especialmente de la Organización de Estados Americanos, para e por la vía de sus respectivos organismos especializados,

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3. Therefore, the Republic of Chile shall cede the maritime territory that is located between the baselines or parallels of the end points of the maritime coast referred to in Item 1 of this Memorandum.

In its maritime area, Bolivia shall apply the principles and regulations acknowledged to the Coastal States by the United Nations Convention on the Law of the Sea.

Furthermore, within the framework of said Convention, the Republics of Bolivia and Chile shall agree through bilateral agreements to establish the necessary reciprocal cooperation for the exploitation and use of the natural living resources of the sea.

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

5. The Republic of Bolivia shall ensure that its strip of territory, maritime coast, and territorial sea complement and contribute to the integral development of the Arica and Tacna regions. Likewise, it shall respect the servitudes that have been established in the territory of the strip.

6. On the other hand, the Government of Bolivia is willing to search for a real and fruitful physical, economic, and cultural integration with the Republics of Chile and Peru, in order to satisfactorily conclude the question of the Pacific which has ultimately constituted an obstacle to the development and integration of these nations, generating tensions that are contrary to the peaceful purposes of the three countries.

To achieve such a lofty objective and with views to the great challenge posed by the proximity of the 21st century, and promoting the establishment of living borders being imperative, Bolivia proposes to form a Mixed Commission to the Government of Chile to study the rational use of water resources that exist in the Bolivian Plateau basin in favor of the Bolivian-Chilean border area, mainly to preserve the environmental balance, the climate, and the vital needs of Bolivian populations, as well as the existing international conventions.

These water resources could contribute to the increase and improvement of irrigation and generate more hydroelectric power for the Arica region and the strip of territory ceded to Bolivia, as well as to increase the flow rate of the Lluta River.

7. With a view to the creation of an integrated development zone in the area located between Arica, the strip of territory ceded to Bolivia, and Tacna, Bolivia proposes to create a second Mixed Commission to study the power, mineral, and farming and livestock resources that could be provided not only by Bolivia, but also by Chile and Peru. Peru will be invited to join this Commission in due time.

For financing purposes, Bolivia would request the support of the United Nations, especially the Organization of American States, so that through their respective specialized bodies,

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Banco Interamericano de Desarrollo y otros organismos financieros internacionales, se concedan créditos para la ejecución de proyectos y obras de ingeniería para el polo de desarrollo y la utilización de recursos hídricos.

La Paz, 18 de abril de 1987.

MEMORANDUM Nº 2

El Gobierno de la República de Bolivia, presenta ante la consideración del Ilustrado Gobierno de la República de Chile la propuesta de cesión de un enclave territorial y marítimo en el Norte de Chile, que no afecte la continuidad territorial de Chile, en el entendido de que ese enclave podrá comunicarse con el territorio de Bolivia por vías férreas, carreteras y poliductos, cuyo uso será acordado en favor de Bolivia, determinándose asimismo la factibilidad de la construcción de un aeropuerto sobre el área del enclave.

El Gobierno de la República de Bolivia recibirá a perpetuidad este enclave mediante un Tratado que dejará establecidos sus límites definitivos. La soberanía boliviana sobre este territorio sería garantía de una voluntad de cooperación y solidaridad en la Costa del Pacífico entre ambas naciones, en el marco de un desarrollo mancomunado de la región. Para ello, será indispensable que el puerto cedido a Bolivia fuese efectivamente útil para los fines de transporte marítimo, con posibilidad de instalación de muelles de atraque, si no estuvieran ya establecidos, y todos los demás medios que faciliten los servicios de comercio y navegación.

Bolivia presenta tres alternativas de enclave que somete a consideración al Gobierno de Chile y que son:

1. DE CALETA CAMARONES, a los 19° 12' hasta PISAGUA, que está a los 19° 35', con una profundidad al este hasta los 70° de longitud oeste, una superficie de 1.680 km.^2 , correspondiente a un frente de costa de 42 km. y profundidad media de 25 km.

2. DE TOCOPILLA, 22º 06' hacia el Sur hasta PUNTA COBIJA 22º 33' con una profundidad al este hasta los 70º de longitud oeste y una superficie de 1.238 km.², con un frente de costa de 47 km. y una profundidad media de 25 km.

3. DE CALETA MICHILLA, 22º 43' hasta MEJILLONES, 23º 06' con penetración hacia el este hasta los 70º de longitud oeste, con una superficie de 1.500 km.², correspondiente a un frente de costa de 50 km. con una profundidad media de 30 km. (Ver mapas).

iv) Precisión del contenido y alcances de los planteamientos bolivianos

La Delegación de Chile, con el exclusivo propósito de aclarar y precisar al máximo el contenido y alcances de los planteamientos bolivianos, formuló a la Delegación boliviana diversas consultas que fueron contenidas en una minuta entregada especialmente para estos efectos.

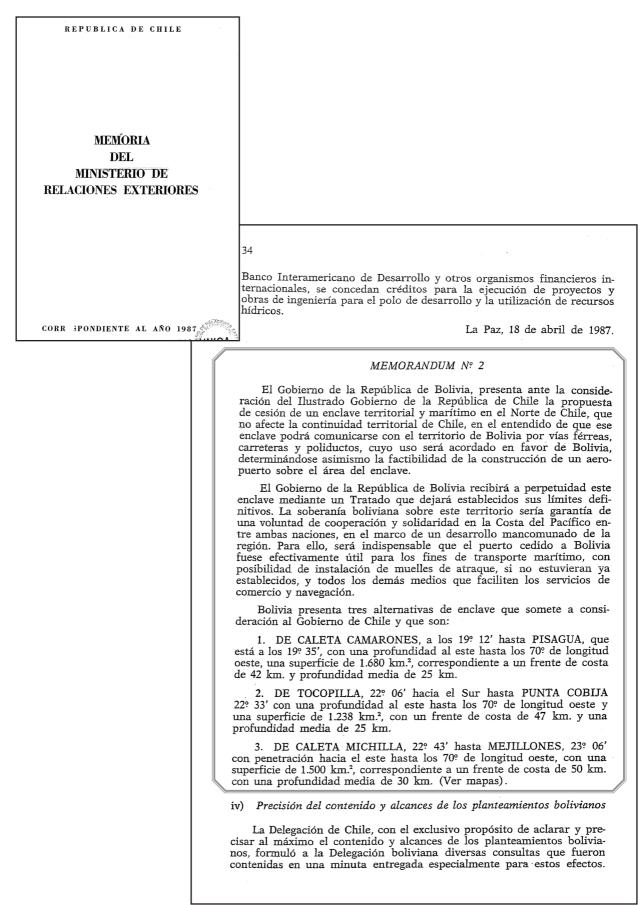
i.e., the Inter-American Development Bank and other international financial agencies, credit can be obtained in order to execute projects and engineering works for the development zone and use of water resources.

La Paz, 18 April 1987.

Bolivian Memorandum No 2 of 18 April 1987

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Chile, Memoria of the Ministry of Foreign Affairs for 1987, p 34



MEMORANDUM 2

The Government of the Republic of Bolivia submits for consideration to the Illustrious Government of the Republic of Chile the proposal to cede a territorial and maritime enclave in the North of Chile which does not affect the territorial continuity of Chile, on the understanding that such an enclave will communicate with the Bolivian territory by means of railways, roads, and multi-purpose pipelines, the use of which shall be agreed to favor Bolivia. In addition, the feasibility of the construction of an airport in the enclave area shall be assessed.

The Government of the Republic of Bolivia shall receive the enclave in perpetuity through a Treaty that shall establish its final boundaries. The Bolivian sovereignty over this territory would be a guarantee of the willingness to cooperate and solidarity on the Pacific Coast between both nations, within the framework of a joint development of the region. To that end, it shall be essential that the port ceded to Bolivia be effectively useful for sea transportation, and quays can be installed therein, if they had not yet already been installed, as well as any other facilities which could facilitate services related to commerce and navigation.

Bolivia submits three enclave alternatives to the Government of Chile for consideration:

1. FROM CALETA CAMARONES, at 19° 12' to PISAGUA, which is at 19° 35' with a depth to the east up to 70° West longitude, an area of 1,068 km², which corresponds to a coastal front of 42 km and mean depth of 25 km.

2. FROM TOCOPILLA, 22° 06' towards the South up to PUNTA COBIJA, 22° 33' with a depth to the East up to 70° West longitude, an area of 1,238 km², a coastal front of 47 km and mean depth of 25 km.

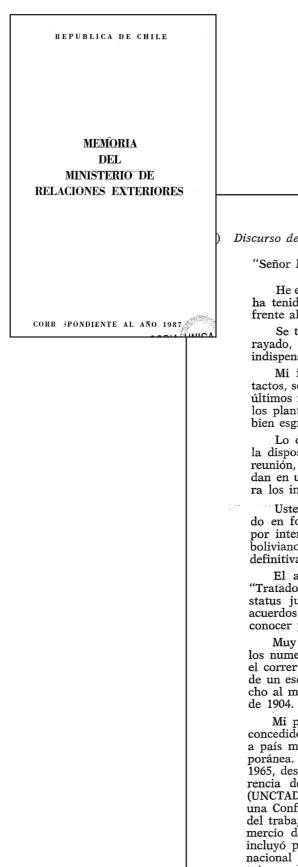
3. FROM CALETA MICHILLA, 22° 43' to MEJILLONES, 23° 06' with a depth to the East up to 70° West longitude, an area of 1,500 km², a coastal front of 50 km and mean depth of 30 km."

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Speech of the Minister of Foreign Affairs of Chile, 21 April 1987

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Chile, Memoria of the Ministry of Foreign Affairs for 1987, pp 29-31



29

Discurso del Canciller señor Jaime del Valle

"Señor Ministro:

He escuchado con gran interés las consideraciones que usted ha tenido a bien formular, al describir la posición de su país frente al tema de la mediterraneidad boliviana.

Se trata de una materia que, como usted muy bien ha subrayado, contiene elementos-particularmente_complejos que es indispensable analizar con el mayor detenimiento.

Mi intención, como hemos conversado en anteriores contactos, sostenidos en distintas capitales latinoamericanas en los últimos meses, no es profundizar en esta ocasión el análisis de los planteamientos de forma y de fondo que usted ha tenido a bien esgrimir.

Lo que sí deseo destacar, en todo caso, señor Ministro, es la disposición y la mejor buena fe con que Chile llega a esta reunión, con el objeto de explorar eventuales fórmulas que puedan en un plazo prudente resultar positivas y satisfactorias para los intereses de ambos países.

Usted muy bien conoce que el gobierno de Chile ha planteado en forma reiterada, en distintos ámbitos, que estima que por intermedio del Tratado de 1904, negociado y suscrito por bolivianos y chilenos, responsables y respetables, quedaron definitivamente establecidos por límites entre Chile y Bolivia.

El aludido instrumento bilateral, que lleva el título de "Tratado de Paz, Amistad y Comercio", de 1904, consagró un status jurídico en la zona, que innumerables convenciones y acuerdos suscritos desde aquel entonces no han hecho sino reconocer y confirmar.

Muy largo sería —y no es mi intención hacerlo— recordar los numerosos pasos que nuestros dos países ha ido dando con el correr de los años, que se han traducido en la consagración de un esquema en el que Chile ha reconocido a Bolivia el derecho al más amplio y libre tránsito, delineado en el instrumento de 1904.

Mi país cree, de buena fe, que las facilidades que se han concedido a Bolivia son las más amplias que se han otorgado a país mediterráneo alguno en el curso de la historia contemporánea. A título meramente ilustrativo, cabe recordar que en 1965, después de un largo proceso que se originó en la Conferencia de Naciones Unidas para el Comercio y Desarrollo (UNCTAD), la Organización de las Naciones Unidas convocó a una Conferencia de Transporte de los países sin litoral. Fruto del trabajo de esta Conferencia, fue la Convención sobre el Comercio de Tránsito de los Paíse sin Litoral. Este documento incluyó principios, normas y ventajas, que la comunidad internacional estimó adecuados para solucionar los problemas de trán de estos países. Speech of Jaime del Valle, Minister of Foreign Affairs

"Minister:

I have listened with great interest to the considerations you have formulated regarding the position of your country on the issue of Bolivia's status as a landlocked country.

It is a matter that, as you have highlighted well, consists of particularly complex elements that need to be analyzed exhaustively.

My intention, as discussed in our previous conversations held in different Latin American capitals over the last few months, is not to now delve into the statements of form and substance that you have already made.

What I do wish to highlight, in any case, Mr. Minister, is the willingness and greatest goodwill with which Chile comes to this meeting, with the purpose of exploring potential solutions that may, within a prudent timeframe, bring positive and satisfactory results in the interests of countries.

You know perfectly well that the Government of Chile has repeatedly stated at different forums that it believes that the boundaries between Chile and Bolivia were definitively established by the 1904 Treaty, which was negotiated and signed by Bolivians and Chileans, who are both responsible and respectable.

The referenced bilateral document, which was named the "Treaty of Peace, Amity and Commerce" of 1904, established a legal status in the area which has done nothing but be recognized and confirmed by the innumerable Conventions and Agreements signed since then.

It would take me too long - and it is not my intention to do so - to go over the countless steps that our two countries have taken throughout the years and which resulted in establishing a scheme whereby Chile recognized for Bolivia the fullest and most free right of transit, as set forth in the 1904 document.

My country believes, in good faith, that no other landlocked country has ever been afforded such amenities as Bolivia has in the course of contemporary history. For instance, it should be remembered that in 1965, after a long process that began in the United Nations Conference on Trade and Development (UNCTAD), the United Nations Organization called a conference on the transportation of landlocked countries. The work carried out therein gave rise to the Convention on Transit Trade of Landlocked States, which established principles, rules, and advantages that the international community deemed adequate to solve the transit problems of these countries. 30

Las facilidades que contempla la citada Convención, son inferiores a las que Chile otorga a Bolivia y que se han consagrado a través del tiempo en numerosos instrumentos.

Insisto en que se trata de una mención que creo útil hacer, sin pretender profundizar o agotar el tema, lo que, por lo demás, no es el objeto de esta reunión.

Tampoco es mi intención ocuparme en esta oportunidad, de la labor que ha desarrollado el Gobierno de Chile, con miras a racionalizar los sistemas de flujo de mercaderías y los procedimientos relacionados con la carga boliviana que pasa por los puertos de Arica y Antofagasta. Sólo podría recordar, en tal sentido, que se ha implementado un sistema integrado de tránsito, cuya utilidad y eficiencia han sido reconocidas por las autoridades bolivianas.

Otro tanto podría enfatizar —si ese fuera nuestro objetivo en materia de carreteras. Al respecto debería manifestar que Chile ha hecho un esfuerzo considerable, en la construcción de la sección que pasa por nuestro territorio de la ruta que une a Arica con Tambo Quemado. La importancia de esta carretera fue reconocida por la decisión 94 de la Comisión del Acuerdo de Cartagena, que la considero como parte integrante del eje central del sistema troncal andino de carreteras. Chile, pese a no ser ya en ese entonces parte del Acuerdo de Cartagena, cumplió y acató la aludida decisión.

Creo que no puedo dejar de subrayar que Chile ha estado siempre dispuesto al diálogo franco y cordial con Bolivia y que ha procurado imprimir a sus relaciones con vuestro país, un sentido creador y positivo.

Esta conducta se ha expresado en diversas oportunidades a lo largo de nuestra historia, y pienso que no debería dejar de señalar, que tenemos la más firme convicción de que no puede atribuirse responsabilidad a Chile, por el hecho de que distintas instancias negociadoras no hayan podido prosperar.

Junto con expresar lo anterior, quisiera reiterar que la actual administración chilena ha sido, tal vez, la que con mayor claridad ha adoptado una posición constructiva y abierta en relación con las materias que interesan a Bolivia.

La vocación americanista de S.E. el Presidente de la República, lo llevó a enhebrar las negociaciones que se iniciaron en el Acta de Charaña, de febrero de 1975.

Como se recordará, en el Acta suscrita en esa oportunidad por los mandatarios de Chile y de Bolivia, se consagró expresamente el compromiso de continuar el diálogo, a diversos niveles, para buscar fórmulas de solución a asuntos vitales que ambos países confrontan, como el relativo a la situación de mediterraneidad que afecta a Bolivia, dentro de recíprocas conveniencias y atendiendo las aspiraciones de los pueblos boliviano y chileno. These amenities awarded in the referenced Convention are inferior to that which Chile grants Bolivia and which has been enshrined in numerous documents over the years.

Without expecting to go into further detail or exhaust the subject, which is not the purpose of this meeting, I insist that, in my opinion, it is worth mentioning the facts above.

Neither is it my intention to deal on this occasion with the work performed by the Government of Chile with a view to rationalize the systems for the flow of goods and the procedures related to the Bolivian cargo that passes through the ports of Arica and Antofagasta. In this regard, I can only mention that an integrated transit system was implemented, the usefulness and efficiency of which have been acknowledged by Bolivian authorities.

I could also place an emphasis on the subject of roads, if that were our purpose. With respect to this, I could say that Chile has made a significant effort to build the section of the road connecting Arica and Tambo Quemado that passes through our territory. The importance of this road was acknowledged by Decision 94 of the Cartagena Agreement Commission, which considered it to be an integral part of the backbone of the core Andean road system. Although Chile was even then no longer part of the Cartagena Agreement, it complied with and abided by the referenced decision.

It should not go without saying that Chile has always been willing to have an open and friendly dialogue with Bolivia and has tried to give, in its relations with your country, a creative and positive meaning.

This conduct has been repeated several times throughout our history and I cannot but mention that we strongly believe that Chile cannot be blamed for the failure of several negotiation instances.

In addition to what has been stated above, I would like to reiterate that the current Chilean administration has perhaps been the one that has most clearly adopted a constructive position with respect to the issues that interest Bolivia.

The commitment of Your Excellency the President of the Republic to American interests led you to carry out the negotiations that commenced in the Act of Charaña of February 1975.

As shall be remembered, in the act signed at that time, the Presidents of Chile and Bolivia expressly stated the commitment to continue the dialogue, at different levels, to seek solutions to key issues faced by both countries, such as the landlocked status that affects Bolivia, within the framework of reciprocal convenience and taking into consideration the aspirations of the Bolivian and Chilean nations. Hubo un principio de entendimiento que no prosperó, por razones que no es del caso analizar ahora, pero que en modo alguno pueden atribuirse a Chile.

Con posterioridad, en los últimos años han surgido otras iniciativas encaminadas a propiciar un acercamiento entre ambos países.

Usted conoce, tanto o mejor que yo, los pasos que se han ido dando y que permitieron alcanzar algunos avances —en particular en 1984— los que se vieron posteriormente debilitados por hechos o circunstancias las que también escaparon al control de las autoridades chilenas.

Un nuevo clima comenzó a gestarse a comienzos del año último, en particular a raíz de positivas declaraciones a la prensa formuladas por el excelentísimo señor Presidente de Bolivia, don Víctor Paz Estensoro, quien surayó que debía darse un enfoque fresco a las relaciones de los dos países, sosteniendo con gran objetividad, que ambas naciones se complementan económicamente.

Usted, señor Ministro, puede recordar que oportunamente me permití exteriorizar la satisfacción del Gobierno de Chile frente a los conceptos del mandatario boliviano.

Las etapas siguientes las hemos vivido juntos, estableciendo en diversos escenarios un contacto amistoso y fraterno, que nos ha permitido llegar precisamente a esta reunión, para iniciar lo que podría ser —ése es nuestro deseo— un diálogo maduro y sincero que, si es adecuadamente conducido, podría llevarnos a etapas más decisivas que las que hemos logrado alcanzar en negociaciones anteriores.

Tenemos constituida una comisión binacional que está explorando vías de acercamiento y complementación, labor en la que ya ha cumplido dos positivas etapas negociadoras. Estimo importante que mantengamos el impulso dado a esa comisión.

No me queda, pues, sino reiterar que hemos llegado a esta reunión inspirados por sentimientos de afecto y hermandad hacia la nación boliviana.

Usted puede tener la seguridad que analizaremos con especial detenimiento los puntos de vista que ha tenido a bien plantear en representación de su gobierno, y que les daremos la consideración más atenta y sincera, haciendo esfuerzos por encontrar puentes de entendimiento entre nuestros pueblos, que la historia llama a marchar juntos, dada la enorme cantidad de intereses comunes que nos unen, dejando de lado —ojalá cuanto antes— cuestiones que nos han separado ya por generaciones." An understanding began to be outlined, which did not finally succeed for reasons that are not appropriate to analyze right now but which can in no way be attributed to Chile.

Other initiatives have been launched in the last years to encourage a rapprochement between both countries.

You are aware of, as well or even better than me, the steps that have been taken so far and that have made it possible to achieve some advances - particularly in 1984 - that were subsequently weakened by facts or circumstances that were also beyond the control of Chilean authorities.

A new atmosphere began to emerge at the beginning of last year, particularly due to the positive statements made to the press by the President of Bolivia, Víctor Paz Estenssoro, who highlighted that the relations between the two countries needed a fresh approach, recognizing with great objectivity that both nations complement each other economically.

You may remember, Mr. Minister, that at that time I allowed myself to express the satisfaction of the Government of Chile with respect to the Bolivian President's statements.

We have gone through the subsequent stages together, establishing a friendly and fraternal contact in different scenarios that made it possible to arrive precisely at this meeting, which is aimed at initiating what could be – and that is our desire – a mature and sincere dialogue which, if adequately conducted, may lead us to more decisive stages than the ones we could reach in previous negotiations.

We have created a binational commission that is studying new ways of rapprochement and complementation, a task in which it has already concluded two positive negotiation stages. I believe it is important for us to maintain the drive given to this commission.

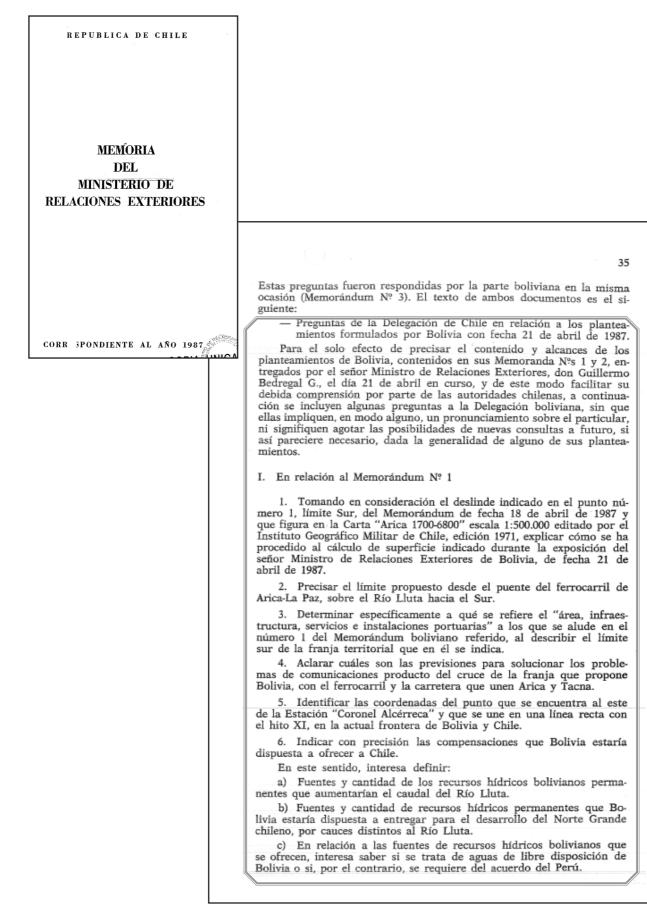
The only thing left for me to say is that we have arrived at this meeting driven by our feelings of affection and brotherhood to the Bolivian nation.

You can be certain that we will carefully analyze the points of view you have stated on your Government's behalf. We will give them our fullest and sincere consideration, making efforts to build bridges of understanding between our nations, which have been called by history to walk together due to the large amount of interests in common, leaving aside – hopefully as soon as possible – any issues which could have kept us apart for generations".

Questions sent by Chile to Bolivia concerning the Bolivian proposals, 21 April 1987

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Chile, Memoria of the Ministry of Foreign Affairs for 1987, pp 35-36



 Questions from the Chilean Delegation in relation to the proposals put forward by Bolivia on 21 April 1987.

For the sole purpose of specifying the content and scope of the Bolivian proposals, included in Memorandums Nos. 1 and 2, delivered by the Minister of Foreign Affairs, Mr. Guillermo Bedregal G., on 21 April this year, and thus facilitating a better understanding of them by the Chilean authorities, a number of questions put to the Bolivian Delegation have been included below. Such questions in no way mean a pronouncement on the subject issue or exhausting the possibilities of further consultations in the future, if necessary, given the generality of some of the Bolivian proposals.

I. In relation to Memorandum No. 1

1. Taking into consideration the demarcation specified in item 1, Southern boundary, of the Memorandum dated 18 April 1987, and which is included in the Map Sheet "Arica 1700-6800", scale 1:500.000, published by Chile's Military Geography Institute, 1971 Edition, please explain the area calculation procedure specified during the presentation given on 21 April 1987 by the Bolivian Minister of Foreign Affairs.

2. Specify the proposed boundary from the Arica-La Paz railway bridge, over the Lluta River, southward.

3. Specify exactly what the phrase "port area, infrastructure, services and facilities" mentioned in item 1 of the aforementioned Bolivian Memorandum, in describing the southern boundary of the strip of territory, refers to.

4. Clarify the intended solutions to the connection problems arising from the crossing of the strip proposed by Bolivia, with the railway and highway connecting Arica with Tacna.

5. Identify the coordinates of the point lying to the east of the "Coronel Acérreca" Station, which, following a straight line, connects Milestone XI on the current Bolivia-Chile border.

6. Indicate with precision the compensation that Bolivia would be willing to offer Chile.

In that regard, please specify:

(a) Sources and quantity of permanent Bolivian water resources that would increase the water level of the Lluta River.

(b)Sources and quantity of permanent water resources that Bolivia would be willing to deliver for the development of Chile's Norte Grande region, through watercourses other than the Lluta River.

(c) In connection with the sources of Bolivian water resources that are being offered, we are interested to know whether such waters may be freely used by Bolivia or, if that is not the case, whether the agreement of Peru is required. 36

7. Indicar forma de indemnización:

Dentro del territorio comprendido por la franja que interesa a Bolivia existen diversas obras de infraestructura y recursos naturales, como por ejemplo ferrocarril, estaciones, puentes, caminos, escuelas, aeropuerto, localidades en general, azufreras, etc. El valor de esta infraestructura y recursos debe ser indemnizado.

II. En relación al Memorándum Nº 2

1. Explicar cuál es la proyección marítima que eventualmente tendría el enclave mencionado en el Memorándum boliviano Nº 2, párrafo 1º, considerando la necesaria continuidad marítima de Chile.

 Clarificar si las compensaciones que Bolivia ofrece a Chile son las mismas planteadas para la franja territorial que Bolivia solicita como fórmula alternativa, o bien, si éstas son diferentes. En este último caso, es indispensable definirlas.

7. Specify the form of indemnification:

Within the territory consisting of the strip in which Bolivia is interested, there are several infrastructure works and natural resources, such as railways, stations, bridges, roads, schools, an airport, towns, sulfur mines, etc. The value of such in-frastructure and resources shall be indemnified.

II. In relation to Memorandum No. 2

1. Explain the maritime extension that the enclave mentioned in Bolivia's Memorandum No. 2, paragraph 1, would have, considering Chile's necessary maritime continuity.

2. Clarify whether the compensations offered by Bolivia to Chile are the same as that for the strip of territory that Bolivia requests as an alternative formula, or if they are different. If the latter, it will be indispensable to define them.

Bolivian Memorandum No 3 of 22 April 1987

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Chile, Memoria of the Ministry of Foreign Affairs for 1987, pp 36-39

REPUBLICA DE CHILE **MEMORIA** DEL MINISTERIO DE **RELACIONES EXTERIORES** 36 CORR 3PONDIENTE AL AÑO 1987 7. Indicar forma de indemnización: A A DIA HINHOA Dentro del territorio comprendido por la franja que interesa a Bolivia existen diversas obras de infraestructura y recursos naturales, como por ejemplo ferrocarril, estaciones, puentes, caminos, escuelas, aeropuerto, localidades en general, azufreras, etc. El valor de esta infraestructura y recursos debe ser indemnizado. II. En relación al Memorándum Nº 2 1. Explicar cuál es la proyección marítima que eventualmente tendría el enclave mencionado en el Memorándum boliviano Nº 2, párrafo 1º, considerando la necesaria continuidad marítima de Chile. 2. Clarificar si las compensaciones que Bolivia ofrece a Chile son las mismas planteadas para la franja territorial que Bolivia solicita como fórmula alternativa, o bien, si estas son diferentes. En este último caso, es indispensable definirlas. MEMORANDUM_Nº_3 - Respuestas de la Delegación de Bolivia al Cuestionario presentado por la Delegación de Chile en el Documento de fecha 22 de abril de 1987 I. En relación a las preguntas al Memorándum Nº 1 Respuesta al punto Nº 1.- Para la mensura de la superficie de la franja propuesta en el Memorándum boliviano Nº 1, mapa anexo Nº 1, se utilizó el sistema de cálculos por triangulación cuya superficie de 2.806 km.² es aproximada. El cálculo de superficie definitivo, será tarea de la Comisión Mixta de Límites Boliviano-Chilena. Lo esencial en el punto Nº 1 del Memorándum Nº 1 es el establecimiento de un territorio que está definido por el Memorándum y el mapa mencionados. Respuesta al Punto Nº 2.- En relación a este punto, la Delegación de Bolivia precisa lo siguiente: Partiendo de la desembocadura del río San José en el Océano Pacífico, seguirá el curso del mismo hasta tocar la línea del ferrocarril Arica-Visviri, luego continuará por esta línea hacia el Norte, pasando por el cruce de la carretera Panamericana Arica-Tacna y seguirá a caballo de la vía férrea por el lado Este hasta el puente sobre el río Lluta. La Población y propiedades urbanas existentes en esta zona es decir desde el río San José hasta el paralelo 18º, 25 minutos, entre los dos ferrocarriles, Tacna-Arica y Arica-Visviri, quedarán bajo soberanía chilena. El acceso de Bolivia a la zona portuaria se extenderá hasta el extremo sur del malecón de atraque construido para el servicio del Perú. Respuesta al punto 3.- El área de infraestructura, servicios, instalaciones portuarias se refiere a aquellas existentes en la zona de acceso al malecón citado, para facilitar operaciones portuarias, transporte y bombeo de hidrocarburos desde territorio boliviano.

MEMORANDUM No. 3

 Answers of the Bolivian Delegation to the Questionnaire submitted by the Chilean Delegation in the Document dated 22 April 1987.

I. In response to the questions about Memorandum No. 1

Answer to point No. 1— For the measurement of the surface of the strip of land proposed in the Bolivian Memorandum No 1, map No 1, the triangulation calculation system was used. The surface of 2,806 km² is an approximation. The final calculation of the area will be entrusted to the Bolivia-Chile Mixed Boundary Commission. The essential aspect of point No. 1 in Memorandum No. 1 is the establishment of a territory that is defined by the Memorandum and the map.

Answer to Point No. 2.— The Bolivian Delegation specified the following with regard to this point:

Starting from the mouth of the San José River in the Pacific Ocean, it will follow the course of the river until it reaches the railroad line from Arica to Visviri; then it will continue on this line towards the North, passing through the crossing of the Pan-American highway from Arica to Tacna and then will continue along the railroad on the Eastern side as far as the bridge over the Lluta River. The town and urban properties existing in this area, i.e., from the San José River to the parallel 18°, 25 minutes, between the two railroads, Tacna-Arica and Arica-Visviri, will remain under Chilean sovereignty. Bolivia's access to the port area will extend to the southern end of the mooring peer built to service Peru.

Answer to point 3.— The port area, infrastructure, services and facilities refer to those existing in the access zone to the pier mentioned above, to facilitate port operations, transport and pumping of hydrocarbons from Bolivian territory.

No se considera la zona urbana ni población existente en la ciudad de Arica.

Respuesta al punto 4.— En relación a la aclaración solicitada sobre los problemas de comunicaciones en el cruce de las vías ferroviarias y camineras, en la zona del puente Lluta, Bolivia propone la realización de un estudio *in situ* para establecer la factibilidad y diseño para la construcción de un distribuidor de vías que asegure la continuidad de los servicios existentes entre Arica y Tacna.

Respuesta al punto 5.— Con respecto a la identificación de las coordenadas donde se encuentra el punto Este de la estación "Coronel Alcérreca" el mismo corresponde a la intersección del paralelo 18º de latitud Sur y 69º 38' de longitud Oeste, a 2.500 metros al Este de la citada estación, aproximadamente. De acuerdo al mapa anexo al Memorándum Nº 1.

Respuesta al punto 6.---

COMPENSACIONES

6a) Bolivia plantea formalmente la necesidad de efectuar un esfuerzo común, de ambos Estados, encaminado a encontrar y medir técnicamente el potencial de recursos hídricos existentes en la zona fronteriza a partir de la cuenca del río Lluta. Estos recursos deberán fortalecer el curso de agua del referido río, el cual constituirá, en la nueva división política, el límite arcifinio que garantizará la utilidad de la zona.

Una comisión técnica binacional se encargará de realizar las evaluaciones correspondientes en un plazo inmediato y aprovechando precisamente la actual estación seca. Bolivia destacará especialistas integrantes del Instituto de Hidrología dependiente de la Universidad Boliviana, bajo la responsabilidad y coordinación del Ministerio de Relaciones Exteriores y Culto.

6b) i. En relación a los otros potenciales hídricos que estén situados en otras cuencas cordilleranas al sur del Lluta, la Comisión binacional definirá los cursos acuíferos que pudieran mejorar las carencias de agua del Norte Grande chileno, tomando en consideración la preservación del equilibrio ecológico de las zonas bolivianas occidentales donde se originan estos cursos de agua. La Comisión binacional para la ejecución de los estudios de los puntos 6a) y 6b) podría utilizar la asistencia técnica del Departamento de Cooperación Técnica para el Desarrollo de la Organización de las Naciones Unidas.

ii. En relación con el acuerdo del uso de las aguas del río Lauca, la Comisión binacional recomendará las soluciones definitivas comunes que tomen en cuenta el inventario de aguas obtenido por Chile desde 1962, y las fórmulas correspondientes de uso común de éstas aguas procurando que las mismas se orienten a establecer el mejor aprovechamiento económico y agrícola de este curso fluvial.

6c) Las fuentes de recursos hídricos que Bolivia ofrece como compensación son patrimonio exclusivo de la República de Bolivia y no se requiere del rierdo del Perú.

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It does not include the urban area or population existing in the city of Arica.

Answer to point 4.— With respect to the clarification requested regarding the connection problems at the crossing of the railroads and highways, in the area of the Lluta bridge, Bolivia proposes conducting a study on site to determine the feasibility and design for the construction of a road network that ensures the continuity of the services existing between Arica and Tacna.

Answer to point 5.— With respect to identifying the coordinates where the Eastern point of the "Coronel Alcérreca" station is located, it is at the intersection of the 18^{th} parallel of latitude south and 69° 38' of longitude West, at 2,500 metres to the East of that station, approximately, in accordance with the map attached to Memorandum No. 1.

Answer to point 6.—

COMPENSATION

6a) Bolivia formally proposes that both countries need to make a joint effort to find and technically measure the potential of water resources existing in the border zone beginning from the basin of the Lluta River. These resources must strengthen the water course of that river, which will constitute, in the new political division, the natural boundary limit that will guarantee the utility of the area.

A bi-national technical commission will be given the task of making the evaluations immediately, thus taking advantage of the current dry season. Bolivia will employ specialists who are members of the Hydrology Institute at the University of Bolivia, under the responsibility and coordination of the Ministry of Foreign Affairs and Worship.

6b) i. With regard to the other water power located in other mountain basins south of the Lluta River, the bi-national Commission will define the aquifers that could improve the lack of water in Chile's Norte Grande, taking into consideration the preservation of the ecological balance in the western areas of Bolivia, where these watercourses originate. The bi-national commission to perform the studies under points 6a) and 6b) could use the technical assistance of the United Nations Department of Technical Cooperation for Development.

ii. With regard to the agreement on the use of the waters in the Lauca River, the bi-national commission will recommend final joint solutions that take into account the inventory of waters obtained by Chile since 1962, and the formulas for joint use of these waters, ensuring that they are aimed at establishing the best economic and agricultural use of this river.

6c) The sources of the water resources that Bolivia offers as compensation are owned exclusively by the Republic of Bolivia and do not require any agreement from Peru.

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6d) Bolivia considera que un factor compensatorio a convenirse radica en la extensión del gasoducto Santa Cruz-Sicasica (en actual construción) hasta el puerto de Arica en forma paralela al oleoducto actualmente existente. El potencial gasífero boliviano y su utilización in dustrial con empresas binacionales (energéticas, de fertilizantes y petroquímicas) constituye un nuevo elemento que ambos países deberán estudiar en forma ejecutiva para contribuir a lograr el equilibrio compensatorio por la cesión del territorio.

Esas Empresas binacionales para la utilización del gas natural y el desarrollo de industrias petroquímicas, gestionarán financiamiento ante entidades internacionales, avalado en forma conjunta por ambos-gobiernos.

较

Respuesta al punto 7.-

INDEMNIZACIONES

7a) Ferrocarril Arica-Visviri.— La República de Bolivia recibiría este ferrocarril a título oneroso y en base a una evaluación técnica del valor de sus actuales inventarios físicos. Esta operación de compraventa podría combinarse con un proyecto que incluya la línea férrea, estaciones, material rodante, servicios de maestranza y otra infraestructura que garantice el funcionamiento del ferrocarril, incluyendo un programa para el mejoramiento de la ferrovía, cambiando su trazo actual con el objeto de mejorar su capacidad de tracción.

7b) Otras obras civiles de propiedad del Estado chileno, serán objeto de indemnización en los términos a convenirse por ambas partes, previa la correspondiente evaluación de sus valores reales y de su uso actual.

7c) En relación con el Aeropuerto de Chacalluta, cuya ubicación está señalada en el territorio objeto de la cesión, sus instalaciones, servicios metereológicos, zonas de acceso y obras complementarias, serán transferidas en propiedad al Estado boliviano a título oneroso y, en los montos y plazos a convenirse mutuamente.

En tanto Chile concluya la construcción sustitutiva del aeropuerto convenido de Chacalluta, Boliva otorgará todas las facilidades de uso de estas instalaciones para cualquier tipo de aeronave de bandera chilena.

7d) Azufreras.— El Gobierno de Bolivia reconocerá a la Empresa concesionaria actual de la explotación de azufreras en el Tacora, los mismos derechos y obligaciones otorgados por el régimen legal chileno.

II. En relación a las preguntas al Memorándum Nº 2.

Respuesta al punto N? 1.— Por lo que se refiere al uso de las aguas territoriales contiguas a los enclaves, la República de Bolivia garantizará la libre navegación de cualquier buque o nave chilena, sin restricción alguna; sin embargo, el régimen específico a aplicarse en esta

6d) Bolivia believes that a compensatory factor to be agreed on is the extension of the Santa Cruz-Sicasica gas pipeline (currently under construction) until the port of Arica and parallel to the existing oil pipeline. Bolivia's gas potential and its industrial use with bi-national companies (energy, fertilizer and petrochemical companies) is a new factor that both countries should study individually to find a compensatory balance for the cession of the territory.

These bi-national companies for the use of natural gas and the development of petrochemical industries will obtain financing from international agencies, backed jointly by both governments.

Answer to point 7.—

INDEMNIFICATION

7a) Arica-Visviri Railroad. The Republic of Bolivia would pay for this railroad on the basis of a technical evaluation of the value of its current physical inventories. This sale transaction could be combined with a project that includes the railway, stations, rolling stock, maintenance shop services and other infrastructure to ensure the functioning of the railroad, including a program to improve the railway, changing its current track in order to improve its traction.

7b) Other civil engineering work owned by Chile will be paid for on terms to be agreed by both parties, after their actual values and current use is evaluated.

7c) With respect to the Chacalluta Airport, which is to be located in the territory covered by the cession, its facilities, weather services, access zones and complementary work will be transferred to the Bolivian State, in exchange for payment at the amounts and on the deadlines to be agreed to mutually.

Until Chile completes the construction of the airport to replace the one in Chacalluta, as agreed, Bolivia will allow it to use these facilities for any type of Chilean flag carriers.

7d) Sulphur mines. — The Government of Bolivia will grant to the current concessionaire of the sulphur mines in El Tacora the same rights and obligations as those granted under current Chilean law.

II. In response to the questions about Memorandum No. 2.

Answer to point No. 1.— With regard to the use of the territorial waters contiguous to the enclaves, the Republic of Bolivia will ensure the free navigation of any Chilean boat or ship, without any restriction; however, the specific rules to be followed

materia será objeto de un acuerdo reglamentario especial, entre Bolivia y Chile, que garantice la práctica del principio establecido en este documento.

En general, el régimen que Bolivia adopte sobre su mar territorial y zona económica exclusiva se enmarca conforme a los principios y regulaciones de la Convención de Naciones Unidas sobre el Derecho del Mar. Los acuerdos bilaterales que Bolivia y Chile suscriban para la explotación de recursos vivos del mar también se enmarcarán conforme a la misma Convención.

Respuesta al punto Nº 2.— Las compensaciones que Bolivia ofrece a Chile son del mismo carácter que las planteadas para la franja, aunque proporcionalmente menores, ajustadas a la naturaleza y dimensión del enclave a recibir.

Montevideo, 22 de abril de 1987.

Al finalizar la reunión, ambos Cancilleres acordaron dejar constancia de su gratitud al Ilustre Gobierno de la República Oriental de Uruguay por la fraterna hospitalidad y finas atenciones brindadas durante la permanencia en ese país. Lo anterior, junto a una breve relación de desarrollo del encuentro, fue consignado en el comunicado de prensa conjunto que se entregó el día 23 de abril y que decía como sigue:

v) Comunicado de prensa

Entre los días 21 y 23 de abril de 1987, se reunieron en Montevideo, República Oriental del Uruguay, los Ministros de Relaciones Exteriores de las Repúblicas de Bolivia y Chile, Excelentísimos señores Guillermo Bedregal y Jaime Del Valle.

Este encuentro fue acordado previamente por ambos Ministros dentro del espíritu de acercamiento mutuo que anima a sus Gobiernos y tuvo por objeto conocer las posiciones de ambos países con relación a problemas de fondo que interesan a las dos naciones. En especial el planteamiento de Bolivia de una salida soberana al Océano Pacífico.

La primera reunión fue inaugurada con sendos discursos de los señores Ministros de Relaciones Exteriores, cuyos textos han sido distribuidos a la prensa y en los cuales se coincide en destacar la disposición cordial y constructiva que inspira a los Gobiernos de Chile y Bolivia, así como su común voluntad de empeñar sus mejores esfuerzos en la búsqueda de soluciones satisfactorias para ambas partes.

A continuación, el Excmo. señor Ministro de Relaciones Exteriores de Bolivia, hizo una exposición de los planteamientos de su país orientados a iniciar negociaciones tendientes a buscar una solución a la falta de acceso propio de Bolivia al Océano Pacífico. Tales planteamientos están contenidos en dos memorándum y dos mapas, que entregó en esa oportunidad al Ministro Del Valle.

Al día siguiente, la Delegación de Chile, con el exclusivo propósito de aclarar v precisar al máximo el contenido y alcances de los planon this subject will be agreed to in a special regulatory agreement between Bolivia and Chile, which will ensure that the principle established in this document is followed.

In general, the rules that Bolivia adopts on its territorial sea and exclusive economic zone will be consistent with the principles and regulations of the United Nations Convention on the Law of the Sea. The bilateral agreements that Bolivia and Chile sign for the exploitation of living resources from the sea with also be consistent with that Convention.

Answer to point No. 2.— The compensation that Bolivia offers to Chile is of the same nature as the compensation proposed for the strip of land, although it is proportionally less, as is consistent with the nature and size of the enclave to be received.

Montevideo, 22 April 1987.

Press Release from the Foreign Ministers of the Republics of Bolivia and Chile, 23 April 1987

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

COMUNICADO DE PRENSA

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PRESS RELEASE

The Ministers of Foreign Affairs of the Republics of Bolivia and Chile, Their Excellencies Messrs. Guillermo Bedregal and Jaime del Valle, held meetings in Montevideo, Uruguay, between 21 and 23 April 1987.

These meetings had been previously agreed to by both Ministers driven by the spirit of mutual rapprochement that inspires their Governments, and their purpose was to become familiar with the positions of both countries with respect to the basic issues that are of concern to the two nations.

The first meeting was opened by speeches given by both Ministers, the texts of which had been distributed to the press and both of which agreed to stress the friendly and constructive disposition that inspires the Governments of Chile and Bolivia, as well as their common will to employ their best efforts in the search for solutions that satisfy both parties. A continuación, el Excmo. Señor Ministro de Relaciones Exteriores de Bolivia, hizo una exposición de los planteamientos de su país orientados a iniciar negociaciones tendientes a buscar una solución a la falta de acceso propio de Bolivia al Océano Pacífico. Tales planteamientos están contenidos en dos memorándumes y dos mapas, que entregó en esa oportunidad al Ministro Del Valle.

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Al día siguiente, la Delegación de Chile, con el exclusivo propósito de aclarar y precisar al máximo el contenido y alcances de los planteamientos bolivianos y, dejando constancia de que ello no constituía pronunciamiento u opinión anticipada sobre el tema tratado, formuló a la Delegación de Bolivia diversas consultas, las que están contenidas en una minuta de fecha 22 de abril, que fue entregada a la Delegación de Bolivia.

Dichas consultas han sido contestadas por el Ministro Bedregal en otro memorandum de la misma fecha, igualmente puesto en poder de la Delegación de Chile.

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Then, HE the Minister of Foreign Affairs of Bolivia presented his country's considerations aimed at initiating negotiations to search for a solution to Bolivia's landlocked situation. Such considerations are included in two memoranda and two maps he delivered to Minister del Valle.

The following day, the Delegation of Chile, with the exclusive purpose of clarifying and defining the contents and scope of the Bolivian proposal to the maximum extent possible and clearly expressing that this did not constitute an advanced decision or opinion on the issue at hand, asked the Delegation of Bolivia several questions, contained in minutes of 22 April that was delivered to the Delegation of Bolivia.

Such questions were answered by Minister Bedregal in a document of the same date, likewise delivered to the Delegation of Chile.

Todos los documentos antes mencionados, así como la intervención del Ministro Bedregal, serán sometidos por el Ministro Del Valle a la superior consideración del Gobierno de Chile, quien se pronunciará sobre el particular en tiempo oportuno.

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Al terminar la reunión, los Excmos. Sres. Ministros de Relaciones Exteriores de Chile y Bolivia, acordaron dejar constancia-de su gratitud al Ilustrado Gobierno de la República Oriental del Uruguay y particularmente al Excmo. Señor Ministro de Relaciones Exteriores, don Enrique Iglesias, por su fraterna hospitalidad y finas atenciones.

Montevideo, 23 de abril de 1987.

Minister del Valle shall submit all the documents mentioned above, as well as Minister Bedregal's presentation, for the consideration of the Government of Chile.

When the meeting was adjourned, Their Excellencies the Ministers of Foreign Affairs of Chile and Bolivia agreed to leave record of their gratitude towards the Government of the Eastern Republic of Uruguay and, in particular, to the Minister of Foreign Affairs, Mr. Enrique Iglesias, for their warm hospitality and kind attention.

Montevideo, 23 April 1987.

Annex 295

Minutes of the Meeting of the Permanent Commission for the Study of the Bolivian Proposal, 25 May 1987

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE MINISTERIO DE RELACIONES EXTERIORES



<u>Acta de la Reunión, de fecha 25 de mayo de 1987, de la</u> Comisión Permanente para el Estudio de la Propuesta Boliviana

La reunión se inicia a las 16:15 horas, presidida por el Embajador Javier Illanes (Director General de DIGEN), y con la asistencia del Gral. Pedro Ewing (Director General de DIFROL), del Embajador Carlos Bustos (Director de DIPESP), del Crl. Juan Enrique Carrasco (Director de DIPLAN), del M.C. Uldaricio Figueroa (Director de DIBILAT), del Capitán de Navío (R) Claudio Collados, del Crl. Julio Von Chrismar, del C. Ignacio González (DIMULTI), del S.S. Germán Ibarra (DIBILAT), quien concurre en representación del C. Pedro Suckel, y del Analista de DIPLAN, Jorge Arancibia.

En primer término, cabe destacar que, еl Cdte. Collados como el Gral. Ewing proceden a exponer: ante la Comisión sus respectivos trabajos de acuerdo a las tareas que les fueron encomendadas (* Cdte. Collados: "Análisis Preliminar de la Propuesta en relación con el territorio marítimo que eventualmente se cedería. Aspectos referidos a: litoral, aguas jurisdiccionales, recursos del mar, economía marina, obras portuarias, patrimonio cultural y defensa nacional"; * Gral. Ewing: Análisis Preliminar de la Propuesta en relación con el territorio que eventualmente se cedería. Aspectos referidos a: extensión, población, recursos naturales, economía, obras públicas, patrimonio cultural y defensa nacional".), y hacen entrega de ellos al Embajador Illanes, quien se los agradece.

Al respecto se debe consignar que, el Cdte. Collados hace hincapié que su trabajo sólo aborda una parte de la Propuesta, cual es la atingente al "corredor", en razón a que considera poco precisos los antecedentes de aquélla en cuanto a si los puertos de Pisagua, Tocopilla y Mejillones formarían parte de la eventual cesión -alternativade los "enclaves".

En tal sentido, el Embajador Illanes señala

SECRET

Minutes of the Meeting of the Permanent Committee for the Study of the Bolivian Proposal, 25 May 1987

The meeting began at 16:15, chaired by Ambassador Javier Illanes (General Director of DIGEN [the Foreign Policy General Division]), assisted by Gen. Pedro Ewing (General Director of DIFROL [the National Directorate of Borders and Limits of the State]), Ambassador Carlos Bustos (General Director of DIPESP [the Special Policy Division]), Col. Juan Enrique Carrasco (Director of DIPLAN [the Planning Office]), Uldaricio Figueroa (Director of DIBILAT [the Bilateral Affairs Office]), Captain (R) Claudio Collados, Col. Julio Von Chrismar, C. Ignacio González (DIMULTI [the Multilateral Affairs Office]), Germán Ibarra (DIBILAT), on behalf of C. Pedro Suckel, and DIPLAN Analyst Jorge Arancibia.

First, it should be noted that Cdr. Collados and Gen. Ewing presented their works to the Committee in accordance with the tasks they were entrusted with (* Cdr. Collados: "Preliminary Analysis of the Proposal in relation to the maritime territory to be potentially transferred. Aspects related to: littoral, territorial waters, sea resources, marine economy, port works, cultural heritage and national defense"; * Gen. Ewing: Preliminary Analysis of the Proposal in relation to the maritime territory to be potentially transferred. Aspects related to: area, population, natural resources, economy, public works, cultural heritage and national defense") and submitted them to Ambassador Illanes, who thanks them for their contribution.

In this regard, it should be mentioned that Cdr. Collados emphasized that his work only analyzes part of the Proposal, the part referred to the "corridor", since he considers that the background information of it is a bit unclear as to whether the ports of Pisagua, Tocopilla, and Mejillones would be part of the potential cession (as an alternative) of the "enclaves".

In this regard, Ambassador Illanes states

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que, en Montevideo, se dejó muy en claro -verbalmente- que ninguno de los mencionados puertos estaría involucrado en los correspondientes "enclaves".

Así las cosas, el Cdte. Collados manifiesta que próximamente se abocará a la segunda parte de su trabajo, analizando los aspectos marítimos de la Propuesta en lo que a los "enclaves" concierne.

Por su parte, el Gral. Ewing, subraya la importancia de resolver cuál es la proposición menos negativa. Del mismo modo, indica que en cuanto a las compensaciones, es menester determinar qué cantidad de agua y energía eléctrica los bolivianos nos podrían dar, y cuál es el uso que podríamos hacer de ellas.

Acerca de esto último, el Cdte. Collados expresa que, no concibe una compensación de territorios por productos, y enfatiza que sólo debiera tener cabida una compensación territorial. Igualmente, el Crl. Von Chrismar formula su adhesión a ese parecer.

En este contexto, cabe resaltar que el Embajador Illanes hace presente que este Ministerio no tiene una idea preconcebida acerca de la Propuesta, y que todos los miembros de esta Comisión tienen entera libertad para manifestar sus opiniones sobre el particular.

A su vez, el Embajador Illanes se refiere a la decisión de nuestro Gobierno en orden a dar a conocer públicamente la Propuesta el 5 de junio próximo, coetáneamente con el de Bolivia. Agrega, que si bien es muy probable que ello derive en presiones de la opinión pública, dicha difusión debería ser útil en el marco del aporte que podrían proporcionar críticas positivas y porque se pone fin a la incertidumbre y especulaciones actualmente imperantes.

Asimismo, hace hincapié en que no obstante la divulgación de la Propuesta, esta Comisión la continuará estudiando detenidamente y que no hay un plazo perentorio that, in Montevideo, it was clearly stated –orally– that none of these ports would be part of the concerned "enclaves".

Thereupon, Cdr. Collados states that he will turn to the second part of his work, analyzing the maritime aspects of the Proposal with regard to the "enclaves".

In turn, Gen. Ewing stresses the importance of deciding which the least negative proposal is. In a similar sense, he states that, with regard to compensations, it is necessary to determine the amount of water and electric energy the Bolivians may supply, and what use we could put that to.

With regard to this last item, Cdr. Collados states that he does not envisage compensating territories with products and emphasizes that only a territorial compensation should take place. Similarly, Col. Von Chrismar agrees with this view.

In this context, it should be noted that Ambassador Illanes indicated that this Ministry has no preconception regarding the Proposal, and that all the members of the Committee are free to express their opinions on the matter.

In turn, Ambassador Illanes refers to the decision of our Government to make the Proposal public on 5 June of this year, simultaneously with that of Bolivia. He added that, although this will likely result in pressure by the public, said disclosure should be useful given the positive feedback the public could provide and since it should bring an end to the current uncertainty and speculations.

Additionally, he stresses that, in spite of the disclosure of the Proposal, this Committee shall continue assessing it thoroughly and that there is no peremptory timeframe REPUBLICA DE CHILE MINISTERIO DE RELACIONES EXTERIORES

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para ello.

De otro lado, el Crl. Carrasco expresa la conveniencia de que se integre -en forma permanente- a esta Comisión un Abogado de DIJUR, dado que las tareas asignadas, por ahora, a DIPLAN no dicen relación con la naturaleza de sus funciones, ya que son de índole exclusivamente jurídicas.

Al respecto, el Embajador Illanes manifiesta su conformidad.

Finalmente, el Crl. Von Chrismar señala que estará fuera de Santiago, por motivos de carácter profesional, entre el 29 de mayo y el 7 de junio, por lo que no podrá asistir a la próxima reunión.

Se pone término a la reunión a las 17:45 horas, convocándose a una próxima para la semana siguiente, en una fecha por determinar.

JAU/cgc

for that.

Furthermore, Col. Carrasco expressed the convenience of integrating –permanently– an Attorney from DIJUR [the Division of Legal Affairs], into this committee, given that the assigned tasks are exclusively legal and bear no relation, so far, with the nature of the duties of the DIPLAN.

Ambassador Illanes expressed his agreement in this regard.

Finally, Col. Von Chrismar states that he will be out of Santiago on professional matters between 29 May and 7 June, and he will therefore be unable to assist the following meeting.

The meeting is adjourned at 17:45 and a new meeting is scheduled for the following week, on a date to be determined.

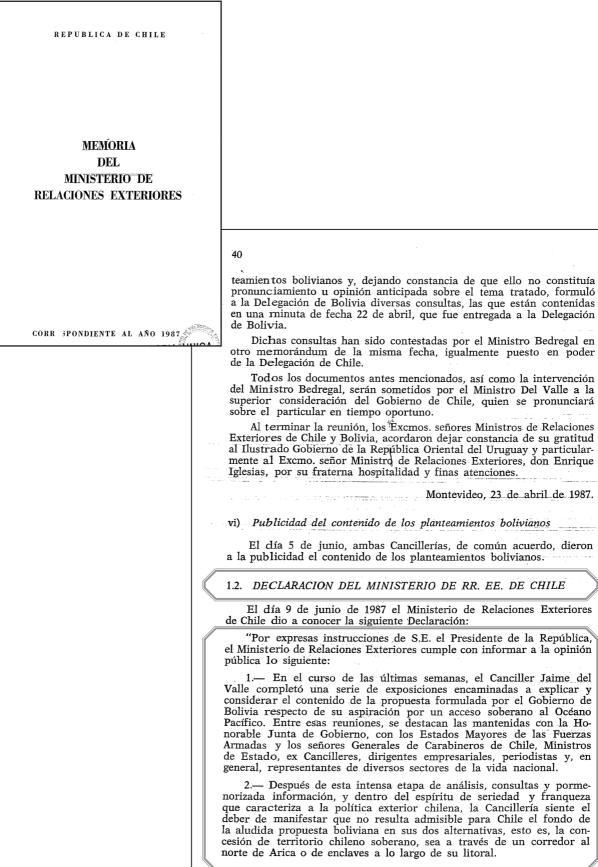
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Annex 296

Statement by the Minister of Foreign Affairs of Chile, 9 June 1987

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Chile, Memoria of the Ministry of Foreign Affairs for 1987, pp 40-41



pronunciamiento u opinión anticipada sobre el tema tratado, formuló a la Delegación de Bolivia diversas consultas, las que están contenidas en una minuta de fecha 22 de abril, que fue entregada a la Delegación

Dichas consultas han sido contestadas por el Ministro Bedregal en otro memorándum de la misma fecha, igualmente puesto en poder

l'odos los documentos antes mencionados, así como la intervención del Ministro Bedregal, serán sometidos por el Ministro Del Valle a la superior consideración del Gobierno de Chile, quien se pronunciará sobre el particular en tiempo oportuno.

Al terminar la reunión, los Éxcmos. señores Ministros de Relaciones Exteriores de Chile y Bolivia, acordaron dejar constancia de su gratitud al Ilustrado Gobierno de la República Oriental del Uruguay y particularmente al Excmo. señor Ministro de Relaciones Exteriores, don Enrique Iglesias, por su fraterna hospitalidad y finas atenciones.

Montevideo, 23 de abril de 1987.

vi) Publicidad del contenido de los planteamientos bolivianos

El día 5 de junio, ambas Cancillerías, de común acuerdo, dieron a la publicidad el contenido de los planteamientos bolivianos.

1.2. DECLARACION DEL MINISTERIO DE RR. EE. DE CHILE

El día 9 de junio de 1987 el Ministerio de Relaciones Exteriores de Chile dio a conocer la siguiente Declaración:

"Por expresas instrucciones de S.E. el Presidente de la República. el Ministerio de Relaciones Exteriores cumple con informar a la opinión

1.- En el curso de las últimas semanas, el Canciller Jaime del Valle completó una serie de exposiciones encaminadas a explicar y considerar el contenido de la propuesta formulada por el Gobierno de Bolivia respecto de su aspiración por un acceso soberano al Océano Pacífico. Entre esas reuniones, se destacan las mantenidas con la Honorable Junta de Gobierno, con los Estados Mayores de las Fuerzas Armadas y los señores Generales de Carabineros de Chile, Ministros de Estado, ex Cancilleres, dirigentes empresariales, periodistas y, en general, representantes de diversos sectores de la vida nacional.

2.— Después de esta intensa etapa de análisis, consultas y pormenorizada información, y dentro del espíritu de seriedad y franqueza que caracteriza a la política exterior chilena, la Cancillería siente el deber de manifestar que no resulta admisible para Chile el fondo de la aludida propuesta boliviana en sus dos alternativas, esto es, la concesión de territorio chileno soberano, sea a través de un corredor al norte de Arica o de enclaves a lo largo de su litoral.

1.2. STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF CHILE

[...]

"At the express request of HE the President of the Republic, the Minister of Foreign Affairs of Chile hereby informs the public of the following:

1. During the past weeks, Foreign Minister del Valle has completed a series of presentations in order to explain and consider the contents of the proposal submitted by the Government of Bolivia with regard to its aspiration to gaining sovereign access to the Pacific Ocean. Among those meetings, of particular importance are those held with the Honorable Government Junta, with the Staff of the Armed Forces, and with the Generals of Chile's Uniformed Police, Ministers of the State, former Foreign Ministers, business leaders, journalists and, in general, representatives of various sectors of our country.

2. After this intense period of analysis, consultations and detailed briefings, and within the spirit of seriousness and honesty that characterizes Chilean foreign policy, the Foreign Ministry feels the duty to express that the substance of the Bolivian proposal is not acceptable for Chile in either of its alternatives, *i.e.*, the cession of sovereign Chilean territory, whether through a corridor north of Arica or through enclaves along its littoral.

3.— No obstante lo anterior, y consecuente con su voluntad permanente de acercamiento hacia la hermana República de Bolivia, Chile entiende que puede colaborar con dicho país en la búsqueda de fórmulas que, sin alterar el patrimonio territorial o marítimo nacionales, permitan materializar una integración bilateral que sirva eficazmente al desarrollo y bienestar de los respectivos pueblos.

4.— El Gobierno de Chile ha estimado su deber adelantar estas precisiones, porque no estima justo —con su silencio o dilación— generar confusiones en la opinión pública nacional, o bien engendrar falsas expectativas al Gobierno y pueblo bolivianos, que el transcurso del tiempo se encargaría de frustrar.

Santiago, 9 de junio de 1987."

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1.3. PARRAFOS PERTINENTES A BOLIVIA DEL MENSAJE PRESIDENCIAL 1987

S.E. el Presidente de la República, en el Mensaje que pronunció el 11 de septiembre de 1987, al referirse al estado de las relaciones bilaterales con Bolivia, expresó los siguientes conceptos:

> "Respecto a Bolivia, la opinión pública nacional ha sido vastamente informada acerca de los contactos que Chile mantuvo con dicho-país-en-1986-y primeros-meses-de-1987.

> Una vez más, movido por su vocación americanista, mi Gobierno intentó un acercamiento con ese país.

> Lamentablemente, los planteamientos que hizo el Gobierno de La Paz, en abril último, en contactos sostenidos por los Cancilleres de ambos países en Montevideo, no respondieron a lo deseado.

> Chile consideró que era un deber de lealtad para con un pueblo hermano, evitar que se siguieran creando expectativas con respecto a un proceso que se planteaba en condiciones que resultaban inadmisibles para el interés patrio.

> Pese a ello, como se expresó en el Comunicado que emitió la Cancillería el 9 de junio, quiero reiterar una vez más nuestro decidido anhelo de explorar vías y fórmulas que permitan —sin alterar el patrimonio territorial de Chile— materializar formas de complementación que sirvan eficazmente al desarrollo y bienestar de ambas naciones.

Concretamente, quiero destacar que Chile está dispuesto a continuar el ciclo de reuniones de la Comisión Binacional que se creó de común acuerdo en septiembre de 1986 y que alcanzó a efectuar 2 sesiones —una en La Paz y la otra en Santiago—, abriendo importantes vías a través de las cuales podría avanzarse e⁻¹a búsqueda de un efectivo acercamiento chileno-boliviano." 3. Nonetheless, and in line with its permanent will to reach a rapprochement with the lovely Republic of Bolivia, Chile understands that it may collaborate with said country in the search for solutions that, without altering the national territorial or maritime patrimony, would allow for a bilateral integration that would effectively serve the development and well-being of the respective countries.

4. The Government of Chile deems it its duty to explain these details, since it does not consider it fair –with its silence or delay– to generate confusion for the national public, or to give rise to false expectations of the Bolivian Government and people that would, in time, be frustrated.

Santiago, 9 June 1987."

Annex 297

Aide Mémoire from the Ministry of Foreign Affairs of Chile, 10 June 1987

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE MINISTERIO DE RELACIONES EXTERIORES

AIDE MEMOIRE

Entre el 21 y el 23 de abril de 1987 los Ministros de Relaciones Exteriores de Chile y Bolivia se reunieron en Montevideo, Uruguay, con el fin de conocer los planteamientos de Bolivia respecto de su aspira ción para obtener una salida al Océano Pacífico.

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Con posterioridad, el Gobierno de Chile se abocó a estudiar los planteamientos presentados por el Gobierno de Bolivia.

Después de una intensa etapa de análisis preliminar, que contempló consultas a los más diversos y representativos sectores de la vida nacional, y dentro del espíritu de seriedad y franqueza que caracteriza a la política exterior chilena, el Gobierno de Chile lamenta tener que manifestar al Gobierno de Bolivia que no resulta admisible para Chile el fondo de la proposición de Bolivia en sus dos alternativas, esto es, la concesión de territorio chileno soberano, ya sea a través de un corredor al Norte de Arica o de enclaves a lo largo de su litoral.

No obstante lo anterior, y consecuente con su voluntad permanente de acercamiento hacia la hermana República de Bolivia, Chile en tiende que puede colaborar con Bolivia en la búsqueda de fórmulas que, sin alterar el patrimonio terrestre o marítimo nacionales y respetando los intereses de ambos países, permitan materializar una integración bilateral que sirva eficazmente al desarrollo y bienestar de los respectivos pueblos. Más aun, el Gobierno de Chile reitera su disposición a continuar los trabajos de la Comisión Binacional de Acercamiento con Bolivia, en el entendido de que los mismos significan un camino adecuado y fructífero de cooperación y pro greso compartidos.

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REPUBLIC OF CHILE MINISTRY OF FOREIGN AFFAIRS

AIDE MEMOIRE

Between 21 and 23 April 1987, the Ministers of Foreign Affairs of Chile and Bolivia held a meeting in Montevideo, Uruguay, with the aim of learning Bolivia's proposal in connection with its aspiration to gain an outlet to the Pacific Ocean.

Thereafter, the Government of Chile assessed the proposal submitted by the Government of Bolivia.

After an intense preliminary analysis, which included consultations with several representative sectors of the country, and within the spirit of seriousness and honesty that characterizes Chilean foreign policy, the Government of Chile regrets to inform the Government of Bolivia that the substance of Bolivia's proposal is not acceptable for Chile in either of its alternatives, *i.e.*, the cession of sovereign Chilean territory, whether through a corridor north of Arica or through enclaves along its littoral.

Nonetheless, and in line with its permanent will to reach a rapprochement with the sister Republic of Bolivia, Chile understands that it may collaborate with Bolivia in the search for solutions that, without altering the national territorial or maritime patrimony, and respecting the interests of both countries, would allow for a bilateral integration that would effectively serve the development and well-being of the respective countries. Furthermore, the Government of Chile reiterates its willingness to continue the work of the Binational Rapprochement Committee with Bolivia, in the understanding that such work is the right and fruitful path of shared cooperation and progress. REPUBLICA DE CHILE MINISTERIO DE RELACIONES EXTERIORES

> El Gobierno de Chile ha estimado su deber efectuar di chas precisiones, porque no estima correcto generar confusión en la opinión pública nacional o engendrar falsas expectativas al Gobierno y pueblo bolivianos, que el transcurso del tiempo se encargaría de frustrar.

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Santiago, 10 de junio de 1987.-

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The Government of Chile deems it its duty to explain these details, since it does not consider it fair –with its silence or delay– to generate confusion for the national public, or to give rise to false expectations of the Bolivian Government and people that would, in time, be frustrated.

Santiago, 10 June 1987. -

Annex 298

Minutes of the Special Meeting of the Permanent Council of the Organization of American States, 17 June 1987 (extract)

(Original in Spanish, English translation)

Archives of the Library of the Organization of American States

CONSEJO PERMANENTE DE LA ORGANIZACION DE LOS ESTADOS AMERICANOS

ACTA DE LA SESION EXTRAORDINARIA CELEBRADA EL 17 DE JUNIO DE 1987

En la ciudad de Washington, a las diez y media de la mañana del miércoles 17 de junio de 1987, celebró sesión extraordinaria el Consejo Permanente de la Organización de los Estados Americanos. Presidió la sesión el Embajador Antonio de Icaza, Representante de México y Presidente del Consejo Permanente. Asistieron los siguientes miembros:

Keith Johnson, Embajador Representante de Jamaica Edmund H. Lake, Embajador Representante de Antigua y Barbuda James O'Neil Lewis, Embajador Representante de Trinidad y Tobago Roberto Leyton, Embajador Representante de Panamá Dário M. de Castro Alves, Embajador Representante del Brasil Edilberto Moreno Peña, Embajador Representante de Venezuela Gastón de Prat Gay, Embajador Representante de la Argentina Hernán Antonio Bermúdez A., Embajador Representante de Honduras Richard T. McCormack, Embajador Representante de los Estados Unidos Alfredo Platas, Embajador Representante de Los Estados Unidos Alfredo Platas, Embajador Representante de Bolivia Javier Illanes, Embajador Representante de Chile Pierre D. Sam, Embajador Representante de Haití Margaret E. McDonald, Embajadora Representante del Commonwealth de las Bahamas

Luis Gonzales Posada, Embajador Representante del Perú Carlos Tunnermann B., Embajador Representante de Nicaragua Eladio Knipping Victoria, Embajador Representante de la

República Dominicana

Guillermo Villalobos Arce, Embajador Representante de Costa Rica Miguel Antonio Vasco, Embajador Representante del Ecuador William Douglas, Embajador Representante de Barbados Leopoldo Villar Borda, Representante Interino de Colombia Henry Ogilvie, Representante Interino de Grenada José María Fernández Cáceres, Representante Suplente del Paraguay Mauricio Granillo Barrera, Embajador Representante Suplente de El Salvador

Erstein M. Edwards, Representante Suplente de St. Kitts y Nevis Sonia M. Johnny, Representante Suplente de Santa Lucía Jorge Skinner-Klée Arenales, Representante Suplente de Guatemala

También estuvieron presentes el Secretario General de la Organización, señor João Clemente Baena Soares, y el Secretario General Adjunto, señor Val T. McComie, Secretario del Consejo Permanente.

PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES MINUTES OF THE SPECIAL MEETING HELD ON 17 JUNE 1987

[...]

- 2 -

DECLARACION OFICIAL DEL MINISTERIO DE RELACIONES EXTERIORES DE BOLIVIA SOBRE LA INTERRUPCION DE LAS NEGOCIACIONES CON CHILE EN RELACION CON UNA SALIDA AL MAR

El señor PRESIDENTE: Declaro abierta la presente sesión extraordinaria del Consejo Permanente de la Organización, convocada al amparo del artículo 15 del Reglamento, a solicitud del señor Representante de Bolivia con el objeto de poner en conocimiento de este Organo una declaración oficial del Ministerio de Relaciones Exteriores de su país sobre la interrupción de las negociaciones con Chile en relación con una salida al mar.

Ruego a la Secretaría dar lectura a la nota de 12 de junio, mediante la cual se solicita la convocación de la presente sesión.

La SECRETARÍA: [Lee:]

Junio 12, 1987

Señor Presidente:

Amparado en el artículo 15 del Reglamento del Consejo Permanente, solicito a su autoridad, quiera disponer la celebración de una Reunión Extraordinaria del mencionado Consejo. El objeto de esta reunión es para poner en conocimiento de dicho cuerpo colegiado, la declaración oficial del Ministerio de Relaciones Exteriores de mi país, con referencia a las negociaciones interrumpidas por Chile en relación al forzado encierro geográfico de Bolivia.

Dicha reunión solicito que sea convocada para el día miércoles 17 del presente.

Al agradecer a usted anticipadamente su deferente disposición, me es grato reiterarle los sentimientos de mi más alta y distinguida consideración.

> (f) Armando Soriano Badani Embajador, Representante Permanente

El señor PRESIDENTE: Gracias. Me es grato conceder la palabra al señor Representante de Bolivia.

El señor REPRESENTANTE DE BOLIVIA: En la oportunidad, señor Presidente, cumplo con la misión de hacer conocer el comunicado oficial del Ministerío de Relaciones Exteriores y Culto de mi país referido a la negociación marítima con Chile.

OFFICIAL STATEMENT OF THE MINISTRY OF FOREIGN AFFAIRS OF BOLIVIA ON THE SUSPENSION OF NEGOTIATIONS WITH CHILE IN RELATION TO AN OUTLET TO THE SEA

Mr. President: I declare this special meeting of the Permanent Council of the Organization in session. It has been convened pursuant to Article 15 of the Rules of Procedure at the request of the Representative of Bolivia, in order to inform this Body of the official declaration issued by the Ministry of Foreign Affairs of his country on the suspension of negotiations with Chile in relation to an outlet to the sea.

I would like to now ask the Secretary to read the note dated 12 June requesting that this meeting be convened.

The SECRETARY: [reads:]

12 June 1987

Mr. President:

Pursuant to Article 15 of the Rules of Procedure of the Permanent Council, I would like to ask you to convene a Special Meeting of the referenced Council. The purpose of this meeting is to inform this collegial body of the official statement issued by my country's Ministry of Foreign Affairs, regarding the negotiations suspended by Chile in relation to Bolivia's forced geographic confinement.

I request that this meeting be held this coming Wednesday, 17 June.

I thank you in advance for your willingness to grant this request, and would like to reiterate the expressions of the highest and most distinguished consideration.

(Signed) Amando Soriano Badani Ambassador, Permanent Representative

[...]

The REPRESENTATIVE OF BOLIVIA: Mr. President, I would like to take this opportunity to make known the official communiqué issued by my country's Ministry of Foreign Affairs and Worship related to maritime negotiations with Chile.

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El Gobierno de Bolivia denuncia ante la opinión pública internacional, la mala fe del actual Gobierno chileno, el cual, después de haber aceptado ingresar en negociaciones sobre el problema del enclaustramiento marítimo boliviano y, asimismo, habiendo accedido efectuar una reunión formal de Cancilleres de ambos países donde Bolivia presentó una solución oficial a dicho problema, inesperadamente ha dado respuesta indicando que dicha solución no es admisible para el Estado.

Como la Comunidad Internacional conoce, las conversaciones entre los Cancilleres de Bolivia y Chile, señores Guillermo Bedregal y Jaime del Valle, con objeto de llegar a un acuerdo para superar el encierro geográfico que sufre Bolivia, se iniciaron en Nueva York, en septiembre de 1986, durante la celebración de la Cuadragésima Primera Asamblea General de las Naciones Unidas.

En esa oportunidad, ambos Ministros de Relaciones Exteriores acordaron crear una Comisión Mixta Bilateral de Acercamiento, la cual tenía como misión buscar arreglos de algunos problemas derivados del tránsito obligado que Bolivia debe efectuar por territorio chileno para realizar su comercio exterior y, asimismo, estimular toda clase de relaciones entre los dos países con el fin de preparar un ambiente amistoso entre los pueblos boliviano y chileno para poder, posteriormente, ingresar a una segunda etapa, donde se estudiarían los problemas de fondo, tales como el problema marítimo boliviano.

La Comisión Bilateral de Acercamiento cumplió su cometido y de este modo, se determinó formalizar el estudio de los problemas de fondo mediante una reunión, en territorio de un país amigo, de Ministros de Relaciones Exteriores de ambos países y en cuya ocasión Bolívia presentaría una proposición concreta de solución negociada del fundamental problema boliviano.

Gracias a la gentil aceptación del Ilustrado Gobierno del Uruguay, la mencionada reunión de Cancilleres se llevó a cabo en Montevideo, del 21 al 23 de abril pasado.

Como se había estipulado, Bolivia presentó formalmente una propuesta contenida en dos Memorandos, deseando con ello terminar para siempre con el injusto encierro geográfico que sufre Bolivia por más de cien años.

El Canciller chileno Jaime del Valle y la delegación que le acompañó a Montevideo, recibieron los documentos bolivianos, y luego de analizarlos, entregaron un documento en el cual formularon preguntas aclaratorias y de precisión en relación al contenido específico del planteamiento boliviano.

La Delegación boliviana respondió a dichas interrogantes mediante un tercer Memorando, en el que se respondía y precisaba todos los requerimientos solicitados por Chile. The Government of Bolivia, before the international public, denounces the bad faith exhibited by the current Chilean Government, which, after having agreed to enter into negotiations on Bolivia's maritime confinement problem and having further agreed to a formal meeting of the Foreign Ministers of both countries where Bolivia presented an official solution to this problem, it unexpectedly gave a response indicating that this solution was not acceptable to the State.

As the international community is aware, talks between the Foreign Ministers of Bolivia and Chile, Messrs. Guillermo Bedregal and Jaime del Valle, aimed at reaching an agreement to resolve the geographic confinement from which Bolivia suffers, were held in New York in September 1986 during the Forty-First General Assembly of the United Nations.

At that time, both Ministers of Foreign Affairs agreed to form a Mixed Bilateral Commission for Rapprochement, which had the mission of searching for solutions to certain problems stemming from Bolivia having to travel through Chilean territory in order to conduct foreign trade, as well as to encourage any type of relations between the two countries aimed at creating a friendly environment between the Bolivian and Chilean peoples in order to subsequently be able to enter into a second round, where the substantive issues, including the Bolivian maritime problem, would be studied.

The Bilateral Commission for Rapprochement fulfilled its mission, and as such it was decided that the substantive issues would be studied at a meeting of the Ministers of Foreign Affairs of both countries, in the territory of a friendly nation, at which time Bolivia would present a concrete proposal for a negotiated solution to Bolivia's fundamental problem.

Thanks to the kind offer by the illustrious Government of Uruguay, this meeting of Foreign Ministers was held in Montevideo on 21-23 April of this year.

As stipulated, Bolivia formally submitted a proposal set out in two Memoranda, thereby desiring to put an end once and for all to the unjust geographic confinement from which Bolivia had suffered for more than a hundred years.

The Chilean Foreign Minister, Jaime del Valle, and the delegation that accompanied him to Montevideo, received the Bolivian documents, and after reviewing them, submitted a document asking for clarification and precision about the specific content of the Bolivian proposal.

The Bolivian Delegation responded to these questions in a third Memorandum, in which all of the issues submitted by Chile were duly addressed and clarified.



Con ello, la Delegación chilena, presidida por el Canciller del Valle, pareció darse por satisfecha e indicó que su Gobierno estudiaría el planteamiento boliviano con seriedad y verdadera lealtad americanista.

Como corolario de esta primera negociación diplomática formal entre dos Estados, ambos Cancilleres emitieron un Comunicado de Prensa el cual fue ampliamente difundido por todos los medios de comunicación.

Al retornar a su país, el Canciller del Valle emitió reiteradas declaraciones y comentarios sobre la propuesta boliviana, calificándola de "seria, realista y práctica".

Posteriormente, el señor del Valle comunicó públicamente que su Gobierno había creado una comisión para estudiar detenidamente la cuestión y que esperaba que antes de fin de año, Chile daría una respuesta sobre el particular.

Mientras Bolivia y la comunidad internacional, particularmente los miembros de la Organización de los Estados Americanos, quienes habían reiterado en importantes resoluciones emitidas desde 1979 en adelante, que el problema marítimo boliviano no sólo incumbía a Bolivia sino que constituía un problema hemisférico, esperaban una respuesta digna de Chile, el Gobierno chileno intempestivamente emitió una declaración caracterizada por su torpeza e incoherencia, poniendo de este modo fin a una gestión diplomática iniciada bajo los mejores auspicios de la comunidad americana mundial.

El Gobierno de Bolivia desea destacar que la respuesta chilena, expresada en una forma inusual y poco digna sólo demuestra una insondable ausencia de rigor a las normas más elementales de convivencia civilizada, y descubre de esta forma, una aberrante prepotencia y patrioterismo reaccionario.

El Gobierno e Bolivia, ante esta deplorable actitud de Chile, desea no sólo denunciar semejante proceder, sino que pide a la comunidad internacional que haga conciencia de lo muy difícil que es llegar a una verdadera confraternidad entre los pueblos miembros de la Organización de los Estados Americanos mientras existan gobiernos como el de Chile, que pasan por alto el respeto y la dignidad de los demás Estados.

Las negociaciones relativas al forzado encierro geográfico de Bolivia, que se venían realizando al amparo de las exhortaciones de la Organización, han sido inopinadamente suspendidas por Chile, con unilateral decisión, que pretende insólitamente revocar formales compromisos consagrados en notas oficiales el año 1950, suscritas por el Canciller chileno Horacio Walker Larraín y el Canciller boliviano, Alberto Ostria Gutiérrez, que acuerdan textualmente: "Buscar la fórmula que pueda hacer posible dar a Bolivia una The Chilean Delegation headed by Foreign Minister del Valle appeared to be satisfied with this, and said that its Government would seriously study the Bolivian proposal in a spirit of true American allegiance.

As a corollary to this first round of formal diplomatic negotiations between the two States, both Foreign Ministers issued a press release, which was widely disseminated in all types of means of communication.

After returning to his country, Foreign Minister del Valle made repeated statements and comments about the Bolivian proposal, calling it "serious, realistic, and practical."

Later, Mr. del Valle publicly stated that his Government had created a commission to carefully study the matter and that Chile would issue a response before the end of the year.

While Bolivia and the international community—particularly the members of the Organization of American States, who had reiterated in important resolutions issued starting in 1979 that Bolivia's maritime issue affected not only Bolivia but also constituted a Hemispheric problem—were waiting for a worthy response from Chile, the Chilean Government unexpectedly issued a declaration characterized by clumsiness and incoherence, putting an end to the diplomatic actions that had been initiated under the auspices of the international community of the Americas.

The Government of Bolivia would like to point out that the Chilean response, expressed in an unusual and hardly dignified manner, demonstrated only an unfathomable lack of adherence to the most fundamental rules of civilized coexistence, thus revealing abhorrent arrogance and reactionary patriotism.

Given this deplorable attitude by Chile, the Government of Bolivia would like to not only denounce such conduct but also ask the international community to recognize how difficult it is to achieve true brotherhood between the member nations of the Organization of American States when there are governments such as Chile's that disrespect and disregard the dignity of other States.

The negotiations related to the forced geographic confinement of Bolivia—which had been taking place pursuant to the urging of the Organization were unexpectedly and unilaterally suspended by Chile, in an attempt to randomly revoke the formal commitments made in official notes in the year 1950. These notes were signed by the Chilean Foreign Minister, Horacio Walker Larraín, and the Bolivian Foreign Minister, Alberto Ostria Gutiérrez, who textually agreed: "To seek a solution that would make it possible to give Bolivia - 5 -

salida propia y soberana al océano Pacífico, y a Chile obtener las compensaciones que no tengan carácter territorial y que consulten efectivamente sus intereses." 8. . . Este acuerdo, que compromete la fe del Estado chileno en su relación bilateral, así como en el campo de la comunidad internacional, ha sido desconocido con abrupta determinación que menosprecia esenciales principios del derecho internacional. La paz, no solamente es la ausencia de la guerra o de los conflictos armados, sino, también, la tranquilidad pública en la relación de los Estados, para garantizar la armonía regional, propicia a la convivencia y al de-sarrollo. Velar por la paz, es conducir la acción solidaria hacia la proscripción de las tensiones que generalmente predisponen al uso de la fuerza. La comunidad hemisférica, tiene la solidaria misión de promover la paz, como fundamental precepto de la Carta de la Organización de los Estados Americanos. Está consagrado que el derecho internacional es norma de conducta de los Estados y que la buena fe debe regir las relaciones entre ellos. El anhelo multinacional hacia la solución de este problema, se funda en in. consciente convicción pacifista y está inspirado en los genuinos sentimientos de la solidaridad continental. Mi país, espera de la Organización de los Estados Americanos, la acción solidaria que contribuya al logro del orden, de paz y de justicia, que preconiza nuestra Carta, exaltando uno de sus mayúsculos principios. Los conceptos precedentes fluyen de la estructura normativa de los instrumentos constitutivos que justifican la existencia de nuestra Organización y que definen el rumbo de su desarrollo para la obtención de sus eminentes objetivos. La ingrata frustración circunstancial, no pondrá sello definitivo al legítimo afán boliviano de retorno al mar, que está vivo y enraizado en el alma colectiva de su pueblo. En la voluntad decisoria de nuestra Organización, descansa la promesa venturosa del destino de los pueblos de América. En esta hora, señor Presidente, de amarga frustración, nuestra voluntad, aún con más fervor, ratificará oportunamente ante al Comisión Preparatoria, la consignación en la agenda de la próxima Asamblea General, de este tema que inquieta a la comunidad internacional. Gracias, señor Presidente. El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante del Uruguay.

its own sovereign outlet to the Pacific Ocean and allow Chile to receive compensations that are not territorial in nature and effectively take its interests into account."

This agreement, which engages the faith of the Chilean State in its bilateral relations as well as in terms of the international community, has been ignored with the abrupt decision in contempt of the essential principles of international law.

Peace is not only the absence of war or armed conflict, but also public tranquility in the relations of States, in order to guarantee regional harmony that is conducive to coexistence and development. Ensuring peace means taking unified action to prevent the tensions that generally predispose the use of force. The hemispheric community has the unified mission of promoting peace, which is a fundamental principle of the Charter of the Organization of American States.

It provides that international law is the rule of conduct for States and that good faith must govern the relations between them.

The multinational longing to resolve this problem is based on conscious pacifist convictions and is inspired by genuine feelings of continental solidarity.

My country expects the Organization of American States to take a unified action that will help achieve order, peace, and justice, as advocated in our Charter, honoring one of its most important principles.

The preceding concepts derive from the regulatory structure of the founding instruments that justify the existence of our Organization and define the direction of its development in order to achieve its lofty objectives.

This unfortunate temporary setback will not quash Bolivia's legitimate desire to return to the sea, which is very much alive and well and rooted in the collective soul of its people.

The successful promise of the destiny of the nations of the Americas lies in the decision-making will of our Organization.

Mr. President, at this time of bitter frustration, our desire, which has become even more fervent, is to duly confirm with the Preparatory Committee the inclusion of this issue that is of such concern to the international community in the agenda of the next General Assembly. Thank you, Mr. President. El señor REPRESENTANTE DEL URUGUAY: Gracias, señor Presidente. Señor Presidente, nuestra Delegación ha escuchado con especial atención la exposición del distinguido Representante de Bolivia, Embajador Soriano; informándonos sobre la situación de las negociaciones con Chile. Todos nosotros sentimos especial satisfacción cuando se aprobara en la Asamblea de Guatemala la resolución que daba cuenta del proceso de acercamiento y la disposición al diálogo de ambas naciones. Y allí también conocimos que ese diálogo no involucraría solamente el problema marítimo, sino que profundizaría, en el marco de instrumentos vigentes, para estimular las relaciones económicas, comerciales y culturales de interés recíproco y promover una adecuada integración para beneficio de ambos pueblos.

- 6 -

La interrupción de cualquier diálogo entre países de nuestra región es siempre para nosotros motivo de preocupación, pues significa un paso atrás en la afirmación definitiva de la paz continental.

En momentos difíciles para nuestro Hemisferio, abogaremos siempre por la necesidad de concretar en hechos, la unidad de esta América nuestra que surge como un imperativo insoslayable, y que sólo lograremos hacer realidad, superando las diferencias entre nuestros países, a través del procedimiento de la negociación y la conciliación.

Uruguay desea ver en nuestra región, implantando de una vez y para siempre, un orden de paz y justicia.

Por eso, señor Presidente, lamentamos la interrupción de este diálogo entre Bolivia y Chile ya que, precisamente, mi país, reafirmando su vocación conciliadora, como lo hizo ya anteriormente, fue sede de las conversaciones que llevaron a cabo los Cancilleres en torno al problema de la salida soberana de Bolivia al oceáno Pacífico.

Y lamentamos que una justa causa, como esta, no haya podido resolverse en la forma esperada por todos.

Uruguay expresó, desde siempre y reitera su auténtica solidaridad con la causa boliviana.

Seguimos pensando y creyendo, de que la mejor contribución que podemos seguir haciendo para una efectiva solución de las justas aspiraciones de Bolivia, es continuar facilitando y creando las condiciones adecuadas, instando para que se restablezca el diálogo, del cual, estamos seguros, habrá de surgir la verdadera solución.

Mi país quiere poner énfasis en la importancia de que las Partes interesadas se vuelvan a sentar a la mesa de negociaciones y con espíritu de equidad, busquen soluciones que logren resolver cabalmente y a satisfacción el problema que aqueja a Bolivia.

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Finalmente, señor Presidente, abrigamos la esperanza de que cuando este tema sea tratado en la próxima Asamblea General, lo hagamos para conocer que Bolivia y Chile han superado esta interrupción, procurando el entendimiento amistoso que permita eliminar el encierro geográfico de Bolivia, como causa principal de sus problemas socio-económicos y se constituya, además, en factor de desarrolo e integración de la región. Muchas gracias, señor Presidente.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de la Argentina.

El señor REPRESENTANTE DE LA ARGENTINA: Muchas gracias, señor Presidente. Nos reunimos hoy atendiendo a la solicitud formulada por el Representante de Bolivia, mediante carta del 12 de junio pasado, referida a la interrupción de las negociaciones con Chile sobre el forzado encierro geográfico de Bolivia.

Escuchamos con especial atención las palabras profundas y sentidas pronunciadas por el Embajador Armando Soriano Badani.

Asimismo, en su momento lefmos con sumo interés la nota que recibiéramos de la Misión Permanente de Chile, el día 12, relacionada con la misma cuestión.

En primer lugar creo necesario reafirmar la invariable posición argentina de apoyo a la legítima y justa reclamación de la hermana República de Bolivia a recuperar una salida directa al mar.

Esa firme convicción es coherente con la resolución 426, aprobada por la Asamblea General de la OEA el 31 de octubre de 1979, donde se declaraba de "interés hemisférico permanente encontrar una solución equitativa por la cual Bolivia obtenga acceso soberano y útil al oceáno Pacífico."

Estimamos, asimismo, que todos debemos contribuir en la búsqueda de un arreglo pacífico y definitivo de tan dolorosa, particular y compleja cuestión.

Al considerarse el tema: "Informe sobre el problema marftimo de Bolivia" en el decimosexto perfodo ordinario de sesiones de la Asamblea Gemeral, realizado con tanto éxito en Guatemala, dijimos que la resolución entonces aprobada nos llenaba de esperanzas. Efectivamente, el primer punto resolutivo de dicho documento expresa:

 Tomar nota, con satisfacción, del informe del Gobierno de Bolivia, así como de la respuesta del Gobierno de Chile, los mismos que han iniciado un proceso de acercamiento con miras a crear un ambiente propicio para el diálogo y entendimiento entre ambas naciones, destinado a la solución de los asuntos de fondo que son de su interés. - 8 -

Para la Delegación argentina ese texto tenía --y aún lo tiene hoy-- un significado que trasciende su sentido literal, o sus alcances puramente jurídicos. Se marcaba allí con aliento el comienzo de acercamiento imprescindible entre dos pueblos fraternos del Continente.

Es entonces evidente que, frente a los acontecimientos descritos al comienzo, no podemos ahora sino exhortar a la restauración de las negociaciones para encontrar una solución equilibrada y aceptable para ambas Partes.

No olvidemos que el ideal de integración está más cerca que nunca y que para que el mismo se concrete, importa principalmente poner fin a situaciones conflictivas existentes que, en caso de agravarse, plantearían fuentes potenciales de tensión en el Hemisferio.

Señor Presidente, no deseamos que la esperanza que surgió con el texto de la resolución 816 de la Asamblea se frustre. No deseamos que el espíritu evidenciado entonces quede como un recuerdo en la historia de nuestra Organización. Deseamos, por el contrario, la pronta superación del episodio que hoy nos convoca. Deseamos que las Partes, serenamente, reanuden el camino que tan auspiciosamente iniciaran cuando adoptamos la resolución de Guatemala.

Creemos que el diálogo y la negociación son el único medio civilizado para solucionar correctamente este largo conflicto. Ese pensamiento se refleja en la resolución titulada "Algunas pautas prioritarias para 1986", que fuera adoptada por unanimidad durante la decimaquinta Asamblea General que tuvo lugar en Cartagena de Indias.

Con ese ánimo --y con el mejor intencionado empecinamiento-- formulamos votos, parafraseando la citada resolución 816 de Guatemala, por el acercamiento que se había iniciado y por sus nobles objetivos.

Destacamos entre ellos aquel que se plasmó con claridad en el punto 2 resolutivo de la resolución 766, aprobada el 9 de diciembre de 1985:

2. Reiterar su exhortación a los Gobiernos de Bolivia y Chile para que dentro de un espíritu constructivo y americanista reanuden el diálogo con el fin de encontrar una solución satisfactoria que dé a Bolivia una conexión y acceso territorial soberano y útil al oceáno Pacífico, sobre bases que consulten los derechos e intereses de todas las Partes.

Una vez más expresamos nuestras esperanzas. Compartimos plenamente el pensamiento del Uruguay, país que brindara noble sede a las conversaciones realizadas. Con esas esperanzas respaldamos el tratamiento del tema referente al problema marítimo de Bolivia en la decimoséptima Asamblea General, tal como se anunció que será consignado por el Gobierno democrático boliviano. Gracias, señor Presidente. - 9 -

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Venezuela.

El señor REPRESENTANTE DE VENEZUELA: Muchas gracias, señor Presidente. El tema que ha motivado esta sesión extraordinaria del Consejo Permanente es un viejo tema en este escenario cuya consideración y análisis no es susceptible, sin embargo, de adjetivaciones. Viejo o nuevo, remoto o reciente, él ha estado ahí demandando solidaria actitud de las patrias americanas, por encima de acontecimientos que parecieran alejar deseables soluciones a un problema que nos atañe a todos y que va más allá de un eventual pronunciamiento político de circunstancia.

El Embajador Armando Soriano Badani en su muy personal estilo nos acaba de informar con admirable síntesis sobre las negociaciones interrumpidas, unilateralmente por una de las Partes, justamente cuando la opinión pública mundial alimentaba de optimismo las expectativas en torno al diálogo bilateral que venían sosteniendo Bolivia y Chile sobre la ambicionada salida al mar por parte de Bolivia y las formas en que ambos países discutían, en pie de igualdad, por supuesto, para hacer posible el entendimiento respecto al tema.

Ese entendimiento no se ha logrado esta vez. Pero habrá de lograrse, más temprano que tarde, porque sólo una decisión equilibrada, producto del mismo, es lo que surge como imperativo categórico en esta hora de América, tan necesitada de diálogo fecundo y tan urgida de apretar lazos de solidaridad entre nuestras patrias.

Bien está que vuelva el tema a nuestra consideración. El Consejo Permanente está para conocer de estas situaciones y a nadie se le ocurriría pensar que tiene que decidir sobre las mismas. Este último es un paso que corresponde dar a las dos partes que vienen tratando bilateralmente un asunto que nos incumbe a todos, es cierto, pero cuya decisión, como es natural, corresponde a ellas de manera inequívoca.

Ya la cuestión ha sido tratada en el ámbito regional desde hace algún tiempo. En 1979 el noveno período ordinario de sesiones de la Asamblea General de la OEA la consideró por primera vez y fue Venezuela quien presentó ante aquella instancia un proyecto de resolución que recogió entonces la solidaridad de los países del Hemisferio con la causa de Bolivia. A partir de esa fecha el tema se ha venido discutiendo casi de manera inalterable en la Asamblea General, y en ocasiones se han venido librando verdaderas batallas verbales en torno a un círculo vicioso que gira sobre dos ejes constantes: la justa aspiración de Bolivia a salir de su forzado encierro geográfico y la invariable posición de Chile de no discutir un asunto de su jurisdicción interna en el ámbito de la OEA.

Pero el tema está ahí, lacerante y amargo, impetrando un proceso de acercamiento fraterno, de franca amistad, para superar dificultades nada

The REPRESENTATIVE OF VENEZUELA: Thank you, Mr. President. The topic that prompted this special session of the Permanent Council is an old one in this setting, the consideration and analysis of which cannot, however, be characterized. Old or new, distant or recent, it has been there, demanding a unified stance on the part of the American countries, rising above events that seem to alienate desirable solutions to a problem that concerns all of us and goes beyond a mere political statement.

Ambassador Armando Soriano Badani, in his very personal style, just gave us an admirable summary of the negotiations that were unilaterally suspended by one of the Parties, just when international public opinion was generating optimistic expectations about the bilateral dialogue that had been taking place between Bolivia and Chile on Bolivia's keen desire to have an outlet to the sea, and the ways in which both parties were discussing the issue on equal footing, of course, in an effort, to make it possible to reach an understanding on the issue.

Such an understanding was not achieved this time. But it will be achieved sooner rather than later, because a fair solution based on such an understanding is a categorical imperative at this time in America, which is in such need of a fruitful dialogue and is so urgently required in order to secure the ties of solidarity between our two countries.

It is good that this issue has come before us again. The Permanent Council is about to hear about this situation, but no one would expect the Council to make a decision on it. This is a step that can only be taken by the two parties that have been bilaterally dealing with an issue that certainly concerns all of us, but whose resolution naturally is unequivocally up to those parties.

This issue has already been discussed at the regional level for some time. In 1979, the ninth regular session of the OAS General Assembly heard the issue for the first time, where Venezuela submitted a draft resolution, which at the time showed that the Hemispheric countries supported Bolivia's cause. Since that date, the issue has been discussed almost unabatedly in the General Assembly, at times unleashing veritable verbal battles in a vicious cycle that revolves around two opposing axes: Bolivia's just aspiration to leave its forced geographic confinement and Chile's unwavering position of not discussing a matter under its national jurisdiction within the OAS.

But this issue is still there, cutting and bitter, calling for a process of brotherly rapprochement in a spirit of friendship, in order to overcome problems that

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sencillas y llegar al ansiado entendimiento a base de recíprocas conveniencias. Ese entendimiento, no cabe duda, 'será el único capaz de romper el círculo vicioso. Y a estimular las vías que a el conduzcan tienen que dirigirse nuestros esfuerzos sostenidos aun por imperativos muy claros de nuestra Carta constitutiva. Así lo entiende mi Delegación y lo ha venido sosteniendo sistemáticamente a partir de 1979, cuando recogió, en el proyecto de resolución que fuera aprobado en la Asamblea General, la idea de que la mediterraneidad de Bolivia y su ansiada salida al mar son de interés hemisférico, llegando hasta sugerir la conveniencia de que las partes pudieran considerar, entre otros elementos, "la inclusión de una zona portuaria de desarrollo multinacional integrado", sin incluir compensaciones territoriales.

En 1980 el problema marítimo de Bolivia fue objeto de una nueva resolución de la Asamblea General, aprobada en la sexta sesión plenaria, por la cual se exhortaba a las partes a llegar a la solución más satisfactoria a través del diálogo (AG/RES. 481).

En 1981 (AG/RES. 560) se reiteró el apoyo a las resoluciones anteriores y se hizo una nueva exhortación a las Partes.

En 1982 (AG/RES. 602) se hizo enfasis en la necesidad de conseguir, "con espíritu de fraternidad e integración americana" una solución al tema planteado.

En 1983 (AG/RES. 686) se destacó "el espíritu constructivo" que anima a ambos países y se exhortaba nuevamente a Bolivia y a Chile a iniciar un proceso de acercamiento sobre bases "que consulten las recíprocas conveniencias y los derechos e intereses de las partes involucradas."

En 1984 (AG/RES. 701) se recogió con satisfacción el hecho de que Bolivia y Chile aceptasen la invitación formulada por el Gobierno de Colombia de reunirse en Bogotá para iniciar conversaciones y superar las díficultades para el buen éxito de las negociaciones encaminadas a resolver el problema marítimo de Bolivia.

En 1985 (AG/RES. 766) se consideró auspiciosa la invitación formulada por Colombia para dar comienzo a las conversaciones preparatorías y se reiteraba la exhortación a los Gobiernos de Bolivia y Chile para reanudar el diálogo y encontrar satisfactoria solución que de a Bolivia "una conexión y acceso territorial soberano y útil al océano Pacífico."

En 1986 (AG/RES. 816) la Asamblea General tomó nota con satisfacción de la decisión de ambos gobiernos de abordar la solución de los asuntos de fondo que son de su interés, al propio tiempo que formuló votos "por el éxito de dicho proceso de acercamiento y sus nobles objetivos."

Ahora, en 1987, nos encontramos con una nueva dificultad. Ha ocurrido una incidencia. Se han roto las conversaciones, pero eso no significa que el tema está agotado. Tenemos que ver en el estado actual una simple are not simple and to reach the long-desired understanding based on reciprocal interests. There is no question that such an understanding will be the only way to break the vicious cycle. And our efforts must be directed toward encouraging the use of channels that would lead to just that, further supported by the very clear imperatives set out in our Charter. This is how my Delegation understands it, and it has consistently advocated it since 1979 when it expressed the idea in the draft resolution that was approved in the General Assembly, that Bolivia's landlocked status and its long-desired outlet to the sea are issues of interest to the entire hemisphere, even suggesting that the parties might consider, among other things, "the inclusion of a port area for integrated multinational development," without any territorial compensation.

In 1980, Bolivia's maritime problem was the subject of a new resolution of the General Assembly approved in the sixth plenary meeting, which urged the parties to reach the most satisfactory solution possible through dialogue (GA/RES. 481).

In 1981 (GA/RES.560), support for the aforementioned resolutions was reiterated, and the Parties were again encouraged to find a solution.

In 1982 (GA/RES. 602), it was stressed that a solution to the issue at hand must be found, "in a spirit of brotherhood and American integration."

In 1983 (GA/RES. 686), "the constructive spirit" that inspires both countries was highlighted, and Bolivia and Chile were again urged to begin a process of rapprochement on grounds "that take into account the reciprocal concerns and rights and interests of the parties involved."

In 1984 (GA/RES. 701), satisfaction was expressed with the fact that Bolivia and Chile had accepted the invitation extended by the Government of Colombia to meet in Bogotá to enter into talks and overcome problems to ensure the success of the negotiations aimed at resolving Bolivia's maritime problem.

In 1985 (GA/RES. 766), the invitation extended by Colombia to enter into preparatory talks was deemed auspicious, and the Governments of Bolivia and Chile were again urged to resume the dialogue and find a satisfactory solution that would give Bolivia "a connection and sovereign and useful territorial access to the Pacific Ocean."

In 1986 (GA/RES. 816), the General Assembly took note with satisfaction of the decision made by the two governments to find a solution to the substantive issues of interest to them, and at the same time expressed its desire "for the success of this process of rapprochement and its noble objectives."

Then, in 1987, we found ourselves with a new problem. An incident had occurred. The talks were broken off, but this did not mean that the issue had been exhausted. We must view the current state of affairs as a mere

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interrupción dilatoria que no ha resuelto el problema de fondo, cuya solu ción debemos ver con optimismo para no decir que hemos arribado a una fas interlocutoria del proceso, porque ni siguiera podemos hacer símiles proce sales de naturaleza adjetiva en un asunto que tan insistentemente ha venid considerándose como de sumo interés hemisférico, como cuestión de fondo.

El problema sigue ahí, como un reto, para concitar el interés de todo nosotros. Mi país sostuvo alguna vez entre sus argumentos iniciales la lla mada tesis Sucre, según la cual "la victoria no da derechos territoriales" Esta tesis encaja en nuestra tradición jurídica con el principio constitu cional del <u>uti possidetis juris</u> que ha sido doctrina genética de nuestra na cionalidad venezolana. Por ello resultó grato a nuestra Delegación, ante e noveno período ordinario de sesiones, aprobar lo que se llamó "Declaració de la Paz", contenida en el texto de una resolución, cuyo punto l2 resolu tivo dice:

12. Destaca la necesidad de que los Estados Miembros comprometan sus máximos esfuerzos a fin de aliviar y superar las graves dificultades que enfrentan algunos países de la región a causa de sus características geográficas o de la carencia de recursos básicos para alcanzar su pleno desarrollo económico y social.

Hoy ni siquiera hay espacio para esgrimir tesis alrededor del respaldo que Venezuela viene dando a Bolivia desde hace más de un siglo. Con esa autoridad venimos ahora a fijar nuestra posición en este debate: entendemos y así lo hemos interpretado, que el Embajador Soriano, ilustre Representante de Bolivia, no ha venido a este Consejo, por él convocado, para informarnos sobre el problema, ya de suyo suficientemente conocido por nosotros, sino para hacernos saber la ruptura de las conversaciones. Y nuestros votos más sinceros al respaldar una vez más a Bolivia, es que estas conversaciones se reanuden para llegar a la meta final de un entendimiento de recíproca conveniencia entre las Partes y de excepcional interés hemisférico, como es el logro de la salida al mar para Bolivia. Muchas gracias, señor Presidente.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Nicaragua.

El señor REPRESENTANTE DE NICARAGUA: Muchas gracias, señor Presidente. Desde la Novena Asamblea General de la Organización de los Estados Americanos, Nicaragua siempre ha concurrido con su voto a la aprobación de la resolución por la cual nuestro máximo órgano expresa sus votos por la pronta y justa solución, por la vía del acercamiento, el diálogo y la negociación, del problema de la mediterraneidad de Bolivia, problema que preocupa e interesa a todo nuestro Continente.

El Gobierno de Nicaragua, como seguramente otros Gobiernos latinoamericanos, experimentó un razonable optimismo ante recientes versiones periodísticas que daban cuenta de un proceso de acercamiento y de una discusión sustantiva entre los Gobiernos de Bolivia y Chile en relación con el encierro geográfico de la nación boliviana. delay tactic that has not resolved the substantive issue, a solution about which we must remain optimistic in order to avoid feeling that we are mired in provisional proceedings, since we cannot even draw procedural parallels in a matter that has long been a substantive issue of great interest in this hemisphere.

The problem is still there, as a challenge to get all of us involved. Among our initial arguments, my country once supported the so-called "Sucre proposal," according to which "victory does not confer territorial rights." This proposal is consistent in our legal tradition with the constitutional principle of <u>uti possidetis</u> juris, which was a founding doctrine of our Venezuelan nationality. For this reason, in the ninth regular session, our delegation was pleased to approve what was called the "Declaration of Peace" that was included in a resolution, which in operative paragraph 12 reads as follows:

12. Stress is laid on the need for the Member States to promise their best efforts to alleviate and overcome the serious problems faced by certain countries in the region caused by their geographic features or the lack of basic resources required to achieve their full economic and social development.

This is not the time or place to speak about the support that Venezuela has been giving Bolivia for more than a century. With this authority we would like to establish our position in this debate: we believe, and this is how we have interpreted it, that Ambassador Soriano, the illustrious Representative of Bolivia, has not come to this Council meeting that he convened in order to tell us about the problem, which we are already sufficiently familiar with, but rather to inform us of the rupture of talks. And it is our most sincere vow, in supporting Bolivia once again, that these talks will be resumed so that the Parties can achieve the ultimate goal of a reciprocal understanding on an issue that is in the interest of both countries and is of exceptional Hemispheric interest, as is Bolivia's desire to gain an outlet to the sea. Thank you very much, Mr. President.

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Los contactos que se realizaron, a muy alto nivel, entre representantes de ambos gobiernos, originaron una ola de entusiasmo que condujo, a muchos de nosotros, a pensar que se estaban dando pasos importantes hacia la solución definitiva del problema, inspirados en un profundo espíritu fraterno y latinoamericanista.

Hoy, el entusiasmo y el optimismo han cedido paso a la frustración y la desesperanza, porque la respuesta no ha estado a la altura de las expectativas que los pueblos de América se habían creado.

Nicaragua exhorta a las Partes involucradas a que persistan, con buena voluntad y determinación, en su esfuerzo por encontrar una fórmula que satisfaga la justa y legítima aspiración del pueblo boliviano de contar con una salida útil al océano Pacífico, conforme las resoluciones que ha aprobado la Asamblea General de nuestra Organización en sus últimos ocho períodos ordinarios de sesiones. Muchas gracias, señor Presidente.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Colombia.

El señor REPRESENTANTE INTERINO DE COLOMBIA: Muchas gracias, señor Presidente. Ante todo quiero felicitar al Embajador de Bolivia por la altura y la sobriedad de la exposición que ha hecho en esta sesión extraordinaria del Consejo Permanente.

La Delegación de Colombia hace votos por que la disposición al diálogo y al acercamiento prevalezca sobre las dificultades que han surgido en el camino hacia una solución de este delicado asunto.

Desde hace varios años, señor Presidente, Colombia ha buscado contribuir al acercamiento entre Bolivia y Chile, con el mejor espíritu americanista, y ha prestado su colaboración para que éste se realice, con el fin de que se puedan normalizar las relaciones entre estos dos países hermanos, se superen sus diferencias y se encuentre una fórmula que haga posible la salida de Bolivia al océano Pacífico.

Fue con ese espíritu que nuestra Delegación presentó a consideración de la Asamblea General, en 1983, un proyecto de resolución que fue acogido por unanimidad y que exhortó a los dos países, en aras de la fraternidad americana, a iniciar un proceso de diálogo encaminado a resolver sus diferencias.

A mi país le correspondió también el honor de auspiciar el comienzo de las conversaciones que posteriormente se iniciaron entre Bolivia y Chile, en respuesta a la exhortación de la Asamblea General de la OEA. Y en el curso de estos últimos años, hemos seguido con la mayor atención estas conversaciones, cuyo buen suceso conviene no sólo a las Partes involucradas, sino a todo el sistema interamericano. Por estas razones, Colombia deplora que el proceso de acercamiento que se había iniciado entre Bolivia y Chile esté hoy enfrentado a un virtual estancamiento. The INTERIM REPRESENTATIVE OF COLOMBIA: Thank you very much, Mr. President. First of all, I would like to congratulate the Ambassador of Bolivia on his elevated, somber speech in this special meeting of the Permanent Council.

The Delegation of Colombia hopes that the willingness to hold talks and to reach an accord will prevail over the difficulties that have arisen on the road to finding a solution to this delicate matter.

Mr. President, for some years now, Colombia, true to the spirit of the Americas, has sought to help bring Bolivia and Chile together, and has cooperated to this end, so that relations could be normalized between these two sister nations, that they overcome their differences, and that a solution can be found that gives Bolivia an outlet to the Pacific Ocean.

It was in this spirit that in 1983 our Delegation presented to the General Assembly a draft resolution that was unanimously accepted, and which urged the two countries, in the interests of American brotherhood, to begin a process of dialogue aimed at resolving their differences.

My country had the honor of sponsoring the commencement of the talks that later took place between Bolivia and Chile, in response to urgings by the OAS General Assembly. And over these last few years, we have attentively followed the progress of these talks, the success of which benefits not only the Parties involved, but the entire Inter-American system. For these reasons, Colombia regrets that the process of rapprochement undertaken by Bolivia and Chile has essentially stagnated. Mi Delegación también desea expresar nuevamente su solidaridad con la aspiración boliviana de obtener un acceso soberano y útil al océano Pacífico, mediante una solución equitativa. Esta es una aspiración que ha despertado la solidaridad y la simpatía internacionales, y su solución, como lo expresó la Asamblea General de nuestra Organización desde 1979, interesa a todo el Hemisferio.

Colombia desea vivamente que el proceso de acercamiento entre Bolivia y Chile, ahora interrumpido, se reanude con la mayor prontitud en busca de una solución justa y equitativa para las Partes involucradas.

No perdemos la fe en que la comprensión, el diálogo y la buena voluntad permitan retomar el camino constructivo del acercamiento, en lugar de reavivar querellas.

Mi Gobierno también considera que este tema, ahora más que nunca, es de interés hemisférico permanente, como lo ha declarado en varias oportunidades la Asamblea General de la Organización. Por tal motivo, quiero anticipar desde ahora que mi Gobierno ve con el mayor interés su inclusión en el temario del próximo período de sesiones de la Asamblea General.

Sólo me resta manifestar que conservamos la esperanza de una evolución positiva, que permita consolidar un clima de paz y armonía, y que facilite la solución de este asunto, para bien de los dos países y de todo nuestro Hemisferio, dentro de los procedimientos que establece el derecho internacional. Muchas gracias.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de la República Dominicana.

El señor REPRESENTANTE DE LA REPUBLICA DOMINICANA: Muchas gracias, señor Presidente. Señor Presidente, nos reúne nuevamente un tema que desde hace ya largo tiempo, preocupa a la OEA. Escuchamos con suma atención la intervención del Embajador de Bolivia, quien ha expresado la posición de su país ante la interrupción de las negociaciones que se estaban llevando a cabo para encontrar solución equitativa a un problema que concentra el interés de todo el Continente.

Antes de referirme al fondo del asunto, quisiera recordar aquí que la Asamblea General, el órgano supremo de la Organización, fijó, en 1979, su posición sobre la materia. En aquel entonces, la Asamblea General declaró: "Que es de interés hemisférico permanente, encontrar una solución equitativa por la cual Bolivia obtenga acceso soberano y útil al océano Pacífico".

Después de fijar esta posición, la Asamblea General, como órgano supremo de la Organización, que tiene una individualidad y una personalidad jurídica independiente de la de sus Estados Miembros, señala el procedimiento que se debería llevar a cabo para alcanzar el objetivo deseado, y My Delegation also wishes to again express its solidarity for Bolivia's aspiration to obtain useful sovereign access to the Pacific Ocean by means of an equitable solution. This is an aspiration that has garnered international support and sympathy, and as the General Assembly of our Organization has been saying since 1979, its solution is of interest to the entire Hemisphere.

Colombia fervently wishes that the currently suspended process of rapprochement between Bolivia and Chile will be resumed as soon as possible in order to seek a fair and equitable solution for the Parties involved.

We have not lost the faith that understanding, willingness, and dialogue will make it possible to walk the constructive road to rapprochement, instead of reviving old quarrels.

My Government also feels, now more than ever, that this matter is of continuing hemispheric interest, as has been stated on several occasions by the General Assembly of this Organization. I would therefore like to note that from now on my Government will be very interested in seeing that this matter is included on the agenda of the next session of the General Assembly.

It only remains for me to say that we continue to hope for a positive outcome that creates a climate of peace and harmony and facilitates a solution to this matter for the good of the two countries and our entire hemisphere, in accordance with the procedures established by international law. Thank you very much.

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dice que es necesario conseguir tal objetivo mediante un "espíritu de fraternidad e integración americana", y recomienda a los Estados involucrados a que inicien negociaciones encaminadas à dar a Bolivia una conexión territorial libre y soberana al océano Pacífico.

Luego de esta exposición oficial de la Organización, adoptada en la Asamblea de La Paz en 1979, la OEA ha reiterado y reafirmado constantemente su criterio, exhortanto, en subsiguientes resoluciones de la Asamblea General, a los Estados directamente conectados a este problema a que entren en negociaciones.

En otra oportunidad la Asamblea se congratula de que existe un proceso de acercamiento. Ahora nos encontramos en una situación no deseada, en una situación que nos llena de inquietud y de preocupación, porque afecta la buena convivencia y las relaciones entre dos Estados con los cuales todos mantenemos estrechas y excelentes relaciones.

Para la República Dominicana, que ha hecho de la solución pacífica de los conflictos, una norma fundamental de su política exterior, preocupa sobremanera esta situación y en tal virtud formulamos un apremiante llamamiento a las Partes directamente involucradas en este problema a que reanuden las negociaciones para encontrar una solución global, justa, digna y equitativa a este problema del enclaustramiento de Bolivia al océano Pacífico. Creo que la reanudación de estas conversaciones sería la mejor manera de encontrar esta solución y ofrecería también la imagen y el espectáculo no solamente a nuestro Continente --que está pendiente de este problema--, sino al mundo, de que en América se pueden resolver las cosas de una manera civilizada, a través del diálogo y la negociación.

Hemos escuchado al señor Representante de Bolivia anunciar que en su oportunidad pedirá a la Comisión Preparatoria la inclusión del tema en la próxima Asamblea General; puede contar el señor Representante de Bolivia con la seguridad de que la Delegación dominicana apoyará esta solicitud. Gracias, señor Presidente.

El señor PRESIDENTE: Muchas gracías, señor Representante. Tiene la palabra el señor Representante del Ecuador.

El señor REPRESENTANTE DEL ECUADOR: Gracias, señor Presidente. La Delegación del Ecuador ha escuchado con viva atención las informaciones del distinguido Embajador de Bolivia concernientes al tema que ha motivado esta reunión extraordinaria del Consejo Permanente de la OEA, y en ejercicio de la invariable conducta política ecuatoriana en esta materia, reitera su fraterna exhortación a Bolivia y a Chile, a fin de que restablezcan los contactos necesarios conducentes a la creación de un ambiente favorable a los asuntos de fondo, que son de interés para las Partes y que suscitan una amistosa preocupación en la comunidad interamericana. El Ecuador, desde esta perspectiva, renueva su inalterable posición jurídica de respaldo a la solución pacífica de todas las controversias pendientes en el continente americano. Gracias, señor Presidente. - 15 -

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante del Brasil.

El señor REPRESENTANTE DEL BRASIL: Senhor Presidente, reunimo-nos hoje para examinar questão que, por afetar as relações entre dois países irmãos do Continente, se reveste de reconhecida importância e se situa entre as matérias que têm vindo merecer a atenção de uma organização, como a nossa, voltada primordialmente para os objetivos que garantem a paz e a segurança do Continente, assegurar a composição pacífica das controvérsias e procurar a solução aos problemas políticos, jurídicos e econômicos que surgirem entre os Estados membros.

E nosso dever, como Estados membros da OEA, vinculados pelos princípios e objetivos consagrados em sua Carta, contribuir para que as relações entre os países do Continente se desenvolvam de forma harmoniosa e cooperativa, a fim de que possa alcançar solução para os graves problemas econômicos e sociais que afetam a maioria dos nossos países.

Fiel a estes princípios e solidária com os objetivos de convivência pacífica e cooperação entre os países do Continente, a Delegação do Brasil ouviu atentamente a exposição do Representante Permanente da Bolívia, sobre o assunto, com a eloqüência e altura de estilo que todos lhe temos reconhecido.

O problema da mediterraneidade da Bolívia e as conseqüências que essa condição geográfica ocasiona têm sido objeto de regular consideração pela Assembléia Geral nos últimos oito anos. Desenvolveram-se, igualmente, negociações bilaterais entre ambos os países, ora infelizmente interrompidas e que bem gostaríamos de ver, no mais breve prazo possível, retomadas de forma promissora, justa e auspiciosa.

Senhor Presidente, em sua intervenção, o Representante Permanente da Bolívia mencionou o interesse de seu país na inclusão do tema na agenda da próxima Assembléia Geral Ordinária. Na esperança de que o exame desta controvérsia possa contribuir para uma solução justa do problema, no estrito respeito dos princípios do Direito Internacional, a Delegação do Brasil não deixará, oportunamente, de apoiar sua inclusão na agenda da próxima Assembléia Geral quando a matéria for considerada pela Comissão Preparatória. Muito obrigado, Senhor Presidente.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Honduras.

El señor REPRESENTANTE DE HONDURAS: Muchas gracias, señor Presidente. Como ya se ha mencionado aquí, en 1979 la Asamblea General de nuestra Organización aprobó la resolución 426 en la que declaró que es de interés hemisférico permanente encontrar una solución equitativa por la cual Bolivía obtenga acceso soberano y útil al océano Pacífico. - 16 -

Indudablemente que tal resolución supo expresar el sentido de solidaridad interamericana con respecto a la legítima demanda del pueblo boliviano. Honduras votó a favor de esa resolución, así como también contribuyó con su voto a la aprobación de las resoluciones que desde entonces año tras año se han sucedido en relación con el problema marítimo de Bolivia.

Asimismo, en años anteriores la Asamblea General ha recomendado a los Estados directamente involucrados en este problema que inicien negociaciones con el objeto señalado, y, en 1986, en la resolución 816, tomó nota con satisfacción del proceso de acercamiento entre las Partes concernidas con vistas a propiciar el diálogo y el entendimiento para solucionar la mediterraneidad boliviana.

En esta oportunidad, el distinguido Embajador Soriano de Bolivia ha querido convocarnos para informar sobre el desarrollo más reciente del proceso de negociaciones que con tan buenos auspicios se venía llevando a cabo entre las Partes interesadas, en Montevideo. Entendemos que Bolivia haya querido ilustrar al Consejo Permanente, que es el órgano político de la Organización disponible en cualquier momento y susceptible de ser informado no sólo sobre los progresos alcanzados en aplicación de recomendaciones formuladas por la Asamblea General, sino también, obviamente, sobre las dificultades, sobre retrocesos --ojalá momentáneos-- que tales procesos de negociación puedan sufrir. En ese sentido, agradecemos el informe que se nos ha proporcionado hoy y Honduras lamenta en verdad la ruptura ocurrida en las conversaciones y hace un llamado a que se persevere en la búsqueda de fórmulas de negociación directa que apunten a la solución del problema marítimo boliviano dentro de un espíritu de comprensión y amistad que contemple conveniencias mutuas y, en definitiva, fortalezca la solidaridad y unidad entre los pueblos de nuestra América. Muchas gracias.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante del Perú.

El señor REPRESENTANTE DEL PERU: Señor Presidente. Hemos escuchado con sumo interés el informe presentado por el distinguido Representante de Bolívia, Embajador Armando Soriano, sobre el resultado de las conversaciones que ha venido celebrando el Gobierno de su país con el de Chile. Sobre ese particular, consideramos que al Gobierno del Perú no le corresponde emitir opinión oficial acerca de la cuestión de fondo, pues la discusión de este asunto ha sido objeto de tratativas bilaterales entre Chile y Bolívia, sobre las cuales corresponde pronunciarse únicamente a esos dos Gobiernos.

Al igual que en otras ocasiones, la Delegación del Perú se sumará oportunamente en la Comisión Preparatoría a la aprobación de la inclusión del tema "Informe sobre el problema marítimo de Bolivia", en el temario del próximo período ordinario de sesiones de la Asamblea General de la OEA, y al hacerlo, deja y dejará constancia una vez más de su respaldo a - 17 -

todos los esfuerzos conducentes a encontrar una solución a la causa marítima de Bolivia dentro del marco de los derechos de los países directamente involucrados sobre la base de sus mutuos intereses y de conformidad con los tratados vigentes. Muchas gracias, señor Presidente.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de los Estados Unidos.

El señor REPRESENTANTE DE LOS ESTADOS UNIDOS: Thank you very much, Mr. Chairman. Obviously it must trouble my Government when the friendly relations between two neighboring states in this hemisphere, two member states of this organization, are so evidently affected by disagreement over a matter of such fundamental importance to both of them. Our goals are harmony and concord, to provide the adequate setting for cooperation and mutually beneficial development. Thus, my Government welcomes the statements of the Government of Bolivia that it will continue its efforts to meet its national needs through the peaceful channels of negotiations.

We also welcome the recent démarche of the Government of Chile suggesting its desire for closer relations with Bolivia and its willingness to continue the effort toward mutually beneficial solutions. We assume this means an early resumption of negotiations. Thank you very much.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Guatemala.

El señor REPRESENTANTE SUPLENTE DE GUATEMALA: Muchas gracias, señor Presidente. Hemos escuchado con mucha atención la declaración que a nombre de su Gobierno se sirviera leer el distinguido Embajador de Bolivia, y lamentamos grandemente la interrupción de tan impostergables negociaciones.

Guatemala reitera su solidaridad con la justa pretención del pueblo boliviano por alcanzar una salida útil y soberana al mar y romper así su enclaustro mediterráneo.

Al reiterar su solidaridad con este anhelo, Guatemala abriga la esperanza de que pronto se reanuden las pláticas exploratorias que permitan una efectiva conciliación entre el Gobierno boliviano y chileno y una ecuánime resolución de este ancestral problema. Una disputa o conflicto eventual iría en contra de los intereses nacionales de ambas Partes, pero particularmente contra el interés de toda la comunidad hemisférica, por lo que la mediación y los buenos oficios, la conciliación y una posterior negociación realista y constructiva, son los instrumentos de que disponemos para una justa y perdurable solución a esta pretensión.

Señor Presidente, si hoy la diferencia relacionada con la solución de algunos problemas internacionales pueden ser llevados y tratados en el contexto de un organismo internacional, cierto es también que no es - 18 -

inusual que todos los Estados participantes no estén comprometidos de igual manera a las opciones que se ofrecèn, ya que los intereses de cada uno varían sustancialmente. Esto significa, en la práctica, que para la eficaz realización de los intereses que nos unen en esta Organización, los Estados no directamente involucrados tomen la iniciativa en traer las posiciones extremas más cercanas, los intereses dispares más conciliados. Este procedimiento sólo será bienvenido, sin embargo, si los Estados involucrados en el problema ven en ello no sólo la consecución de sus intereses, sino, además, el logro de los fines consagrados y aceptados por nuestra Carta, como es la paz, el desarrollo y la cooperación internacional.

Por todo ello, invitamos a las Partes a que continúen de buena fe en sus conversaciones con el único ánimo de sobreponer las diferencias y obstáculos y alcanzar la concordia y la coexistencia pacífica y solidaría. Guatemala hace votos por que así sea. Muchas gracias.

El señor PRESIDENTE: Muchas Gracias, señor Representante. Tiene la palabra el señor Representante de Antigua y Barbuda.

El señor REPRESENTANTE DE ANTIGUA Y BARBUDA: Thank you, Mr. Chairman. We have met again on this matter, which is very important to all of us; we have dealt with it on several occasions at the General Assembly of this organization; and we have heard the report of the distinguished Ambassador of Venezuela outlining the history of what has taken place on this matter. As other Representatives have spoken, I have been wondering what new element we can bring into this process. I will take this opportunity to submit quite respectfully to both governments, Chile and Bolivia, that they consider using the services of our Secretary General, even if it be to initiate the discussions again or to bring the two parties together.

I make this proposal, Mr. Chairman, in the spirit of Cartagena. It is regrettable that we still have to talk about the spirit of Cartagena, rather than having the proposals of the Protocol of Cartagena ratified--I was hoping by this time they would have been ratified. But let me suggest that in the spirit of Cartagena we give the Secretary General a little more scope in trying to solve our difficulties. I would hate this meeting to end merely asking the two governments to go back and talk again, because we have done this for many years. Personally, I have full confidence in the wisdom and diplomacy of the Secretary General, and I have no doubt that other Representatives here would have that same confidence. But I was thinking, Mr. Chairman, rather seriously, of something new: What can we do to get these two countries to resume their discussions, which would bring about, I hope, a resolution of this problem satisfactory to both parties?

I make this proposal to the two Ambassadors here, in the hope that they will agree to submit it to their respective governments and that their governments will accept it in the spirit in which it has been made. - 19 -

I also hope that the Secretary General would be available and guite willing to do what he can. How far he could go in the next incide: I far he would be allowed to far he would be allowed to assist them, is a matter for the \Re in the solution of the soluti am not interfering in the affairs of these two government*, www element of the Representatives here, I really think that perhaps " "" to this might assist in principal." might assist in bringing about a more satisfactory continue to this long-standing problem long-standing problem.

I hope the Secretary General will be agreeable; it is not these two he would be quite willing, even in the initial stages, to $\lambda^{\mu\nu}$ in their countries to talk accim countries to talk again. Whether he can help them intitle proposal discussions is a matter for the discussions is a matter for them to decide. But I do make this proposal seriously, and I would like a seriously, and I would like the reaction, Mr. Chairman, it possible, of the two Permanent Permanent the two Permanent Representatives here this morning, as to what step in think that they are ' think that they could carry it to their governments as n thit wou, sir. bringing about reconciliation between them on this matter. Thank you, sir.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Panamá.

El señor REPRESENTANTE DE PANAMA: Muchas gracias, señol distin-Mi Delegación ha escuchado con mucha atención la intervención del distin-guido Representante do Religión guido Representante de Bolivia, por lo que comprende y se hand de las con la justificade processario de las con la justificada preocupación de su Gobierno por la internaçión de las negociaciones que procupación de su Gobierno por la internaçión. Por negociaciones que procuran resolver el problema marítimo de protuca. Por eso, desde ve descense un activitativita de problema marítimo de procuran resolver el procuran resolver el problema marítimo de procuran resolver el procuran resolver el problema marítimo de procuran resolver el procuran resolvere eso, desde ya deseamos respaldar la iniciativa de que el tenne la espeen el temario de la próxima Asamblea General, ya que no perdenante ranza de que los percos involu ranza de que los países involucrados superarán los obstáculos veterano cerán el diálogo en bicorucia cerán el diálogo en búsqueda de una solución definitiva $n \int_{-\infty}^{+\infty} veterano$ conflicto. El diálogo en 2 conflicto. El diálogo y la negociación son la esperanza de América y el mundo para logrer la porte de conflicto. mundo para lograr la paz. América Latina nunca podrá pretenderi idad para exitosamente con el Norte, si ella misma no demuestra capa integran-resolver las contravorciresolver las controversias y diferendos que persisten entre nue compren-tes. Es eminente que al controversian entre al comprentes. Es eminente que el Continente y la comunidad internacional compren-dan de una vez por todos l dan de una vez por todas la desesperación de Bolivia y sin inminimizados, asuntos que corresponde una l asuntos que corresponde resolver libremente a los Estados juvilla forma promuevan con vehemencia la calcait en que estamos obligados a hacerlo de acuerdo con lo dinpunsión Muchas principales instrumentos que rigen las relaciones internacionalien. Muchas gracias. gracias.

El señor PRESIDENTE: Muchas gracias, señor Representante de priene la palabra el señor Representante de Jamaica.

I have El señor REPRESENTANTE DE JAMAICA: Thank you, Mr. Chairmann, I have listened with keen interest to the statement by our distinguished colleague from Policie colleague from Bolivia. We also read with interest the part from our colleague from Chilo colleague from Chile.

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Eight years ago, at the ninth regular session of the General Assembly, which was held in La Paz, when this matter was first brought to the attention of our organization, Jamaica supported the resolution which was adopted calling for the opening of negotiations which would take into consideration the rights and interests of the two parties involved.

Jamaica's support for the resolution was based on the principle that landlocked countries have a right to have access to the sea. This is a principle that we have consistently supported at the United Nations and more recently at the Organization of American States.

It is of some concern to my Government that in the eight years that this dispute has come before this organization, very little progress has been made in the negotiations that have been taking place between the two countries. The efforts of the Government of Colombia in 1984 to bring the two parties together in a spirit of American solidarity and cooperation did not have the results that we all had hoped for. We continue to believe that this dispute is a matter that should concern the OAS because of the responsibility of our organization in the area of peaceful settlement of disputes in the region. I should like to support the proposal made by my colleague from Antigua and Barbuda, subject, of course, to the willingness of both Bolivia and Chile to accept the good offices of our Secretary General.

We do regret that the recent attempts at negotiations have broken down, and we call on both parties to the dispute to display that spirit of flexibility and compromise that will allow the negotiations to move forward. We believe that with firm determination and commitment on both sides immediate access will be achieved. It will be a very great boost, Mr. Chairman, to this hemisphere of ours if the successful conclusion of negotiations could form part of the report of our forthcoming General Assembly. I thank you, Mr. Chairman.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra la señora Representante de las Bahamas.

La señora REPRESENTANTE DE LAS BAHAMAS: Thank you, Mr. Chairman. My Delegation has listened with great concern to the statement made here this morning by the distinguished Permanent Representative of Bolivia, as well as the intervention of Representatives of other member countries. We are particularly concerned that this century-old problem continues to strain the relations of two sister republics of our organization.

Mr. Chairman, the issue in dispute touches on the time-honored position of the right of landlocked states to access to the sea--a position which The Bahamas has traditionally supported.

I have noted with interest the positions of both our sister republics and recognize the frustrations which result from long sessions without evident success. However, it is my hope and the hope of my Government - 21 -

that this issue is not moribund, but rather that there is room for resumed deliberations and negotiations between the parties concerned. In that regard, I would like to express support for the recommendation made by my colleague the distinguished Representative of Antigua. I would further hope that this organization could play a role in instigating a resumption of negotiations between Chile and Bolivia.

Mr. Chairman, The Bahamas recognizes that the matter of access to the sea is usually approached as a bilateral issue, outside the bounds of a multilateral organization. However, my Delegation believes that, when usual formulae flounder, then new resourceful ways must be sought to guard and promote good relations between nations.

The Charter of our organization charges this Council with guarding good relations among its member states. If we are to live up to our responsibility under the Charter, then I believe that we are compelled in this chamber to come up with recommendations which could result in a resumption of discussions between our members now in dispute. I therefore would strongly endorse any proposal which may be put forward here this morning crafted to encourage a peaceful and satisfactory solution to this matter. Thank you, Mr. Chairman.

El señor PRESIDENTE: Muchas gracias, señora Representante. Tiene la palabra el señor Representante de Barbados.

El señor REPRESENTANTE DE BARBADOS: Mr. Chairman, Barbados, like the delegations which have taken the floor before me, deeply regrets that the efforts of Bolivia and Chile to carry on discussions towards resolving the territorial issues that affect their two countries have broken down. Barbados certainly hopes that this is merely a temporary setback and that negotiations will be resumed in the very near future.

The issues involved are difficult and of long-standing duration. Finding a solution satisfactory to both countries will not be easy, but we do not believe it to be impossible if undertaken in a genuine spirit of inter-American cooperation.

At this stage, I would wish to reiterate the sentiments expressed by my Government on numerous occasions. We would like to urge that the parties seek to renew their discussions and avoid actions that might exacerbate the situation.

The way to a peaceful and lasting solution lies in continuing negotiations, and we have every confidence that such a solution can eventually be achieved, either through the mechanism suggested by the distinguished Representative of Antigua and Barbuda or through any other mechanism acceptable to the two governments concerned. Thank you, Mr. Chairman. - 22 -

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Haití.

El señor REPRESENTANTE DE HAITI: Merci, Monsieur le président. Après avoir écouté, avec l'intérêt qui se doit, la déclaration du distingué ambassadeur Soriano de la Bolivie, il semble approprié à la délégation d'Haïti - et même obligatoire - de soutenir les efforts de ce pays et d'exprimer personnellement notre déception de voir rompues provisoirement, nous l'espérons, les négociations engagées par la Bolivie et le Chili en vue de permettre à la Bolivie d'obtenir une sortie sur l'océan Pacifique. Ceci étant destiné à ce que le peuple bolivien sorte de son enclavement géographique et respire mieux.

La résolution adoptée au Guatemala par l'OEA en 1986 nous avait donné à tous ici présents la lueur d'une espérance dirigée à mieux consolider les relations pacifiques entre ces deux pays frères du continent, vu l'intérêt de caractère hémisphérique de cette question posée depuis 1979.

La délégation d'Haïti, qui est fidèle à son attachement aux solutions pacifiques et qui a traditionnellement maintenu les meilleures relations à tous les niveaux avec ces deux pays du continent américain, réaffirme sa foi de voir la Bolivie et le Chili reprendre la route du dialogue comme un signe irréfutable du désir de ces deux peuples de se conformer à leur destin historique et culturel. A notre avis, il serait utile - et c'est là l'appel que nous lançons ici - que les pays en cause s'inspirent encore une fois des idéaux de l'Organisation pour concrétiser les aspirations de la Bolivie, en tenant compte à la fois des intérêts spécifiques et souverains des deux pays en présence, et du désir de rechercher une solution amicale et digne à ce problème, probablement à travers les bons offices du Secrétariat général de l'OEA, comme l'a recommandé le représentant d'Antigua-et-Barbuda. Je vous remercie, monsieur le président.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Trinidad y Tobago.

El señor REPRESENTANTE DE TRINIDAD Y TOBAGO: Thank you, Mr. Chairman. Perhaps the most important obligation which our Charter imposes on this Council is to be found in article 82, which says: "The Permanent Council shall keep vigilance over the maintenance of friendly relations among the member states, and for that purpose shall effectively assist them in the peaceful settlement of their disputes. . . " That is the justification for our meeting here this morning; and for myself, I would have preferred to have heard the views of the distinguished Representative of Chile as well.

But it is quite clear, from all that we have heard, that some circumstances have arisen which have led to a suspension of the discussions which have been taking place between the two countries. That must be a source of disappointment to all of us. But I do not despair about - 23 -

the outcome of today's meeting, because if my memory serves me right, some four years ago, meeting for the General Assembly in this very building, in the Hall of the Americas, through the efforts--the mostly single-handed efforts--of the distinguished Foreign Minister of Colombia, we were all gratified to know that the parties were going to sit down and talk again. So I do not despair, because I believe that out of this meeting will come another effort.

And it is for that reason that I will wholeheartedly support the proposal of our distinguished friend and colleague of Antigua. What better way to demonstrate our renewed confidence in the office of the Secretary General than to entrust to him this great responsibility of using all the efforts that I am sure he is capable of to bring the parties together again?

In the last analysis, as we all must agree, whatever is agreed upon must be agreed upon to the total satisfaction of the two countries concerned. We cannot, sitting here, or the General Assembly, sitting anywhere, impose a settlement on two countries; but we can appeal, and this appeal has gone out this morning from several voices--I merely add my voice to that appeal--to the countries to get together again, this time under the good offices of our Secretary General. Thank you.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de El Salvador.

El señor REPRESENTANTE SUPLENTE DE EL SALVADOR: Muchas gracias, señor Presidente. La Delegación de El Salvador ha escuchado también con suma atención la intervención del distinguido Representante de Bolivia en relación con la falta de negociación surgida sobre el problema de la mediterraneidad de Bolivia, tema del cual se ha ocupado la Asamblea General en sus últimos períodos ordinarios de sesiones. Mi Delegación reitera los conceptos vertidos en otras oportunidades en el sentido de instar a ambos países --Bolivia y Chile-- a continuar con esas negociaciones en beneficio, como se ha dicho tantas veces, de la solidaridad y amistad hemisférica.

Debo señalar que El Salvador, al igual que lo ha hecho en el pasado, apoyará la inclusión del tema de la mediterraneidad de Bolivia, como uno de los principales temas que han de tratarse en la Asamblea General, con la esperanza de que las exhortaciones al diálogo que de allí surjan, no se tomen como una intervención en los asuntos internos de ningún Estado. Por el contrario, esos llamados a la buena voluntad de las Partes reflejan la preocupación del continente americano por las posibles repercusiones que podría acarrear la falta de solución a este antíguo y grave problema, planteado esta mañana por el distinguido Representante de Bolivia sobre la legítima aspiración de su país por alcanzar una salida al océano Pacífico. Muchas gracias, señor Presidente. El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Costa Rica.

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El señor REPRESENTANTE DE COSTA RICA: Señor Presidente, señores Representantes. Con la misma vocación de paz con que Costa Rica aporta soluciones que contribuyan a la solución de los problemas centroamericanos; Costa Rica agrega su voz al llamado reiterado que se ha hecho aquí a los países hermanos de Bolivia y Chile para que reanuden sus negociaciones sobre la posibilidad de una salida al mar para Bolivia. Dichosamente, por la visión altruísta y superior de tantos próceres americanos, existe la Organización de los Estados Americanos y seguirá existiendo la voluntad de los Estados Miembros de mantener su vigencia como una elevada cita de armonía continental.

Si bien es cierto que el diferendo entre Bolivia y Chile corresponde en su solución a ambos Estados, también es cierto que nuestras voces de comprensión y llamados al estudio de nuevas avenidas de acuerdo pueden hacer un marco propicio para la reanudación de las negociaciones entre ambos países hermanos. Aún en estos momentos en que las circunstancias interrumpen las negociaciones es posible descubrir en las posiciones oficiales de Bolivia y Chile, que hay todavía reservas de posibilidades de acuerdo y áreas del problema susceptibles de más exploración.

Exhortamos a Bolivia y a Chile a seguir explorando soluciones y hacemos votos por que al final Bolivia y Chile encuentren el único camino válido en América: el camino de la paz, la solidaridad, el camino de un desarrollo que conduzca a la felicidad de nuestros pueblos. Costa Rica apoyará, como lo ha venido haciendo, la inclusión del tema que nos ocupa en la próxima Asamblea General. Muchas gracias.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de St. Kitts y Nevis.

El señor REPRESENTANTE SUPLENTE DE ST. KITTS Y NEVIS: Mr. Chairman, the Government and people of St. Kitts and Nevis are convinced that the republics of Bolivia and Chile will be encouraged to resume negotiations as soon as possible. And it is against that background that my Delegation hopes that the republics of Bolivia and Chile will find it possible to give due consideration to the very useful recommendation issued here by the Ambassador of Antigua and Barbuda in the interest of their demonstrating their belief in and commitment to peace in our hemisphere. Thank you, Mr. Chairman.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra la señora Representante de Santa Lucía.

La señora REPRESENTANTE SUPLENTE DE SANTA LUCIA: Thank you, Mr. Chairman. My Delegation has listened with both interest and concern to the statement of the distinguished Ambassador of Bolivia, for we believe - 25 -

in the peaceful settlement of differences between states through dialogue. Like many delegations here, my Delegation was extremely pleased last year with the reports on the progress of the talks between Bolivia and Chile in relation to the issue of an outlet to the sea for Bolivia. We felt that an important step had been taken not only to resolve the differences between the two states but also to rekindle this flame of brotherhood which appears to be flickering at this time.

Mr. Chairman, the region has been labeled by the Institute for the Study of International Peace as one of the most incident-prone outside of the Middle East. It is this type of labeling which causes some consternation among member states, who believe in the natural sequence of dialogue, peace, and development.

Mr. Chairman, there are a number of examples in the region which verify that accommodation is preferable to confrontation. And it is for this reason that my Delegation urges the two parties concerned to resume their negotiations in the hope of finding a just and lasting solution to the problem. My Delegation also supports the proposal of the Ambassador of Antigua in making this a realization. Thank you.

El señor PRESIDENTE: Muchas gracias, señorita Representante. Tiene la palabra el señor Representante de Grenada.

El señor REPRESENTANTE INTERINO DE GRENADA: Thank you, Mr. Chairman. Quite a lot has been said here today. But it is all with one voice: support from the family of the OAS for both Bolivia and Chile.

Grenada regrets a temporary setback in talks between these two nations, and our Delegation joins others in urging an early resumption of talks. We are sure that the solution to the problem can be found if sincere efforts continue to be made. I too would like to support the proposal of the Ambassador of Antigua and Barbuda in suggesting that the Secretary General should assist in this matter. Thank you very much.

El señor PRESIDENTE: Muchas gracias. Como ya no tengo más oradores inscritos, antes de darle la palabra a los señores Representantes de Chile y de Bolivia, que me pidieron hablar al final, me permito, a nombre de la Delegación de México, expresar la solidaridad de mi Gobierno con los planteamientos de Bolivia.

La Asamblea General, órgano supremo de esta Organización, ha declarado en repetidas ocasiones que es de interés hemisférico permanente encontrar una solución equitativa por la cual Bolivia obtenga acceso soberano y útil al océano Pacífico y año tras año, desde 1979, exhorta a las Partes para que dentro de un espíritu constructivo, fraternal e integracionista, busquen una solución satisfactoria que permita consolidar una paz estable que estimule el progreso económico y social en el Hemisferio y, particularmente, en el área afectada por las consecuencias de la mediterraneidad de Bolivia.

Palabras más, palabras menos, esos son los elementos principales de las resoluciones que la Asamblea General ha aprobado y que recogen el sentir de esta Organización y de la casi totalidad de los países de nuestro Continente, a saber: (1) Que si bien existen partes a quienes concierne directamente el problema, se trata de un interés hemisférico permanente, o sea que no concierne exclusivamente a países específicos; (2) Que se trata de un problema de equidad que afecta a la paz y al progreso económico y social del Hemisferio, y (3) Que su solución requiere de un espíritu constructivo, fraternal, integracionista y americanista.

A su vez, de esos elementos se desprende la competencia de la Organizzación para examinar el problema de la involuntaria mediterraneidad de Bolivia, ya que conforme a la Carta, la OEA tiene como propósitos esenciales, precisamente, afianzar la paz, asegurar la solución pacífica de las controversias y promover el desarrollo económico y social de la región.

La interrupción de las negociaciones en que durante tanto tiempo tantas esperanzas cifró la Asamblea General, hará necesario, si no se reanudan, una nueva revisión por parte de la Asamblea General del casi centenario enclaustramiento geográfico del pueblo boliviano y de la forma y método para alcanzar la meta de equidad a la que el Hemisferio aspira. Tiene la palabra el señor Representante de Chile.

El señor REPRESENTANTE DE CHILE: Muchas gracias, señor Presidente. He escuchado la declaración y el discurso de nuestro distinguido colega de Bolivia. Asimismo, las intervenciones que ustedes, señores Representantes, han tenido a bien hacer esta mañana en esta sesión especial. Comprendo sus puntos de vista y aprecio la buena voluntad, el buen espíritu de estas intervenciones, las ideas constructivas que ustedes consideran competentes como para facilitar el reencuentro de dos países que son hermanos.

Transmitiré con toda lealtad a mi Gobierno, lo expuesto esta mañana en esta sesión del Consejo. Sin embargo, con la misma lealtad, señor Presidente, debo insistir una vez más en lo que hemos dicho ante la Asamblea General cuando ésta ha considerado el tema boliviano: la OEA no tiene competencia, ni bajo su Carta, ni en el derecho internacional general, para ocuparse de un asunto que está resuelto por un tratado internacional válidamente celebrado y plenamente vigente. No hay aquí una controversia internacional ni tampoco un peligro o amenaza alguna para la paz. No hay derechos bolivianos amagados o desconocidos. Los únicos derechos existentes son derechos chilenos.

The REPRESENTATIVE OF CHILE: Thank you very much, Mr. President. I have listened to our distinguished Bolivian colleague's statement and speech, along with the contributions made by you, Messrs. Representatives, this morning in this special meeting. I understand your points of view and I appreciate the willingness and good intentions behind these contributions, the constructive ideas you offer for encouraging two sister nations to reunite.

I will faithfully report to my Government what has been said this morning in this meeting of the Council. Nonetheless, Mr. President, in the same loyalty, I must once again insist upon what we have said in the General Assembly when it has dealt with the Bolivian issue: the OAS has no jurisdiction, under its Charter or under general international law, to deal with a matter that was resolved by an international treaty that was entered into lawfully and that is still in full force and effect. There is no international dispute here or any danger or threat to peace. No Bolivian rights are being threatened or ignored. The only rights that exist are Chilean rights. - 27 -

Aunque sea majadera la repetición, permítame, señor Presidente, recordar que el tratado de 1904, que fijó las actuales fronteras entre Chile y Bolivia, se celebró 20 años después del cese de las hostilidades entre los dos países y recibió un respaldo popular abrumador en Bolivia, a través del triunfo electoral de quien fuera su negociador: contempló cuantiosas compensaciones para Bolivia y estableció el más amplio régimen de libre tránsito para personas y mercaderías entre los puertos chilenos y Bolivia. Este régimen se ha ido ampliando y perfeccionando aún más a lo largo de los años, hasta configurar el tratamiento más generoso y liberal existente en el mundo a este respecto.

Bolivia, a través de dos caminos y dos ferrocarriles construidos por Chile, tiene fácil acceso a los puertos de Arica y Antofagasta, donde dispone de bodegas, silos y estanques y amplias facilidades. A esto se ha agregado un oleoducto en los últimos años. Chile se ha manifestado constantemente dispuesto a tratar con Bolivia todas sus preocupaciones y aspiraciones tendientes a mejorar y facilitar aún más estos servicios, que significan para mi país cargas onerosas. Haré llegar a los señores Representantes un folleto en el que aparecen mayores detalles a este respecto.

Y, es oportuno decir que este régimen va mucho más allá que el establecido en la Convención de las Naciones Unidas sobre Comercio en Tránsito para los Países sin Litoral, de 1965, por lo que Bolívia no la ha ratificado.

Además de las facilidades que le brinda Chile, los otros vecinos de Bolivia con costas en el Pacífico y en el Atlántico, también generosamente le otorgan acceso, al mar para sus productos a través de zonas libres en sus respectivos puertos que sirven a regiones bolivianas próximas a ellos.

Es claro, pues, que la condición geográfica mediterránea de Bolivia no es un obstáculo para su comercio ni su desarrollo económico y social. Sin embargo, por razones que no me corresponde examinar, desde hace años se ha venido levantando en Bolivia la bandera de su aspiración marítima que, como es bien sabido, ha pasado a ser un factor emocional constantemente presente en la política de ese país.

Esta aspiración ha sido llevada a los foros internacionales desde la época de la Liga de las Naciones y ha revestido, durante mucho tiempo, el carácter de una pretensión de revisar unilateralmente el Tratado de 1904, utilizando la presión internacional. Sin embargo, la clara conciencia de la comunidad internacional en favor de la intangibilidad de los tratados de límites se ha opuesto a esta pretensión. De ahí que Bolivia haya venido ensayando nuevas estrategias y planteamientos en dichos foros para forzar a Chile a negociaciones que lleven al mismo resultado. Mi país se ha opuesto firmemente al tratamiento internacional de esta aspiración boliviana, destacando la incompetencia de los organismos internacionales para ocuparse de un tema que ya fue zanjado por un tratado, que como dije, fue libremente celebrado, plenamente válido y vigente. Mr. President, although repetition is tedious, I would like to recall that the Treaty of 1904, which fixed the current borders between Chile and Bolivia, was entered into 20 years after the cessation of hostilities between the two countries and received overwhelming popular support in Bolivia through the electoral victory of the negotiator of the treaty: it contemplated sizeable compensation for Bolivia and set forth the fullest system of free transit for persons and goods between Chilean ports and Bolivia. This system has been expanded and improved even further over the years to the point where it constitutes the most generous and enlightened system of this kind in the world.

Bolivia, by means of two roads and two railways built by Chile, has easy access to the ports of Arica and Antofagasta, where it possesses warehouses, silos, tanks, and expansive facilities. An oil pipeline was added in recent years. Chile has shown that it is consistently willing to address all of Bolivia's concerns and aspirations, improving and making even better provision for these services, which means a heavy financial burden for my country. I will provide the Representatives with a pamphlet that gives further details on this matter.

And this is an opportune time to note that this system goes well beyond the provisions of the United Nations Convention on Transit Trade of Landlocked States of 1965, which has not been ratified by Bolivia.

In addition to the facilities provided by Chile, Bolivia's other neighbors with Pacific and Atlantic coastlines also generously give it access to the sea across free trade zones for its products in their respective ports, which serve nearby parts of Bolivia.

It is thus clear that Bolivia's landlocked status poses no obstacle to its trade or its economic and social development. However, for reasons that are not mine to analyze, for many years now Bolivia raised the flag of its maritime aspiration to the sea, which, as we all know, has become an emotional sticking point in that country's policy.

This aspiration has been presented in international forums since the era of the League of Nations and has long been an attempt to unilaterally amend the Treaty of 1904 through international pressure. However, the international community's clear awareness of the inviolability of border treaties has foiled this attempt. That is why Bolivia has been trying new strategies and proposals in those forums to force Chile into negotiations that would lead to the same result. My country has firmly opposed international handling of this Bolivian aspiration, and has emphasized that international organizations lack jurisdiction for dealing with a matter that has already been settled by a treaty which, as I said, was entered into freely and is in full force and effect. - 28 -

Es verdad que, señor Presidente, en distintas ocasiones Chile se ha mostrado dispuesto a considerar --en un diálogo directo con Boliviaexento de presiones internacionales indebidas, todo lo que Bolivia guiera plantearle, entre ello, su aspiración a una salida al océano Pacífico. Creo conveniente recordar la más significativa de estas instancias porque tiene importantes lecciones que se aplican al caso actual.

En Charaña, el 8 de febrero de 1975, se reunieron los Presidentes de ambos países y acordaron reanudar las relaciones diplomáticas. Ambos mandatarios señalaron "con espíritu de mutua comprensión y ánimo constructivo... que continúe el diálogo a diversos niveles para buscar fórmulas de solución a los asuntos vitales que ambos países confrontan, como el relativo a la situación de mediterraneidad que afecta a Bolivia, dentro de recíprocas conveniencias y atendiendo a las aspiraciones de los pueblos boliviano y chileno."

Agrega la declaración de Charaña, que "los dos Presidentes han resuelto seguir desarrollando una política en favor de la armonía y el entendimiento para que en un clima de cooperación se encuentre en conjunto una fórmula de paz y progreso en nuestro continente."

El 26 de agosto de 1975, el Embajador de Bolivia, en Santiago, presentó un documento que precisaba los lineamientos de una negociación que permitiera alcanzar soluciones mutuamente convenientes y adecuadas a la situación de mediterraneidad boliviana. Estas bases merecieron observaciones chilenas y, en definitiva, se llegó a un acuerdo en torno a un trueque de territorios que permitiría a Bolivia acceder al mar por una franja o corredor territorial, al norte de Arica, a cambio de territorios de igual extensión que debería por su parte ceder a Chile, según sea determinado de común acuerdo.

No voy a aburrir a los distinguidos Representantes con una descripción detallada de esta negociación que encontrarán con toda su documentación en un folleto que también les haré distribuir. Baste decir, ahora, que lo que fue un proceso muy promisorio, que estuvo a punto de concretarse, se frustró fundamentalmente por un cambio de sentimiento de la opinión pública boliviana en torno a la cuestión del canje territorial. Bolivia rompió las relaciones diplomáticas y canceló la negociación, el 17 de marzo de 1978.

Luego del fracaso de las negociaciones iniciadas con el encuentro presidencial de Charaña, Bolivia retomó, una vez más, su estrategia multilateral, que iniciara en 1920, en la Sociedad de las Naciones.

Sabía entonces, como lo sabe hoy, que dicho camino es inconducente para satisfacer sus aspiraciones, ya que Chile --y lo reitero ahora-- jamás será llevado a la mesa de las negociaciones bajo presión de ninguna clase y menos a través de resoluciones contrarias a derecho. Mr. President, it is true that Chile has on several occasions shown a willingness to consider, in direct talks with Bolivia, with no undue international pressure, everything Bolivia would like to put forth, including its aspiration for an outlet to the Pacific Ocean. I think it is convenient to recall the most important of these instances, because it illustrates important lessons that apply to this case.

In Charaña, on 8 February 1975, the Presidents of both countries met and agreed to renew diplomatic relations. Both leaders noted that "in the spirit of mutual understanding and animated constructiveness...dialogue should continue at several levels to seek solutions to the vital issues affecting both countries, such as the landlocked status that affects Bolivia, in such a way as to be mutually beneficial and to address the aspirations of both the Chilean and the Bolivian people."

The Charaña declaration adds that, "the two Presidents have resolved to continue developing policies that foster harmony and understanding so that a climate of cooperation prevails, allowing a joint solution for peace and progress on our continent."

In Santiago on 26 August 1975, the Ambassador of Bolivia presented a document that specified the guidelines for negotiations that could lead to solutions that are mutually convenient and adequate and that address Bolivia's landlocked status. These bases were accepted by Chile, and an agreement was finally reached with regard to an exchange of territory that would provide Bolivia with access to the sea through a strip or corridor of land north of Arica in exchange for territory of the same size to be ceded to Chile, as determined by mutual agreement.

I will not bore the distinguished Representatives here with a detailed description of these negotiations, which are fully documented in a pamphlet I will distribute to you. It is sufficient to note for the moment that this very promising process that was about to come to fruition was frustrated by a shift in Bolivian public opinion with respect to question of the exchange of territory. Bolivia broke off diplomatic relations and cancelled these negotiations on 17 March 1978.

After the failure of the negotiations initiated by the meeting of the Presidents in Charaña, Bolivia again adopted the multilateral strategy it had begun in 1920 at the League of Nations.

It knew then, as it knows now, that it would not be able to satisfy its aspirations through such a process, since Chile —and I reiterate it now— will never be brought to the negotiating table under pressure of any kind, much less by resolutions contrary to law.

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Hoy estamos, lamentablemente, en presencia de un intento más de querer comprometer a la OEA en un asunto para el que no tiene competencia, prolongando los funestos precedentes que se inician en 1979, en la Asamblea General celebrada en La Paz, donde se llegó al extremo de detallar las características de la cesión territorial que Chile debería hacer en beneficio de Bolivia.

Bolivia señala ahora que vuelve a golpear la puerta de los organismos internacionales, en vista del fracaso de las conversaciones bilaterales. Esta afirmación es inexacta, pues Bolivia nunca ha abandonado por completo el camino multilateral. La prueba más tangible de ello son las diversas resoluciones que ha presentado a la Asamblea General y a las que Chile se ha opuesto sistemáticamente.

A pesar de esta conducta, Chile ha mostrado su buena disposición para conversar con Bolivia acerca de todos aquellos asuntos de interes bilateral que signifiquen un efectivo acercamiento e integración de nuestros pueblos.

Bolivia denuncia hoy el rechazo de Chile a su propuesta. No puede menos que sorprender esta actitud ya que, por definición elemental, una propuesta puede ser acogida o rechazada, y esto es de diaria ocurrencia en las relaciones entre los países. Lo contrario sería aceptar que no estábamos en presencia de una propuesta, sino de un virtual ultimátum, y Chile, y tampoco ninguno de vuestros países los ha aceptado nunca en su historia ni los aceptará jamás.

Si bien es cierto que mi Gobierno ha objetado el fondo de la proposición boliviana, no es menos cierto que ha dejado abierta la posibilidad de explorar conjuntamente el ancho sendero de la integración de nuestros pueblos, en todos los campos, para echar así las bases de un sólido y trascendente entendimiento.

Obviamente, la campaña de insultos y denuncias, así como la amenaza de suspender relaciones consulares y comerciales, que han hecho diversos sectores y personeros bolivianos en los últimos días, conspiran contra este fin y, en vez de facilitar, alejan las posibilidades de un diálogo constructivo. De igual manera, la insistencia en recurrir a los organismos internacionales para tratar de forzar decisiones que sólo competen a la soberanía interna de Chile, no conseguirá sino perturbar nuestro entendimiento.

En este sentido, la injerencia de la OEA en un asunto para el cual no tiene competencia, pues atenta contra principios y disposiciones de la Carta vigente y que fueron reafirmados y fortalecidos en el Protocolo de Cartagena, tampoco ayudará al necesario diálogo bilateral entre Chile y Bolívia. Esto es algo que ruego a los señores Representantes tener muy presente. Unfortunately, today we are once again witnessing an attempt to involve the OAS in a matter over which it does not have jurisdiction, prolonging the illfated precedents introduced in 1979 at the General Assembly held in La Paz, where the parties went so far as to detail the characteristics of the territorial cession that Chile should make to Bolivia.

In view of the failure of bilateral talks, Bolivia now says that it will once again bang on the doors of international organizations. This statement is inexact, since Bolivia has never entirely abandoned the multilateral approach. The most tangible proof of this lies in the many resolutions it has presented to the General Assembly and which have been consistently opposed by Chile.

Despite this behavior, Chile has shown its willingness to talk to Bolivia about any matters of bilateral interest that would result in an effective rapprochement and integration of our nations.

Bolivia now denounces Chile's rejection of its proposal. This attitude is certainly surprising, since by simple definition, a proposal can be accepted or rejected, something that happens every day in relations between countries. The contrary would be to accept that this is not a proposal, but essentially an ultimatum, and Chile, like your countries, has never and will never accept an ultimatum.

While it is true that my Government has objected to the substance of the Bolivian proposal, it is no less true that it has left open the possibility of jointly exploring the wide path for the integration of our nations in all areas, to thus lay the foundations for a solid, far-reaching understanding.

It is obvious that the campaign of insults and accusations, as well as the recent threat by various Bolivian sectors and officials to suspend consular and commercial relations, conspire against this goal, and make any constructive dialogue more difficult instead of easing the way. Likewise, the insistence on resorting to international organizations to attempt to force decisions that are solely the purview of Chile's internal sovereignty will only cloud our understanding.

In this sense, the involvement of the OAS in a matter over which it has no jurisdiction is an attack on the principles and provisions of the Charter in force—reaffirmed and strengthened by the Cartagena Protocol—and will not aid the necessary bilateral dialogue between Chile and Bolivia. This is something that I beg the Representatives to take this into account.

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Chile reafirma, una vez más, en esta Sala, lo que en tantas ocasiones ha señalado acerca de este tema: la vía bilateral es el único camino mediante el cual podrá alguna vez satisfacer Bolivia sus aspiraciones, ya que ningún país podría aceptar que decisiones que inciden en su soberanía e integridad territorial sean gestadas en foros internacionales.

Señor Presidente, pido la indulgencia de la Sala para recapitular, de la manera más sintética posible, los últimos acontecimientos que, lamentablemente, han venido a confirmar estas aseveraciones.

A partir del encuentro de los Cancilleres de Bolivia y Chile en la reunión de Bogotá, con motivo de la transmisión del mando presidencial, los Ministros Bedregal y del Valle efectuaron conversaciones privadas, en las que se procuró encontrar un marco adecuado para iniciar un proceso de acercamiento entre ambos países.

Este contacto prosperó en la reunión efectuada en Nueva York, con motivo de la presencia de ambos Cancilleres en la Asamblea General de las Naciones Unidas. En esa oportunidad, se acordó la creación de una Comisión Binacional de Acercamiento y el tratamiento de materias de interés común.

Luego de un tercer encuentro, en Lima, se celebró una cuarta reunión, en Guatemala, en noviembre del año pasado, en la que se produjeron diversos contactos estrictamente bilaterales, los que culminaron en sendos comunicados de prensa emitidos separadamente por cada Canciller, en los que coincidían en encontrarse nuevamente, en abril de este año, en Montevideo.

En el comunicado chileno se dice:

Hemos convenido con el señor Ministro de Relaciones Exteriores de Bolivia que, sin perjuicio de las importantes y fructíferas conversaciones y trabajos que continuará desarrollando la Comisión Binacional de Acercamiento, ambos Cancilleres nos reunamos en Montevideo, a fines de abril, con el objeto de conversar sobre los asuntos de fondo que sean de interés de ambos Gobierno.

A lo largo de estos encuentros, nuestro Canciller insistió en un punto tradicionalmente planteado por Chile, a saber: la necesidad de cumplir un proceso de acercamiento entre los dos pueblos, distanciados --entre otras causas-- por la prolongada campaña de propaganda adversa que ha desarrollado Bolivia, en especial a partir de la ruptura de relaciones diplomáticas de 1978. De ahí que el Gobierno chileno hiciera tanto hincapié en la conveniencia de etapas graduales de negociación que permitiesen la oportuna información y una adecuada preparación de la opinión pública de ambos países. In this Hall, Chile once again reaffirms what it has on many occasions stated on this matter: the only way Bolivia can hope to satisfy its aspirations is through bilateral channels, since no country would agree to having decisions that affect its sovereignty and territorial integrity made in international forums.

Mr. President, I ask for everyone in this Hall's indulgence as I recapitulate, as concisely as possible, the latest events that have unfortunately proven my assertions.

Since the meeting of Foreign Ministers of Bolivia and Chile in Bogotá on the occasion of the new President taking office, Ministers Bedregal and del Valle held private talks, during which an attempt was made to create an adequate framework for beginning a process of rapprochement between the two countries.

This contact led to a meeting held in New York, where both Foreign Ministers were present at the United Nations General Assembly. An agreement was reached on this occasion to create a Binational Commission for Rapprochement and to deal with matters of mutual interest.

After a third meeting, in Lima, a fourth meeting was held in Guatemala in November of last year, which resulted in several strictly bilateral contacts, which culminated in separate press releases issued by each Foreign Minister, in which they agreed to meet again in Montevideo in April of this year.

The Chilean press release states:

We have agreed with the Minister of Foreign Affairs of Bolivia that, notwithstanding the significant and fruitful talks and work of the Binational Commission for Rapprochement, that both Foreign Ministers will meet in Montevideo at the end of April in order to talk about substantive issues of interest to both Governments.

Throughout these meetings, our Foreign Minister insisted on a point traditionally raised by Chile, which is: the need to complete a process of rapprochement between the two nations, which were distanced, among other reasons, by the prolonged campaign of negative propaganda run by Bolivia, particularly after the break in diplomatic relations in 1978. That is why the Chilean Government put so much emphasis on the need for gradual negotiating stages that would allow timely information and adequate preparation of public opinion in both countries.

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Dada la experiencia habida en este complejo tema, Chile también confiaba en que Bolivia presentase --al final del camino-- un enfoque "fresco" para tratar este asunto, expresión ésta utilizada por el propio Presidente Paz Estenssoro. En otras palabras, esperábamos proposiciones imaginativas que aportasen nuevos puntos de vista en torno a una fórmula satisfactoria para los intereses de ambas Partes.

Lamentablemente, los personeros bolivianos quisieron quemar etapas y acelerar el proceso, por lo cual presentaron su propuesta definitiva sin que hubiese existido tiempo suficiente para crear el clima de entendimiento antes mencionado, aparte del hecho de que en ella se reiteraron fórmulas que no habían prosperado en anteriores negociaciones. Así, con la insistencia en una cesión de soberanía chilena y con la precipitación aludida, sólo se logró un rechazo por parte de amplios e influyentes sectores de la sociedad chilena. Precisamente, para evitar este problema se había creado la referida Comisión Binacional.

Previo al encuentro en Montevideo, diversas declaraciones de altas autoridades bolivianas demostraron que el citado encuentro, concebido para iniciar conversaciones sobre el tema de fondo, era acelerado por parte de Bolivia con el intento de obtener que Chile, en una etapa tan inicial, ya comenzase a considerar una propuesta formal en torno a su aspiración marítima.

El proceso de acercamiento fue así, apenas iniciado, sobrepasado completamente por la propuesta de fondo boliviana, que recibe amplia publicidad y pasa a ser el tema dominante en ambos países.

Hay que recordar que, paralelamente a estas conversaciones, Boliva insiste en mantener activa su pretensión en los organismos internacionales; la última manifestación de la cual fue la presentación de un proyecto de resolución ante la Asamblea General de la OEA, en Guatemala, y, luego, al obtener un pronunciamiento del Movimiento de Países No Alineados, en la reciente reunión de Guyana.

El compromiso formal de los Cancilleres en Guatemala es solamente cumplido por Chile, que concurre con la mejor buena fe y con un alto espirítu integracionista a la reunión de Montevideo, que se celebró bajo la generosa hospitalidad del Gobierno del Uruguay, el 21 y 22 de abril pasado.

Nuestro Canciller llega a esa cita y declara que Chile concurre a Montevideo con un espíritu amplio y con la misma buena disposición que ha demostrado en anteriores conversaciones con Bolivia.

El día 21 de abril, el Canciller Bedregal hizo entrega de dos memorandos en los que señaló: Given the experiences with this complex topic, Chile also trusted that Bolivia would present —finally— a "fresh" approach to dealing with this matter, this being the expression used by President Paz Estenssoro himself. In other words, we were expecting imaginative proposals that would contribute new points of view with respect to a solution that was satisfactory to the interests of both Parties.

Unfortunately, since Bolivian officials wanted to skip steps and accelerate the process, they presented their final proposal without enough time to create the aforementioned climate of understanding, not to mention the fact that the proposal reiterated solutions that had not prospered in previous negotiations. Thus, by acting with the aforementioned undue haste and by insisting on a cession of Chilean

sovereignty, the only thing they achieved was a rejection by broad, influential sectors of Chilean society. The Binational Commission was created precisely to avoid this problem.

Prior to the meeting in Montevideo, several statements by high-level Bolivian officials showed that this meeting, which was intended to start talks on the substantive issue, was brought forward by Bolivia in an attempt to force Chile, at such a preliminary stage, to consider a formal proposal with regard to its maritime aspiration.

The process of rapprochement that had barely begun was completely overshadowed by the substantive Bolivian proposal, which received widespread publicity and became a dominant topic in both countries.

We must remember that, concurrent with these talks, Bolivia insisted on continuing its excursions to international organizations, the last manifestation of which was the presentation of a draft resolution to the OAS General Assembly in Guatemala and then, after obtaining a declaration from the Non-Aligned Movement, at the recent meeting in Guyana.

The formal undertaking agreed upon by the Foreign Ministers in Guatemala has been fulfilled only by Chile, which showed good faith and a real desire for integration at the Montevideo meeting, which was held with the generous hospitality of the Government of Uruguay on 21-22 April of last year.

Our Foreign Minister kept the appointment and stated that Chile was attending the Montevideo meeting in a spirit of open-mindedness and with the same willingness it had shown in previous talks with Bolivia.

On 21 April, Foreign Minister Bedregal handed over two memoranda in which he noted:

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Se fijan los lineamientos básicos para la negociación que se iniciará en Montevideo entre ambos países sobre aspectos mutuamente convenientes para encontrar una fórmula de solución al problema de salida de Bolivia al océano Pacífico.

Quisiera destacar el declarado propósito boliviano de que la propuesta fuera mutuamente conveniente.

Recibidos estos documentos, nuestro Canciller expresó:

No es mi intención profundizar en esta ocasión el análisis de los planteamientos de forma y fondo. El tema en discusión contiene elementos partícularmente complejos que es indispensable analizar con el mayor detenimiento.

Asimismo, ratificó la disposición y mejor buena fe con que Chile llegó a esa reunión para explorar fórmulas que pudieran, en un plazo prudente, resultar positivas para los intereses de ambos países.

Para evitar nuevos trámites dilatorios, el mismo día 21 Chile formuló consultas específicas al efecto de que Bolivia precisara el contenido y alcance de algunos de sus planteamientos. Estas consultas fueron respondidas por Bolivia al día siguiente.

Concluye la reunión de Montevideo con un Comunicado de Prensa en el que Chile se compromete a estudiar los planteamientos bolivianos y a darles una oportuna respuesta.

Informado el Gobierno de Chile de la propuesta boliviana, se constituye en la Cancillería una comisión de alto nivel, la que a su vez es asesorada por diversos organismos e instituciones nacionales. Paralelamente, el Canciller del Valle expone la solicitud boliviana a las más altas autoridades políticas del país y a distinguidos personeros de los más variados círculos nacionales. Con fecha 5 de junio, y por acuerdo de ambas Partes, se hace pública la propuesta boliviana en ambas capitales. Ello fue necesario por la presión de la opinión pública chilena, que ya se manifestaba altamente inquieta por las publicaciones de prensa y los comentarios que habían aparecido en los medios informativos. Esta situación era aún más crítica en la zona norte de mi país, cuyas poblaciones se sentían directamente involucradas.

Una vez hecha pública la propuesta boliviana, que contiene la solicitud de traspaso de un corredor fronterizo con Perú de 2 806 km², aproximadamente, o la cesión de uno de tres enclaves territoriales, a cambio de meras prestaciones económicas muy vagas, condicionadas, y cuya ejecución quedaba al arbitrio administrativo de las futuras autoridades bolivianas, se evidenció en Chile un rechazo prácticamente unánime a la fórmula propuesta. Basic guidelines have been set for the negotiations to begin in Montevideo between both countries on mutually convenient matters in order to find a solution to the problem of Bolivia's outlet to the Pacific Ocean.

I would like to highlight that Bolivia's stated objective was that the proposal be mutually convenient.

Once these documents were received, our Foreign Minister stated:

It is not my intention to perform an in-depth analysis of the form and substance of the proposals at this time. The matter under discussion includes particularly complex elements that must be studied with the greatest care.

Likewise, he confirmed that Chile was attending this meeting in the spirit of willingness and good faith, ready to explore solutions that could, in a reasonable period of time, be favorable to the interests of both countries.

In order to prevent new delay tactics, on the same day, the 21st, Chile formulated specific requests that Bolivia provide details on the content and scope of some of its proposals. These requests were answered by Bolivia the following day.

The Montevideo meeting ended with a Press Release in which Chile undertook to study the Bolivian proposals and to provide a timely response.

Having been informed of the Bolivian proposal, the Government of Chile formed a high-level commission under the Ministry of Foreign Affairs, which received advice from various national organizations and institutions. At the same time, Foreign Minister del Valle relayed the Bolivian request to the highest political authorities in the country and to distinguished officials in the most varied national circles. On 5 June, and by agreement of both Parties, the Bolivian proposal was made public in both capitals. That was necessary owing to the pressure of the Chilean public, since it was highly concerned by articles and comments that had appeared in the media. This situation was even more critical in the northern part of the country, whose people felt directly involved.

Once the Bolivian proposal, which contained a request to transfer a corridor of approximately 2806 km² along the Peruvian border or to cede one of three territorial enclaves in exchange for mere economic compensations that were very vague, conditional, and subject to the administrative whims of future Bolivian authorities, was made public, it was nearly unanimously rejected in Chile.

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Por otra parte, en la propuesta boliviana, que también me permito hacer distribuir a los señores Representantes, se alude a que "la cuestión del Pacífico" ha constituido un obstáculo para el desarrollo y la integración, generando tensiones entre Chile, Perú y Bolivia. Esta afirmación lleva implícita la pretensión de que existirían cuestiones pendientes derivadas de la Guerra del Pacífico, que terminó hace más de cien años. Se intentaría por esta vía reabrir un capítulo de nuestra historia, ya cerrado por nuestros antepasados. Por ello, debo rechazar de la manera más categórica la existencia de una supuesta "cuestión del Pacífico". De no hacerlo, estaríamos aceptando la posibilidad, a todas luces muy peligrosa para la estabilidad continental, de que nuestras fronteras, fijadas en su inmensa mayoría por tratados de paz y de límites, pudieran ser alteradas por decisión unilateral.

Quisiera destacar que la cesión unilateral de territorios por parte de Chile, contenida en la aludida propuesta, no recibió una opinión favorable en mi país.

El día 9 de junio, y ante este sentir abrumador, el Gobierno de Chile se vio en la necesidad de comunicar al Cónsul General de Bolivia, en Santíago, que la propuesta de su país no resultaba admisible, entregando, a la vez la declaración oficial que me permití hacer llegar oportunamente a las distinguidas delegaciones.

Señor Presidente, Chile ha preferido responder en forma definitiva a la proposición formulada por Bolivia, el 21 de abril pasado. De la declaración oficial entregada al Cónsul General de Bolivia, se aprecia el espíritu de sinceridad con que hemos procedido. Fue este el compromiso que adquirimos en Montevideo y hemos optado por un trámite meditado, pero no dilatorio, pues no está en nuestro ánimo jugar con las expectativas del pueblo boliviano.

Nos apena hoy comprobar la reacción que ha provocado en Bolivia la respuesta chilena. El Canciller Bedregal ha llegado a calificarla como "acto hostil", agregando ataques personales y conceptos insultantes para el Gobierno de Chile y para el Canciller del Valle. Nos parecen incomprensibles estas actitudes, al provenir ellas de autoridades bolivianas que, hasta hace pocos días, estaban dispuestas a conversar su aspiración marítima con nuestro Gobierno y su Canciller.

Un acto soberano y de plena franqueza en el manejo de nuestra política exterior merece el calificativo de hostil. Esto hace presumir que no nos encontrábamos frente a una propuesta, sino bajo la presión de un ultimátum, lo que es inaceptable.

Hoy, en esta sesión del Consejo de la OEA rechazamos los cargos que se formulan culpando a mi país por el fracaso de las conversaciones bilaterales. Comprometemos, una vez más, la voluntad de Chile de colaborar con Bolivia en la búsqueda de fórmulas que contribuyan al desarrollo y el bienestar de nuestros pueblos. Furthermore, the Bolivian proposal, which I would also like to distribute to all the Representatives, says that the "Pacific question" has been an obstacle to development and integration, creating tension among Chile, Peru, and Bolivia. This assertion implicitly entails the supposition that there are pending questions as a result of the War of the Pacific, which ended more than one hundred years ago. This was an attempt to reopen a chapter of our history that was closed by our ancestors. Therefore, I must categorically reject the existence of any so-called "Pacific question." Not to do so would be to accept the possibility —obviously a threat to the stability of the continent—, that our borders, fixed largely by peace and border treaties, can be unilaterally altered.

I would like to emphasize that the unilateral cession of territory by Chile, contained in the aforementioned proposal, was not favorably received in my country.

On 9 June, and in the face of this overwhelming sentiment, the Government of Chile was obliged to tell the Consul General of Bolivia, in Santiago, that his country's proposal was not acceptable, while at the same time delivering the official statement that I will duly send to the distinguished delegations.

Mr. President, Chile preferred to give a definitive response to the proposal formulated by Bolivia on the 21st of last April. The official statement delivered to the Consul General of Bolivia revealed the sincerity with which we have acted. We acquired this commitment in Montevideo and we opted for a procedure that was measured but not dilatory, since it was not our intention to play with the expectations of the Bolivian people.

We are saddened now to see the reaction provoked in Bolivia by Chile's response. Foreign Minister Bedregal has even categorized it as an "hostile act," adding personal attacks and insults directed at the Government of Chile and Foreign Minister del Valle. We cannot understand such an attitude expressed by Bolivian authorities that, up to a few days ago, were willing to talk about their maritime aspiration with our Government and its Foreign Minister.

A sovereign, straightforward foreign policy action merits the qualification of hostile. This suggests that we are not being offered a proposal, but are being pressured by an ultimatum, which is unacceptable.

Today, in this meeting of the OAS Council, we reject the accusations that blame my country for the failure of the bilateral talks. We again promise the willingness of Chile to cooperate with Bolivia in the search for solutions that contribute to the development and wellbeing of our nations. - 34 -

Para avanzar en su desarrollo, ninguno de nuestros países requiere de mayores territorios. La fórmula del progreso radica en el aprovechamiento de nuestras capacidades y en la voluntad para aunar nuestros esfuerzos.

Bolivia debe encarar con realismo y sentido práctico sus aspiraciones marítimas. Nada conseguirá con insistir en una reivindicación histórica, pues Chile nada le debe, ni reconoce conflicto o problema pendiente alguno a la luz del derecho internacional. Es por ello que el planteamiento del país vecino requiere ser novedoso y pragmático, orientado no a la cesión de territorios chilenos, sino a implementar proyectos integracionistas, mutuamente beneficiosos, en los que la señalada cuestión marítima se vea de hecho resuelta satisfactoriamente.

Chile no ha desahuciado la negociación con Bolivia. Muy por el contrario. Tal como lo señala en la declaración de fecha 9 del presente, mi país está llano a prestar toda su cooperación para una integración real de las dos naciones, sobre la base del respeto mutuo, la confianza y la cooperación recíproca. Muchas gracias.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra el señor Representante de Bolivia.

El señor REPRESENTANTE DE BOLIVIA: Gracias, señor Presidente. Mi intención era simplemente orientar mis palabras conmovidas y jubilosas al agradecimiento profundo por esta diáfana y clara expresión unánime de solidaridad y de apoyo a mi país en este afán inquebrantable de retorno al mar. No voy a entrar en argumentaciones de ninguna índole que puedan replicar las referencias hechas por mi simpático colega de Chile, que parecía estar leyendo un documento escrito el año 1980, un año después de la Asamblea General de 1979. Es decir, absolutamente la misma forma estereotipada de todos los argumentos que se han venido esgrimiendo, exceptuando la última parte clara que se refiere al episodio actual.

No me voy a referir a nada de esto ni a mostrar la inevidencia de las aprensiones chilenas, en el sentido de que Bolivia, peligrosamente, trata de violar la intangibilidad de los acuerdos, haciendo referencia a una supuesta tentativa de modificar el Tratado de 1904, que se suscribió, aunque muy pasada la guerra, sentados todavía sobre las bayonetas. No ha pretendido Bolivia de ninguna manera menoscabar este principio internacional, sino que ha invocado la parte que se encuentra en este documento y que se refiere a ese instrumento de 1950 que lo he enunciado textualmente y que de manera clara --el año 1950 es mucho después que 1904, luego la aprensión es injustificada--, muestra la suscripción de un Canciller chileno que consagra la voluntad de Chile, que siempre ha sido --como puede advertir América-- "muy respetuoso" de todos sus convenios internacionales.

Quisiera referirme también, de cualquier manera, a la "predisposición" muy visible y perceptible que Chile tiene para llevar adelante la perspectiva de un diálogo, que abra la puerta, que es apenas de una raya dentro de aquel territorio que perteneció a Bolivia, que, por cierto, no está con Neither of our countries requires larger territories in order to continue developing. We will progress by using our capacities and by being willing to cooperate.

Bolivia must be realistic and practical about its maritime aspirations. It will not get anywhere by insisting on a historical claim, since Chile does not owe the country anything, nor does it recognize a conflict or an unresolved problem under international law. That is why the position of our neighboring country requires new and pragmatic ideas aimed not at forcing Chile to cede territory, but at implementing mutually beneficial projects to encourage integration, in which framework the aforementioned maritime question can be satisfactorily resolved.

Chile has not given up on negotiations with Bolivia. On the contrary. As noted in the statement of the 9th of this month, my country is open to lending all its cooperation in seeking a true integration of the two nations, based on mutual respect, trust, and reciprocal cooperation. Thank you very much.

[...]

The REPRESENTATIVE OF BOLIVIA: Thank you, Mr. President. My intention was simply to convey how touched and happy I feel to be able to convey deep appreciation for the clear and evident expression of solidarity and support for my country in its unshakeable desire to return to the sea. I will not put forth any arguments that may seem to respond to the contentions of my esteemed Chilean colleague, who appeared to have been reading from a document written in 1980, a year after the General Assembly of 1979. In other words, there are the same old stereotyped arguments that have always been put forward, except for the last part, which clearly refers to the current situation.

I will not talk about this or the speciousness of Chilean fears that Bolivia is dangerously trying to violate the intangibility of agreements, making references to an alleged attempt to modify the Treaty of 1904, which was signed at the point of a sword, even though the war was over. Bolivia has in no way attempted to undermine this international principle, but has invoked the part of this document that refers to the 1950 instrument that I have quoted and that clearly —1950 being much later than 1904, indicating that the fear is unjustified—bears the signature of the Chilean Foreign Minister, thereby expressing the will of Chile, which has always been— as is obvious throughout the Americas— "very respectful" of all of its international conventions.

I would also like to make some reference to how obvious it is that Chile is "willing" to work toward a dialogue that opens the door, with the perception that it is barely a sliver of that territory that belonged to Bolivia, which, by the way, is not - 35 -

actitud quejicosa ni de plañidera. Es sólo una mera referencia histórica. La prueba es clara que es un enfoque fresco, que no debió llamar la atención a la penetración de quienes gobiernan en Chile, ya que no estamos con actitudes reivindicativas al pedir una faja de Concordia. Porque si fuese un rumbo reivindicativo, estaríamos pensando en Antofagasta, que también correspondía a Bolivia. No, no eso, señores.

De lo que se trata es de haber intentado, inteligentemente, bajo el amparo incitativo, estimulante y legítimo de la OEA, una negociación. Negociación que tiene un filón mercantil que, desde luego, debió deslumbrar el espíritu chileno, porque se trata de dar cosas para recibir algo que fue nuestro.

Estamos evidentemente, dando agua, dando electricidad, dando gas; un pueblo que está pobre y que se debate todavía en un episodio de pobreza. Pero estamos dando, pretendiendo dar a Chile. Es una negociación. Y aquí, en la muy clara referencia del Embajador Illanes, que merece consideración, hay una pequeña falla de apreciación al decir ahora, que resulta que es Bolivia la culpable de la ruptura de esta negociación. Bolivia, no sé qué es lo que debió hacer para no ser culpable. Sólo el hecho de haber entregado ese documento que según ellos lo hizo con apresuramiento. Extraño apresuramiento, porque apenas es una centuria que esperamos a la solución de este problema. Entonces, hay apresuramiento en haber entregado unos papeles que debieron ser considerados en una negociación. En cuatro dfas el Gobierno de Chile no tenfa oportunidad de poder resolver con tanta facilidad y rapidez lo que consideramos que es fruto de una meditada y grande preocupación de nuestro país que trata de darle justamente argumentos y concesiones categóricas para lograr una negociación. Entonces advierto, pues, que, evidentemente, hay ausencia de precisión en las referencias que hace Chile, que por otro lado, la primera parte, decía yo, es exactamente la misma y, además, es invariable, y tiene que ser invariable, porque es historia. Pero la segunda parte no tiene justificación, aquí hay una ruptura infortunadamente realizada por Chile. Y no estaba en mi espíritu equilibrado, lleno de probidad, leer, para culminar esta mi actuación, ya no folletos, ya no libros, sino una sola frase, una sola frase que dibuja justamente la arrogancia prepotente de la crueldad dictatorial que fluye a través de las palabras. Y voy a leer una frase que ya la debe conocer el Embajador de Chile, y si no la conoce, tampoco le va a parecer rara.

Pinochet ayer en Arica expresó que Chile no se vende ni transa y que en esos territorios existe mucha sangre vertida por chilenos que conquistaron este territorio y no lo venderán o cederán jamás. Yo quiero simplemente analizar también esto, al margen de la aspereza dura que cierra toda perspectiva inteligente de negociación que no condice con las "muy lindas" palabras que acaba de decir su Embajador. Posiblemente aquí también se trata de algún caso de suicidio colectivo de chilenos. Me acabo de enterar que en ese territorio no habían muerto bolivianos ni peruanos, y que justamente los usurpadores deben haberse suicidado, porque allí solamente existe sangre vertida por chilenos. complaining or whining. It is merely a historic reference. It is obvious that this is a fresh approach, which should not have piqued the Chilean government, since we are not trying to reclaim anything by asking for a strip of Concordia. If we were trying to reclaim something, we would be looking at Antofagasta, which also used to belong to Bolivia. No, it is not that, ladies and gentlemen.

This was an intelligent attempt to negotiate in the encouraging, motivating, and legitimate forum of the OAS. These negotiations have a commercial element that should have overwhelmed the Chilean spirit, since we would be giving something in exchange for what used to be ours.

We are obviously giving water, electricity, and gas, even though our country is poor and still suffers from poverty. But we are giving, trying to give Chile something. It is a negotiation. And here, in Ambassador Illanes' very clear reference, which deserves consideration, there is a slight error of perception in saying that Bolivia is responsible for the rupture of these negotiations. Bolivia, I do not know what it would have needed to do to not be considered guilty. According to them, simply delivering the document was a sign of haste. It is an odd type of haste, since we have only been waiting for a solution to this problem for a century. So it is hasty to deliver papers to be used in negotiations. In four days, the Government of Chile was not able to easily and quickly decide on what we consider to be the result of a well-considered and weighty issue of concern to our country, which is trying to provide categorical arguments and concessions for negotiations. It seems to me, then, that the references made by Chile are not accurate, and furthermore, as I noted, the first part is exactly the same and never changes; it cannot change because it is history. But there is no justification for the second part, where there is unfortunately a rupture initiated by Chile. And my fair and honest nature did not allow me to finish my speech by reading pamphlets and books, but rather just one sentence, one sentence that exactly reflects the overbearing arrogance of the dictatorial cruelty that imbues those words. I am going to read a sentence that must be familiar to the Ambassador of Chile, and even if it is not, it will not strike him as strange.

Yesterday in Arica, Pinochet said that Chile will not sell or negotiate those territories, since much blood was shed by the Chileans who conquered those lands, and they will never sell or cede them. I would like to analyze this as well, going beyond the stridency that precludes any intelligent possibilities for negotiation and that does not match the "very nice" words just said by your Ambassador. This could possibly be another case of mass suicide by Chileans. I have just learned that no Bolivians or Peruvians died in that territory, and that the usurpers must have committed suicide, since the only blood spilled there was Chilean.

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Este episodio que, además, me amarga ligeramente la boca porque hace perder dignidad a mi lenguaje que está siempre muy distante de estas situaciones, me hace sentir su mención, señor Presidente. Yo me hubiese conformado en esta reunión --porque no he venido a buscar resoluciones, ni creo que en este Consejo debe suscitarse cierta forma de alegaciones con mi colega chileno-- simple y llanamente con expresar oficialmnte algo que se ha producido. Ese algo que se ha producido ha tenido un corolario que me llena de una satisfacción categórica y definitiva.

Yo, señor Presidente, he recogido acá unánimemente --y quién sabe unánimemente, digo mal, porque claro, se entiende que el Embajador de Chile no puede pensar lo mismo, o quién sabe si en el secreto y recóndito rincón de su corazón siente lo mismo-- pero he recogido, señor Presidente, la unánime voz de América de amparo y de apoyo solidario a la causa de Bolivía y el deseo de que Chile y Bolivía realmente conversen para encontrar una solución, porque yo estoy de acuerdo también con el Embajador de Chile en que este es un problema que, evidentemente, se debe arreglar a nivel bilateral. No he dicho en contrario semejante barbaridad, pero tampoco quisiera que alguien dijese la barbaridad de que la OEA no tiene absolutamente atribuciones para conocer este problema que inquieta a América. Por cierto que la tiene. Y la tiene en la medida, infortunadamente, distante, para resolver el problema. Porque si la OEA, que no es instancia de solución de este tema tuviese potestad para resolver, ya hubiéramos resuelto el problema. La prueba es clara que solamente la OEA se expresa con su voz de aliento de solidaridad, que queda, por cierto, como el amparo vivo, que es lo que Bolivia reconoce y agradece.

Pero hay una cosa que debe quedar absolutamente categórica en la memoria y en el convencimiento de esta Sala: el problema de Bolivia es también un problema multilateral, porque es un problema permanente de inquietud de América. Y, por fortuna, no lo digo yo, que soy el interesado, sino que lo han dicho absolutamente todos, a cuyas palabras yo solamente vengo, señor Presidente, a agradecer con el más grande fervor y con la única reverencia que realmente no mancilla, que es la del respeto y de la gratitud. Gracias, señor Presidente.

El señor PRESIDENTE: Muchas gracias, señor Representante. Tiene la palabra al Representante de Chile.

El señor REPRESENTANTE DE CHILE: Gracias, señor Presidente. Ciertamente, no estaba en mi ánimo entrar en una polémica con mi querido amigo, el Embajador Soriano, y ya me siento bastante culpable de haber formulado una intervención larga, reteniéndolos a todos ustedes en esta sesión de hoy. Sin embargo, algún punto tengo que tomar, aunque sea muy sintéticamente. Quiero decir que cuando habla de las declaraciones de mi Presidente en Arica, el Embajador la cita sólo parcialmente, porque también dijo el Presidente en Arica: "Posiblemente por un manejo un poco apurado de los señores vecinos han hecho un pedido que no se puede aceptar bajo ningún aspecto." Creo que esta frase equilibra las otras que leyó mi querido amigo, el Embajador Soriano. This episode also leaves a rather sour taste in my mouth because I am not accustomed to the indignity of speaking in this manner; I feel it, Mr. President. I would have been happy to come to this meeting —because I have not come seeking resolutions, nor do I believe this Council is the place for certain types of arguments with my Chilean colleague— merely to officially state willingly that something occurred. That something has a corollary that is deeply satisfying.

Mr. President, I have received unanimous —unanimous is a slight error, since it is of course understood that the Ambassador of Chile does not think the same way, or perhaps he really does somewhere deep in his heart— but Mr. President, I have received the unanimous support of the Americas for Bolivia's cause and for the desire that Chile and Bolivia hold genuine talks to find a solution, because I also agree with the Ambassador of Chile that this is a problem that must obviously be

resolved at the bilateral level. I never made any barbaric statement to the contrary, but neither do I wish to hear someone else make the barbaric statement that the OAS has absolutely no power to hear a problem that concerns the Americas. Of course it does. And it has it in sufficient, but unfortunately long-term, measure to solve this problem. Because if the OAS, which is not the venue for resolving this problem, had the power to resolve it, we would have already solved the problem. It is clear that the OAS only expresses its solidarity, its strong support, recognized by Bolivia and much appreciated.

But everyone in this Hall must be fully convinced and remember that Bolivia's problem is also a multilateral problem, because it is an ongoing concern in the Americas. And fortunately, this is not just the opinion of myself, as an interested party, but the opinion of all, which I deeply appreciate, Mr. President, and accord it the only blameless veneration, that of respect and gratitude. Thank you, Mr. President.

[...]

The REPRESENTATIVE OF CHILE: Thank you, Mr. President. I was certainly not trying to start an argument with my dear friend, Ambassador Soriano, and I already feel guilty enough for having spoken at length, keeping all of you in this meeting today. Nonetheless, I must take up a certain point, albeit briefly. I would like to say that when he speaks of the statements made by my President in Arica, the Ambassador is providing only a partial quote, because the President also said in Arica: "Possibly out of haste, our neighbors have made a request that cannot be accepted under any circumstances." I think that this phrase balances the others read by my dear friend, Ambassador Soriano.

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En cuanto al documento de don Horacio Walker, yo no he impugnado su existencia ni me he olvidado de él. Creo que está en mi intervención el que Chile, en distintas oportunidades, ha estado llano a conversar de este problema con Bolívia. Al conversar de este problema con Bolívia entran todos los demás factores que ustedes conocen, entre otros, y muy principalmente, que la propuesta tenga aceptación para el pueblo chileno. No he dicho tampoco que Bolívia sea la culpable de la ruptura de esta negociación. No es culpable de la ruptura de esta negociación, pero sí he destacado algunos errores que probablemente se cometieron por apresuramiento, por exceso de emocionalidad, que contribuyeron a que la respuesta que mi país ha dado a esta propuesta haya sido negativa.

Quiero recordar que en la negociación de Charaña, en la que sí se avanzo considerablemente entre los dos países, fue Bolivia la que la desahusió, rompiendo relaciones diplomáticas con Chile. Tampoco quería citarlo, pero ahora voy a citar las palabras del Presidente de Bolivia, el General Hugo Banzer, el 28 de diciembre de 1975, cuando respondía a inquietudes periodísticas sobre por qué la fórmula comprendía, en aquel entonces, un canje territorial, y él dijo: Porque realmente no creemos que ningún Gobierno chileno podrá vender territorios. Ningún gobierno puede aceptar otra cosa que no sea territorios porque no tiene justificativo histórico. Creo sinceramente que ningún Gobierno chileno aceptaría o gas o petróleo o sencillamente dinero, porque no tiene justificativo histórico ante su pueblo para poder llevar adelante una negociación de este tipo. Creemos que cualquiera que sea el gobierno va a pedir trueque de territorio, ahora o en el futuro, y si en el pasado se llegó a un principio de negociación sobre la base de compensaciones no territoriales --aquí se refiere a don Horacio Walker-- honestamente creo que no iba a concluir un arreglo con Chile, porque repito, ningún gobierno --me pongo en la situación del Gobierno chileno-- aceptaría una negociación sobre la base de pagarles con productos o con dinero. Es lo mismo que sucedería en Bolivia, de ninguna manera este Gobierno o los que vienen podrían vender territorios, enajenarlos. De modo que creemos que es la única forma en la cual el Gobierno chileno puede concedernos el corredor a que se ha hecho referencia, desde luego, la salida al mar. $\frac{1}{2}$ Gracias, señor Presidente.

El señor PRESIDENTE: Tiene la palabra el Representante de Bolivia.

El señor REPRESENTANTE DE BOLIVIA: Simplemente, hacer memoria de lo que yo he dicho y que no necesita mayor reflexión, porque las negociaciones son justamente eso. Ahí está la expresión clara de Chile. Yo también le diría: el señor Pinochet ahora no quiere vender ni ceder ni mucho menos. Un civil, de algún gobierno constitucional, de los muchos, diría

1. No cotejado con el original.

As for Mr. Horacio Walker's document, I have not challenged its existence nor have I ignored it. I think my contribution notes that Chile has been ready to talk about this problem with Bolivia on many occasions. When talking about this problem with Bolivia, other factors of which you are aware enter into the discussion, including, the principal factor that the proposal be acceptable to the Chilean people. Nor have I said that Bolivia is responsible for the breakdown of these negotiations. It is not responsible for the breakdown of these negotiations, but I have highlighted certain mistakes it made due to haste and excess emotion, thus contributing to my country's negative response.

I would like to remind everyone that in the Charaña negotiations, where considerable progress was made by the two countries, it was Bolivia that quit, breaking diplomatic relations with Chile. Nor did I wish to quote the words of the President of Bolivia, General Hugo Bánzer, but I will do so now, when on 28 December 1975, in response to journalistic concerns on why the solution then put forward included an exchange of territory, the General said: Because we do not really think that any Chilean government could sell territory. No government can accept anything other than territory, since there is no historical justification. I sincerely believe that no Chilean government would accept gas, oil, or money, because it could not offer its people any historical justification for negotiations of this kind. We believe that any government would request an exchange of territory, now or in the future, and if there was a past agreement on a negotiating principle based on non-territorial compensation -referring here to Mr. Horacio Walker-I honestly believe that there would be no agreement with Chile, because I repeat, no government --- I put myself in the shoes of the Chilean government--- would accept negotiations based on payment with products or money. This would be true for Bolivia as well, since this government or future ones would never sell or cede territory. So we believe that it is the only way in which the Chilean government can grant us the corridor in question, and obviously the access to the sea.¹ Thank you, Mr. President.

[...]

The REPRESENTATIVE OF BOLIVIA: Please just remember what I said, which requires no further reflection, since the negotiations are just that. There is Chile's clearly-stated position. I also would note: Now Mr. Pinochet does not wish to sell, cede, or anything else. A civilian from one of

^{1.} Not compared with the original.

yo, de Chile, justicieramente dice: "Buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana." Esto quiere decir que en el espíritu boliviano existe un antecedente que hace mucho más inadmisible para Bolivia pensar en una compensación territorial, cuando existe ya una formulación rigurosamente acordada con Chile, para precisamente no tomar en cuenta compensaciones territoriales en las perspectivas de una negociación.

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Pienso que ya no tendríamos que extendernos. Sería una falta de respeto. Ya me he reposado tranquilamente y no hare más uso de la palabra, señor Presidente, pero esta sí me da la oportunidad para volver a agradecer nuevamente, por si acaso, los colegas aquí presentes hubiesen olvidado esta mi expresión de definitiva gratitud. Gracias, señor Presidente.

El señor PRESIDENTE: Muchas gracias, señor Representante. El Consejo se reunió esta mañana a solicitud del Representante de Bolivia, para hacernos conocer los puntos de vista de su país en relación con la interrupción de las negociaciones con Chile para que Bolivia obtenga una salidad al mar. Hemos escuchado al señor Representante de Bolivia; hemos escuchado al señor Representante de Chile, y hemos escuchado a 27 oradores adicionales.

El señor Representante de Bolivia nos ha informado que ante la Comisión Preparatoria pedirá la inscripción de este punto, como es su derecho, en la próxima Asamblea General. Tocará a la Asamblea General, si para entonces no se han reanudado las conversaciones, decidir lo conducente. Como no hay más oradores, se levanta la sesión.

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Chile's many constitutional governments, more justly says: "Seek a way to give Bolivia its own sovereign outlet to the sea." This means there is a precedent for the Bolivian way of thinking that makes it much more unacceptable for Bolivia to imagine territorial compensation, when there already exists a resolution properly agreed upon with Chile, precisely to not take into account territorial compensation in negotiations.

I think there is no reason to say anything more. That would show a lack of respect. I have had my say and I will say no more, Mr. President, but if you will allow me, I would like to once again thank all of my colleagues here, in case my previous expressions of gratitude were not noted. Thank you, Mr. President.

[...]

Minutes of the Tenth Plenary Meeting of the Organization of American States General Assembly, 14 November 1987

(English translation only)

Organization of American States, General Assembly, Seventeenth Regular Session, 1987, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XVII.O.2 (1988), pp 252 and 258-260

[p 252]

MINUTES OF THE TENTH PLENARY SESSION

<u>Date</u>: 14 November 1987

<u>Time</u>: 11:00 a.m.

<u>Place</u>: Hall of the Americas

President:Mr. Rodrigo Madrigal NietoMinister of Foreign Affairs and Worship of Costa Rica

Present: Messrs.

Ernesto Rivas Gallont	(El Salvador)
Dário M. de Castro Alves	(Brazil)
Jean-Baptiste Reynold Leroy	(Haiti)
Edilberto Moreno Peña	(Venezuela)
Roberto Leyton	(Panama)
Carlos Lemos Simmonds	(Colombia)
Guillermo Villalobos Arce	(Costa Rica)
Hernán Antonio Bermúdez A.	(Honduras)
Ronald L. Kensmil	(Suriname)
Juan Carlos Capuñay	(Peru)
Andrés Valencia	(Mexico)
Gastón de Prat Gay	(Argentina)
Erstein M. Edwards	(St. Kitts and Nevis)
Sonia M. Johnny	(Saint Lucia)
Henry W. Ogilvie	(Grenada)
Eladio Knipping Victoria	(Dominican Republic)
Miguel Antonio Vasco	(Ecuador)
María Teresa Butler	(Bahamas)
Juan A. Llanes	(Paraguay)
Orlando J. Moneada	(Nicaragua)
Juan Larraín	(Chile)
William Douglas	(Barbados)
Richard T. McCormack	(United States)
Cherrie J. Orr	(Jamaica)
Alfredo Platas	(Uruguay)
Paul O. Spencer	(Antigua and Barbuda)
Francisco Villagrán	(Guatemala)
J.R.P. Dumas	(Trinidad and Tobago)
Fernando Messmer	(Bolivia)

João Clemente Baena Soares	(Secretary General of the OAS)
Val T. McComie	(Assistant Secretary General)

[...]

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d. <u>Report on the maritime problem of Bolivia (GA/doc.2232/87)</u>

The PRESIDENT: We will now consider the draft resolution on the maritime problem of Bolivia [GA/doc.2232/87]. In response to a request by the Representative of Chile, a roll-call vote will be taken on this draft.

Mexico	Yes
Argentina	Yes
St. Kitts and Nevis	Abstained
St. Vincent and the Grenadines	[Absent]
St. Lucia	Abstained
Grenada	-
Dominican Republic	-
Ecuador	Yes
Bahamas	Yes
Paraguay	Yes
Nicaragua	Yes
Chile	No
Barbados	Yes
United States	Yes
Jamaica	Yes
Uruguay	Yes
Antigua and Barbuda	Yes
Guatemala	Yes
Trinidad and Tobago	Abstained
Bolivia	Yes
[p 259]	
Dominica	[Absent]
El Salvador	-
Brazil	Yes
Haiti	Abstained
Venezuela	Yes
Panama	Yes
Colombia	Yes

Costa Rica	Yes
Honduras	Yes
Suriname	Abstained
Peru	Yes

The SECRETARY: The result of the vote was as follows: twenty votes in favor, one against, and five abstentions.

The PRESIDENT: The draft is therefore approved. The Representative of Peru has the floor.

The REPRESENTATIVE OF PERU: (Mr. Capuñay): Thank you very much, Mr. President. I would simply like to request that the statement made by my Delegation in the General Committee also be put on record in these minutes. Thank you very much.

The PRESIDENT: The Representative of Bolivia has the floor.

The REPRESENTATIVE OF BOLIVIA (Mr. Messmer): Thank you, Mr. President. In the General Committee I had already expressed our profound thanks and gratitude to all those whose votes show that they perfectly understand the scope of an exhortation that seeks to ensure the utmost tranquility in an area that requires a peace that encourages coexistence and development. Thank you, Mr. President.

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

The REPRESENTATIVE OF PARAGUAY (Mr. Llanes): Thank you, Mr. President. I would only like to request from the bench that the minutes of this plenary session include the statement on this issue made by the Delegation of Paraguay in the General Committee. Thank you very much.

The PRESIDENT: The Representative of Chile has the floor.

[p 260]

The REPRESENTATIVE OF CHILE (Mr. Larraín): Thank you very much, Mr. President. My Delegation would like to put on record that it opposed the inclusion of this item on the agenda and the draft resolution presented, for reasons that we have explained in detail during the debate in the General Committee and during our explanation of our vote on that occasion. Thank you very much.

[...]

Organization of American States, General Assembly, resolution AG/RES. 873 (XVII–O/87), Report on the Maritime Problem of Bolivia, 14 November 1987

(Original in English and French)

Organization of American States, General Assembly, Seventeenth Regular Session, 1987, *Proceedings*, Vol. I, OEA/Ser.P/XVII.O.2 (1988), pp 29 and 33

ORGANIZATION OF AMERICAN STATES General assembly	
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GENERAL SECRETARIAT ORGANIZATION OF AMERICAN STATES WASHINGTON, D.C. 20006 1988	

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AG/RES. 873 (XVII-0/87)

REPORT ON THE MARITIME PROBLEM OF BOLIVIA

(Resolution adopted at the tenth plenary session, held on November 14, 1987)

WHEREAS:

The dialogue aimed at finding a solution to Bolivia's land-locked status has broken off, a dialogue consistent with resolutions AG/RES. 426 (IX-0/79), AG/RES. 481 (X-0/80), AG/RES. 560 (XI-0/81), AG/RES. 602 (XII-0/82), AG/RES. 686 (XIII-0/83), AG/RES. 701 (XIV-0/84), AG/RES. 766 (XV-0/85), and AG/RES. 816 (XVI-0/86), which had declared it to be of permanent interest to the hemisphere that an equitable solution be found whereby Bolivia must obtain sovereign and useful access to the Pacific Ocean; and

The objective indicated in the preceding paragraph must be accomplished in the spirit of brotherhood and American integration, in order to achieve the harmony that will stimulate economic and social progress in that area of the Americas directly affected by the consequences of Bolivia's land-locked status,

THE GENERAL ASSEMBLY

RESOLVES:

1. To regret that the talks recently held between Chile and Bolivia have broken off, and once again to urge those states directly involved in this problem to resume negotiations in an effort to find a means of making it possible to give Bolivia an outlet to the Pacific Ocean, on the basis of mutual advantage and the rights and interests of the parties involved.

2. To state that either of the parties may request that the item "Report on the Maritime Problem of Bolivia" be included on the agenda for the next regular session of the General Assembly.

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AG/RES. 873 (XVII-0/87)

RAPPORT SUR LE PROBLEME DE L'ACCES DE LA BOLIVIE A LA MER

(Résolution adoptée à la dixième séance plénière tenue le 14 novembre 1987)

L'ASSEMBLEE GENERALE,

CONSIDERANT

Qu'a été interrompu le dialogue entamé pour trouver une solution à l'enclavement de la Bolivie, comme en attestent les résolutions AG/RES. 426 (IX-0/79), AG/RES. 481 (X-0/80), AG/RES. 560 (XI-0/81), AG/RES. 602 (XII-0/82), AG/RES. 686 (XIII-0/83), AG/RES. 701 (XIV-0/84), AG/RES. 766 (XV-0/85) et AG/RES. 816 (XVI-0/86), lesquelles font état de l'intérêt permanent que porte le continent à une solution équitable qui permette à la Bolivie d'avoir un accès souverain et utile à l'océan Pacifique;

Qu'il est nécessaire de promouvoir dans un esprit de fraternité et d'intégration américaine l'objectif susmentionné pour que règne une harmonie propice au progrès économique et social de la région de l'Amérique directement touchée par les effets de l'enclavement de la Bolivie,

DECIDE:

1. De déplorer l'interruption des pourparlers récemment entrepris par le Chili et la Bolivie et d'exhorter de nouveau les Etats directement touchés par le problème à reprendre des négociations pour trouver une formule qui permette à la Bolivie d'avoir un accès à l'océan Pacifique sur des bases qui prennent en considération les besoins réciproques ainsi que les droits et intérêts des parties en présence.

2. D'arrêter que l'une ou l'autre des parties peut demander l'inscription du point intitulé "Rapport sur le problème de l'accès de la Bolivie à la mer" à l'ordre du jour de sa prochaine session ordinaire.

Memorandum of the Ministry of Foreign Affairs of Chile on Bolivian Transit through Chile: Advantages Additional to those Established by Treaties and Conventions, June 1988

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

MANATURIO DE RELACIONES EXTERIORES DIRECCION GENERAL DE RELACIONES ECONOMICAS INTERNACIONALES

TRANSITO DE BOLIVIA A TRAVES DE CHILE

FACILIDADES ADICIONALES A LAS ESTABLECIDAS POR LOS TRATADOS Y CONVENIOS

1.- Sistema Integrado de Tránsito

Los Gobiernos de Chile y de Bolivia solicitaron a la Comisión Económica para América Latina de Naciones Unidas (CEPAL), en el año 1974, un estu dio técnico con el fin de racionalizar los sistemas de flujo de mercaderías y los procedimientos documentarios de la carga boliviana por los puertos de Arica y Antofagasta. Lo anterior, con el objeto de mejorar y perfeccionar el régimen de libre tránsito de que goza Bolivia.

Dada la naturaleza de los estudios que debían realizarse, se estimó conveniente iniciar los estudios en el puerto de Arica.

Los análisis y conclusiones de la CEPAL permitieron que los dos países convinieran una nueva modalidad para el tratamiento de la carga en tránsito que se ha denominado Sistema Integrado de Tránsito, que fue puesto en vigen cia a mediados de 1975. Además de la racionalización del tráfico de mer caderías, el sistema ha perfeccionado el control de la carga con participa ción de la Administración Autónoma de Almacenes Aduaneros de Bolivia.

Las autoridades chilenas y bolivianas han evaluado el sistema y se ha concluido que es ampliamente beneficioso para Bolivia.

El sistema fue analizado en detalle en la Reunión Técnica Especial de Transporte de Chile y Bolivia, efectuada en Santiago entre los días 14 y 17 de marzo de 1978.

En el Acta Final suscrita al término de dicha reunión, se dejó la si guiente constancia :

"Las Delegaciones técnicas de Chile y de Bolivia efectuaron un amplio

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MINISTRY OF FOREIGN AFFAIRS OFFICE OF INTERNATIONAL ECONOMIC RELATIONS

PROCHILE

BOLIVIAN TRANSIT THROUGH CHILE

ADVANTAGES ADDITIONAL TO THOSE ESTABLISHED BY TREATIES AND CONVENTIONS

1. Integrated Transit System

In 1974, the Governments of Chile and Bolivia requested from the United Nations Economic Commission for Latin America (CEPAL) a technical study for the purpose of streamlining both the flow of Bolivian goods through the Ports of Arica and Antofagasta and the relevant documentation procedures. The foregoing was intended to improve and perfect the free transit regime enjoyed by Bolivia.

Given the nature of the studies to be conducted, it was deemed appropriate to start such studies at the Port of Arica.

The analysis and conclusions of CEPAL allowed both countries to agree on a new mechanism for the treatment of goods in transit, known as the Integrated Transit System, which came into force by mid-1975. In addition to streamlining the flow of goods, the system has perfected cargo control procedures with the participation of the Bolivian Autonomous Administration of Customs Warehouses.

The Chilean and Bolivian authorities have evaluated the system and concluded that it is highly beneficial for Bolivia.

The system was analyzed in depth at the Special Technical Meeting on Transportation held between Chile and Bolivia in Santiago between 14 and 17 March 1978.

The following entry was recorded in the Final Minutes of such meeting:

"The technical Delegations from Chile and Bolivia have conducted an indepth HO DE RELACIONES EXTERIORES CCION GENERAL DE RELACIONES ECONOMICAS INTERNACIONALES

PROCHILE

análisis del Sistema Integrado de Tránsito de Mercaderías hacia Bolivia, implantado en el puerto de Arica el 1º de agosto de 1975, asimismo, de las medidas que la Comisión Mixta de Chile y de Bolivía sobre transporte -reunida en Arica los días 20 a 22 de diciembre del mismo año- acordaron en adoptar para alcanzar con dicho sistema una mayor efectividad, concluyendo que es positivo, satisfactorio y de recíproco beneficio para ambos países.

- 2 -

"Las Delegaciones destacaron especialmente que el Sistema Integrado de Tránsito aludido ha permitido optimizar la agilización de la operación por tuaria con beneficio para la carga, cuya integridad y cuidado, por el mejor manipuleo de ella, ha mejorado ostensiblemente.

"Las Delegaciones, de igual manera, dejaron testimonio que con el Siste ma Integrado de Tránsito en lo técnico se ha logrado un racional aprovechamiento del equipo portuario y ferroviario; y que en lo administrativo se ha obtenido una disminución de los documentos que requiere el tránsito de las mercaderías con destino a Bolivia y una adecuada distribución del personal que interviene en estas operaciones y en los trámites documentales".

En la misma reunión técnica y teniendo en cuenta la experiencia recogida en Arica, se acordó aplicar el Sistema Integrado de Tránsito en Antofagas ta a partir del primero de abril de 1978.

Con posterioridad los Gobiernos de Chile y Bolivia solicitaron a la Co misión Económica para la América Latina (CEPAL), a fines de 1986, su coopera ción para efectuar la evaluación del Sistema Integrado de Tránsito (S.I.T.) en aplicación en Arica.

La CEPAL aceptó el encargo y presentó el documento "LC/L.436" de 7 de diciembre de 1987 titulado "Sistema Integrado de Tránsito para Mercaderías Bolivianas Transbordadas a través del Puerto de Arica: Evaluación a los 12 años de funcionamiento".

Este documento ha sido recibido favorablemente por el Gobierno de Chile

3/.

analysis of the Integrated Transit System covering Goods in transit to Bolivia, implemented at the Port of Arica on 1 August 1975, and of the measures that the Chile-Bolivia Bi-National Commission on Transportation -convened in Arica between 20 and 22 December of the same year- agreed to adopt, in order to achieve increased efficiency with such system, and have concluded that such system is positive, satisfactory, and mutually beneficial for both countries.

"Such Delegations emphasized in particular that the referred Integrated Transit System has made it possible to streamline port operations, providing benefits to the cargo involved, whose condition and care, as a result of enhanced handling practices, has improved noticeably.

"The Delegations further stated that from a technical perspective, the Integrated Transit System has made it possible to make the most of port and railway equipment; and, from an administrative standpoint, it has been possible to reduce the paperwork required for the transit of goods bound for Bolivia and secure an adequate distribution of the personnel involved in such operations and in paperwork processing".

At this technical meeting, and taking into account the experience gained in Arica, the parties agreed to apply the Integrated Transit System in Antofagasta starting 1 April 1978.

Subsequently, by late 1986, the Governments of Chile and Bolivia requested cooperation from the Economic Commission for Latin America (CEPAL) for an evaluation of the Integrated Transit System (SIT) in operation in Arica.

The ECLAC accepted the task and submitted a document known as "IC/L.436," dated 7 December 1987, and entitled "Sistema Integrado de Tránsito para Mercaderías Bolivianas Transbordadas a través del Puerto de Arica: Evaluación a los 12 años de funcionamiento." [Integrated Transit System for Bolivian Goods Transshipped Through the Port of Arica: An Evaluation After 12 Years of Operation].

This document has been welcomed by the Chilean Government,

CONOMICAS INTERNACIONALES

PROCHILE

quien no tiene inconveniente en que la CEPAL estudie la petición boliviana de extender la aplicación del S.I.T. a las exportaciones bolivianas y, ade más, haga una evaluación de la aplicación de ese Sistema en el puerto de Antofagasta.

- 3 -

El proceso que caracteriza la aplicación del Sistema Integrado de Trán sito es una manifestación clara de la disposición permanente del Gobierno de Chile de estudiar procedimientos y medidas para facilitar el flujo de las mercaderías bolivianas.

2.- Renovación de concesión para el Oleoducto de Sica-Sica a Arica

Mediante el Tratado de Complementación Económica de 1955 el Gobierno de Chile se comprometió a otorgar a Bolivia las facilidades para construir en territorio chileno, un oleoducto que permitirá la salida de los produc tos petrolíferos bolivianos a los mercados mundiales.

Este olecducto tiene una longitud de 156 kilómetros en territorio chi leno y posee una Estación Terminal en Arica.

Entre las facilidades otorgadas por el Gobierno de Chile merecen men cionarse las siguientes :

- a) Concesión de uso absolutamente gratuito de los terrenos fiscales a través de los cuales se construyó el olecducto por el tiempo que dure la explotación del mismo.
- b) Liberación de todo derecho, gravamen o imposición de cualquiera na turaleza para el material y equipo que se internara en Chile para la construcción, mantenimiento y operación del oleoducto.
- c) Otorgamiento, en 1974, de una ampliación de la capacidad de la Es tación Terminal de Arica, mediante un cambio de Notas fechado el 4 de diciembre de ese mismo año.

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which has no objection to the ECLAC analyzing the Bolivian petition to extend the application of the SIT to Bolivian exports and further evaluating the application of such System at the Port of Antofagasta.

The process involving the application of the Integrated Transit System constitutes clear evidence of the willingness permanently displayed by the Chilean Government to analyze procedures and measures intended to facilitate the transit of Bolivian goods.

2. <u>Renewal of the concession for the Sica-Sica – Arica Oil Pipeline</u>

Under the Treaty of Economic Complementation of 1955, the Chilean Government undertook to grant Bolivia advantages to build an oil pipeline on Chilean territory, which will allow Bolivian oil products to reach world markets.

This oil pipeline extends 156 kilometers into Chilean territory and has a Terminal in Arica.

Among the advantages granted by the Chilean Government, the following are worthy of mention:

- (a) A concession totally free of charge over the State-owned lands across which the oil pipeline was constructed, for the duration of the exploitation of such pipeline.
- (b) Exemption from any right, duty, or lien, imposed on the material and equipment brought into Chile for the construction, maintenance, and operation of the oil pipeline.
- (c) An expansion of the Arica Terminal capacity granted in 1974 under an exchange of official letters dated 4 December 1974.

PROCHILE

La construcción del olecducto costó a fines de la década del 50, la su ma de U.S.\$ 9.000.000 que equivaldrían hoy en día a más de U.S.\$ 30.000.000, habiendo sido su utilización irrisoria.

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Sin embargo, por Decreto Supremo Nº923, de 26 de noviembre de 1979 (des pués de la ruptura de relaciones diplomáticas provocada por Bolivia), se re novó por un plazo de 20 años la concesión marítima sobre un sector de pla ya, playa, fondos de mar y porciones de agua, otorgada a Yacimientos Petro liferos Fiscales Bolivianos (entidad operadora del oleoducto), en el lugar denominado El Chinchorro en el puerto de Arica.

3.- Construcción de la carretera de Arica a Tambo Quemado

Chile construyó esta carretera que cruza la frontera chileno-boliviana por el paso de Tambo Quemado y cuya prolongación en territorio boliviano de bería llegar hasta Patacamaya, en la carretera pavimentada que une Oruro con La Paz, casi a igual distancia de ambas ciudades, de modo que esta carrete ra serviría para atender, desde Arica, tanto La Paz como Oruro.

Chile ha terminado, hace años, la construcción de esta carretera por su territorio, a un costo del orden de los U.S.\$ 120.000.000, con pavimento en los primeros 90 km. en buen estado, ripio en regulares condiciones en los 86 km. siguientes y tierra en mal estado en los últimos 20 km. debido al In vierno Altiplánico, lo que obliga a reparaciones anuales en esta parte.

A esta carretera se le asignó, por petición de Bolivia, primera priori dad en el Eje Central del Sistema Troncal Andino de Carreteras, que fue apro bado mediante la Decisión 94 de la Comisión del Acuerdo de Cartagena.

No obstante esta primera prioridad, hasta la fecha nada o casi nada ha hecho el Gobierno de Bolivia por construir la parte de la carretera que le corresponde y que tanto necesita.

5/.

By the end of the 1950s, the construction of the oil pipeline had cost US\$ 9,000,000, which nowadays would be equivalent to over US\$ 30,000,000. Since then, it has been barely used.

However, by Supreme Decree No. 923 of 26 November 1979 (*i.e.* after the diplomatic relations break-off caused by Bolivia), the maritime concession granted to Yacimientos Petrolíferos Fiscales Bolivianos (the pipeline operator) over a beach area, the beach, the seabed, and water areas at a place called El Chinchorro, at the Port of Arica, was renewed for a period of 20 years.

3. <u>Construction of the Arica-Tambo Quemado road</u>

Chile built this road that crosses the Chile-Bolivia border through the Tambo Quemado crossing, whose extension into Bolivian territory should reach Patacamaya, a town on the paved road connecting Oruro with La Paz which is situated approximately midway between these two cities, so that this road would be suitable to serve both La Paz and Oruro from Arica.

Years ago, Chile completed the construction of this road in its territory at a cost of around US\$ 120,000,000. This stretch of road consists of an initial 90 km tarmacked section in good condition, an 86 km gravel section in poor condition, and a last 20 km dirt track in bad condition that needs repairing once a year as a result of the winter affecting this area.

At the request of Bolivia, this road was given first priority within the Central Axis of the Andean Trunk Road System, which was approved by Decision No. 94 of the Cartagena Agreement Commission.

Notwithstanding this first priority, the Bolivian Government has done nothing or virtually nothing toward constructing its much-needed section of the road, for which Bolivia is responsible. PROCHILE

Mientras que la capacidad actual del Ferrocarril de Arica a La Paz es de unas 160.000 toneladas anuales, la capacidad de esta carretera sería de algunos millones de toneladas al año, lo que supera varias veces todo el comercio exterior de Bolivia por vía terrestre.

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No es posible calcular con exactitud la capacidad de esta carretera pues dependería de la composición del tráfico (automóviles, camiones y bu ses) y del tipo de estos vehículos, variables que no se conocen. Para el transporte de carga se podría indicar un mínimo de 2 millones de toneladas y un máximo de 4 millones, sumando ambos sentidos de tráfico.

Es incomprensible entonces que, a pesar de la gravitación que tendría esta obra de infraestructura para Bolivia en la cual camiones bolivianos con tripulación también boliviana y con combustibles del Altiplano podrían transportar toda la carga de importación y exportación de Bolivia por el Pa cífico, nada haya hecho ese país por construir un tramo de carretera que le daría una salida virtualmente soberana al mar dadas las amplias y libres fa cilidades de tránsito concedidas por Chile.

La carretera en el tramo chileno tiene 196 km. de longitud subiendo desde el nivel del mar a más de 4.400 metros de altura.

Este es un ejemplo, claro y concreto, de las facilidades que Chile otorga a Bolivia en materia de infraestructura de transporte y que este país, inexplicablemente, no aprovecha con perjuicio para su comercio ex terior.

4.- Tarifas portuarias para mercancías bolivianas en tránsito

Desde fines de la década del 60 la Empresa Portuaria de Chile accedió a consultar con sus usuarios bolivianos los aumentos y variaciones en las tarifas portuarias para las mercancías en tránsito de Bolivia. While the current capacity of the Arica Railway stands at about 160,000 annual tons, the capacity of this road would be in the order of a few millions of annual tons, which surpasses many times the total volume of Bolivian foreign trade conducted by land.

It is not possible to calculate the exact capacity of this road: this calculation would depend on the composition of road traffic (cars, trucks, and buses) and on the types of vehicles, variables which are unknown. With respect to cargo transportation, we could estimate a minimum of 2 million tons and a maximum of 4 million tons, considering traffic running both ways.

It is incomprehensible, then, that despite the importance that this piece of infrastructure presumably has to Bolivia, along which Bolivian trucks carrying Bolivian crew and fuel from the Bolivian plateau would be able to transport the entire Bolivian import and export cargo across the Pacific region, Bolivia has done nothing toward building a stretch of road that would provide this country with a virtually sovereign maritime exit, given the considerable free transit advantages given by Chile.

The Chilean section of the road is 196 km long and runs up from sea level to a height of over 4,400 m.

This is a clear, concrete example of the advantages granted by Chile to Bolivia concerning transportation infrastructure, which Bolivia, inexplicably, has failed to benefit from, at the expense of its foreign trade.

4. <u>Port tariffs applicable to Bolivian goods in transit</u>

By the late 1960s, Empresa Portuaria de Chile [EMFORCHI] agreed to consult with its Bolivian users about increases and variations in port tariffs applicable to Bolivian goods in transit. CONES EXTERIORES

De acuerdo al señor Director de EMPORCHI, en líneas generales, las ta rifas para estas mercancías satisfacen las necesidades de Bolivia en esta materia.

- 6 -

A pesar de que ningún tratado, convenio o acuerdo exige estas consul tas, la Empresa Portuaria de Chile las efectúa para escuchar las peticio nes bolivianas y atenderlas dentro de lo posible.

Departamento de Transportes JCR/dhe Junio 1988 According to the Director of EMFORCHI, in general, the tariffs applicable to such goods meet Bolivian needs in respect of this issue.

Although no treaty, convention or agreement requires these consultations, Empresa Portuaria de Chile conducts such inquiries in order to learn about Bolivian requests and address them where possible.

Office of Transportation JCR/dhe June 1988

Minutes of the Third Meeting of the General Committee of the Organization of American States General Assembly, 16 November 1988

(English translation only)

Organization of American States, General Assembly, Eighteenth Regular Session, 1988, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XVIII.O.2 (1989), pp 380-394 and 396-403

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GENERAL COMMITTEE MINUTES OF THE THIRD MEETING

<u>Date</u> : <u>Time</u> : <u>Place</u> :	16 November 1988 10:00 a.m. Sheraton Hotel	
President:	Mr. Ricardo Acevedo Peralta Minister of Foreign Affairs of E	El Salvador
Present:	Messrs.:	
	Edilberto Moreno Peña Diego Cordovez Rodney Elpidio Acevedo Jean-Baptiste Reynold Leroy Felipe Valdivieso Franklin A. Baron Andrés L. Valencia Roberto Ramos Bustos Eduardo Meyer Sahadeo Basdeo Jeannette R. Grant-Woodham William T. Price Franklin Cubero Maurice A. King Paulette Bethel-Daly Javier Illanes Aquilino Boyd Carlos Tunnermann B. Joaquín Maza Luis Kreckler Bernardo Pericás Edmund H. Lake Carlos Lemos Ope Pasquet Guillermo Bedregal Joaquín Ricardo	(Venezuela) (Ecuador) (Paraguay) (Haiti) (Peru) (Dominica) (Mexico) (Honduras) (Guatemala) (Trinidad and Tobago) (Jamaica) (United States) (Costa Rica) (Barbados) (Bahamas) (Chile) (Panama) (Nicaragua) (El Salvador) (Argentina) (Brazil) (Antigua and Barbuda) (Colombia) (Uruguay) (Bolivia) (Dominican Republic)
	João Clemente Baena Soares Val T. McComie	(Secretary General of the OAS) (Assistant Secretary General)

[...]

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Report on the maritime problem of Bolivia (Draft resolution submitted by the Delegations of Bolivia, Costa Rica, Mexico, Nicaragua, Panama, the Dominican Republic and Venezuela) (AG/doc.2278/88 and AG/CG/doc.3/88) (item 15 on the agenda)

The PRESIDENT: As the first item on the order of business, we have the discussion of the report on the maritime problem of Bolivia [AG/doc.2278/88]. A draft resolution related to this issue has been submitted [AG/CG/doc.3/88], and I ask the Secretary to please read it aloud.

The SECRETARY: [Reads.]

The PRESIDENT: Thank you very much. The draft resolution that was just read aloud is now under consideration, and to that end I offer the floor. The Minister of Foreign Affairs of Bolivia has the floor.

The MINISTER OF FOREIGN AFFAIRS OF BOLIVIA (Mr. Bedregal): Thank you very much, Mr. President. Mr. President, Ministers of Foreign Affairs, Heads of Delegation, Representatives:

This matter has been under consideration in our Organization since 1979. At that time, the spirit of justice and desire for integration of the Continent were expressed with the statement "that it is of continuing hemispheric interest that an equitable solution be found", one that is just and provides Bolivia with "appropriate sovereign access to the Pacific Ocean", in order to create a climate of "stable peace that will promote the economic and social progress of the area of the Americas directly affected by the consequences of the landlocked status of Bolivia."

The Organization of American States recommended that the States affected by this problem open negotiations for the purpose of providing

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Bolivia with a free, continuous, and sovereign connection with the Pacific Ocean. The decision adopted by the 1979 Assembly only reflected the concern and interest of the nations of the hemisphere, already expressed in 1975, in the formal session of the OAS's Permanent Council held in August to commemorate the sesquicentennial of Bolivia's independence, where it was recognized by consensus that Bolivia's geographic confinement was a hemispheric problem that deserved a solution that would benefit not only Bolivia, but also the countries directly affected by this confinement.

Mr. President, it must be noted that prior to the 1979 resolution, the Bolivian maritime matter was also the subject of important bilateral diplomatic efforts, some of which are quite valuable background, which we will briefly point out in this report. In 1895, pursuant to the Treaty on Transfer of Territories, Chile committed to hand over Tacna and Arica if the result of the plebiscite agreed to with Peru favored it, and if not, the cove of Vítor or another similar one.

In 1920, the Ministers of Foreign Affairs of Bolivia and Chile signed a Protocol in which Chile expressed its willingness for Bolivia to acquire access to the sea, to the north of Arica and the railway line, which is territory subject to the plebiscite provided for in the Treaty of Ancón, which was the point that ended the war between Chile and Peru.

In 1926, the U.S. Secretary of State, Frank P. Kellogg, in the use and exercise of his good offices, proposed that: "The provinces of Tacna and Arica should become part of Bolivia's geographic heritage in perpetuity." The proposal was accepted in principle by Chile.

In 1950, notes were exchanged between the Minister of Foreign Affairs of Bolivia Gutiérrez and Minister of Foreign Affairs of Chile Larraín, through which Chile agreed to negotiate the concession to Bolivia of its own continuous and sovereign access to the Pacific Ocean, without territorial compensation.

In 1961, through the so-called Trucco memorandum, named after the Chilean ambassador to Bolivia who submitted the official document, Chile reiterated its offer under the same framework as in the aforementioned notes of 1950.

In 1975, based on the Charaña bilateral meeting, held on 8 February between the President of Bolivia, Hugo Banzer Suárez, and the President of Chile, Augusto Pinochet, a negotiation process began in which the Government of Chile accepted to grant to Bolivia its own free, useful, sovereign access over contiguous territory in the north of Arica.

Finally, in 1986, the process of rapprochement between the Minister of Foreign Affairs Guillermo Bedregal of Bolivia, who is speaking at this meeting, and Minister of Foreign Affairs Jaime del Valle

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of Chile, was unilaterally and abruptly interrupted, regarding which I will make a brief comment later.

Distinguished Representatives, unfortunately all this history and these diplomatic efforts did not achieve the desired outcome. Nevertheless, this valuable background confirms the desire to reach an agreement between the parties, and, for different reasons, the unwillingness of the Republic of Chile to conclude the negotiations with Bolivia since the War of the Pacific ended. On the other hand, it is also observed that Bolivia sought renewed access to the Pacific Ocean in accordance with the customs and diplomatic practice established by the community of States. Bolivia affirms, like all the nations in the Americas, that our Organization, i.e., the OAS, is morally and legally the appropriate forum for reaching a solution to its confinement. International law of the Americas has never been hermetic and has never been fossilized in unyielding dogmas. Nor has inter-American law tolerated abuse of process, and it has always responded to good faith. In this regard, it seems necessary to repeat the legal grounds that support the OAS's jurisdiction in this matter, contained in Article 2 of our Organization's Charter.

Bolivia's maritime issue is a problem that has still not been resolved. Therefore, it can, and does, create tensions and ill-will in the region. As a result, it is appropriate for the Organization to take initiatives to guarantee harmony and coexistence without threats and uncertainty.

The profound content, annually ratified, of the 1979 resolution, is inspired by the desire for Latin American unity and the conscious conviction of the countries of our hemisphere, which declare that finding an equitable solution, through which Bolivia would obtain sovereign and useful access to the Pacific Ocean, is of permanent interest to the hemisphere.

Hemispheric interest is a collective desire of the Americas sustained by the OAS's belief and conviction that a solution to this problem must be found. This hemispheric conviction is a concept from which the jurisdiction of the Organization emanates, because the unanimous declaration, reflecting a multilateral principle that expresses the hemispheric intent, is transformed into a conducive will to dialogue. This is confirmed in turn by the obvious fact that current hemispheric circumstances are different from those that prevailed in 1904. Nevertheless, we must remember that the Treaty was signed at a time when a general awareness could already be noted in the Americas with regard to the prohibition on the use of force in relationships between the States.

Mr. President, as early as 1829, the Grand Marshal of Ayacucho had already proclaimed to the entire world that victory does not convey right. Regarding that

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doctrine, which is so in fashion currently, it is appropriate to cite the text of Pope Pius XII's encyclical *Summi Pontificatus* of 20 October 1939, which states:

Now, it is true that with the passage of time and the substantial change of circumstances, which were not and perhaps could not have been foreseen at the time of making of a treaty, such a treaty or some of its clauses can in fact become, or at least seem to become unjust, impracticable or inapplicable for one of the parties. It is obvious that should such be the case, recourse should be had in good time to a frank discussion with a view to modifying the treaty as advisable or fully replacing the existing one.

The historical and legal background to Bolivia's maritime problem reveals that the unfortunate confinement of Bolivia, arising from Chile's expansionist activities, has created a historical disproportion that unjustly affects and limits my country's economic and social development. This is another reason for reiterating from a doctrinal standpoint that there is a substantial change in the circumstances that has occurred compared to those existing in 1904, and this is fully compatible with Article 62 of the Vienna Convention.

The forced landlocked situation of my country, in addition to causing insurmountable obstacles to its development, establishes a situation of dependence that is in frank opposition to the procedures for integration and fraternal cooperation and co-existence that inspire the contemporary American spirit. This dependency is evident and it cannot be concealed by the granting of limited "transit" facilities. It is a fact that the person granting such facilities makes them exclusively dependent on his will and the recipient is at the mercy of the grantor.

Mr. President, convinced that the spirit of justice and the unquestionable reality of the international legal doctrine of our Organization have full political and diplomatic validity, Bolivia comes before this General Assembly to insist on a dialogue aimed at finding the mutual agreement that will resolve this problem. During the last nine General Assemblies, our sister nation members of the OAS urged and emphasized this path for the resolution of this dramatic injustice. As a result, with the appeals issued by this forum, Bolivia repeatedly sought to enter into negotiations with the Republic of Chile to try to find potential solutions, through sincere conversations, in good faith and kinship.

All the distinguished Representatives present here know that in 1986 Bolivia promoted negotiations with Chile, which culminated in an official meeting at the level of the Ministers of Foreign Affairs, in Montevideo, in April 1987, thanks to the generous hospitality of the illustrious

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Government of the Oriental Republic of Uruguay, as Bolivia and Chile in due time informed the sixteenth General Assembly of the OAS, held in Guatemala City.

The unfortunate outcome of that negotiation is also well-known by all, which was not due to my country's inconsistency or lack of desire, but rather due to Chile's sudden suspension of negotiations in June 1987, once again thwarting a possible solution. This unilateral decision was denounced by my country during the OAS's last General Assembly, held in Washington.

Our regional organization, joining the new frustration of the Bolivian nation, during the 1987 Assembly, passed a resolution that lamented the interruption of the negotiations held between Bolivia and Chile, and again urged that the negotiations aimed at finding a formula to make it possible to give Bolivia access to the Pacific Ocean be resumed, within the framework of the resolutions that were approved annually from 1979.

Distinguished Representatives, one year has passed since the last Assembly in Washington. Today we find ourselves meeting again in the capital of this noble and generous country, El Salvador, and as our working agenda demands, a report must be made to this General Assembly regarding the progress that has occurred as a result of the adoption of Resolution 873.

I must report to this Assembly that unfortunately no progress has been made in the past year regarding the resolution of this problem, increasing the anguish of the Bolivian people and the difficulties that my country must face to achieve harmonious and sustainable development. This lack of progress in the negotiations is not due to absence of desire on the part of the Government of Bolivia.

Bolivia, because reason is on its side—and I think it can invoke the justice and tradition of the public law of the hemisphere—brings its legitimate complaint before this Organization once again, and repeats its commitment and determined intention to seek, within a hemispheric framework of solidarity, a solution that includes the interests of all the parties involved, through frank and direct dialogue with them.

Before ending this presentation, I am pleased to report that His Holiness Pope John Paul II, on his visit to Bolivia, upon addressing the diplomatic corps in La Paz, stated:

I believe the supreme value of peace, of which you must be convinced advocates, indefatigable defenders, and restorers when necessary, must be placed among your priorities as diplomatic professionals.

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In this regard, I would like to remind you of the principles of reciprocity, solidarity, and effective cooperation in international relations.

The Holy Father continued:

Peace, to whose cause we must all contribute, is not achieved through intransigence or national egocentricities. On the contrary, it is achieved and guaranteed through mutual understanding. Moreover, that understanding is made easier and more fruitful when it comes from a sincere spirit of solidarity; from that solidarity that makes all men of this world brothers, destined by the Creator so that we may all partake of its assets equitably.

Only thus -- said John Paul II -- on the basis of justice and solidarity, and with the effort of mutual understanding, is it possible to establish stable bases of equilibrium to build an international community without permanent and severe anxiety, without dramatic insecurities, without conflicts with irreparable consequences. Only thus will it be possible to find appropriate solutions to the latent problems in various parts of Latin America, such as certain border disputes or the matter of Bolivia's landlocked situation.

The moral recognition that His Holiness gave to the problem of Bolivia's maritime confinement and his call to resolve it through the contributions of the diplomatic community reinforces our commitment and conviction to seek a negotiated solution that will ultimately overcome the century-long confinement that has been imposed on Bolivia. By virtue of this background I request, Mr. President and Representatives, the approval of the current draft resolution that repeats, in unifying and respectful language, the content of the resolutions adopted in the previous Assemblies of the Organization of American States. Thank you very much, Mr. President.

THE PRESIDENT: Thank you very much, Mr. Minister of Foreign Affairs of Bolivia. The Representative of Chile has the floor.

The REPRESENTATIVE OF CHILE (Mr. Illanes): Thank you very much, Mr. President. Mr. President, an essential duty, that of safeguarding the historical and legal truth, obliges me to respond to the ideas of the distinguished Bolivian Minister of Foreign Affairs.

The Treaty of 1904, which definitively fixed the border between Chile and Bolivia, was not imposed under any pressure whatsoever. Quite to the contrary, its basic terms were proposed by the Bolivian Government at the time; it was negotiated for two years with the highest Bolivian authorities, several of whom, years later, and

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by popular vote, again held those same high offices. The Treaty imposed onerous commitments on Chile, some for fixed terms, others in perpetuity. The simple recounting of them would suffice to debunk the allegation that this accord reflects the absolute will of only one of the parties.

The Treaty of 1904 granted Bolivia, in perpetuity, the broadest and most favorable legal regime for access to the sea, through Chilean territory and ports,

to which no landlocked country has a right, and this regime does not depend on Chile's will, Mr. President, it is established in a treaty. It is a legal obligation for my country. It cannot be altered by Chile and does not depend on our whim, on our desire. It is permanent; it is binding. The foregoing eliminates the alleged maritime confinement of Bolivia. That theory is also contradicted by the access facilities to the Pacific and the Atlantic that four other countries bordering Bolivia have granted it. These include connections by road, railway, warehouses, free trade zones, etc. All this, not to mention the rights that multilateral agreements, such as the 1965 United Nations Convention on Transit Trade of Land-locked States, the Protocol that amended the LAFTA, changing it to LAIA in 1980, etc., establish in favor of landlocked States.

Finally, the Treaty of 1904 was signed one-quarter of a century after hostilities between the countries ceased. Furthermore, it is appropriate to recall that it was approved by the Bolivian parliament prior to its ratification by the Government of that country. Thus, the Bolivian Representatives cannot keep repeating that that instrument was imposed by force, when in reality it was freely negotiated, signed, and approved by two sovereign nations.

The ancient Roman fathers of the compendium of logic and rational thinking known as the law coined an aphorism that is on point—*valenta non site in juri* [*sic*], that is to say, there is no injustice committed against one who consented.

Moreover, it is fitting to note that Bolivia has always recognized the full validity of the treaty in question. For example, in the past, as in 1910, in a note that the Bolivian Minister of Foreign Affairs, Mr. Sánchez Bustamante, sent to his Chilean and Peruvian colleagues, or as recently as last September, from the mouth of the Minister of Foreign Affairs Bedregal himself in his presentation before the United Nations General Assembly. They could hardly have taken a different stance given the fact that, since 1904, Chile and Bolivia have entered into dozens of treaties, agreements, conventions, etc., many of which are based precisely on the aforementioned Treaty of Peace and Amity.

No one can, therefore, ignore that, during its 84 years in force, the said instrument has enjoyed a permanent,

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uninterrupted, and fruitful application, which has made it the cornerstone of Chilean-Bolivian relations. As we recognized with satisfaction, my country, and Bolivia too, have honored the binding word, respecting and exercising the rights and faithfully complying with the obligations included in that treaty.

Mr. President, faced with this objective reality, on what logical basis could the Bolivian claim that there is a maritime conflict or dispute between our countries that would involve a risk to the peaceful co-existence in the region be accepted? To dismiss such a senseless idea, it would be sufficient to remember here that the Treaty of 1904 definitively settled all disputes between the parties. In fact, its articles include a border agreement and a commercial free transit regime in Bolivia's favor, expressly characterized by the perpetuity of those commitments.

From another perspective, Bolivia states that the existence of this hypothetical dispute is due to Bolivia's alleged right to reclaim from Chile its own sovereign access to the Pacific. However, from which of the sources of international law — specifically recognized by Article 38 of the Statute of the International Court of Justice — does this alleged right that Bolivia confers upon itself arise? Certainly there is no international convention or custom, general principle of law, judicial decision, or published legal opinion on which Bolivia can base this claim.

In truth, just as non-existent as the alleged Bolivian right is the resulting Chilean obligation to ensure sovereign access to the sea for this country. Nor is there a dispute or conflict of any type between our countries. On the whole, it seems to concern the Bolivian Representatives that this illusory dispute might disrupt the peace in our region. My country in no way shares such apprehensions.

Now I repeat what has been said so many times in the past. Chile's legitimate and peaceful exercise of the rights granted to it by a valid and current treaty can never be the source of a dispute. Proof of this is the absolute peace in which Chileans and Bolivians have co-existed for more than a century.

Furthermore, Chile has shown by its acts that even facing serious and real international conflicts, such as the one that would be brandished now, its manifest peace-loving ideals have not changed. My country, a State party to the United Nations and the OAS Charters, as well as to the Inter-American Treaty of Reciprocal Assistance, has renounced the threat and use of force in its international relations.

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Mr. President, Chile will never resort to aggression, it would only exercise its inherent right to self-defense in the unthinkable event it were a victim of aggression.

Thus, if there is no threat to the peace of our region, because there is no dispute between Chile and Bolivia that could put it at risk, their representatives cannot rightly invoke the measures intended to provide a peaceful solution, less still imagine procedures intended to enforce resolutions adopted not only with the dissenting vote of my country, but outside the limits of the express jurisdiction that the OAS Charter grants to this Assembly.

Mr. President, the Bolivian proposal to enhance or update treaties such as the Treaty of Peace and Amity that binds our two countries in light of contemporary realities would entail a foreseeable and serious risk to the stability of the relationships between States. Just imagine the chaos that would occur in international life if treaties that establish borders could later be updated or adapted based on the Bolivian Minister of Foreign Affairs' new legal theory. Who, how, according to what criteria, would the updating or redrafting of such instruments be carried out?

The Minister of Foreign Affairs of Bolivia, in his speech yesterday in the plenary meeting, attempted to set out some so-called historical-dialectical analogies between certain current international situations and, we assume, the treaty that established the Chilean-Bolivian border. Even without an in-depth study, it is immediately apparent that the cases he mentioned reveal obvious confusion of ideas that hinder any analogy. Thus, the cases of Gibraltar and Hong Kong are typically colonial situations, created between countries that are separated by large geographic distances, if not located on different continents. Those situations also appear to be characterized by the non-existence of disputed territorial rights prior to the establishment of the colonial administration.

In the specific case of the Malvinas/Falkland Islands, another example of colonial imposition -- the most painful for us Americans --, we were not aware that there was, as the Foreign Minister stated, "an obsolete treaty", which had to be overcome. We would appreciate clarification in that regard by the distinguished Bolivian Delegation.

For its part, the 1903 treaty relating to Panama was never a border treaty like the one entered into by Chile and Bolivia one year later. That treaty established a series of rights in favor of one party that seriously limited the sovereignty of the other, so both parties mutually decided to modify that situation.

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The treaty entered into between Mexico and the United States for the territory of Chamizal and the one between Bolivia and Brazil, of 1958, the latter having no relationship whatsoever to border issues, were also amended by agreement of the parties.

Finally, the dispute between Chile and Argentina over the Austral zone, which fortunately was resolved thanks to the mediation of His Holiness Pope John Paul II, specifically had to do with the interpretation of a border treaty entered into one century earlier, which was and is fully respected by the parties. This instrument was not modified at all by the 1985 treaty that the mediation gave rise to.

As is easily observed, the alleged analogies mentioned do not apply when compared to the Chile-Bolivia Treaty of 1904, which is a border treaty entered into between bordering countries and which put an end to a territorial dispute that lasted for more than 60 years.

Mr. President, let's consider seriously matters related to our nations. The wise rules of civil law prescribe that the contract is the law of the contracting

parties; if this rule is essential in the scope of private relationships, there is all the more reason for it to be so in the international arena. Respect for, and the sanctity of, treaties is an inescapable requirement for rational thinking and peaceful co-existence of nations, especially in the case of treaties that set borders; there is a reason they were excluded by the Vienna Convention on the Law of Treaties from the application of the exceptional clause *rebus sic stantibus*.

For these reasons, my country rejects, as it always has in the past, the steps Bolivia is taking with a view to amending the 1904 Treaty. Likewise, it considers all individual or collective attempts by third-party States aimed at this same unacceptable end to be interference in its foreign affairs.

In the presence of this Assembly, Chile reiterates to Bolivia its desire for peace and harmony so that through broad cooperation and effective integration we can achieve the shared well-being and progress that our countries imperatively need. I can assure the Bolivian Minister of Foreign Affairs that this is the only viable path of cooperation, on which we once more cordially invite him to travel. Furthermore, I venture to predict that the position of future Chilean Governments will not be fundamentally different. In fact, the principles that the current Administration has held on this matter correspond to the deepest feelings and national interests, those that cannot be compromised because they are identified with our homeland itself. That is why I do not hesitate

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to say that such motivations will be shared and maintained in the future, whatever the political definition or ideology of those who are responsible for guiding Chile's destiny.

The Representatives know that Chile has invariably maintained that the OAS lacks jurisdiction to hear Bolivia's aspirations. Nothing in the Organization's Charter authorizes it to do so. Therefore, we cannot continue to participate in this debate; in the vote on the respective draft resolution, which we request be done by roll-call, we will vote against it and we urge the Representatives not to support it. Thank you very much, Mr. President.

THE PRESIDENT: Thank you very much, Representative of Chile. The Minister of Foreign Affairs of Bolivia asked for the floor.

The MINISTER OF FOREIGN AFFAIRS OF BOLIVIA (Mr. Bedregal): Mr. President, Representatives, this is a subject that would seem to be located either in science fiction or in the absolute validity of historical experiences such as those I have indicated. I do not intend to discredit the intelligent argument of the Representative of our sister Republic of Chile regarding this matter, but it is part of history, a part that does not really correspond to what this Assembly has been analyzing and considering for more than a decade. Latin American public opinion during the last fifteen years has, unfortunately, sided with the authoritarian government in power in Chile, whose diplomacy, unfortunately, has systematically and capriciously falsified the historical and legal truth regarding the inalienable and legitimate rights of Bolivia to access to the Pacific Ocean. This Chilean offensive, which attempts to confuse international public opinion, maintains things such as: "Bolivia never had the sea; Chile does not owe anything to Bolivia; the borders have been defined by the 1904 Treaty; it enjoys the greatest free transit facilities; the OAS has no jurisdiction over this matter, as the Chilean Representative has just said", etc.

Included among these actions, which are launched, I believe, in a disrespectful manner, the Minister of Foreign Affairs has recently published and distributed a booklet titled "The Maritime Aspirations of Bolivia," which even states that the liberator Simón Bolívar, the first governor of my country, Bolivia, arbitrarily and unilaterally usurped Chilean coastlines for Bolivia. This is one more affront that I believe Bolivia and the Continent cannot adequately quantify.

Mr. President, attempts are always made to distort history, and in this regard my Government, with the greatest care and objectivity, has distributed a document indicating the real history of this

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matter. At no time we are seeking to denounce a treaty, at no time we are seeking a confrontation, but we feel that it is essential to reiterate before an Assembly such as this one that Bolivia's rights over the territories of Atacama along the Pacific Ocean go back to times even before our independence. And when independence was proclaimed, the principle of *uti possidetis juris* of 1910 fully included, as shown in the cartography of that time, Chile's recognition of Bolivia's rights over Atacama, which is included not only in the constitutional texts that said country enacted for itself in 1822, 1823, and 1833, but also in the first bilateral legal instrument entered into between the two nations, the Treaty of Friendship, Commerce and Navigation, approved by the Chilean Congress in 1833 and 1834. I could easily and happily, but with little seriousness, say that this is a Treaty that is also fully valid, because it has been discussed and approved by their congresses in the exercise of their sovereignty.

It is important, Mr. President, and excuse the need for this explanation, to remember that the Chilean Minister of Foreign Affairs, Santamaría, an important person from that country, who even became President of the Republic, courageously acknowledged the historical truth: Chile occupied the Bolivian coastline, but he was not sure that it had the legitimacy to do so; in a letter sent to Rafael Sotomayor, Minister of War, on 1 December 1880, in the midst of the War of the Pacific, he made the following statement: "In what situation will that Republic remain if it is deprived of its entire littoral? We would do poorly to believe that because of our desire and without consulting any other interest but our interest that we are going

to be able to alter the map of Latin America." The aggression and usurpation of the littoral took place during a time recognized by all important Chilean figures. Thus, President Santamaría himself, with notable concern regarding the consequences that the conflict that Chile caused would give rise to, said: "Let's not forget that we cannot cut off Bolivia -- Santamaría says --, deprived of Antofagasta and the entire littoral it previously held up to the Loa River. We must provide them with their own port somewhere, a gateway to gain entrance to the interior without anxiety, without requesting authorization."

Chile caused Bolivia's forced landlocked situation of 109 years, as a result of the military usurpation undertaken by Chile in 1879; 158,000 km² of territory in its littoral department and 400 km of maritime coastline and incalculable economic losses, as well as its isolation from proximity to and the riches of the sea.

The Treaty of Amity of 1904, was entered into by Bolivia, which was forced to do so after 25 years of military occupation; it resulted in: complete interference in its customs, ports, and trade, free admission of Chilean products to the Bolivian market, widespread obstacles to the exit of Bolivian products. Ultimately, this was an oppressive customs and trade noose that suffocated its economy, in addition to the permanent threat that if Bolivia did not

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sign the Treaty this would mean a return to war and reinitiating military hostilities.

With this history, what other choice did Bolivia have to escape the economic stranglehold that Chile imposed on it? As explicit recognition of Bolivia's right over the maritime territory of Atacama and with a guilty conscience for having dispossessed violently assets belonging to others, Chile grants in the 1904 Treaty, which the distinguished Chilean Representative just mentioned, the broadest free transit regime to Bolivia through all its territories and ports. Nevertheless, truth and practice, my fellow Representatives, are very different; Chile's permanent unilateral position is reflected by limits on the transit of people and goods, arbitrary increases to transport tariffs, judgments against the Bolivian State for onerous amounts of money, slow procedures and administration in port services, lack of port infrastructure for warehousing of grains destined for Bolivia, which when left outside suffer 30 per cent loss to their original volume due to seabirds and loss to value and nutritional quality due to the effects of humidity and wind. Proof of this is that at the second meeting held by the Ministers of Foreign Affairs of Bolivia and Chile in New York, in 1986, as a prelude to the last negotiation that was held in Montevideo from 21 to 23 April 1987, the Binational Commission for Rapprochement was formed to first resolve pending issues or deficient services in the free transit system, such as the Antofagasta-Bolivia railway, the Arica-La Paz railway, roads to the Pacific, Oruro-Pisiga-Iquique road, temporary access permits for Bolivian cargo vehicles, construction of silos in Antofagasta and Arica, merchandise security in Antofagasta and Arica, which pay the highest insurance in the world due to the lack of security at the warehouses; port mobilization fees for goods in transit to and from Bolivia, unilateral and arbitrary diversion of the waters of the Lauca River.

Mr. President, distinguished Representatives, a regime theoretically called "free transit" with the broadest range of facilities, as the Chilean Representative has mentioned, which in practice does not respond to the obligations undertaken by Chile in the Treaty of 1904, with various deficiencies, obsolete or non-existent services, obstacles and barriers to the transit of people and goods, unilateral decisions and innumerable limitations, constitutes absolute proof of the inviolability and non-performance of the treaties that Chile so lightly proclaims. Paradoxically, these treaties are being violated by Chile's own diplomacy and its own civil authorities.

Regarding the OAS's jurisdiction, which was arrogantly or at least inconsiderately brought up this time just as it was previously, to specify its legal basis as the principal multilateral instrument of public international law of the Americas, we must remember its

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post-war origin, as the Pan-American League of Nations, is based on the civilized progress and evolution of the relationships between the American States that are aware of the need to establish dialogue, understanding, solidarity, and justice, as rules of peaceful co-existence, so that truth and reason prevail over the violence of war, classified permanently by Chilean geopolitics as "the supreme law of nations."

As a result, Mr. President, distinguished Representatives, Bolivia again appeals to the American conscience, to fraternity, and the desire to negotiate at this time in which we are going to renew the possibilities for peace through negotiations, for the respectful adoption of the draft resolution that has been submitted for your consideration. Thank you very much, Mr. President.

[...]

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The PRESIDENT: Thank you very much, Madam Minister. If there are no further comments, we have on the Table the proposal that the draft resolution be submitted to a roll-call vote, paragraph by paragraph. If there is no objection, we will deem this proposal approved and I would ask the Assistant Secretary General to proceed with the lottery to determine which delegation will start the voting. [He takes out a paper.] Based on the lottery, the Delegation of Trinidad and Tobago will vote first. I would ask the Secretary to read aloud the first paragraph of the resolution.

The SECRETARY: [Reads.]

1. The dialogue aimed at seeking a solution to Bolivia's geographic confinement is still suspended, a dialogue that had been taking place consistent with resolutions 426, 481, 560, 602, 686, 701, 766 and 816, in which it was declared "that it is of continuing hemispheric interest that an equitable solution be found whereby Bolivia will obtain appropriate sovereign access to the Pacific Ocean".

[The roll-call vote is taken, with the following result:]

Trinidad and Tobago	Abstention
Jamaica	Abstention
United States	Yes
Costa Rica	Yes
Barbados	Abstention
Bahamas	Abstention
Chile	No
Panama	Yes
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Abstention
Saint Lucia	[Absent]
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]
Bolivia	Yes
Dominican Republic	Yes
Venezuela	Yes
St. Kitts and Nevis	[Absent]
Ecuador	Yes
Grenada	[Absent]
Paraguay	Abstention
Haiti	Abstention
Peru	Yes
Dominica	Abstention
Mexico	Yes
Honduras	Yes
Guatemala	Yes

[p 397]

The SECRETARY: Seventeen votes have been recorded in favor, one against, and nine abstentions.

The PRESIDENT: Thank you very much. The result of the vote is seventeen votes in favor, one against, and nine abstentions. Therefore, the first paragraph of the preamble has been approved.

The SECRETARY: [Reads:]

The objective indicated in the preceding paragraph must be accomplished in a spirit of brotherhood and American integration in order to achieve the harmony that will stimulate economic and social progress in the area of the Americas directly affected by the consequences of Bolivia's confinement.

[The roll-call vote is taken, with the following result:]

Trinidad and Tobago	Yes
Jamaica	Yes
United States	Yes
Costa Rica	Yes
Barbados	Abstention
Bahamas	Abstention
Chile	No
Panama	Yes
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Abstention
Santa Lucia	[Absent]
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]
Bolivia	Yes
Dominican Republic	Yes
Venezuela	Yes
St. Kitts and Nevis	[Absent]
Ecuador	Yes
Grenada	[Absent]
Paraguay	Yes
Haiti	Yes
Peru	Yes
Dominica	Abstention
Mexico	Yes
Honduras	Yes
Guatemala	Yes

[...]

[p 398]

The PRESIDENT: The President has no objections. If the Assembly agrees, we can quickly take the vote again. I ask the Secretary to read the second paragraph.

The SECRETARY: [Reads:]

The objective indicated in the preceding paragraph must be accomplished in a spirit of brotherhood and American integration in order to achieve the harmony that will stimulate economic and social progress in the area of the Americas directly affected by the consequences of Bolivia's confinement.

Trinidad and Tobago Jamaica United States Costa Rica Barbados Bahamas Chile Panama Nicaragua El Salvador	Abstention Abstention Yes Yes Abstention Abstention No Yes Yes Yes
[p 399]	
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Abstention
Saint Lucia	[Absent]
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]
Bolivia	Yes
Dominican Republic	Yes
Venezuela	Yes
St. Kitts and Nevis	[Absent]
Ecuador	Yes
Grenada	[Absent]
Paraguay	Yes
Haiti	Yes
Peru	Yes
Dominica	Abstention
Mexico	Yes

Honduras	
Guatemala	

The PRESIDENT: The resulted of the vote on the second paragraph of the preamble is as follows: nineteen votes in favor, one against and seven abstentions. Therefore, the second paragraph of the preamble has been approved. The Representative of Ecuador has the floor.

Yes Yes

The REPRESENTATIVE OF ECUADOR (Mr. Cordovez): Mr. President, could you tell us the votes in favor of the paragraph?

The PRESIDENT: Yes, Sir, gladly. There are nineteen votes in favor, one against, and seven abstentions. Let us continue on to the first operative paragraph.

The SECRETARY: [Reads:]

1. To regret, once again, that the latest talks held between Chile and Bolivia were suspended, and to again urge the States directly involved in this problem to resume negotiations in an effort to find a means of making it possible to give Bolivia an outlet to the Pacific Ocean on a basis that takes account of the mutual advantages and the rights and interests of the parties concerned.

[p 400]

Trinidad and Tobago	Yes
Jamaica	Yes
United States	Yes
Costa Rica	Yes
Barbados	Yes
Bahamas	Yes
Chile	No
Panama	Yes
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Yes
Saint Lucia	[Absent]
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]
Bolivia	Yes
Dominican Republic	Yes
-	

Venezuela	Yes
St. Kitts and Nevis	[Absent]
Ecuador	Yes
Grenada	[Absent]
Paraguay	Yes
Haiti	Yes
Peru	Yes
Dominica	Abstention
Mexico	Yes
Honduras	Yes
Guatemala	Yes

The SECRETARY: Twenty-four votes have been recorded in favor, one against, and two abstentions.

The PRESIDENT: The result of the vote is as follows: twenty-four votes in favor, one against, and two abstentions. As a result, the first operative paragraph has been approved. We move on to the second operative paragraph.

The SECRETARY: [Reads:]

2. That either of the parties may request that the item "Report on the maritime problem of Bolivia" be included on the agenda for the next regular session of the General Assembly.

[p 401]

Trinidad and Tobago	Yes
Jamaica	Yes
United States	Yes
Costa Rica	Yes
Barbados	Yes
Bahamas	Yes
	1.00
Chile	No
Panama	Yes
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Yes
Saint Lucia	[Absent]
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]

HaitiYesPeruYesDominicaNoMexicoYesHondurasYesGuatemalaYes	Bolivia Dominican Republic Venezuela St. Kitts and Nevis Ecuador Grenada Paraguay	Yes Yes [Absent] Yes [Absent] Yes
Mexico Yes Honduras Yes		
	Mexico Honduras	Yes Yes

The PRESIDENT: The result of the vote is as follows: twenty-four votes in favor, two against, and one abstention. As a result, operative paragraph 2 has been approved. Now we are going to submit the entire draft resolution to a vote.

Trinidad and Tobago Jamaica United States Costa Rica Barbados Bahamas Chile	Yes Yes Yes Yes Yes No
[p 402]	
Panama Nicaragua El Salvador Argentina Suriname Brazil Antigua and Barbuda Saint Lucia Colombia Uruguay Saint Vincent and the Grenadines Bolivia Dominican Republic Venezuela	Yes Yes Yes Abstention Yes Yes [Absent] Yes Yes Yes Yes Yes Yes
St. Kitts and Nevis Ecuador Grenada	[Absent] Yes [Absent]

Paraguay	Yes
Haiti	Yes
Peru	Yes
Dominica	Abstention
Mexico	Yes
Honduras	Yes
Guatemala	Yes

The PRESIDENT: The result of the vote is twenty-four votes in favor, one against, and two abstentions. The draft resolution is therefore approved. The Representative of Paraguay has the floor to explain the vote.

[...]

[p 403]

[...]

The PRESIDENT: Thank you, Mr. Representative. The Representative of Peru has the floor.

The REPRESENTATIVE OF PERU (Mr. Valdivieso): Thank you, Mr. President. The Delegation of Peru, inspired by the goals of harmony that motivated the approved resolution, would like to have the record to reflect that, as on previous occasions, what this Assembly is formulating at this time may only be understood within the respect for the sovereignty, rights, and interests of the parties concerned, and in accordance with the treaties in force on the subject. Thank you.

The PRESIDENT: Thank you very much, Mr. Representative of Peru. The Minister of Bolivia has the floor.

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA (Mr. Bedregal): Mr. President, thank you very much. One last word on this thorny issue, although that I am convinced that in the course of the events, it will turn out satisfactorily. The people of Bolivia, and its Government, extend their gratitude to the Hemispheric community for this interest, for the open and frank way in which they made certain comments, which are the result of the pluralism and the focuses on this issue throughout the entire Hemisphere. I think that this vote is the democratic result that is converging towards a consensus that we must resolve all issues in Latin America in a civilized manner, with good faith, but above all, ensuring that the unity of Latin America and the Caribbean, and the Hemispheric unity with the United States, are a fundamental factor for world peace, and that if these issues can be overcome, this will give strength, vitality and vigor to our entire Hemisphere, so that, with the right to which it is entitled, it can occupy that fundamental place for the development of history in the next millennium. Many thanks, gentlemen, and may God bless the OAS.

Minutes of the Thirteenth Plenary Meeting of the Organization of American States General Assembly, 19 November 1988

(English translation only)

Organization of American States, General Assembly, Eighteenth Regular Session, 1988, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XVIII.O.2 (1989), pp 266 and 272-279

[p 266]

MINUTES OF THE THIRTEENTH PLENARY MEETING

President:Mr. Ricardo Acevedo Peralta Minister of Foreign Affairs of El SalvadorPresent:Messrs.Edilberto Moreno Peña(Venezuela) (Ecuador) Juan Alberto LlanesJean-Baptiste Reynold Leroy(Haiti) (Haiti) Edmundo Haya de la TorreEdilberto Alaron(Dominica) (Dominica) (Maviao)	Date: <u>Time</u> : <u>Place</u> :	19 November 1988 8:30 a.m. Sheraton Hotel	
Edilberto Moreno Peña(Venezuela)Miguel A. Vasco(Ecuador)Juan Alberto Llanes(Paraguay)Jean-Baptiste Reynold Leroy(Haiti)Edmundo Haya de la Torre(Peru)Franklin A. Baron(Dominica)	President:		Salvador
Miguel A. Vasco(Ecuador)Juan Alberto Llanes(Paraguay)Jean-Baptiste Reynold Leroy(Haiti)Edmundo Haya de la Torre(Peru)Franklin A. Baron(Dominica)	Present:	Messrs.	
Roberto Ramos Bustos(Honduras)Mario Marroquín Nájera(Guatemala)J.R.P. Dumas(Trinidad and Tobago)Jennifer Lester(Jamaica)Richard T. McCormack(United States)Guillermo Villalobos Arce(Costa Rica)William Douglas(Barbados)Paulette Bethel-Daly(Bahamas)Javier Illanes(Chile)Soraya Cano(Panama)Orlando Guerrero M.(Nicaragua)Joaquín Maza(El Salvador)Gastón de Prat Gay(Argentina)Arnold T. Halfhide(Suriname)Bernardo Pericás(Brazil)Edmund H. Lake(Antigua and Barbuda)Joseph Edsel Edmunds(Saint Lucia)Ope Pasquet(Uruguay)Jaime Arellano Castañeda(Bolivia)Joaquín Ricardo(Dominican Republic)		Miguel A. Vasco Juan Alberto Llanes Jean-Baptiste Reynold Leroy Edmundo Haya de la Torre Franklin A. Baron Andrés L. Valencia Roberto Ramos Bustos Mario Marroquín Nájera J.R.P. Dumas Jennifer Lester Richard T. McCormack Guillermo Villalobos Arce William Douglas Paulette Bethel-Daly Javier Illanes Soraya Cano Orlando Guerrero M. Joaquín Maza Gastón de Prat Gay Arnold T. Halfhide Bernardo Pericás Edmund H. Lake Joseph Edsel Edmunds Leopoldo Villar Borda Ope Pasquet Jaime Arellano Castañeda Joaquín Ricardo	 (Ecuador) (Paraguay) (Haiti) (Peru) (Dominica) (Mexico) (Honduras) (Guatemala) (Trinidad and Tobago) (Jamaica) (United States) (Costa Rica) (Barbados) (Bahamas) (Chile) (Panama) (Nicaragua) (El Salvador) (Argentina) (Suriname) (Brazil) (Antigua and Barbuda) (Saint Lucia) (Colombia) (Uruguay) (Bolivia) (Dominican Republic)

[...]

[p 272]

c. <u>Report on the maritime problem of Bolivia (AG/doc.2343/88)</u>

The PRESIDENT: We will now consider the draft resolution on the maritime problem of Bolivia (AG/doc.2343/88). The Representative of Antigua and Barbuda has the floor.

The REPRESENTATIVE OF ANTIGUA AND BARBUDA (Mr. Lake): Thank you, Mr. President. I wish at this stage to request that the statement made by the Honorable Minister of Barbados at the meeting of the General Committee on this resolution, on behalf of five countries namely Trinidad and Tobago, Jamaica, Barbados, The Bahamas, Antigua and Barbuda, be incorporated in the minutes of this plenary meeting. I imagine, Sir, that following the voting pattern in the General Committee that a roll-call vote will be taken on this resolution. Thank you, Sir.

The PRESIDENT: Thank you, Mr. Representative, for your suggestion, and your request is noted. [See Annex I.]

The Representative of Barbados has the floor.

The REPRESENTATIVE OF BARBADOS (Mr. Douglas): Mr. President, regarding the proposal made by the distinguished Representative of Antigua and Barbuda asking that the statement of the Representative of Barbados be incorporated, I think we should have followed the procedure adopted in the General Committee, and I would, therefore, ask for the resolution to be taken paragraph by paragraph.

[p 273]

The PRESIDENT: Thank you very much, Mr. Representative of Barbados. The Representatives of Barbados and of Antigua and Barbuda have requested that this draft resolution be submitted to roll-call voting, paragraph by paragraph, as was done in the General Committee. Therefore it is appropriate to proceed to the ballot to determine which delegation will begin the voting. [Draws a paper.] Based on the ballot, the delegation of Bolivia will begin the voting. We begin with the first paragraph of the "preamble," which the Secretary will now please read:

The SECRETARY: [Reads:]

The dialogue aimed at seeking a solution to Bolivia's geographic confinement is still suspended, a dialogue that had been taking place consistent with resolutions AG/RES. 426 (IX-0/79), AG/RES. 481 (X-O/80), AG/RES. 560 (XI-O/81), AG/RES. 602 (XII-0/82), AG/RES. 686 (XIII-O/83), AG/RES. 701 (XIV-O/84), AG/RES. 766 (XV-O/85), and AG/RES. 816 (XVI-O/86), which had declared it to be

of continuing hemispheric interest that an equitable solution be found whereby Bolivia obtain appropriate sovereign access to the Pacific Ocean, and

[The roll-call vote is taken, with the following result:]

Bolivia	Yes
Dominican Republic	Yes
Venezuela	Yes
St. Kitts and Nevis	[Absent]
Ecuador	Yes
Grenada	[Absent]
Paraguay	Abstention
Haiti	Abstention
Peru	Yes
Dominica	Abstention
Mexico	Yes
Honduras	Yes
Guatemala	Yes
Trinidad and Tobago	Abstention
Jamaica	-
United States	Yes
Costa Rica	Yes
Barbados	Abstention
Bahamas	Abstention
Chile	No
Panama	-
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention

[p 274]

Brazil Antigua and Barbuda	Yes Abstention
Saint Lucia	-
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]

The SECRETARY: Sixteen votes have been recorded in favor, one against, and eight abstentions.

The PRESIDENT: Thank you. The result of the vote is sixteen votes in favor, one against, eight abstentions. Therefore, this first paragraph of the preamble has been approved.

We will move on to the second paragraph.

The SECRETARY: [Reads:]

The objective indicated in the preceding paragraph must be accomplished in a spirit of brotherhood and American integration in order to achieve the harmony that would stimulate economic and social progress in the area of the Americas directly affected by the consequences of Bolivia's confinement.

[The roll-call vote is taken, with the following result:]

Bolivia	Yes
Dominican Republic	Yes
Venezuela	Yes
St. Kitts and Nevis	[Absent]
Ecuador	Yes
Grenada	[Absent]
Paraguay	Yes
Haiti	Yes
Peru	Yes
Dominica	Abstained
Mexico	Yes
Honduras	Yes
Guatemala	Yes
Trinidad and Tobago	Abstention
Jamaica	Abstention
United States	Yes
Costa Rica	Yes
Barbados	Abstention
Bahamas	Abstention
Chile	No
Panama	-

[p 275]

Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Abstention
Saint Lucia	-
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]

The SECRETARY: There are eighteen votes in favor, one against, and seven abstentions.

The PRESIDENT: The result of the vote on the second paragraph of the preamble is as follows: eighteen in favor, one against, and seven abstentions. Therefore, it has been approved. First operative paragraph, please.

The SECRETARY: [Reads:]

1. To regret, once again, that the latest talks held between Chile and Bolivia were suspended, and to again urge the States directly involved in this problem to resume negotiations in an effort to find a means of making it possible to give Bolivia an outlet to the Pacific Ocean on a basis that takes account of the mutual advantages and the rights and interests of the parties concerned.

[The roll-call vote is taken, with the following result:]

Bolivia Dominican Republic Venezuela St. Kitts and Nevis Ecuador Grenada Paraguay Haiti Peru Dominica Mexico Honduras Guatemala Trinidad and Tobago Jamaica United States	Yes Yes Yes [Absent] Yes [Absent] Yes Yes Abstention Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes
United States	Yes

[p 276]

Costa Rica Barbados Bahamas Chile	Yes Yes Yes No
Panama	-
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Yes
Saint Lucia	-
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]

The SECRETARY: The result of the vote is as follows: twenty-three votes in favor, one against, two abstentions.

The PRESIDENT: Pursuant to the result of the vote, the first operative paragraph has been approved. We move on to the second operative paragraph.

The SECRETARY: [Reads:]

2. Either of the parties may request that the item "Report on the maritime problem of Bolivia" be included on the agenda for the next regular meeting of the General Assembly.

[The roll-call vote is taken, with the following result:]

[p 277]

Barbados	Yes
Bahamas	Yes
Chile	No
Panama	-
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes
Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Yes
Saint Lucia	-
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]

The SECRETARY: The result of the vote is as follows: twenty-four votes in favor, two against, and one abstention.

The PRESIDENT: As a result, the second operative paragraph has been approved. We will move on to vote on the draft resolution in its entirety.

[The roll-call vote is taken, with the following result:]

Bolivia Dominican Republic	Yes Yes
Venezuela	Yes
St. Kitts and Nevis	[Absent]
Ecuador	Yes
Grenada	[Absent]
Paraguay	Yes
Haiti	Yes
Peru	Yes
Dominica	Abstention
Mexico	Yes
Honduras	Yes
Guatemala	Yes
Trinidad and Tobago	Yes
Jamaica	Yes
United States	Yes
Costa Rica	Yes
Barbados	Yes
Bahamas	Yes
Chile	No
Panama	Yes
Nicaragua	Yes
El Salvador	Yes
Argentina	Yes

[p 278]

Suriname	Abstention
Brazil	Yes
Antigua and Barbuda	Yes
Saint Lucia	-
Colombia	Yes
Uruguay	Yes
Saint Vincent and the Grenadines	[Absent]

The SECRETARY: Twenty-four votes have been recorded in favor, one against, and two abstentions.

The PRESIDENT: Thank you. The result of the vote is twenty-four votes in favor, one against, and two abstentions. The resolution is approved.¹ The

¹ Resolution AG/RES. 930 (XVIII-O/88).

Representative of Peru has the floor.

The REPRESENTATIVE OF PERU (Mr. Haya de la Torre): Thank you very much, Mr. President. The Delegation of Peru requests that the declaration that was drafted in the General Committee be recorded in the minutes of this plenary meeting. [See ANNEX II.]

The PRESIDENT: Thank you very much, Mr. Representative, it will be done. The Representative of the United States has the floor.

The REPRESENTATIVE OF THE UNITED STATES (Mr. McCormack): Thank you, Mr. President. My Delegation wishes the record to reflect that it has voted in favor of the first paragraph of the preamble of this resolution, with the exclusive understanding that the paragraph accurately states the historic record of certain previous decisions taken by the General Assembly. Thank you, Mr. President.

The PRESIDENT: Thank you very much, Mr. Representative. The Representative of Paraguay has the floor.

The REPRESENTATIVE OF PARAGUAY (Mr. Llanes): Thank you, Mr. President. I ask that the reservation expressed by the Delegation of Paraguay in the General Committee concerning the first operative paragraph appear in the minutes of this plenary meeting. Thank you very much.

The PRESIDENT: Thank you very much, Mr. Representative. It will be done. [See ANNEX III.] The Representative of Haiti has the floor.

[p 279]

The REPRESENTATIVE OF HAITI (Mr. Leroy): Thank you, Mr. President. The Delegation of Haiti would greatly appreciate it if you would include the statement it made in the General Committee in the minutes of this plenary meeting. Thank you very much, Mr. President.

The PRESIDENT: Thank you very much, Mr. Representative. It will be done. [See ANNEX IV.] The Representative of Bolivia has the floor.

The REPRESENTATIVE OF BOLIVIA (Mr. Arellano): Thank you, Mr. President. The Delegation of Bolivia would like to very sincerely express its heartfelt appreciation to the delegations that with their votes supported the draft resolution submitted by my Delegation on the matter of Bolivia's landlocked situation. We also thank the distinguished Delegations of Mexico, Venezuela, Costa Rico, Panama, the Dominican Republic, and Nicaragua, which co-sponsored this draft resolution.

I would like to very sincerely express, Mr. President, the hope that this new

appeal that the Organization of American States is making to our sister Republic of Chile to restart the dialogue—which never should have been interrupted—in an attempt to find a solution to the dramatic landlocked situation of Bolivia, will be accepted in the interests of justice, unity, brotherhood, and the integration of our nations.

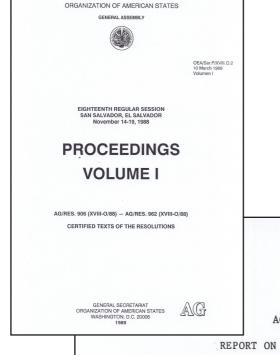
Mr. President, Representatives, thank you very much, again, in the name of the Government and the people of Bolivia.

Organization of American States, General Assembly, resolution AG/RES. 930 (XVIII–O/88), Report on the Maritime Problem of Bolivia, 19 November 1988

(Original in English and French)

Organization of American States, General Assembly, Eighteenth Regular Session, 1988, *Proceedings*, Vol. I, OEA/Ser.P/XVII.O.2 (1989), pp 52 and 56

Annex 304



AG/RES. 930 (XVIII-0/88)

- 52 -

REPORT ON THE MARITIME PROBLEM OF BOLIVIA

(Resolution adopted at the thirteenth plenary session, held on November 19, 1988)

WHEREAS:

The dialogue aimed at finding a solution to Bolivia's landlocked status continues to be broken off, a dialogue that had been taking place consistent with resolutions AG/RES. 426 (IX-0/79), AG/RES. 481 (X-0/80), AG/RES. 560 (XI-0/81), AG/RES. 602 (XII-0/82), AG/RES. 686 (XIII-0/83), AG/RES. 701 (XIV-0/84), AG/RES. 766 (XV-0/85), and AG/RES. 816 (XVI-0/86), which had declared it to be of permanent interest to the hemisphere that an equitable solution be found whereby Bolivia may obtain sovereign and useful access to the Pacific Ocean, and

The objective indicated in the preceding paragraph must be accomplished in a spirit of brotherhood and American integration in order to achieve the harmony that will stimulate economic and social progress in the area of the Americas directly affected by the consequences of Bolivia's landlocked status,

THE GENERAL ASSEMBLY

RESOLVES:

1. To regret, once again, that the latest talks held between Chile and Bolivia were broken off, and to again urge the states directly involved in this problem to resume negotiations in an effort to find a means of making it possible to give Bolivia an outlet to the Pacific Ocean on a basis that takes account of the mutual advantages and the rights and interests of the parties concerned.

2. To state that either of the parties may request that the item "Report on the Maritime Problem of Bolivia" be included on the agenda for the next regular session of the General Assembly.

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AG/RES. 930 (XVIII-0/88)

RAPPORT SUR LE PROBLEME DE L'ACCES DE LA BOLIVIE A LA MER

(Résolution adoptée à la treizième séance plénière tenue le 19 novembre 1988)

L'ASSEMBLEE GENERALE,

CONSIDERANT:

Qu'a été interrompu le dialogue entamé pour trouver une solution à l'enclavement de la Bolivie, comme en attestent les résolutions AG/RES. 426 (IX-0/79), AG/RES. 481 (X-0/80), AG/RES. 560 (XI-0/81), AG/RES. 602 (XII-0/82), AG/RES. 686 (XIII-0/83), AG/RES. 701 (XIV-0/84), AG/RES. 766 (XV-0/85) et AG/RES. 816 (XVI-0/86), lesquelles font état de l'intérêt permanent que porte le continent à une solution équitable qui permette à la Bolivie d'avoir un accès souverain et utile à l'océan Pacifique;

Qu'il est nécessaire d'atteindre dans un esprit de fraternité et d'intégration américaine l'objectif susmentionné pour que règne une harmonie propice au progrès économique et social de la région de l'Amérique directement touchée par les effets de l'enclavement de la Bolivie,

DECIDE:

1. De déplorer une fois de plus l'interruption des pourparlers récemment menés par le Chili et la Bolivie et d'exhorter de nouveau les Etats directement touchés par le problème à reprendre des négociations pour trouver une formule qui permette à la Bolivie d'avoir un accès à l'océan Pacifique, sur des bases qui prennent en considération les besoins réciproques ainsi que les droits et intérêts des parties concernées.

2. Que l'une ou l'autre des parties peut demander l'inscription à l'ordre du jour de sa prochaine session ordinaire du point intitulé "Rapport sur le problème de l'accès de la Bolivie à la mer".

Minutes of the Ninth Plenary Meeting of the Organization of American States General Assembly, 18 November 1989

(English translation only)

Organization of American States, General Assembly, Nineteenth Regular Session, 1989, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XIX.O.2 (1991), pp 283 and 289

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MINUTES OF THE NINTH PLENARY MEETING

<u>Date</u> : <u>Time</u> : <u>Place</u> :	18 November 1989 4:10 p.m. Hall of the Americas	
President:	Mr. Carlos López Contreras Secretary of Foreign Affairs of Hone	duras
Present:	Messrs.	
	Bernardo Pericás Neto José Luis Fernández Valoni Edilberto Moreno Peña Guillermo Villalobos Arce Julio Icaza Gallard Ivon Perrier Angus Khan Erstein M. Edwards Marcos Martínez Mendieta Willem A. Udenhout Edmund H. Lake Rómulo Escobar Bethancourt Antonio de Icaza Paulette Bethel-Daly Mauricio Granillo Barrera Xenia Wilkinson Albert O. Xavier León Paredes Lardizábal Joseph E. Edmunds Keith Johnson Leopoldo Villar Borda Edmundo Haya de la Torre Jaime Arellaño Castañeda Miriam Cabrera Passarelli Miguel A. Vasco William Douglas Uldaricio Figueroa Eladio Knipping Victoria Didier Opertti João Clemente Baena Soares	 (Brazil) (Argentina) (Venezuela) (Costa Rica) (Nicaragua) (Haiti) (Trinidad and Tobago) (St. Kitts and Nevis) (Paraguay) (Suriname) (Antigua and Barbuda) (Panama) (Mexico) (Bahamas) (El Salvador) (United States) (Grenada) (Honduras) (Santa Lucia) (Jamaica) (Colombia) (Peru) (Bolivia) (Guatemala) (Ecuador) (Uniguay) (Secretary General of the OAS)
	Val T. McComie	(Assistant Secretary General)

[...]

[p 289]

g. <u>Report on the maritime problem of Bolivia (AG/doc.2502/89)</u>

The PRESIDENT: We will now consider the draft resolution on Bolivia's maritime problem (AG/doc.2502/89]. If there are no objections, we will consider it approved. The Representative of Chile has the floor.

The REPRESENTATIVE OF CHILE (Mr. Figueroa): Mr. President, this draft resolution was approved by a vote in the General Committee, and I would ask that it also be put to a vote in the plenary session. Thank you very much.

The PRESIDENT: At the request of the Representative of Chile, I submit the draft resolution to a vote. All Representatives who are in favor, please so indicate by raising your hand. [Voting.] The result of the vote is twenty-two votes in favor, one against, and four abstentions. Approved.

Organization of American States, General Assembly, resolution AG/RES. 989 (XIX–O/89), Report on the Maritime Problem of Bolivia, 18 November 1989

(Original in English and French)

Organization of American States, General Assembly, Nineteenth Regular Session, 1988, *Proceedings*, Vol. I, OEA/Ser.P/XIX.O.2 (1989), pp 33-34

ORGANIZATION OF AMERICAN STATES GENERAL ASSEMBLY		
	OEA/Ser.P/XIX.0.2 22 diciembre 1989 Volume I	
NINETEENTH REGULAR SESSION WASHINGTON, D.C. NOVEMBER 13-18, 1989		
PROCEEDINGS		
VOLUME I		
AG/RES. 963 (XIX-0/89) — AG/RES. 1024 (XIX-0/89) CERTIFIED TEXTS OF THE RESOLUTIONS		
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AG/RES. 989 (XIX-0/89)

REPORT ON THE MARITIME PROBLEM OF BOLIVIA

(Resolution adopted at the ninth plenary session, held on November 18, 1989)

THE GENERAL ASSEMBLY,

HAVING SEEN resolution AG/RES. 426 (IX-O/79) and subsequent resolutions, which declared that it was of permanent interest to the hemisphere that a solution be found to the maritime problem of Bolivia; and

CONSIDERING that the objectives indicated in the aforementioned resolutions must be accomplished in a spirit of American brotherhood and integration in order to achieve a harmonious solution that will promote economic and social progress in the area of the Americas directly affected by the consequences of Bolivia's land-locked status,

RESOLVES:

To reaffirm the importance of finding a solution to the maritime problem of Bolivia on the basis of what is mutually advantageous to the parties involved and their rights and interests, for better understanding, solidarity, and integration in the hemisphere, urging the parties to engage in dialogue and leaving the subject open for consideration at any of the next regular sessions of the General Assembly at the request of either of the parties concerned. - 33 -

AG/RES. 989 (XIX-0/89)

RAPPORT SUR LE PROBLEME DE L'ACCES DE LA BOLIVIE A LA MER

(Résolution adoptée à la neuvième séance plénière tenue le 18 novembre 1989)

L'ASSEMBLEE GENERALE,

VU

Les résolutions AG/RES. 426 (IX-O/79) et les suivantes, lesquelles soulignent l'intérêt permanent que porte le continent à la solution du problème de l'accès de la Bolivie à la mer;

CONSIDERANT

Qu'il est nécessaire d'atteindre, dans un esprit de fraternité et d'intégration américaines, les objectifs mentionnés dans les résolutions précitées pour aboutir à une solution harmonieuse qui favorise le progrès économique et social de la région de l'Amérique directement touchée par les effets de l'enclavement de la Bolivie,

DECIDE

De réaffirmer l'importance que revêt la solution du problème de l'accès de la Bolivie à la mer sur des bases qui prennent en considération les besoins réciproques ainsi que les droits et intérêts des parties concernées, en vue d'assurer une meilleure entente et une plus grande solidarité et intégration du continent, en exhortant les parties au dialogue et en laissant ouverte la question de l'examen de ce point par l'une quelconque des prochaines sessions ordinaires de l'Assemblée générale à la demande de l'une des parties concernées.

Minutes of the Second Meeting of the General Committee of the Organization of American States General Assembly, 6 June 1990

(English translation only)

Organization of American States, General Assembly, Twentieth Regular Session, 1990, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XX.O.2 (1991), pp 295 and 304-309

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GENERAL COMMITTEE MINUTES OF THE SECOND MEETING

<u>Date</u> : <u>Time</u> : <u>Location</u> :	6 June 1990 4:30 p.m. Central Bank of Paraguay	
President:	Mr. Luis María Árgana Minister of Foreign Affairs of Paraguay	
Present:	Messrs.	
	John F. Maisto Julio E. Linares Adolfo Raúl Taylhardat Paulette Bethel-Daly Mario Marroquín Nájera William Udenhout Joyce Bourne Sahadeo Basdeo Undine George Mauricio Granillo Barrera Jean F. Chéry Bernardino Hugo Saguier Caballero Mario Carías Zapata Keith Johnson Luis E. Guardia Miriam Argüello Louise Frechette Franklin A. Baron Edmund H. Lake Antonio de Icaza Carlos Iturralde Ballivián Enrique Silva Cimma Héctor Gros Espiell Jaime Girón Duarte Alfonso Rivero Monsalve Carlos A. Vasconcellos Luiz de Araujo Castro Jonathan Augusto Peters William V. Herbert Miguel Antonio Vasco João Clemente Baena Soares Val T. McComie	(United States) (Panama) (Venezuela) (Bahamas) (Guatemala) (Suriname) (Barbados) (Trinidad and Tobago) (Saint Lucia) (El Salvador) (Haiti) (Paraguay) (Honduras) (Jamaica) (Costa Rica) (Nicaragua) (Costa Rica) (Nicaragua) (Canada) (Dominica) (Antigua and Barbuda) (Mexico) (Bolivia) (Chile) (Uruguay) (Colombia) (Peru) (Dominican Republic) (Brazil) (Saint Vincent and the Grenadines) (St. Kitts and Nevis) (Ecuador) (Secretary General of the OAS) (Assistant Secretary General)
[]		

[...]

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4. Report on the maritime problem of Bolivia (AG/doc.2540/90) (Item 17 on the Agenda)

The PRESIDENT: The second item on the order of business is a discussion of the report on the maritime problem of Bolivia (AG/doc.2540/90). This item was included on the agenda at the request of the Government of Bolivia, through the note contained in document AG/doc.2540/90. The Minister of Foreign Affairs and Worship of Bolivia has the floor.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA: Thank you, Mr. President, and thank you for agreeing to discuss this matter at the very beginning of this meeting.

Since 1979, Bolivia has invariably received the solid support of the countries in the OAS, through 11 resolutions of the General Assembly, three

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of which were adopted by consensus. Those resolutions repeatedly affirm that the need to find an adequate solution to Bolivia's maritime confinement is of permanent hemispheric interest.

All of this support, which is now part of the history of the successive Assemblies of the OAS, has preserved the principles of non-intervention and respect for the sovereignty of States, because it has been limited to recommending negotiations between the Parties involved, respecting their rights and their selfdetermination.

In addition to these repeated pronouncements by the OAS, several other international organizations have also made pronouncements to this effect, including the Non-Aligned Movement, the Andean Group and, recently, the Latin American Parliament. The need to find a solution to the problem of Bolivia's confinement is no longer just a matter of hemispheric interest; it has been recognized by the world.

During the last regular session of the General Assembly of our Organization, a resolution was adopted to permit the inclusion of the matter on the agenda of any future General Assemblies of the OAS, at the request of either of the parties involved. As a result, Bolivia believes that with this step, one phase is drawing to a close and making way for another, and in this phase that is beginning, solutions developed in a constructive manner by the interested parties will emerge, in keeping with the spirit of the OAS in regard to this matter. The President of Bolivia, Jaime Paz Zamora, already indicated at the last Assembly of the United Nations, and repeated with sincerity here at the event marking the centennial of the inter-American system, that we must not continue to approach this problem with the outdated, tired mentality of the 19th century. Rather, we should discuss it from the perspective of the new understanding that must open the way to the 21st century, in keeping with the changes of our time, and in keeping with the spirit of fairness and modernity characterized by constructive interdependence that must prevail in contemporary international affairs.

From this perspective, Bolivia reiterates its steadfast decision to regain its identity and status as a maritime nation. It seeks the path of dialogue, with renewed vision and with the understanding that in a world of profound changes, where dogmas are being overcome, the logical and sensible thing, in keeping with the course of history, is to open the way for solidarity and shared progress. Thank you, Mr. President.

THE PRESIDENT: Thank you. The Minister of Foreign Affairs of Chile has the floor.

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The MINISTER OF FOREIGN AFFAIRS OF CHILE: Thank you, Mr. President. I have listened with particular interest to the words of the distinguished Minister of Foreign Affairs of Bolivia. Chile's democratic Government, headed by President Patricio Aylwin, is firmly determined to undertake, together with its sister nation of Bolivia, a great project for understanding, cooperation, and political, economic, cultural, and commercial development, in keeping with the challenges of the emerging international reality. We share the wise invitation made to us by President Paz Zamora in his speech before this Assembly, when he proposed that we consider Chilean-Bolivian relations from the perspective of the imminent 21st century.

Approaching our relations among our Latin American nations in a spirit suited to the 19th century would mean reviving tense quarrels among neighbors that, with their burden of confrontations, animosities, and mistrust, have until now delayed the possibility of a more fraternal, prosperous, and developed Latin America. Approaching relations among our nations from a future-oriented perspective, on the other hand, means leaving in the past everything that has placed us in opposition to one another, and projecting the rich, creative energy of our men and women in pursuit of a shared aim of progress and friendship among nations that are sisters.

On this occasion in which a democratic Chile returns to the General Assembly of the OAS, we would like to speak only of the present and the potentially promising future of our relations as neighbors. However, we cannot avoid referring very briefly to the words of our distinguished friend, the Foreign Minister of Bolivia. In a way, after hearing his words, we are forced to recall, in passing, that just as he defends what he believes to be the legitimate right of his people, by stating the basis and justice of that right from his point of view as a Bolivian, we too have asserted reasons that support the legitimacy of our position.

Chile, in its past as a democratic nation and again now, has held the position that the matter raised by Bolivia is already resolved by a Treaty that was validly concluded and is in full force and effect. That point, in fact, is not in dispute. However, we believe that in this matter, much more than that problem is at stake for Chile. Also at stake is respect for the principles that constitute the framework, the essential instrument, the structure that governs the peaceful life of nations subject to international law and the Latin American system in particular such as the faithful observance of treaties, territorial integrity of States, and non-intervention in matters of exclusive sovereignty.

Allow me, Mr. President, to recall that two days ago, we were reflecting on the brilliant speeches by the Heads of State who honored us with their presence on the occasion of the centennial of the OAS, here in

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this same room. I could not stop thinking about the profound nature of the thoughts of President Collor de Mello, when he discussed the importance of treaties, as well as the thoughts of President Menem, when he talked about how his country will tirelessly seek a way to reach bilateral agreements between Great Britain and Argentina in regard to the Falklands. Yesterday, our distinguished friend, the Foreign Minister of Bolivia, recalled the words of that eminent legal scholar, the Head of State and President of Uruguay.

Certainly, as men of law, we must agree with President Lacalle's words when he said that "unquestionably, it will be necessary to adjust and modernize the legal understanding. We have never believed that legal rules can serve as a basis for hindering the development of communities." This, clearly, is the essential foundation, which we must continue to share, and which forms the basis for Mr. Lacalle's insight.

But on this very special and very solemn occasion, I would not like to give a long and laborious legal discourse. Still less would I like to return to the grounds on which, in the past, the Chilean Foreign Ministry has defended its point of view in response to certain proposals—grounds that unquestionably have irrefutable value from the perspective of international law. Suffice it for us to recall that the border issue between Chile and Bolivia was resolved in 1904, by a treaty that was signed twenty years after the end of the war—I repeat, twenty years after.

Chile has fulfilled and is fulfilling completely all of its obligations under the Treaty of 1904. Its sister nation the Republic of Bolivia enjoys treatment that far exceeds the conditions agreed upon by the United Nations to benefit landlocked

States, although we believe, and we state with the deepest conviction, that such treatment flows precisely from texts like the last peace treaty with Argentina. At the time of that treaty, His Holiness noted that the existence of good faith on the part of the Parties and between the Parties was desirable in order to apply the rules of mutual understanding between nations that are sisters. I think that those rules should exist and do exist now between Bolivia and Chile; I think, I mean, that it is still possible to modernize, a great deal more, the proposals flowing from the Treaty that was approved at that time.

Experience has shown that, oddly enough, all of the resolutions mentioned by the distinguished Foreign Minister have far from succeeded in leading to a rapprochement between Chile and Bolivia in recent years; they have only caused friction in bilateral relations. That insistence on that approach lamentably has failed to produce any positive outcome. From our point of view, the discussion of this matter at the level of General Assemblies is at least counterproductive, if not fruitless, and particularly so now, when Chile has just inaugurated a democratic government after sixteen long years of authoritarianism.

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That is why I was pleased to hear the Foreign Minister of Bolivia say that he was limiting himself to recalling the earlier precedents, as he indeed did in his well-spoken remarks. My country hopes to count on American understanding and solidarity, so that this understanding and solidarity may help strengthen Chile's democracy and contribute to the development of a hemispheric policy of cooperation and integration. By the same token, we would not want an intervention of some other sort in this matter, well-intentioned though it might be, to somehow hinder the great possibilities that we Chileans and my Government are convinced exist on the bilateral level, possibilities that are based on tireless efforts to develop cooperation and a full rapprochement between Chile and Bolivia.

The stance taken by the democratic Government is both constructive and pragmatic. We aspire to place the issue of our joint development at the center of our bilateral relations. We have the political will to do so, and furthermore, we are certain that the future prospects that would flow from this political will, for both countries, could be enormous.

Mr. President, Chile is willing to seek ways to perfect the transit rights and amenities that Bolivia enjoys for its access to the sea. We are willing to move towards full bilateral rapprochement, and we are also willing to agree to realistic, strong, and lasting cooperation for the good of both of our nations. We would not like to become involved, once again, in a pointless controversy that would only result in skepticism and weariness. We would like to concentrate, instead, on the auspicious opportunities that are opening up for both of our countries and for our people at this new stage. Mr. President, Chile pledges its willingness to work tirelessly, opposite Bolivia, in the constructive spirit of our new times, to make the true endeavor for integration a reality. That same endeavor is the inspiration for the attitude with which Chile has attended this Assembly, and it also guides Chile's reintegration into the Latin American and Caribbean community.

Allow me a brief digression. Just two and a half months ago, Mr. President, a presidential inauguration took place, after sixteen years in which an authoritarian regime was in power in our country. The President of Peru, Mr. Alan García, attended that unforgettable event for the first time—as I am sure that many of the very distinguished Representatives present here did too. We recall that he received applause and a most tremendous display of affection at Chile's National Stadium—a tribute unlike any that a Peruvian leader had received before, and an event that we recall as worthy of note.

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I am fully convinced that if the President of Bolivia, Mr. Jaime Paz Zamora, had also been able to attend that event, in the spirit of fellowship and fraternity that we are seeking, the warm feelings of the Chilean people towards him would have been similar. And I speak these words from the bottom of our heart, because Chile loves its sister nations in Latin America and deeply believes that the time has come to seek rapprochement through bilateral engagement, which allows us to act more expeditiously and readies us to join in a fraternal embrace. All of this could be stated as the belief that what unites us, and what we can do in that unity, is much greater than any potential source of disagreement that might divide us at this moment.

Mr. President, I conclude by saying: Let us mutually grant one another the opportunity to set forth on a clear, successful path of cooperation, friendship, and integration, to which our nations aspire and which they need. That is all, Mr. President. Thank you very much.

A. Crespo Rodas, Banzer and the sea (1993), pp 3-8 (extract)

(Original in Spanish, English translation)



Después de tres años de bierno en 1974, el presidente Hugo Bánzer creyó llegado el momento para iniciar una gestión de cuya complejidad y trascendencia estaba plenamente percatado: la salida al mar.

trabajaba en contra de Bolivia y que cuanto más se dilataba la virtual parálisis de las negociaciones más se alejaba la posibilidad de una solución, para la que Chile no tenía ningún apremio. Al contrario. Como actualmente Israel

En más de un siglo de gestiones diplomáticas nunca Bolivia había logrado una proposición chilena tan específica, positiva y pronta. Ni siquiera Ostria Gutiérrez consiguió tanto, en 1950. Era la primeraz vez que Chile accedía concretamente a dar una salida al mar, sin recurrir a los subterfugios invocados en ocasiones anteriores y que volvería a proclamar después. ("No tenemos ningún problema marítimo con Bolivia").

El 5 de abril de 1975 Banzer convocó, en Cochabamba, a un centenar de ciudadanos prominentes. "He venido a consultarles sobre la posibilidad de unir a los bolivianos en torno a las Fuerzas Armadas de la Nación para lograr el objetivo histórico del retorno al mar" dijo. Se suscribió luego la "Declaración de Cochabamba", compromiso de cochabaniba, compromiso de mantener y respetar una tregua política y social que hiciera posible un período histórico homogéneo y estable. Se aceptó la proposición de

Banzer para organizar un gobierno de concurrencia y los firmantes se comprometieron a no ejercer ninguna presión, a fin de que aquel organizara el Poder Ejecutivo "tomando solo en cuenta la capacidad de sus colaboradores". Por último, se decidió crear un Conseio Nacional de consulta. así como una comisión especializada en el sunto del mar (CONAMAR).

Munido de estos poderes, por decreto supremo de 11 de abril, dispuso la creación de una comisión consultiva marítima integrada por Ricardo Anaya, Alberto Crespo Gutiérrez, Tomás Guillermo Elío, Jorge Escobari, Fernando Diez de Medina, Mario Gutiérrez, Gustavo Medeiros, Walter Montenegro, Federico Nielsen Reyes, Sergio Palacios, Javier Pinto Tellería y Mario Rolón Anaya

En la ceremonia de posesión, efectuada el 19 de abril. aclaró; "Entendámonos bien. Mi gobierno no ofrece milagros; tampoco dice que existe la solución. Lo que he mulagros; tampoco duce que existe la solucion. Lo que he pedido y abora reitero, es la unidad nacional para iniciar un período nuevo, para transformar cualitativamente al país, para que el fortalecimiento, más que material, moral de nuestra patria, abra amplias posibilidades externas en las que una salida soberana al mar resulte de la significación inevitable de Bolivia en el destino de América

Como entidad de apoyo técnico, fundó CONAMAR, encargada de recopilar antecedentes históricos, jurídicos, económicos y técnicos que respaldaran la negociación con Chile. Encargado de dirigirla era Miguel Tejada Velasco, un ingeniero de competencia excepcional que, bien asesorado, logró recopilar en pocos meses cuatrocientos documentos y estudios inéditos, sobre el tema marítimo.

Banzer no ignoraba los riesgos de la empresa. Mariano Baptista, Ismael Montes, Bautista Saavedra y Mamerto Urriolagoitia vieron frustrados empeños similares. Pero Bolivia no podía renunciar a esa reivindicación. No se trataba de un anhelo romántico de recuperar el mar perdido, sino de un imperativo geopolítico: el desplazamiento del centro de gravedad del comercio mundial hacia el océano Pacífico.

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Razonaba que el tiempo

frente al problema palestino. Disponía de una coyuntura inesperada: el propio autoritarismo e impopularidad internacional de Pinochet podría ser factor positivo para un entendimiento. Experiencias anteriores habían mostrado los escollos existentes para llegar a acuerdos con regímenes democráticos civiles como los de González Videla y electronica de la construction de Construction de la construction de l cuando únicamente De Gaul le tuvo la autoridad suficiente para reconocer la independencia de Argelia. Tal vez . Pinochet -pese a que años atrás escribiera un tratado en el que insinuaba la parcelación de Bolivia entre sus vecinos era, paradógicamente, el único con facultad para otorgarle una salida al mar. Además, como estratega tenía que convenir que, pendiente el litigio con la Argentina sobre el canal de Beagle, era preferible eliminar preocupaciones en la frontera norte

Plenamente consciente que no cabía esperar del presidente chileno ni altruismo ni generosidad, aunque quizá sí una nueva comprensión del anhelo boliviano, Banzer acudió a Charaña.

Plenamente consciente que no cabía esperar del presidente chileno ni altruismo ni generosidad, aunque quizá sí una nueva comprensión del anhelo boliviano, Banzer acudió a Charaña. En un ambiente cordial, los dos mandatarios suscribieron el acta en que se estipulaba que proseguirían el diálogo sobre asuntos vitales "como el relativo a la situación de mediterraneidad que afecta a Bolivia". Primer éxito de Banzer al obtener que Chile aceptase discutir específicamente la cuestión. Al regresar a La Paz expresó: "Hemos dicho en Charaña que necesitamos mar con soberanía; que esa costa o ese mar estén unidos territorialmente con nuestro país y con conexión territorial también con soberanía". No mencionó el aspecto del canje territorial, no abordado en Charaña. Por su parte Pinochet declaró en Santiago: "Hablamos el idioma que hablan los soldados: franco y llano, sin reservas mentales. Banzer es un soldado y un patriota que defiende a su pueblo, como yo defiendo al mío". Lenguaje nuevo.

La Paz, marzo de 1993

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hacia el océano Pacífico. Si el Mediterráneo fue el mar de la era clásica, para ser desplazado por el océano Atlántico a partir del descubrimiento de América, la Segunda Guerra Mundial propulsó a los países de la cuenca del Pacífico, tales como Japón, Taiwan, Singapore, Corea del Sur, en primer término, y a la China, Australia y Nueva Zelandia luego, a un plano preponderante en el mapa económico mundial.

En la última década, el cincuenta por ciento del movimiento aéreo y tráfico comercial de los Estados Unidos se ha proyectado al Pacífico. Esta tendencia se acrecentará probablemente en el futuro, dando a países latinoamericanos como México, Colombia; Ecuador, Perú, Chile y los de América Central, oportunidad para expandirse en los mercados del oriente, y viceversa. Razón específica para que Bolivia procure no encontrarse al margen.

No es suficiente el impulso recibido en los últimos años por sus comunicaciones ferroviarias, camineras y aéreas con Argentina, Brasil y el Perú, el mismo que si bien ha aliviado su enclaustramiento geográfico, no lo ha eliminado. Una salida soberana al Pacífico será siempre imperativo para el progreso del país.

Enaltece la imagen histórica de Banzer que, conociendo los arraigados prejuicios que habría de encarar en su propio país, no trepidara en emprender esta tarea en la que tantos habían fracasado. Sería arduo satisfacer a quienes, cualquiera que fuese la fórmula acordada, alzarían voz desaprobatoria, unos por incomprensión del problema y otros por simples motivos de política interna.

LA MISIÓN GUTIÉRREZ VEA MURGUÍA

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Dispuesta la reanudación de relaciones diplomáticas, tuvo el acierto de designar embajador en

Santiago a Guillermo Gutiérrez Vea Murguía. Fue la mejor elección que pudo hacer. Combatiente de primera línea en la guerra del Chaco (a la que ingresó como soldado raso para regresar tres años después como subteniente, con tres condecoraciones y dos cicatrices), Gutiérrez era figura sobresaliente en su generación. Periodista, diplomático, hombre de negocios, durante un tiempo asesor técnico de "El Mercurio", principal diario conservador chileno; director de "La Razón" de La Paz, matutino al que encumbró entre los más prestigiosos del continente; embajador en Cuba y ante la OEA, organismo que le confió delicadas misiones en el Caribe. Expositor lúcido, hombre de acción, deseoso de servir a su país, aceptó la embajada, declarando al partir: "Si sobreviví a una guerra, espero salir airoso de esta misión de paz. Cualquier meta que se fije el país, estará marcada por la más grande dignidad". Así ocurrió.

Banzer y Gutiérrez revelaron ser la pareja complementaria, ideal para conferir dinamismo a este bravo intento. Banzer lo despidió a Santiago con estas palabras: "Tráigame el mar, don Willy". Al cumplir su misión, Gutiérrez declararía: "Traigo el mar", frase cuyo sentido sería después desvirtuado por gente interesada en negar los méritos de ambos y por monstruoso que parezca, deseosa de que la negociación fracasara.

Previa una brillante campaña de relaciones públicas con la prensa, entidades políticas y clases dirigentes, Gutiérrez apremió a la cancillería chilena para dar pronta atención al problema marítimo. Algo sorprendidos por esta prisa, Pinochet y sus colaboradores accedieron a acelerar las discusiones, así fuese, un poco a regañadientes: "No comprendo la impaciencia boliviana, cuando en el hecho debe hacerse una previa labor de preparación pública de ambos países. Entiendo que el presidente Banzer tiene problemas que no se puede ignorar: pero también los tengo yo", expresó Pinochet a Gutiérrez.

Banzer continúo presionando. En septiembre de 1975, ante la Asamblea General de las Naciones Unidas, declaró: "Desde este foro universal quiero expresar al mundo que Bolivia está en este momento a la espera de respuesta de los planteamientos formulados a Chile. Estos miran a una solución de fondo, total, definitiva, de una salida propia, libre y soberana al mar, con natural continuidad geográfica con nuestro territorio".

La Paz, marzo de 1993

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La proposición chilena, fechada el 19 de diciembre, planteaba - como es sabido- los siguientes puntos:

Cesión a Bolivia de una costa marítima, soberana, unida al territorio boliviano por un franja territorial,

- igualmente soberana, desde el norte de Arica hasta la línea de la Concordia.
- Esta cesión estaría condicionada a un canje simultáneo de territorios es decir que Chile recibiría contemporáneamente a cambio de lo que entregaba una superficie compesatoria equivalente como mínimo al
- área de tierra y mar cedida a Bolivia. La validez de este arreglo estaba condicionada al acuerdo previo del Perú, de conformidad con el artículo primero del Protocolo Complementario al Tratado de Paz de 1929.
- Además, tres condiciones accesorias, denominadas las "tres aristas": desmilitarización del corredor; reconocimiento del usufructo de las aguas del río Lauca; compensación con territorio por el mar territorial del corredor (tres o doce millas marítimas).

En más de un siglo de gestiones diplomáticas nunca Bolivia había logrado una proposición chilena tan específica, positiva y pronta. Ni siquiera Ostria Gutiérrez consiguió tanto, en 1950. Era la primera vez que Chile accedía concretamente a dar una salida al mar, sin recurrir a los subterfugios invocados en ocasiones anteriores y que volvería a proclamar después ("No tenemos ningún problema marítimo con Bolivia").

A fines del Siglo XIX, en situación conflictiva con la Argentina, aquella vez respecto a la Patagonia, Chile intentó alentar la neutralidad boliviana, haciendo relucir el señuelo de un puerto. Tal fue uno de los antecedentes de la negociación de 1895, que quedó en nada, en parte debido tanto a la inoperancia del gobierno boliviano, como por el desentendimiento de Chile, una vez solucionado su litigio con la Argentina.

Banzer logró ir más lejos que nadie y cualquiera que sean las críticas a otras facetas de su gobierno, fue en esta ocasión que Bolivia estuvo más próxima a recuperar su mar

La Paz, marzo de 1993

Alberto Ostria Gutiérrez avanzó mucho en ese camino, como se sabe, el intercambio de notas con la cancillería chilena, en 1950, fue un paso significativo, malogrado luego por los cambios políticos en Bolivia.

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LOS CINCO PRESIDENTES

El 20 de diciembre de 1975, Banzer anunció la aceptación global de la fórmula chilena.

Acogida sin júbilo, la proposición pronto fue objeto de controversias, probatorias una vez más de lo complicado que es satisfacer a ciertos bolivianos cuando se trata del problema-marítimo. Para algunos, el corredor era demasiado estrecho; para otros la costa no era adecuada para construir un puerto; los militares exigían que el corredor pudiera ser militarizado; ciertos recalcitrantes aspiraban nada menos que a la devolución de Antofagasta. No faltaron quienes propusieron la creación de un puerto en alguna isla del Caribe o la utilización de dirigibles. Por último, los revanchistas se empecinaban en que el antiguo Litoral fuese recuperado por las armas, en el momento propicio.

Mas grave que estas expresiones incoherentes fue un documento suscrito por cinco ex presidentes: Víctor Paz Estenssoro, Hernán Siles, Luis Adolfo Siles, Alfredo Ovando y José Torres, quienes, el 6 de marzo de 1976 hicieron pública su oposición:

"...nuestra actitud es una expresión de repudio y condenación de estos actos que el gobierno del general Hugo Banzer ha acelerado a espaldas del pueblo, bajo la influencia de fuerzas extranjeras y traicionando el interés del pueblo boliviano...

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... esta decisión obedece a ambiciones subalternas del actual gobierno de Bolivia, cuya perpetuación en el poder, conviene en forma determinante a la oligarquía empresarial antinacional que se fortalece y que es co-gobierno con la tiranía, además de responder a intereses externos en expansión hegemónica en el área...

... la Patria oprimida, las organizaciones de trabajadores

THE FIVE PRESIDENTS

On 20 December 1975, Banzer announced the global acceptance of the Chilean formula.

The proposal, which was accepted without rejoicing, soon became a subject of controversy, which again proves that it is difficult to satisfy certain Bolivians when it comes to the maritime problem. For some of them, the corridor was too narrow; for others, the coast was not suitable for building a port; the army demanded that the corridor be militarized; certain recalcitrant people were calling for nothing less than the return of Antofagasta. There were even people who proposed creating a port on some island in the Caribbean, or the use of dirigibles. And lastly, people seeking revenge insisted that the former Littoral should be recovered using weapons, at the appropriate time.

Of even greater concern than these inconsistent statements was a document signed by five former presidents: Víctor Paz Estenssoro, Hernán Siles, Luis Adolfo Siles, Alfredo Ovando and José Torres, who made their opposition public on 6 March 1976:

"...our attitude is an expression of repudiation and condemnation of these acts that the government of General Hugo Banzer has accelerated behind the backs of the people, under the influence of foreign forces, and betraying the interests of the Bolivian people...

...this decision is based on under-handed ambitions of the current Bolivian government, whose perpetuation in power is decisively convenient to the anti-national business oligarchy, that is strengthening and that is the co-government along with tyranny, in addition to responding to foreign interests in hegemonic expansion in the area ...

...the Patria Oprimida, the organizations of workers

y universitarios, los partidos políticos, las voces representativas de hombres públicos y de especialistas en esta materia han descalificado estas tentativas como actos irresponsables. El presidente Banzer y los grupos económicos y políticos que sostienen su gobierno son responsables solidarios de haber comprometido históricamente el patrimonio y porvenir de la nación...

... hacemos un llamado a las Fuerzas Armadas para que se modifique sustancialmente la orientación de estas negociaciones internacionales...

... proponemos la celebración inmediata de una conferencia tripartita entre Bolivia, Chile y el Perú encargada de definir una nueva perspectiva que subsane los errores, vicios y omisiones que han resultado del bilteralismo originado en Charaña..."

El documento abunda en expresiones cuya violencia y agresividad contra Banzer delataban que no era solamente una preocupación patriótica la que lo había dictado, sino, primordialmente, la pasión política.

El documento abunda en expresiones cuya violencia y agresividad contra Banzer delataban que no era solamente una preocupación patriótica la que lo había dictado, sino, primordialmente, la pasión política.

Vastos sectores del pueblo boliviano parecen ser víctimas de algo que podría llamarse el síndrome del mar. Cuando un diplomático o gobernante concibe e intenta ejecutar alguna solución con Chile, despierta de inmediato reacciones irreflexivas y por lo tanto irrealistas, opuestas a la fórmula, cualquiera que ella sea. A menudo éstas se hallan alentadas por políticos de oposición, bajo el mero propósito de crear obstáculos y dañar la popularidad del gobierno de turno. Con ello, el conflicto se complica doblemente, con el resultado de que la gestión fracasa.

Banzer no podía ser la excepción. Si durante los últimos

lo vituperios en su contra. Como resultado, se creó un clima poco propicio para la negociación.

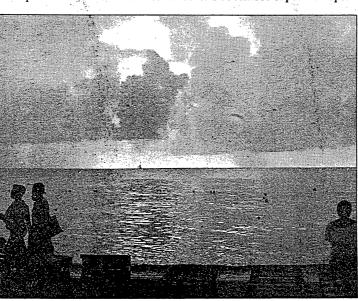
Surgió, sobre todo, oposición al trueque territorial, exigido por Chile. Ignorando que ya en 1907 Bolivia y Chile intercambiaron porciones de territorio a fin de dar viabilidad al ferrocarril Antofagasta-Oruro, esta vez se juzgaba la idea de la compensación casi como un delito de lesa patria. El foco de mayor intransigencia brotó en Cochabamba, la región más mediterránea del territorio. Incitadas por el agregado militar del Perú en Bolivia y por políticos nativos, sociedades patrióticas femeninas y masculinas de esa ciudad adoptaron actitudes intransigentes y casi agresivas contra Chile y el propio Banzer, a quien conminaron para que, abandonando negociaciones diplomáticas cautelosas, exigiese simplemente la devolución del territorio perdido en la guerra del Pacífico.

Tarea inútil que CONAMAR analizase soluciones alternativas a un trueque de porciones definidas de territorio, tales como un imperceptible retoque a lo largo de la frontera, sin alterar fundamentalmente la línea divisoria entre los dos países. "No hay mutilaciones, sino canjes, pues cesión de territorio no es lo mismo que canje territorial. ¿Si no estamos en condición de hacer cuantiosas erogaciones de dinero, hipotecando al país; si no podemos ofrecer compensaciones en recursos minerales, energéticos, agropecurios o industriales, con qué podemos negociar?", exhortó vanamente Tejada Velasco.

CONAMAR demostró la factibilidad de construir un puerto en la zona costera de la franja cedida por Chile, en condiciones apropiadas para levantar una ciudad de doscientos mil habitantes, a la que se aprovisionaría de agua potable utilizando los conductos que al presente se emlean como oleoductos de YPFB. La idea fue calificada de utópica, por quienes se oponían al posible acuerdo.

Resultó igualmente infructuoso que el embajador Gutiérrez tratase de persuadir de lo contrario citando el ejemplo de Ashdod, puerto israelita situado en playa abierta, sin contrafuertes ni profundidad de aguas aptas para barcos de gran calado. Consultados los técnicos que habían construido Ashdod si podrían repetir la hazaña al norte de

veinte años el síndrome había permanecido adormecido, limitándose las expresiones públicas a ceremonias cívicas anuales como el día de Abaroa, fue suficiente que emprendiera una acción concreta, para despertar críticas que en ciertos casos degeneraron hasta convertirse en acusaciones e injurias. Lo mismo ocurrió respecto a Chile. A penas este gobierno mostró disposición para negociar, empezaron



Arica, el gobierno de Israel dio respuesta positiva. El problema era financiero, no técnico.

Tampoco convenció a los empecinados que dos oficiales de la Fuerza Naval boliviana visitaran el puerto chileno de Lirque, al sur del país, edificado en una zona semejante a Arica. Un estudio costeado por el embajador Gutiérrez con sus recursos personales estimó que la construcción de un puerto al norte,

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and university students, the political parties, the voices representing politicians and specialists in the matter have denounced these acts and called them irresponsible. President Banzer and the economic and political groups supporting his government are jointly and severally liable for an unprecedented compromise of the assets and future of the nation...

...we call upon the Armed Forces to substantially change the orientation of these international negotiations...

...we propose immediately holding a tripartite conference of Bolivia, Chile and Peru tasked with defining a new perspective that will cure the errors, defects and omissions that have resulted from the bilateralism that originated in Charaña...." de Arica, costaría más o menos 100 millones de dólares, suma no excesiva dada la trascendencia del proyecto.

Nada que hacer. Crecía la oposición interna al acuerdo y todas las argucias eran válidas para combatirlo: la zona ofrecida por Chile era impropia y la compensación territorial, injusta e inaceptable. Como dice Ramiro Prudencio, joven y brillante diplomático, heredero del talento de su padre, don Roberto Prudencio, "La política interna, lo mismo que había sucedido en 1920 y 1950, fue la causa fundamental del fracaso de este nuevo esfuerzo por alcanzar el mar. La idea sustentada por alguno que Bolivia ha perdido mucho territorio y que no se puede por lo tanto, ceder ningún otro, es simplemente absurda. Con un canje no se pierde ni se gana territorio. La superficie de cada país sigue igual".

LOS VECINOS

A esta actitud opositora de algunos bolivianos se añadió, enforma menos ostensible aunque igualmente perniciosa, la de los gobiernos de Argentina y Perú adversos al canje territorial, que juzgaban perjudicial para sus respectivos intereses.

La Argentina veía con recelo la eventualidad que el territorio a ser cedido por Bolivia como compensación fuese delimitado al sur de la provincia potosina de Lípez, fronteriza con Argentina y situada en el altiplano. Se teorizaba que esta solución daría acceso a Chile a una región desde la cual, con el tiempo, extendería su presencia en la región oriental. Entraba en juego un factor geopolítico: los vectores de penetración económica de Argentina corrían riesgo de tropezar con los chilenos. La Argentina había colaborado en la construcción del ferrocarril Yacuiba-Santa Cruz con intención de prolongarlo en el futuro hasta la Cuenca Amazónica. No le complacía la eventualidad de un obstáculo.

Aún más suspicaz era la actitud peruana respecto al posible entendimiento boliviano chileno, que le afectaba más directamente. Sobre todo el ejército temía que el territorio a ser cedido por Bolivia fuese fronterizo con el sur peruano, en el altiplano, situación que en caso de un futuro conflicto armado entre Perú y Chile podría crear un flanco vulnerable. Además, era presumible que la estrechez del corredor cedido por Chile a Bolivia induciría a Bolivia, en el futuro, a buscar una expansión en la provincia peruana de Tacna. En tercer lugar, dicha franja territorial, al interponerse entre Chile y el Perú alejaba quizá para siempre la eventualidad de que el Perú reconquistara un día la provincia de Tarapacá, perdida en la guerra de 1879. Por último la alta estrategia política peruana también era adversa a facilitar, a través de una salida boliviana al mar, la aproximación del Brasil al Pacífico que, siempre de acuerdo con esta línea de pensamiento, no convenía a los intereses peruanos por el riesgo hegemónico que ello entrañaba.

Había pues coincidencia entre Argentina y Perú en no simpatizar con la gestión portuaria boliviana. Sus misiones diplomáticas en La Paz desplegaron cautelosa pero activa campaña disuasiva ante altos jefes militares procurando persuadirlos de la inconveniencia de aceptar la fórmula propuesta por Chile. Se infiltraron asimismo en diversas organizaciones cívicas y órganos de prensa, en particular en Cochabamba, logrando generar una corriente de opinión primero escéptica y luego hostil a la negociación. ¿Si cinco ex presidentes la habían atacado, por qué no apoyarles? La persona de Banzer no escapó a estas críticas, siendo sorprendente que, informado de la labor de aquellos diplomáticos, el gobierno no hubiese puesto coto a la misma.

Ahora correspondía a Torre Tagle intervenir oficialmente en el asunto.

LA OPINIÓN DEL EIÉRCITO DEL PERÚ

En cumplimiento del protocolo anexo al Tratado de Paz de 1929, sobre Tacna y Arica, la cancillería chilena informó a Lima sobre la fórmula propuesta a Bolivia.

Torre Tagle eludió dar respuesta durante casi un año. Pidió amplia documentación y designó una comisión consultiva presidida por el ex presidente don José Luis Bustamante y Rivero. Paralela a la misma fue nombrada otra comisión reservada, integrada por el ejército.

Esta última efectuó una consulta con todas las regiones militares, pidiendo la opinión de la oficialidad. Las respuestas (publicadas en el semanario limeño "Kausachum" del 4 de mayo de 1983) eran abiertamente desfavorables. Un memorándum estrictamente secreto dirigido por el Ministerio de Guerra al General de Brigada jefe de la Secretaría de Defensa, en 11 de mayo de 1976, decía textualmente:

- "La totalidad de la oficialidad de la CEM está de acuerdo con el deseo de la República de Bolivia de tener una salida al mar.
- 2.- El 90% de los oficiales no está de acuerdo con la propuesta de dar salida al mar a Bolivia por un corredor al norte de Arica; opinan que la salida debe ser por territorio que fue boliviano.
- 3.- El 10% de los oficiales está de acuerdo con la cesión a Bolivia de un corredor al norte de Arica, pero enforma condicionada, sin compensación territorial por parte de Bolivia y eon soberanía de este país sobre dicho corredor.
- 4.- Algunos oficiales manifiestan que de aceptar el Perú la cesión de un corredor por el norte de Arica, la contrarrevolución tendría suficientes argumentos de carácter político nacionalista para realizar una intensa campaña que afectaría negativamente la marcha del proceso revolucionario"

Este pronunciamiento del ejército primó en la decisión del gobierno de Lima, nunca simpatizante de la fórmula chilena. Aunque existía el informe de la comisión Bustamante - cuyo texto jamás fue hecho público- éste fue desestimado porque era más asequible a la consulta chilena. Para evitar un "no" rotundo, que habría despertado el descontento del gobierno Banzer, la cancillería peruana recurrió a un complicado esquema que sabía de antemano sería rechazado por Chile. Disponía del perverso instrumento provisto por aquella cláusula del protocolo de 1929 y supo utilizarla con consumado maquiavelismo.

El 18 de noviembre de 1976 (aniversario de la batalla de Ingavi), el Perú respondió a la consulta chilena. En resumen -como también es conocido- su planteamiento era el siguiente:

Cesión de Chile a Bolivia de un corredor soberano al

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norte de la provincia de Arica, paralelo a la Línea de la Concordia, que se inicie en la frontera boliviano-chileno y se prolongue hasta lindar con la carretera de Arica a Tacna.

Establecimiento en la provincia de Arica, a continuación del corredor de un área territorial bajo la soberanía compartida de los tres Estados, Bolivia, Chile y Perú, situada al sur de la frontera peruano-chilena, entre la Línea de la Concordia, la carretera Tacna-Arica, el casco norte de la ciudad de Arica y el Litoral del océano Pacífico.

Cesión a Bolivia del derecho a construir un puerto bajo su exclusiva soberanía en el litoral del trapecio y soberanía exclusiva de Bolivia sobre el mar adyacente al litoral del territorio bajo soberanía compartida. Constitución de una administración portuaria trinacional en el puerto de Arica y establecimiento por los tres países de un polo de desarrollo económico en la zona bajo soberanía compartida".

La fórmula peruana era inadmisible para Chile pues al sugerir el condominio de Arica modificaba sustancialmente el tratado de 1929. Además, Chile no podía aceptarla por una simple razón de orden militar: en Arica y alrededores existían dispositivos militares antitanques, más o menos mimetizados, que Chile no estaba dispuesto a abandonar.

El condominio habría creado una situación jurídica propicia a tergiversaciones conflictivas.

Al Perú se le había pedido un "sí" o "no" a la fórmula chilena. No un planteamiento propio. En realidad de cosas, el Perú buscaba hacer fracasar la negociación. Consiguió su objetivo pues Santiago desestimó aquel esquema, por los motivos jurídicos ligados al tratado de 1929.

Lo que no se ha esclarecido hasta la fecha es sí los gobiernos peruanos y chileno actuaban en colusión secreta para frustrar la petición boliviana. ¿Por qué no? Había transcurrido más de un año desde que iniciaron los primeros contactos entre Banzer y Pinochet y en ese tiempo el presidente chileno perdió su interés inicial. Ahora tropezaba con serias resistencias de la Armada y no veía urgencia en agravar ese problema. Durante esos meses hubo muchas conversaciones y discretos contactos entre diplomáticos y militares del Perú y Chile, siendo posible, por extraño que parezca, que el tenor de la respuesta peruana hubiese sido de previo conocimiento secreto de Santiago. Uno se pregunta si Bolivia no fue víctima de esa confabulación de sus dos vecinos, ninguno de ellos ávido por facilitar su salida al mar.

La opinión pública boliviana recibió la respuesta peruana con cierta indiferencia. Transcurrían ya varios meses en los cuales el problema había sido debatido, perfilándose cada día con mayor vigor una corriente adversa al acuerdo. Disipado el fervor de unos cuantos, había cundido el escepticismo.

1976, año estéril, finalizó con un mensaje de Banzer, proponiendo que Chile renunciase a su exigencia del canje territorial y que el Perú hiciera lo propio respecto a la idea de la zona mancomunada. Ni uno ni otro país acogieron la idea.

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Antes, Banzer había efectuado un último esfuerzo, en una entrevista, promovida por él con los presidentes de Chile y Perú, en una reunión internacional. Idéntico resultado negativo.

Su decisión, en marzo de 1978, de romper relaciones diplomáticas con Chile denunció su desencanto. Paradógicamente, criticado por aquello que merecía encomio - la entrevista de Charaña y sus secuencias - fue aplaudido por esta medida negativa, que ponía el expediente en fojas cero. Cierta gente piensa que, si había que suspender relaciones con alguien, debió ser con el Perú.

De todos modos, la historia tendrá que reconocer que suyo fue el esfuerzo más concreto y pertinaz en pos de ese ensueño nacional que es la recuperación del mar.

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La Paz, marzo de 1993

Joint Press Release issued by Bolivia and Chile, 16 July 1993

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

COMUNICADO CONJUNTO

1.- Con oportunidad de la III Conferencia Iberoamericana de Jefes de Estado y de Gobierno, celebrada en la ciudad de Salvador, Bahia, los días 15 y 16 de julio de 1993, los señores Ministros de Relaciones Exteriores de Bolivia, D. Ronald McLean Abaroa y de Chile, D. Enrique Silva Cimma, mantuvieron un nuevo encuentro informal.

2.- En el curso de sus conversaciones, examinaron el estado de las relaciones bilaterales.

En este sentido, destacaron la importancia del esfuerzo realizado para el tratamiento de diversos temas de interés compartido y para ampliar el intercambio de informaciones y puntos de vista con el fin de estimular una más cabal percepción e interpretación recíproca de los intereses de los dos países.

Coincidieron en que los avances y realizaciones alcanzados gracias a dicho esfuerzo han sido posibles debido a la adopción de un enfoque renovado para el tratamiento de los asuntos de la agenda de relaciones bilaterales, así como de una actitud ampliamente constructiva por parte de ambos gobiernos, puesta de manifiesto en el último período.

3.- Los Ministros constataron que aún subsisten diferencias en relación con determinados asuntos específicos.

Sin embargo, al mismo tiempo, subrayaron el significado del mejoramiento de las relaciones bilaterales, así como de la comunicación entre los Gobiernos, como medios para ampliar y fortalecer la confianza reciproca y crear condiciones propicias para facilitar el tratamiento de la agenda de las relaciones bilaterales, y en especial para superar mediante

JOINT PRESS RELEASE

1. On the occasion of the 3rd Ibero-American Conference of Heads of State and Government, which took place in the City of Salvador, Bahia, on 15 and 16 July 1993, the Ministers of Foreign Affairs of Bolivia, Mr. Ronald McLean Abaroa, and of Chile, Mr. Enrique Silva Cimma, held a new informal meeting.

2. During their discussions, they examined the state of bilateral relations.

In this regard, they highlighted the importance of the efforts made to discuss several topics of common interest and for a greater exchange of information and points of view in order to foster a more thorough perception and mutual interpretation of both countries' interests.

They agreed that the progress and achievements made as a result of such efforts were possible due to the use of a renewed approach in addressing the issues on the bilateral relations agenda, as well as a very constructive stance on the part of both Governments as highlighted in the most recent period.

3. The Ministers confirmed that there are still differences with respect to certain specific matters.

At the same time, however, they underscored the significance of improved bilateral relations, as well as improved communications between the two Governments, as a means to increase and solidify mutual trust and create adequate conditions to better address the bilateral relations agenda, and, in particular, to overcome those

entendimiento de mutua conveniencia, aquellas diferencias, buscando siempre el interés de ambos pueblos.

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De igual manera, expresaron su convencimiento de que es conveniente continuar realizando esfuerzos convergentes con el fin de crear dichas condiciones, mediante la predisposición favorable a la comprensión recíproca de los intereses de ambos países.

4.- Ambos Ministros estuvieron de acuerdo en que, como consecuencia de los esfuerzos realizados para el tratamiento oportuno y eficaz de diversos temas de la agenda de las relaciones bilaterales, se han logrado entendimientos que han permitido, entre otros, los siguientes resultados prácticos:

a) La suscripción de un Acuerdo de Complementación Económica.

b) La suscripción de un Acuerdo de Cooperación en la Lucha contra el Narcotráfico.

c) La solución de todos los problemas pendientes en materia de demarcación limítrofe.

d) La suscripción de un acuerdo en Materia de Transporte Aéreo Internacional.

e) La suscripción de un Acuerdo sobre Trabajos Técnicos de adaptación en el oleoducto Sica Sica- Arica.

f) La eliminación de las exigencias de las visas de turistas para nacionales de ambos países.

g) Están en marcha otras materias en que, por la vía unilateral, ambos países promueven la adopción de medidas de interés común.

5.- Del mismo modo, subrayaron la importancia de las conversaciones celebradas entre sus Gobiernos con referencia a otros temas, tales como los proyectos de desarrollo de la infraestructura de transporte para vincular a ambos países, la aplicación del régimen vigente en materia de regulación de los

differences by means of appropriate mutual understanding, always seeking the interests of both nations.

Likewise, they expressed their conviction that the best course of action is to continue to make converging efforts to create such conditions, with a disposition for a reciprocal understanding of the interests of both countries.

4. Both Ministers were in agreement that, as a consequence of the efforts made to timely and effectively address the various issues on the bilateral relations agenda, certain understandings have been reached which, in practice, have made the following, among other, results possible:

(a) The execution of an Economic Complementation Agreement.

(b) The execution of an Agreement on Cooperation in the Fight Against Drug Trafficking.

(c) The settlement of all outstanding issues concerning border demarcation.

(d) The conclusion of an International Air Transportation Agreement.

(e) The conclusion of an Agreement on Technical Adaptation Works at the Sica Sica-Arica Pipeline.

(f) The lifting of tourist visa requirements for nationals of both countries.

(g) Other issues are being worked on, in connection with which both countries are unilaterally promoting the adoption of measures of common interest.

5. Similarly, they pointed out the importance of the conversations the two Governments have held over other issues such as projects for the development of transportation infrastructure to connect both countries, the enforcement of the regulations in place for road servicios de transporte por carretera y el Acta de Cochabamba que instituye un Grupo Técnico Mixto para el examen de cuestiones relativas al acopio y tránsito de minerales de origen boliviano por los puertos de Arica y Antofagasta.

Asimismo, destacaron el significado de las consultas llevadas al efecto y los entendimientos preliminares alcanzados con el próposito de promover el desarrollo de proyectos de complementación en el sector energético.

6.- Expresaron también su beneplácito por el esfuerzo desplegado por los sectores empresariales con el fin de de promover la creciente interrelación entre los agentes privados, a través de un mayor intercambio de bienes y servicios y de la exploración de oportunidades de inversiones conjuntas.

7.- Los Ministros coincidieron en que, aparte de los esfuerzos realizados en el área de las relaciones económicas, igualmente relevantes han sido los esfuerzos orientados a mejorar la comunicación de los Gobiernos, los cuales se han desarrollado a través de contactos informales entre sus más altas autoridades, así como entre entre líderes políticos y miembros de los respectivos Congresos.

De manera especial, destacaron la importancia de la creación del Mecanismo Permanente de Consultas, a nivel de Subsecretarios de Relaciones Exteriores, para tratar asuntos bilaterales y multilaterales de interés mutuo.

8.- Los Ministros estuvieron de acuerdo en que estos esfuerzos y realizaciones han sido posibles, también gracias al ambiente favorable emergente de la vigencia, en ambas naciones, de sistemas democráticos, orientados por intereses coincidentes y por una predisposición favorable a la concertación y entendimiento.

transportation services, and the Cochabamba Act, which mandates the formation of a Mixed Technical Group to review issues concerning the stockpiling and transit of Bolivian minerals through the ports of Arica and Antofagasta.

They further stressed the significance of the related consultations and the preliminary understandings reached to promote the development of complementation projects for the energy sector.

6. They also welcomed the efforts made by business sectors in order to promote growing interrelations between private agents, through a greater exchange of goods and services and the exploration of joint investment opportunities.

7. The Ministers agreed that, in addition to the efforts made in connection with economic relations, particularly noteworthy are those seeking to improve communications between the two Governments, which efforts have taken the form of informal conversations between their top-ranking officials, as well as political leaders and members of their respective Congresses.

They specifically noted the importance of the creation of the Permanent Consultations Mechanism, handled at the level of the Undersecretaries of Foreign Affairs, to tackle bilateral and multilateral matters of common interest.

8. The Ministries agreed that these efforts and achievements have also been possible due to the favorable climate resulting from the existence of democratic systems, guided by coinciding interests and a predisposition for cooperation and understanding in both countries.

Del mismo modo, estuvieron de acuerdo en que dichos esfuerzos, en especial en área de las relaciones económicas bilaterales, se han visto alentados por las amplias coincidencias en los modelos económicos y las políticas pertinentes adoptadas por los dos países.

Salvador, Bahia, julio 16 de 1993.-

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Enrique Silva Cimma

Rénald McLean Abaroa Ministro de Relaciones Exteriores de Bolivia

Ministro de Relaciones Exteriores de Chile

Moreover, they agreed that such efforts, particularly in the area of bilateral economic relations, have been driven by the vast areas of coincidence in the economic models and relevant policies adopted by both countries.

Salvador, Bahia, 16 July 1993.-

[Signed]

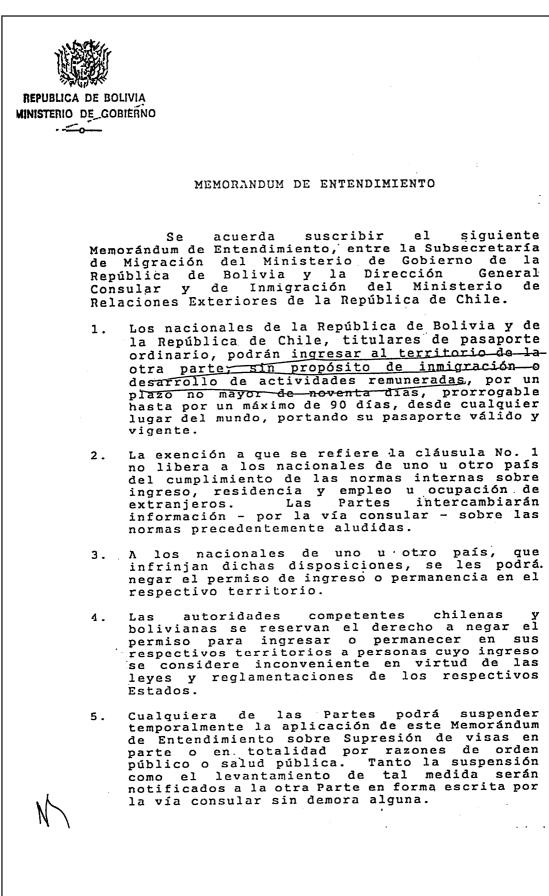
Ronald McLean Abaroa Minister of Foreign Affairs of Bolivia [Signed]

Enrique Silva Cimma Minister of Foreign Affairs of Chile

Memorandum of Understanding between Bolivia and Chile, 24 November 1994

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



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MEMORANDUM OF UNDERSTANDING

An agreement has been reached to sign the following Memorandum of Understanding by and between the Undersecretariat for Migration of the Ministry of Government of the Republic of Bolivia and the General Office of Consular Affairs and Immigration of the Ministry of Foreign Affairs of the Republic of Chile.

- 1. Nationals of the Republic of Bolivia and nationals of the Republic of Chile who are holders of regular passports may enter the territory of the other party, for purposes other than immigration or the development of remunerated activities, for a period not exceeding ninety days, extendable for no more than 90 days, from anywhere in the world, bearing a valid passport that is in full force and effect.
- 2. The extension referred to in clause No. 1 above shall not exempt the nationals of either country from complying with domestic regulations regarding the entry, residence, and employment or occupation of foreign citizens. The Parties shall exchange information through consular channels regarding the aforementioned regulations.
- 3. Nationals of either country who violate such provisions may be denied authorization to enter or stay in the relevant territory.
- 4. The competent Chilean and Bolivian authorities hereby reserve their right to deny authorization to enter or stay in their respective territories to individuals whose entry has been deemed not to be advisable pursuant to the laws and regulations of the respective States.
- 5. Either Party may fully or partially suspend the enforcement of this Memorandum of Understanding on the Waiver of Visas on a temporary basis due to public policy or public health reasons. Both the suspension and the lifting of that measure shall be notified to the other Party in writing through consular channels without delay.



REPUBLICA DE BOLIVIA MINISTERIO DE GOBIEÑNO

> El presente Memorándum de Entendimiento sobre Supresión de Visas entrará en vigencia el 10. de diciembre de 1994 y tendrá duración indefinida. Podrá ser anulado por cualquiera de las Partes mediante aviso previo de tres meses, por la vía consular y por escrito.

Concurren a la suscripción de este Memorándum de Entendimiento, por la República de Bolivia, la Lic. Victoria Baldivieso, Subsecretaria de Migración del Ministerio de Gobierno y por la República de Chile, el Embajador Julio Lagarini Freire, Director General Consular y de Inmigración del Ministerio de Relaciones Exteriores.

Suscrito en la ciudad de Santa Cruz de la Sierra, Bolivia el veinticuatro de noviembre de mil novecientos noventa y cuatro, en dos ejemplanes de igual valor.

POR LA REPUBLICA DE BOLIVIA

POR I da DE

This Memorandum of Understanding on the Waiver of Visas shall become effective on 1 December 1994, and shall remain in full force and effect indefinitely. It may be annulled by either Party upon three months prior notice given in writing through consular channels.

This Memorandum of Understanding has been signed by Lic. Victoria Baldivieso, Undersecretary for Migration of the Ministry of Government, on behalf of the Republic of Bolivia, and Ambassador Julio Lagarini Freire, General Director of Consular Affairs and Immigration of the Ministry of Foreign Affairs, on behalf of Chile.

Signed in two copies of equal value in the city of Santa Cruz de la Sierra, Bolivia, on 24 November 1994.

[Signed] FOR THE REPUBLIC OF BOLIVIA [Signed] FOR THE REPUBLIC OF CHILE

Minutes of the Second Meeting of the General Committee of the Organization of American States General Assembly, 6 June 1995

(English translation only)

Organization of American States, General Assembly, Twenty-Fifth Regular Session, 1995, *Proceedings*, Vol. II, Part 1, OEA/Ser.P/XXV.O.2 (1996), pp 223-227

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GENERAL COMMITTEE MINUTES OF THE SECOND MEETING

<u>Date</u> : <u>Time</u> : <u>Venue</u> :	6 June 1995 10:15am Club Med	
President:	Madam Claudette Werleigh Minister of Foreign Affairs and Worship of Haiti	
In attendance:	Danilo Jiménez Veiga Fernando E. Petrella Antonio Araníbar Quiroga Beatriz Ramacciotti José Miguel Insulza José Delmer Urbizo William George Mallet, CBE José Bernard Pallais Arana José Roberto Andino Salazar Corinne McKnight Benjamin Clare Luis María Ramírez Boettner Miguel Ángel Burelli Rivas Carlos Pérez del Castillo Alpian Allen Willem A. Udenhout Patrick Albert Lewis Galo Leoro Franco F.A. Baron Peter Laurie Clement Rohee Harriet C. Babbitt Christine Steward Marithza Ruiz de Vielman Sebastião do Rego Barros Fabio Villegas Ramírez Denneth Modeste Dean O. Barrow Lawrence Chewning Fábrega Janet A. Bostwick Carlos A. Morales Troncoso Sergio Romero Cuevas César Gaviria Christopher R. Thomas	(Costa Rica) (Argentina) (Bolivia) (Peru) (Chile) (Honduras) (Santa Lucia) (Nicaragua) (El Salvador) (Trinidad and Tobago) (Jamaica) (Paraguay) (Venezuela) (Uruguay) (Saint Vincent and the Grenadines) (Suriname) (Antigua and Barbuda) (Ecuador) (Dominica Republic) (Barbados) (Guyana) (United States) (Canada) (Guatemala) (Brazil) (Colombia) (Grenada) (Belize) (Panama) (Bahamas) (Domenica Republic) (Mexico) (OAS Secretary General) (Assistant Secretary General)

[...]

[p 224]

Report on the maritime problem of Bolivia

[...]

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA: Thank you very much, madam President. As Your Excellency, madam President, and the representatives present in this room are aware, the Organization of American States approved successive resolutions indicating, on repeated occasions, that "it is of permanent hemispheric interest that an equitable solution be found whereby Bolivia would obtain sovereign and useful access to the Pacific Ocean".

According to those resolutions, this objective of the OAS must be achieved in a spirit of brotherhood and Latin American integration, to consolidate a stable peace that stimulates economic and social progress in the region, affected by the consequences of Bolivia's confinement.

The General Assembly also recommended that the States directly concerned with this problem initiate contacts and negotiations for the purpose of providing Bolivia with its own territorial connection with the Pacific Ocean.

Significantly, and in spite of the years that have passed, and notwithstanding the initiatives raised by Bolivia on various occasions in response to the call of the OAS, its maritime problem has fundamentally remained unchanged, with the economic, political and moral effects that such a situation causes.

We especially appreciate the international understanding our country has received and we consider it very important for making progress towards finding effective solutions. It is also true that the search for answers to questions that come from the generations that went before us depends not only on adding new declarations to those already made, but also on stimulating the political willingness of the States to assume with sincerity their responsibility to find constructive actions that take into account the rights and interests of all the parties involved.

Therefore, the inclusion of this item on the agenda of the meetings of the General Assembly should not just be a formal ceremony that is held every year. The presentation of this report ought to be an occasion on which the progress in a historic negotiation is solemnly recorded for the effective solution of a problem in the inter-American community that remains unsolved.

The renewed OAS is the forum where we want to discuss the thoughts aimed at promoting a better future for international relations, inspired by legal and ethical grounds of justice for fraternal coexistence and solidarity between countries and citizens of the Americas.

At a time when the American hemisphere is overcoming ideological conflicts, intolerance and isolation, and embracing common values such as democracy, solidarity, social equity and collective actions such as economic, physical and energy-related integration, it is not permissible to think that Bolivia should still bear the economic, [p 225]

political and cultural consequences of a forced oppressive geographical confinement, which has been going on for more than a century.

The objective conditions of the inter-American system now require all the countries in the Hemisphere to look ahead and overcome the obstacles that keep us from achieving effective integration. To do this, there must be constructive dialogue that allows us to develop the ability of governments to face the challenges that destiny poses for us at the end of the 20th century.

The integration of the Americas, the linking of our geographic diversity through bioceanic corridors, energy networks, roads, and the Paraguay-Paraná waterway, are elements that will put this agenda into movement for the new world that we want to construct in the region.

To this end, we must use our efforts and our will to turn words into actions, solving the problems that emerge from the wounds of the past and making proposals aimed at the future, which should find us united within a genuine American spirit.

As we stated at the 24th regular session of the General Assembly, Bolivia has initiated a process of rapprochement with Chile, through dialogue, coordination and finding points of agreement that are in our mutual interest, that resolve specific problems, generate trust between the parties and allow us to move ahead with our search for a solution to Bolivia's maritime problem and the negative consequences of the forced geographic confinement of my country.

Convinced of the continuing hemispheric interest in Bolivia's maritime problem, we want to issue a fraternal call to the Republic of Chile to leave behind the traditional answers that seek a legal basis but avoid solidarity and do not fully assume the principles of justice, modernity, integration and change proclaimed with so much vigor at the Summit meetings in Miami and Copenhagen and in this very Assembly.

In our opinion, international law must be an instrument that can construct a future of justice, in a wise and timely manner, and should not be limited to perpetuating errors and injustices from the past.

Bolivia and Chile can and must set an example of this new spirit that motivates our Hemisphere. Thank you very much, madam President.

[...]

The MINISTER OF FOREIGN AFFAIRS OF CHILE: Thank you, madam President. Madam President, I listened with great interest to the speech by my distinguished colleague the Minister of Foreign Affairs of Bolivia and this leads me, once again, to discuss Chile's position on the matter and to indicate the grounds that underpin it.

Chile has invariably argued that the issue raised by Bolivia was resolved by a treaty that was validly agreed to and is in full force and effect.

The Treaty of Peace and Amity of 1904, between Bolivia and Chile, was signed 24 years after the hostilities had ceased, and it can therefore hardly be claimed that it was imposed by force, particularly given the fact that in it, Chile accepts a series of obligations, which my country has faithfully complied

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with. Bolivia enjoys conditions that are much superior than those granted in the United Nations to States without a coastline, notwithstanding the fact that we believe that it is possible to modernize even more the understandings that result from the treaties that the two countries have signed. The transit facilities granted by its neighbors, and by Chile in particular, are greater than those granted to any other country without a coast. It goes without saying that our country grants the broadest access to the sea through the transit facilities that are at its disposal in perpetuity under the Treaty.

We therefore hope, madam President, that the member States will understand this issue so that what is being accomplished at the bilateral level will not be hindered, because we are convinced that there are important aspects of cooperation and understanding between Chile and Bolivia. The discussion of this issue by the Organization of American States again calls into question the principles of inviolability of treaties and faithful compliance with them, territorial integrity and non-intervention in matters of exclusive sovereignty of other States, which peaceful coexistence and the very inter-American system are grounded upon.

I mean to say, madam President, that presently the relations between Chile and Bolivia are developing on a basis of reciprocal dialogue, in a creative and constructive spirit, which has permitted us to accomplish valuable initiatives towards rapprochement in multiple fields of the relationship existing between our nations.

In particular, I want to highlight some important advances made in the most recent period, during the presidencies of Sánchez de Lozada and Eduardo Frei.

The Political Consultations Mechanism, which was created in 1993, has been an effective mechanism for dialogue, in which a wide range of topics has been discussed, identifying and seeking solutions to the problems that affect the bilateral relationship and hinder greater rapprochement.

The economic relationship has been fruitful in the context of the Economic Cooperation Agreement between Chile and Bolivia: agreements have been signed for the reciprocal promotion and protection of investments, for the promotion of exports, on phytosanitary issues, and other agreements are being negotiated.

In terms of physical integration, Chile has finished paving the highway between Arica and the Bolivian border and is waiting for Bolivia to finish paving the section between that point and the capital of Bolivia, La Paz. With respect to consular matters, since the end of 1994, the system of passport registration for tourists from the two countries has been terminated, and in 1995, a Visa Exemption Agreement was signed for holders of diplomatic, official and special passports. At the initiative of President Eduardo Frei action has begun to promote rapprochement between the institutions of national defense and the police, in order to improve relations at the global level and generate greater trust.

These aspects are only some of the diverse matters and initiatives that the two countries have developed to benefit the bilateral relationship with the "profound conviction that the time has come for sincere, fruitful dialogue between the governments of the region to overcome the old walls of misunderstanding that separate our peoples and nations". This quote is from the letter from President Sánchez de Lozada to

[p 227]

President Eduardo Frei, published in the press in both countries in March 1994.

In this context, Chile reaffirms its intention to favor a continuing and permanent relationship with its sister the Republic of Bolivia, with which there are so many ties that bind us, and it is our aim to enrich and strengthen this relationship by seeking constructive and imaginative mechanisms of constructive complementarity.

Madam President, this is why we want to emphasize that the measures agreed upon with Bolivia are in keeping with the spirit of Latin American unity promoted by Chile, which seeks to preserve, promote and strengthen, with new momentum, the harmony and understanding among the States in the Americas. My country, through its initiatives, shows the good will that drives it to seek relations with Bolivia. We should have a clear understanding that there is much more that unites us than there is that separates us and should remain firm in our desire to continue on the path we have already started down. An insistence on bringing this issue before multilateral fora can only affect the normal coexistence that in our opinion we maintain. Thank you very much, madam President.

Annex 312

Minutes of the Third Meeting of the Political Consultations Mechanism, 11 June 1995

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

MINISTERIO DE RELACIONES EXTERIORES

ACTA

En la ciudad de Cochabamba, el día 11 de junio de 1995, se realizó la Reunión del Mecanismo de Consultas Políticas entre el Secretario Nacional de Relaciones Internacionales y Culto de Bolivia y el Subsecretario de Relaciones Exteriores de Chile, oportunidad en la que se trataron y acordaron los siguientes temas:

al. Aspectos portuarios

Sobre la base de los puntos contenidos en el Acta de la Reunión Técnica Binacional suscrita en la ciudad de Santiago el 31 de mayo de 1995, los Vicecancilleres acordaron lo siguiente:

Constant,

a) Desvinculación AADAA - EMPORCHI

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En relación a la desvinculación comercial entre AADAA y EMPORCHI, se implementará el siguiente cronograma:

Primero.- Mercaderla de exportación.- A partir del 1o. de julio de 1995, el porteo en los puertos de Arica y Antofagasta, será contratado libremente.

Segundo.- Porteo del trigo en tránsito a Bolivia.- A partir del 1o. de julio de 1995, en los mismos puertos se podrá contratar libremente el servicio de porteo.

Tercero.- Otras Importaciones.- El 31 de diciembre de 1995, finalizará la vinculación comercial exclusiva entre AADAA y EMPORCHI. En consecuencia, a partir del 1o. de enero de 1996, los usuarlos bolivianos podrán contratar libremente los servicios de porteo en los puertos ya mencionados, sin perjuicio de lo establecido en los acuerdos vigentes entre ambos países y las disposiciones legales bolivianas.

REPUBLIC OF CHILE MINISTRY OF FOREIGN AFFAIRS

MINUTES

A meeting of the Political Consultation Mechanism was held in the city of Cochabamba, on 11 June 1995, between the National Secretary of International Relations and Worship of Bolivia and the Undersecretary of Foreign Affairs of Chile, at which the following issues were discussed and agreed:

I. Port aspects.

On the basis of the points contained in the Minutes of the Bi-National Technical Meeting signed in the city of Santiago on 31 May 1995, the Deputy Foreign Ministers agreed to the following:

a) Delinking of AADAA and EMPORCHI.

The following schedule will be followed with respect to undoing the commercial link between AADAA and EMPORCHI:

1. Export goods. Beginning 1 July 1995, transport in the ports of Arica and Antofagasta will be contracted freely.

2. Transport of wheat in transit to Bolivia. Beginning 1 July 1995, the transport service may be freely contracted in these ports.

3. Other imports. On 31 December 1995, the exclusive commercial link between AADAA and EMPORCHI will end. Therefore, beginning 1 January 1996, Bolivian users may freely contract transport services in the ports mentioned above, without prejudice to the provisions of the current agreements between the two countries and the provisions of Bolivian law.

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RÉPUBLICA DE CHILE ERIO DE RELACIONES EXTERIORES

Cuarto.- A partir del 1o. de julio de 1995, EMPORCHI rebajará el 50% del diferencial entre las tarifas vigentes de porteo y los costos de subcontratación externos.

Quinto.- A partir del 1o. de julio de 1995, EMPORCHI eliminará el cobro por srecargo a bultos mayores de 10 toneladas, que actualmente realiza.

Lo señalado en los puntos anteriores significa que a partir de las fechas indicadas en cada uno de ellos, dejarán de tener vigencia todas las tarifas de EMPORCHI, actualmente en vigor entre ambas instituciones, establecidas en las Resoluciones 13 y 14 de 15 de marzo de 1993, copia de las cuales se adjuntan a la presente rota.

Sextore. A partir del 10. de julio de 1995, AADAA rebajará el 50% del excedente entre sus costos directos y sus tarifas vigentes.

Séptimo.- Con el objeto de implementar lo acordado en la presente Reunión, ambos: Viceministros acuerdan instruir a las instituciones pertinentes para convocar, bajo su coordinación, a una Reunión del Sistema Integrado de Tránsito para los días 11 y 12 de agosto del presente año..

II. Reunión de Evaluación

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Con el objeto de evaluar el cumplimiento de lo señalado en los párrafos precedentes, los Viceministros acordaron realizar una Reunión de este Mecanismo -durante el mes de noviembre de 1995.

In. Inversión Privada en los Puertos de Arica y Antofagasta

Ambas Autoridades acogieron con satisfacción la propuesta de EMPORCHI que "señalo la disponibilidad de espacios en el Puerto de Arica para la inversión privada boliviana en infraestructura de acopio de minerales de preembarque, de minerales de importación y granos de importación y exportación".

Para este efecto, la Cancilleria chilena entregó la documentación relativa a las condiciones de dichas inversiones.

4. Beginning 1 July 1995, EMPORCHI will reduce 50% of the difference between the current transport rates and the cost of external subcontracting.

5. Beginning 1 July 1995, EMPORCHI will eliminate the current surcharge for volumes greater than 10 tons.

The foregoing points mean that beginning on the dates indicated in each of them, all of EMPORCHI's rates in force between the two institutions, as set forth in Resolutions 13 and 14 of 15 March 1993 (a copy of which is attached to these minutes), will no longer apply.

6. Beginning 1 July 1995, AADAA will reduce 50% of the excess between the direct costs and its current rates.

7. In order to implement the agreements reached at this Meeting, both Deputy Ministers agree to instruct the relevant institutions to call and coordinate under their direction, a Meeting of the Integrated Transit System for 11 and 12 August of this year.

II. Evaluation meeting.

In order to evaluate compliance with the items indicated in the previous paragraphs, the Deputy Ministers agreed to hold a meeting of this Mechanism during the month of November 1995.

III. Private Investment in the Ports of Arica and Antofagasta.

Both Authorities welcomed with satisfaction the proposal whereby EMPORCHI "indicated that spaces are available in the Port of Arica for private Bolivian investment in infrastructure for storage of minerals prior to shipment, imported minerals and imported and exported grains".

To this end, the Chilean Foreign Ministry provided all documentation about the terms of these investments.

REPUBLICA DE CHILE NISTERIO DE RELACIONES EXTERIORES Los Viceministros manifestaron su voluntad de realizar el seguimiento del tema en la próxima Reunión del Mecanismo de Consultas Políticas. IV, Constitución Grupo de Trabajo Los Viceministros informados del grado de avance de los trabajos del camino Internacional por Tambo Quemado, decidieron la constitución de un Grupo de Trabajo, coordinado por la respectivas Cancillerias, que en el mas breve plazo presente proposiciones orientadas a dar fluidez al movimiento de personas y carga en la frontera. 19. ja Mariano Fernández Amunátegui paricio Otero SUBSECRETARIO DE ETARIO NACIONAL DE **RELACIONES EXTERIORES RELACIONES INTERNACIONALES Y** DE LA REPUBLICA CULTO DE LA REPUBLICA DE CHILE DE BOLIVIA

The Deputy Ministers stated their desire to follow up on this issue at the next Meeting of the Political Consultation Mechanism.

IV. Establishment of Working Group.

Having been informed of the progress of the work on the international road in Tambo Quemado, the Deputy Ministers decided to establish a Working Group, coordinated by the two Foreign Ministries, which will submit, as soon as possible, proposals to make the movement of persons and cargo at the border more fluid.

[Signed] Mariano Fernández Amunátegui UNDERSECRETARY OF FOREIGN AFFAIRS OF THE REPUBLIC OF CHILE [Signed] Jaime Aparicio Otero NATIONAL UNDERSECRETARY OF FOREIGN AFFAIRS AND WORSHIP OF THE REPUBLIC OF BOLIVIA

Annex 313

Empresa Portuaria de Chile, Resolution No 99, 26 December 1996

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

26-1010-36

EMPRESA PORTUARIA DE CHILE

Casilla 133-V - Valparaiso - Blanco # 839 - Fono (32) - 257167

DIVISION ADMINISTRACION Y FINANZA'S <u>DEPTO, NEGOCIOS Y CONCESIONES</u> N° 344.-

TOMADO RAZON CONTRALORIA -6 ENE 1997

REF. FIJA TARIFAS PORTUARIAS PARA LOS SERVICIOS QUE EMPORCHI PRESTA A LA CARGA EN TRANSITO PROCEDENTE DE O CON DESTINO A BOLIVIA.

99 N°

VALPARAISO,

VISTOS : lo acordado en la reunión del Mecanismo de Consultas Políticas entre el Secretarlo Nacional de Relaciones Internacionales y Culto de Bolivia y el Subsecretarlo de Relaciones Exteriores de Chile, efectuada en la ciudad de Cochabamba el día 11 de Julio de 1995; los acuerdos suscritos por los representantes de la Empresa Portuaria de Chile y de la Administración Autónoma de Almacenes Aduaneros de Bolivia, en la Reunión Técnica celebrada en Viña del Mar el día 13 de Septiembre de 1996, en relación al nuevo régimen tarifario y de servicios a aplicar a la mercancía un tránsito internacional hacia o desde Bolivia, a través de los puertos de Arica y Antofagasta; la necesidad de derogar el D.S. (TT. ý TT.) Nº 11, de 1993, T.R.C. el 12.03.93, modificado por los D.S. (TT. y TT.) Nº 73, de 1993, T.R.C. el 04.06.93, y. Nº 165, de 1995, T.R.C. el 12.07.95.; el Decreto Supremo (TT y TT) N°347 de 31.10.96, T.R.C. el 12.12.96, que autorizó al Director de la Empresa a fijar tarifas portuarias para las cargas en tránsito hacia o desde Bolivia; la Resolución Nº 0514, de fecha 14.11.96, que establece el orden de subrogancia del Director, lo dispuesto en el artículo 14, Nº1, del D.F.L. Nº 290, de 1960, cuyo texto refundido, coordinado y sistematizado fue fijado por el D.S. (TT y TT.) Nº 91, de 1978, dicto la siguiente:

RESOLUCION

1.- FIJANSE las siguientes tarifas para los servicios que la Empresa Portuaria de Chile presta a las mercaderías en tránsito internacional hacia y desde Bolívia.

ART. L

Servicio de Uso de Muelle a la carga 0,85 dólares por tonelada

Erria tarifa se aplicará a todas las mercanelas cuyos fletes hayan sido pactados en condiciones F.I.O. o bien, a las mercanelas en que el pago del servicio de cargue y/o descargue sea de cargo del consignatarlo.

No. De more

FINANCES AND MANAGEMENT DIVISION DEPARTMENT OF BUSINESS AND CONCESSIONS

No. 344

REF. SETS PORT RATES FOR THE SERVICES THAT EMPORCHI PROVIDES TO CARGO IN TRANSIT COMING FROM OR BOUND FOR BOLIVIA

No. 99

VALPARAISO.

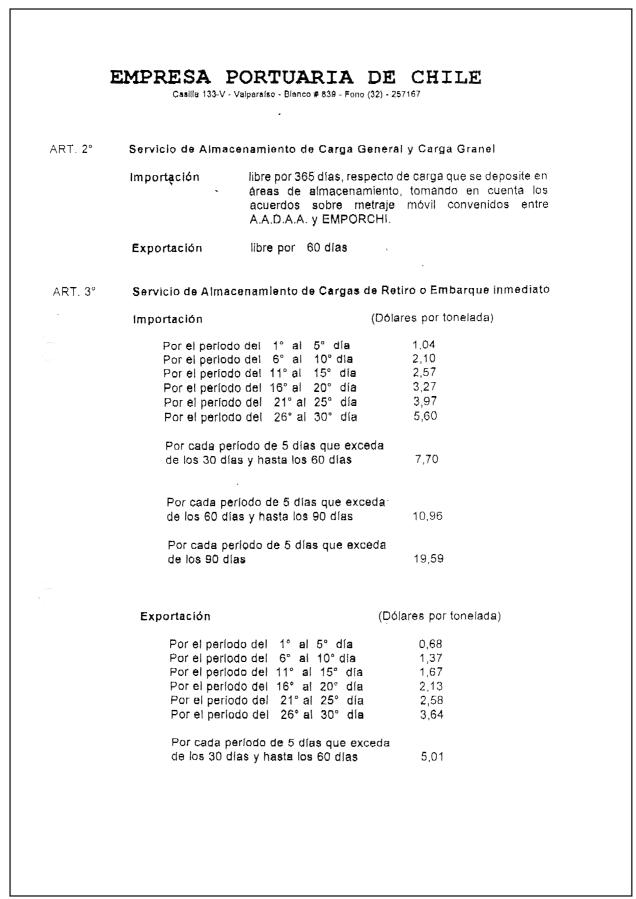
WHEREAS, pursuant to the understanding reached at the meeting of the Political Consultations Mechanism held in Cochabamba between the National Secretary of International Relations and Worship of Bolivia and the Chilean Undersecretary of Foreign Affairs on 11 July [sic] 1995; the agreements executed by the representatives of the Empresa Portuaria de Chile [EMPORCHI] and Bolivia's Autonomous Administration of Customs Warehouses in the context of the Technical Conference held in Viña del Mar on 13 September 1996, with regard to the new rate and service regime applicable to international cargo in transit to or from Bolivia through the ports of Arica and Antofagasta; the need to repeal Supreme Decree (TT. and TT.) No. 11 of 1993, T.R.C. dated 12 March 1993, as amended by Supreme Decrees (TT. and TT.) No. 73 of 1993, T.R.C. dated 4 June 1993 and No. 165 of 1995, T.R.C. dated 12 July 1995; Supreme Decree (TT. and TT.) No. 347 dated 31 October 1996, T.R.C. dated 12 December 1996; whereby the Port Company Director was authorized to set port rates applicable to cargo in transit to or from Bolivia; Resolution No. 0514 dated 14 November 1996, establishing the Director's role as acting officer, the provision of Section 14(1) of D.F.L. No. 290 of 1960, the text of which has been reinstated, coordinated and organized by means of Supreme Decree (TT. and TT.) No. 91 of 1978, I hereby issue the following:

RESOLUTION

1. The following rates for the services that Empresa Portuaria de Chile provides to international cargo in transit coming to and from Bolivia are hereby ESTABLISHED.

ART. 1Cargo Docking ServiceUS\$0.85 per ton

This rate will apply to all cargo the freight rates of which have been agreed on FIO conditions or to those goods in respect of which payment for loading and unloading services must be made by the consignee.



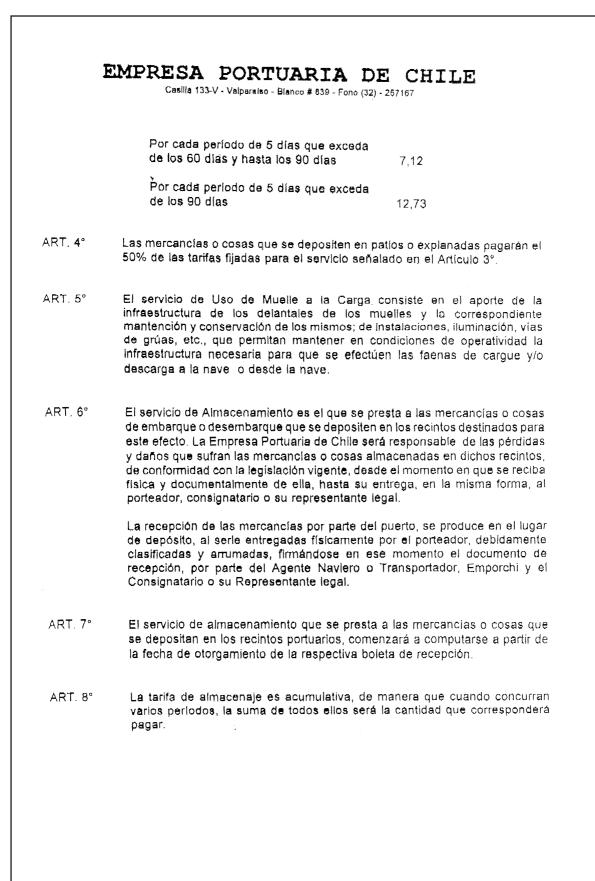
ART. 2 Storage Service for General Cargo and Bulk Cargo

Import Free for 365 days, with respect to cargo that is stored in the storage areas, taking into account the agreements on mobile metering concluded between AADAA and EMPORCHI

Export Free for 60 days

ART. 3 Storage Service for Immediate Shipping Cargo

Import	(Dollars per ton)
From day 1 to 5	1.04
From day 6 to 10	2.10
From day 11 to 15	2.57
From day 16 to 20	3.27
From day 21 to 25	3.97
From day 26 to 30	5.60
For each 5 day period exceeding 30 days and up to 60 days	7.70
For each 5 day period exceeding 60 days and up to 90 days	10.96
For each 5 day period exceeding 90 days	19.59
Export	(Dollars per ton)
From day 1 to 5	0.68
From day 6 to 10	1.37
From day 11 to 15	1.67
From day 16 to 20	2.13
From day 21 to 25	2.58
From day 26 to 30	3.64
For each 5 day period exceeding	
30 days and up to 60 days	5.01

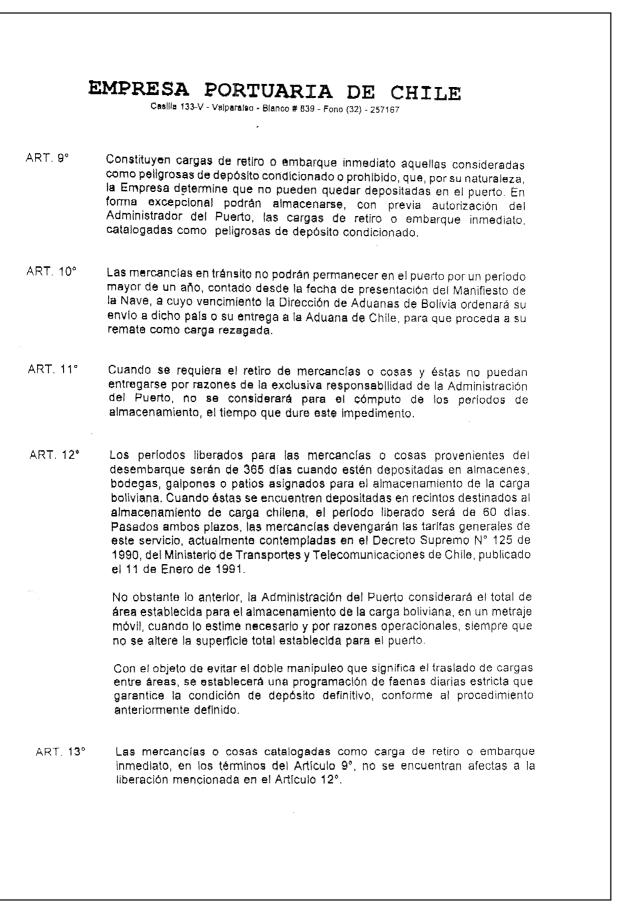


For each 5 day period exceeding 60 days and up to 90 days	7.12
For each 5 day period exceeding 90 days	12.73

- **ART. 4** Goods or items stored in the patios and esplanades shall pay 50% of the rates established for the service described in Article 3.
- **ART. 5** The cargo docking service consists of the provision of the infrastructure of the dock aprons and the corresponding maintenance and conservation of the same; facilities, lighting, craneways etc, which allow the infrastructure to be operational to undertake loading and unloading procedures from and to the vessels.
- **ART. 6** The storage service is that provided to goods or items that are stored for the purpose of loading them or unloading them onto a vessel. Empresa Portuaria de Chile will be responsible for the loss and damage these stored goods or items may suffer, according to legislation in force, from the moment it physically receives them (with their corresponding paperwork) until their delivery, in the same way, to the shipper, consignee or legal representative.

The reception of goods by the port occurs at the place of storage, when the goods are physically handed by the shipper, duly classified and stocked. To that effect, the shipping agent, Emporchi and the consignee or its legal representative will sign a document.

- **ART. 7** The storage service provided to goods or items stored in the port warehouses will begin from the date the reception ticket is issued.
- **ART. 8** The storage rate is cumulative, which means that when a series of periods concur, the sum of all of them will indicate the amount that must be paid.



- **ART. 9** Immediate shipping cargo is that cargo the storage of which is deemed hazardous, conditional or forbidden, or cargo that, due to its nature, the Company determines cannot be stored at the port. Subject to prior approval of the port manager, certain immediate shipping cargo may be exceptionally stored.
- **ART. 10** Goods in transit may not remain at the port for a period longer than one year, starting from the date of submission of the manifest of the vessel. Upon expiration of the one year period, the Bolivian Customs Directorate shall order their shipment to Bolivia or their delivery to the Chilean Customs so the goods can be auctioned as abandoned goods.
- **ART. 11** When goods or items need to be retrieved from the port and their retrieval cannot be carried out for reasons exclusively attributable to the port manager, the time during which the retrieval is not possible will not be counted towards determining the storage fees.
- **ART. 12** The free-of-charge period for unloaded goods or items will be 365 days when they are stored in warehouses, deposits or patios reserved for the storage of Bolivian goods. When these goods are stored in areas reserved for the storage of Chilean cargo, the free-of-charge period will be 60 days. Upon expiration of both periods, storage of these goods will be charged at the rates set forth in Supreme Decree No. 125 of 1990, of the Ministry of Transportation and Communications of Chile, published on 11 January 1991.

Notwithstanding the aforementioned, the port administrator will consider the total area for storage of Bolivian cargo in a "mobile metering" manner, whenever it deems it necessary and for operational reasons, as long as the total surface area for the port is not altered.

With the purpose of avoiding the double handling resulting from moving cargo between the Bolivian and Chilean areas, a strict daily schedule will be established in order to ensure definitive storage, in accordance with the previously defined procedure.

ART.13 Goods or items deemed as immediate shipping cargo, under the terms of Article 9, are not subject to the free-of-charge provisions of Article 12.

EMPRESA PORTUARIA DE CHILE

Casilla 133-V - Valparaiso - Blanco # 839 - Fono (32) - 257167

- ART. 14° La Administración del Puerto podrá convenir con los usuarios bolivianos la permanencia en recintos portuarios de una carga destinada a embarcarse o desembarcarse. La ubicación, cantidad de área, su precio y demás condiciones inherentes, serán pactadas entre las partes y deberán ser consignadas en un documento que se denomina Contrato de Acopio, que deberá ser suscrito por ambas partes. Tales contratos sustituyen el servicio de almacenamiento en cuanto a las tarifas, no así en lo relativo a la responsabilidad de la Empresa Portuaria de Chile, y a las normas aduaneras que rigen la materia, particularmente en cuanto a los plazos de permanencia permitidos.
- ART. 15° El puerto no será responsable por las pérdidas, daños o mermas que sufran las mercancías o cosas que, hablendo sido entregadas oficialmente en el lugar de depósito, a sus dueños, consignatarios o representantes, permanezcan en los sitios del puerto, ya sea sobre piso, carros de ferrocarril, camiones o vehículos que se hayan destinado para su traslado a lugares extraportuarios.

Tampoco será responsable por las pérdidas, daños o mermas que sufran las mercancías o cosas destinadas a embarcarse, que previamente hayan ingresado a los recintos portuarios y permanezcan sobre piso, carros de ferrocarril, camiones o vehículos, sin que hubiesen sido entregadas oficialmente al puerto, en el lugar de depósito dispuesto para ello.

- ART. 16° El uso de las instalaciones del puerto y el requerimiento de servicios por parte de los usuarios, constituirá aceptación previa de las tarifas, reglamentos y demás disposiciones administrativas y operativas emanadas de la autoridad competente, las que serán difundidas oportuna y permanentemente.
- (T. 17° Los usuarios deberán requerir ante la Administración del Puerto la o las facturas por los servicios prestados, y ésta, a su vez, estará obligada a notificar al usuario del documento de cobro que ha generado el servicio portuario, el que deberá ser pagado dentro del plazo de 14 días corridos (días calendarlo), contados desde la fecha de emísión de la respectiva factura.
- ART. 18° En todo aquello que no sea incompatible con las estipulaciones expresadas en los números anteriores, y en todos los servicios, tarifas y, en general, en todas las materias no comprendidas en dichas estipulaciones, será aplicable a los servicios que se prestan a la mercancia en tránsito internacional hacia o desde Bolivia, en los Puertos de Arica y Antofagasta, y a los medios que la transporten, el régimen jurídico general tarifario y reglamentario para los servicios que presta la Empresa Portuaria de Chile.

- **ART. 14** The port manager may agree with Bolivian users for cargo intended to be loaded or unloaded to be kept in the ports. The location, surface area required, prices and other conditions will be agreed between the parties and must be written down in a document called a storage agreement, which must be signed by both parties. These contracts take precedence over the rates set forth for storage services, except for the provisions governing the liability of the Empresa Portuaria de Chile and applicable customs laws, particularly with respect to storage periods.
- **ART. 15** The port shall not be responsible for any loss or damage suffered by goods or items that, having been officially delivered to their owner, consignees or representatives, remain at the port premises, whether on the surface, railway cars, trucks or vehicles employed to take the cargo outside the port.

Likewise, the port shall not be liable for any loss or damage suffered by goods or items to be shipped that, having been entered into the port and remaining in the surface, railway cars, trucks or vehicles, have not been officially handed over to the port, in the place for storage reserved for such purpose.

- **ART. 16** Use of the port facilities and services constitutes acceptance of the rates, regulations and all relevant administrative provisions, which will be indicated promptly and on a continuous basis.
- **ART. 17** Users must provide the port manager with invoices for the services performed, and the port manager must, in turn, give notice of the collection document, which must be paid within fourteen days from the date of issuance of the invoice.
- **ART. 18** Everything that is not incompatible with the provisions of the preceding articles, and for all the services, rates and matters not covered by such provisions, the general regulatory and rate regime for the services provided by Empresa Portuaria de Chile will apply to international goods in transit coming from or bound for Bolivia at the Ports of Arica and Antofagasta and for the means of transportation employed.

EMPRESA PORTUARIA DE CHILE

Casilla 133-V - Valparaíso - Blanco # 839 - Fono (32) - 257167

2.- La presente Resolución comenzará a regir a contar del día siguiente al de su publicación en el Diarlo Oficial.

3.- DEJASE constancia que de acuerdo al punto 2 del D.S. (TT y TT) N°347 del 31.10.96., T.R.C. el 12.12.96, a partir de la misma fecha señalada en el punto 2) anterior, queda derogado el D.S. (TT. y TT.) N° 11, de 1993, T.R.C. el 12.03.93, modificado por los D.S. (TT. y TT.) N° 73, de 1993, T.R.C. el 04.06.93, y N° 165, de 1995, T.R.C. el 12.07.95, respectivamente.

4.- DISPOSICION TRANSITORIA : A las cargas que se encuentren efectuando operaciones de cargue, descargue, almacenamiento u otras afectas a tarifas, se les aplicarán las Tarifas y Reglamentos vigentes en el momento de comenzar la nave sus operaciones o ingresar la mercadería por tierra al recinto portuario.

Igual procedimiento se aplicará a las mercaderías que hayan ingresado con anterioridad a la vigencia de la presente resolución al recinto portuario.

ANOTESE, REMITASE A LA CONTRALORIA GENERAL DE LA REPUBLICA PARA SU TOMA DE RAZON, REGISTRESE, COMUNIQUESE Y PUBLIQUESE.

> HERNAN QUINTANA SEPULVEDA Abogado Director Subrogante

DBR/NPK/mmm. Distribución:

- Contraloría - Regional

- Adptos. ARY ANF
- Depto. Contraloria Interna.
- División Jurídica.
- División Adm. y Finanzas,
- Diario Oficial
- Of. Coordinadora.
- Of. Partes.

2. This Resolution shall enter into force on the day following publication in the Official Gazette.

3. Pursuant to Numeral 2 of the Supreme Decree (TT. and TT.) No. 347 dated 31 October 1996, T.R.C. dated 12 December 1996, from the date established in the foregoing numeral 2, the Supreme Decree (TT. and TT.) No. 11 of 1993, T.R.C. dated 12 March 1993, as amended by Supreme Decrees (TT. and TT.) No. 73 of 1993, T.R.C. dated 4 June 1993 and No. 165 of 1995, T.R.C. dated 12 July 1995, is hereby **REPEALED**.

4. TEMPORARY PROVISION: Any

cargo currently undergoing loading, unloading, storage or other operations subject to the payment of fees, shall be charged according to the Fees and Regulations which were in force at the time the vessel started operations or the goods first entered by land to the port's enclosure.

The same procedure shall apply to any cargo coming into the port's enclosure before this resolution becomes effective.

LET THIS RESOLUTION BE RECORDED, SENT TO THE OFFICE OF THE COMPTROLLER GENERAL FOR LEGALITY CONTROLS, REGISTERED, NOTIFIED AND PUBLISHED.

[Signed]

HERNAN QUINTANA SEPULVEDA Attorney Acting Director

DBR/NPK/mmm Distributed to:

- Regional Comptroller's Office
- ARI and ANF representatives
- Internal Control Office
- Legal Department
- Administration and Finance Department
- Official Gazette
- Coordination Office
- Offices of the Parties

Annex 314

Minutes of the Fifth Meeting of the Political Consultations Mechanism, 21 March 1997

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

Annex 314

V REUNIÓN DEL MECANISMO DE CONSULTAS POLÍTICAS CHILE-BOLIVIA

Durante los días 20 y 21 de marzo de 1997, se reunieron en la ciudad de Iquique, el Subsecretario de Relaciones Exteriores de Chile, don Mariano Fernández, y el Secretario Nacional de Relaciones Internacionales y Culto de Bolivia, don Jaime Apáricio, y sus respectivas delegaciones, en el marco del Sistema de Consultas Políticas existente entre ambos países.

La delegación chilena estuvo integrada por el Director de Asuntos Vecinales y de América del Sur, Embajador Emilio Ruiz-Tagle; el Cónsul General de Chile en Bolivia, Embajador Oscar Fuentes; el Director de Ásuntos Económicos Bilaterales, Manuel Valencia; el Embajador Humberto Palza; el Director de Fronteras, Fernando Silva; el Agregado Comercial de Chile en Bolivia, Rigoberto García; el Jefe de Gabinete del Subsecretario de Obras Públicas, Felipe Ernst, y el Primer Secretario, Carlos Olguín Cigarroa.

La delegación boliviana estuvo integrada por el Cónsul General de Bolivia en Chile, Embajador Hernian Antelo; el Director de América el Sur, Roberto Prudencio; el Cónsul General de Bolivia en Arica, Ramiro Prudencio; el Jefe de Gabinete del Viceministro, Alberto Pinto, y el Cónsul de Bolivia en Iquique, Fernán Andrade.

Durante el desarrollo de esta reunión ambos Viceministros efectuaron un balance de los distintos aspectos que están comprendidos en la agenda bilateral y evaluaron, satisfactoriamente, el nivel de agilidad y capacidad de seguimiento del Mecanismo de Consultas Políticas respecto de las materias que le han sido encomendadas prioritariamente.

Al analizar las distintas materias específicas destacaron los siguientes aspectos:

a) Comercio bilateral:

Ambos Vicecancilleres reiteraron su voluntad de continuar promoviendo el desarrollo del comercio y la inversión entre ambos países, procurando a la vez superar los desequilibrios que ellos manifiestan en la actualidad, y para estos efectos acordaron convocar a una reunión de la Comisión Administradora del Acuerdo de Complementación Económica, para los días 1 y 2 de mayo, en Santiago. Dicha reunión tendrá un mandato amplio para evaluar los pasos inmediatos a seguir para mejor cumplimiento de estos propósitos.

b) Inversión privada en los puertos de Arica y Antofagasta:

Ambos Vicecancilleres ratificando lo acordado sobre esta materia en el Acta de Cochabamba de 1995, destacaron el anuncio de la apertura a la inversión privada boliviana en el puerto de Arica y Antofagasta, que posibilitará inversiones en infraestructura. El Subsecretario Mariano Fernández solicitó se le informara de lo anterior a los inversionistas bolivianos interesados en invertir en los puertos de Arica y Antofagasta.

Ambas autoridades constataron con satisfacción la instalación, en el puerto de Arica, de la empresa boliviana NARITA, como respuesta a las positivas condiciones de inversión establecidas en dicho puerto.

5TH MEETING OF THE CHILE-BOLIVIA POLITICAL CONSULTATION MECHANISM

On 20 and 21 March 1997, in the city of Iquique, the Chilean Undersecretary of Foreign Affairs, Mariano Fernández, and the Bolivian National Secretary of International Relations and Worship, Jaime Aparicio, and their respective delegations, met in the context of the existing Political Consultations Mechanism between the two countries.

The Chilean Delegation consisted of the Director of Neighborhood Affairs and South America, Ambassador Emilio Ruiz-Tagle; the General Consul of Chile in Bolivia, Ambassador Oscar Fuentes; the Director of Bilateral Economic Affairs, Manuel Valencia; Ambassador Humberto Palza; the Director of Borders, Fernando Silva; the Commercial Attaché of Chile in Bolivia, Rigoberto García; the Chief of Staff of the Undersecretary of Public Works, Felipe Ernst, and the First Secretary, Carlos Olguín Cigarroa.

The Bolivian Delegation consisted of the Consul General of Bolivia in Chile, Ambassador Hermán Antelo; the Director of South America, Roberto Prudencio; the Consul General of Bolivia in Arica, Ramiro Prudencio; the Chief of Staff of the Vice-Minister, Alberto Pinto, and the Consul of Bolivia in Iquique, Fernán Andrade.

During the course of this meeting, the two Vice-Ministers took stock of the various aspects included in the bilateral agenda and evaluated, satisfactorily, the level of agility and monitoring ability of the Political Consultation Mechanism with respect to the matters entrusted to it as a priority.

An analysis of the various specific matters showed the following:

a) Bilateral trade:

Both Vice-Foreign Ministers reiterated their intention to continue developing trade and investment between the two countries, while at the same time attempting to overcome the current imbalance between them, and to this end then agreed to call a meeting of the Administrative Commission for the Agreement of Economic Complementation, for 1 and 2 May, in Santiago. This meeting will have a broad mandate to evaluate the immediate steps to be taken to better achieve these purposes.

b) Private Investment in the Ports of Arica and Antofagasta:

Both Vice-Foreign Ministers ratified the agreements on this matter in the Cochabamba Agreement of 1995, and announced that the ports of Arica and Antofagasta are open to Bolivian private investment, which will facilitate investments in infrastructure. Undersecretary Mariano Fernández requested Bolivian investors interested in investing in the ports of Arica and Antofagasta to be informed of this announcement.

Both authorities noted with satisfaction the installation of the Bolivian company NARITA in the port of Arica, in response to the positive investment conditions in that port.

c) Ferrocarril Arica La Paz (FCALP):

El Subsecretario Fernández, en cumplimiento de acuerdos anteriores, informó a su similar boliviano acerca del próximo llamado de licitación para el arrendamiento de FCALP por un periodo de 25 años. Destacó que la empresa que se haga cargo del Ferrocarril deberá garantizar su funcionamiento continuo a fin de cumplir con las obligaciones contraidas en el Tratado de Paz y Amistad de 1904. Igualmente, solicitó informar de lo anterior a inversionistas bolivianos interesados a fin de que puedan participar en la licitación correspondiente.

d) Acopio de Minerales:

El Subsecretario Mariano Fernández informó al Vicecanciller Jaime Aparicio, respecto de los avances en las gestiones tendientes a habilitar sitios de acopio de minerales en Arica y Antofagasta. Al respecto, indicó que el Gobierno chileno adquirió los terrenos de Punta Condori en Arica y cuenta con los recursos para su habilitación.

En cuanto al sitio de Portezuelo, ubicado en Antofagasta, informó que próximamente estará habilitado y disponible. A pedido del Vicecanciller Aparicio, se acordó una reunión de trabajo en los términos del Acta de la III Reunión del Grupo Mixto Técnico boliviano-chileno, con el objeto de analizar la situación y encontrar soluciones referidas al acopio de minerales en Antofagasta.

e) Transporte Aéreo:

El Vicecanciller de Bolivia destacó la política de cielos abiertos con Chile, que favorece el intercambio entre ambos países. Asimismo, dejaron constancia del alto nivel de eficiencia y vinculación alcanzada en ésta área.

f) Cooperación Científica y Técnica:

Ambos Vicecancilleres acordaron dar un impulso renovado al Acuerdo de Cooperación Científico y Técnico existente entre ambos países y se comprometieron a desarrollar programas específicos en diversas áreas, habiéndose destácado de manera especial aquellos relacionados con el incremento de la competitividad de los productos de exportación bolivianos al mercado chileno, en particular los agrícolas tropicales, lo que fue especialmente enfatizado por el Vicecanciller de Bolivia.

g) Aspectos culturales:

Los Vicecancilleres reiteraron su voluntad de avanzar en la cooperación y el intercambio en materias culturales entre ambos pueblos, con miras a suscribir en el futuro un Convenio que estimule el desarrollo en estas áreas.

h) Facilitación Fronteriza:

Los Vicecancilleres suscribieron sendos acuerdos que crean los Comités de Frontera en Tambo Quemado (carretera Arica-La Paz) y Colchane (carretera Iquique-Oruro), en el convencimiento que dicha medida contribuirá a apoyar la facilitación del tránsito de turistas y mercaderías, además de contribuir a la integración fronteriza, reduciendo trámites y tiempo empleado en el paso de las respectivas fronteras. c) Arica-La Paz Railroad:

In compliance with prior agreements, Undersecretary Fernández informed his Bolivian counterpart of the upcoming bidding process for the lease of the Arica-La Paz Railroad for a period of 25 years. He said that the company which takes over the railroad must guarantee that it will operate on a continuous basis, in order to meet the obligations assumed in the Treaty of Peace and Amity of 1904. He also asked that interested Bolivian investors be informed of this fact, so that they can participate in the bidding process.

d) Collection of minerals:

Undersecretary Mariano Fernández informed Vice-Foreign Minister Jaime Aparicio about the progress made in the work to develop mineral collection sites in Arica and Antofagasta. In this regard, he stated that the Chilean Government had acquired the Punta Condori land in Arica and has the resources to authorize it.

As for the Portezuelo site, located in Antofagasta, he said that it will soon be authorized and available. At the request of Vice-Foreign Minister Aparicio, a working meeting was agreed on the terms set forth in the Minutes of the 3rd Meeting of the Bolivia-Chile Joint Technical Group, in order to analyze the situation and find solutions to the collection of minerals in Antofagasta.

e) Air transport:

The Bolivian Vice-Foreign Minister noted the open sky policy with Chile, which promotes interchange between the two countries. They also noted the high level of efficiency and cooperation reached in this area.

f) Scientific and technical cooperation:

Both Vice-Foreign Ministers agreed to give the Scientific and Technical Cooperation Agreement between the two countries a renewed boost and committed to develop specific programs in various areas, and particularly those related to increasing the competitiveness of Bolivian exports to the Chilean market, such as tropical agricultural exports in particular, which was especially emphasized by the Bolivian Vice-Foreign Minister.

g) Cultural aspects:

The Vice-Foreign Ministers reiterated their intention to make progress on cooperation and cultural exchanges between the two countries, with a view towards signing an agreement in the future to stimulate the growth of these areas.

h) Border facilitation:

Each of the Vice-Foreign Ministers signed agreements creating the Frontier Committees in Tambo Quemado (Arica-La Paz highway) and Colchane (Iquique-Oruro highway), with the conviction that this will help facilitate the transit of tourists and goods, and will also contribute to border integration, by reducing the formalities and time spent at border crossings. Asimismo, se comprometieron a avanzar con miras al establecimiento de Complejos Fronterizos Integrados, que permitan facilitar aún más el tránsito por dichas vías internacionales..

A petición de la parte boliviana, el Subsecretario Fernández se comprometió a llevar adelante las gestiones orientadas a la habilitación del paso fronterizo Tocorpuri.

i) Turismo;

Ambas autoridades constataron con satisfacción el alto incremento del turismo entre ambos países y acordaron tomar medidas concretas orientadas a maximizar la eficiencia en aspectos tales como el tránsito de personas, trámites fronterizos, programas conjuntos turísticos, cambio de dinero, documentación, y otros.

Acordaron asimismo, otorgar un mandato à ambos Comités de Frontera, con el objeto de encontrar soluciones prácticas a fin de facilitar el tránsito de los turistas de uno y otro país y de terceros países.

j) Supresión de Visas Diplomáticas:

Los Vicecancilleres acordaron agilizar los respectivos trámites internos para la supresión de Visas Diplomáticas.

Iquique, 21 de marzo de 1997.

Mariano Pernández Subsectetario de Relaciones Exteriores

Subsectetario de Relaciones Exteriores de Chile

Jaime Aparicio Viceministro de Relaciones Internacionales y de Culto de Bolivía They also agreed to make headway with establishing Integrated Border Complexes for even greater facilitation of transit on international roads.

At the Bolivian party's request, Undersecretary Fernández agreed to take action to authorize the Tocorpuri border crossing.

i) Tourism:

Both authorities noted with satisfaction the significant increase in tourism between the two countries, and agreed to take specific action to maximize the efficiency of the transit of persons, border formalities, joint tourism programs, money exchange, documentation, etc.

They also agreed to give both Frontier Committees the mandate of finding practical solutions to facilitating the transit of tourists from each of the two countries and from other countries.

j) Elimination of diplomatic visas:

The Vice-Foreign Ministers agreed to speed up their respective internal formalities to eliminate Diplomatic Visas.

Iquique, 21 March 1997.

[Signed] Mariano Fernández Undersecretary of Foreign Affairs of Chile [Signed] Jaime Aparicio Vice-Minister of International Relations and Worship of Bolivia

DE CONSTITUCIÓN DEL COMITE DE FRONTERAS 一些小学家和新闻的 CHILENO - BOLIVIANO DE TAMBO QUEMADO いるの問題を見 Real Barris and All States S. And Str. 的标门的运行 STRANS BULLER AND STRANS and Maria Party Mar and the second White she was the En la ciudad de Iquique, República de Chile a los veintiún días del mes de marzo de mil novecientos noventa y siete, se procede a la constitución del Comité Fronteras de Tambo Quemado, de conformidad de lo previsto en el acta suscrita en la V Reunión del Mecanismo de 1 Constant Consultas Políticas. , î Q. 4 445 S El Comité de Fronteras de Tambo Quemadoj tendrá por objeto promover la facilitación y coordinación; fronteriza, mediante la formulación de aplicación de medidas cooperativas que b agilicen el tránsito de personas, vehículos y mercaderías a través de la frontera común, así como impulsar en la comunicación y el intercambio turístico, cultural, deportivo, artístico y científico entre Bolivia y Chile. La Presidencia del Comité será ejercida alternadamente por los respectivos Cónsules de ambos países, quienes presidirán las reuniones que se realicen dentro de sus respectivas jurisdicciones. La Vicepresidencia será asumida por el funcionario consular del país sede. ъà. El funcionamiento del Comité se regirá por un reglamento a ser elaborado oportunamente Ly de común acuerdo, cuya aprobación se efectuará a través de las respectivas Cancillerías. Ω, 前期中国 $\overline{\mathcal{O}}_{1}$ 1.546 Firman la presente Acta, en representación de Chile, el Sr. Mariano Fernández, "Subsecretario de Relaciones Exteriores y el representante de Bolivia, el Sr. Jaime Aparicio, Viceministro de Relaciones Internacionales y de Culto. 6 <u>्</u>रः, 10.1 RIANO FERNÁNDEZ JAIME APARICIO . 17.3693 (Keit tario de Relaciones Exteriores Viceministro de Relaciones Internacionales iting y fle Culto

RECORD OF CONSTITUTION OF THE CHILE-BOLIVIA FRONTIER COMMITTEE OF TAMBO QUEMADO

In the city of Iquique, Republic of Chile, on 21 March 1997, the Frontier Committee of Tambo Quemado was constituted as provided in the minutes of the 5th Meeting of the Political Consultations Mechanism.

The purpose of the Frontier Committee of Tambo Quemado will be to promote border facilitation and coordination by formulating cooperative measures that will facilitate the transit of persons, vehicles and merchandise across the common border, and to promote communication and tourism and the exchange of culture, sports, the arts and sciences between Bolivia and Chile.

The Chairmanship of the Committee will alternate between the Consuls of each country, who will preside over the meetings held within their respective jurisdictions. The Vice Chairmanship will be held by the consular official of the host country.

The Committee's operations will be governed by a set of regulations to be prepared in due time by mutual agreement, and to be approved through the respective Foreign Ministries.

This Record was signed by Mr. Mariano Fernández, Undersecretary of Foreign Affairs, on behalf of Chile, and by Mr. Jaime Aparicio, Vice-Minister of International Relations and Worship, on behalf of Bolivia.

[Signed] MARIANO FERNÁNDEZ Undersecretary of Foreign Affairs of Chile [Signed] JAIME APARICIO Vice-Minister of International Relations and Worship of Bolivia

ACTA DE CONSTITUCIÓN DEL COMITÉ DE FRONTERAS CHILENO - BOLIVIANO DE COLCHANE - PISIGA

En la ciudad de lquique, República de Chile, a los veintiún días del mes de marzo de mil novecientos noventa y siete, se procede a la constitución del Comité de Fronteras de Colchane-Pisiga, de conformidad con lo previsto en el acta suscrita en la V Reunión del Mecanismo de Consultas Políticas.

El Comité de Fronteras de Colchane-Pisiga, tendrá por objeto promover la facilitación y coordinación, fronteriza, mediante la formulación de aplicación de medidas cooperativas que agilicen el tránsito de personas, vehículos y mercaderías à través de la frontera común, asl como impulsar en la comunicación y el intercambio turístico, cultural, deportivo, artístico y científico entre Bolivia y Chile.

La Presidencia del Comité será ejercida alternadamente por los respectivos Cónsules de ambos países, quienes presidirán las reuniones que se realicen dentro de sus respectivas jurisdicciones. La Vicepresidencia será asumida por el funcionario consular del país sede.

El funcionamiento del Comité se regirá por un reglamento a ser elaborado oportunamente y de común acuerdo, cuya aprobación se efectuará a través de las respectivas Cancillerías.

Firman la presente Acta, en representación de Chile, el Sr. Mariano Fernández, Subsecretario de Relaciones Exteriores y el representante de Bolivia, el Sr. Jaime Aparicio, Viceministro de Relaciones Internacionales y de Culto.

MARIANO FERNÁNDEZ Subsecretario de Relaciones Exteriores de Chile

Viceministro de Relaciones Internacionales y de Culto de Bolivia

RECORD OF CONSTITUTION OF THE CHILE-BOLIVIA FRONTIER COMMITTEE OF COLCHANE-PISIGA

In the city of Iquique, Republic of Chile, on 21 March 1997, the Frontier Committee of Colchane-Pisiga was constituted as provided in the minutes of the 5th Meeting of the Political Consultations Mechanism.

The purpose of the Frontier Committee of Colchane-Pisiga will be to promote border facilitation and coordination by formulating cooperative measures that will facilitate the transit of persons, vehicles and merchandise across the common border, and to promote communication and tourism and the exchange of culture, sports, the arts and sciences between Bolivia and Chile.

The Chairmanship of the Committee will alternate between the Consuls of each country, who will preside over the meetings held within their respective jurisdictions. The Vice Chairmanship will be held by the consular official of the host country.

The Committee's operations will be governed by a set of regulations to be prepared in due time by mutual agreement, and to be approved through the respective Foreign Ministries.

This Record was signed by Mr. Mariano Fernández, Undersecretary of Foreign Affairs, on behalf of Chile, and by Mr. Jaime Aparicio, Vice-Minister of International Relations and Worship, on behalf of Bolivia.

[Signed] MARIANO FERNÁNDEZ Undersecretary of Foreign Affairs of Chile [Signed] JAIME APARICIO Vice-Minister of International Affairs and Worship of Bolivia

Annex 315

Minutes of the Sixth Meeting of the Political Consultations Mechanism, 9 February 1998

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

ACTA DE LA VI REUNION DEL MECANISMO DE CONSULTAS POLITICAS Santa Cruz de la Sierra , 9 de febrero de 1998

Las delegaciones fueron presididas por el Dr. Fernando Messmer Viceministro de Relacionas Exteriores de Bolivia y el Dr. Mariano Fernández Subsecratario de Relacionas Exteriores de Chile, Se anexa al presente Acta la lista de ambas delegacionas

En el curso de la Reunión se analizaron lo siguientes temas:

ACOPIO DE CONCENTRADOS DE PLOMO.-

En relación a este punto la Delegación de Chile, entregó una carta firmada por el Subsecretario Fernández a nombre de su Gobierno, en la cual precisó al Gobierno Boliviano las razones que hacen necesario que los acopios de granetes suclos particularmente los concentrados de plomo, en el futuro se materialicen en éreas no urbanas y alejados de centros poblados.

En la nota indicada, el Subsecretario de Relaciones Exteriores de Chille, informó que el lugar definido por la Autoridad chilena para los futuros acopios es la estación Portezuelo del FCAB. En la nota se especifican los arregios que conducirán a la adecuada habilitación de dicho recinto, que permitirán una correcta manipulación, almacenaje, protección y tratamiento de minerales en tránsito hacía el Puerto, todo ello bajo condiciones que no se traduzcan en mayores costos a los expontádores bolivianos de los que actualmente deben afrontar. La habilitación del recinto será costeada por Chile.

Asimismo la delegación de Chile ofreció la garantía de que mientras se habilita el sitio de acopio anteriormente indicado, el libre tránsito de los concentrados de plomo boliviano no sufrirá interferencia alguna. En este período de transición se deberá mantener un flujo de información sobre los volúmenes a exportarse a fin de que el FCAB tome las providencias necesarias, para programar los acopios y embarques.

La delegación de Bolivia expresó que, en su criterio, la alternativa más eficaz e inmediata en el corto plazo para garantizar el libre tránsito de los concentrados de plomo y precautelar, de mejor manera, la contaminación ambiental es la utilización del Almacén de Carga de Tránsito de Bolivia en el recinto pertuario de Antofagasta.

El Viceministro de Relaciones Exteriores de Bolivia Dr. Fernando Messmer entregó a su vez una nota a la delegación chilena haciendo conocer los puntos de vista y las preocupaciones del Gobierno de Bolivia en torno a este tema, enfatizando que a fin de lograr una solución de mutua conveniencia que preserve los derechos de Bolivia de Libre Tránsito, y en comprensión a las condiciones de salud ambiental en Antofagasta, el gobierno de Bolivia acepta las garantías ofrecidas en su nota para el acopio y el embarque de concentrados de plomo actualmente en territorio chileno y del que se envíe, hasta la habilitación en 60 días del sitio de acopio de Portezuelo, el mismo que, de acuerdo a su

MINUTES OF THE 6TH MEETING OF THE POLITICAL CONSULTATIONS MECHANISM Santa Cruz de la Sierra, 9 February 1998

The Delegations were headed by Dr. Fernando Messmer, the Bolivian Vice-Minister of Foreign Affairs, and the Chilean Undersecretary of Foreign Affairs, Dr. Mariano Fernández. A list of both Delegations is attached to these minutes.

The following topics were analyzed in the course of the Meeting:

COLLECTION OF LEAD CONCENTRATES:

With regard to this point, the Chilean Delegation delivered a letter signed by Undersecretary Fernández on behalf of his Government, informing the Bolivian Government of the reasons why in the future, dirty bulk (and particularly lead concentrates) must be stored in non-urban areas far from the population centers.

In that note, the Chilean Undersecretary of Foreign Affairs reported that the place defined by the Chilean authorities for future storage is the Portezuelo station of FCAB. The note specifies the arrangements that will result in proper authorization of that storage facility, which will permit proper handling, storage, protection and treatment of minerals in transit to the Port, all of this under conditions that do not result in greater costs to Bolivian exporters than those they currently incur. The authorization of the site must be funded by Chile.

The Chilean Delegation also offered the guarantee that while the storage site referred to above is being authorized, the free transit of Bolivian lead concentrates will not be hindered in any way. In this transition period, a flow of information on the volumes to be exported will be maintained so that FCAB can take the necessary action to schedule the storage and shipments.

The Bolivian Delegation stated that in their opinion, the more effective and immediate alternative in the short term to ensure the free transit of the lead concentrates and to best prevent environmental pollution is to use the Bolivian Transit Cargo Warehouse in the port area of Antofagasta.

The Bolivian Undersecretary of Foreign Affairs, Dr. Fernando Messmer, in turn delivered a note to the Chilean Delegation informing them of Bolivia's point of view and the concerns of the Bolivian Government about this issue, emphasizing that in order to reach a mutually agreeable solution that preserves all of Bolivia's rights to free transit, and with understanding for the environmental health conditions in Antofagasta, the Bolivian Government accepts the guarantees offered in its note for the storage and shipment of lead concentrates currently in Chilean territory and agrees that it be sent when the storage site in Portezuelo is authorized in 60 days, which, in accordance with the compromiso escrito, deberá estar dotado de energía eléctrica, industrial y de alumbrado en general; de agua potable e industrial, y de almacenaje para los requerimientos de acopio actuales y futuros, cercos para la eficaz protección de los concentrados y evitar su merma de las divisiones para garantizar los diferentes próductos de las diferentes empresas y finalmente el asfaltado de los pisos para evitar contaminación y pérdidas.

El Gobierno de Chile tal como expresa la carta del Embajador Fernández al Viceministro Messmer, garantiza que no habrá costos adicionales para los exportadores bolivianos de concentrados de plomo; en comparación a los actualmente vigentes.

El gobierno de Bolivia plantea una Comisión de seguimiento de este acuerdo cuya primera reunión tendría que realizarse dentro de 15 días.

El Gabierno de Bolivia considera que esta Comisión Bi-nacional deblera tener falcultades para verificar el restablecimiento del libre tránsito (transporte, acopio y embarque) de los indicados minerales de plomo, y además, evaular las condiciones de habilitación y la calidad de la infraestructura del sitio de acopio de Portezuelo.

Ambas cartas forman parte constitutiva del Acta.

COMITES DE PRONTERA -

Las delegaciones convinieron en la necesidad de proceder a la instalación de los Comités de Frontera Tambo Quemado y Pisiga - Colchane, acordados en la V Reunión del Mecanismo de Consultas Políticas de marzo de 1997. Previo e ello, se convino en intercambiar criterios en cuanto al papel y atribuciones de los respectivos Comités, sobre la base de las notas ya intercambiadas entre ambos gobiernos.

LEY DE MODERNIZACIÓN DEL SECTOR PORTUARIO ESTATAL DE CHILE...

La delegación chilena hizo una presentación de la Ley 19542, que moderniza el sector portuario estatal de Chile. La parte chilena expresó que dicha Ley no afecta en absoluto tos Tratados vigentes sobre el Libre Tránsito, convenidos entre ambos Estados.

El Goblerno de Chile anunció que oportunamente responderá a la nora verbal Nº 63/97 del Consulado General de Bolivia en Chile, de 1º de diciembre de 1997, acerca de la descentralización y privatización de los puertos chilenos. written commitment, must be equipped with electricity, industrial energy and lighting in general, drinking and industrial water, and room for the current and future storage requirements; fences for proper protection of the concentrates and prevention of loss to guarantee the different products of the various companies and finally the asphalting of the floors to prevent contamination and losses.

As stated in the letter from Ambassador Fernández to Vice-Minister Messmer, the Chilean Government guarantees that there will be no additional costs to Bolivian exporters of lead concentrate, in comparison with the current costs.

The Bolivian Government proposes a Commission to monitor this Agreement, the first meeting of which would have to be held within 15 days.

The Bolivian Government believes that this bilateral Commission should have the authority to verify the re-establishment of free transit (transport, storage and shipment) of the lead minerals, and to evaluate the authorization conditions and the quality of the infrastructure of the Portezuelo storage site.

Both letters are an integral part of these Minutes.

FRONTIER COMMITTEES.

The Delegations agreed on the need to set up the Tambo Quemado and Pisiga-Colchane Frontier Committees, as agreed at the 5th Meeting of the Political Consultation Mechanism in March 1997. Before doing so, they agreed to exchange opinions on the role and authority of each Committee, on the basis of notes already exchanged between the two governments.

LAW TO MODERNIZE THE STATE-OWNED PORT SECTOR IN CHILE.

The Chilean Delegation gave a presentation of Law 19542, which modernizes the state-owned port sector in Chile. The Chilean Delegation stated that this law does not affect in any way the Free Transit treaties in effect, as agreed between the two States.

The Chilean Government announced that it will respond to the Verbal Note No. 63/97 from the Consulate General of Bolivia in Chile, of 1 December 1997, about the decentralization and privatization of the Chilean ports.

Al finalizar la reunión, los Presidentes de ambas Delegaciones convinieron que la Comisión de seguimiento, anteriormente señalada, se reúna en 15 días para verificar el ecoplo y embarques en proceso y la habilitación de Portezuelo. Asimismo, acordaron sostener la próxima Reunión del Mecanismo de Consultas Políticas dentro de sesenta días en Antofagasta, en ocasión de la puesta en marcha del sitio de acoplo.

Santa Cruz de la Sierra, 9 de febrero de 1998

Dr. Fernando Messmer Trigo VICEMINISTRO DE RREE DE BOLIVIA

in Dr/Mariario Fernández Amvinálegui

SUBSECRETARIO DE RREE DE CHILE

When the meeting was over, the Presidents of both Delegations agreed that the Monitoring Commission, mentioned above, would meet in 15 days to verify the storage and shipment in process and the authorization of Portezuelo. They also agreed to hold the next meeting of the Political Consultation Mechanism within 60 days in Antofagasta, on the occasion of the start-up of the storage site.

Santa Cruz de la Sierra, 9 February 1998

[Signed] Dr. Fernando Messmer Trigo VICE-MINISTER OF FOREIGN AFFAIRS OF BOLIVIA [Signed] Dr. Mariano Fernández Amunátegui UNDERSECRETARY OF FOREIGN AFFAIRS OF BOLIVIA



REPUBLICA DE BOLIVIA

MINISTERIO DE RELACIONES EXTERIORES Y OUCTO

Santa Cruz de la Sierra, 9 de febrero de 1998

Señor Mariano Fernandez Amunategui Subsecretario de Relaciones Exteriores Presente.-

Distinguido Señor Subsecretario:

En relación a su nota de 9 de febrero de 1998, deseo expresarle la precoupación del Gobierno de Bolivia en cuanto a la suspensión de embarques de concentrados de mineral de plomo, que se hizo en el mes de diciembre en la cludad de Antofagasta por decisión de autoridades locales, vulnerando los tratados internacionales sobre el "Libre Tránsito" que norman las relaciones entre nuestros dos países. Deseo señalar también que no se se llevado a la práctica lo acordado en la Reunión del Mecanismo de Consultas Políticas de 1993, en relación al acopio de concentrados de plomo en Portezuelo y tampoco lo acordado en la reunión de Antofagasta, entre las delegaciones presididas por el Embajador Emilio Ruiz Tagle, Director de América Latina de la Canciliería, y el Embajador Mariano Baptista, Cónsul General de Bolivia en Santiago, celebrada el 15 de enero de 1998.

No obstante, a fin de lograr una solución de mutua conveniencia que preserve los derechos de Bolivia de Libre Tránsito, y precautele las condiciones de salud ambiental en Antofagasta, el Gobierno de Bolivia acepta las garantías ofrecidas en sú nota para el acopio y el embarque del mineral de concentrados de plomo, que se encuentran actualmente en territorio chileno y de los volúmenes que se envíen hasta la habilitación del sitio de acopio de Portezuelo en 60 días.

Dicho sitio de acopio, de acuerdo a su compromiso escrito, deberá estar dotado de energía efectrica, industrial y de alumbrado en general; agua potable e industrial; almacenaje para los requerimientos de acopio actuales y futuros; cercos para la eficaz protección de los concentrados y evitar su merma; las divisiones para garantizar los diferentes productos de las diferentes empresas y, finalmente el asfattado de los pisos para evitar contaminación y pérdidas

Queda entendido que el gobierno de Chile garantiza que no habrá costos adicionales para los exportadores bolivianos de concentrados de plomo, en comparación de los vigentes hasta diciembre de 1997.

El gobierno de Bolivia plantea una Comisión de seguimiento y evaluación de este acuerdo, cuya primera reunión tendría que realizarse dentro de 15 días.

Esta Comisión Binacional debiera tener falcultades para verificar el restablecimiento del libre tránsito (transporte, acopio y embarque) de los indicados minerales de plomo, y además, evaular las condiciones de habilitación y la calidad de la infraestructura del sitio de acopio de Portezuelo.

Sin otro particular saludo a usted antentamente .

Lic. Fernando Messmer Trigo

Viceministro de Relaciones Exteriores y Culto

REPUBLIC OF BOLIVIA MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

Santa Cruz de la Sierra, 9 February 1998

Mr. Mariano Fernández Amunátegui Undersecretary of Foreign Affairs Hand Delivery.

Distinguished Undersecretary:

With respect to your note of 9 February 1998, I would like to express my concern regarding the suspension of shipment of lead concentrates last December in the city of Antofagasta by decision of the local authorities, in violation of the international Free Transit treaties governing the relations between our two countries. I would also like to point out that the agreements reached at the meeting of the Political Consultation Mechanism in 1993 have not been put into practice with respect to storage of lead concentrates in Portezuelo, nor have the agreements reached at the meeting in Antofagasta, between the delegations presided over by Ambassador Emilio Ruiz Tagle, the Director of the Latin America Division of the Foreign Ministry, and Ambassador Mariano Baptista, the Consul General of Bolivia in Santiago, held on 15 January 1998.

Nevertheless, in order to reach a mutually agreeable solution that preserves Bolivia's rights to Free Transit and protects the environmental health conditions in Antofagasta, the Bolivian Government accepts the guarantees offered in your note for the storage and shipment of lead concentrates currently in Chilean territory and the volumes sent when the storage site in Portezuelo is authorized in 60 days.

In accordance with your written commitment, that site must be equipped with electricity, industrial energy and lighting in general, drinking and industrial water, and room for the current and future storage requirements; fences for proper protection of the concentrates and prevention of loss to guarantee the different products of the various companies and finally the asphalting of the floors to prevent contamination and losses.

It is understood that the Chilean Government guarantees that there will be no additional costs to Bolivian exporters of lead concentrates in comparison with those in effect until December 1997.

The Bolivian Government proposes a Monitoring and Evaluation Committee for this agreement, the first meeting of which should be held within 15 days.

This Bilateral Commission should have authority to verify the reestablishment of free transit (transport, storage and shipment) of the lead minerals, and to evaluate the authorization conditions and the quality of the infrastructure of the Portezuelo storage site.

Sincerely yours.

[Signed] Lic. Fernando Messmer Trigo Vice-Minister of Foreign Affairs and Worship

Santa Cruz de la Sierra, 09 de febrero de 1998, Señor Vicetatió: (ro de Relaciones Internacionales y de Culto Don Fernande Messmer T. Prescule Estimado estas vesasina 446 Eu relacion a los problemas solutarios y medicambientales generados por el acopia de grandes suejos, en particular los concentrados de plomo, en el perimetro arbano de la rindad de Artofogasta, especialmente en el recinto portuorio y en los patiós del FCAR, y con respecto a las consultas y precisjones plantendas, por 13d en aucstra regnioù de hov en le madaea, me perinito informatic to so nicolea) El Gobierre de Chile ha determinado la habilitación de un sitia de acopio en la 5 isoton Portezuelo de la Cempair. PCAR, para los graneles sucios, sin costos adicionales para les expectadores balicianos El sitio valvars en operaciones dentro de un plazo de 60 díase (h) Sé enticisto que el traslado de la mercaneia desde Portexindo al Puerto se realizada acidante el uso del sistemo fectoviario de FCAR. Lo unterior no obsta para que interesados busquent directamente otras allemativas estintas y lo indicado, que estimen comercialmente adecuadas, y nuestendo con las exigencias de saled publica y de protección ambiental, en envo enco los minores costas serán de cargo de los usuante. e) la habilitation de la Estación Portexuelo contempla has siguientes medidas, electronención, servicio de aguos, dessonibilidad de servicios de oficina, carpeta impermentilizadora, y devie luego. fevantamiceta de una red de protección perimetral, así como una división del recubios a cuarteles, que bailiten la protección de los ocopios y que eviten su merma, "Los includaciones depondran de vigilancia continua. d) En id posedo ecomptendido dentro del plaza de habilitación del sitio en la Estación Portezuelo, el Gobierno de Shie garantiza, que la exportación de minerales de ploine continuados con los mismos: niveles de preloceion y fluidez. e) Con el en de proporcionar un servicio cliciente para este periodo, el Golaccios de Chile espera and has experimented bolivitation of the previoual propertient information accreated whether do, totga de plomo que ve transportará en este lapio. to soludo buy atentancile. RIANO FERNANDEZ AM SURE RETARIO DE RELACIONES EXTERIORES

Santa Cruz de la Sierra, 9 February 1998

To the Vice-Minister of Foreign Affairs and Worship Mr. Fernando Messmer Trigo Hand Delivery.

Dear Mr. Messmer:

With respect to the health and environmental problems generated by the storage of dirty bulk, and in particular lead concentrates, in the urban area of the city of Antofagasta, especially in the port area and in the FCAB yards, and with respect to the comments you made at our meeting today on this topic, I would like to inform you of the following:

a) The Chilean Government has determined that a site will be authorized in Portezuelo for the storage of dirty bulk at no additional cost to Bolivian exporters. The site will be operational within 60 days.

b) It is understood that merchandise will be transferred from Portezuelo to the Port using the FCAB railroad system. This does not prevent interested parties from using other systems than the one indicated that they deem commercially acceptable, as long as they comply with the requirements of public health and environmental protection, in which case any additional costs will be borne by the users.

c) The authorization of the Portezuelo Station contemplates the following measures: electricity, water service, disposal of office wastewater, waterproof carpet, and of course, installation of a protection network around the perimeter, as well as a division of the [illegible], to facilitate the protection of the storage and prevent any loss. The installations will be monitored on a continuous basis.

d) In the period during which the site in the Portezuelo station is being authorized, the Chilean government will ensure that lead concentrates can be exported at the same level of protection and fluidity.

e) In order to provide efficient service during this period, the Chilean Government expects Bolivian exporters to provide information as soon as possible about the volume of lead cargo to be transported during the period.

Sincerely yours.

[Signed] MARIANO FERNÁNDEZ AMUNÁTEGUI UNDERSECRETARY OF FOREIGN AFFAIRS

Annex 316

Minutes of the Third Plenary Meeting of the Organization of American States General Assembly, 2 June 1998

(English translation only)

Organization of American States, General Assembly, Twenty-Eighth Regular Session, 1999, *Proceedings*, Vol. II, OEA/Ser.P/XXVIII-O.2 (1999), pp 79-80 and 87-94

Annex 316

nnex 316			
	[p 79]	ΜΙΝΙΙΤΕς ΟΕ ΤΗΕ ΤΗΙΡΌ ΒΙ ΕΝ	NADY MEETING
	MINUTES OF THE THIRD PLENARY MEETING		
	Date: Time: Venue:	2 June 1998 10:30 a.m. Hotel Caracas Hilton	
	President:	Mr. Miguel Ángel Burelli Riv Minister of Foreign Affairs o	
	In attendance:		
		Kingsley C.A. Layne	(Saint Vincent and the
	Grenadines)		·
		Erroll Snijders	(Suriname)
		Ralph Maraj	(Trinidad and Tobago)
		Didier Opertti Badán	(Uruguay)
		Francisco Paparoni	(Venezuela)
		Lionel A. Hurst	(Antigua and Barbuda)
		Guido Di Tella	(Argentina)
		Janet G. Bostwick	(The Bahamas)
		Billie A. Miller, M.P.	(Barbados)
		James S. Murphy	(Belize)
		Javier Murillo de la Rocha	(Bolivia)
		Luis Felipe Lampreia	(Brazil)
		Peter M. Boehm	(Canada)
		José Miguel Insulza Salinas	(Chile)
		Camilo Reyes Rodríguez	(Colombia)
		Elaine White Gómez	(Costa Rica)
		Edward Alexander	(Dominica)
		Abelardo Posso Serrano	(Ecuador)
		Mauricio Granillo Barrera	(El Salvador)
		Madeleine K. Albright	(United States of America)
		Denis Antoine	(Grenada)
		Eduardo Stein Barillas	(Guatemala)
		Clement Rohee	(Guyana)
		Albert Chassagne	(Haiti)
		J. Fernando Martínez	(Honduras)
		Anthony Hylton	(Jamaica)
		Rosario Green	(Mexico)
		Emilio Álvarez Montalván	(Nicaragua)
		Ivette Franco Koroneos	(Panama)
		Leila Rachid Lichi	(Paraguay)
			(\mathbf{D})

Eduardo Ferrero Costa

Eduardo Latorre Osbert Liburd

George W. Odlum

(Peru)

(Saint Lucia)

(Dominican Republic)

(Saint Kitts and Nevis)

César Gaviria Christopher R. Thomas (OAS Secretary General) (Assistant Secretary General)

[...]

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5. <u>Report on the maritime problem of Bolivia</u>

The PRESIDENT: We will now move on to discuss item V on the agenda concerning the report on the maritime problem of Bolivia. I would like to invite the Minister of Foreign Affairs and Worship of Bolivia to take the floor and address the matter.

[p 88]

The HEAD OF THE DELEGATION OF BOLIVIA: Thank you. Mr. President, Ministers of Foreign Affairs, Representatives:

We recently assembled at the Hemispheric Summit in Santiago. There we examined the progress our countries have made towards achieving the goals we set of building a community of interests with strong foundations and shared aspirations. This was done in the context of current and future challenges, the demands of our peoples, and the immediate need to provide them with concrete answers.

We are agreed that the fundamental instrument for responding to these challenges that are the integrative processes that characterize the destiny of our time. We must therefore reflect deeply on the need to strengthen these processes. We must ensure they are coherent, since they represent a potential path to peaceful development for our peoples, a path guided by common objectives and one that promotes common ideals while building a community of nations.

But we must expand the horizons of our coexistence if we are to reach that goal. From a philosophical standpoint, integration tends to eliminate barriers, uniting the many into one, joined by a yearning for the same destiny. That is the future we wish for our Hemisphere.

We would thus like to see an integration that is not based on privileges or procrastination, that does not accentuate differences, and that does not entrench injustice. That type of integration would take us down the wrong road and would be a false path, a path to confusion. Integration must go beyond economic frontiers; rather than merely eliminating trade barriers, it must cast a wider net and also erase legal and political barriers, which are the great obstacles to understanding among peoples and States. We must overcome the past and renew the present in order to progress towards a better future.

In our view, integration should encompass not only expanded economic activity, but expanded political dialogue. That is the true meaning of integration and its most important impact, Mr. President, distinguished colleagues.

Our Organization has much to do in this area. The OAS would not be fulfilling its true role if it failed to address the serious problems and the serious answers to those problems.

But we ourselves have limited the OAS, entrusting it with the mission of nurturing Inter-American ideals, but not giving it the power to translate these ideals into concrete action. If we had done so, this report would be different.

In October of 1979, the General Assembly of the Organization of American States decided to declare Bolivia's sovereign access to the Pacific Ocean to be of permanent interest to the Continent. The countries of the Americas are interested in this problem owing not only to the many historical reasons that support my country's claim, but also to a closer examination of the issues current at that time. The continued existence of this problem represents a risk to security on the Continent for reasons that need not be mentioned at the moment.

[p 89]

Today it could be – or should be – said that Bolivia's continued confinement in the heart of the Continent is undoubtedly an obstacle to the creation of a greater regional economic sphere. It hinders the process, representing an unjust situation that destroys the coherence of the process both in practice and in principle. It therefore has an impact on our efforts towards integration. Mr. President, that is why the countries of the Americas are interested in, and willing to focus on, the more than a century-old dispute of the Pacific. I am profoundly grateful to this Assembly for their interest and attention to this matter.

Bolivia's unwavering claim is based on historical, political, and economic considerations that no-one can undermine. Alongside the unquestionable underlying rights that support the need for Bolivia to develop in circumstances equal to those enjoyed by its sister nations on the Continent. Several studies, such as the one conducted by the United Nations Trade and Development Board in 1983 or those that guided the deliberations of the Cartagena Agreement Commission in 1979, have shown that landlocked status is a barrier to economic and social growth. Recently, a well-known Harvard University professor published an essay in which he revealed that a scientifically rigorous analysis shows that countries lacking access to the sea experience a 0.7 percent loss in annual growth, specifically as a result of this situation.

This means that if Bolivia had retained its sovereign connection to the Pacific, its production levels and growth rates would have been considerably higher than they have been. Of course, it also means that if this situation is corrected, my country will regain the potential for a higher growth rate, leading to improved living conditions for the population and an opportunity to take full advantage of the country's geographic situation, and it would likewise allow us to make a more positive contribution to Latin American integration.

As part of this report, I present to the Assembly a technical analysis that demonstrates the cost of Bolivia's landlocked situation. As can be seen from this analysis, the costs of Bolivia's confinement over the last ten years total more than 4 billion dollars. This implies a significant loss in gross domestic product in Bolivia over nearly 120 years of being cut off from the sea, without even taking into account the loss of the vast natural resources of the littoral that were and are efficiently exploited by Chile. To give just one example, copper represents more than 35 percent of our neighbor's exports. Therefore, Bolivia's claim is also supported by the unquestionable weight of numbers.

The objective of achieving a hemispheric community faces another serious roadblock that must be removed. In an atmosphere of historic prejudices and resentments, it is difficult to imagine that our countries could integrate. Trade liberalization, a positive attitude towards investment and businessmen from other countries, the entry of experts, technicians, and workers from other nations, and the adoption of joint policies in sensitive areas such as those involved in the regional integration process, all demand a joint approach to current and future development, which can only be achieved by nations that have overcome their own pasts.

That is what is lacking between Bolivia and Chile, Mr. President, distinguished Ministers of Foreign Affairs, and Representatives. That is why we come to this General Assembly to claim a peaceful solution to the century-long confinement of my country. We do so not only impelled by the unimpeachable logic of a nation that was dispossessed of its maritime quality by a war it did not start, but also [p 90]

from the perspective of the next millennium. Our demand for maritime reintegration in this and all other fora is based on the constructive spirit of a nation that looks to the future without neglecting the lessons of the past, and on the desire to contribute to a promising future.

Nonetheless, I must confess that we are concerned that this Assembly could lose the authority with which it was originally established and become a ritual where the actors do no more than play the role imposed by the script, with one actor posing the demand and the other repeating that there are no pending problems. In such a context, the remaining actors can only express their interest in the efforts the parties have made or are making in attempting to resolve the difficulties they face, as if we were removed from the concerns of the Inter-American system, as if the resolutions we approve were no more than a record of good intentions and not – as they should be understood – an expression of the committed political will enjoining the OAS to fulfill one of its most important mandates: preventing the causes of potential difficulties and ensuring the resolution of disputes, while seeking to resolve the political, legal, or economic problems arising among member States. Given that this is set forth in the Charter, fulfillment of this mandate cannot in any way be considered incompatible with the authority of the States.

I am sure that was the spirit in which the Inter-American system supported the Bolivian cause in 1979 and declared it to be of permanent interest in 1989, and why it supported the cause of all of us here in the Americas who have faith in the goal of a great community of nations.

This is why it is urgent to eschew rhetoric, this is why other actors must be encouraged to participate more. But we know that this does not depend on the will of one State. Other member States must support these initiatives.

Mr. President, Ministers of Foreign Affairs, Representatives, this is why I would like to now propose to Chile, in the solemn setting of this Assembly under the auspices of the Inter-American system, that as soon as possible, we begin a process of joint reflection on the future of both nations, considering all the dimensions of binational and hemispheric integration, leading to an overarching framework for achieving a definitive solution to the problems we have inherited from the past, the most important being Bolivia's maritime reintegration. We are not responsible for that past, but we are responsible for the present and the future, and we have no acceptable excuse for continuing to bequeath our disputes to coming generations. That reflection must be comprehensive, without prejudices or preconceptions, and it must permit us to deal with all the obstacles, political, historic, and legal, that impede the complementarity of our economies and societies. Such an analysis should not be limited to identifying problems, but should focus on discussing ways to resolve them. I suggest we not restrict this dialogue to the representatives of our governments, but that we include the principal institutions of civil society and the most notable figures of our nations in the task of exploring these paths.

Once again, it would be so much better if this work could be carried out under the aegis of this regional Assembly, and if possible, in its own venue! Of course, we are willing to consider any venue or procedure deemed appropriate for the process of consensus we are proposing.

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We cannot see how anyone could oppose or mistrust a proposal that seeks only to contribute to an ever stronger and more united hemispheric coexistence. It would be an appropriate tribute to the OAS on its 50th anniversary. It would point the way for future action. We would finally have a direction and we would know whether we are fulfilling or deceiving the expectations we have placed in this regional Assembly as peoples and as States. Thank you, Mr. President.

The PRESIDENT: Thank you, Mr. Foreign Minister. The Presidency salutes the high-level tone with which this problem has been presented and appreciates the efforts that the parties have been making to find an understanding.

I offer the floor to the Heads of Delegation who wish to address the topic. The Minister of Foreign Affairs of Chile has the floor.

The HEAD OF THE DELEGATION OF CHILE: Mr. President, the speech just made by the Minister of Foreign Affairs of Bolivia compels me to reiterate certain points already noted by Chile in other OAS General Assemblies on this matter. Naturally, I do this on the understanding that this is for the sake of providing better information to the delegations, as Chile considers that the OAS Charter does not grant this Organization jurisdiction or a mandate to address issues that involve the sovereignty of its member States.

As the Ministers of Foreign Affairs here know, Chile and Bolivia do not have diplomatic relations at this time, since they were unilaterally severed by the government of Bolivia more than a decade ago. However, I would like to take this opportunity to state that Chile has no objections whatsoever to unconditionally renewing diplomatic relations whenever Bolivia is prepared to do so.

Of course, Chile has a different viewpoint from Bolivia, but Chile has always noted that this difference of opinion in no way prevents a renewal of dialogue or mutual relations. My country is not closed to dialogue and it does not set any conditions in this respect, nor does it ask Bolivia to renounce any pretension regarding this subject. I will note that there have been periods in which we have had fruitful dialogues with Bolivia; nonetheless, since the new administration that currently governs the country took office last August, Chile has not received any

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requests to discuss this issue.

We have attended all the international meetings and listened to these speeches without ever having been asked about the requests mentioned here, without once hearing "Let us restore relations, let us sit down and talk." Is the intention that the OAS now open discussions in its assemblies on matters of sovereignty pending between its member States? As we see it, Chile has always been open to the possibility of bilateral dialogue and always will be.

Mr. President, the government of Chile has frequently stated that it considers that territorial issues and sovereignty between Chile and Bolivia were definitively resolved in the Treaty of Peace, Amity, and Commerce of 1904. I think it is important to note here that this treaty was signed 25 years after the war began. There were no Chilean troops or any other occupation forces in Bolivia and other treaties between the two countries had even been negotiated.

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The Treaty of 1904 signed by the Bolivian government was ratified by the Congress of that country and – although this is incidental – the President who signed the Treaty was reelected later by an overwhelming majority of the Bolivian people.

So then, Mr. President, what exactly would this pending border dispute be? Chile believes that if we are to seriously deal with problems involving landlocked status, as well as access to the sea, first the existence of a border treaty that is fully in force must be recognized. My country understands that there are significant and serious questions related to access, and we are willing not only to talk about them, but to seek solutions.

I do not wish to bore the Heads of Delegation with figures on trade, investment, or exchanges of goods, services, and persons between Chile and Bolivia. I would simply like to say that the two countries are currently more connected than ever before through convenient highways and two rail lines, a concession over one of the latter having just been granted by the Chilean State to Bolivian businessmen for the main rail line that links Arica and La Paz.

In our country, laws that apply in border areas have been amended to allow Bolivians to possess property in border areas in Chile. There is an oil pipeline between Chile and Bolivia, access to which was facilitated by our country through a concession that we are currently in the process of renewing.

Chile and Bolivia have signed a Treaty for the Promotion and Protection of Investments, an Economic Complementation Agreement and agreements in the areas of tourism, scientific and technical cooperation, air transport, and the phytosanitary sector, and for establishing border committees. In recent years, Chilean businessmen have created projects in Bolivia worth some 300 million dollars. Trade is increasing and we have expressed our willingness to renegotiate a trade agreement with the Bolivian government specifically to improve the bilateral trade balance, because we believe that the imbalance should be corrected.

We recently approved the Port Modernization Law, which will allow any country, including Bolivia of course, to invest in sites on the Chilean coast and set up mooring piers there. In the case of Bolivia, we have an agreement – complemented by the Treaty of 1904 – that guarantees the broadest free trade and free transit of goods.

Recently, the Chilean State established, entirely at its own expense, a storage facility in the port of Antofagasta for Bolivian bulk exporters of zinc and lead. This storage facility is part of our international commitments. With respect to this issue, I would like to note that Chilean health authorities objected to putting this storage facility for polluting minerals in the Antofagasta city center, the very heart of the city. What country would allow storage of minerals in the heart of one of its cities? However, we solved the problem in less than three months and a new storage site for the Bolivian minerals was prepared, with the Chilean State assuming the operating costs.

Mr. President, based on these specific precedents, I would like to point out that Chile is willing to guarantee Bolivia unrestricted and unlimited access to Chile's Pacific coast, but it is not willing to call into question matters relating to its national sovereignty.

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In any case, I wish to repeat in this Assembly that Chile is always willing to continue holding talks on this issue. I would also like to inform the Ministers of Foreign Affairs that any recent lack of dialogue is not attributable to us.

Therefore, today I reiterate my willingness to hold bilateral talks with the Minister of Foreign Affairs of Bolivia on these issues. However, Mr. President, I must insist that I would not be willing – because I do not consider it acceptable under the OAS Charter nor do I consider such a request justified – to permit any tutelage or supervision over the dialogue between sovereign countries, if they are truly willing to talk to each other. Thank you very much, Mr. President.

The PRESIDENT: Thank you very much, Foreign Minister Insulza. I find that the dialogue has been good and constructive, keeping the height that this bilateral matter calls for. However, in light of the changes of a new order and an unstoppable process of integration, the Presidency cordially invites the parties to follow that path, so that this, which is so dear to hemispheric sentiment, can be

harmoniously resolved between two countries so loved in the Hemisphere as Chile and Bolivia.

The Minister of Foreign Affairs and Worship of Bolivia has the floor.

The HEAD OF THE DELEGATION OF BOLIVIA: Thank you, Mr. President. It is likewise not my intention to spark a controversy, but I would like to offer certain clarifications, this being necessary to ensure that the information provided to this Assembly is complete.

In the first place, we are raising this issue because it has been declared of permanent hemispheric interest by the selfsame Organization of American States. There is no question of overstepping bounds; this is the fulfillment of a sovereign mandate in keeping with the authority of this Inter-American assembly.

The Treaty of 1904 has been mentioned frequently, and I would like to provide further clarification. The fact that Bolivia finally agreed to sign the Peace Treaty after twenty years is proof of the fierce reluctance of the governments and citizens of that time to accept the loss of the coastline. During those two decades, several attempts were made to negotiate that Treaty, but it was always under the same clauses that were finally imposed in 1904.

We must not forget that the Treaty was signed when the coast was under military occupation by Chile, as were the Bolivian customs facilities in the ports of Antofagasta and Arica, which were already under Chilean administration; the customs revenues were already flowing into Chilean coffers, thus strangling the Bolivian State. I will cease expounding these historical considerations, but we should have all the elements at hand in order to judge these matters.

As for the other opinions of the Minister of Foreign Affairs of Chile, it is true that a free transit regime exists, but we have a different vision. We are not demanding ports or the possibility of convenient transit through territory that should undoubtedly be under Bolivian sovereignty. We are making a substantive claim to regain our maritime quality.

With reference to the other points, it is true that there is a significant flow of capital from Chile to Bolivia, and the flow of capital and the investments are welcome. That shows that the Bolivian people

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feel no animosity, but are open to Chilean investments and economic activities. As for trade, the imbalance is very worrying and I hope that this can be remedied at this stage.

As for the transit of minerals, we suffered enormous difficulties before a solution was found. During the last stage between December and April, Bolivian lead exporters lost approximately six million dollars owing to the difficulties noted by the Minister of Foreign Affairs of Chile.

I simply wanted to mention these elements to balance the picture this Assembly should have with respect to this report. Thank you.

The PRESIDENT: Thank you very much, Mr. Foreign Minister of Bolivia.

[...]

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Bolivian Customs Law No 1990, 28 July 1999 (as amended in December 2015) (extract)

(Original in Spanish, English translation)

<http://www.cumbre.com.bo/procedimientos/LEY%20GENERAL%20DE%20 ADUANAS.pdf>, pp 1-4, 11-13, 27, 31-32 and 36-38

LEY GENERAL DE ADUANAS

LEY GENERAL DE ADUANAS Ley N° 1990 de 28 de julio de 1999

COMPILACIÓN ACTUALIZADA CON MODIFICACIONES APROBADAS HASTA DICIEMBRE DE 2015

TÍTULO PRIMERO PRINCIPIOS, OBJETO, ÁMBITO DE APLICACIÓN Y DEFINICIONES

CAPÍTULO ÚNICO PRINCIPIOS, OBJETO, ÁMBITO DE APLICACIÓN Y DEFINICIONES

ARTÍCULO 1.- La presente Ley regula el ejercicio de la potestad aduanera y las relaciones jurídicas que se establecen entre la Aduana Nacional y las personas naturales o jurídicas que intervienen en el ingreso y salida de mercancías del territorio aduanero nacional.

Asimismo, norma los regímenes aduaneros aplicables a las mercancías, las operaciones aduaneras, los delitos y contravenciones aduaneros y tributarios y los procedimientos para su juzgamiento.

La potestad aduanera es el conjunto de atribuciones que la ley otorga a la Aduana Nacional, para el cumplimiento de sus funciones y objetivos, y debe ejercerse en estricto cumplimiento de la presente Ley y del ordenamiento jurídico de la República.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 1, 22 y 26.

ARTÍCULO 2.- Todas las actividades vinculadas directa o indirectamente con el comercio exterior, ya sean realizadas por entidades estatales o privadas, se rigen por los principios de la buena fe y transparencia.

La presente Ley no restringe las facilidades de libre tránsito o las de tránsito fronterizo de mercancías concedidas en favor de Bolivia o las que en el futuro se concedieran por tratados bilaterales o multilaterales.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 2 y 3.

ARTÍCULO 3.- La Aduana Nacional es la institución encargada de vigilar y fiscalizar el paso de mercancías por las fronteras, puertos y aeropuertos del país, intervenir en el tráfico internacional de mercancías para los efectos de la recaudación de los tributos que gravan las mismas y de generar las estadísticas de ese movimiento, sin perjuicio de otras atribuciones o funciones que le fijen las leyes.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 5, 22, 24, 26 y 296.

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GENERAL LAW ON CUSTOMS

GENERAL LAW ON CUSTOMS Law No. 1990 of 28 July 1999

<u>UPDATED COMPILATION WITH AMENDMENTS APPROVED UNTIL</u> <u>DECEMBER 2015</u>

TITLE I

PRINCIPLES, PURPOSE, SCOPE OF APPLICATION AND DEFINITIONS SOLE CHAPTER

PRINCIPLES, PURPOSE, SCOPE OF APPLICATION AND DEFINITIONS

ARTICLE 1.- This Law governs the exercise of customs powers and the legal relationship of the National Customs Office with natural or legal persons who participate in the entry and exit of goods into and from the national customs territory.

In addition, it shall regulate the customs regimes applicable to goods, customs transactions, customs and tax-related misdemeanors and violations, and the procedures to prosecute them.

The scope of authority of the National Customs Office includes all powers vested upon it by law to comply with its goals and responsibilities. It shall be exercised in strict compliance with this Law and the Republic's legal system.

PROVISIONS RELATED TO THE REGULATION.- Articles 1, 22, and 26.

ARTICLE 2.- All activities directly or indirectly related to international trade, whether carried out by public or private entities, shall be governed by the principles of good faith and transparency.

This Law shall not hinder the abilities for the free transit of goods or the transit of goods across the border which Bolivia is presently granted or those to which it may be entitled in the future pursuant to bilateral or multilateral treaties.

PROVISIONS RELATED TO THE REGULATION.- Articles 2 and 3.

ARTICLE 3.- The National Customs Office is the institution in charge of monitoring and overseeing the transit of goods through borders, national ports, and airports. It shall also collect all taxes levied on internationally traded goods and prepare statistical reports on international trade, notwithstanding any other powers and responsibilities provided for by law.

PROVISIONS RELATED TO THE REGULATION.- Articles 5, 22, 24, 26 and 296.

ARTÍCULO 4.- El territorio aduanero, sujeto a la potestad aduanera y la legislación aduanera boliviana, salvo lo dispuesto en Convenios Internacionales o leyes especiales, es el territorio nacional y las áreas geográficas de territorios extranjeros donde rige la potestad aduanera boliviana, en virtud a Tratados Internacionales suscritos por el Estado boliviano.

Para el ejercicio de la potestad aduanera, el territorio aduanero se divide en Zona Primaria y Zona Secundaria.

La Zona Primaria comprende todos los recintos aduaneros en espacios acuáticos o terrestres destinados a las operaciones de desembarque, embarque, movilización o depósito de las mercancías; las oficinas, locales o dependencias destinadas al servicio directo de la Aduana Nacional, puertos, aeropuertos, caminos y predios autorizados para que se realicen operaciones aduaneras. También están incluidos en el concepto anterior los lugares habilitados por la autoridad como recintos de depósito aduanero, donde se desarrollan las operaciones mencionadas anteriormente.

La Zona Secundaria es el territorio aduanero no comprendido en la zona primaria, y en la que no se realizarán operaciones aduaneras. Sin embargo, la Aduana Nacional realizará, cuando corresponda, las funciones de vigilancia y control aduanero a las personas, establecimientos y depósitos de mercancías de distribución mayorista en ésta zona.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 4.

ARTÍCULO 5.- Para efectos de la presente Ley, se usarán las definiciones incluidas en el Glosario de Términos Aduaneros y de Comercio Exterior que constan en el Anexo. El Ministerio de Hacienda incorporará y actualizará las definiciones del Glosario, en función de los avances registrados en la materia, recomendados por la Organización Mundial de Comercio (OMC), la Organización Mundial de Aduanas (OMA) y los Acuerdos de Integración Económica suscritos por Bolivia y ratificados por el Congreso Nacional.

TÍTULO SEGUNDO RÉGIMEN TRIBUTARIO ADUANERO

CAPÍTULO I LA OBLIGACIÓN TRIBUTARIA ADUANERA Y LAS OBLIGACIONES DE PAGO EN ADUANAS

ARTÍCULO 6.- La obligación aduanera es de dos tipos: obligación tributaria aduanera y obligación de pago en aduanas.

La obligación tributaria aduanera surge entre el Estado y los sujetos pasivos, en cuanto ocurre el hecho generador de los tributos. Constituye una relación jurídica de carácter personal y de contenido patrimonial, garantizada mediante la prenda aduanera sobre la mercancía, con preferencia a cualquier otra garantía u obligación que recaiga sobre ella. La obligación de pago en aduanas se produce cuando el hecho generador se realiza con anterioridad, sin haberse efectuado el pago de la obligación tributaria.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 6 y 7.

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ARTICLE 4.- Except as otherwise provided in International Conventions or special laws, the customs territory subject to the jurisdiction of the customs authority and Bolivian customs legislation shall be the national territory and the geographical areas in foreign countries that are subject to Bolivia's customs authority pursuant to International Treaties signed by the Bolivian State.

For the exercise of the customs authority, the customs territory shall be divided into the Primary Zone and the Secondary Zone.

The Primary Zone comprises all customs facilities in sea or land areas where cargo is discharged, loaded, transported or stored; the offices, facilities or agencies directly used by the National Customs Office, and the ports, airports, roads, and facilities authorized to conduct customs operations. The foregoing shall also comprise the places authorized by the National Customs Office as cargo storing facilities, where the above mentioned operations are carried out.

The Secondary Zone is the customs territory not comprised within the Primary Zone, and that in which no customs operations are conducted. However, where appropriate, the National Customs Office shall oversee and perform controls on individuals, facilities, and warehouses storing wholesale goods within the area.

PROVISIONS RELATED TO THE REGULATIONS. - Article 4.

[...]

TITLE TWO CUSTOMS TAXATION REGIME

CHAPTER I CUSTOMS TAX OBLIGATION AND CUSTOMS PAYMENT OBLIGATIONS

ARTICLE 6.- Customs obligations may be classified into two types: customs tax liabilities and customs payment obligations.

Customs tax liabilities arise between the State and the taxpayers upon the occurrence of the triggering event of the tax. It is a personal, patrimonial, legal relationship secured by a pledge on goods, which takes priority over any other security or obligation related to those goods. Customs payment obligations arise when the taxable act occurs prior to the payment of customs taxes.

PROVISIONS RELATED TO THE REGULATION.- Articles 6 and 7.

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ARTÍCULO 7.- En la obligación tributaria aduanera el Estado es sujeto activo. Los sujetos pasivos serán el consignante o el consignatario, el despachante y la agencia despachante de aduanas cuando éstos hubieran actuado en el despacho.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 6 y 13.

ARTÍCULO 8.- Los hechos generadores de la obligación tributaria aduanera son:

- a) La importación de mercancías extranjeras para el consumo u otros regímenes sujetos al pago de tributos aduaneros bajo la presente Ley.
- b) La exportación de mercancías en los casos expresamente establecidos por Ley.

El hecho generador de la obligación tributaria se perfecciona en el momento que se produce la aceptación por la Aduana de la Declaración de Mercancías.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 6 y 113.

ARTÍCULO 9.- Se genera la obligación de pago en Aduanas, en los siguientes casos:

- a) Por incumplimiento de obligaciones a que está sujeta una mercancía extranjera importada bajo algún régimen suspensivo de tributos.
- b) Por modificación o incumplimiento de las condiciones o fines a que está sujeta una mercancía extranjera importada bajo exención total o parcial de tributos, sobre el valor residual de las mercancías importadas.
- c) El uso, consumo o destino en una zona franca de mercancías extranjeras, en condiciones distintas a las previstas al efecto.
- d) En la internación ilícita de mercancías desde territorio extranjero o zonas francas.
- e) En la pérdida o sustracción de mercancías en los medios de transporte y depósitos aduaneros.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 7.

ARTÍCULO 10.- En los casos de los literales a), b) y c) del Artículo precedente, la obligación de pago nace en el momento que se produce el incumplimiento de las obligaciones, condiciones o fines. En los casos d) y e) del mismo Artículo, en el momento que se constata la internación ilícita, pérdida o sustracción.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 7.

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ARTICLE 7.- With respect to customs tax liabilities, the State shall act as creditor. The consignor or the consignee, the customs officer, and the customs clearance agency shall be the debtors, whenever they play a role in the clearance process.

PROVISIONS RELATED TO THE REGULATION.- Articles 6 and 13.

ARTICLE 8.- The triggering events to customs tax liabilities shall be those described below:

- a) The import of foreign goods for personal use or under other regimes subject to the payment of customs duties under this Law.
- b) The export of goods in the cases expressly established by Law.

The triggering event for the liability to pay customs taxes shall be deemed to be performed upon the acceptance by the Customs Office of the Declaration of Goods.

PROVISIONS RELATED TO THE REGULATION.- Articles 6 and 113.

ARTICLE 9.- The obligation to pay Customs occurs in the following cases:

- a) Non-fulfilment of the obligations to which foreign goods that are imported under a suspension of duties are subject.
- b) Modification or non-fulfillment of the conditions or purposes to which foreign goods imported under a total or partial exemption from taxes, based on the residual value of the imported goods, are subject.
- c) The use, consumption or entry into a free zone of foreign goods other than those provided for this purpose.
- d) Illicit entry of goods from a foreign territory or free zones.
- e) Loss or theft of goods in transport and customs warehouses.

PROVISIONS RELATED TO THE REGULATION.- Article 7.

[...]

ARTÍCULO 11.- El sujeto pasivo de las obligaciones de pago establecidas en el Artículo 9 es:

- a) En el caso de los regímenes suspensivos de tributos, el titular de las mercancías solidariamente con el Despachante y la Agencia Despachante de Aduanas que intervino en la declaración del régimen suspensivo.
- b) En el caso de las importaciones con exenciones parciales o totales de tributos, el consignatario de las mercancías solidariamente con el Despachante y la Agencia Despachante de Aduanas que hayan intervenido en la Declaración de mercancías.
- c) En el caso de ingresos ilícitos de mercancías, el responsable del ilícito.
- d) En los casos de sustracción o pérdida de mercancías, el transportista o el concesionario de depósito aduanero.

En los casos precedentes, aquél que pague por cuenta del obligado tendrá el derecho de repetir en contra del autor o responsable.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 7 y 13.

ARTÍCULO 12.- La determinación de la obligación tributaria aduanera se efectúa mediante:

- a) Liquidación realizada por el Despachante de Aduana.
- b) Autoliquidación efectuada por el consignante o exportador de la mercancía.
- c) Liquidación realizada por la administración aduanera, cuando corresponda.

En los supuestos del Artículo anterior, la deuda aduanera se determinará mediante liquidación efectuada por la administración aduanera.

Los cargos que surgieran de estas liquidaciones a favor del Estado, en caso de no cancelarse o ser impugnados por los sujetos pasivos y siempre que no se evidencien indicios de delito aduanero, constituirán contravención aduanera.

Cuando en dichos cargos emergentes de las liquidaciones, se evidencien la existencia de indicios de responsabilidad penal por delitos aduaneros, la administración aduanera formulará denuncia ante el Ministerio Público, de acuerdo con el procedimiento establecido en esta Ley.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 8.

ARTÍCULO 13.- La obligación tributaria aduanera y la obligación de pago establecidas en los Artículos 8 y 9, serán exigibles a partir del momento de la aceptación de la Declaración de Mercancías o desde la notificación de la liquidación efectuada por la Aduana, según sea el caso.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 6 y 7.

ARTÍCULO 14.- Las mercancías constituyen prenda preferente en favor del Estado, las cuales garantizan el cumplimiento de las obligaciones tributarias y de pago aduaneras, las sanciones pecuniarias y otros derechos emergentes.

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ARTICLE 13.- The customs taxes and customs payment obligations provided for under Articles 8 and 9 shall become due upon acceptance of the Declaration of Goods or upon notification of the settlement made by the Customs' authority, as applicable.

PROVISIONS RELATED TO THE REGULATION.- Articles 6 and 7.

[...]

LEY GENERAL DE ADUANAS

LEY N° 062 ARTICULO 19 (TRATAMIENTO DE DONACIONES).

- I. La importación de mercancías donadas a entidades públicas directamente desde el exterior o adquiridas por éstas con recursos provenientes de cooperación financiera no reembolsable o de donación, ya sean destinadas a su propio uso o para ser transferidas a otras entidades públicas, organizaciones económicoproductivas y territoriales o beneficiarios finales de proyectos o programas de carácter social o productivo, estará exenta del pago total de los tributos aduaneros aplicables. La tramitación de las exenciones será reglamentada mediante Decreto Supremo.
- **II.** Las mercancías señaladas en el párrafo precedente podrán ser transferidas a título gratuito a entidades públicas, organizaciones económico-productivas y territoriales, o a los destinatarios finales de proyectos, con la exención total del pago de tributos aduaneros de importación y del Impuesto a las Transacciones (IT).

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 133.

TÍTULO TERCERO LA FUNCIÓN ADUANERA

CAPÍTULO I LA ADUANA NACIONAL

ARTÍCULO 29.- La Aduana Nacional se instituye como una entidad de derecho público, de carácter autárquico, con jurisdicción nacional, de duración indefinida, con personería jurídica y patrimonio propios.

Su domicilio principal está fijado en la ciudad de La Paz. Se encuentra bajo la tuición del Ministerio de Hacienda.

La Aduana Nacional se sujetará a las políticas y normas económicas y comerciales del país, cumpliendo las metas, objetivos y resultados institucionales que le fije su Directorio en el marco de las políticas económicas y comerciales definidas por el gobierno nacional.

El patrimonio de la Aduana Nacional estará conformado por los bienes muebles e inmuebles asignados por el Estado para su funcionamiento.

El presupuesto anual de funcionamiento e inversión con recursos del Tesoro General de la Nación asignado a la Aduana Nacional, no será superior al dos (2%) por ciento de la recaudación anual de tributos en efectivo.

Asimismo, la Aduana Nacional podrá percibir fondos por donaciones, aportes extraordinarios y transferencias de otras fuentes públicas o privadas, nacionales o extranjeras. Estos recursos se administrarán de conformidad a la Ley No. 1178 de 20 de

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Página 11

TITLE THREE CUSTOMS FUNCTIONS

CHAPTER I THE NATIONAL CUSTOMS AUTHORITY

ARTICLE 29.- The National Customs Authority is a self-governed organization with national jurisdiction of perpetual duration, and with legal standing and property of its own, which has been created under public law.

Its main office is located in the city of La Paz. It falls under the supervision of the Ministry of Finance.

The National Customs Authority shall act in keeping with the economic and commercial policies and provisions in force in the country, in compliance with the purpose, objectives and institutional outcomes defined by its Board of Directors within the framework of the economic and commercial policies established by the national government.

The National Customs Authority's property shall be composed of the personal and real property allocated by the Government for its operations.

The annual budget for operations and investment allocated to the National Customs Authority with resources of the National Treasury shall not exceed two (2%) of the annual tax collections in cash.

Furthermore, the National Customs Authority may receive funds through donations, special contributions and money transfers made by other public or private entities, whether foreign or domestic. These resources shall be allocated pursuant to Law No. 1178 of 20 July 1990 and related laws.

julio de 1990 y normas conexas.

La Aduana Nacional sólo podrá obtener préstamos de entidades financieras públicas o privadas, con la previa autorización del Ministerio de Hacienda y la aprobación del Congreso Nacional, conforme a Ley.

NOTA.- El párrafo sexto de éste Artículo consigna la modificación prevista en la Disposición Final Sexta de la Ley N° 2492, Código Tributario Boliviano.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 23, 25, 27 y 29.

ARTÍCULO 30.- La potestad aduanera es ejercida por la Aduana Nacional, con competencia y estructura de alcance nacional, de acuerdo a las normas de la presente Ley, su Decreto Reglamentario y disposiciones legales conexas.

Para el ejercicio de sus funciones, se desconcentrará territorialmente en administraciones aduaneras, de acuerdo con reglamento.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 22, 26 y 30.

ARTÍCULO 31.- (DEROGADO)

NOTA.- Éste Artículo fue derogado por la Disposición Final Décima Primera de la Ley N° 2492 de 02/08/2003, Código Tributario Boliviano. El contenido del citado Artículo se encuentra regulado en el Artículo 66 de dicho Código.

CÓDIGO TRIBUTARIO

ARTÍCULO 66° (Facultades Específicas). La Administración Tributaria tiene las siguientes facultades específicas:

- 1. Control, comprobación, verificación, fiscalización e investigación;
- 2. Determinación de tributos;
- 3. Recaudación;
- 4. Cálculo de la deuda tributaria;
- 5. Ejecución de medidas precautorias, previa autorización de la autoridad competente establecida en este Código;
- 6. Ejecución tributaria;
- 7. Concesión de prórrogas y facilidades de pago;
- 8. Derogado
- 9. Sanción de contravenciones, que no constituyan delitos;
- 10. Designación de sustitutos y responsables subsidiarios, en los términos dispuestos por este Código;
- 11. Aplicar los montos mínimos establecidos mediante Decreto Supremo a partir de los cuales las operaciones los pagos por la adquisición y venta de bienes y servicios deban ser respaldadas por los contribuyentes y/o responsables a través de documentos reconocidos por el sistema bancario y de intermediación financiera regulada por la Autoridad de Supervisión Financiera (ASFI). La falta de respaldo mediante la documentación emitida por las referidas entidades, hará presumir la inexistencia de la transacción para fines de liquidación de impuestos e implicará que

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The National Customs Authority may only receive loans granted by public and private financial institutions with the prior authorization of Congress and the Ministry of Economy, as established by the law.

NOTE: Paragraph VI of this Section includes the amendment set forth in the Sixth Final Provision of Law No. 2492, otherwise known as the Bolivian Tax Code.

PROVISIONS RELATIONS TO THE REGULATION.- Articles 23, 25, 27 and 29.

SECTION 30.- The customs' power is exercised by the National Customs Authority, with national competence and structure, pursuant to the rules of this Law, their Regulatory Decree and related provisions.

In keeping with the rules and regulations, in the exercise of its functions, the National Customs Authority shall be territorially divided into self-governed customs administrations.

PROVISIONS RELATED TO THE REGULATION.- Articles 22, 26, and 30.

ARTICLE 31.- (REPEALED)

NOTE: This Article was repealed by the Eleventh Final Provision of Law No. 2492 of 02/08/2003, otherwise known as the Bolivian Tax Code. The subject-matter of the referenced Article is regulated under Article 66 of said Code.

TAX CODE

ARTICLE 66 (Special Powers). The Tax Administration shall have the following special powers:

- 1. Control, verification, oversight and investigation:
- 2. Tax calculations;
- 3. Collection activities;
- 4. Tax debt calculation;
- 5. Enforcement of precautionary measures upon prior authorization by the competent authority specified in this Code;
- 6. Tax enforcement actions;
- 7. Granting of time extensions and payment arrangements;
- 8. Repealed
- 9. Penalization of violations not amounting to misdemeanors;
- 10. Appointment of fiduciary and subsidiary taxpayers pursuant to the provisions of this Code;
- 11. Application of the minimum amounts set forth through Supreme Decrees on the basis of which the transactions and the purchase and sale of goods and services shall be supported by taxpayers by means of documents acknowledged by the banking system and the financial intermediation system, controlled by the Financial Supervision Authority (ASFI). Failure to support the transaction with the documents issued by the above mentioned institutions shall prevent

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el comprador no tendrá derecho al cómputo del crédito fiscal, así como la obligación del vendedor de liquidar el impuesto sin deducción de crédito fiscal alguno;

- 12. Prevenir y reprimir los ilícitos tributarios dentro del ámbito de su competencia, asimismo constituirse en el órgano técnico de investigación de delitos tributarios y promover como víctima los procesos penales tributarios;
- 13. Otras facultades asignadas por las disposiciones legales especiales.

Sin perjuicio de lo expresado en los numerales anteriores, en materia aduanera, la Administración Tributaria tiene las siguientes facultades:

- Controlar, vigilar y fiscalizar el paso de mercancías por las fronteras, puertos y aeropuertos del país, con facultades de inspección, revisión y control de mercancías, medios y unidades de transporte;
- 2. Intervenir en el tráfico internacional para la recaudación de los tributos aduaneros y otros que determinen las leyes;
- 3. Administrar los regímenes y operaciones aduaneras.

NOTA.- El numeral 8 de éste Artículo fue declarado inconstitucional por la Sentencia Constitucional N° 0009/2004 de 28/01/2004. Asimismo, el numeral 11 del presente artículo contiene la modificación dispuesta por el Artículo 20 de la Ley N° 062 de 28/11/2010.

ARTÍCULO 32.- Algunas actividades y servicios de la Aduana Nacional, podrán ser otorgados en concesión a personas jurídicas públicas o privadas, priorizando la adjudicación a las empresas públicas, en conformidad a los principios establecidos en la Constitución Política del Estado, siempre que no vulneren su función fiscalizadora.

NOTA.- Éste Artículo consigna la modificación dispuesta por la Disposición Adicional Segunda de la Ley N° 455 de 11/12/2013, Ley de Presupuesto General del Estado – Gestión 2014.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 26.

ARTÍCULO 33.- (DEROGADO)

NOTA.- Éste Artículo fue derogado por la Disposición Final Décima Primera de la Ley N° 2492, Código Tributario Boliviano. El contenido de éste Artículo se encuentra regulado y ampliado en el Artículo 100 del citado Código.

CÓDIGO TRIBUTARIO BOLIVIANO

ARTÍCULO 100 (Ejercicio de la Facultad). La Administración Tributaria dispondrá indistintamente de amplias facultades de control, verificación, fiscalización e investigación, a través de las cuales, en especial, podrá:

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the buyer from calculating their tax credit, and the seller shall be under an obligation to calculate taxes without any deductions;

- 12. Prevention and suppression of illegal tax activities within its competence. Moreover, it shall act as the technical body in the investigation of tax-related crimes and act as complainant in criminal tax proceedings;
- 13. Other powers established by special legal provisions.

Notwithstanding the foregoing, the Tax Administration shall be vested with the following powers with respect to customs-related matters:

- 1. Control, monitor, and oversee the transport of goods across Bolivian borders, through Bolivian ports and airports, with powers to inspect, supervise, and control goods, along with means and units of transport;
- 2. Act as an agent in international trade operations for the purposes of collecting customs taxes and other taxes prescribed by law;
- 3. Administer customs systems and operations.

NOTE: Subsection 8 of this Article was found to be unconstitutional in Constitutional Judgment No. 0009/2004 of 28/01/2004. Moreover, subsection 11 of this Article includes the amendment set forth in Section 20 of Law No. 062 of 28/11/2010.

[...]

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deberá reunir similares condiciones a las del inicialmente utilizado.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 147.

LA ENTREGA DE MERCANCÍAS ANTE LA ADMINISTRACIÓN ADUANERA

ARTÍCULO 63.- Toda mercancía que ingrese a territorio aduanero debe ser entregada a la administración aduanera o a depósitos aduaneros autorizados. Las mercancías serán recibidas según marcas y números registrados en sus embalajes, debiéndose verificar su peso y cantidad en el momento y lugar de recepción.

Las mercancías serán entregadas a los almacenes de zonas francas nacionales, sólo en el caso de que en el Manifiesto Internacional de Carga y Declaración de Tránsito Aduanero, estén destinadas a dichas zonas francas y consignadas a un usuario de las mismas.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 84, 94 y 160.

ARTÍCULO 64.- Las mercancías con señales de avería, merma o deterioro, serán recibidas bajo inventario, con las observaciones del caso y separadas para su examen y comprobación inmediatos, en presencia del importador o de sus representantes y, en su caso, del asegurador.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 160.

ARTÍCULO 65.- Las mercancías que no pudieran ser reconocidas en el momento de descarga en la aduana de destino y que para dicho reconocimiento sean necesarios medios especiales o, cuya entrega a la administración aduanera sea peligrosa, podrán entregarse y reconocerse fuera de las instalaciones aduaneras, previa autorización de la administración aduanera.

ARTÍCULO 66.-

- I. Se entiende que la mercancía no fue declarada en el Manifiesto Internacional de Carga, en los siguientes casos:
 - a) Cuando la cantidad existente sea superior a la declarada.
 - b) Cuando se hubiera omitido la descripción de la mercancía.
 - c) Cuando dicha mercancía no se relaciona con el Manifiesto Internacional de Carga.
- II. Se entiende que la mercancía no fue entregada a la administración aduanera en los siguientes casos:

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CHAPTER II DELIVERY OF GOODS TO THE CUSTOMS ADMINISTRATION

ARTICLE 63.- All goods that enter the customs territory must be submitted to the customs administration or to authorized customs warehouses. Goods shall be received pursuant to their brand and the numbers recorded in their packaging. The weight and quantity of goods shall be verified at the time and place of delivery.

Goods shall be delivered at the warehouses in national duty-free zones only if the International Cargo Manifest and the Customs Transit Declaration state that the goods are to be delivered in such duty-free zones and include the name of a user in such zones.

PROVISIONS RELATED TO THE REGULATION.- Articles 84, 94, and 160.

[...]

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regímenes aduaneros que sean procedentes.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 121 y 123 al 127.

ARTÍCULO 78.- Antes de la formalización del despacho aduanero, se permitirá al consignatario, a través de su despachante de aduana y a funcionarios de la empresa de seguros, examinar las mercancías para determinar su naturaleza, origen, estado, cantidad y calidad. Esta verificación se realizará en las instalaciones de la administración aduanera o en los lugares de almacenamiento legalmente autorizados.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 100.

ARTÍCULO 79.- Todo despacho aduanero de mercancías estará sujeto al control físico selectivo o aleatorio, el cual se determinará por procedimientos informáticos. La Aduana Nacional determinará los porcentajes de reconocimiento físico de mercancías importadas para el consumo, en forma selectiva o aleatoria, hasta un máximo del veinte por ciento (20%) de las declaraciones de mercancías presentadas en el mes.

El porcentaje para el reconocimiento físico en forma selectiva o aleatoria, en cada administración aduanera, será determinado por la Aduana Nacional.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 105, 106 y 139.

ARTÍCULO 80.- Cuando corresponda el reconocimiento físico de las mercancías, mediante el procedimiento selectivo o aleatorio, el pago de los tributos aduaneros se efectuará con anterioridad a dicho reconocimiento físico.

En caso de descubrirse irregularidades que constituyan delitos o contravenciones, la administración aduanera retendrá la mercancía como garantía prendaria, y se iniciará el proceso legal correspondiente.

NORMAS CONEXAS DEL REGLAMENTO.- Artículos 106 y 108.

ARTÍCULO 81.- El procedimiento del despacho de mercancías se establecerá en Reglamento.

TÍTULO QUINTO LOS REGÍMENES ADUANEROS

CAPÍTULO I LA IMPORTACIÓN

ARTÍCULO 82.- La Importación es el ingreso legal de cualquier mercancía procedente de territorio extranjero a territorio aduanero nacional.

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TITLE V CUSTOMS SYSTEMS

CHAPTER I IMPORTS

ARTICLE 82.- Import is the legal entry of any good into the national customs territory from abroad.

A los efectos de los regímenes aduaneros se considera iniciada la operación de importación con el embarque de la mercancía en el país de origen o de procedencia, acreditada mediante el correspondiente documento de transporte.

La importación de mercancías podrá efectuarse en cualquier medio de transporte habilitado de uso comercial, incluyendo cables o ductos, pudiendo estas mercancías estar sometidas a características técnicas especiales, como ser congeladas o envasadas a presión.

ARTÍCULO 83.- Las mercancías importadas al amparo de los documentos exigidos por ley, podrán ser objeto de despachos parciales. Las mercancías pendientes de despacho serán sometidas a la aplicación del régimen aduanero que adopte el consignatario de la mercancía.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 121.

ARTÍCULO 84.- Los procedimientos para asegurar y verificar el cumplimiento de las medidas sanitarias y fitosanitarias y la aplicación del Código Alimentario (CODEX) establecido por la Organización Mundial del Comercio (OMC), deberán limitarse a lo estrictamente razonable y necesario, de acuerdo con el Reglamento.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 119.

ARTÍCULO 85.- No se permitirá la importación o ingreso a territorio aduanero nacional de mercancías nocivas para el medio ambiente, la salud y vida humanas, animal o contra la preservación vegetal, así como las que atenten contra la seguridad del Estado y el sistema económico financiero de la nación y otras determinadas por Ley expresa.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 117.

ARTÍCULO 86.- La importación de mercancías protegidas por el Acuerdo relativo a los Derechos de Propiedad Intelectual relacionados con el comercio, establecidos por la Organización Mundial de Comercio (OMC), se ajustará a las disposiciones generales y principios básicos señalados en dicho Acuerdo.

La administración aduanera, a solicitud del órgano nacional competente relacionado con la propiedad intelectual, podrá suspender el desaduanamiento de la mercancía que presuntamente viole derechos de propiedad intelectual, obtenidos en el país o que deriven de acuerdos internacionales suscritos por Bolivia, ratificados por el Parlamento.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 120.

ARTÍCULO 87.- El importador mediante Despachante o Agencia Despachante de Aduana, está obligado a presentar, junto a la Declaración de Mercancías de Importación, el formulario de la Declaración Jurada del Valor en Aduanas o, en su caso, el formulario de la Declaración Andina del Valor adoptado por la Decisión 379 de la Comunidad Andina o los que las sustituyan, además de la documentación exigible según Reglamento.

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For the purposes of the customs system, the import process begins when the cargo is loaded in the country of origin or provenance, as evidenced by the relevant transport document.

The import of goods may be performed by any means of transportation authorized for commercial use, including cables or pipelines, and such goods may have been subjected to special technical processes, such as freezing or packaging under pressure.

[...]

CAPÍTULO IV REIMPORTACIÓN EN EL MISMO ESTADO

ARTÍCULO 96.- Reimportación de mercancías en el mismo estado es el régimen aduanero que permite la importación para el consumo, con exoneración de tributos aduaneros de importación, de mercancías que hubieran sido exportadas temporalmente y se encontraban en libre circulación o constituían productos compensadores, siempre que éstos o las mercancías no hayan sufrido en el extranjero ninguna transformación, elaboración o reparación.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 135.

ARTÍCULO 97.- Si la exportación temporal se realizara con motivo de un contrato de prestación de servicios en el exterior del país, las mercancías deberán reimportarse dentro de los cinco (5) años siguientes y en el término de un año en los demás casos.

Para acogerse al beneficio de este régimen, el declarante deberá demostrar:

- a) Que la mercancía se encontraba en libre circulación en el territorio nacional, a tiempo de su exportación temporal.
- b) Que la mercancía es la misma que se exportó y se encuentra en similar estado.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 135.

CAPITULO V EXPORTACION DEFINITIVA

ARTÍCULO 98.- Exportación Definitiva es el régimen aduanero aplicable a las mercancías en libre circulación que salen del territorio aduanero y que están destinadas a permanecer definitivamente fuera del país, sin el pago de los tributos aduaneros, salvo casos establecidos por Ley.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 136.

ARTÍCULO 99.- El Estado garantiza la libre exportación de mercancías, con excepción de aquellas que están sujetas a prohibición expresa y de las que afectan a la salud pública, la seguridad del Estado, la preservación de la fauna y flora y del patrimonio cultural, histórico y arqueológico de la Nación.

Cuando las mercancías tengan que ser exportadas por aduana distinta a aquella donde se presentó la Declaración de Mercancías de exportación, serán transportadas bajo el Régimen de Tránsito Aduanero hasta la aduana de salida.

NOTA.- Éste Artículo se encuentra complementado por el Artículo 3 de la Ley N° 3998, de 12/01/2009, donde se Declara Gema Emblemática y de Identidad Boliviana en el Mundo a la "Bolivianita".

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CHAPTER V

FINAL EXPORTS

ARTICLE 98.- Final Export is the customs regime applied to goods in free circulation that exit the customs area and are destined to remain abroad, without payment of customs taxes, except as otherwise provided by law.

PROVISIONS RELATED TO THE REGULATION.- Article 136.

[...]

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LEY N° 3998:

Artículo 3. Se prohíbe por el lapso de diez años la exportación de la "Bolivianita", ya sea en bruto, martillada, aserrada y/o preformada, pudiendo exportarse la misma solamente como gema tallada.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 137.

ARTÍCULO 100.- El despacho de las mercancías de exportación se formaliza y tramita por intermedio de un Despachante de Aduana ante la administración aduanera, en los lugares donde no existe el sistema de Ventanilla Única de Exportación (SIVEX).

ARTÍCULO 101.- Las mercancías de producción nacional, exportadas al extranjero que no hubieran sido aceptadas por el país de destino, no hubieran arribado al país de destino, no tuvieran la calidad pactada, estuviera prohibida su importación en el país de destino, o hubieran sufrido daño durante su transporte, una vez embarcadas, podrán reimportarse en el mismo estado, sin el pago de tributos aduaneros, debiendo el exportador, cuando corresponda, restituir los tributos devueltos por el Estado en la operación inicial de exportación definitiva.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 143.

TÍTULO SEXTO REGÍMENES ADUANEROS ESPECIALES

CAPÍTULO I TRÁNSITO ADUANERO

ARTÍCULO 102.- El tránsito aduanero comprenderá tanto el nacional como el internacional. Las operaciones en el Régimen de Tránsito Aduanero Internacional se regirán por las normas y procedimientos establecidos en los Acuerdos o Convenios Internacionales suscritos por Bolivia y ratificados por el Congreso Nacional.

Tránsito Aduanero Internacional, es el régimen aduanero que permite el transporte de mercancías, bajo control aduanero, desde una Aduana de Partida hasta una Aduana de Destino, en una misma operación en el curso de la cual se cruzan una o más fronteras internacionales.

El tránsito aduanero nacional es el transporte de mercancías de los depósitos de una aduana interior a los de otra aduana interior, dentro del territorio nacional, bajo control y autorización aduanera.

Las mercancías transportadas bajo el Régimen de Tránsito Aduanero Internacional, podrán circular en el territorio aduanero, con suspensión del pago de los tributos aduaneros de importación o exportación.

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TITLE VI SPECIAL CUSTOMS SYSTEMS

CHAPTER I CUSTOMS TRANSIT

ARTICLE 102.- Customs transit shall comprise both national and international customs transit. The transactions conducted within the framework of the International Customs Transit Regime shall be governed by the laws and procedures set forth in the relevant International Agreements and Conventions executed by Bolivia and acknowledged by the National Congress.

International Customs Transit is the customs regime allowing the transport of goods, under customs' control, from a Customs of Origin to a Customs of Destination in a single operation and in the process of which one or more international borders are crossed.

National customs transit is the transport of goods from the warehouses of a national customs agency to those of another national customs agency, within the national territory, with the authorization of and under the supervision of the customs authority.

The goods transported under the International Customs Transit Regime may be transported within the customs territory with a suspension on the payment of import or export customs taxes.

Para efectos del control aduanero, la aduana de partida o la aduana de paso por frontera señalará la ruta que debe seguir el transportador en cada operación de tránsito aduanero internacional por el territorio nacional.

El Régimen de Tránsito Aduanero Internacional será solicitado por el declarante o su representante legal. Las autoridades aduaneras designarán las Administraciones Aduaneras habilitadas para ejercer las funciones de control, relativas a las operaciones de tránsito aduanero internacional, así como los horarios de atención de las mismas.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 144.

ARTÍCULO 103.- El transportador o declarante consignados en el Manifiesto Internacional de Carga/Declaración de Tránsito Aduanero (MIC/DTA) o en el documento de Transporte Internacional Ferroviario/Declaración de Tránsito Aduanero (TIF/DTA), o documento de embarque correspondiente, es responsable ante la Aduana Nacional por la entrega de las mercancías a la administración aduanera de destino, en las mismas condiciones que las recibieron en la administración aduanera de partida y con el cumplimiento de las normas inherentes al tránsito aduanero internacional, conservando los sellos y los precintos de seguridad.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 81.

ARTÍCULO 104.- Las autoridades aduaneras son las únicas autorizadas para colocar precintos aduaneros. Los precintos aduaneros son de uso obligatorio en los medios de transporte habilitados de uso comercial, en las unidades de transporte y en las mercancías susceptibles de ser precintadas.

ARTÍCULO 105.- Cada Declaración de Tránsito Aduanero Internacional sólo ampara las mercancías de un único declarante, acondicionadas en una o varias unidades de carga de uso comercial o propio, por ser transportadas desde una aduana de partida hasta una aduana de destino.

ARTÍCULO 106.- Siempre que se cumplan las condiciones establecidas en el Régimen de Tránsito Aduanero Internacional, las mercancías en tránsito por Bolivia con destino a otro país, no serán sometidas a reconocimiento, salvo en casos excepcionales, fundados en norma legal expresa o cuando se trate del cumplimiento de una orden de autoridad jurisdiccional, diferente a la aduanera, la que se cumplirá, previa autorización de la administración aduanera.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 91.

ARTÍCULO 107.- Solamente en los casos que sea necesario el transbordo de las mercancías como consecuencia de un accidente o daño del medio de transporte de uso comercial, el transportador o representante legal tomará las medidas que estime oportunas, comunicando este hecho a la administración aduanera más próxima.

NORMAS CONEXAS DEL REGLAMENTO.- Artículo 147.

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For the purposes of customs control, the customs of origin or the border customs authority shall indicate the route to be followed by the carrier in each international customs transit operation within the national territory.

The International Customs Transit Regime shall be requested by the declarant or their legal representative. The customs authorities shall appoint the Customs Administrations authorized to conduct control activities with respect to international customs transit operations, as well as their hours of operation.

PROVISIONS RELATED TO THE REGULATION.- Article 144.

[...]

Annex 318

Joint Press Release issued by Bolivia and Chile, 22 February 2000

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



GOBIERNO DE CHILE Ministerio de Relaciones Exteriores Dirección de América del Sur

Comunicado de Prensa

1. Los Ministros de Relaciones Exteriores de Bolivia y Chile se reunieron en Algarve, Portugal, el 22 de febrero del año 2000, para continuar el diálogo que iniciaron en Río de Janeiro y La Habana, en junio y noviembre de 1999. Estuvieron acompañados de altos funcionarios de sus Despachos.

2. Los Cancilleres resolvieron conformar una agenda de trabajo, que será formalizada en las siguientes etapas del diálogo, que incorpore, sin exclusión alguna, las cuestiones esenciales de la relación bilateral, con el espíritu de contribuir al establecimiento del clima de confianza que debe presidir ese diálogo. Los avances logrados serán puestos en conocimiento de las nuevas autoridades del Gobierno de Chile para la ulterior prosecución de las conversaciones encaminadas a establecer esa agenda.

3. En la ocasión abordaron, con una clara voluntad constructiva y con el fin señalado precedentemente, todos los temas de interés fundamental para ambos países, sin exclusiones.

4. El desarrollo de este diálogo estará encaminado a superar las diferencias que han impedido una plena integración entre Bolivia y Chile, con el firme propósito de buscar y alcanzar soluciones a las cuestiones que afectan sus relaciones políticas y económicas.

5. Los Cancilleres dejan constancia de la forma franca y amistosa en que se han llevado a cabo esos encuentros, así como de la buena disposición de las partes, las que reafirmaron la voluntad de diálogo que se ha puesto en marcha.

Algarve, Portugal, 22 de febrero del año 2000.

PRESS RELEASE

1. The Ministers of Foreign Affairs of Bolivia and Chile, Javier Murillo and Juan Gabriel Valdés, respectively, met in the Algarve, Portugal, on 22 February 2000, to continue the dialogue they initiated in Rio de Janeiro and Havana, in June and November 1999. They were accompanied by senior officials from their Offices.

2. The Foreign Ministers resolved to prepare a work agenda, which will be formalized in the subsequent stages of the dialogue, that incorporates, without any exclusion, the essential issues of the bilateral relationship, in the spirit of contributing to the establishment of a climate of trust that must preside over this dialogue. The progress achieved will be brought to the attention of the new authorities of the Government of Chile for the further pursuit of the talks aimed at establishing the agenda.

3. On this occasion they addressed, with a clear constructive will and for the purpose stated above, all themes of fundamental interest for both States, without exclusions.

4. The development of this dialogue will be geared towards overcoming the differences that have prevented full integration between Bolivia and Chile, with the firm intention to seek and reach solutions for the issues that affect their political and economic relations.

5. The Foreign Ministers record the frank and friendly manner in which these meetings have been conducted, as well as the good disposition of the parties, which reaffirmed their willingness for the dialogue that has been launched.

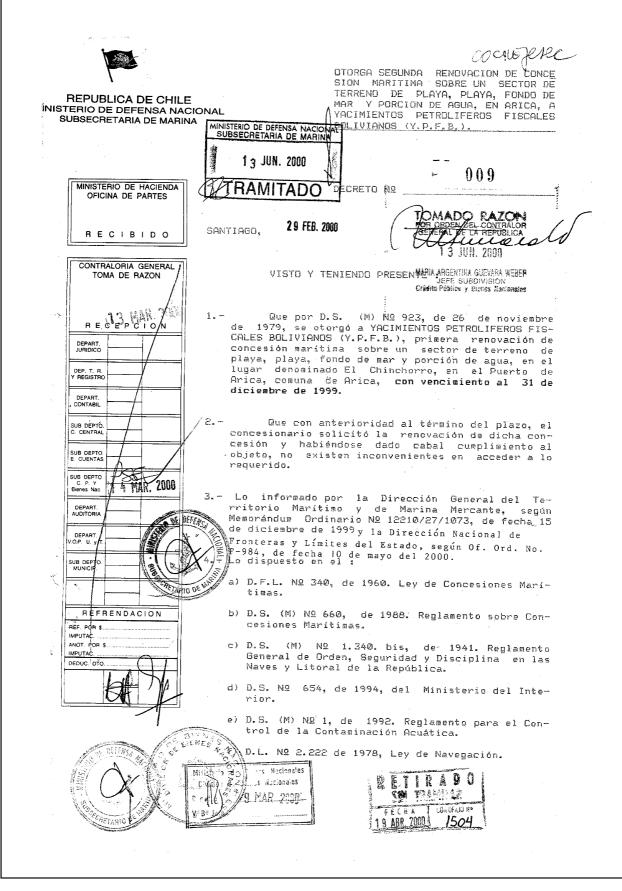
Algarve, Portugal, 22 February 2000.

Annex 319

Chilean Ministry of National Defence, Undersecretary of the Navy, Decree No 009, 29 February 2000

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



REPUBLIC OF CHILE MINISTRY OF NATIONAL DEFENSE UNDERSECRETARY OF THE NAVY

GRANTS SECOND RENEWAL OF MARITIME CONCESSION OVER A SECTOR OF BEACHFRONT LANDS, BEACH, SEA-BEDS AND WATER PORTIONS, IN ARICA, TO YACIMIENTOS PETROLÍFEROS FISCALES BOLIVIANOS (Y.P.F.B.).

[Signature], [Seal:] Noticed by order of the Comptroller General of the Republic, 13 June 2000, María Argentina Guevara Weber, Chief of Subdivision, Public Credits and National Assets.

DECREE No. 009

SANTIAGO, 29 FEBRUARY 2000

WITNESSETH:

1. Whereas, through Supreme Decree No. 923, of 26 November 1979, YACIMIENTOS PETROLÍFEROS FISCALES BOLIVIANOS (Y.P.F.B.) was granted a first renewal of a maritime concession over a sector of beachfront lands, beach, sea-beds and water portions, in a place called "El Chinchorro", in the port of Arica, district of Arica, effective until 31 December 1999.

2. Whereas, prior to the termination of the said period, the concessionaire had requested the renewal of the said concession, and having duly complied with the purpose thereof, there are no objections in admitting the said request.

3. Reports from the General Directorate of Maritime Territory and Merchant Navy, as provided under Ordinary Memorandum No. 12210/27/1073 dated 15 December 1999, and the National Directorate of Frontiers and Limits of the State, pursuant to Ordinary Official Letter No. F-984 of 10 May 2000.

4. The provisions included in:

- a) Law Ranking Decree No. 340 of 1960. Law on Maritime Concessions.
- b) Supreme Decree No. 660 of 1988. Regulations on Maritime Concessions.
- c) Supreme Decree No. 1340 bis of 1941. General Regulations on the Order, Security and Discipline of Vessels and Coastal Areas of the Republic.
- d) Supreme Decree No. 654 of 1994 of the Ministry of Internal Affairs.
- e) Supreme Decree No. 1 of 1992. Regulations for the Control of Aquatic Pollution.
- f) Decree-Law No. 2.222 of 1978, Law on Navigation.

CM-444-99

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DECRETO:

- 1. -OTORGASE æ YACIMIENTOS PETROLIFEROS FISCALES BOLIVIANOS (Y.P.F.B.), Empresa Pública del Estado Boliviano, creada mediante Decreto Ley de 21 de diciembre de 1936, otorgado en La Paz, Bolivia, con domicilio en Arica, calle 21 de mayo № 575, SEGUNDA RENOVACIÓN de la concesión maritima sobre un sector de TERRENO DE PLAYA, PLAYA, FONDO DE MAR Y PORCION DE AGUA, que disfrutaba por D.S. (M) N \underline{O} 923, de 26 de noviembre de 1979, en el lugar denominado El Chinchorro, en el Puerto de Arica, comuna y provincia del mismo nombre, la Región de Tarapacá, individualizada en la ubicación señalada en el plano Nº 30/60, visado por la Autoridad Maritima de Arica.
- 2.- El sector de terreno de playa se encuentra inscrito a nombre del Fisco, en mayor extensión, en el Conservador de Bienes Raíces de Arica a fojas 25 vta. Nº 60 del Registro de Propiedad de 1935. Tiene una superficie de 700 m2. Deslinda y mide: Al Norte y Sur, con terrenos de playa, en 35 mts. en cada deslinde; al Este, con terrenos de playa, en 20 mts. y al Oeste, con playa, en 35 mts.
- 3.- El sector de playa tiene una superficie de 1.400 m2. Deslinda y mide: al Norte y Sur, con playa, en 70 mts. en cada deslinde; al Este, con terreno de playa, en 20 mts. y al Oeste, con fondo de mar, en 20 mts.
- 4.- El sector de fondo de mar tiene una superficie de 26.580 m2 y es una faja de 20 mts. de frente por 1.329 mts. de fondo que se extiende a continuación del sector de playa concesionado.
- 5.- La porción de agua es la necesaria para mantener fondeadas tres (3) boyas para amarre de naves de más de 30.000 hasta 50.000 T.R.G. y tres (3) boyarines permanentes de señalización.
- 6.- El objeto de esta concesión es amparar una cañería subterránea y submarina del terminal del oleoducto Sica Sica - Arica, elementos de señalización de oleoducto y de amarra para las naves en faena y una cañería de descarga al mar del agua purificada proveniente del deslastre de los buques tanques, todos existentes.
- 7.- Esta concesión rige a contar desde la fecha de vigencia del presente decreto, entendida ésta como aquella en que la Contraloría General de la República tome razón del mismo y vencerá el 31 de diciembre del año 2019.
- B.- Esta concessión se otorga a TITULO GRATUITO, en virtud a lo establecido en la letra "D" del acuerdo sobre el oleoducto de Yacimientos Petrolíferos Fiscales Bolivianos (Y.P.F.B.) de Sica Sica a Arica suscrito el 24 de abril de 1957.

OF DEFI

ARIO DE

DECREE:

- 1. **TO GRANT** TO **YACIMIENTOS PETROLIFEROS FISCALES BOLIVIANOS (Y.P.F.B.)**, Public Company of the Bolivian State created through Decree-Law of 21 December 1936 issued in La Paz, Bolivia, domiciled in Arica, street 21 de mayo No. 575, **A SECOND RENEWAL** of the maritime concession over a sector of **BEACHFRONT LANDS**, **BEACH, SEA-BEDS AND WATER PORTIONS** to which it was entitled under Supreme Decree No. 923 of 26 November 1979, in the place mentioned "El Chinchorro" in the port of Arica, within the district and province of the same name, 1st Region of Tarapacá, individualized in the location which is pointed out in drawing No. 30/60, stamped by the Maritime Authority of Arica.
- 2. The beachfront land sector is registered in the name of the Treasury, in a bigger extension, on page 25 (reverse side) of Arica's Real Estate Registry Office No. 60 of the Real Estate Registry of 1935. It has a surface of 700 m². Its boundaries and sizes are the following: to the North and South, with beachfront lands (35 m each boundary); to the East, with beachfront lands (20 m), and to the West, with the beach (35 m).
- 3. The beach sector has a surface of 1,400 m². Its boundaries and sizes are the following: to the North and South, with the beach (70 m each boundary); to the East: with beachfront lands (20 m), and to the West, with sea-beds (20 m).
- 4. The sea-bed sector has a surface of 26,580 m² and is a strip of 20 m front and 1,329 m deep, which extends next to the beach sector under concession.
- 5. The water portion is enough to secure three (3) buoys for the docking of vessels of over 30,000 to 50,000 Gross Tons and three (3) permanent small buoys for signalization.
- 6. The purpose of this concession is to protect an underground and undersea pipe of the Sica Sica Arica Oil Pipeline terminal, oil pipeline signaling devices, docking elements for the vessels, and a pipe used for discharging into the sea purified water for the de-ballasting of tanker ships, all of them existing.
- 7. This concession shall be valid from the effective date of this decree, understood as the date on which the Office of the Comptroller General of the Republic becomes noticed hereof, and **shall expire on 31 December 2019**.
- 8. This concession is granted on FREE OF CHARGE, as set forth in item "D" of the agreement on the oil pipeline of Yacimientos Petrolíferos Fiscales Bolivianos (Y.P.F:B.) from Sica Sica to Arica, executed on 24 April 1957.

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- 9.- El concesionario deberá dar cumplimiento a las siguientes obligaciones:
 - a) No podrá hacer llegar al mar en forma directa o indirecta, energía, materias o sustancias nocivas, provenientes de sus instalaciones, conforme a las disposiciones contenidas en el D.L. Nº 2.222, del 21 de mayo de 1978 y D.S. (M) Nº 1, del 6 de enero de 1992.
 - b) Permitir la libre concurrencia de la población toda por el sector de playa concesionado, sin que puedan establecerse limitaciones de ninguna especie, las que sólo podrán ser impuestas por la Autoridad Marítima.
- 10.- El concesionario, en lo que respecta al Orden, Seguridad y Disciplina, quedará sometido a las disposiciones del D.S. № 1340 bis, de 1941, sobre la materia.
- 11.- El presente decreto deberá ser reducido a escritura pública por el concesionario dentro del plazo de 30 días contados desde la fecha en que la Autoridad Marítima transcriba oficialmente al interesado este decreto, facultándose al Tesorero Provincial de Arica para suscribirla en representación del Fisco, siendo suficiente causal de derogación el incumplimiento de esta obligación. Los gastos de reducción a escritura pública serán de cargo del concesionario.

Anótese, tómese razón, comuniquese y registrese en el Ministerio de Bienes Nacionales.

POR ORDEN DEL PRESIDENTE DE LA REPUBLICA

ZDMUNDO PZREZ YOMA MINISTRO DE DZFENSA NACIONAL

DISTRIBUCION: C.G.R. 3 T.G.R. 1 C.J.A. 1 DGTM.MM. 3 M.B.N. 1 CC.MM. 2 ARCHIVO 1 TOTAL 12 FPR/271299/140100 Carp.:10.516/CM-444-99

15 JUN. 2000

- 9. The concessionaire shall comply with the following obligations:
 - a) Not to allow access to the sea, whether directly or indirectly, of any energy, or harmful substances/materials, coming from the concessionaire's installations, pursuant to the provisions set forth in Decree-Law No. 2,222 of 21 May 1978 and Supreme Decree No. 1 of 6 January 1992.
 - b) To allow the free access of the entire population to the beach sector under concession, without imposing any limitations of any kind, since these may only be set by the Maritime Authority.
- 10. The concessionaire, as far as Order, Security and Discipline is concerned, shall be subject to the provisions of Supreme Decree No. 1340 bis of 1941 on the referred matter.
- 11. This decree shall be recorded in a notarial instrument by the concessionaire within a term of 30 days from the date on which the Maritime Authority officially transcribes this decree to the interested party, allowing the Provincial Treasurer of Arica to sign on behalf of the Treasury; failure to comply with this obligation shall become a sufficient ground for revocation hereof. The expenses incurred in registering the notarial document shall be borne by the concessionaire.

This decree shall be recorded, noticed, communicated and kept with the Ministry of National Assets.

BY ORDER OF THE PRESIDENT OF THE REPUBLIC

[Signed]

EDMUNDO PEREZ YOMA MINISTER OF NATIONAL DEFENSE

Annex 320

Minutes of the Meeting of Experts from Chile and Bolivia on Issues of Integration and Development, 10 November 2000

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

MINUTA DE LA REUNIÓN DE EXPERTOS DE LA REPÚBLICA DE CHILEY LA REPÚBLICA DE BOLIVIA EN TEMAS DE INTEGRACIÓN Y DESARROLLO

En Santiago, Chile, el día 10 de noviembre de 2000, tuvo lugar la Reunión de Expertos de la República de Chile y la República de Bolivia en temas de Integración y Desarrollo.

La Delegación de Chile estuvo presidida por la Directora Nacional de Fronteras y Límites del Estado del Ministerio de Relaciones Exteriores de Chile, Embajadora María Teresa Infante. La Delegación de Bolivia estuvo presidida por el Cónsul General de la República de Bolivia en Chile, Embajador Gustavo Fernández. La nómina de ambas Delegaciones se acompaña como Anexo de esta Minuta.

El Embajador Fernández hizo una presentación destacando la importancia en el tratamiento conjunto de los temas de integración y desarrollo entre las regiones fronterizas de Chile y Bolívia, incluyendo el sur del Perú.

La Embajadora Infante destacó la importancia que debía otorgarse a las materias que trataría esta reunión, recordando la profunda vocación integracionista de la política exterior chilena, y la necesidad de continuar realizando esfuerzos para armonizar y profundizar la viabilidad de las iniciativas existentes y las que pudieren surgir.

Ambas delegaciones expusieron los aspectos técnicos más relevantes en materia de infraestructura y desarrollo y analizaron los siguientes temas:

1.- Infraestructura:

La delegación chilena señaló la consolidación del acceso vial hacia el Portezuelo Tambo Quemado, actualmente pavimentado desde Arica hasta La Paz. De igual forma, se dio cuenta de los avances en la ruta entre lquíque y los pasos fronterizos de Colchane y del Hito 55,. y de Calama con Hito Cajón. Respecto de los accesos a los terminales portuarios, se destacaron los proyectos para crear enlaces directos hacia los puertos evitando cruzar las áreas urbanas.

La parte boliviana realizó una exposición sobre el tema de la infraestructura vial, ferroviaria, fluvial y lacustre haciendo hincapié en los corredores de integración de los diferentes modos de transporte, principalmente los que tendrían vinculación con la República de Chile. Por ejemplo, en el tema ferroviario se refirió al Corredor Transcontinental Central de 3800 Km. . cuyo tramo faltante es el proyecto Aiquile Santa Cruz de 388 Km., que se encuentra en etapa de estudio de factibilidad económica e impacto ambiental para su licitación con la Ley de Concesiones. Por otra parte se hizo referencia a la necesidad de la implementación de centros fronterizos integrados en los que, aparte de contar con servicios de control fronterizo, se considere el tema del control de peso por eje para transporte internacional.

Ambas delegaciones coincidieron en la conveniencia de conformar un equipo técnico bilateral para los lineamientos de una agenda de trabajo orientado hacia un plan maestro común integrado de infraestructura.

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MINUTES OF THE MEETING OF EXPERTS FROM THE REPUBLIC OF CHILE AND THE REPUBLIC OF BOLIVIA ON ISSUES OF INTEGRATION AND DEVELOPMENT

The Meeting of Experts from the Republic of Chile and the Republic of Bolivia on issues of integration and development was held on 10 November 2000 in Santiago, Chile.

The Delegation of Chile was led by the National Director of Boundaries and Limits of the State of the Ministry of Foreign Affairs of Chile, Ambassador María Teresa Infante. The Delegation of Bolivia was led by the Consul General of the Republic of Bolivia to Chile, Ambassador Gustavo Fernández. The list of members of both Delegations has been attached as an Annex to these Minutes.

Ambassador Fernández gave a presentation, highlighting the importance of jointly addressing any issues concerning integration and development between the border regions of Chile and Bolivia, including the south of Peru.

Ambassador Infante highlighted the importance that should be given to the issues that would be discussed at this meeting, recalling the marked pro-integration direction of Chilean foreign policy and the need to continue to make efforts to harmonize and strengthen the viability of existing and potential new initiatives.

Both delegations presented the most relevant technical aspects in the area of infrastructure and development and discussed the following issues:

1. Infrastructure:

The Chilean delegation mentioned the consolidation of road access to Portezuelo Tambo Quemado, currently sealed from Arica to La Paz. Likewise, it provided an account of the progress made on the route between Iquique and the Colchane and Hito 55 border passes, and from Calama to Hito Cajón. As to the access ways to the port terminals, the projects to create direct connections to the ports without going across urban areas were highlighted.

The Bolivian delegation offered a discussion of the issue of road, railway, river, and lake infrastructure, stressing integration corridors for the different modes of transportation, most importantly those that would connect it to the Republic of Chile. For instance, regarding railway-related matters, the Bolivian delegation mentioned the 3800 km Central Transcontinental Corridor, the incomplete section of which is covered by the 388 km Aiquile Santa Cruz project, for which an economic feasibility and environmental impact study is currently underway, which is then to be put up for bidding under the Concessions Law. Moreover, they made reference to the need to set up joint border centers which, in addition to providing border control services, implement axle weight controls for international transportation.

Both delegations agreed to form a bilateral technical team to handle the guidelines for a working agenda geared towards an integrated, shared master plan for infrastructure.

2.- Transporte Asociado a Proyectos de Infraestructura

Ambas delegaciones coincidieron en la necesidad de abordar conjuntamente los factores de mayor importancia para la facilitación del transporte terrestre internacional, especialmente aquellos aspectos normativos y de procedimiento que inciden en la agilización del tráfico transfronterizo. Igualmente se destacó el concepto multimodal como principio orientador en el desarrollo de la infraestructura para el transporte.

Ambas delegaciones destacaron la importancia de las interconexiones aéreas y el deseo de intensificarlas.

3.- Energía

En materia de energía, Bolivia informó de las reservas de gas cuantificadas disponibles en su territorio y de las posibilidades de complementación con proyectos de países vecinos, así como las hipótesis de exportación a través de Chile. Se tomó conocimiento de que los organismos competentes de cada país han venido avanzando en el estudio de un posible marco para la conexión energética, que podría ser concretado en el contexto del ACE 22.

En igual sentido, se intercambiaron ideas sobre perspectivas de interconexión eléctrica y exportaciones mutuas, como también servicios locales en los pasos fronterizos. Se consideró conveniente estimular estos acuerdos generales o específicos, como parte de un proceso de complementación económica bilateral.

4.- Minería

En relación a la minería, se constató las promisorias posibilidades que presentan la geología y la vecindad geográfica para llevar adelante una activa cooperación, viabilizando emprendimientos empresariales metalúrgicos y energéticos. En particular, se destacaron las posibilidades de prospección y de concretar explotaciones en el marco de proyectos mineros en áreas fronterizas o que sean complementarios y que permitan apoyar explotaciones nacionales. Asimismo, se reiteró la importancia de los proyectos en actual ejecución con la participación de los Servicios de Geología de Argentina, Bolivia, Chile y Perú, que tienen como objetivo la integración geológica, la preparación de un mapa metalogénico común y un levantamiento de geofísica aereotransportada.

Se destacó el importante papel que cumplen los organismos técnicos nacionales en materia geológica y minera, a través de los cuales pueden canalizarse iniciativas en este ámbito.

5.- Doble tributación

Se estimó que un proceso de desarrollo en este contexto vecinal debe tener presente acuerdos modernos en materia de doble tributación.

2. Transportation Associated with Infrastructure Projects

Both delegations agreed on the need to jointly address the most important factors to facilitate international land transportation, particularly the regulatory and procedural aspects that bear on the streamlining of cross-border transit. Likewise, the concept of multimodal transportation as a guiding principle for the development of transportation infrastructure was highlighted.

Both delegations stressed the importance of interconnections by air and the desire to intensify them.

3. Energy

As regards the energy area, Bolivia notified members of the quantified gas reserves available in its territory, and the possibilities for complementation with projects from neighboring countries, as well as possibilities for export through Chile. The relevant agencies in each country, it was noted, have been studying a possible framework for energy connection, which could be adopted in the context of ACE 22 [Agreement on Economic Complementation No. 22].

In the same vein, ideas were exchanged regarding the prospects for electric interconnection and mutual exports, as well as local services at border passes. It was considered appropriate to encourage such general or specific agreements as part of a process of bilateral economic cooperation.

4. Mining

As regards mining, the promising potential that geology and geographical proximity carry for implementing active cooperation, making metallurgical and energy business ventures viable, was verified. In particular, the potential for prospecting and setting up mining operations in the context of mining projects in border areas or projects that supplement each other and support national mining operations was stressed. Moreover, they reiterated the importance of those projects which are currently underway with the involvement of the Geology Services from Argentina, Bolivia, Chile and Peru, aimed at geological integration, the drawing of a shared metallogenic map, and the performance of an airborne geophysical survey.

The important role of the national technical agencies in the areas of geology and mining, through which initiatives in this sector can be channeled, was highlighted.

5. Double Taxation

It was noted that a process of development in this context of neighboring countries should take into consideration modern double taxation agreements.

6.- Recursos Hidricos:

La parte boliviana se refirió a la existencia de un gran potencial próximo a la frontera entre Chile y Bolivia donde se han identificado diversas cuencas hidrográficas que podrían tener reservas significativas en aguas subterráneas. En este marco, se está desarrollando un estudio para determinar la magnitud de este potencial.

Ambas delegaciones coincidieron en las posibilidades que los recursos hídricos próximos a las fronteras puedan tener para proyectos de desarrollo en ambos países.

7.- Turismo

Se destacó la importancia del turismo, como medio de desarrollo de actividades económicas locales y regionales. En este plano, se conoce el esfuerzo por potenciar la ruta altiplánica de integración y los circuitos turísticos integrados, para lo cual deberán trabajar intensamente los sectores de turismo y de transporte.

8.- Desarrollo agropecuario

Se consideró que el desarrollo agropecuario tiene una gran perspectiva para ambos países, y que la progresiva cooperación en materia fito y zoosanitaria, con los respaldos técnicos y financieros adecuados, debe promover decididamente el potencial exportador de Bolivia.

El Grupo acordó reunirse nuevamente dentro de los próximos sesenta días, en Santa Cruz de la Sierra. Cada delegación elevará esta Minuta a sus autoridades nacionales para su seguimiento y la elaboración de lineamientos que permitan concretar a nivel ministerial, en marzo próximo, un informe consolidado para los Jefes de Estado, teniendo en cuenta las posibles fuentes de financiamiento.

POR LA DELEGACIÓN DE CHILE

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POR LA DELEGACIÓN DE BOLIVIA

6. Water Resources

The Bolivian delegation noted the existence of major potential close to the border between Chile and Bolivia, where several river basins have been identified that might contain significant underground water reserves. In this context, a study is being carried out to assess the extent of such potential.

Both delegations agreed on the possibilities that water resources near the border may hold for development projects in both countries.

7. Tourism

The importance of tourism was stressed as a means to develop local and regional economic activities. In this regard, both parties are aware of the effort to promote the Altiplano integration route and integrated tourist circuits, for which intense work will be required in the areas of tourism and transportation.

8. Agribusiness Development

Agribusiness development was considered to offer great prospects for both countries, and progressive cooperation in phytosanitary and zoosanitary issues, with adequate technical and financial support, should firmly promote Bolivia's exporting potential.

The Group agreed to meet again in Santa Cruz de la Sierra in the next sixty days. Each delegation will submit these Minutes to their national authorities for follow-up purposes and for the preparation of guidelines which, this coming March, will allow the Ministers to prepare a consolidated report for the Heads of State, taking possible financing sources into consideration.

[Signed]

[Signed]

FOR CHILE'S DELEGATION

FOR BOLIVIA'S DELEGATION

REUNIÓN DE EXPERTOS EN TEMAS DE INTEGRACIÓN Y DESARROLLO BOLIVIA - CHILE

DELEGACIÓN BOLIVIANA

Embajador Gustavo Fernández Sr. Flavio Escobar Ministro Victor Márquez Sr. Arturo Zurita Sr. Marcelo Claure Sr. Javier Jiménez P. Sr. Alvaro Araoz Siles Sra. Ana Isabel de La Goublaye Cónsul General de Bolivia en Chile Asesor del Ministerio de Desarrollo Económico Cónsul de Bolivia en Santiago Director Nacional de Transportes de Bolivia Director Ejecutivo del Servicio de Geología y Mineria de Bolivia Cónsul Adjunto de Bolivia en Santiago Vice-Cónsul de Bolivia en Santiago Tercer Secretario, Encargada Escritorio de Chile en el Ministerio de Relaciones Exteriores y Culto de Bolivia

DELEGACIÓN CHILENA

Ministerio de Relaciones ExterioresDirección Nacional de Fronteras y Límites del EstadoEmbajadora María Teresa InfanteDirectoEmbajador Adolfo Carafi M.CónsulSr. Anselmo PommesDirectoStta. Marcela EspinozaJefe DeSr. Enrique PobleteGeógra

Dirección de América del Sur Consejero Mauricio Ugalde Primer Secretario Jorge Salinas

Dirección General Económica Sr. Oscar Quina Directora Nacional de Fronteras y Límites del Estado Cónsul General de Chile en La Paz Director de Fronteras Jefe Departamento de Aplicación Legislativa Geógrafo, Dirección Nacional

Jefe Unidad Bolivia - Perú Encargado del Escritorio de Bolivia

Jefe del Departamento ALADI - ACE - Centro América

 Ministerio de Obras Públicas, Transportes y Telecomunicaciones

 Sr. Pablo Anguita
 Director de Vialidad

 Sr. Fernando Orellana
 Asesor Internaciona

 Sr. John O"Brien
 Asesor Internaciona

 Sr. Eric Martin
 Asesor Internaciona

Ministerio de Minería Sr. Gastón Fernández

Comisión Chilena del Cobre Sr. Alejandro Vio

Comisión Nacional de Energía

Sr. José Antonio Ruiz Sr. Carlos Piña Director de Vialidad Asesor Internacional de la Subsecretaría de Transporte Asesor Internacional del Ministerio de Obras Públicas Asesor Internacional de Vialidad

Abogado

Asesor del Vicepresidente Ejecutivo

Jefe del Área Hidrocarburos Coordinador de Asuntos Internacionales

Minutes of the Ministerial Meeting on Physical Integration and Development between Chile and Bolivia, 30 January 2001

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

Annex 321



Comunicado

- Los Ministros de Economía y de Obras Públicas de la República de Chile, señores José De Gregorio y Carlos Cruz y el Ministro de Desarrollo Económico de la República de Bolivia, señor Carlos Saavedra Bruno, acompañados de sus respectivos equipos técnicos, se reunieron en la ciudad de Santa Cruz de la Sierra los días lunes y martes, 29 y 30 de enero del presente, con objeto de dar cumplimiento a las directrices acordadas por los señores Presidentes de ambos países en la reunión que celebraron en Brasilia el 1 de septiembre de 2000.
- Los señores ministros reafirmaron el interés de sus gobiernos en poner en marcha un programa de cooperación e integración entre el norte de Chile y el occidente de Bolivia, según el mandato de los señores Presidentes reafirmado en oportunidad de la reunión que celebraron en Panamá el 17 de noviembre de 2000.
- En la reunión funcionaron cinco comisiones de trabajo en torno a desarrollo regional, mineria, energía, recursos hídricos e infraestructura y transporte, constatándose posibilidades efectivas para implementar proyectos binacionales, regionales y locales. Los Ministros concordaron avanzar en iniciativas de conexión energética, en el diseño de un marco general para recursos hídricos y en la creación de un grupo técnico-mixto para proyectos prioritarios para infraestructura de transporte, en armonía con el marco regional que se está trabajando a nivel de ejes principales de integración.
- Los gobiernos de Bolivia y Chile promoverán la participación de otros países de la región para potenciar y facilitar los proyectos de integración que surjan de este trabajo, en el espíritu de ampliar los ámbitos de cooperación regional.
- Los Ministros resolvieron asimismo solicitar la cooperación de los organismos regionales de asistencia financiera y técnica para el desarrollo de estos proyectos.
- Los Ministros se reunirán la primera quincena de abril para preparar su informe y recomendaciones a los señores Presidentes, el que presentarán a fines del mismo en Québec, Canadá.

Santa Cruz de la Sierra, 30 de enero de 2001.

GOVERNMENT OF CHILE Ministry of Foreign Affairs

Ministerial Meeting Chile-Bolivia on Physical Integration and Development

Santa Cruz de la Sierra, 29 and 30 January 2001

Statement

- The Ministers of Economy and Public Works of the Republic of Chile, Messrs. José De Gregorio and Carlos Cruz, and the Minister of Economic Development of the Republic of Bolivia, Mr. Carlos Saavedra Bruno, together with their respective technical teams, met in the city of Santa Cruz de la Sierra on Monday and Tuesday, 29th and 30th of this January, in order to implement the guidelines set by the Presidents of both countries at their meeting of 1 September 2000 in Brasilia.
- The Ministers reiterated their governments' interest in implementing a program for integration and cooperation between the north of Chile and the west of Bolivia, as ordered by the Presidents and confirmed at their meeting of 17 November 2000 in Panama.
- At the meeting, five working commissions took on issues of regional development, mining, energy, infrastructure and water resources and transportation, verifying the existence of actual potential to implement binational projects at both the regional and local levels. The Ministers agreed to move forward with initiatives for energy connection, the design of an overall framework for water resources, and the creation of a mixed technical group for priority projects for transportation infrastructure, in harmony with the regional framework that is being worked on at the level of the main lines of integration.
- The governments of Bolivia and Chile will promote the participation of other countries from the region, to strengthen and facilitate any integration projects resulting from this work, in the spirit of expanding the fora for regional cooperation.
- The Ministers also decided to seek the cooperation of regional financial and technical aid organizations to develop these projects.
- The Ministers will meet in the first half of April to prepare their report and recommendations to the Presidents, which will be presented later that month in Quebec, Canada.

Santa Cruz de la Sierra, 30 January 2001

GRUPO DE TRABAJO DE INFRAESTRUCTURA

- Se propone la creación de un Grupo Técnico Mixto Bilateral, que se reuniría en Santiago, Chile, durante el primer semestre del presente año, a fin de tratar los siguientes temas:
 - Infraestructura física actual, tomando en cuenta las demandas futuras de la macro región.
 - Servicios de transporte,
 - Normatividad,
 - Convenio Aéreo de 1993.
- 2. Se propone realizar una reunión de los respectivos Ministerios Obras Publicas y de Transportes de cada país durante el primer trimestre del presente año, con el objeto de avanzar en las conversaciones con la empresa Minera San Cristóbal, para el mejoramiento de la red vial del tramo Ollague - Chiu Chiu, tomando en consideración los diálogos ya iniciados y con especial énfasis en la definición del mecanismo de financiamiento adecuado.

En esta misma ocasión se aprovechará para establecer la agenda de trabajo para el Grupo técnico Mixto.

- Intercambio de información técnica sobre infraestructura vial y la normativa entre las autoridades de transportes de Bolivia y Chile.
- Resaltaron la importancia de la entrada en vigor en el presente año del Acuerdo sobre Reconocimiento de Licencias de Conducir para el tránsito de vehículos menores relacionados con el turismo.
- La Delegación boliviana solicitó a la Delegación chilena estudie la incorporación a su red principal la ruta Tocopilla – Calama - Ollague como parte de los Corredores viales Bioceánicos.

WORKING GROUP ON INFRASTRUCTURE

1. The group proposed the creation of a Bilateral Mixed Technical Group to meet in Santiago, Chile, in the first half of this year, to address the following issues:

- Current physical infrastructure, considering future demand in the macro-region.

- Transportation services.

- Regulations.

- The 1993 Air Convention.

2. The group proposed holding a meeting of the respective Ministries of Public Works and Transportation of each country in the first quarter of the current year to continue the discussions with the Minera San Cristóbal company for the improvement of the road network in the Ollague – Chiu Chiu section, considering the discussions that had already been initiated and placing special emphasis on the definition of an adequate funding mechanism.

Also at the meeting, the work agenda for the Mixed Technical Group shall be set.

- 3. Exchange of technical information on road infrastructure and regulations between the transportation authorities of Bolivia and Chile.
- 4. The group stressed the importance of the Agreement on the Recognition of Drivers' Licenses coming into force this year for small vehicular transit in connection with tourist activities.
- 5. The Bolivian Delegation requested that the Chilean Delegation analyze the incorporation of the Tocopilla Calama Ollague road into its main network as part of the Bioceanic Corridors.

Grupo Energía

Tomando en cuenta el creciente interés de ambos países por facilitar la implementación de importantes proyectos en el campo energético, tanto en el sector de los hidrocarburos líquidos y gaseosos, incluyendo sus derivados, y la electricidad, acordaron recomendar la suscripción de un acuerdo de integración energética entre las Partes. En este sentido, convinieron retomar las conversaciones destinadas a la aprobación de un protocolo adicional al Acuerdo de Complementación Económica N ° 22.

Del mismo modo, se consideró pertinente intensificar las actividades de cooperación entre ambos países, particularmente mediante el intercambio de información técnica, actividades conjuntas de entrenamiento y capacitación, estudio de posibles programas conjuntos, entre otros.

En este contexto, se intercambiaron ideas sobre la posibilidad de construir un gasoducto para el transporte de gas natural, así como un poliducto para hidrocarburos líquidos entre Bolivia y Chile hacia el Pacífico, con sus respectivos terminales marítimos de almacenamiento y transformación a gas natural licuado, en la costa del norte de Chile, bajo regímenes apropiados en el marco de los acuerdos bilaterales vigentes y la legislación pertinente. Estos emprendimientos serán ejecutados por el sector privado.

Bolivia propuso el establecimiento de un arancel cero para las importaciones de diesel oil entre ambos países. Se acuerda analizar tal posibilidad dentro del marco del ACE 22.

Para abordar los propósitos anteriormente señalados, se acordó que en el más breve plazo se reunirán las autoridades pertinentes de ambos países, para acordar una propuesta de Protocolo Adicional de Integración Energética.

Normal

Energy Group

Considering the increasing interest of both countries in facilitating the implementation of significant energy-related projects, both in the area of liquid and gaseous hydrocarbons, including their by-products, and in the area of electricity, the group agreed to recommend the execution of an energy integration agreement between the Parties. In this regard, the group agreed to resume conversations for the approval of an additional protocol to ACE 22 [Agreement on Economic Complementation No. 22].

Similarly, intensifying cooperation activities between the two countries was considered relevant, particularly via the exchange of technical information, joint training activities, and the consideration of potential joint programs, among others.

In this context, the group exchanged ideas regarding the possibility of building a gas pipeline for the transportation of natural gas, as well as a pipeline for liquid hydrocarbons between Bolivia and Chile towards the Pacific, with their relevant maritime terminals for storage and transformation into liquefied natural gas, on the northern coast of Chile, subject to appropriate regulations within the framework of the bilateral agreements currently in force and the applicable legislation. These ventures will be carried out by the private sector.

Bolivia proposed establishing a zero duty for diesel oil imports between both countries. The Group agreed to analyze this possibility in the context of ACE 22.

It was agreed that, to deal with the above-listed goals, the relevant authorities from both countries will be meeting as soon as possible to agree on a draft Additional Protocol on Energy Integration.

MINERIA

La mesa de trabajo de minería coincide en las siguientes ideas de interés común:

- Los países constatan la importancia de la cooperación técnica y capacitación profesional que se lleva a cabo en el marco del Acuerdo de Cooperación Interinstitucional entre le Viceministerio de Minería y Metalurgia de Bolivia y el Servicio Nacional de Geología y Minería de Chile.
- 2. En el marco del Proyecto Multinacional Andino, los servicios geológicos mineros de ambos países están trabajando en la elaboración de un mapa metalogénico común, tarea cuya culminación esta prevista para el año 2002. Como complemento a este proyecto, se propone que en este mismo marco de trabajo se formulen propuestas para un estudio geofísico aerotransportado del área común de la zona fronteriza chileno boliviana situada aproximadamente entre los grados 19 y 23 latitud sur para detectar recursos mineralógicos. Para llevar a cabo este proyecto se buscaran las fuentes de financiamiento más convenientes.
- 3. Asimismo, se propone que los servicios geológicos mineros de ambos países confeccionen un mapa geológico metalogénico a una escala de mayor detalle de los recursos mineralógicos de la zona fronteriza chileno boliviana, y avanzar en formulas para obtener cooperación internacional en lo que fuere pertinente.
- 4. De igual manera se formula la posición de constituir un grupo de trabajo binacional para identificar temas de interés común en el área de minería y explorar bases de acuerdo para el desarrollo de acciones futuras.
- 5. Este Grupo de Trabajo realizará su primera reunión antes del mes de abril en la ciudad de Arica, Chile.

MINING

The mining working group agreed on the following ideas of mutual interest:

- 1. Both countries confirmed the importance of the technical cooperation and professional integration that is taking place in the framework of the Inter-Institutional Cooperation Agreement between the Office of the Vice-Minister of Mining and Metallurgy of Bolivia and the National Mining and Geology Service of Chile.
- 2. In the context of the Multinational Andean Project, the geological mining services of both countries are working on the creation of a common metallogenic map that is expected to be completed by 2002. To supplement this project, a proposal was made that, in the same working context, proposals be submitted for an airborne geophysical survey of the common area of the Chile-Bolivia border located between approximately 19 and 23 degrees latitude South, to detect mineralogical resources. To develop this project, the most favorable financing sources will be used.
- 3. Moreover, the group proposed that both countries' geological mining services prepare a metallogenic geological map, at a more detailed scale, of the mineralogical resources in the Chile-Bolivia border area, and work on formulas to secure international cooperation as relevant.
- 4. Likewise, a proposal was made to set up a joint working group to identify mining-related issues of common interest and explore terms for agreements to develop future actions.
- 5. This Working Group will hold its first meeting before April, in the city of Arica, Chile.

Rev. 3

GRUPO DE TRABAJO DE RECURSOS HÍDRICOS

- 1. La Delegación de Bolivia hizo conocer que a través de agencias públicas se están realizando estudios de prospección de los recursos hídricos de la zona de la Cordillera Occidental del país.
- Hubo coincidencia sobre la conveniencia de llevar adelante los trabajos que sean pertinentes con el objeto de desarrollar un marco normativo general sobre la utilización de los cursos de agua de ambos países, tanto superficiales como subterráneos.

Asimismo, dicho marco podría contener disposiciones sobre determinados aspectos de la utilización de recursos hídricos nacionales ubicados en la región fronteriza con fines de exportación al país vecino.

Este marco general deberá brindar la necesaria seguridad jurídica a las actividades de aprovechamiento que pudieran llevarse a efecto.

3. Hubo coincidencia en que dicho marco normativo contemple entre otros, los aspectos medio ambientales, tomando en cuenta las legislaciones de ambos países.

Asimismo, que prevea un mecanismo de coordinación técnico binacional para facilitar la aplicación de las disposiciones del marco normativo general.

4. Se acordó que las autoridades nacionales de los dos países responsables de la regulación de la utilización de aguas, intercambien información, a la brevedad posible, sobre las correspondientes legislaciones y prácticas en la materia.

Rev. 3

WORKING GROUP ON WATER RESOURCES

- 1. The Delegation of Bolivia reported that, through state agencies, prospecting surveys are being carried out for water resources in the Western Cordillera region of the country.
- 2. They agreed on the appropriateness of carrying out the necessary work to develop an overall legal framework for the use of both countries' ground and underground water courses.

Moreover, such framework may contain provisions on certain aspects of the use of national water resources located in the border area for exportation to the neighboring country.

This overall framework should offer the necessary legal certainty for any water utilization activities that might be carried out.

3. They agreed that said framework contemplates, among other things, environmental concerns, taking the laws of both countries into consideration.

Furthermore, it should provide for a joint technical coordination mechanism to facilitate the enforcement of the provisions of the overall legal framework.

4. It was agreed that the national authorities of both countries in charge of regulating the use of water will exchange information, as soon as practicable, regarding their respective laws and practices in this area.

Grupo de Trabajo de Desarrollo Local

- Se inicio la reunión intercambiando información entre ambas delegaciones sobre la organización territorial y administrativa de cada país.
- Una vez que se conoció la forma de organización hubo coincidencia en sentido de buscar el desarrollo conjunto de la región del norte de Chile y el occidente de Bolivia.
- Se identificaron Sectores, Objetivos y Actores sobre los que se debe trabajar de manera conjunta en los próximos meses para completar una visión integrada de la región y su potencialidad continental.
- En procura de contar con un programa detallado antes de la reunión de los presidentes en el mes de abril se sugiere que se realicen reuniones técnicas previas entre los actores involucrados.
- Los sectores, objetivos y actores se detallan a continuación:

1. Sector : Turismo

Objetivo: Promoción, desarrollo y facilitación de las actividades del sector.

Actores: SERNATUR, Intendencias (Chile) VM Turismo, Prefecturas (Bolivia)

2. Sector: PYMES (todos los sectores)

Objetivo: Cooperación y coordinación para el desarrollo del sector enfatizando en el empleo con asistencia técnica, capacitación y certificación.

Actores: Ministerio de Economía (Chile) Viceministerio Microempresa (Bolivia)

3. Sector: Agropecuario

Nota: En este sector trabajara basado en la minuta entregada por la delegación chilena que deberá evaluar el Ministerio correspondiente en Bolivia. Se espera que haya reunión de Ministros de Agricultura de ambos países en las próximas semanas.

4. Sector: Comercio Local

Objetivo: Facilitación y desarrollo de mercados locales.

Working Group on Local Development

- The meeting started off with an exchange of information between both delegations regarding each country's territorial and administrative organization.
- Once the briefing on that organizational structure was completed, they agreed to seek the joint development of the north of Chile and the west of Bolivia.
- Sectors, Objectives, and Actors were identified for joint work in the coming months in order to complete an integrated overview of the region and its continental potential.
- With a view to having an itemized plan before the meeting of the Presidents to be held in April, the suggestion was made to hold prior technical meetings between the actors involved.
- The sectors, objectives, and actors are as follows:
- 1. Sector: Tourism

Goal: Promotion, development and facilitation of this sector's activities

- Actors: National Tourism Service (SERNATUR), Regional Governments (Chile) Office of the Vice-Minister of Tourism, Provincial Governments (Bolivia)
- 2. Sector: SMEs (all sectors)

Goal: Cooperation and coordination for the development of the sector, with emphasis on employment with technical support, training and certification.

Actors: Ministry of Economy (Chile)

Office of the Vice-Minister for Microbusinesses (Bolivia)

3. Sector: Agribusiness

Note: Work in connection with this sector will be based on the minutes presented by the Chilean delegation, which should be assessed by the relevant Ministry of Bolivia. A meeting of both countries' Ministers of Agriculture is expected to be held in the coming weeks.

4. Sector: Local Trade

Goal: Facilitation and development of local markets

Actores: Cancillería, Ministerio de Economía (Chile) Cancillería, MDE, MCEI (Bolivia)

5. Sector: Servicios en áreas fronterizas

Objetivo: Facilitar prestación de servicios transfronterizos, incluyendo servicios financieros y servicios públicos.

Actores: Varias instituciones en función del tipo de servicios.

6. Sector: Cultura

Objetivo General: Promover el desarrollo integral de la región

6.1. Universidades, Intelectuales

Actores: Ministerio de Educación, Consejo de Rectores (Chile) Ministerio de Educación, CEUB (Bolivia)

6.2. Temas étnicos

Actores: CONADI (Chile) MACPIO (Bolivia)

6.3. Deporte

Actores: DIGEDER (Chile) Ministerio de Educación, Secretaria Nacional de Deportes (Bolivia)

7. Cooperación Institucional

Objetivo: Intercambiar experiencias institucionales y acordar coordinación binacional.

Actores: Intendencias, Gobernaciones, Alcaldías, Subsecretaria de Desarrollo Regional (Chile)

Prefecturas, Municipios, Viceministerio de Participación Popular (Bolivia)

- Actors: Foreign Ministry, Ministry of Economy (Chile) Foreign Ministry, MDE [Ministry of Economic Development], MCEI [Ministry of International Trade and Investment] (Bolivia)
- 5. Sector: Services in Border Areas

Goal: Facilitating the provision of cross-border services, including financial services and public services.

Actors: Various institutions, depending on the specific type of services.

6. Sector: Culture

General Goal: Promoting the integrated development of the region

- 6.1. Universities, Intellectuals
- Actors: Ministry of Education, Council of University Presidents (Chile) Ministry of Education, CEUB [Executive Committee of Bolivian Universities] (Bolivia)
- 6.2. Ethnic Issues
- Actors: CONADI [National Commission for the Right to Identity] (Chile) MACPIO [Ministry of Rural Issues, First Nations and Indigenous Peoples] (Bolivia)
- 6.3. Sports
- Actors: DIGEDER [General Sports Office] (Chile) Ministry of Education, Office of the Secretary of Sports (Bolivia)
- 7. Institutional Cooperation

Goal: Exchanging institutional experience and reaching agreements for joint coordination

Actors: Regional Governments, Provincial Governments, Municipal Governments, Office of the Undersecretary for Regional Development (Chile)

Provincial Governments, Municipal Governments, Office of the Vice-Minister for People's Participation (Bolivia)

Report of René Peña Castellon, United Nations Conference on Trade and Development Consultant, to the Meeting of Governmental Experts from Landlocked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions, 16 July 2001, UN Doc UNCTAD/LDC/113 (extract)

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TRADE AND DEVELOPMENT BOARD

Meeting of Governmental Experts from Landlocked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions New York, 30 July - 3 August 2001

> REVIEW OF RECENT PROGRESS IN THE DEVELOPMENT OF TRANSIT TRANSPORT SYSTEMS IN LATIN AMERICA

> > Report prepared by Mr. René Peña Castellón UNCTAD consultant <u>*/</u>

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I. OVERVIEW OF RECENT DEVELOPMENTS IN TRANSPORTATION FACILITIES AND SERVICES FOR BOLIVIA

A. Basic transit transport issues

1. Overall economic situation

11. The Republic of Bolivia is located in the centre of the South American continent, with a territory of 1,098,581 square metres and a population of approximately 7 million people. Bolivia's economy has always been dependent on the mining industry, and this dependence has translated into an economy that prospers or collapses with the fluctuations of market prices. Economic instability is caused by Bolivia's dependence on the export of raw materials, landlocked status, isolation and mountainous terrain. For the last 12 years Bolivia has had encouraging macroeconomic indicators, although acute poverty still persists. The country is now in the middle of a serious economic and social crisis which will have unpredictable results given the general economic downturn in all the South American economies. Bolivia's economic growth rate declined from 4 per cent in 1996 to 2 per cent in 2000.

2. International conventions governing transit trade

12. In October 1904, Chile and Bolivia signed a Treaty of Peace, Friendship and Commerce. This treaty gave Chile permanent possession of the Bolivian littoral. In exchange the treaty required Chile to build a railway from Arica to La Paz and grant it to Bolivia in perpetuity, giving it "the fullest and most unrestricted rights to commercial transit through Chilean territory and the ports of the Pacific". Furthermore, the treaty granted Bolivia the right to maintain customs agencies in Arica, Antofagasta and other ports as might be agreed on later. Under the Commercial Traffic Convention of 1912 Bolivia's free transit rights were further specified, traffic was regulated and more authority was given to Bolivian customs agents in Chilean ports. Bolivia's transit rights were reinforced by the Convention of 16 August 1937, which specifically guaranteed full and free transit for all types of goods. It also stipulated the procedures for reception, dispatch and conveyance, with only minor variations to those that were already in place.

13. The Cartagena Accord or Andean Pact (Bolivia, Colombia, Ecuador, Peru and Venezuela) created a common market of 98 million inhabitants renamed Comunidad Andina de Naciones (CAN). It included market benefits for Bolivia, including its non-traditional exports. These results were achieved after member countries granted exceptional treatment to Bolivia by accepting national customs tariffs of 10 per cent and 5 per cent as external common tariffs, and removing all internal trade barriers. Bolivia has surplus trade with CAN member countries but has a negative trade balance with MERCOSUR member countries.

14. Bolivian trade with MERCOSUR member countries reached \$450 million in 1995, and is expected to double as a result of sales of natural gas to Brazil. The MERCOSUR countries make

up a market of 220 million inhabitants with a gross product income of \$8.35 billion, and such a potential market represents a huge opportunity for Bolivia's economy. The Government should be creating favourable conditions for industrial development in order to maintain and increase exports to MERCOSUR and third countries. MERCOSUR negotiations have not been favourable to Bolivia, resulting in a large trade deficit. Under ALADI, Bolivia has signed bilateral trade agreements with other South American countries, eliminating or reducing tariffs on limited lists of products.

15. Bolivia is also a signatory to the Treaty of the Rio de La Plata Basin. At the Extraordinary in Brasilia Conference held on 22 and 23 April, 1969, Argentina, Bolivia, Brazil, Paraguay and Uruguay agreed to combine efforts to promote the harmonious development and physical integration of the La Plata River Basin and territories under its direct influence. Other agreements which Bolivia has signed include a Free Trade Treaty with Mexico, an Accord on a Free Trade Zone with Peru and the Acuerdo de Complementación Económica (ACE) with Chile. It has also signed a General System of Preferences (GSP), a basis for Andean trade to receive preferential treatment from the United States, the European Union and Japan. For instance, the United States allows some Bolivian exports to enter its market at duty-free or reduced rates under GSP schemes. In 1999, Bolivian exports stood at \$1.4 billion and imports at \$1.85 billion. Bolivia's main trading partners are the European Union, Colombia, Uruguay, Argentina, Peru, Ecuador, Brazil, Japan, Chile and Spain.

16. Bolivia now has the largest natural gas reserves in the region. It is expected that within 10 years 80 per cent of regional trade could be passing through Bolivia's Tax Free Zone, making this country a potential regional centre of energy and trade. As a result of Bolivia's signing the Cartagena Accord, the Rio de La Plata Basin Treaty, ALADI and MERCOSUR and its participation in the technical committees of these institutions, the Government has had to introduce legislation on advanced international norms. Some of the resolutions adopted at the forum of Cono Sur Countries have been introduced into Bolivia's domestic legislation. For instance, the Axle Load Law was drafted in 1997 and approved in 2000. Common rules adopted under the aegis of MERCOSUR, such as rules related to the transport of dangerous goods and multimodal transport, have been adopted in Bolivia.

17. Bolivia's participation in the Latin American Conferences of Ministers of Transport has facilitated the modernization of its transportation procedures and regulations. Bolivia adheres to the important resolutions of this body in the areas of multimodal transport, harmonization of road transport regulations, and rules and regulations relating to commercial air policies, maritime transport, road security, communications and trade facilitation.

18. A comprehensive Transport Code which took two years to elaborate, was submitted to Congress for approval in 2000. This Code, which prescribes norms for the transport sector and, protection of users of transport services, and sets out regulations to ensure public safety, has not yet been approved.

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19. Transporters are among the interest groups that have raised objections, contending that the proposed draft gives too much power to the public sector regulatory body, and that transporters were not consulted by the Government during the preparation of the Code. With the main utilities (railways, telecommunications, airlines) privatized, the role of the public sector regulatory body would be to protect the public from abuse of monopoly power by the new private sector monopolies and to ensure that activities operate efficiently.

20. In efforts to facilitate trade, measures have been taken to simplify and rationalize the tax structure. A single import custom duty tax of 10 per cent (5 per cent for approved capital goods), called the Gravamen Aduanero Consolidado (GAC), was established and all existing departmental and municipal taxes, fines, charges, benefits for unions etc. were abolished and all restrictive measures and the consular visa were eliminated. The Government hired two international inspection companies – the SGS and Inspectorate – for Customs Inspection.

21. Under a reform process which began in 1989, all the custom agency's warehouses and border posts were privatized. The results of this privatization are mixed. The services provided are more efficient, the existing custom offices have been refurbished and new facilities were built at the borders. However, one of the warehouses in Cochabamba has had serious problems with fraud and the owners and operators are now being prosecuted.

22. Other positive developments include the introduction of ASYCUDA++ (an automated computer program developed by UNCTAD) the creation of the technical Unit of Inspection (UTISA) and the creation of a customs police (COA).

23. One of the main tasks of the customs authority is to fight corruption and smuggling. Research by the National Chamber of Commerce estimates that during the past 10 years smugglers have managed to illegally import an estimated \$6 billion of foreign goods. The new customs law makes smuggling a criminal offence, with imprisonment as the penalty. When customs officers are caught red-handed they face the legal system, but unfortunately enforcement is weak and many offenders.

24. In 1969 Law 7230 was passed creating the Administraci n Autonoma de Almacenes Aduaneros (AADAA), a State-owned institution with economic autonomy. AADAA's original task as a customs warehouse administrator within Bolivia was to receive, store, protect and deliver all imported and exported goods, and to cooperate with Bolivian Customs in the classification, inspection and clearance of imports and exports. Supreme Decrees 8866 and 8968 passed on 28 July and 27 October 1969, respectively, expanded the role of AADAA to administer transit at the foreign ports of transit. In 1975 AADAA's role was once again expanded, by an agreement between Bolivia and Chile. This agreement implemented the Integrated Transit System (ITS) in the port of Arica in August 1975, and Antofagasta in April 1978. It was regarded as the most successful attempt to rationalize and streamline procedures in the ports of transit. The ITS is basically a set of carefully devised procedures for handling the documentation associated with the unloading, temporary storage, reloading and dispatching of

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goods in transit to and from Bolivia, and for managing these operations in a systematic fashion without the intervention of a private customs agent.

25. AADAA cleared consignments with Chilean Customs, paid port and rail charges, and invoiced the consignee for these charges as well as its own services. These arrangements facilitated cargo clearance for Bolivia. However, AADAA had several internal and external problems despite its auspicious beginning. These problems were mainly due to party politics, notably the appointments to key positions based on political considerations rather than merit which negatively affected the AADAA's efficient operation. Port charges were inflated to an average of \$20 per ton. The ITS operational and documentary procedures were distorted and neglected, failing to satisfy the expectations of all parties involved in the system.

26. On 12 December 1996 a new institution was created by Supreme Decree 24434 to replace the AADAA. The Administration of Bolivian Port Services (ASP-B) is a public, non-profit, decentralized entity, with autonomy in technical, financial and administrative matters. It is under the control of the Ministry of Economic Development. It has legal standing and its own assets. There was hope that ASP-B would perform better than AADAA, but most of the users are not happy with the customer fees and delays. Many importers seek special exemptions to bypass ASP-B or devert cargo to other ports where ASP-B has no powers. Arica's port authorities are also complaining, saying that ASP-B practices have rendered the Chilean port uncompetitive. With the institutional changes taking place in Chile and Bolivia a revision of the ITS is deemed necessary and the existence of ASP-B is no longer essential for the transit of imports and exports.

27. Before 1995, the provision of transport services was dominated by the government agencies or the Regional Development Corporation (RDC). Following decentralization, these functions have been entrusted to the Prefectures (regional Governments). The institution which was responsible for building and maintaining roads, Servicio Nacional de Caminos (SNC), was also decentralized, with all its functions, assets and obligations transferred to regional Governments. This has proved to be a major mistake, because regional Governments lack sufficient funds and the ability to coordinate projects, which has resulted in a poor record of road maintenance throughout the country.

3. National transit and transport regulations

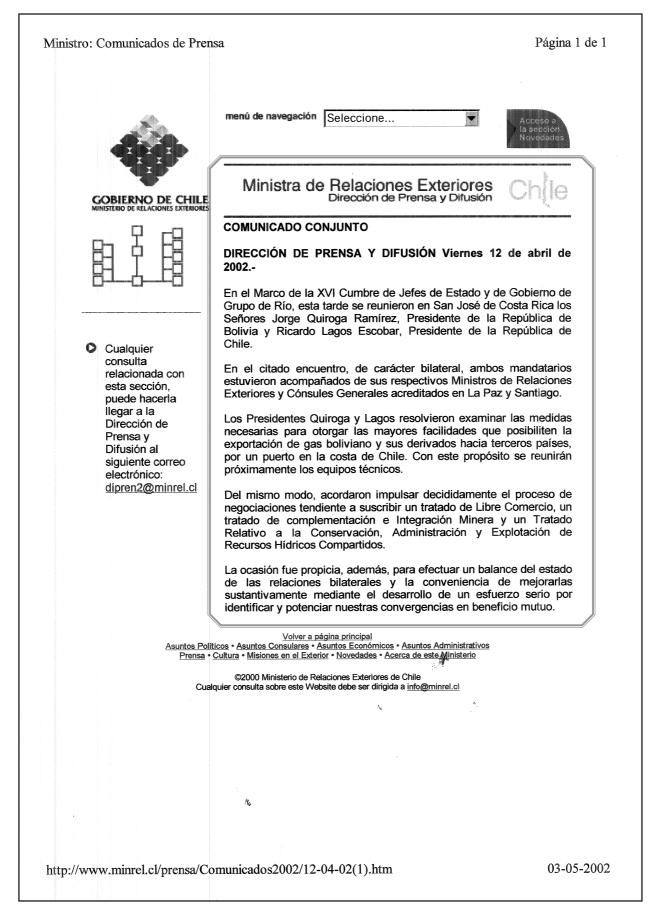
28. The programme of legislative reform under the Ministry of Economic Development has approved the following national laws and norms:

- Supreme Decree No. 1185: Bolivian Aeronautical Code;
- Supreme Decree No. 25134: national system of roads composed of national, departmental and municipal networks; determines the hierarchical structure of the National Roads Service;
- General Law of Transport Public Work Concessions;

Joint Press Release issued by Bolivia and Chile, 12 April 2002

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



The Minister of Foreign Affairs Press and Media Division

JOINT PRESS RELEASE

PRESS AND MEDIA DIVISION. Friday, 12 April 2002.

In the context of the 16th Summit of Heads of State and Government of the Rio Group, a meeting was held in San José de Costa Rica this evening between the President of the Republic of Bolivia, Mr. Jorge Quiroga Ramírez, and the President of the Republic of Chile, Mr. Ricardo Lagos Escobar.

At said bilateral meeting, the leaders were joined by their respective Ministers of Foreign Affairs and the Consuls General accredited to La Paz and Santiago.

Presidents Quiroga and Lagos resolved to examine the measures necessary to grant better facilities to enable the export of Bolivian gas and its derivatives to third countries, through a port on the coast of Chile. For this purpose, their technical teams will be meeting shortly.

Moreover, they agreed to firmly drive forward the negotiation process leading to a Free-Trade agreement, a Mining complementation and integration agreement, and a Treaty on the Conservation, Administration and Exploitation of Shared Water Resources.

They also took this opportunity to assess the status of bilateral relations and discuss the need to substantially improve such relations through serious efforts aimed at identifying and strengthening our points of agreement for our mutual benefit.

Minutes of the Fourth Plenary Meeting of the Organization of American States General Assembly, 4 June 2002

(English translation only)

Organization of American States, General Assembly, Thirty-Second Regular Session, 2002, *Proceedings*, Vol. II, OEA/Ser.P/XXXII-O (2002), pp 149-150 and 195-199

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M	INUTES OF THE FOURTH PLENA	RY MEETING
	4.1. 2002	
Date:	4 June 2002	
<u>Time</u> :	2:50 p.m.	
Venue:	Sherbourne Center	
President:	Mrs. Billie A. Miller, M.P.	
<u>1105100111</u> .	Vice Prime Minister and Minister of Foreign Af	
Trade of	Barbados	
	2	
In attendance:	Blasco Peñaherrera	(Ecuador)
	Margarita Escobar	(El Salvador)
	Roger F. Noriega	(United States of America)
	Denis G. Antoine	(Grenada)
	Ramiro Ordóñez Jonama	(Guatemala)
	S. R. Insanally	(Guyana)
	M. Raymond Valcin	(Haiti)
	Aníbal Quiñónez	(Honduras)
	Peter Black	(Jamaica)
	Gustav o Iruegas	(Mexico)
	Norman Caldera Cardenal	(Nicaragua)
	Nivia Rossana Castrellón	(Panama)
	José Antonio Moreno Ruffinelli	(Paraguay)
	Diego García Sayán	(Peru)
	Marino Villanueva Callot	(Dominican Republic)
	Izben C. Williams	(Saint Kitts and Nevis)
	Julian R. Hunte	(Saint Lucia)
	Conrad Sayers	(Saint Vincent and the
		Grenadines)
	María Levens	(Suriname)
	Knowlson W. Gift	(Trinidad and Tobago)
	Didier Opertti Badán	(Uruguay)
	Roy Chaderton Matos	(Venezuela)
	Gaston Browne	(Antigua and Barbuda)
	Carlos Federico Ruckauf	(Argentina)
	Joshua Sears	(The Bahamas)
	Reginald Farley, J.P., M.P.	(Barbados)
	Lisa Shoman	(Belize)
	Gustavo Fernández Saavedra	(Bolivia)
	Osmar Chohfi	(Brazil)
	Paul D. Durand	(Canada)
	María Soledad Alvear	(Chile)
	Humberto de la Calle Lombana	(Colombia)
	Hernán R. Castro H.	(Costa Rica)

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César Gaviria Luigi R. Einaudi (OAS Secretary General) (Assistant Secretary General)

[...]

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4. <u>Report on the maritime problem of Bolivia</u>

The PRESIDENT: We now go to item 4 on our order of business, the report on the maritime

problem of Bolivia, and I give the floor to the Foreign Minister of Bolivia.

The HEAD OF THE DELEGATION OF BOLIVIA: Madam President, Mr. Secretary General, distinguished delegates:

Twenty-three years ago I had the honor to preside over the ninth regular meeting of the General Assembly of the Organization of American States in La Paz, as the first Foreign Minister of the nascent Bolivian democracy. On the last day of the month of October 1979, a resolution was approved declaring that it is of permanent hemispheric interest that an equitable solution be found whereby Bolivia will obtain sovereign and useful access to the Pacific Ocean and recommending that the States directly concerned initiate negotiations for that purpose.

Much has changed since then. Democracy has been restored throughout the Continent, and the free market economy has become widespread; the old hypotheses of war have been closed; Ecuador and Peru signed a peace agreement in Brasilia, showing that it was possible to use dialogue to find a way to resolve their historical differences.

For years Bolivia has repeated in this forum that its forced landlocked situation was a singular impediment to its economic development. It cited figures, presented technical reports, and cited the work of such well-known economists as Jeffrey Sachs. I recall now the conclusions of a paper prepared long ago by the United Nations, in July 1985, which stated that "the problem of being landlocked is also fundamentally a development issue. Only five of the landlocked countries in the world are developed countries. The remaining 21 are in the lowest income categories, and 15 of them are the most backward in the world." So said the report.

If security was the reason invoked by American countries in 1979 to urge the nations directly involved to solve Bolivia's demand, today it is the urgency of [p 196]

integration. This call is in the common interest, with the certainty that it will benefit everyone.

It does not make sense, nor is it logical, to reproduce the patterns of confrontation of the 19th century, when our countries came into being. The main idea today is the affirmation of unity and integration. The world no longer ends at our borders or in our regional space. The real space is global, and we can participate in it only insofar as we are one.

This was the path chosen by my country when it invited Chile to a dialogue without exclusions, one that would break the status quo, that would force us to look at old problems with fresh eyes and to dare to explore new paths and to look ahead, to try to reconcile the legacy of the past with the demands of the present and the challenges of the future.

First, in the Algarve, Portugal, in early 2000, Foreign Ministers Murillo and Valdés, and later in Brasilia in September of the same year, Presidents Lagos and Banzer, launched "a working agenda that incorporated without any exception the essential issues of the bilateral relationship, with the firm intention to seek and reach solutions for the issues that affect their political and economic relations," and reiterated "the decision to create a climate of mutual trust that enables the deepening of mutual relations on the basis of the framework and the positions held by each country."

Within days of taking office, President Jorge Quiroga met with President Lagos at the Rio Group Summit in Santiago, Chile, and confirmed my country's decision to keep that option of dialogue as a State policy. There have now been several occasions when the two Heads of State discussed common problems.

In his report to the thirty-first regular meeting of the General Assembly of the Organization, in San José last year, the Bolivian Foreign Minister listed some of these areas of concerted action.

The first relates to the plan to export Bolivian natural gas to the California market using Pacific ports. Another involves highways and railroads that link the Pacific ports with markets in the Atlantic Basin through Bolivia. The idea is to build on the comparative advantages of the two countries in mining and water resources and to build an integration space for the regional economies of northern Chile and western Bolivia, which in my country's opinion should be joined by southern Peru, and which should connect with the economies of Brazil and Argentina.

Indeed, the enterprise of selling liquefied natural gas to the East Coast of the United States, involving a further investment of almost \$6 billion and an effort to harness the vast reserves of this energy source in my country, challenges the logic

of integration to which I have referred.

This giant initiative is unworkable, and cannot be competitive if you must cross several national tax and regulatory jurisdictions, if the preparation process on the coast is not performed under appropriate technical conditions and if there is no access to a port terminal. If these limitations are not corrected, Bolivia cannot sell a resource of exceptional value, and the region

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cannot benefit from supplying a product whose strategic importance has increased several times since 11 September 2001.

The intense debate over the location of the port, which occurred simultaneously in Bolivia, Chile and Peru, also tested the complementarity of the economies of that area. If Bolivia requires these ports to go to international markets, these ports need Bolivia for their own development. They all need each other. That is the truth of the present day.

Indeed, international agreements for the performance and implementation of these projects will not mean that Bolivia must renounce its position on Bolivia's maritime reintegration and sovereign access to the Pacific Ocean.

As we all are aware, we have initiated discussions with Peru and Chile to find the basis for an agreement to return to Bolivia the economic component of its maritime quality. I am confident that ultimately an agreement will be reached that reconciles the complex technical, financial and political demands of this project. Due to its size and its extraordinary impact on the future development of Bolivia, it is indispensable that its execution guarantees the consistent application of a State policy in which the principal social and political institutions of my country will participate. President Quiroga will most assuredly promote this internal agreement if the basic terms of an understanding on the outgoing port are found during his term of office.

On the day when this agreement is reached, the idea of regional integration will take on concrete significance for my country. It will begin to walk in a different direction, in the direction of history. Thank you very much, Madam President.

The PRESIDENT: I thank the Minister of Bolivia, and give the floor to the Minister of Chile.

The HEAD OF THE DELEGATION OF CHILE: Thank you, Madam President.

We have closely followed the presentation of the Bolivian Foreign Minister on the "Report on the maritime problem of Bolivia." Chile wishes to reiterate its willingness to analyze, at a strictly bilateral level, all the issues of mutual interest to our countries.

This is fully consistent with our belief that the Charter of the Organization does not grant jurisdiction or a mandate to consider issues concerning the sovereignty of its members and that affect the validity of international treaties, whose inviolability is one of the pillars on which relations between States are based.

We reiterate that there is no territorial dispute between Chile and Bolivia and that the Treaty of Peace, Amity and Commerce of 1904 is in full force and effect, and the border between the two countries has been fully and definitively demarcated.

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The Government led by President Lagos has sought at the regional level to promote those common interests that allow us to better face the current challenges. We have been generating spaces of mutual trust, particularly with our neighbors, making progress in overcoming the obstacles encountered and promoting effective integration. With our neighbor Bolivia this has been no exception. Quite the contrary, we have worked in the spirit that I expressed before the General Assembly in Windsor two years ago.

Bilateral meetings between the Presidents of Chile and Bolivia have been held recently. The maintenance of a frank and cordial dialogue, aimed at actions to ensure that the bilateral relationship is enriched by new contributions, has allowed progress to be made in the process of physical and economic integration. In this framework, we are carrying out projects in different fields and are creating the right environment to ensure that understandings between our countries are progressive and long-lasting.

On this occasion I would especially highlight the meetings in Santiago, Chile, in August 2001, during the Rio Group Summit; in October of the same year, in Lima, on the occasion of the Ibero-American Summit, and recently in San José, Costa Rica, as part of a new meeting of the Rio Group. At these meetings, Presidents Ricardo Lagos and Jorge Quiroga had the opportunity to keep moving forward in the search for areas of mutual trust that has made it possible to consolidate a truly constructive bilateral dialogue.

I would like to dwell briefly on the last of these meetings, which was held just a few weeks ago in San José, Costa Rica, on 12 April.

On that occasion, the two leaders resolved to consider measures to provide the best facilities to enable the export of Bolivian gas and its derivatives to third countries through a port on the Chilean coast. At the same time they agreed to promote the process of negotiations aimed at signing a free trade agreement; a mining integration and complementation treaty, and a treaty concerning the concession, management and exploitation of shared water resources.

Trade, mining, water resources, gas with export facilities, among others, are issues that are being incorporated, with increasing force, in our bilateral agenda. We have perfected aspects related to our physical integration, infrastructure, communications, energy interconnections, among other significant areas.

Madam President, esteemed Foreign Ministers and Heads of Delegation, practice has shown us that through imaginative, modern and realistic formulas we can move ahead with structuring and strengthening our cooperation on issues of common interest and of great importance for the development of our economies and ultimately for the welfare and progress of our people. On a bilateral level, we remain open to considering creative, realistic formulas to improve Bolivia's facilities for access to the sea.

That is why I want to end by expressing the conviction that Chile and Bolivia can face the challenges of the 21st century in close association, in the framework of progressive regional

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integration. This is our hope, this is the mandate of President Ricardo Lagos, and here we are pledging much of our energies.

Thank you very much, Madam President.

[...]

Draft agreement between Chile and Bolivia, 22 August 2002

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

TEXTO DIA 22.08.02 18,00 HRS.

- Chile y Bolivia en aplicación del régimen de libre tránsito, en los términos de los tratados vigentes, convendrán las facilidades necesarias para que el petróleo, gas, sus derivados y subproductos reciban el tratamiento de exportaciones bolivianas en su integridad, y acordarán las exenciones tributarias y aduaneras necesarias para la construcción, mantenimiento y operación de gasoductos y poliductos, por cualquier empresa autorizada por el gobierno de Bolivia.
- 2. El Estado chileno entregará en concesión al Estado boliviano, por un período de 50 años prorrogables de conformidad con los requerimientos técnicos del proyecto, una superficie de aproximadamente 600 hectáreas, ampliables de común acuerdo y en función de las necesidades del proyecto para el establecimiento de una zona franca denominada Zona Económica Especial- destinada a la recepción, procesamiento, industrialización y comercialización del petróleo, gas natural, sus derivados y subproductos, las actividades petroquímicas y otras actividades industriales y de servicios asociados. El Estado chileno entregará en concesión al Estado boliviano los terrenos fiscales disponibles en la zona antes indicada. La designación de las empresas para llevar a cabo la construcción y operación del proyecto, incluyendo la empresa operadora del terminal marítimo serán efectuadas por el Estado boliviano.
- 3. De conformidad a la legislación chilena, el inmueble quedará inscrito a nombre de la República de Bolivia en el Conservador de Bienes Raíces de Chile.
- 4. Para todas las actividades del proyecto se establecerá un marco legal único, estable, compatible con sus requerimientos. En este marco la concesión gozará de estabilidad.
- 5. El proyecto, en aplicación del régimen amplio de libre tránsito, en ninguna de sus etapas resultará afecto a gravámenes por aranceles aduaneros o impuestos del Estado de Chile. El proyecto podrá desarrollar otras actividades con el mercado chileno, bajo el régimen general.
- 6. En todo lo necesario para el fiel cumplimiento de las franquicias tributarias y aduaneras, Bolivia tendrá el derecho a fiscalizar y auditar a las empresas designadas que operan en la zona franca
- 7. En la operación del proyecto, incluyendo el terminal portuario y ductos para el transporte del gas se aplicarán, en forma no discriminatoria las disposiciones relativas a la protección de la salud, del medio ambiente y las [de carácter técnico y] de seguridad normales en proyectos de esta naturaleza, conforme a la legislación chilena y a las normas internacionales vigentes para ambos países.
- 8. El Estado boliviano designará a una empresa administradora de la zona económica especial, que se inscribirá y desarrollará sus actividades conforme a la legislación

TEXT OF 08.22.02 6:00 PM

- 1. In compliance with the free transit regime set forth in the treaties currently in force, Chile and Bolivia will agree on the necessary facilitations for oil, gas, and their derivatives and by-products to receive in their entirety the same treatment as Bolivian exports, as well as on the tax and tariff exemptions necessary for the construction, maintenance and operation of gas and multi-purpose pipelines by any company the Bolivian government authorizes.
- 2. The Chilean State will grant the Bolivian State a concession for a period of 50 years, which may be extended on the basis of the technical requirements of the project, over an area of approximately 600 hectares, which may be expanded by mutual agreement depending on project needs, in order to establish a tax-free area—called "Special Economic Zone"—for the receipt, processing, industrialization and trade of oil, natural gas, their derivatives and by-products, as well as petrochemical activities and other industrial activities and related services. The Chilean State will grant the Bolivian State a concession over the tax-free areas available in the abovementioned zone. The Bolivian State will be in charge of selecting the companies that will carry out the construction and operation of the project, including the company operating the maritime terminal.
- 3. In conformity with Chilean laws, the property shall be registered with Chile's Real Estate Registry under the name of the Republic of Bolivia.
- 4. A single, stable legal framework, consistent with project requirements, will be created for all related activities. Such framework will provide stability for the concession.
- 5. In compliance with the broad free transit regime, the project will not at any stage be subject to taxes or customs duties of the Chilean State. The project may develop other activities with the Chilean market, under the general regime.
- 6. For the purpose of full compliance with tax and customs duties exemptions, Bolivia will have the right to supervise and audit the companies chosen to operate in the tax-free area.
- 7. In the operation of the project, including the port terminal and the pipelines for the transportation of gas, the provisions related to health and environmental protection and the [technical and] safety provisions normally applicable to this type of projects shall apply, in a non-discriminatory manner, in conformity with Chilean law and international norms in force for both countries.
- 8. The Bolivian State will select a company to manage the special economic zone, which will be registered and will develop its activities pursuant to Chilean

chilena y se vinculará con las autoridades chilenas competentes para asegurar el cumplimiento de la normativa aplicable.

- 9. La empresa operadora del terminal marítimo se relacionará en forma directa con las autoridades marítimas chilenas.
- 10. El tratado a ser suscrito establecerá los medios para que la autoridad chilena competente y la empresa administradora de la zona económica especial se consulten antes de adoptar cualquier decisión de efecto significativo sobre la continuidad de funcionamiento del proyecto. Asimismo el tratado establecerá los mecanismos técnicos de arbitraje para resolver las diferencias que pudieren presentarse a ese respecto.
- 11. En materias laborales y de seguridad social, la legislación boliviana será aplicable para una nómina de trabajadores y técnicos, exceptuados los de nacionalidad chilena, a fin de facilitar los proyectos que se establezcan en la zona. Para estos fines el Gobierno de Chile otorgará las facilidades necesarias, incluidas las migratorias y las de residencia que sean del caso.
- 12. Dentro de los próximos (tres) meses se iniciarán conversaciones tendientes a la suscripción de un acuerdo de libre comercio, de un acuerdo minero y de un acuerdo sobre conservación y explotación de recursos hídricos compartidos, con el fin de ampliar la cooperación recíproca en las áreas energética, minera y económica, incluyendo el abastecimiento de gas natural a Chile por parte de las empresas interesadas. Asimismo, se iniciarán negociaciones para hacer posible el establecimiento y desarrollo en Bolivia de proyectos de inversión de empresas chilenas. De igual manera convendrán un protocolo de integración energética sobre la base de las negociaciones en curso.
- 13. Ambos países garantizarán la exportación de recursos energéticos y el abastecimiento baio condiciones de mercado, otorgando las facilitaciones fronterizas correspondientes.
- 14. Bolivia y Chile impulsarán, junto a los otros países interesados, la construcción y operación de corredores bioceánicos que vinculen los centros productivos y mercados del Atlántico con puertos del Pacífico.
- 15. Chile y Bolivia establecerán mediante un acuerdo especial el otorgamiento de franquicias tributarias y aduaneras a fin de permitir el desarrollo de una zona turística costera .
- 16. Los acuerdos internacionales indispensables para la puesta en marcha del proyecto LNG serán convenidos por ambos gobiernos en los próximos 90 días, los que serán puestos en consideración de las autoridades correspondientes para su aprobación y ratificación en el plazo más breve.

laws and will be associated with the competent Chilean authorities to ensure compliance with the applicable laws.

- 9. The company in charge of operating the maritime terminal will have direct contact with Chile's maritime authorities.
- 10. The treaty to be signed will set forth the means for the competent Chilean authority and the company managing the special economic zone to engage in consultations before making any significant decisions on the continuity of the functioning of the project. Further, the treaty will establish technical arbitration mechanisms to resolve the disputes that may arise in connection with it.
- 11. As regards employment and social security issues, Bolivian laws will apply to employees and technicians, except for those of Chilean nationality, in order to facilitate the projects to be developed in the region. To achieve this, the Chilean Government will grant the necessary facilitations, including those related to migration and residency, as applicable.
- 12. To foster reciprocal cooperation in the energy, mining and economic sectors, including the supply of natural gas to Chile by the interested companies, within the next (three) months, negotiations aimed at signing a free trade agreement, a mining agreement and an agreement on the exploitation and preservation of shared water resources will be initiated. Moreover, negotiations will be held to allow investment projects of Chilean companies to be established and developed in Bolivia. Likewise, the parties will agree on an energy integration protocol on the basis of the ongoing negotiations.
- 13. Both countries will guarantee the export and supply of energy resources in line with market conditions, granting the corresponding border facilitations.
- 14. Together with all other interested countries, Bolivia and Chile will advance the construction and operation of interoceanic corridors to link the production sites and markets in the Atlantic with the Pacific ports.
- 15. By means of a special agreement, Chile and Bolivia will grant tax and customs duties exemptions in order to foster the development of a coastal tourist area.
- 16. Within the next 90 days, both governments will agree on international agreements essential for the commencement of the LNG project. The agreements will be submitted for consideration by the competent authorities, for approval and ratification as soon as practicable.

Operating Manual, Integrated Transit System for the Ports of Arica and Antofagasta, 2003, pp 3-15 (extract)

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

SIST	FEMA IN PARA	UAL OPERA TEGRADO E LOS PUERT Y ANTOFA	DE TRANSITO
			2
		2003	

MANUAL OPERATIVO DEL SISTEMA INTEGRADO DE TRANSITO

3

PUERTOS DE ARICA Y ANTOFAGASTA

Respetando el espíritu del Tratado de 1904, convenciones, acuerdos posteriores y el resultado de las reuniones realizadas por los Mecanismos de Consultas Políticas de las Cancillerías de las Repúblicas de Chile y de Bolivia, tendientes a optimizar los servicios que el **Sistema Integrado de Tránsito** presta a ambos países y recogiendo las recomendaciones de las organizaciones miembros del sistema, se aprueba el presente Manual Operativo Modificado en sustitución del aprobado el 13 y 14 Octubre de 1993, adecuado a los cambios que los Gobiernos de ambos países han dispuesto en relación con el tratamiento de las mercancias en tránsito hacia y desde Bolivia.

CAPITULO I

OBJETIVOS DEL SISTEMA INTEGRADO DE TRANSITO

El Sistema Integrado de Transito establecidos por los Gobiernos de Chile y Bolivia, es la modalidad que agrupa y compromete a las instituciones relacionadas directa e indirectamente con él transito de las mercancías bolivianas que usan los puertos chilenos de Arica y Antofagasta, en los siguientes objetivos:

- 1.- Dar fiel cumplimiento al espíritu y a la letra del tratado de 1904 y de las convenciones reglamentarias posteriores, de suerte que el puerto sea punto expedito de libre tránsito para la carga en tránsito a Bolivia.
- 2.- Reducir el tiempo de tránsito de las mercancías hacia Bolivia en lo pertinente a la cadena del transporte.
- 3.- Encontrar y establecer mecanismos adecuados para reducir los daños y mermas de las mercancias de Bolivia
- Promover un aprovechamiento óptimo de los recursos físicos utilizados en el sistema de tránsito.
- 5.- Aprovechar la capacidad de almacenaje del puerto, para racionalizar el traspaso de carga entre los distintos medios de transporte y la regulación del flujo de abastecimiento de los importadores individuales en Bolivia.
- 6.- Dejar claramente establecida la responsabilidad que corresponda a las naves, al puerto y a los modos de transporte terrestre por las perdidas y mermas de la carga a fin de reducir el costo de seguros sobre la misma, conforme a las reglas internacionales.

OPERATING MANUAL INTEGRATED TRANSIT SYSTEM FOR THE PORTS OF ARICA AND ANTOFAGASTA 2003

INTEGRATED TRANSIT SYSTEM

OPERATING MANUAL OF THE INTEGRATED TRANSIT SYSTEM PORTS OF ARICA AND ANTOFAGASTA

Respecting the spirit of the 1904 Treaty, conventions and subsequent agreements, and the result of the meetings held by the Political Consultations Mechanisms of the Foreign Ministries of the Republics of Chile and Bolivia, the purpose of which is to enhance the services that the **Integrated Transit System** provides to both countries, and following the recommendations of the system's member organizations, this Amended Operating Manual is approved, which supersedes the manual approved on 13 and 14 October 1993, and is adjusted to the changes decided by the Governments of both countries in connection with the treatment of goods in transit from and to Bolivia.

CHAPTER I

PURPOSES OF THE INTEGRATED TRANSIT SYSTEM

The Integrated Transit System established by the Governments of Chile and Bolivia is the organization that groups together and involves the institutions directly and indirectly related to the transit of Bolivian goods using the Chilean ports of Arica and Antofagasta, in pursuit of the following objectives:

- 1. To fully comply with the spirit and the letter of the 1904 Treaty and subsequent regulatory conventions so the port can be an expedited free transit point for goods in transit to Bolivia.
- 2. To reduce the transit time of goods to Bolivia as regards the transportation chain.
- 3. To find and establish adequate mechanisms to reduce damage to and shortfalls of Bolivian goods.
- 4. To promote the optimal use of the physical resources employed in the transit system.
- 5. To take advantage of the port's storage capacity to rationalize the cargo transfer between the different means of transportation and the regulation of individual importers' supply flow in Bolivia.
- 6. To clearly establish the liability to be assumed by the ships, port and modes of ground transportation for cargo losses and shortfalls in order to reduce the cost of insurance thereon, pursuant to international rules.

3

- 7.- Propender a que se cumplan acuerdos internacionales bilaterales, en todo lo relacionado con el transporte internacional de carga; normativas aduaneras, protección del medio ambiente, fitosanitario, calidad de vida de las comunidades involucradas, etc.
- 8.- Asegurar que la carga que ingrese por los puertos elegidos por Bolivia, salgan fundamentalmente del país.

INTEGRATED TRANSIT SYSTEM

- 7. To contribute to the fulfilment of international bilateral agreements in all matters relating to international cargo transportation, customs rules, environmental and plant protection, the quality of life of communities involved, etc.
- 8. To ensure that the cargo entering through the ports chosen by Bolivia really does leave the country.

CAPITULO II

CARACTERISTICAS ESENCIALES

- 1.- Concepción de un sistema global de tránsito que defina claramente las funciones y responsabilidades de cada organismo en el proceso total, basados en la coordinación de las diferentes unidades en cada etapa. Asimismo, se establece claramente el tipo de información que se requiere, para una correcta evaluación del sistema y sus componentes, y los controles correspondientes para corregir las deficiencias de funcionamiento.
- 2.- Transbordo de las mercancías en el puerto en forma directa e indirecta por ferrocarril u otros modos de transporte, sin que se espere ni exija la llegada del Conocimiento de Embarque original endosado por el consignatario, ni ningún otro documento que altere o entrabe la fluidez en él tramite del despacho de las mercancías.
- 3.- Centralización de las decisiones relativas al despacho de las mercancías lo que permite utilizar en forma más eficientes los recursos portuarios y de transporte, asegurando la coordinación necesaria en las decisiones de las diferentes unidades. No obstante, se reconoce la facultad del consignatario de disponer con la más absoluta libertad, sobre el destino final de las mercancías y la elección del medio de transporte, voluntad que deberá notificar oportunamente a su representante legal, a fin de no perjudicar el normal desarrollo de sus funciones.
- 4.- Simplificación de la documentación Aduanera Portuaria que amparen las mercancías en tránsito hacia Bolivia.

CHAPTER II

MAIN CHARACTERISTICS

- Conception of a global transit system that precisely defines the functions and duties of each body within the overall process, based on the coordination of different units at each stage. Furthermore, it is clearly established what type of information is required for a proper evaluation of the system and its components, as well as the necessary controls to correct operating deficiencies.
- 2. Direct or indirect transfer of goods from the port by railway or other means of transportation, without the need to wait for the arrival of the original Bill of Lading endorsed by the consignee or any other document that may alter or obstruct the fluidity of the clearance of goods.
- 3. Centralization of decisions related to the clearance of goods, which allows port and transportation resources to be used more efficiently, ensuring the different units can make their decisions in a coordinated manner. However, the consignee shall have the power to decide, in its sole discretion, on the final destination of goods and means of transportation, even though it shall notify its decision in due time to its legal representative so as not to negatively affect the normal performance of its duties.
- 4. Simplification of Customs Port documentation protecting the goods in transit to Bolivia.

CAPITULO III

REGLAMENTO DEL DIRECTORIO DEL SISTEMA INTEGRADO DE TRANSITO

TITULO I

OBJETIVOS

Articulo Nº 1: El Directorio del Sistema Integrado de Tránsito, tendrá los siguientes objetivos;

Cautelar el estricto cumplimiento del tratado de 1904, convenciones posteriores aprobadas por ambos países y acuerdos bilaterales emanados en las reuniones técnicas de transportes y mecanismos de consultas políticas de los gobiernos de Chile y Bolivia.

Velar por el fiel cumplimiento de los objetivos del Sistema Integrado de Tránsito.

TITULO II

DE SU CONSTITUCION Y REPRESENTATIVIDAD

Articulo Nº 2: El Directorio del Sistema Integrado de Tránsito estará constituido por las siguientes instituciones de los países miembros:

CHILE

Ministerio de Obras Publicas y Transportas Empresa Portuaria Arica Empresa Portuaria Antofagasta Servicio Nacional de Aduanas

BOLIVIA

Ministerio de Transportes, Comunicaciones y Aeronáutica Civil Administración de Servicios Portuarios de Bolivia (ASP-B) Cámara Nacional de Industria Cámara Nacional de Comercio

Articulo Nº 3: La composición del Directorio podrá ser modificada de conformidad a las transformaciones institucionales que cada país tenga, lo que deberá ser aprobado por las Cancillerías de Bolivia y Chile.

Articulo Nº 4: Las instituciones que conforman el Directorio deberán ser representadas por sus ejecutivos del mas alto nivel jerárquico o por quienes estos designen en su representación, investido de la autoridad necesaria para resolver, tomar acuerdos y decisiones, sin

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CHAPTER III

INTERNAL REGULATIONS OF THE BOARD OF DIRECTORS OF THE INTEGRATED TRANSIT SYSTEM

TITLE I

PURPOSES

Article No 1: The Board of Directors of the Integrated Transit System shall have the following purposes:

To watch over the strict fulfilment of 1904 Treaty, subsequent conventions approved by both countries and bilateral agreements made during the transportation technical meetings and political consultations mechanism of the governments of Chile and Bolivia.

To watch over the faithful fulfilment of the purposes of the Integrated Transit System.

TITLE II

COMPOSITION AND REPRESENTATION

Article No 2: The Board of Directors of the Integrated Transit System shall be formed by the following institutions of the member states:

CHILE

Ministry of Public Works and Transport

Empresa Portuaria Arica

Empresa Portuaria Antofagasta

National Customs Office

BOLIVIA

Ministry of Transport, Communication and Civil Aviation

Port Services Administration of Bolivia (ASP-B)

National Chamber of Industry

National Chamber of Commerce

[...]

consulta previa, sobre los asuntos tratados en las sesiones convocadas.

TITULO III DE SUS ATRIBUCIONES

Articulo Nº 5: Será de competencia del Directorio del S.I.T.:

- a.-Definir los lineamientos y políticas que orienten las actividades del SIT para un mejor control y ejecución operativa del manejo de la carga en libre tránsito desde y hacia Bolivia por el territorio y puertos chilenos de Arica y Antofagasta.
- b.-Analizar y aprobar las modificaciones que se estimen necesarias a los sistemas de administración, operación, comunicación y transportes, establecidos para el estricto cumplimiento de los objetivos del Sistema Integrado de Tránsito, propiciando permanentes evaluaciones de autodiagnóstico que entreguen herramientas de apoyo en la toma de decisiones.
- c.-Difundir y promover el SIT, para fomentar el uso creciente y eficiente de las instalaciones, medios y rutas de transportes que permitan incrementar los flujos del comercio desde y hacia Bolivia.
- d.-Evaluar todas las fases del funcionamiento del sistema, tanto de la administración y operatividad como de los costos involucrados en el proceso.
- e.-Elevar propuestas al Mecanismo de Consultas Políticas de Bolivia y Chile, para la adopción de políticas que contribuyan a que el SIT responda permanentemente a las necesidades y desarrollo del comercio exterior boliviano.
- f.- Acoger y resolver, en lo posible, planteamientos realizados sobre materias atinentes al S.I.T., para lo que el Directorio tomara la representación del sistema y efectuará los planteamientos, si corresponde, a las autoridades superiores de Chile y Bolivia.
- g.-Conocer las estructuras tarifarias, valores y reglamentos de los servicios que prestan a las cargas bolivianas los organismos integrantes del Directorio del SIT.
- h.-Conformar comisiones de trabajo, para tratar y/o proponer cuestiones relativas a aduanas, transporte carretero, ferroviario, transporte aéreo y materias tendientes a resolver problemas e incrementar el comercio, servicios, etc., y al cumplimiento de los objetivos del SIT.
- i.- Aprobar las modificaciones al Manual Operativo del SIT y sus reglamentos.

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TITULO IV DE SU FUNCIONAMIENTO

- Articulo Nº 6: El Directorio tendrá su sede oficial en la ciudad de Arica, pudiendo sesionar por acuerdo propio en otra ciudad de Bolivia o Chile.
- Articulo Nº 7: El Directorio, se reunirá cuatro veces al año, en forma ordinaria y obligatoria, y las veces que sea necesario en forma extraordinaria a petición de cualquiera de los miembros del Directorio, siempre y cuando sea por una causa puntual y justificada. Antes de la finalización de cada reunión ordinaria, el Directorio deberá acordar y señalar la fecha, hora y lugar de la próxima reunión.
- Articulo Nº 8: Representantes de las Cancillerías de Chile y Bolivia participarán en calidad de asesores de las reuniones del Directorio, en materias relacionadas con el Tratado, convenciones y demás acuerdos bilaterales, así como en políticas de cada país relacionadas con el libre derecho de tránsito comercial de las mercancías bolivianas.
- Articulo Nº 9: El Directorio del S.I.T., cuando lo requiera y solo con carácter consultivo, convocara a reuniones ampliadas a aquellas instituciones que considere necesario, para analizar y resolver cuestiones que estén dificultando el tránsito normal y eficiente de las mercancías en tránsito desde y hacia Bolivia.
- Articulo Nº 10: El directorio requerirá del quórum mínimo necesario para sesionar de dos tercios (2/3) de sus miembros constituyentes.
- Articulo Nº 11: Las decisiones serán aprobadas por votación y por los dos tercios de los votos de los integrantes asistentes, considerándose de inmediato incorporados al Manual Operativo en vigencia. No obstante, deberá agotarse el recurso de discusión y análisis en cada tema a ser votado.
- Articulo Nº 12: Los acuerdos adoptados por el Directorio deberán dejar establecida la fecha de su entrada en vigencia y serán informados a los respectivos gobiernos a través de los mecanismos que correspondan a cada país.
- Articulo Nº 13: El Directorio deberá preparar, aprobar y presentar al órgano rector de cada una de las instituciones que la conforman, una Memoria de su Gestión, autorizando su publicación. Además, también deberá presentar informes de aspectos relacionados con el SIT, cuando estos sean requeridos por alguno de sus miembros o autoridades superiores de ambos gobiernos.
- Articulo Nº 14: El directorio, para su organización, deberá elegir un Presidente, un Vicepresidente y un Secretario de Actas.

SISTEMA INTEGRADO DE TRANSITO 9 Articulo Nº 15: Los cargos de Presidentes, Vicepresidente y Secretario de Actas, tendrán una duración de dos años El Presidente se elegirá en forma alternada entre las delegaciones de Chile y Bolivia. Articulo Nº 16: El Presidente será responsable de convocar y presidir las reuniones ordinarias y extraordinarias del Directorio, así como realizar el seguimiento de las decisiones acordadas y registradas en las respectivas actas de reuniones. Articulo Nº 17: Las funciones del Vicepresidente serán las de reemplazar al Presidente en caso de ausencia justificada y asumiendo todas sus responsabilidades. Articulo Nº 18: Las funciones del Secretario de Actas serán las siguientes: a.- Convocar a reuniones a los miembros del Directorio, en coordinación con el Presidente, con un período de anticipación de a lo menos 15 días para las reuniones ordinarias y de 5 días para las reuniones extraordinarias, sin perjuicio de que el Secretario de Actas podrá citar en menos plazo con el acuerdo de las dos terceras partes del Directorio. Conjuntamente con la citación a las reuniones indicadas, deberá enviar la agenda con los puntos a tratar en cada una de ellas. b.-Elaborar las actas de todas las reuniones del Directorio, debiendo presentarlas a la finalización de las mismas para su correspondiente firmas. C.-Manejar bajo su responsabilidad y cuidado toda aquella documentación que sea generada por el Directorio.

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CAPITULO IV

SISTEMA DE INFORMACION DEL SISTEMA INTEGRADO DE TRANSITO

- 1.- El Sistema de Información del Sistema Integrado de Tránsito lo constituye toda información escrita y/o virtual que en forma clara, confirmada, completa y oportuna, esté al alcance de las instituciones integrantes del SIT y de otras organizaciones, como elemento de apoyo a su gestión, propendiendo al logro de los siguientes objetivos:
 - a) Contribuir a fortalecer la importancia que tiene una visión de conjunto de todos los factores que influyen en el tránsito de mercancías desde la nave que las trae, hasta que están depositadas en los almacenes de depósito en Bolivia.
 - b) Mantener constantemente informado al SIT sobre la situación de los procesos atingentes a la carga, con el fin de identificar y anticipar problemas que podrían obstaculizar su normal tránsito.
 - c) Servir de base oficial para la información que citen las entidades integrantes del SIT en declaraciones públicas o entrega de información a sus oficinas matrices.
- 2.- Uno de los elementos relevantes del Sistema de Información lo constituirá el Acta del CIC, en la que se consignarán, además de las coordinaciones realizadas para el día siguiente, observaciones respecto del grado de cumplimiento de los despachos programados el día anterior, como de cualquier problema de atingencia del CIC y de los sistemas de tránsito de las mercancías.

A continuación se indican, junto a las instituciones la información que proporcionarán:

Empresa Portuaria Arica:

Proporcionará información diaria vía sistema con respecto a la Recepción, Depósito y Despacho de las mercancías. De la misma forma proporcionará la Planificación Naviera y Programación de faenas diaria.

Empresa Portuaria Antofagasta:

Proporcionará información diaria vía sistema con respecto a la Recepción, Depósito y Despacho de las mercancías. De la misma forma proporcionará la Planificación Naviera y Programación de faenas diaria.

Administración Servicios Portuarios Bolivia:

Proporcionará información diaria relativa a la Coordinación de los Despachos de la carga, incluyendo los Despachos Preferenciales, separadas por puerto y medio de transporte.

SISTEMA INTEGRADO DE TRANSITO

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Cámara Industria y Comercio de Bolivia

Proporcionará información diaria correspondiente a los despachos preferenciales y de las cargas amparadas bajo el Decreto Supremo N°25947 del 20.10.2000.

- 3.- Empresa Portuaria Arica y Empresa Portuaria Antofagasta entregarán mensualmente a los integrantes de CIC, la información estadística de la carga en tránsito de y hacia Bolivia, en forma escrita y/o virtual, como parte del sistema de Información permanente del SIT.
- 4.- Las instituciones integrantes del SIT asumen de hecho, el compromiso ineludible de entregar oportunamente toda información necesaria que propenda al cumplimiento de los objetivos del SIT, privilegiando aquella que debe ser de conocimiento del consignatario o importador, como el estado de las mercancías, ubicación y costos reales de manipulación; los que deberán ser de público conocimiento

CAPITULO V

COMPOSICION Y FUNCIONAMIENTO DEL CENTRO DE INFORMACION Y COORDINACION (C I C)

El CIC es un organismo multi - institucional creado para coordinar la acción de los servicios que intervienen directamente en el flujo de operaciones y documentación del Sistema Integrado de Tránsito.

COMPOSICION

Dado que el CIC es un organismo netamente operativo, que funciona de acuerdo a características particulares del terminal marítimo, cada puerto definirá su composición con estricto apego a los objetivos del SIT, los mismos que son parte integrante de éste manual.

Los reglamentos que elabore cada puerto para el funcionamiento del CIC, deberán ser aprobados por el Directorio del SIT

COMPOSICION DEL CIC EN PUERTO DE ANTOFAGASTA

Empresa Portuaria Antofagasta (Preside) Administración de Servicios Portuarios de Bolivia – Antofagasta Ferrocarriles de Antofagasta Aduanas de Chile – Dirección Regional Cámaras Nacionales de Industria y Comercio de Bolivia

COMPOSICION DEL CIC EN PUERTO DE ARICA

Empresa Portuaria Arica (Preside) Administración de Servicios Portuarios de Bolivia – Arica Aduanas de Chile – Administración Arica Cámaras Nacional de Industria de Bolivia Cámara Nacional de Comercio de Bolivia FFCC Arica – La Paz Aduana Nacional de Bolivia – Agencia Arica Cámara Boliviana de Transporte

Mientras no se designen representantes independientes de las Cámaras Nacionales de Industria y Comercio de Bolivia, el funcionario que participe en las reuniones de programación diaria de faenas, tendrá doble representación en la toma de decisiones.

FUNCIONES QUE DEBE CUMPLIR EL CIC

 Coordinar, controlar y evaluar el funcionamiento operativo del Sistema Integrado de Tránsito, con miras a proporcionar a los participantes del sistema una visión de conjunto, que permita detectar debilidades o carencias y buscar

CHAPTER V

COMPOSITION AND FUNCTIONS OF THE INFORMATION AND COORDINATION CENTER (CIC)

The CIC is a multi-institutional body created to coordinate the action of the services directly involved in the flow of operations and documentation of the Integrated Transit System.

COMPOSITION

Given that the CIC is clearly an operative body that functions in accordance with the particular characteristics of the maritime terminal, each port shall define its composition with strict adherence to the ITS, which are an integral part of this manual.

The regulation that each port details for the operation of the CIC shall be approved by the Board of Directors of the ITS.

COMPOSITION OF THE CIC IN THE PORT OF ANTOFAGASTA

Empresa Portuaria Antofagasta (Presiding) Administration of Port Services of Bolivia – Antofagasta Railways of Antofagasta Customs of Chile – Regional Management National Chambers of Industry and Commerce of Bolivia

COMPOSITION OF THE CIC IN THE PORT OF ARICA

Empresa Portuaria Arica (Presiding) Administration of Port Services of Bolivia – Arica Customs of Chile – Arica Administration National Chambers of Industry of Bolivia National Chambers of Commerce of Bolivia Arica-La Paz Railway Company National Customs of Bolivia – Arica Agency Bolivian Transport Chamber

[...]

la forma más rápida y adecuada para reforzar el funcionamiento de las operaciones donde sea necesario.

- 2.- Proponer al Directorio del SIT, en forma oportuna y fundada, las modificaciones o complementos que requieran los reglamentos operativos, conforme a las evoluciones de los sistemas generales de los sistemas portuarios.
- 3.- Establecer normas sobre el flujo de las operaciones, trámites documentales y responsabilidades para la recepción, almacenamiento (depósito de carga) y despacho de las mercancías en Tránsito a Bolivia
- 4.- Programar diariamente los despachos de mercadería (virtual o físicamente) y autorizar los pedidos de despachos preferentes que rompan el orden de precedencia establecidos.
- 5.- Será la reunión de programación de faenas del CIC, la instancia de decisión sobre los despachos de carga del SIT, entendiéndose por voluntad del CIC, la representación mayoritaria de sus componentes en base a los principios enunciados precedentemente. Hecho que demanda la más plena cooperación de las instituciones integrantes en el logro de los objetivos del SIT.
- 6.- Mantener un **Centro de Datos** a través de la Empresa Portuaria Arica que permita proveer información oficial sobre:
 - Reglamentos, tarifas, estadísticas, características y disponibilidad de instalaciones y medios de transporte.
 - Otros antecedentes que demande la eficiencia y transparencia del sistema.
- 7.- En Puerto Arica, evaluar el funcionamiento de la Oficina Centralizadora, con el fin de detectar y corregir las deficiencias, asimismo, implementar aquellos cambios que se propongan, orientados a mejorar la eficiencia del sistema de pronto despacho.
- 8.- Acoger las inquietudes, problemas, reclamos, sugerencias, propuestas, etc., de las entidades que son parte de la cadena del transporte de la carga en tránsito a Bolivia, sean o no integrantes del CIC, lo que podrá efectuarse por escrito, a través de la secretaría del CIC, y/o en forma verbal en las reuniones respectivas.

Todas las inquietudes, problemas, etc., deberán ser analizadas y evaluadas por el CIC, para determinar lo que debe ser asumido, tramitado y resuelto por el CIC y lo que debe ser solucionado por el Directorio del SIT. Sin perjuicio, de la debida y oportuna comunicación a los integrantes del Directorio del SIT.

9.- Las entidades integrantes del CIC Arica, deberán entregar semanalmente la siguiente información, la que quedará registrada en el acta respectiva:

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- a) Empresa Portuaria Arica, entregará los saldos semanales de la carga depositada en el Puerto, separada en los rubros; minerales, trigo, soya a granel, otros graneles, vehículos, maquinarias, contenedores y otras cargas generales, sin perjuicio, de la información estadística mensual de la carga en tránsito a Bolivia, correspondiente al mes y al acumulado a la fecha.
- b) Administración de Servicios Portuarios de Bolivia, será la encargada de informar semanalmente, de los tonelajes efectivamente despachados a la fecha, separados por modos de transporte, es decir, vial, ferroviario y aéreo, cuando corresponda.
- c) Cámaras de Industria y Comercio de Bolivia, serán las encargadas de informar oportunamente al CIC, de las dificultades e inquietudes de sus representados, asimismo, el nivel de satisfacción de los clientes bolivianos, respecto del SIT.
- d) Aduana Nacional de Bolivia, tendrá la obligación de entregar un informe que contenga los siguientes datos; Números de los MIC/DTA y TIF/DTA, efectivamente tramitados, el emisor (empresa de transporte), peso, cantidad y tipo de bulto, clase de mercancía y el número del DPU-B y DPU que corresponda.
- e) Administradora del Ferrocarril Arica La Paz, informará diariamente de la disponibilidad de carros/bodegas, vacíos y disponibles y de todos los que se encuentren cargados, dando a conocer los motivos en la demora de su descarga y los días de espera, si los hay.
- f) Cámara Boliviana de Transporte (CBT), informará de la cantidad de Camiones vacíos disponibles y de los que se encuentren cargados, dando a conocer los motivos en la demora de su descarga y de los días de espera, si los hay, asimismo, centralizará e informará de todos los problemas que afecten a este transporte carretero.
- g) Servicio Nacional de Aduanas Arica Chile, le corresponderá informar sobre las Aclaraciones a los Manifiestos, que cambian el destino final de la carga, ya sea de Chile a Bolivia o viceversa y sobre las situaciones problemáticas ocurridas a la salida de los Camiones y Carros del FFCC cargados, sea en el puerto o en el control fronterizo.
- 10.-Todo lo tratado y resuelto en la Reunión del CIC Arica de cada semana, se consignará en el acta correspondiente, la que será levantada por la secretaría y suscrita por todos los integrantes del CIC, presentes en la reunión respectiva.

FUNCIONAMIENTO PUERTO ANTOFAGASTA

 Como las solicitudes de despacho de carga se efectúan vía Internet, de acuerdo a lo indicado en Capítulo VI letra B, sólo se efectuará reunión de carácter extraordinaria, a petición de algún representante del CIC, con motivo de tomar

conocimiento de alguna situación que esté alterando el normal flujo de las operaciones de la carga. En dicha oportunidad se levantará un acta para dejar constancia de lo acordado.

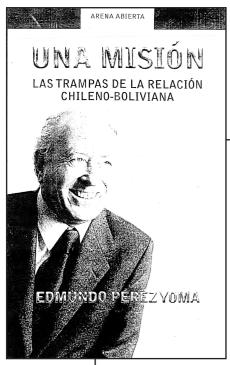
 Las reuniones extraordinarias del CIC, se efectuarán en dependencias de la EPA y serán presididas por el Gerente de Operaciones de la EPA o por quién éste designe y actuará como secretario, el representante de la Administración de Servicios Portuarios de Bolivia (ASP-B).

FUNCIONAMIENTO PUERTO ARICA

- 1. El CIC, se reunirá semanalmente en las oficinas de la Empresa Portuaria Arica, en un día y hora a acordar, cuando este día sea festivo, la reunión se realizará el día hábil anterior.
- Las reuniones del CIC, tendrán un carácter técnico, las que serán coordinadas por el Gerente de Explotación Comercial de la EMPORA o por quién éste designe y actuará como secretario, el representante de la Administración de Servicios Portuarios de Bolivia (ASP-B).
- 3. A solicitud de cualquier integrante del CIC y por causas justificadas, se podrá invitar a participar en las reuniones, a los representantes de la Cámara Marítima, Asonave, Servicio Nacional de Salud, Servicio Agrícola y Ganadero, Carabineros u otra entidad, no integrante del CIC. Esta propuesta de invitación será analizada y aprobada por la mayoría de los integrantes del CIC, asistentes en la respectiva reunión.

E. Pérez Yoma, *One Mission: The Traps in the Chile-Bolivia Relationship* (2004), pp 86-106 (extract)

(Original in Spanish, English translation)



Capítulo 4

LOS PERUANOS. DÍAS ELECTORALES EN BOLIVIA

Cumpliendo con el protocolo de rigor, el 11 de diciembre de 2001 llegó hasta el Palacio Quemado el embajador Hernán Couturier a presentar al presidente Jorge Quiroga sus cartas credenciales como representante del gobierno peruano en Bolivia. Hombre de gran trayectoria en el servicio exterior de su patria, el nuevo embajador venía oficialmente a fortalecer los tradicionales vínculos de amistad entre Lima y La Paz. Traía también un mandato más en las sombras: contrapesar el reciente acercamiento entre Chile y Bolivia a propósito del proyecto del gas natural. Desde hacía tiempo que Perú estaba interesado en exportar sus propias reservas de gas natural de la zona de Camisea y era evidente que para estos propósitos el proyecto perfilado por el general Banzer y respaldado por el presidente Lagos podía ser un factor no sólo de competencia sino también de obstrucción. De hecho, no pasaría mucho tiempo antes de que el propio ministro peruano de Economía y Finanzas, Pedro Pablo Kuczynski, declarara que el mercado norteamericano no podía atender simultáneamente las propuestas de Perú y de Bolivia, por lo que ambos proyectos eran excluyentes (El Diario, mayo 8 de 2002). Un reconocimiento

una misión

similar hizo el ministro boliviano de Desarrollo Económico, Carlos Kempff.

Hombre de gran preparación y manejo, Couturier fue designado para normalizar las relaciones luego de que su antecesor en el cargo, el embajador Harry Belevan, diplomático y escritor de gran simpatía y refinamiento intelectual, vivió junto a su esposa un ingrato episodio relacionado con la adquisición por parte de un funcionario de esa embajada ---Pedro Díaz--de 165 objetos de arte. El incidente, que se destapó en octubre de 2000, se convirtió en un escándalo al existir indicios de que algunas de esas obras habrían sido anteriormente sustraídas de iglesias bolivianas y que, al parecer, el funcionario no notificó de sus adquisiciones al viceministerio de Cultura de ese país, como lo establecen las leyes nacionales. Belevan asumió públicamente la defensa de Díaz, perjudicando su interlocución con el gobierno de La Paz. Tampoco lo ayudó el haber escrito la novela Una muerte sin medida ---donde la ficción erótica se entrecruza con la política-, que medio mundo interpretó como un roman à cle, y en la cual mucha gente de la sociedad paceña se sintió representada.

La designación del nuevo representante de Lima respondía al evidente propósito de dar vuelta la hoja y, efectivamente, Couturier tuvo un buen aterrizaje en la sociedad boliviana. Su mujer, Sonia Labarthe, egresada de un prestigioso instituto gastronómico parisino, muy pronto se destacó en La Paz como una anfitriona excepcional y una pieza importante en las estrategias de contacto de su marido. La embajada de Perú es de suyo importante en Bolivia y debe reunir a unos diez diplomáticos, los cuales, unidos a los otros cinco que se desempeñan en el consulado en La Paz, le dan al gobierno de Lima un buen

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margen de acción ante el gobierno, las reparticiones públicas y la estructura empresarial boliviana.

Couturier no demoró gran cosa en instalarse para iniciar su ofensiva contra la posibilidad de la salida de las exportaciones de gas por un puerto chileno. A partir de su designación, la voz de Perú en el debate boliviano del gas abandonó el plano de las indirectas o sutilezas para entrar a pautear frontalmente a Quiroga y sus ministros. El embajador sabía perfectamente qué terreno estaba pisando. Los bolivianos profesan respecto de Perú sentimientos parecidos a los que se experimentan frente al hermano mayor. Podrán tener algunas recriminaciones pendientes en orden a no haber sido debidamente correspondidos en algún momento, pero al final del día lo reconocen como su mejor garantía y un buen aliado natural. Se trata de una relación curiosa, difícil de definir, con algunos elementos de orden político y otros de índole cultural, porque nadie diría que la presencia de capitales peruanos en la economía boliviana sea notoria o que Perú funcione como metrópolis respecto de Bolivia. Pero lo concreto es que hay una larga tradición peruana de intromisión y magisterio sobre los asuntos públicos de Bolivia y extrañamente esta intromisión es no sólo acatada sino además aplaudida por la opinión pública. Con el tiempo, y entrado más en confianza, el embajador Couturier hizo gala de esa intromisión llegando incluso a alertar a los bolivianos respecto del riesgo de que sus propias autoridades los traicionaran en sus intereses como pueblo.

Apenas seis días después de la presentación de las credenciales de Couturier también llegó a La Paz el canciller peruano, Diego García-Sayán para explicitar los alcances de la posición peruana frente al tema del gas natural. El canciller expresó

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que su viaje obedecía a razones de estricta solidaridad con la hermana república y, queriendo descalificar probablemente la avanzada que había tenido Chile, dijo que su misión no tenía nada que ver con «mezquinos intereses económicos».

Tal fue el segundo acto de esta arremetida. El tercero vino semanas después, a fines del mes de enero de 2002, cuando el presidente Toledo y varios de sus ministros llegaron a Bolivia básicamente con tres objetivos. El primero era intervenir ahora al máximo nivel en el debate público boliviano sobre el proyecto del gas; el segundo, presentar oficialmente, por así decirlo, las candidaturas de los puertos de Ilo y Matarani como posibles puntos de salida para el gas natural desde Tarija; el tercero -gran tributo a la retórica latinoamericanista- era asistir a la solemne constitución del primer gabinete binacional para enfrentar los cometidos de la cooperación y la integración entre los dos países. Demás está decir que para entonces la campaña en los medios de rechazo a la opción de un puerto chileno ya tenía contornos abrumadores, patrióticos y sistemáticos, de modo que la visita oficial peruana pudo convertirse así en una fiesta de empatía y hermandad. Era esa precisamente la bandera que la Cancillería peruana había querido dejar clavada.

Como siempre en estos manejos cronometrados al detalle, no todo salió bien. Las cosas vinieron a complicarse al final a raíz de la exhuberancia del presidente Toledo y de sus evidentes esfuerzos por abrir canales efectivos de comunicación ya no con las autoridades, ya no con la dirigencia, sino con el pueblo boliviano mismo. El mandatario en sus declaraciones fue mucho más allá que los circunspectos funcionarios del Palacio Torre-Tagle y sorprendió tanto a ellos como a sus anfitriones hablando de la formación de un gran conglomerado

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binacional como base de un polo energético en la región con plantas petroquímicas en la localidad de Ilo. También tuvo palabras para referirse a la posibilidad de revisar el Tratado de 1929, con miras a dar una salida al mar a Bolivia. Era lógico que la prensa local se hiciera eco de inmediato de este súbito ofrecimiento y fue también lógico que el canciller García-Sayán, de regreso en Lima, no dejara pasar muchas horas del exceso presidencial antes de presentarse en la televisión de su país para descartar cualquier ofrecimiento de una salida al mar para Bolivia por suelo peruano, dejando el asunto donde correspondía: en el ámbito de la relación entre Chile y Bolivia. Señaló el ministro que el presidente Toledo «es fiel y absolutamente respetuoso de los tratados internacionales y, en particular, de los sagrados tratados de límites», aclarando luego que la referencia presidencial era no al Tratado de 1929 sino a los acuerdos de Ilo de 1992.

Fue un balde de agua fría para la prensa boliviana, ciertamente. A la embriaguez integracionista siguió la resaca de las promesas defraudadas. Los diarios se llenaron de titulares airados —tales como «Perú da un paso atrás», «Toledo retrocede», «Era broma»— y en La Paz el ministro de Comunicaciones se limitó a comentar el fiasco diciendo escuetamente que Bolivia no hacía política exterior desde los medios de comunicación.

Así y todo, para el plan del gobierno de Quiroga la composición de lugar tras la visita del presidente Toledo no era mala, más allá de los evidentes furores retóricos del mandatario y de las serias faltas de prolijidad diplomática de la visita. Lo importante era que Perú había hecho una oferta y era ya indiscutible la voluntad de Lima de competir con Chile.

Soy un convencido de que era justamente esta competencia lo que había estado buscando el canciller Gustavo Fernández,

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así como creo que, más allá de la retórica de «hermano mayor» utilizada por los representantes peruanos, lo que estaba detrás de ese discurso era una política del todo o nada. Es decir, que si el gas no era exportado a través de puertos peruanos, la única opción válida para ellos era que el proyecto boliviano fracasara. Y es que no hay que ser muy experto para concluir que las reservas probadas de Perú son muy inferiores a las de Bolivia y que, por otra parte, el proyecto Camisea tendría que haber competido con el gas boliviano para los efectos de proveer la costa oeste norteamericana. Una sociedad peruana/boliviana para la exportación del combustible le permitía a los primeros obtener todas las sinergias del caso; de allí que la política del «ofertón» o «quién da más», que con tanto éxito llevó a cabo Couturier como primer soldado de una contraofensiva en la que todo el Ejecutivo peruano estaba comprometido, era absolutamente funcional a los intereses de Perú. Porque en esa dinámica o ganaban o enredaban tanto las cosas que los anhelos bolivianos terminaban por sucumbir. En las dos opciones, claramente, el que perdía era el pueblo boliviano, como de hecho ocurrió.

El gran acuerdo

Es una ironía que precisamente en un contexto mediático cada vez más adverso a las oportunidades que ofrecía Chile —y que fue la tónica de los meses siguientes— hayamos podido convenir con las autoridades bolivianas un protocolo de preacuerdo que estuvo a punto de ser suscrito por ambos países antes de que todo se fuese al diablo. Lo que nos mantuvo en la mesa de

[...]

THE GREAT AGREEMENT

It is ironic that, precisely in an atmosphere of media coverage increasingly adverse to the opportunities Chile was offering – which set the tone for the following months – we were able to agree with the Bolivian authorities on a protocol for a preliminary agreement that came close to being signed by both countries before the whole thing fell to pieces. What kept both them and ourselves at the

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negociaciones a ellos y a nosotros en las reuniones que llegamos a celebrar en Buenos Aires y otras ciudades no fue ni la obcecación ni la pertinacia. Fue el convencimiento absoluto, serio y responsable de ambas delegaciones de que no había mejor opción para hacer realidad las exportaciones bolivianas de gas natural a Norteamérica que operar por Chile y bajo el amparo de las generosas condiciones ofrecidas por el gobierno del presidente Lagos.

De allí que esa efervescencia y ese clima de hipersensibilidad nacionalista no fuera obstáculo para que el consulado general en La Paz y la Cancillería chilena desplegaran sus mejores esfuerzos tendientes a proveer las condiciones que Bolivia requería para llevar a cabo su negocio. ¿Qué significaba eso? Básicamente, facilidades para el tendido del gasoducto, condiciones favorables para operarlo desde el punto de vista técnico y de residencia del personal y concesión al Estado boliviano de una superficie de terreno en el litoral chileno destinada a las instalaciones necesarias para la recepción, procesamiento e industrialización del gas natural.

Logramos llevar a cabo la negociación en un período que, visto en retrospectiva, es mucho más breve de lo que pareció en su momento. Creo que ambas partes logramos funcionar bastante bien, no obstante que los trascendidos y el cada vez más acalorado debate público boliviano ayudaban poco al tendido de redes de confianza y cooperación.

Las dos delegaciones fueron de peso. Por el lado de ellos, aparte del cónsul general en Chile, Fernando Messmer, la delegación estaba integrada por dos ex cancilleres, Carlos Iturralde y Edgar Camacho. El equipo nuestro, muy reducido, estaba compuesto por el subsecretario de Relaciones Exteriores, negotiating table in the meetings we managed to hold in Buenos Aires and other cities was neither blind obstinacy nor tenacity. It was the most absolute, serious and responsible conviction on the part of both delegations that there was no better option to make Bolivian natural gas exports to North America a reality than going through Chile under the generous conditions offered by President Lagos' administration.

That is why that fervor and that climate of nationalistic hypersensitivity was not an obstacle to the Consulate General in La Paz and the Chilean Ministry of Foreign Affairs actually making their best efforts to conclude their deal. What did this mean? Basically, facilitations for the installation of the gas pipeline, favorable conditions for its operation both from the technical standpoint and as regards staff residency, and granting the State of Bolivia a piece of land in Chile's coastal area to house the required facilities for natural gas reception, processing and industrialization.

We managed to carry out the negotiations in a period which, in hindsight, is much shorter than it seemed at the time. I think both parties managed to work quite well, despite the fact that rumors and the increasingly heated public discussion in Bolivia were of little help when it came to building trust and cooperation networks.

Both delegations boasted important members. On their side, in addition to the Consul General in Chile, Fernando Messmer, their delegation consisted of two former Ministers of Foreign Affairs, Carlos Iturralde and Edgar Camacho. Our team, which was quite small, consisted of the Undersecretary of Foreign Affairs,

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Cristián Barros, el director general de política exterior de la Cancillería, Carlos Portales, el director jurídico de esa cartera, Claudio Troncoso y yo.

Debemos haber sostenido unas diez reuniones en total y poco antes de que el presidente Quiroga traspasara el mando a su sucesor, Gonzalo Sánchez de Lozada, no quedaba ningún punto pendiente para negociar. Simple, directo, claro, el texto del borrador final convenido por ambas delegaciones a las 16.30 del 14 de junio de 2002 es un tributo al equilibrio y la sensatez.

En ese texto se establecía que Chile y Bolivia convendrían las facilidades necesarias para que el petróleo, el gas, sus derivados y subproductos recibieran el tratamiento de exportaciones bolivianas en su integridad, para lo cual se aplicaría el régimen de libre tránsito, en los términos de los tratados vigentes, y las exenciones tributarias y aduaneras necesarias para la construcción, mantención y operación de gasoductos y poliductos, por cualquier empresa autorizada por el gobierno de Bolivia.

Para ello, el Estado chileno entregaba en concesión al Estado boliviano, por un período de 50 años prorrogables por iguales períodos, una superficie aproximada de 600 hectáreas, ampliables de común acuerdo en función de las necesidades del proyecto, para el establecimiento de una zona franca —denominada Zona Económica Especial— destinada a la recepción, procesamiento, industrialización y comercialización del petróleo, gas natural, sus derivados y subproductos y otras actividades industriales y de servicios asociados. Las autorizaciones a las compañías para llevar a cabo el proyecto, incluyendo la empresa operadora del terminal marítimo, serían otorgadas por el Cristián Barros, the Ministry of Foreign Affairs' Director General of Foreign Policy, Carlos Portales, said Ministry's Director of Legal Affairs, Claudio Troncoso, and myself.

We must have held about ten meetings, total, and, shortly before President Quiroga inaugurated his successor, Gonzalo Sánchez de Lozada, there were no pending issues to negotiate. Simple, straightforward, clear, the final draft that was agreed upon by both delegations at 4:30 p.m. on 14 June 2002 is a tribute to balance and sound judgment.

That draft provided that Chile and Bolivia would agree on the necessary facilitations in order for oil, gas and their derivatives and by-products to receive the treatment given to Bolivian exports, in its entirety, for which purpose the free-transit regime would apply pursuant to the treaties in force, as well as the necessary tax and customs exemptions for the construction, maintenance and operation of gas and oil pipelines by any company authorized by the Government of Bolivia.

For this purpose, the State of Chile was granting the State of Bolivia a 50-year concession, extendable for equal periods, over an area of about 600 hectares, which could be expanded upon the parties' mutual agreement based on the project's needs, to set up a tax-free area – the Special Economic Zone – intended for the reception, processing, industrialization and trading of oil, natural gas and their derivatives and by-products, as well as other industrial activities and related services. Authorization for companies to carry out the project, including the operator of the sea terminal, would be issued by the

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Estado boliviano, procediendo el Estado chileno a extender las autorizaciones y concesiones que correspondieran.

La concesión gozaría de estabilidad, porque para todas las actividades se establecía un marco legal único y compatible con los requerimientos del mismo. En ninguna de sus etapas resultaría afecto a gravámenes por aranceles aduaneros o impuestos del Estado de Chile, y Bolivia tendría el derecho a fiscalizar y auditar a las empresas designadas que operarían en la zona franca todo lo necesario para el fiel cumplimiento de las franquicias tributarias y aduaneras.

En materias laborales y de seguridad social, la legislación boliviana sería aplicable para una nómina de trabajadores y técnicos, exceptuados los de nacionalidad chilena, a fin de facilitar los proyectos que se establecieran en la zona. Para estos fines, el gobierno de Chile otorgaría las facilidades necesarias, incluidas las migratorias y las de residencia que fueran del caso.

Por último, Chile y Bolivia expresaban su disposición para ampliar la cooperación energética, minera y económica entre ambos países, incluyendo el abastecimiento del gas natural a Chile, por parte de empresas interesadas, y el establecimiento y desarrollo en Bolivia de proyectos chilenos de inversión. Para ello se iniciarían conversaciones tendientes a la suscripción de un acuerdo de libre comercio, de un acuerdo minero y de un acuerdo sobre conservación y explotación de recursos hídricos compartidos. Asimismo, convendrían un Protocolo de Integración energética.

Ese trabajo se realizó muy concienzudamente y proporcionó bases sólidas para que Bolivia desarrollara en plenitud su negocio del gas natural. El día que llegamos a acuerdo con State of Bolivia, and the State of Chile would grant the necessary authorization and concessions.

The concession would be stable, as a unified legal framework that was compatible with the project's requirements would be put in place for all activities. At no stage would it be subject to levies on account of custom tariffs or taxes charged by the State of Chile, and Bolivia would have the right to control and audit the designated companies that would operate in the tax-free area as necessary to ensure full compliance with all tax and customs exemptions.

As to labor and social security issues, Bolivian laws would apply to a roster of workers and technicians, except for Chilean nationals, in order to facilitate any project that would be established in the zone. For such purposes, the Government of Chile would grant the necessary facilitations, including regarding immigration and residency.

Lastly, Chile and Bolivia stated their willingness to expand the cooperation between both countries in energy, mining and economic matters, including natural gas supply to Chile, by interested companies, and the establishment and development of Chilean investment projects in Bolivia. For this, there would be negotiations to sign a free-trade agreement, a mining agreement and an agreement for the conservation and use of shared water resources. Moreover, both countries would sign an Energy Integration Protocol.

This work was done very thoroughly and provided a solid foundation for Bolivia to fully develop its natural gas business. The day we reached the agreement with

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Fernando Messmer y los ex cancilleres Carlos Iturralde y Edgar Camacho no quedaba ningún cabo suelto que interfiriera en el horizonte de cooperación que nos habíamos trazado. Todo estaba resuelto y acotado para que los gobiernos firmaran y los consorcios involucrados se pusieran a trabajar contra el tiempo para cubrir en buenas condiciones la demanda de gas natural planteada por el mercado californiano.

No fue difícil avanzar rápido y bien en esos encuentros, menos aún cuando las negociaciones estaban bendecidas desde La Moneda y el Palacio Quemado, a través de un público acuerdo al que llegaron los presidentes Lagos y Quiroga.

Reunidos el 12 de abril de 2002 en San José de Costa Rica, con ocasión de la XVI Cumbre del Grupo de Río, los mandatarios firmaron un importante acuerdo que acercaba sustantivamente las posiciones entre ambos países. Dado a conocer por los respectivos cancilleres y cónsules generales, en el documento se estableció que «los presidentes Quiroga y Lagos resolvieron examinar las medidas necesarias para otorgar las mayores facilidades que posibiliten la exportación de gas boliviano y sus derivados hacia terceros países, por un puerto en la costa de Chile». El documento conjunto establecía también que ambos países acordaron impulsar «decididamente el proceso de negociaciones tendiente a suscribir un tratado de libre comercio, un tratado de complementación e integración minera y un tratado relativo a la conservación, administración y explotación de recursos hídricos compartidos». Esta convergencia no tuvo nada de impulsiva puesto que fue la culminación de otro encuentro anterior que sostuvieron ambos mandatarios durante la Conferencia Internacional para la Financiación del Desarrollo, celebrada a fines de marzo en

Fernando Messmer and former Ministers of Foreign Affairs Carlos Iturralde and Edgar Camacho, there were no loose ends that would come in the way of the cooperation horizon we had plotted. Everything was worked out and ready for both governments to sign it and for the consortiums involved to get to work in a race against time to adequately satisfy the Californian market's natural gas demand.

Working quickly and well at those meetings was not difficult, particularly considering that the negotiations had the blessing of La Moneda and Palacio Quemado thanks to a public agreement reached by Presidents Lagos and Quiroga.

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Monterrey. En la oportunidad, los dos jefes de Estado estuvieron reunidos por casi una hora y delinearon parte fundamental de lo que fue acordado en San José por ambas delegaciones.

Al respecto, creo haberle insistido hasta la majadería al canciller Fernández sobre la conveniencia de no descuidar los demás temas de la relación entre nuestros países. «No conviene, le decía, que nos ocupemos solamente del gas. Tenemos muchos otros asuntos en la agenda: un tratado minero, un acuerdo de libre comercio...» Él me replicaba que solucionado lo del gas todo lo demás se resolvería en un dos por tres. Yo le decía que el gas era un problema boliviano, no chileno, frente al cual no era mucho lo que nosotros podíamos hacer, salvo entregar todas las facilidades que fuesen del caso y que ellos nos pidieran. Lo que yo quería era generar proactivamente más frentes de cooperación y de contacto entre ambos países. De ahí mi insistencia en abocarnos también a los otros temas. Pero nada. El gas parecía ser lo único que podía acercarnos y es una ironía que haya sido lo único que volvió a separarnos.

A la distancia, tal vez sea fácil decir que el acuerdo que convenimos el 14 de junio de 2002 para la salida del gas natural no era viable. La sola revisión de los archivos de prensa de la época describe una campaña persistente y feroz —mejor dicho, un *lobby* incontrarrestable— contra las perspectivas de un acuerdo con Chile para sacar el gas por uno de nuestros puertos. La oposición interna y el *lobby* peruano apeló a todos los registros imaginables: inexactitudes, sospechas paranoicas, argumentos emocionales, consideraciones patrióticas, descalificaciones por un supuesto economicismo, acusaciones de traición a la patria... Lo increíble tal vez no está en que, a pesar de la completa convergencia, no se haya llegado al acuerdo definitivo.

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Lo increíble está en que a pesar de ese entorno bastante hostil a cualquier entendimiento, los representantes chilenos y bolivianos hayamos podido coincidir en un borrador que contiene un punteo razonable y entrega a Bolivia condiciones excepcionalmente favorables para aprovechar las oportunidades históricas que hasta el día de hoy se siguen desperdiciando.

Mientras nosotros trabajábamos, gran parte de los medios bolivianos azuzaba, desprestigiaba y descalificaba a Chile. La pista para nosotros se ponía cada día más pesada en términos de opinión pública. Los acontecimientos evolucionaron de modo tal que fuimos siendo postergados y llegó el momento en que prácticamente la totalidad del mundo político se fue volcando a la campaña presidencial que súbitamente a partir de marzo comenzó a venirse encima. A raíz de este cambio en la agenda empezó a olerse ya el fracaso de la estrategia dilatoria del gobierno del presidente Quiroga. Era un círculo vicioso. Cada día que pasaba se endurecía la receptividad de la opinión pública para un acuerdo con Chile y aumentaban los costos políticos de anunciarlo. A su turno, la campaña absorbíatodo el debate público y el margen de maniobra del gobierno del presidente Quiroga se iba estrechando. Al parecer, incluso dentro del propio gabinete ya se estaba reconociendo que la administración Quiroga carecía de la legitimidad política suficiente para tomar una decisión tan comprometedora como aquella.

A esas alturas y en esas condiciones: ¿qué podía hacer el gobierno? En realidad, poco. El desarrollo de los acontecimientos lo fue aislando. El tema se le había escapado de las manos a las autoridades y ahora el *timing* lo ponían los medios. En los partidos dejó de haber interlocutores dispuestos a discutir

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el tema del gas natural seriamente y con perspectivas realistas. Así las cosas, ni siquiera hubo tiempo para la competencia de ofertas que la Cancillería boliviana quiso organizar entre Perú y Chile, y el presidente Quiroga, precisamente por no haber querido decidir a tiempo el asunto en función de consideraciones técnicas, que era lo que correspondía, se encontró en un momento frente al único escenario que su gobierno no previó: el escenario que le impedía decidir simplemente porque su cuarto de hora había pasado. Sé positivamente que poco antes de las elecciones del 30 de junio se barajó la posibilidad de tomar la decisión después de los comicios y antes de la transmisión del mando, prevista para los primeros días de agosto. Pero, sobre todo, atendido el resultado de los comicios, tampoco el horno estaba para bollos. En cualquier caso, ya muy contra el tiempo, a fines de mayo el presidente Quiroga daba seguridades a la opinión pública en cuanto a que la decisión respecto del puerto no se iba a tomar apresuradamente -vaya novedad- y ocurrió que pocas semanas después le estaba preguntando a los candidatos presidenciales si preferían que fuese él o fuesen ellos los que resolvieran, en definitiva, el proyecto del gas. La única ventaja que envuelven preguntas así es que ni siquiera hay que esperar respuestas.

Ocurre siempre en política: las decisiones que no se toman en su momento probablemente no se tomarán jamás.

El gas en campaña

La campaña electoral de 2002, para renovar tanto al Ejecutivo como al Legislativo, puso de manifiesto con vehemencia los

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UNA MISIÓN

niveles de fragmentación del arco político boliviano. De partida, el escenario partidista es muy singular. Es singular que casi todas las colectividades invoquen a estas alturas el concepto de revolución en su nombre. Es singular que los alineamientos a la hora de los hechos sean muy poco ideológicos. Es singular que el regionalismo sea un factor de mucho peso en las elecciones. En fin, también era singular que aunque las encuestas asignaban sólo a dos o tres listas alguna posibilidad de llegar al Palacio Quemado, fueran arriba de diez las que compitieran por la primera magistratura. El repertorio fue amplísimo y cubrió desde un juez que saltó a la fama por algunos procesos de anticorrupción - Alberto Costa Obregón - hasta Felipe Quispe, secretario general de la Confederación Sindical Única de Trabajadores Campesinos y líder del movimiento indígena altiplánico; desde Evo Morales, diputado desaforado por el Parlamento y gran señor de los cocaleros, hasta Johnny Fernández, ex alcalde de Santa Cruz y hombre cuestionado durante la campaña por sus deudas con el fisco.

Por organización y por cuadros, en todo caso, el Movimiento Nacionalista Revolucionario (MNR) encabezado por el ex presidente Gonzalo Sánchez de Lozada, representaba una opción de contornos neoliberales que podía ser reconocida con facilidad por el electorado. Los temas de su candidatura fueron desde un comienzo básicamente dos —la crisis económica y la corrupción— y el hecho de llevar como compañero de fórmula a un periodista e historiador, Carlos Mesa Gisbert, con indiscutida trayectoria en la lucha contra la corrupción, agregaba a la postulación de Sánchez de Lozada mayor capital político. También fue apoyado por el Movimiento Bolivia Libre (MBL), un partido pequeño pero con cierto arraigo en la

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región sur, donde el Movimiento de Izquierda Revolucionario tiene mayor peso político.

Los analistas siempre estuvieron divididos respecto de cuánto favorecía y cuánto podía perjudicar a la lista del MNR la experiencia de gobierno que Sánchez de Lozada había cumplido entre los años 1993 y 1997. Ante la opinión pública esos años quedaron asociados a una ola liberalizadora que se tradujo en la privatización de grandes activos estatales y en el establecimiento de una economía de mercado que a esas alturas estaba funcionando con serios problemas y tensiones.

El MIR, encabezado por el también ex presidente Jaime Paz Zamora, destacó desde un comienzo por la capacidad de su líder para forjar alianzas y articular consensos. Paz Zamora es un político social demócrata, hábil, *old fashion*, flexible, experimentado. Su colectividad es fuerte en la región sur del país y él se granjeó para su candidatura el respaldo del Partido Socialista 1 (PS1) y del Movimiento Revolucionario Tupac Katari de Liberación (MRTKL), entre otras colectividades menores.

La gran revelación de los estudios de opinión pública durante la campaña, sin embargo, fue la Nueva Fuerza Republicana (NFR), liderada por Manfred ReyesVilla, antiguo capitán de Ejército y ex alcalde de Cochabamba. Su fuerte radicaba en la gestión edilicia que había cumplido en esa ciudad, en el populismo de matriz derechista, en la aspiración de poner orden y sobre todo en el hecho de ser un político nuevo, joven y más bien parco, poco dado a la retórica partidista tradicional, hombre ajeno al club de la política y por lo mismo todavía no tocado —se decía— por la politiquería y por la corrupción. Su compañero de fórmula en la vicepresidencia, un exitoso

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empresario cruceño, Ivo Kuljis, ex ministro de Desarrollo y Planificación del presidente Banzer, ya se había visto en trances electorales parecidos en otras campañas presidenciales, cuando también aspiró a la vicepresidencia.

Curiosamente, el partido gobernante, la Alianza Democrática Nacionalista (ADN), representada tardíamente por un político moderno pero sin mayor carisma popular, Ronald Mac Lean, nunca consiguió levantar una postulación de perfil ganador. El hecho no hizo otra cosa que poner de relieve la crisis de ese partido, su dependencia del liderazgo personal que ejercía el general Hugo Banzer y el proceso de descomposición que se inició en la colectividad a partir de su retiro de la vida. política. Pero los problemas de Mac Lean no sólo se circunscribían a la situación interna de ADN, sino a la evidente falta de apoyo que le brindó el propio presidente Quiroga, a tal punto que para muchos el verdadero candidato del gobierno era Manfred Reyes Villa, de la NFR. De hecho, la fuerza electoral de 22% que la ADN marcó en 1997 con Banzer terminaría reducida en la elección a un inexplicable 3%. Es duro decirlo: a pesar de los atendibles índices de popularidad con que salió del gobierno, Quiroga finalmente no pudo ni con su partido ni con el país.

Como era absolutamente previsible que ocurriera en el curso de la campaña, a pesar de las prevenciones que había formulado en este sentido el sector privado boliviano, el ministro de Desarrollo Económico, Carlos Kempff, y la propia Cámara de Hidrocarburos, la cuestión de la exportación del gas natural terminó politizándose. En el mes de mayo, cuando el coro antichileno de los medios de comunicación hacía tiempo ya había alcanzado contornos polifónicos, Sánchez de

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Lozada acusó al gobierno de haber elegido un puerto chileno «de espaldas al pueblo». Aunque la acusación no podía ser más infundada y fue desmentida de inmediato por la Cancillería boliviana, el anzuelo bien podía ser efectivo electoralmente. Poco después, el mismo candidato apeló —quizás bromeando— a los desafueros de su imaginación, proponiendo como plan alternativo para el gas un ducto que partía en Tarija, pcnetraba Perú, avanzaba por Colombia y Venezuela y de ahí se hundía en el mar para llegar a Estados Unidos. Francamente, una utopía digna de Julio Verne.

Poco después de la acusación conspirativa de Sánchez de Lozada, el ex canciller Guillermo Bedregal también se sumó a sus temores, señalando que el costo del gasoducto por Chile «es mucho más alto y que además no podemos ser víctimas nuevamente de la angurria chilena, de los grupos de presión que tienen en Bolivia, por eso hay que ver este tema desde un punto de vista histórico y económico». A su juicio, «si el gobierno boliviano opta por Chile va a provocar en la población un alzamiento nacional en contra de esta decisión». En el mismo sentido se pronunciaron varias otras autoridades --el alcalde de El Alto, José Luis Paredes, el ex vicepresidente Julio Garret- y una nutrida cantidad de columnistas de prensa. En ese contexto, no fue de extrañar que Jaime Paz Zamora, el candidato del MIR, declarara a mediados de mayo haber «pedido al presidente Quiroga en varias oportunidades que la exportación se realice por un puerto peruano».

No obstante estas banderillas de clara impronta electoralista, en general los candidatos tendieron a recoger lienza en el último tramo de la campaña y en particular después de la elección, que mostró un cuadro político tan atomizado que dejó en

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manos del Parlamento la designación del nuevo mandatario. Cuando Manfred ReyesVilla habló de la necesidad de un referéndum para dirimir la cuestión del gas, prudentemente, tanto Sánchez de Lozada como Paz Zamora tomaron distancia. El primero dijo que los gobiernos se elegían para gobernar, no para consultar, y el segundo consideró que la idea del referéndum, más que resolver las cosas, terminaría complicándolas más. Al líder del MIR le parecía más atendible la iniciativa de constituir una Comisión Nacional del Gas, representativa de diferentes sectores de la sociedad pero de un modo u otro receptiva también a consideraciones económicas y técnicas.

El resultado de la elección dejó muchos heridos y fue tremendamente sorpresivo. De partida, dejó en las cuerdas al candidato Manfred Reyes Villa, que las encuestas habían estado vaticinando en las últimas semanas como ganador. Reyes Villa terminó recluido en el tercer lugar, con poco mas del 20% de la votación. La suya, al parecer, estuvo constituida básicamente por el voto militar, el de sectores de derecha y del cuantioso electorado que se sintió náufrago de la ADN. Muchos analistas sostienen que era el candidato del gobierno, desde el momento en que una administración de la NFR era más funcional que un nuevo gobierno de la ADN para las aspiraciones de Quiroga de volver al poder el 2007. La experiencia de Reyes Villa, en todo caso, bien podría constituir el ejemplo emblemático de un liderazgo político que se encumbró a una velocidad pasmosa y cayó, nadie sabe muy bien por qué, en vísperas de la votación en fulminante caída libre.

Por otro lado, los cómputos trajeron desde la periferia al centro de la escena política a un dirigente, Evo Morales, que hasta entonces había sido apenas un actor secundario en los

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tablados del poder. Diputado por el Movimiento al Socialismo (MAS) y cabecilla de la resistencia cocalera de Cochabamba e instigador de los disturbios ocurridos el año anterior en la zona del Chapare, Morales había sido desaforado por la Cámara de Diputados y nadie pensó que su candidatura entraría a las ligas mayores. Terminó nada menos que en el segundo lugar, a sólo un punto y medio porcentual del ganador, Gonzalo Sánchez de Lozada, que obtuvo el 22,46% de los sufragios. Las versiones más difundidas en La Paz meses antes de la elección indicaron que Morales incluso estuvo a punto de ser detenido por el gobierno, no sólo por cargos de insurgencia sino también por acusaciones que interpretaban mejor a la embajada de los Estados Unidos. Eso no ocurrió porque el gobierno de Quiroga no quiso comprarse un problema, pero terminó endosándoselo al futuro. Entre las explicaciones que se dieron para entender el vigoroso mandato electoral de Evo Morales están las mal interpretadas declaraciones en contra suya que formuló tres días antes de la elección el embajador norteamericano, Manuel Rocha, en cuanto a que un triunfo de Morales llevaría a Washington a repensar sus relaciones con Bolivia y poco menos que a evaluar una intervención. Se especuló mucho con que esas palabras permitieron mejorar ostensiblemente el rating del candidato del MAS. Es posible, pero también debe considerarse que el fuerte de su votación correspondió a sectores rurales e indígenas, donde cuesta creer que las palabras de un embajador tengan, por poderoso que él sea, mayor resonancia.

Los partidos tradicionales, el MNR y el MIR, no dieron mayor sorpresa y en general mantuvieron sus cifras. Pero precisamente porque las mantuvieron hicieron más incierta la

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elección del próximo presidente y más alambicada la solución final, que entregó la presidencia a Sánchez de Lozada por la vía de la más insólita y melodramática de las alianzas políticas que un observador podía imaginar: la alianza entre el MNR y el MIR, dos partidos rivales que siempre se comportaron como el aceite y el vinagre.

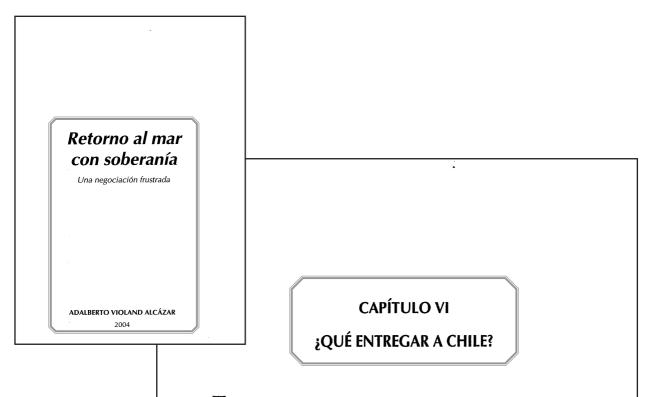
El 6 de agosto de 2002, Bolivia tuvo un nuevo presidente, votado por una fracción que ni siquiera representaba a un cuarto del electorado pero que llegaba al poder en brazos de una alianza heterogénea y sorprendente. Desde hacía varias semanas las autoridades tenían en sus manos el borrador de un protocolo preaprobado que entregaba a Bolivia todas las facilidades para la exportación del gas natural por Chile. Pero, también, desde hacía muchos meses el país venía difiriendo problemas, encrucijadas, tensiones y conflictos, con la vana esperanza de que, postergándolos, desaparecerían.

Lo que vino en seguida probó que la postergación lo único que había hecho era agravarlos.

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A. Violand Alcázar, *Sovereign Return to the Sea: A Frustrated Negotiation* (2004), pp 97-114, 161, 184 and 211 (extract)

(Original in Spanish, English translation)



Esta era la pregunta que jamás un gobierno boliviano se había atrevido a formular a la ciudadanía. ¿Qué estaríamos dispuestos a darle a Chile por una salida al mar?

Aunque no había forma de medir entonces la respuesta ciudadana -las encuestas eran moneda extraña y el referéndum no existía-, era perceptible que la mayoría de los bolivianos respondería que NADA.

En efecto, el país no estaba dispuesto a entregar nada a cambio de volver a tomar posesión de un pedazo de la costa que le arrebataron a Bolivia. Había una convicción en ese sentido alimentada durante un siglo, desde la escuela. Chile violó nuestra soberanía, invadió el territorio nacional, mató a nuestros antepasados en una guerra de conquista y se quedó con lo que fue nuestro, que dio origen a su prosperidad. Para la mayoría de nuestros compatriotas, Chile era un país pirata.

Desde luego, tal concepción era arcaica. Además, se basaba en un sofisma: no existía ninguna posibilidad de que un país acceda a entregar un trozo de su patrimonio, y mucho menos a cambio de nada. Los chilenos del siglo XX no se sentían en deuda con los bolivianos, aunque en su fuero interno supieran **cómo** sus abuelos habían incorporado el litoral boliviano a su soberanía. Por lo demás, Chile era un país digno y su pueblo merecedor de toda consideración. Pero ambos, chilenos y bolivianos,

Sovereign Return

to the Sea

A Frustrated Negotiation

ADALBERTO VIOLAND ALCÁZAR

2004

[...]

CHAPTER VI

WHAT IS CHILE GIVING?

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cargábamos el peso de una historia nefasta que era preciso dejar definitivamente en el pretérito.

La lógica patriótica boliviana, estimulada a veces por menudos intereses políticos, había logrado posesionar una pregunta terrible en el alma colectiva: ¿cómo era posible compensar al atracador por devolver una pequeña parte del hurto de ayer?

• Y así como en Chile algunos se arrancaron las vestiduras oponiéndose a dar una salida al mar a los "cuicos", hubo en Bolivia reacciones histéricas planteando la reivindicación total del Litoral. Si embargo no faltaron historiadores, diplomáticos e investigadores bolivianos serios que observaron y criticaron con argumentos atendibles el pretendido canje territorial.

Era difícil explicar que el canje simultáneo de territorios, nos permitiría volver al mar, nos restituiría a la vecindad del mundo. Y que ello no tenía precio. El gobierno organizó una serie de viajes de delegaciones estudiantiles, de periodistas, empleados, campesinos, trabajadores, etc., a la zona costera del corredor ofrecido. ¡La emoción fue inconmensurable! Y de ella dan cuenta innumerables crónicas publicadas en aquel tiempo en la prensa boliviana.

Pero la perspectiva de un recorte territorial ganaba cada día mayor inconformidad en el occidente boliviano. Y con la tremendista versión de que se pretendía entregar inada menos que los Lipes!, los comités cívicos de Potosí, Oruro y La Paz adelantaron que resistirían ante cualquier insinuación de que el trozo, objeto del canje, tenga que ser fraccionado de alguno de esos departamentos.

Es justo decir que no estaba solo el gobierno en aquel trance y desde luego recibió apoyo en el oriente, donde inclusive el Prefecto de Santa Cruz, Dr. Oscar Román Vaca, llegó a plantear una fórmula muy simple: correr fronteras, es decir que los 1.980 kilómetros cuadrados del corredor sean compensados a Chile con igual cantidad de territorio a lo largo de la frontera común; a su

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vez los tres departamentos afectados -La Paz, Oruro y Potosíavanzarían proporcionalmente hacia el oriente, sobre Chuquisaca y Cochabamba, para que estos a su vez lo hagan sobre Santa Cruz, que se ofrecía para ser, en última instancia, la que compense a Chile por el mar para Bolivia.

Si al antagonismo que despertaba el canje, se sumaban las tres aristas de la negociación, y el natural antichilenismo subyacente históricamente en el pueblo, el resultado eran los escollos que fatalmente entorpecían nuestra misión.

Hoy, a la distancia de los años, identifico en el rencor histórica a la gran rémora que lastró la negociación emprendida por el Presidente Banzer. Bolivia creía tener derecho a un pedazo de mar. El Chile oficial que yo conocí como Embajador, creía tener derecho a un "buen pedazo" -en el sentido cualitativo- en compensación por el pasaje al Pacífico que se nos ofrecía. Y yo sentí la presión por ese""buen pedazo" desde el primer día de mi misión.

PRIMERA AUDIENCIA CON CARVAJAL

Carvajal era un hombre cortes, de palabra estudiada y hablar meditado; su amabilidad no alcanzaba a disimular la tensión interior, sus movimientos eran medidos. Sin dar pausas pasó a indagar sobre lo que yo pensaba hacer, a partir de la situación en que quedaron las negociaciones con mi antecesor, don Guillermo Gutiérrez Vea Murguía.

Le expresé que la posición boliviana era invariable en lo fundamental, ya que respondía a principios que orientaban la política del país con respecto a la solución de su mediterraneidad, pero que estimaba conveniente, para el mejor avance de las negociaciones, revisar algunos aspectos del procedimiento. Para ello puntualicé que el gobierno boliviano creía que el avance podría ser más acelerado si se resolvieran de inmediato los aspectos que ya tenían un principio de acuerdo, dejando congelados momentáneamente los aspectos que, siendo

[...]

FIRST MEETING WITH CARVAJAL

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fundamentales en la negociación, eran considerados inaceptables por Bolivia, en la forma en que fueron planteados por Chile. Propuse una secuencia de temas para desarrollar:

- Inventario y tasación del aeropuerto de Chacalluta.
- Inventario y tasación del Ferrocarril de Arica Visvíri.
- Catastro de todas las construcciones e instalaciones chilenas que se encuentran en el territorio que pasaría a Bolivia.
- Estudio del perfeccionamiento del libre tránsito, entendiéndose que este aspecto no está considerado por Bolivia como una fórmula sustitutiva del corredor soberano de acceso al mar, sino mas bien como una complementación de esa negociación.

Dije que si obráramos de esa manera, una vez que las conversaciones chileno peruanas armonicen, estaríamos en excelente situación para abordar los problemas fundamentales. El Canciller Carvajal meditó en lo que le dije y prefirió cambiar de escenario. Dijo que en las últimas conversaciones con el Embajador Gutíérrez se consideró la posibilidad de avanzar en la negociación de las aristas conflictivas, con el objeto de evitar que la oposición interna y externa, que está empeñada en obstaculizar la negociación, use esos argumentos para desprestigiarla ante la opinión pública de ambos países.

A mi vez toqué otro punto de la negociación que Chile desatendió de entrada, es decir el enclave que habíamos sugerido en la zona costera al sur de Arica, y reiteré que el Gobierno de Bolivia mantenía esta posición porque consideraba que la pequeñez de costa limitada al corredor, no satisfacía las perspectivas de desarrollo de la economía boliviana, además que si el Perú no accediese a la cesión del corredor, no habría otra alternativa práctica que un enclave para dar a Bolivia libre acceso al mar.

El Canciller Carvajal saltó como impulsado por un resorte y me recordó que en la respuesta chilena el Gobierno de Chile había rechazado este punto. Tuve que aclararle a mi vez que el Gobierno

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de Bolivia entendía que ninguno de los planteamientos de la proposición boliviana habían sido retirados. Carvajal dijo que el tema era improbable y de nuevo movió el escenario, señalando que el perfeccionamiento del libre tránsito constituía un asunto nuevo que se incorporaba a la negociación.

Le respondí que ese era un asunto complementario a la costa soberana por el hecho de que Bolivia hará uso, por mucho tiempo, de los puertos chilenos de Arica, Antofagasta, Iquique y otros y probablemente indefinidamente, en el caso de estos últimos, porque mi país tendrá necesidad de articular su comercio exterior por distintas vías para satisfacer las necesidades de su crecimiento y desarrollo. Como un hecho real de que ya se está buscando el perfeccionamiento del libre tránsito, cité las conversaciones entre las autoridades de Oruro e Iquique, así como la reciente visita de una delegación del Ministerio de Transportes de Bolivia a los puertos chilenos, analizando con los técnicos chilenos detalles para el transporte de granos y otros aspectos.

El Canciller Carvajal admitió la evidencia de estos hechos y se declaró apasionado de estos problemas y de la negociación. Se refirió a la importancia de Arica en el crecimiento y vigorización del comercio exterior boliviano y las perspectivas de expansión industrial y sus proyecciones integradoras en el territorio del corredor, cuando sea boliviano.

Al llegar a este punto, alentador en la conversación, estimé oportuno hacer un esbozo sobre la magnitud de las posibilidades del desarrollo de la economía boliviana en el próximo futuro, cuyos frutos, por lógica, tendrán que volcarse hacia el Pacífico. Dije que el polo de desarrollo en el territorio boliviano del corredor marítimo tendría dimensiones extraordinarias y le cité el caso de la industria petroquímica.

Hoy, cuando recuerdo esa primera conversación de trabajo con el canciller chileno, compruebo que lo dicho entonces tiene ahora, en el año 2004, una vigencia absoluta. Siento que aún se puede reavivar la llama encendida en Charaña, desde luego adecuando

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una negociación a las circunstancias actuales, cuando Chile necesita gas boliviano para sustentar la continuidad de su proceso industrial.

Volviendo a mayo de 1976, Patricio Carvajal planteó varias consideraciones sobre la evolución que había ocurrido en el sistema operacional del puerto de Arica el mismo que, según el Canciller, permitiría a Bolivia disponer de amplios establecimientos que sirvan complementariamente al futuro puerto boliviano, esperando que éste se desempeñe en forma integradora con Arica. Mencionó, como ejemplo de este tipo de puerto moderno, la terminal portuaria de YPFB.

Poniendo en evidencia el ánimo de proseguir dinámicamente las negociaciones, expresé que en lo referente a los problemas conflictivos, el gobierno boliviano tenía el deseo de irlos tratando a medida que progresen las conversaciones chileno peruanas. Manifesté que si bien se había logrado morigerar el debate público en Bolivia respecto a tales puntos, su solución dependía del resultado de esas conversaciones, agregando que no podían postergarse indefinidamente esos resultados sin inquietar a la opinión pública boliviana.

Carvajal volvió al asunto del enclave, expresando que al incorporar este aspecto se corría el riesgo de restar consistencia a los planteamientos que se hacían al Perú, pues el gobierno de Lima podría responder que esa era la solución conveniente a sus intereses. Respondí repitiendo las razones ya mencionadas que justificaban esa demanda, dejando en claro que estos puntos de la negociación no tenían por qué ser conocidos por el Perú.

A continuación propuse nuevamente la discusión de las tres aristas y el enclave mientras las conversaciones entre Santiago y Lima vayan avanzando. Pedí asimismo que se me mantuviera oportuna y permanentemente informado sobre el desarrollo de tales conversaciones, agregando que aunque comprendía que ellas eran bipartitas, Bolivia no aceptaría que ningún asunto inherente a su destino o soberanía sea tratado sin su consentimiento y en su ausencia.

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El Almirante Carvajal me expresó su conformidad, agregando que siendo estas conversaciones bipartitas, podrán en determinado momento convertirse en tripartitas. Me reveló que los negociadores chilenos enviados a Lima fueron informados por el gobierno peruano de la difícil tarea persuasiva que este debe cumplir frente a la opinión pública de su país. Carvajal creía que este era el aparente motivo del empeño peruano en dilatar una respuesta.

Yo comenté que Bolivia enfrenta el mismo problema frente a su opinión pública pero, que el gobierno boliviano ha dado los pasos necesarios para impedir que los distintos enfoques sobre las negociaciones marítimas, puedan ser aprovechados por intereses particulares para crear banderas políticas de oposición.

Fue entonces que salió a flote el quid del problema.

El canciller chileno expresó su preocupación por la demora de Bolivia en responder a su pedido de "autorizar una inspección chilena de los posibles territorios de canje". Recordó que tampoco habíamos contestado a una Nota Reversal en la que proponía que se autorice a la "Comisión Mixta de Límites para efectuar reconocimientos en esas zonas" y que sólo recibió una invitación para reanudar los trabajos de demarcación de fronteras, pendientes desde 1962. Hice notar que los integrantes de la Comisión Mixta están, en los hechos, haciendo reconocimientos en la frontera al recorrerla para los efectos de su trabajo.

Carvajal insistió que, "en el asunto del canje, el territorio a recibir era el argumento definitivo, la filosofía para justificar ante su pueblo la entrega del corredor". Añadió que esta era una labor ardua por cuanto existían sectores de opinión renuentes, insistiendo de nuevo en la necesidad de conocer los territorios de canje. Le respondí que, no obstante ser un tema dependiente del resultado de las conversaciones chileno peruanas, en Bolivia hay comisiones que están estudiando las alternativas que oportunamente se propondrán a Chile.

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[...]

The Chilean Minister of Foreign Affairs expressed his concern for the delay of Bolivia in responding to his request to "*authorize a Chilean inspection on the potential territories for exchange*". He also recalled that we had not replied to a Diplomatic Note in which he proposed to authorize the "*Mixed Boundary Commission to carry out the reconnaissance of these areas*" and that he had only received an invitation to re-establish the works of border demarcation, pending since 1962. I pointed out that the members of the Mixed Commission were, in fact, carrying out the reconnaissance at the border area while visiting it for the purposes of their work.

Carvajal insisted that, "concerning the matter of the exchange, the territory to be granted was the definitive argument, the philosophy to justify to his people the grant of the corridor". He added that this was an arduous task since there were sectors of opinion that were reluctant, insisting anew on the necessity of knowing which territories were to be exchanged. I replied that, notwithstanding that it is a matter that depends on the result of the Chile-Peru conversations, in Bolivia there are commissions that are studying the alternatives to be proposed to Chile in due course.

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El Almirante replicó vivamente "no vamos a aceptar cualquier cosa", a lo que respondí "es por eso que ésta es una negociación", reflexionando al canciller que todos estos aspectos podrían solucionarse más fácilmente si el gobierno boliviano pudiera presentar a su pueblo una extensión costera soberana mayor que los 8,2 kilómetros, a lo que el Canciller respondió que no estaba autorizado por su gobierno para aceptar modificaciones a los puntos que contiene el documento de 19 de diciembre de 1975.

Para allanar el camino se convino en postergar esos aspectos hasta la reunión del 2 de junio, entre los cancilleres de ambos países, acordándose preparar un calendario de trabajo. Propuse la creación de comisiones específicas para estudiar los asuntos técnicos y económicos, las que podrían entrar en funcionamiento simultáneamente con la reanudación de las conversaciones chileno peruanas.

El Canciller expresó su conformidad. Inesperadamente mencionó la deuda pendiente que el Estado boliviano tenía en la sección chilena del Ferrocarril Arica Visviri, aclarando que el interés de Chile en cobrar esa suma estaba "motivado en el deseo de destinarla al mejoramiento de los sistemas de transporte y obras conexas de dicho ferrocarril".

Al concluir el Almirante Carvajal manifestó la preocupación de su Gobierno por la manera cómo Bolivia daría su información sobre las negociaciones en la VI Asamblea de Cancilleres de la OEA y su preocupación porque el Perú pudiera considerarla como factor de presión. Desde luego le di seguridades de que Bolivia cuidaría de no entorpecer las gestiones en marcha.

Mi primer encuentro de trabajo con Patricio Carvajal fue, a no dudarlo, una experiencia para ajedrecistas. Quedamos en tablas.

Pero más allá de la fría oficina del Ministro de Relaciones Exteriores de Chile, en aquel abigarrado centro cívico cercano a La Moneda, el país trasandino expresaba su entusiasmo ante lo que parecía el fin de los recelos y discordias en el norte a causa The Admiral strongly replied "*we will not accept any old thing*", to which I responded "*that is why this is a negotiation*", pointing out to the Foreign Minister that all these aspects could be solved more easily if the government of Bolivia could present to its people a sovereign coastline larger than 8.2 kilometres, to which the Foreign Minister replied that he was not authorized by his government to accept modifications to the points contained in the document of 19 December 1975.

In order to pave the way, it was agreed that these aspects were postponed to the meeting on 2 June, between the Ministers of Foreign Affairs of both countries, agreeing to prepare a schedule of work. I proposed to create specific commissions aimed at studying the technical and economic aspects, which could enter into operation simultaneously with the resumption of the Chile-Peru conversations.

The Foreign Minister expressed his agreement.

[...]

del eterno reclamo boliviano por mar. En el pueblo chileno era perceptible el conocimiento de lo que había sucedido en 1879, y si bien yacía en el subconsciente un sentimiento de orgullo nacional por haber Chile derrotado militarmente a Perú y Bolivia juntos, resultaba imposible ocultar el origen, las motivaciones y el expolio consiguiente.

Por eso, en un momento en que Argentina tenía reclamos territoriales y Perú aparentemente aquietaba los ánimos bélicos, la negociación con Bolivia aliviaba a los chilenos y les hacía sentir que la amenaza de otra guerra cedía. La cordialidad que demostraban los chilenos era evidente y una de esas expresiones la constituyó la emisión de una serie de sellos postales por parte de la Oficina de Correos de Chile con motivo del Sesquicentenario de la Independencia de Bolivia, estampillas que se lanzaron en esos días iniciales de mi gestión diplomática y que nuestra Embajada celebró con un concurrido cóctel.

Pero tras los primeros diez días de misión en Santiago, estaban identificadas las prioridades para Chile y para Bolivia en ese lapso. Ellos querían conocer lo que Bolivia podría darles a cambio del corredor. Nosotros queríamos, antes de entrar en ese tema, que Chile y Perú se pongan de acuerdo sobre la factibilidad del canje.

EL ENCUENTRO CARVAJAL - ADRIÁZOLA

Más allá de las cortesías y los buenos deseos, el curso de la negociación mostró, descarnadamente, las diferencias de óptica que tenían los chilenos y los bolivianos de cara a la proyectada cesión de territorios marítimos con canje territorial. Para nosotros prevalecían los elementos éticos y de justicia; se trataba de la reparación moral de una agresión; de subsanar una injusticia. Para ellos era, probablemente, la posibilidad de contener a un enemigo (Perú), quedar bien con la víctima de ayer (Bolivia) y de paso hacer un buen negocio.

[...]

THE CARVAJAL - ADRIÁZOLA MEETING

De acuerdo a lo convenido, el día 2 de junio a las 10 y treinta horas, el Canciller de Chile, Almte. Patricio Carvajal, recibió a su colega boliviano, Gral. Oscar Adriázola, Eran dos hombres distintos, pese a llevar uniforme militar. El chileno era un hombre menos espontáneo que el boliviano, pero ambos, a su manera, expresaban lo que pensaban. El marino, entonces en los sesenta, daba la impresión de haber pasado mucho tiempo en contacto con la inmensa soledad del mar; la risa huía de su rostro y su personalidad era proclive a la reserva. En tanto al aviador disfrutaba de su casi medio siglo de vida; era extrovertido y ameno, de buen talante, culto y además tenía una excelente presencia; un <i>handsome</i> en la cultura anglosajona, lo que las latinas llamarían guapo.	
Fue un duelo, a ratos exasperante, que se prolongó hasta después del medio día. Quedó demostrado que así como resulta difícil tratar de contradecir a un miembro de la marina chilena que se engolosinaba con el acento <i>british</i> de su propia voz, resultaba también complicado discutir con un cochabambino. Ambas versiones, en calidad de ministros de asuntos exteriores de sus países, chocaron esa mañana de invierno en Santiago.	
Asistimos a dicha reunión el Director General de Política Exterior de Bolivia, Javier Murillo de la Rocha, el Subsecretario de RR.EE. de Chile, Cnl. Enrique Valdez Puga, el Director General de la Cancillería chilena, Cmdte. Jaime Lavin, y desde luego el Embajador de Chile en La Paz, Rigoberto Díaz y yo como Embajador de Bolivia en Chile. Reconstruyo el encuentro porque revela los intereses y las perentoriedades en juego.	
Inició la conversación el Canciller de Chile expresando su admiración por el presidente Banzer y "la forma firme, inteligente y altamente patriota con que conduce la política boliviana, razón por la que su gobierno deseaba muy sinceramente llevar a feliz término las negociaciones para resolver la mediterraneidad de Bolivia". Fue sincero al reconocer la gran significación para Chile de dar solución al problema marítimo boliviano " <i>para salvar de</i> <i>una vez el viejo obstáculo que se oponía a las buenas relaciones</i>	

[...]

As agreed, on 2 June at 10:30 am, the Minister of Foreign Affairs of Chile, Admiral Patricio Carvajal, received his Bolivian counterpart, General Oscar Adriázola....

RETORNO AL MAR CON SOBERANÍA ----

entre ambos países además de las ventajas que para ambos representaba en el campo económico". Dijo que la culminación exitosa de estas negociaciones constituiría un ejemplo para América. Entrando en materia informó que las conversaciones chileno-peruanas se reiniciarían el próximo 29 de junio, destacando la necesidad de que, previamente a ellas, se configure una imagen que muestre las coincidencias alcanzadas hasta ese momento por Chile y Bolivia. Subrayó que esto agilizaría el ritmo de las conversaciones entre Chile y Perú. Insistió en la necesidad de "mostrar, a través de expresiones coincidentes, que las diferencias planteadas en el marco de la proposición boliviana y la respuesta chilena están en vías de solución".

Al responder, el Canciller de Bolivia comenzó agradeciendo las conceptuosas opiniones dedicadas al Presidente Banzer y su gobierno, destacando que el interés recíproco que caracteriza a la búsqueda de un entendimiento conjunto y mutuamente beneficioso está orientado a lograr una solución realista, definitiva y permanente del enclaustramiento geográfico de Bolivia. Destacó también que el hecho de que en ambos países las Fuerzas Armadas hubieran tomado la responsabilidad de la conducción de sus gobiernos, daba trascendental importancia a una solución cabal del problema, porque probaba en forma terminante el ánimo pacifista que los anima. Reiteró que en Bolivia existe una inmejorable disposición de ánimo para avanzar en las negociaciones y, como consecuencia, puntualizó que era fundamental agilizar su marcha a fin de garantizar una culminación exitosa y a corto plazo, agregando la necesidad de vigorizar la gestión, en alusión a determinados temas que era necesario encarar.

Carvajal preguntó cuales serían esos puntos. Adriázola respondió que deseaba hablarle utilizando el lenguaje del soldado sincero y sencillo.

"Es necesario considerar una ampliación del frente marítimo en la costa que sería transferida soberanamente a Bolivia, ya que el litoral tan reducido propuesto por Chile no concuerda con las perspectivas del desarrollo boliviano, ni con el espíritu de generosidad que anima la negociación". ADALBERTO VIOLAND ALCÁZAR

Ante la expresión de sorpresa del ministro chileno, el canciller boliviano siguió adelante.

"Lo que estoy planteando no solamente es motivo de preocupación para mi gobierno, sino una aspiración fuertemente arraigada en el pueblo boliviano, especialmente si se toma en cuenta que el arreglo sería concretado en base a un trueque de territorios, condición que ha despertado en Bolivia encontradas corrientes de opinión. Con una costa tan estrecha, es difícil convencer a todo un pueblo sobre los beneficios de un eventual entendimiento".

La respuesta de Carvajal fue rotunda:

"Eso es algo poco menos que imposible, la extensión de costa ofrecida a Bolivia es el resultado de un largo y cuidadoso estudio hecho a nivel político y técnico, el que ha considerado especialmente las proyecciones del desarrollo urbano de la ciudad de Arica. Pasar de la Quebrada de Gallinazos sería incursionar en zonas pobladas de Arica".

Adriázola no se amilanó.

"Es poco aceptable para un pueblo llegar al mar por una ventana y mucho menos si ello implica un canje territorial. Este es un aspecto fundamental para poder marchar resueltamente hacia la formalización de un acuerdo definitivo".

El Almirante chileno asimiló el golpe y decidió cambiar de estrategia y de escenario. Dijo que en la práctica un pequeño aumento de playas no significaba ventaja real para Bolivia, ya que las instalaciones portuarias pueden hacerse en extensiones mucho menores que la de la franja y que, además, al lado estaba el puerto de Arica, ofreciendo para servir las necesidades bolivianas sin traba alguna y en condiciones de eficiencia. Sugirió que las instalaciones que eventualmente construya Bolivia deberían propender a una especialización de servicios portuarios, constituyendo así una complementación de los servicios de Arica, previendo la movilización de carga convencional. Añadió que a su juicio había que enfocar el asunto con esa perspectiva para no duplicar esfuerzos, especialmente en lo económico. Reiteró que *"la franja ofrecida a Bolivia da cabida suficiente a la instalación de industrias"*. Se explayó con las dificultades de - - RETORNO AL MAR CON SOBERANÍA----

la industria boliviana, por los costos de transporte al tener que importar insumos hasta el altiplano, para luego exportar sus productos elaborados a mercados de ultramar y afirmó que un complejo industrial instalado en la franja eliminará esos recargos.

El General boliviano dijo que compartía esas consideraciones, pero al mismo tiempo hizo ver a su colega las características del desarrollo acelerado que se está imprimiendo a la economía boliviana, con "grandes proyectos como la petroquímica, química básica, siderurgia, metalmecánica, etc. "Estos proyectos, no podrían concretarse sin una base material que estaría constituida por la franja transferida a Bolivia, con una dimensión mayor". Como Carvajal se mostró vivamente interesado en estos planes, Adriázola insistió en su pedido de ampliación del frente marítimo. El chileno dio muestras de flexibilidad, aunque apelando a otros argumentos para demostrar que la extensión ofrecida era más que suficiente para dar solución a los planes que enunciara el boliviano citando extensiones en metros de otros puertos.

El Ministro boliviano reveló en ese momento que "Bolivia crearía en la franja del corredor el nuevo Departamento Litoral para lo cual era necesario tener un espacio vital con proyecciones de crecimiento que requiere la población y actividades económicas de una ciudad". Y remató mencionando "los factores de carácter moral y de imagen que permitan presentar interna e internacionalmente una expresión realmente generosa en el arreglo boliviano-chileno".

Carvajal continuó repitiendo el argumento de que la extensión de la costa había sido determinada como conclusión de cuidadosos estudios hechos para evitar problemas respecto a la ciudad de Arica. En cambio se refirió a las posibilidades de ampliar las facilidades para Bolivia en el puerto de Arica, en cuanto a derechos de libre tránsito. Continuó con una letanía dando explicaciones de cómo el gobierno de Chile había adoptado una serie de medidas en los dos últimos años para aliviar las dificultades que se planteaban en el tráfico de la mercadería boliviana por puertos chilenos, especialmente en el congelamiento de las tarifas portuarias, a pesar de las fluctuaciones monetarias y cambiarias, concluyendo con el planteamiento de que era necesario encontrar una solución para conseguir una mayor eficiencia en el tráfico del ferrocarril de Arica a Visviri, señalando entre ellas la demora en la devolución de carros en que incurren las autoridades bolivianas. Y trató de sacar ventaja adicional señalando que el mantenimiento del ferrocarril requiere una importante inversión para lo cual, dijo, *"tendría mucha importancia la liquidación de una deuda que tenía pendiente Bolivia, que aproximadamente alcanza a seis millones de dólares"*.

Rendido ante el monólogo del marino chileno, el ministro boliviano confirmó la importancia de continuar perfeccionando el libre tránsito toda vez que Bolivia seguiría utilizando de todas maneras los actuales puertos chilenos, haciendo énfasis en que lo importante era mantener el diálogo abierto y franco.

Adriázola procuró entonces llevar al chileno a ciertas definiciones e introdujo el tema de las tres aristas, exponiendo al respecto las objeciones que hacía Bolivia:

- a) Para Bolivia no era aceptable la desmilitarización del corredor, porque tal condición niega un derecho, contradiciendo con la cesión de un territorio soberano.
- b) La utilización de las aguas adicionales del río Lauca era un factor irritante para Bolivia, además del perjuicio que significó su utilización unilateral.
- c) En cuanto al canje de territorios por aguas marítimas, existen muchos factores que lo hacen inaceptable para Bolivia, pues ni siquiera existía una legislación universal que determine la extensión del mar territorial.

El Canciller Carvajal admitió que esas observaciones eran atendibles y que por vía de interpretación podría lograrse un

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entendimiento definitivo. Pero insistió que en lo referente al "canje por áreas marítimas debería adoptarse la extensión que finalmente fije la comunidad internacional".

El Canciller Adriázola objetó ese criterio. "Ello significa que habría que dejar el acuerdo bilateral supeditado a inciertas determinaciones que pudiese tomar la comunidad internacional".

Carvajal se refugió en el tema de las aguas del río Lauca. "Se trata únicamente de una parte de las aguas, apenas un 20 % del caudal que actualmente ingresa a Bolivia; corresponde a las aguas que se generan dentro del territorio chileno y, por su escaso volumen, no representan perjuicio sensible para Bolivia".

Adriázola fue explícito y contundente. "No se trata simplemente de los volúmenes que Chile deseaba aprovechar fuesen o no perjudiciales para Bolivia. De todas maneras cualquier disminución en los caudales de este río significaba un grave daño para una zona boliviana que requiere, como ninguna otra, de esos recursos hídricos para mantener su equilibrio ecológico. Pero había otro aspecto de carácter principista qué se debía considerar y era el hecho de que "el aprovechamiento unilateral de esas aguas, provocaría una reacción en el pueblo boliviano que, podría perjudicar la negociación global como un elemento irritante".

Esta argumentación provocó inquietud en el Canciller Carvajal. A la defensiva explicó entonces las razones por las que Chile planteó la desmilitarización del corredor, que se resumían en la preocupación de que pudieran ocurrir alteraciones políticas en ambos países, que podrían significar cambios de actitudes que no permitiesen garantizar que el territorio cedido sea una zona al servicio permanente de la paz. Vinculó este aspecto con "la posibilidad siempre latente del sentimiento revanchista del Perú ante el cual Chile no podría constituirse en un país garante de la paz". Dijo que por esa razón se propuso la garantía internacional de inviolabilidad de ese territorio a través de la OEA., el TIAR u otros mecanismos internacionales.

Reiteró que no podía negar su preocupación por que en un futuro no previsible, ni en circunstancias ni en tiempo, pudieran surgir posiciones reivindicacionistas. Con la garantía internacional sería difícil quebrantar la inviolabilidad. Y a continuación el Canciller chileno flexibilizó su posición con otro largo monólogo expresando que no sería difícil llegar a un pronto entendimiento a través de interpretaciones del concepto, vinculadas a los alcances de su aplicación práctica, pues admitió que si se transfería a Bolivia ese territorio con soberanía plena era obvio que ella contase con la presencia militar en esa zona no sólo por medidas jurisdiccionales, sino para el resguardo de la condición soberana de la franja.

Hizo hincapié sobre el hecho de que "una concentración de fuerzas en el territorio, provocaría un progresivo aumento de tropas a ambos lados de la franja", concluyendo que para evitar esos factores de tensión e intranquilidad, "conviene evitar concentraciones masivas de fuerzas". En otros términos podía entenderse que si se evitaban esas concentraciones masivas de efectivos militares mediante un acuerdo podía considerarse superado el escollo de la desmilitarización.

El Canciller boliviano expresó a su colega que encontraba lógicos sus argumentos y que los comprendía. Pero enfatizó que "Bolivia tenía un propósito permanente de paz, término que conjuntamente con los de integración y desarrollo constituían la médula de la proposición hecha a Chile".

Sobre estos conceptos pudo avanzarse favorablemente en sentido de que la interpretación del concepto de desmilitarización no era una limitación de soberanía para Bolivia, pues no le impedía llevar su presencia militar a la franja en condiciones que no representaran motivo de inquietud alguna.

El Canciller chileno se refirió a continuación a la necesidad de de que se inicien estudios conjuntos en el terreno sobre las

[...]

The Minister of Foreign Affairs of Chile then referred to the need to carry out joint studies over the territory of the

posibles áreas de canje. A este respecto refirió que el canje tuvo un antecedente en 1907. Con sinceridad abrumadora expresó la posición de su país. Chile, al ceder una franja a Bolivia, no sólo deseaba perder frontera con su peligroso enemigo, el Perú; quería también obtener ventajas. "Tampoco le interesaría a Chile recibir peñascos", dijo textualmente. Escuchando el intenso diálogo, recordé la frase de Diego Portales: "El interés de Chile por sobre cualquier otra consideración".

Respondió elusivo el Canciller boliviano diciendo que tomaba nota de los puntos de vista de su colega chileno y que todo dependería del curso futuro de las negociaciones. Luego cambió también de escenario preguntando al Ministro Carvajal cuál sería a su juicio la reacción del Perú respecto a la consulta chilena.

El Canciller Carvajal respondió que no era un secreto que en el Perú habían corrientes de opinión que se oponían a una respuesta afirmativa, pero que también había partidarios favorables y esperaba que estos últimos fuesen los que influyan en la determinación del gobierno peruano para hacer viable la solución propuesta por Bolivia y aceptada por Chile de la cesión de un corredor al norte de Arica.

Añadió que una negativa sería desfavorable al Perú porque, sin ganar nada con ella, podría perder mucho en cuanto a imagen internacional. Concedió que resultaba comprensible que el Perú se tomase el tiempo necesario para realizar una exitosa labor de convencimiento en su opinión interna y que alentaba la esperanza de que ese país obraría con altura de miras. "No me atrevería a asegurar que dirán sí o no, pero confío en el buen criterio".

El Canciller Adriázola dijo a su colega chileno que deseaba saber "si existían problemas entre Chile y Perú sobre la actual línea fronteriza llamada de la Concordia, de existir serían motivo de una grave preocupación para Bolivia porque esto significaría que estos se traspasarían a nuestro país". potential areas to be exchanged. In this regard, he said that an exchange had already taken place in 1907. He expressed his country's position with overwhelming sincerity. By ceding Bolivia a strip of land, Chile did not only wish to lose its border with its dangerous enemy, Peru,; it also wanted to obtain advantages. "*Nor would Chile be interested in receiving rocks*," he said verbatim. While listening to the intense dialogue, I remembered the phrase by Diego Portales, "*Chile's interest is above any other consideration*."

The Minister of Foreign Affairs of Bolivia answered, elusively, that he would take note of the views of his Chilean counterpart and that everything would depend on future negotiations. Then he changed the scenario asking Minister Carvajal about the Peruvian reaction to Chilean consultation. El ministro chileno afirmó que consideraba que no eran problemas, como que nunca lo fueron para Chile las servidumbres establecidas a favor del Perú, fundamentalmente en la región del Tacora y de los canales de los ríos Mauri y Uchusuma. Sugirió la posibilidad de que Bolivia pueda interesar al Perú a negociar posteriormente arreglos que den una conformación más lógica a la frontera. Posiblemente esta sugerencia del Almte. Carvajal se refería a la eliminación de ésas servidumbres mediante eventuales cambios de territorios entre Bolivia y el Perú. Carvajal abundó señalando que "Bolivia posteriormente podría también proponer una ampliación de su frente marítimo por el norte —se supone que en negociaciones con el Perú— que quizás podría despertar nuevas perspectivas que obren favorablemente en el ánimo del Perú".

Adriázola se limitó a escuchar estas sugerencias, como demostración de que no eran pertinentes y desviaban la atención de las conversaciones en sus objetivos principales. Como el Canciller chileno continuó con sus especulaciones describiendo las características de las caletas que existen al norte de la Línea de la Concordia, el Canciller boliviano interrumpió esos comentarios para manifestar categóricamente que todas esas posibilidades dependerán del empeño que ponga Chile en sus actuales conversaciones con el Perú y que el gobierno boliviano asignaba importancia decisiva a los resultados que se obtengan en la reunión que debía iniciarse el 29 de junio.

El Ministro chileno respondió que, para ello, era también básico que Bolivia y Chile demuestren progreso en la búsqueda de coincidencias en aquellos puntos en los que inicialmente parecían surgir dificultades. Propuso, como una manera de avanzar en ese sentido, emprender conjuntamente estudios técnicos contemplados en el arreglo integral, a través de la organización de una comisión bilateral a la que podía asignársele tareas especiales como ser, determinación de las zonas de posible canje; justiprecio del ferrocarril Arica-Visviri; el aeropuerto de Chacalluta y propuso intercambiar notas reversales para un acuerdo formal.

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[...]

... As the Minister of Foreign Affairs of Chile continued with his speculations, describing the characteristics of the creeks located at the north of the Concordia Line, the Minister of Foreign Affairs of Bolivia interrupted his comments to categorically state that all those possibilities would depend on the efforts made by Chile in its current talks with Peru and that the Government of Bolivia assigned a decisive importance to the results of the meeting to be held on June 29.

The Minister of Chile replied that it was also essential that Bolivia and Chile move forward in the search for common grounds on the issues which initially seemed to cause difficulties. He proposed, as a way to make progress in this regard, to carry out joint technical studies contemplated in the comprehensive arrangement, through a bilateral committee to which special tasks could be assigned, such as the designation of areas that could be exchanged; fair value of the Arica-Visviri railway; Chacalluta airport, and the Minister also proposed exchanging diplomatic notes to reach a formal agreement.

CAPÍTULO VIII

NEGOCIANDO EL CANJE

L uego del cambio político operado en el Perú con el derrocamiento del Presidente Gral. Juan Velasco Alvarado y la posesión del Gral. Francisco Morales Bermúdez, Perú, Chile y Bolivia vivieron un momento de armonía que permitió disipar el ambiente de temores bélicos. Fue también un lapso en el que la negociación chileno-boliviana ingresó, a juicio nuestro, en una etapa definitoria, aguardándose solamente la respuesta peruana para lo cual el gobierno del Perú pidió más información, habilitándose delegaciones de ambos países que hasta mediados de 1976 se habían reunidos dos veces, una en Lima y otra en Santiago, sin mayores resultados.

En julio empezó una nueva etapa caracterizada por el nerviosismo de la espera, además de una creciente ola de rumores infundados en torno a lo que Bolivia podría dar en carácter de compensación por el corredor marítimo. Chile demandaba precisiones sobre lo que iba a recibir; Bolivia deseaba aligerar el peso de las condiciones incluidas en la oferta chilena; y Perú, sin ningún apuro, dejaba correr el tiempo. Mientras tanto, pasada la sorpresa inicial, crecía en los tres países la oposición al canje por distintos motivos, desde los chauvinistas y sentimentales, hasta los militares y políticos.

El 28 de julio, la cancillería chilena propuso formalmente la constitución de una Comisión Mixta Permanente Boliviano

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[...]

CHAPTER VIII

NEGOTIATING THE EXCHANGE

Así me lo dijo el propio Gral. Augusto Pinochet la noche del 19 de septiembre, en una breve conversación que me concedió en un momento de la recepción que ofreció en el Palacio Cousiño por la fiesta de la independencia chilena. Todos esos detalles me obligaron a trasladarme a La Paz, el 21 de septiembre, para informar al Presidente Banzer y al Canciller Adriázola del desarrollo de las negociaciones y la llegada del delegado especial del Presidente Pinochet y el carácter de su misión.

AMUNÁTEGUI CON BANZER

El 25 de septiembre, el delegado especial del Presidente Augusto Pinochet, Gregorio Amunátegui Pra, fue recibido en el Palacio Quemado por el Presidente Hugo Banzer. El mensaje, de ida y vuelta, era preciso: la negociación debe llegar a buen puerto, Chile y Bolivia pondrán de su parte toda su voluntad política para concretarla. El gobierno chileno estaba dispuesto a demostrar el coraje de renunciar a ciertas condiciones. El gobierno boliviano se iba a jugar entero para lograr la salida al mar bajo la fórmula del canje territorial.

Yo era consciente de que el problema para el Presidente Pinochet era la Armada de Chile, sector recalcitrante, apegado a las glorias del pasado, incapaz de entender el futuro. El problema del Presidente Banzer era el creciente descontento no contra su gobierno y la situación interna del país, cuya economía era bonancible, sino en relación al canje territorial. Tanto Pinochet como Banzer, soldados profesionales, temían a la guerra. El Almirante Merino y otros como él, parecían desearla. Lo mismo que algunos militares del fenecido gobierno revolucionario del Perú.

Los desafectos a la negociación en Chile no tenían posibilidad de exteriorizar su oposición contra el criterio del Gral. Pinochet favorable a dar una salida al mar a Bolivia. Pero en Bolivia los enemigos de la negociación con Chile demostraron de lo que eran capaces logrando publicar en *El Diario* un "trascendido originado

[...]

AMUNÁTEGUI WITH BANZER

On 25 September, the special delegate of President Augusto Pinochet, Gregorio Amunátegui Pra, was received in the Quemado Palace by President Hugo Banzer. The message, back and forth, was precise: the negotiation must succeed, Chile and Bolivia will concentrate their political willingness to make it happen. The government of Chile was willing to demonstrate the courage to withdraw certain conditions. The Bolivian government was going to risk everything to achieve its outlet to the sea under the formula of a territorial exchange.

[...]

CAPÍTULO X

LA RESPUESTA DEL PERÚ

E118 de noviembre, en solemne acto realizado en el Salón Rojo de la Cancillería de la República de Chile, ubicado en la parte posterior del Palacio de la Moneda, se constituyó la Comisión Mixta Permanente Boliviano Chilena, con el intercambio de Notas Reversales. Hubo discursos de circunstancia y se formularon buenos deseos. Se esperaba que, a breve plazo, esa comisión sería la que identifique el área que Bolivia entregaría a Chile en canje por el corredor al norte de Arica.

Inesperadamente, un par de horas después, el gobierno del Perú dio respuesta a la consulta chilena de 19 de diciembre de 1975, a través del Secretario General del Ministerio de Relaciones Exteriores del Perú, Embajador Luis Marchand Stens, quien la entregó directamente al Canciller de Chile, Almirante Patricio Carvajal.

Era una respuesta verbal que dejó al Almirante confundido. Por ello pidió la oficialización de la respuesta a través de una Aide Memoire que le fue transmitida al día siguiente.

El planteamiento peruano a Chile tenía dos puntos fundamentales:

• Eventual cesión soberana por Chile a Bolivia de un corredor por el norte de la provincia de Arica, paralelo a la línea de la Concordia, que se inicia en la frontera boliviano-chilena y termina al llegar al tramo de la

CHAPTER X

PERU'S RESPONSE

On 18 November, in a solemn ceremony held in the Red Hall of the Ministry of Foreign Affairs of the Republic of Chile, located at the back of Moneda Palace, the Bolivian-Chilean Permanent Mixed Commission was created, through the exchange of Diplomatic Notes. On the occasion, speeches and good wishes were delivered. In the short term, this commission was expected to identify the area that Bolivia would transfer to Chile in exchange for the corridor at the north of Arica.

Unexpectedly, a few hours later, the government of Peru replied to the consultation made by Chile on 19 December 1975, through the Secretary General of the Ministry of Foreign Affairs of Peru, Ambassador Luis Marchand Stens, who submitted such response directly to the Minister of Foreign Affairs of Chile, Admiral Patricio Carvajal.

It was a verbal response, which confused the Admiral. Therefore, he requested to have the response formalized in an Aide Memoire that was delivered the next day.

[...]

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Minutes of the Twelfth Meeting of the Political Consultations Mechanism, 17 February 2004

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

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	Santiago, 16 y 17 de febrero de 2004
	<u>Acta Final de la XII Reunión del Mecanismo de</u> Consultas Políticas Chile – Bolivia
r F F	En la ciudad de Santiago, República de Chile, los días 16 y 17 de febrero de 2004, se eunieron las Delegaciones de Chile y Bolivia, presididas por el Subsecretario de Relaciones Exteriores de Chile, Embajador Cristián Barros Melet y el Viceministro de Relaciones Exteriores y Culto de Bolivia, Embajador Jorge Gumucio Granier, con el objeto le examinar diversos aspectos de la relación bilateral.
L	a nómina de las Delegaciones de ambos países se anexa a la presente Acta.
	uego de un intercambio de saludos, las Delegaciones aprobaron la siguiente agenda de a Reunión:
1	 Libre Tránsito. Modernización y licitación de puertos chilenos Puerto de Arica
	Puerto de Antofagasta
2	2. Centros de Acopios. Permanencia y almacenamiento de la carga boliviana
3	3. Sistema Integrado de Tránsito (SIT)
4	Habilitación de nuevos Puertos.
5	Situación ex trabajadores AADAA.
6	ACE - 22.
- 7	Cooperación Técnica.
8	 Convenios suscritos: Convenio de Controles Integrados de Frontera (CIF) Acuerdo de Cooperación Aduanera.
ġ	 Tratado sobre transferencia de personas condenadas. Acuerdo que permite el trabajo a familiares del personal consular administrativo y técnico.
''λ	Acuerdo sobre Patrimonio Cultural.Convenio de Seguridad Social
1	0. Otros asuntos

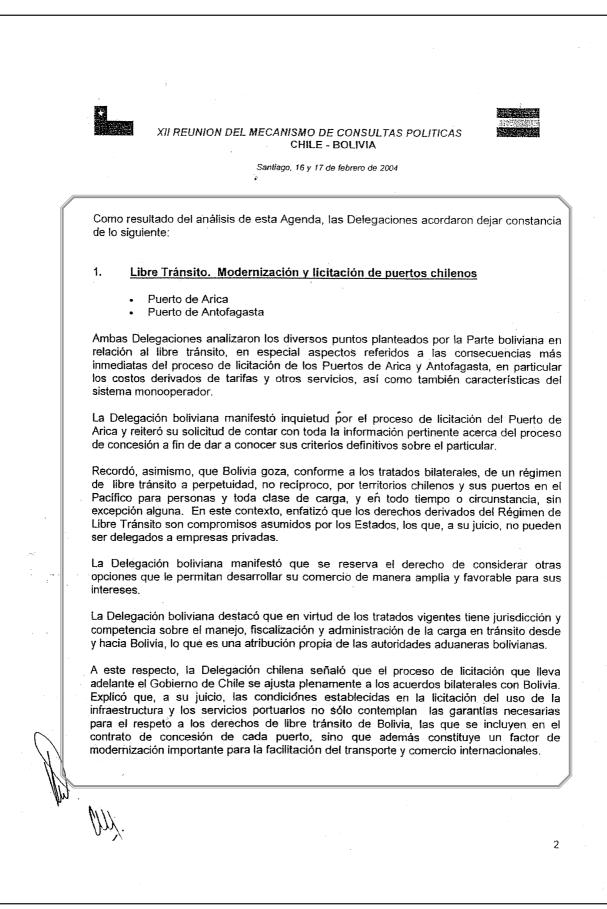
<u>Final Minutes of the 12th Meeting</u> of the Chile-Bolivia Political Consultation Mechanism

The Delegations of Chile and Bolivia, led by the Chilean Undersecretary of Foreign Affairs of Chile, Ambassador Cristian Barros Melet, and the Bolivian Deputy Minister of Foreign Affairs and Worship, Ambassador Jorge Gumucio Granier, met in the city of Santiago, Republic of Chile, on 16 and 17 February 2004, in order to examine several aspects of the bilateral relationship.

A list of the Delegations of both countries is attached to these minutes.

After exchanging greetings, the Delegations approved the following agenda for the Meeting:

- 1. Free transit. Modernization and Bidding Process for Chilean Ports.
 - Port of Arica.
 - Port of Antofagasta.
- Warehouses.
 Length of stay and storage of Bolivian cargo.
- 3. Integrated Transit System (SIT).
- 4. Authorization of new Ports.
- 5. Situation of former AADAA employees.
- 6. ACE 22. [Agreement on Economic Complementation No. 22.]
- 7. Technical Cooperation.
- 8. Agreements signed:
 - Integrated Border Control Agreements (CIF).
 - Customs Cooperation Agreement.
- 9. Agreements to negotiate or being discussed:
 - Treaty on transfer of convicts.
 - Agreement allowing work of consular administrative and technical staff relatives.
 - Agreement on Cultural Heritage.
 - Social Security Agreement.
- 10. Other Business.



As a result of the analysis of this Agenda, the Delegations agreed to record the following:

1. Free Transit. Modernization and Bidding Process for Chilean ports

- Port of Arica.
- Port of Antofagasta.

Both Delegations analyzed the various free transit issues raised by the Bolivian Delegation, particularly aspects related to the immediate consequences of the bidding process for the Ports of Arica and Antofagasta, and especially the costs derived from rates and other services, as well as characteristics of the single operator system.

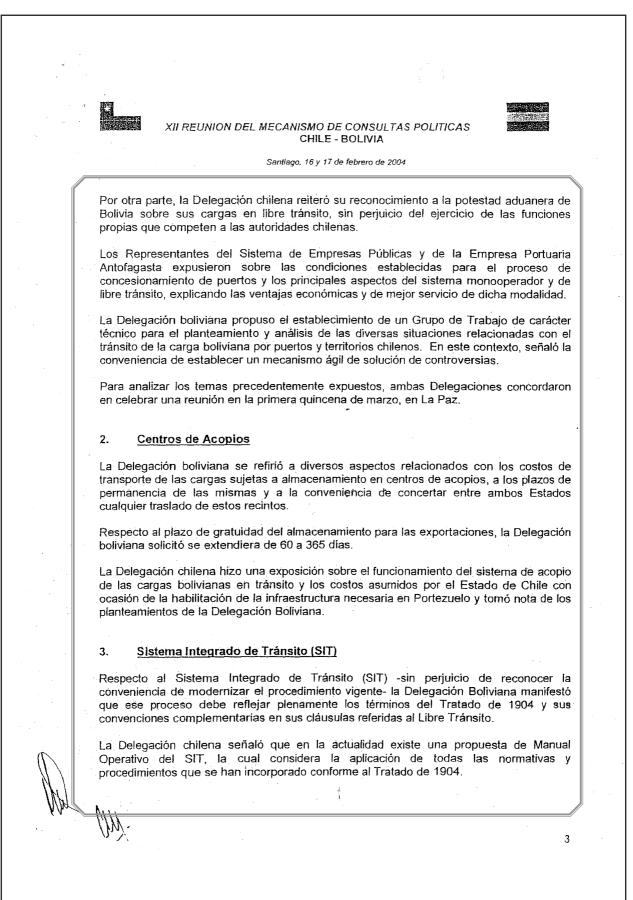
The Bolivian Delegation stated their concern about the bidding process for the Port of Arica and reiterated their request for all the relevant information about the process so that they could provide their final opinion on this matter.

They also pointed out that pursuant to the bilateral treaties, Bolivia is entitled to a non-reciprocal free transit regime in perpetuity, through Chilean territories and ports on the Pacific for people and all types of cargo, and at all times and under any circumstances, without any exception. In this context, they emphasized that the rights derived from the Free Transit Regime are commitments assumed by the States, and, in their opinion, cannot be delegated to private enterprises.

The Bolivian Delegation stated that they reserve the right to consider other options which will allow them to develop their trade extensively and favorably to their interests.

The Bolivian Delegation emphasized that under the current treaties Bolivia has jurisdiction over the management, inspection and administration of cargo in transit to and from Bolivia, which is a power vested in the Bolivian customs authorities.

In this respect, the Chilean Delegation indicated that the bidding process being held by the Government of Chile is in full accordance with the bilateral agreements signed with Bolivia. They explained that in their opinion, the terms established in the bidding process for the use of the port infrastructure and services not only provide the necessary guarantees that Bolivia's free transit rights will be respected (as they are included in the concession contract for each port), but this process is also an important modernization factor for facilitating international transport and trade.



Furthermore, the Chilean Delegation reiterated its recognition of the Bolivian customs officials' authority over cargo in free transit, without prejudice to the exercise of the authority possessed by Chilean officials.

The Representatives of the System of State-Owned Companies and the Antofagasta Port Company discussed the terms established for the process of awarding a port concession and the primary aspects of the single operator and free transit system, explaining the economic advantages and the better service involved in such system.

The Bolivian Delegation proposed the establishment of a technical Working Group to analyze the various situations related to the transit of Bolivian cargo through Chilean ports and territories. In this context, they pointed out that an efficient dispute resolution mechanism should be established.

In order to analyze the topics set above, both Delegations agreed to hold a meeting in the first half of March, in La Paz.

2. <u>Warehouses</u>

The Bolivian Delegation discussed various issues related to the transport costs for cargo subject to warehousing, the time that it is required to be stored in those warehouses and the desirability of having the two countries coordinate any transfer from the warehouses.

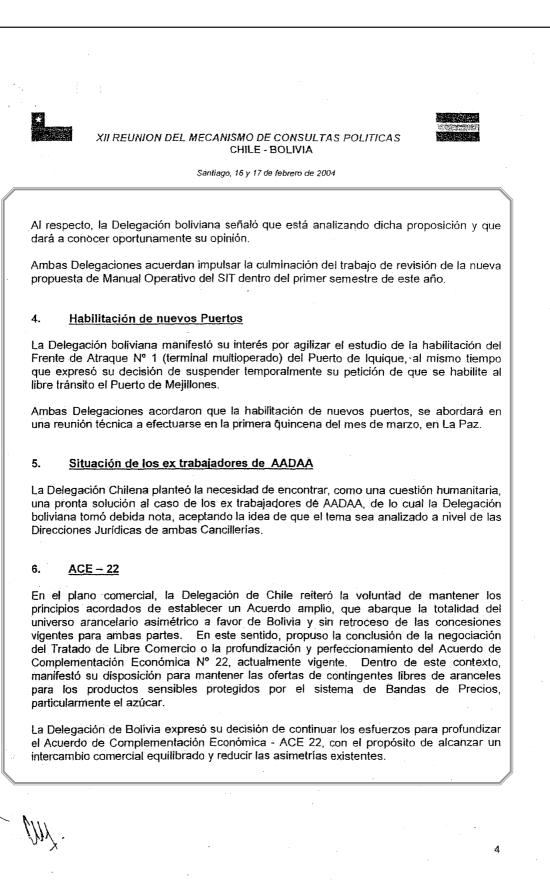
With respect to the period of free storage for exports, the Bolivian Delegation requested that it be extended from 60 to 365 days.

The Chilean Delegation gave a presentation on the operations of the storage system for Bolivian cargo in transit and the costs assumed by the Government of Chile in order to authorize the necessary infrastructure in Portezuelo and took note of the statements made by the Bolivian Delegation.

3. <u>Integrated Transit System (SIT)</u>

With respect to the Integrated Transit System, and even though they acknowledged that it would be appropriate to modernize the current procedure, the Bolivian Delegation stated that this process should fully reflect the terms of the Treaty of 1904 and the clauses of supplementary conventions that discuss Free Transit.

The Chilean Delegation indicated that there is currently a proposed Operations Manual for the Integrated Transit System, which includes all the rules and procedures that have been added pursuant to the Treaty of 1904.



In this regard, the Bolivian Delegation indicated that they are analyzing this proposal and will announce their opinion in due course.

Both Delegations agreed to complete the review of the new proposed Operations Manual for the Integrated Transit System within the first half of this year.

4. <u>Authorization of new Ports</u>

The Bolivian Delegation stated its interest in facilitating the study of the authorization of Mooring Site No. 1 (multi-operated terminal) in the Port of lquique, while at the same time expressing its decision to temporarily suspend its request that the Port of Mejillones be authorized for free transit.

Both Delegations agreed that the authorization of new ports will be discussed at a technical meeting to be held in the first half of March, in La Paz.

5. <u>Situation of former AADAA employees</u>

The Chilean Delegation suggested that a prompt solution needed to be found to the humanitarian question of the former AADAA employees, and the Bolivian Delegation took due note of this, agreeing the idea that the topic should be analyzed at the level of the Legal Departments of the two Foreign Ministries.

6. <u>ACE – 22 [Economic Complementation Agreement No. 22]</u>

With respect to trade, the Chilean Delegation reiterated their intention to maintain the agreed principles to establish a broad Agreement that addresses the entire customs universe, which is asymmetric in favor of Bolivia, and without cancellation of the current concessions in force for both parties. Along these lines, they proposed either negotiating a Free Trade Agreement, or strengthening and perfecting the Agreement on Economic Complementation No. 22, which is currently in force. Within this context, they stated that they were willing to maintain the offers for duty-free contingents for sensitive products protected by the Price Banding System, particularly sugar.

The Bolivian Delegation expressed their decision to continue their efforts to strengthen the Agreement on Economic Complementation – ACE No. 22, in order to reach a fair commercial exchange and reduce the existing asymmetries.

XII REUNION DEL MECANISMO DE CONSULTAS POLITICAS CHILE - BOLIVIA



Santiago, 16 y 17 de febrero de 2004

7. Cooperación Técnica

La Delegación Chilena hizo una presentación de los avances alcanzados en la cooperación bilateral, conviniéndose en la necesidad de continuar trabajando en los diversos temas, así como en nuevos proyectos de interés común.

Por su parte, el Ministerio de Agricultura de Chile ofreció compartir la experiencia exportadora que ha obtenido de sus acuerdos con la Unión Europea y Estados Unidos. En particular, el Servicio Agrícola y Ganadero (SAG) brindará la asistencia técnica al SENASAG en aquellas materias de su interés.

Para estos efectos, se efectuará una reunión técnica bilateral entre las autoridades del Servicio Agrícola Ganadero de Chile y del Servicio Nacional de Sanidad Agropecuaria e Inocuidad Alimentaria (SENASAG) el mes de abril del presente año con el fin de elaborar una agenda sanitaria, particularmente en materia de sanidad de ganado vacuno.

8. <u>Convenios suscritos</u>

Ambas Delegaciones expresaron su satisfacción por los acuerdos alcanzados para el establecimiento de Controles Integrados y de Cooperación Aduanera, lo que se materializa en la presente reunión mediante la suscripción de un Convenio de Controles Integrados de Frontera (CIF) y un Acuerdo de Cooperación Aduanera. Dichos instrumentos permitirán una mejor atención de los usuarios en los pasos fronterizos y una acción conjunta más eficiente para combatir el contrabando y otros ilícitos.

9. Convenios a negociar o en tramitación

Ambas Delegaciones manifestaron interés en avanzar en los siguientes Acuerdos en estudio:

Tratado sobre transferencia de personas condenadas.

Este Tratado, suscrito entre Chile y Bolivia el 22 de febrero de 2001, fue aprobado en primer trámite constitucional por la Cámara de Diputados de Chile, actualmente en segundo trámite constitucional para nuevo Informe. La Delegación de Chile se comprometió a realizar las gestiones necesarias para su pronta entrada en vigor.

Acuerdo que permite el trabajo a familiares del personal consular, administrativo y técnico.

Ambas Delegaciones acordaron intercambiar información a través de sus respectivos Consulados para avanzar en la negociación del referido Acuerdo. Existe un texto que tiene un importante grado de adelanto.

7. <u>Technical Cooperation</u>

The Chilean Delegation made a presentation of the progress reached in the bilateral cooperation, agreeing on the need to continue working on the various issues and on new projects of mutual interest.

For its part, the Chilean Ministry of Agriculture offered to share the export experience that it has obtained from its agreements with the European Union and the United States. In particular, the Agriculture and Livestock Service will provide technical assistance to SENASAG in matters of interest to it.

To this end, a bilateral technical meeting will be held between the authorities of the Chilean Agriculture and Livestock Service and the National Agricultural Health and Food Safety Service (SENASAG) in April of this year in order to draw up a health agenda, particularly with respect to the health of cattle.

8. <u>Agreements signed</u>

Both Delegations expressed their satisfaction with their agreements to establish Integrated Controls and Customs Cooperation, which resulted in the signing of an Integrated Border Control Agreement and a Customs Cooperation Agreement at this meeting. These instruments will result in better service for users at the border crossings and more efficient joint action in the fight against smuggling and other crimes.

9. <u>Agreements to negotiate or being discussed</u>

Both Delegations stated their interest in moving forward with the following Agreements being studied:

• <u>Treaty on transfer of convicts.</u>

This Treaty, signed between Chile and Bolivia on 22 February 2001, was approved by the Chilean Chamber of Deputies and is now being reviewed by the Chilean Senate for a new report. The Chilean Delegation agreed to take the necessary actions for it to take effect promptly.

• Agreement permitting the relatives of consular, administrative and technical staff to work.

Both Delegations agreed to exchange information through their respective Consulates to move forward with the negotiation of the Agreement referred to. There is a text which is greatly improving.

XII REUNION DEL MECANISMO DE CONSULTAS POLITICAS CHILE - BOLIVIA



6

Sanliago, 16 y 17 de febrero de 2004

Acuerdo sobre Patrimonio Cultural.

La Delegación de Bolivia expresó su interés en contar con normas que permitan prevenir la exportación de bienes patrimoniales y contar con mecanismos que permitan la restitución del patrimonio que sea ilegalmente extraído. Se propuso avanzar en el tema y realizar una reunión en La Paz entre los Ministerios de Cultura, coordinada por las Cancillerías de ambos países, en una fecha a convenir.

Convenio de Seguridad Social

La Delegación de Chile presentó un Proyecto de Convenio para conocimiento y análisis de la parte boliviana, acordando ambas Partes en continuar conversaciones a través de sus Consulados. Se propuso realizar una Primera Reunión de los organismos técnicos también en La Paz.

10. Otros asuntos

Silala

Sobre el tema del Silala, ambas Delegaciones acordaron continuar su análisis a fin de encontrar una solución positiva a la brevedad posible.

Temas de Integración Física

La Delegación chilena hizo un recuento del estado de avance de los trabajos iniciados a partir de la Reunión Bilateral de Ministros de Economía, Obras Públicas y de Desarrollo Económico, celebrada en Santa Cruz de la Sierra, Bolivia en enero de 2001, en materia de minería, energía, recursos hídricos e infraestructura, que puedan constituir factores de integración y cooperación entre ambos países.

Se recordó que en materia de energía, se había coincidido en la conveniencia de crear un Grupo de Trabajo que estudiara un proyecto de acuerdo en el marco del ACE 22, así como en cuanto a recursos hídricos, se aludió a la Reunión Bilateral realizada en diciembre de 2002. En relación a cooperación minera se encuentra pendiente la constitución de un Grupo de Trabajo a fin de examinar temas de interés común en materia de geología, tecnología y legislación minera, entre otros.

En infraestructura, la Delegación chilena expresó su interés para seguir avanzando en el marco del Grupo Técnico Mixto creado en mayo de 2002, especialmente para impulsar el desarrollo de las conexiones priorizadas, agregando que los planes de inversión de obras públicas de Chile han considerado de manera importante inversiones para las conexiones viales entre ambos países, especialmente en las rutas Arica – Tambo Quemado y Huara – Colchane.

• <u>Agreement on Cultural Heritage.</u>

The Bolivian Delegation expressed their interest in having rules that would prevent the export of cultural assets and mechanisms for the return of cultural assets that are unlawfully removed. It was proposed to move forward with this topic and to hold a meeting in La Paz between the Ministries of Culture, coordinated by the Foreign Ministries of the two countries, on a date to be agreed.

<u>Social Security Agreement</u>

The Chilean Delegation presented a draft Agreement for review and analysis by the Bolivian Delegation, and both Parties agreed to continue discussions through their Consulates. It was proposed to hold a First Meeting of the technical bodies in La Paz as well.

10. Other business

• <u>Silala</u>

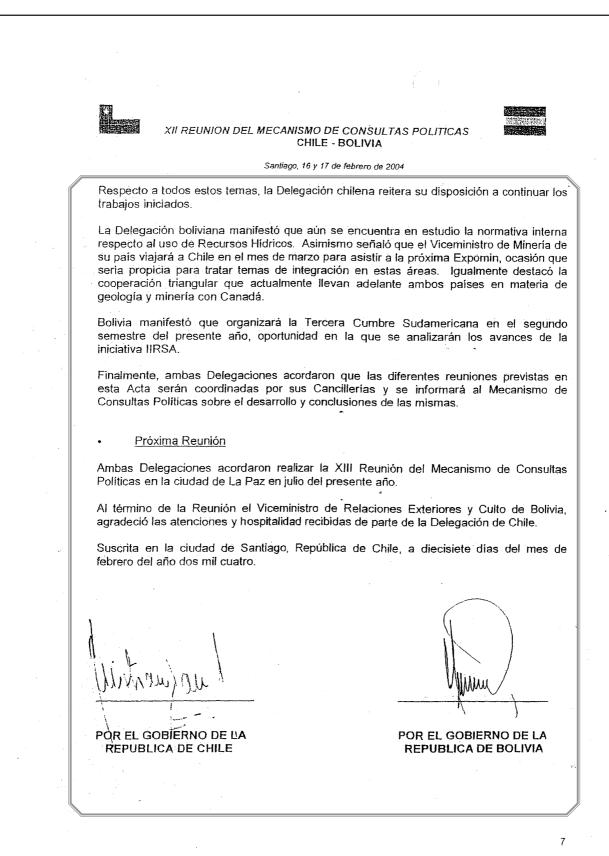
With regard to the Silala River, both Delegations agreed to continue their analysis in order to find a positive solution as soon as possible.

<u>Issues of Physical Integration</u>

The Chilean Delegation reported on the status of the progress made with the work initiated at the Bilateral Meeting of Ministers of Economy, Public Works and Economic Development, held in Santa Cruz de la Sierra, Bolivia in January 2001, on mining, energy, water resources and infrastructure, which may constitute factors of integration and cooperation between the two countries.

They pointed out that with regard to energy, it has been agreed to create a Working Group that will study a draft agreement in connection with ACE No. 22, and with respect to water resources, they mentioned the Bilateral Meeting held in December 2002. With regard to mining cooperation, a Working Group will be established to examine issues of mutual interest in fields such as geology, technology and mining legislation.

In infrastructure, the Chilean Delegation expressed their interest in continuing to move forward with the Joint Technical Group created in May 2002, especially to promote the development of priority connections, adding that Chile's plans to invest in public works provide for very significant investments in highway connections between the two countries, especially the roads from Arica to Tambo Quemado and from Huara to Colchane.



With respect to all these issues, the Chilean Delegation reiterated their willingness to continue with the work begun.

The Bolivian Delegation stated that they are still studying the internal regulations on the use of Water Resources. They also stated that the Deputy Minister of Mining in their country would travel to Chile in March to attend the upcoming Expomin, which would be a propitious occasion for discussing issues of integration in these areas. They also pointed to the triangular cooperation that both countries are engaged in with Canada, in matters related to geology and mining.

Bolivia stated that it would organize the 3rd South American Summit in the second half of this year, where the progress with the URSA initiative will be analyzed.

Finally, both Delegations agreed that the various meetings provided for in these Minutes will be coordinated by their Foreign Ministries, and the Political Consultation Mechanism will be informed of the holding and conclusions of such meetings.

• <u>Next Meeting.</u>

Both Delegations agreed to hold the 13th Meeting of the Political Consultation Mechanism in the city of La Paz, in July of this year.

At the end of the meeting, the Bolivian Deputy Minister of Foreign Affairs and Worship thanked the Chilean Delegation for their courtesy and hospitality.

Signed in the city of Santiago, Republic of Chile, on 17 February 2004.

[Signed]

[Signed]

FOR THE GOVERNMENT OF THE REPUBLIC OF CHILE

FOR THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA



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XII REUNION DEL MECANISMO DE CONSULTAS POLITICAS CHILE - BOLIVIA

Santiago, 16 y 17 de febrero de 2004

DELEGACIONES PARTICIPANTES

Delegación Chilena

Subsecretario de Relaciones Exteriores Embajador Cristián Barros

Director General de Política Exterior (S) Embajador Daniel Carvallo

Director Nacional de Fronteras y Límites del Estado (S) Embajador Sergio Mimiça.

Director de América del Sur Ministro Consejero Alfonso Silva

Cónsul General Adjunto de Chile en La Paz Ministro Consejero Fernando Urrutia

Director de Fronteras Señor Anselmo Pommés

Subdirector América del Sur Ministro Consejero Gabriel Zepeda

Consejero Patricio Victoriano Consulado de Chile en La Paz

Señor Enrique Ceppi Director de Asuntos Económicos para América Latina (DIRECON)

Señor Arturo Vergara Agencia de Cooperación Internacional

Segunda Secretaria Camila Márquez Escritorio de Bolivia, Dirección América del Sur

Señora Marcela Espinoza Jefe Departamento de Aplicación Legislativa de DIFROL



XII REUNION DEL MECANISMO DE CONSULTAS POLITICAS CHILE - BOLIVIA



Santiago, 16 y 17 de febrero de 2004

Invitados

Señor Igor Garafulic Subsecretario de Agricultura (S)

Señor Carlos Mladinic Sistema de Empresas Públicas

Señor Raúl Allard Director Nacional de Aduanas

Señor Humberto Peña Director General de Aguas

Señor Patricio Campaña Empresa Portuaria de Arica

Señor Sergio Retamal Empresa Portuaria de Antofagasta

Señor Claudio Sepúlveda Dirección General de Aduanas

Delegación Boliviana

Ministerio de Relaciones Exteriores y Culto de Bolivia

Embajador Jorge Gumucio Granier Viceministro de Relaciones Exteriores y Culto

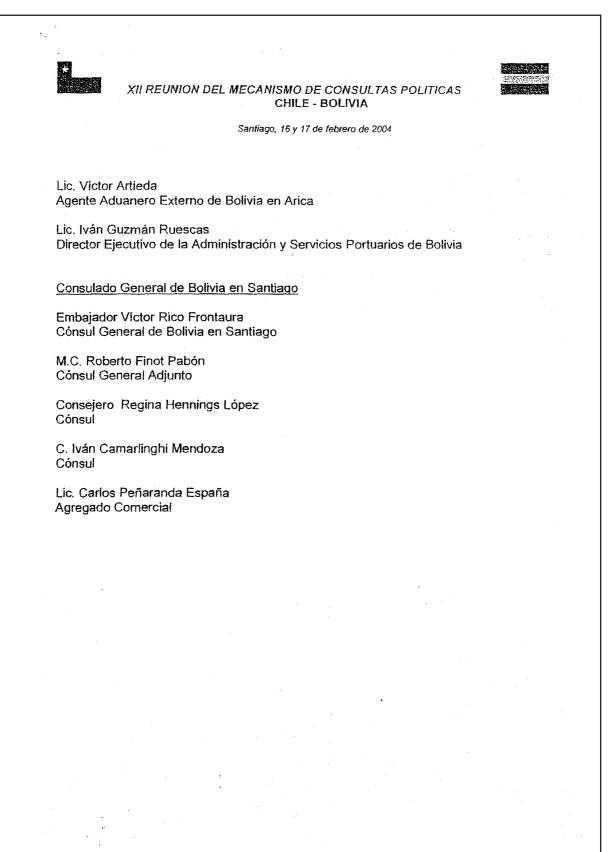
Embajador Edgar Pinto Tapia Director General de Asuntos Bilaterales

M.C. Mauricio Dorfler Ocampo Director General de Negociaciones Económicas

M.C. William Torres Armas Director de Unidad de Análisis de Política Exterior

P.S. Virginia De la Quintana Ruiz Dirección de América, Encargada del Escritorio Chile

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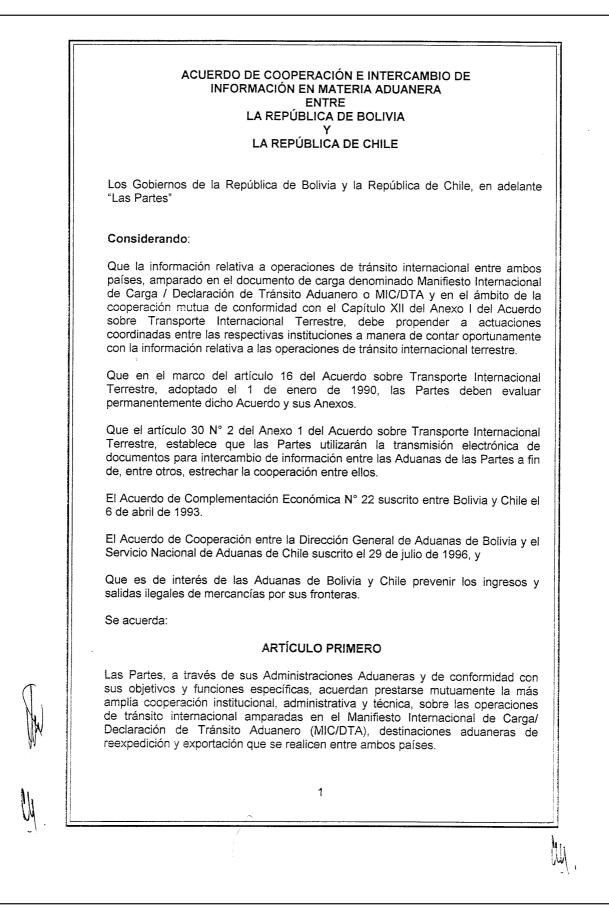


Annex 330

Agreement on Customs Cooperation and Information Exchange between Bolivia and Chile, signed at Santiago on 17 February 2004

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



AGREEMENT ON CUSTOMS COOPERATION AND INFORMATION EXCHANGE BETWEEN THE REPUBLIC OF BOLIVIA AND THE REPUBLIC OF CHILE

The Governments of the Republic of Bolivia and the Republic of Chile, hereinafter the "Parties",

Whereas,

The information concerning international transit operations between both countries, under the cargo document entitled International Cargo Manifest / Customs Transit Declaration or MIC/DTA and within the mutual cooperation under Chapter XII of Annex I of the Agreement on International Land Transportation, should foster coordinated action between the relevant institutions so as to secure timely information on international land transportation operations.

Under Section 16 of the Agreement on International Land Transportation, adopted on 1 January 1990, the Parties should assess such agreement and its annexes on an ongoing basis.

Article 30 No. 2 of Annex 1 to the Agreement on International Land Transportation provides that the parties shall use electronic means to exchange information between the Parties' Customs Offices to reinforce mutual cooperation, among other activities.

Economic Complementation Agreement No. 22 signed between Bolivia and Chile on 6 April 1993.

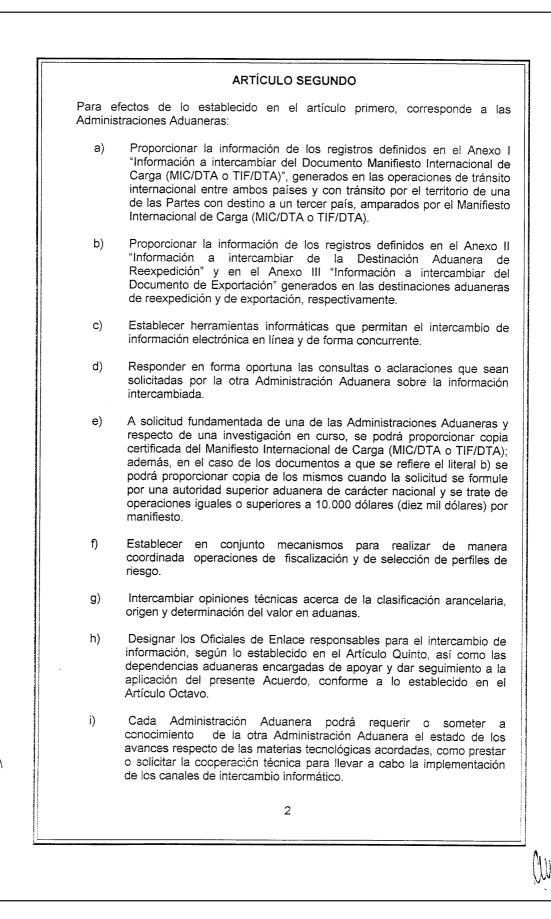
The cooperation agreement between the Bolivian General Customs Office and the Chilean Customs Service signed on 29 July 1996; and

It is of interest to the Customs Offices of Bolivia and Chile to prevent the illegal entry and exit of goods through their borders.

Now, therefore, it is hereby agreed as follows:

Article One

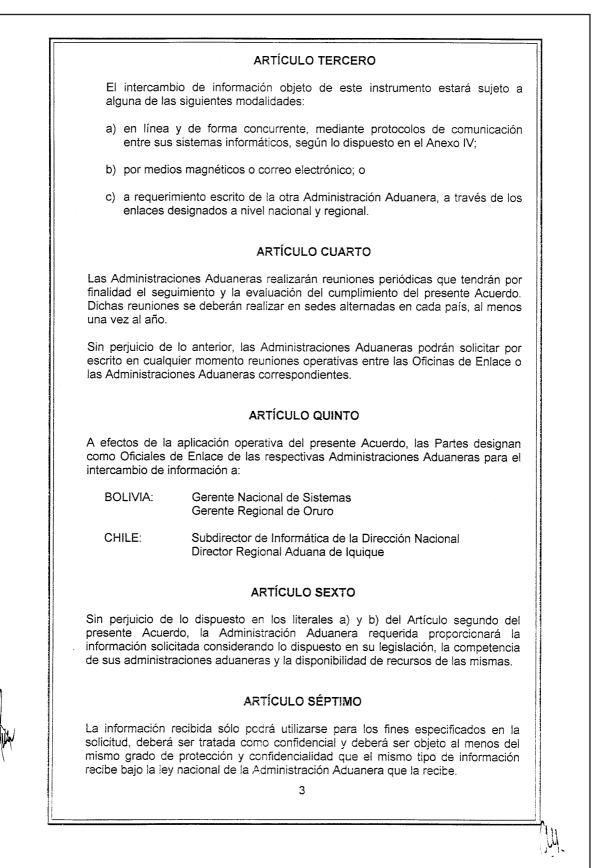
The Parties, through their Customs Administrations and pursuant to their specific objectives and duties, hereby agree to mutually provide each other the fullest institutional, administrative, and technical cooperation concerning the international transit operations under the International Cargo Manifest / Customs Transit Declaration (MIC/DTA), reshipment and export customs destinations between both countries.



Article Two

For the purposes of Article 1, both Customs Administrations shall:

- a) Provide the information contained in the registries defined in Annex I "Information to be Exchanged about the International Cargo Manifest (MIC/DTA or TIF/DTA)", resulting from the operations of international transit between both countries and with transit through the territory of one of the Parties for which the destination is a third country, under the International Cargo Manifest (MIC/DTA or TIF/DTA).
- b) Provide the information contained in the registries defined in Annex II "Information to be Exchanged Concerning Re-shipment Customs Destination" and in Annex III "Information to be Exchanged Concerning the Export Document" generated at reshipment or export customs destinations, respectively.
- c) Implement information technology tools that allow for the simultaneous exchange of electronic information online.
- d) Respond in a timely manner to the consultations and requests for clarifications submitted by the other Customs Administration about the information being exchanged.
- e) At the well-founded request of one of the Customs Administrations concerning an ongoing investigation, provide a certified copy of the International Cargo Manifest (MIC/DTA or TIF/DTA). In addition, as regards the documents referred to in b) above, a copy of such documents may be provided whenever the request is made by a superior national customs authority and operations equal to or above 10,000 (ten thousand) dollars per manifest are involved.
- f) Create a set of mechanisms to perform coordinated surveillance and risk profile selection operations.
- g) Exchange technical opinions concerning tariff classification, the origin, and the determination of the customs value.
- h) Appoint the Liaison Officers responsible for the exchange of information, according to Article Five, as well as the customs offices entrusted with the support and follow-up of the application of this agreement, pursuant to Article Eight.
- i) Each Customs Administration may request or submit to the other Customs Administration for information purposes, the state of progress concerning agreed technological issues, as well as give or request technical cooperation to implement electronic exchange channels.



Article Three

The exchange of information under this agreement shall be subject to the following modalities:

a) online and simultaneously, through communication protocols between IT systems, as provided in Annex IV;

b) using magnetic media or e-mail; or

c) at the written request of the other Customs Administration, through the liaison officers appointed at the national and regional levels.

Article Four

Both Customs Administrations shall hold periodic meetings to follow up and assess compliance with this Agreement. Such meetings shall be held at alternate venues in each country, at least once a year.

Notwithstanding the foregoing, the Customs Administrations may request in writing, at any time, that operational meetings be held between the relevant Liaison Offices or Customs Administrations.

Article Five

In order for the operational implementation of this Agreement, the Parties hereby appoint the following as Liaison Officials of their respective Customs Administrations for the exchange of information:

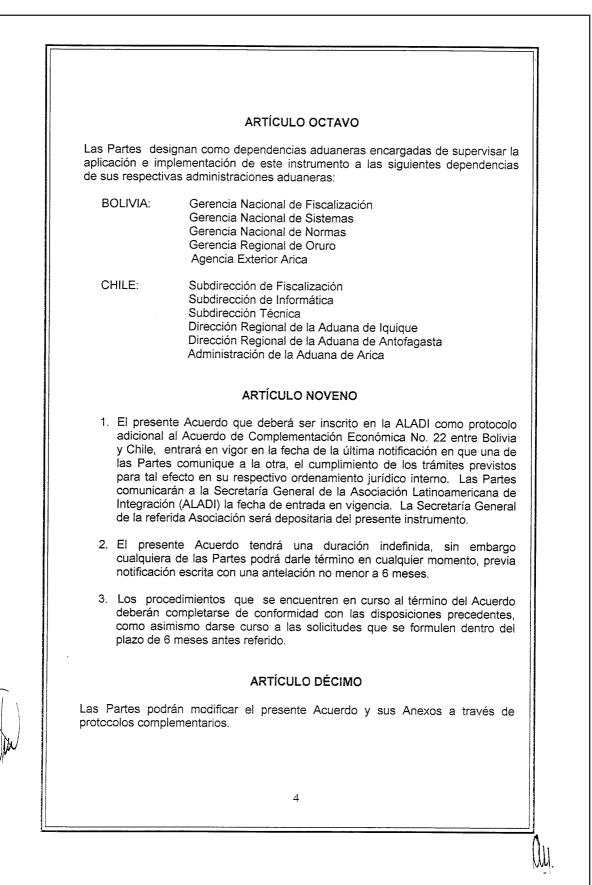
BOLIVIA:	National Systems Manager
	Regional Manager of Oruro
CHILE:	IT Deputy Director of the National Office
	Regional Director of Customs of Iquique

Article Six

Notwithstanding the provisions of (a) and (b) in Article 2 hereof, the Customs Administration from which information is requested shall provide such information taking into account its own legislation, the competence of its customs administration offices and the availability of resources.

Article Seven

The information received may only be used for the purposes specified in the request, it shall be treated as confidential and enjoy the degree of protection and confidentiality ascribed to the same type of information by the domestic laws of the Customs Administration that receives it.



Article Eight

The Parties hereby appoint the following offices of their respective customs administrations as customs offices entrusted with the surveillance of the application and enforcement of this Agreement:

BOLIVIA:	National Tax Compliance Office	
	National Systems Office	
	National Regulations Office	
	Regional Office of Oruro	
CHILE:	Office of the Deputy Director of Tax Compliance	
	Office of the Deputy Director of Informatics	
	Office of the Deputy Director of Technical Matters	
	Regional Director of Customs of Iquique	
	Regional Director of Customs of Antofagasta	
	Customs Administration of Arica	

Article Nine

- 1. This Agreement, which shall be registered with the Latin American Integration Association as an additional protocol to Economic Complementation Agreement No. 22 between Bolivia and Chile, shall enter into force on the date of the last notice given by one of the Parties to notify the other that it has complied with the formalities required for the protocol to become effective under its domestic legal system. The Parties shall notify the effective date to the General Secretariat of the Latin American Integration Association. The General Secretariat shall retain this document.
- 2. This Agreement shall remain effective for an indefinite period; however, either Party may terminate it at any time, provided it gives notice in writing at least 6 months in advance.
- 3. Any ongoing procedure upon termination of the Agreement shall be completed under the above provisions and any request made within such 6-month period shall be answered.

Article Ten

The Parties may modify this Agreement and its Annexes through supplementary protocols.

ARTÍCULO TRANSITORIO En tanto se concluya con la conformación de los controles integrados de frontera, las aduanas operativas de las administraciones aduaneras realizarán reuniones periódicas en frontera a fin de seguir profundizando el proceso de cooperación. En fe de lo cual, los abajo firmantes, proceden a firmar el presente Acuerdo Hecho en la ciudad de Santiago, Chile, a los diecisiete días del mes de febrero del año dos mil cuatro, en dos ejemplares originales, igualmente auténticos. Por la República de Bolivia or la República de Chile 5

Provisional Article

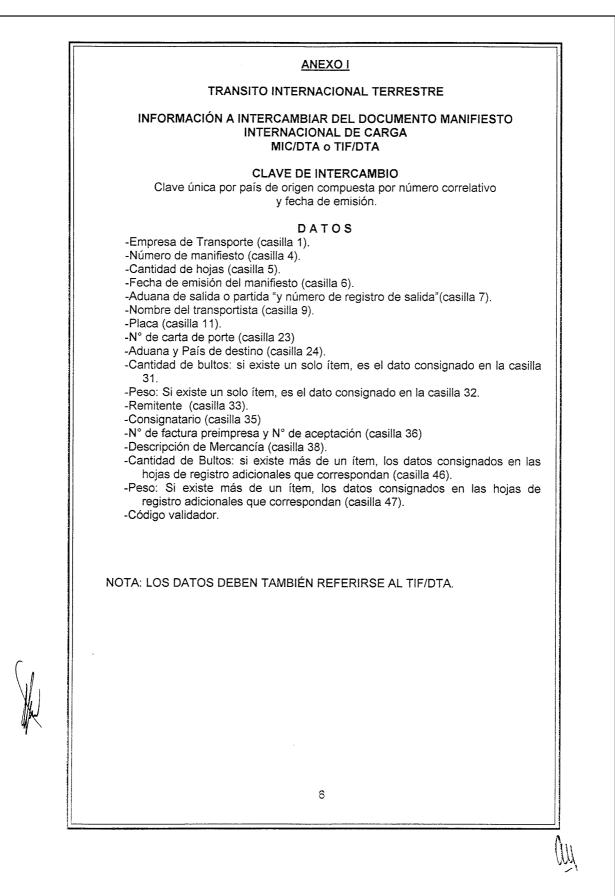
Insofar as the implementation of joint border controls is completed, the operational customs offices of the Customs Administrations shall hold periodic meetings at the border to reinforce the cooperation process.

In witness whereof, the undersigned execute this Agreement in the city of Santiago de Chile, on 17 February 2004, in two copies, both of which constitute one and the same agreement.

[Signed]

For the Republic of Bolivia.

[Signed] For the Republic of Chile



<u>ANEXO II</u>

INFORMACIÓN A INTERCAMBIAR DE LA DESTINACIÓN ADUANERA DE REEXPEDICIÓN

CLAVE DE INTERCAMBIO REEXPEDICIÓN

Clave única por país de origen compuesta por número correlativo y fecha de emisión.

DATOS

Cabecera:

-Número de aceptación del documento.

-Fecha de Aceptación.

-Cantidad total de ítems.

-Código validador.

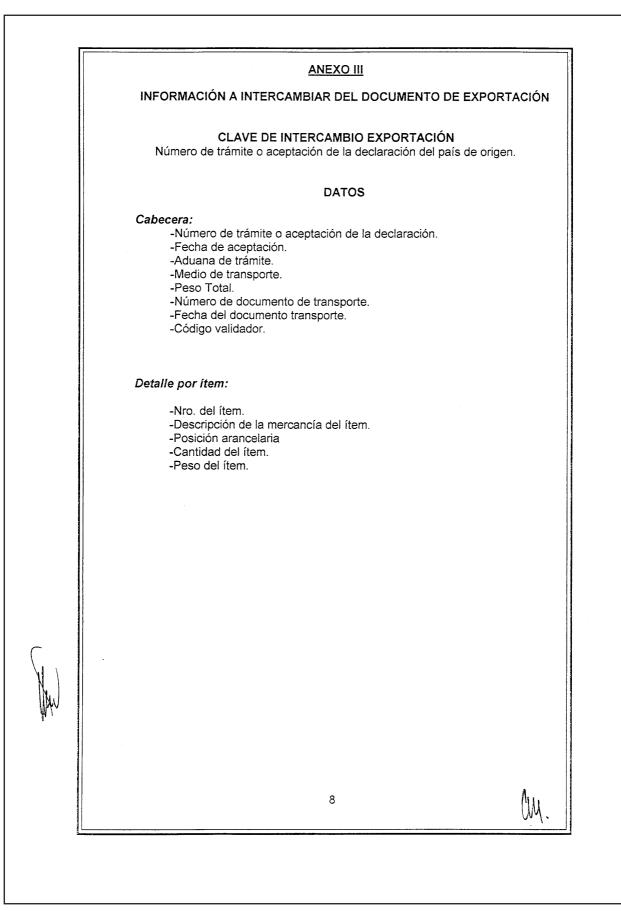
Detalle por ítem:

-Nro. del ítem.

-Descripción de mercancía.

-Cantidad de mercancía por ítem.

Las Administraciones Aduaneras se comprometen a poner a disposición los datos de las claves de intercambio correspondientes a la cancelación de la reexpedición, controlados por la administración aduanera de destino.



ANEXO IV

El intercambio de información relativo a los documentos a que se refieren los literales a) y b) del Artículo 2° del Acuerdo se llevará a cabo realizando las adecuaciones, forma de transferencia y estructura de intercambio que se indica:

Adecuaciones en el sistema

Las Administraciones Aduaneras desarrollarán los módulos requeridos para realizar la transferencia de los datos, según el protocolo y estructura acordada.

Forma de transferencia

Las Administraciones Aduaneras pondrán a disposición la información registrada en su sistema, mediante el uso del módulo de generación de la información.

Estructura de intercambio de información

Se establece el formato XML para la realización del intercambio, que será transmitido vía VPN administrado por medio de SOAP.

Las especificaciones del formato deberán ser discutidas por las contrapartes técnicas.

Frecuencia Los datos estarán disponibles en línea.

Medio de transmisión

Internet utilizando VPN con Https.

Código validador.

Cada Administración de Aduana proporcionará a la otra, los módulos necesarios para implementar la utilización de un número inteligente validador. Este módulo utilizará algoritmos en cuyo cálculo estarán incluidos los campos considerados sensibles. Mínimamente en el caso del MIC el algoritmo deberá incluir cantidad de hojas y valor FOT. En el caso de las reexpediciones mínimamente deberá incluir Valor Total, número de items y número de RUC o RUT según corresponda. Para las declaraciones de exportación mínimamente debe contener el valor total de exportación y RUC o RUT.

La rutina correspondiente será proporcionada por cada Administración de Aduana a la otra en un formato de archivo ejecutable, al cual no se le pueda aplicar ingeniería inversa, es decir llegar al código fuente de la rutina.

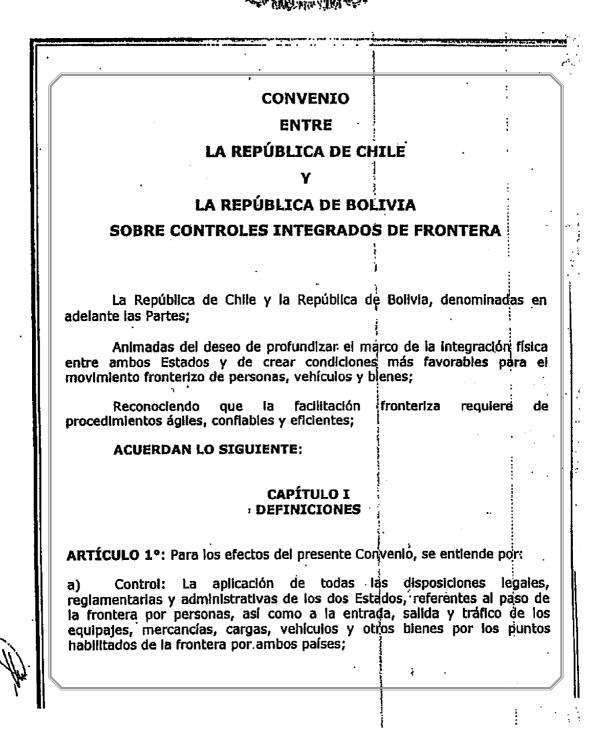
Annex 331

Convention between Chile and Bolivia on Integrated Border Controls, signed at Santiago on 17 February 2004

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile





CONVENTION BETWEEN THE REPUBLIC OF CHILE AND THE REPUBLIC OF BOLIVIA ON INTEGRATED BORDER CONTROLS

The Republic of Chile and the Republic of Bolivia (hereinafter, the Parties);

Encouraged by the desire to further develop the framework of physical integration between both States and to create more favorable conditions for the border transit of individuals, vehicles and goods;

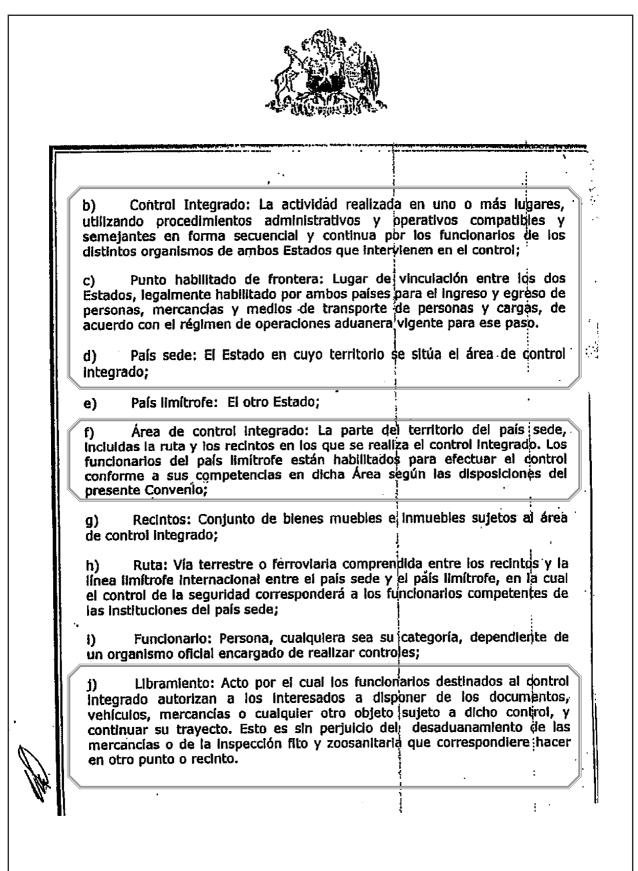
Acknowledging that border facilitation requires prompt, reliable and efficient procedures;

HEREBY AGREE AS FOLLOWS:

CHAPTER I DEFINITIONS

SECTION 1: The following definitions shall apply for the purposes of this Agreement:

a) Control: The application of every legal, regulatory and administrative provision effective in both States with regard to the border crossing of individuals, as well as to the entrance, exit and transit of luggage, goods, cargo, vehicles and other property through the border crossing points authorized by both countries.



b) Integrated control: Activities conducted in one or more places by the officers of the different authorities of both States involved in the control, applying compatible and similar administrative and operating procedures on a sequential and continuous basis.

c) Authorized border crossing point: Point of connection between both States, legally authorized by both countries for the entrance and exit of individuals, goods, and passengers and cargo transportation, in accordance with the customs operations regime governing the crossing in question.

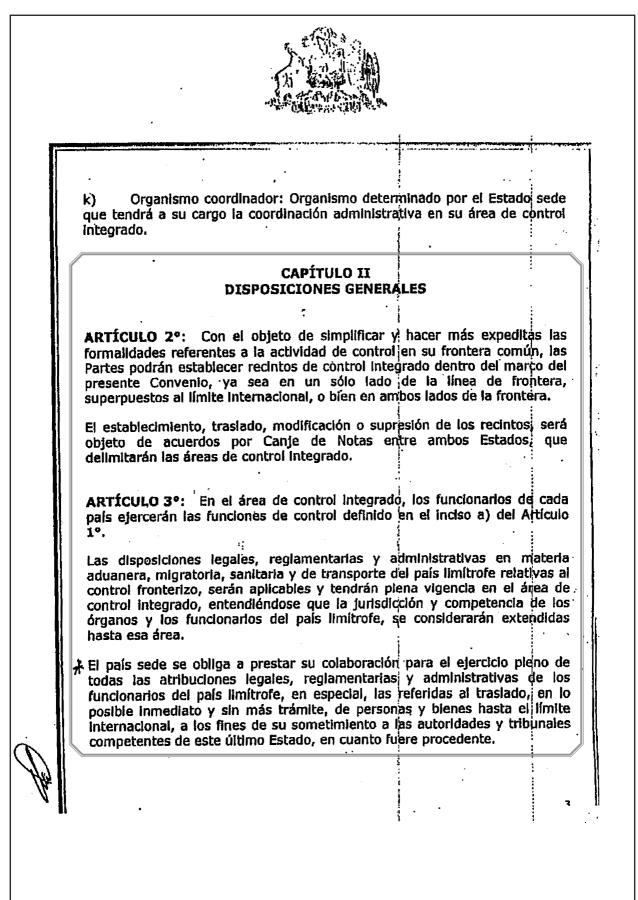
[...]

f) Integrated control area: The portion of the territory of the host country, including the route and the facilities where integrated controls are conducted. Officers of the neighboring country are authorized to conduct controls pursuant to their jurisdiction over this Area, in accordance with the provisions set forth herein.

[...]

j) Clearance: Act whereby the officers appointed to conduct integrated controls authorize the interested parties to take their documents, vehicles, goods or any other object subject to such control, and continue on their way, notwithstanding the pertaining customs clearance of the goods or phytosanitary or zoosanitary inspections to be conducted at a different crossing point or facility.

[...]



CHAPTER II GENERAL PROVISIONS

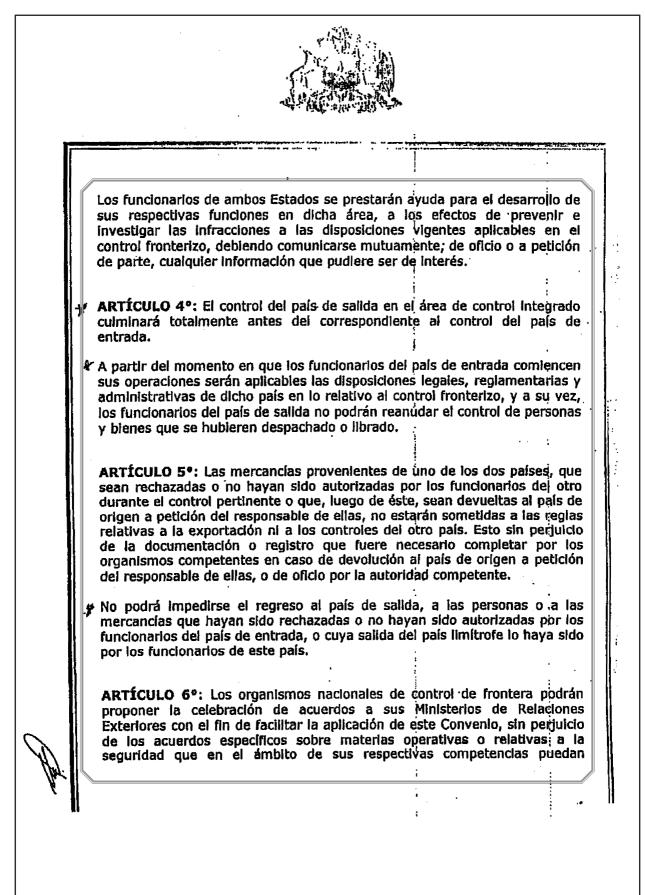
SECTION 2: For the purpose of simplifying and expediting the formalities concerning control activities at the common border, the Parties may create integrated control facilities within the framework of this Agreement, whether on one side of the border line only, on the international border, or on both sides of the border.

The creation, relocation, modification or elimination of facilities shall be agreed by means of an Exchange of Diplomatic Notes between both States, which shall delimit integrated control areas.

SECTION 3: Within each integrated control area, the officers of each country shall exercise the control powers specified in Section 1(a).

The legal, regulatory and administrative provisions on customs, migration, sanitation and transportation effective in the neighboring country with regard to border control shall apply and have full force and effect in the integrated control area, in the understanding that the jurisdiction of the authorities and officers of the neighboring country shall be deemed extended over such area.

The host country undertakes to cooperate in furtherance of the proper exercise of all legal, regulatory and administrative powers conferred to the officers of the neighboring country, particularly those related to the immediate and expedited transportation, if possible, of individuals and goods to the international border, for the purpose of submitting them to the competent authorities and courts of the latter State, where applicable.



The officers of both States shall provide their assistance for the exercise of their respective powers in the area, for the purpose of preventing and investigating any violations of the provisions applicable to border control then in force, to which end they shall disclose to each other, on their own initiative or at the request of the other party, any relevant information.

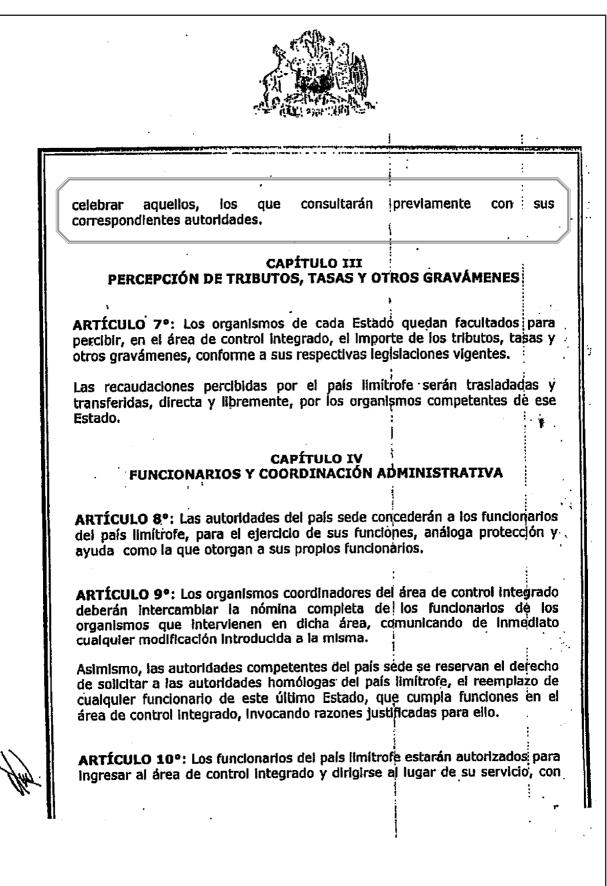
SECTION 4: Controls by the exit country within the integrated control area shall be fully completed before controls by the entrance country are conducted.

From the moment the officers of the entrance country commence their operations, all legal, regulatory and administrative provisions effective in that country with regard to border control shall apply and, in turn, the officers of the exit country shall not resume any control activities over such individuals or goods as may have been cleared or dispatched.

SECTION 5: Any goods that originated in one of the two countries that are rejected or fail to obtain the relevant authorization from the officers of the other country during the appropriate controls, or that, after this, are returned to their country of origin at the request of the party responsible for them, shall not be subject to the rules on exports or to any control by the other country, notwithstanding such documents or records as the competent authorities may have to provide in the event of return to the country of origin at the request of the party responsible for the party responsible for them or at the initiative of the appropriate authority.

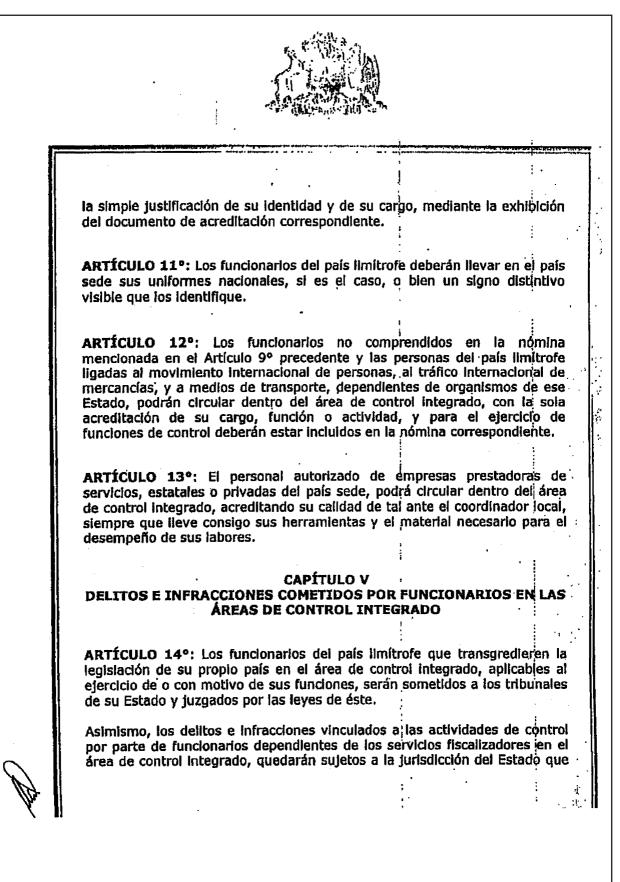
Any individuals or goods that are rejected or fail to obtain the relevant authorization from the officers of the entrance country or that were authorized to exit the neighboring country by the officers of this country may not be prevented from returning to the exit country.

SECTION 6: National border control authorities may propose the execution of agreements to their respective Ministries of Foreign Affairs in furtherance of the application of this Agreement, without prejudice to the specific agreements on operating or safety issues that they may have entered within the purview of their respective powers,



which shall be previously discussed with the appropriate authorities.

[...]





se encuentra efectuando el control o a la del que le corresponde efectuarlo, si éste no se ha iniciado.

Los delitos e infracciones no relacionados directamente con las actividades de control proplamente tales, y que no obstante se ejecuten en el área de control integrado, estarán sujetos a las reglas generales de jurisdicción vigentes en el país sede.

CAPÍTULO VI LA RUTA

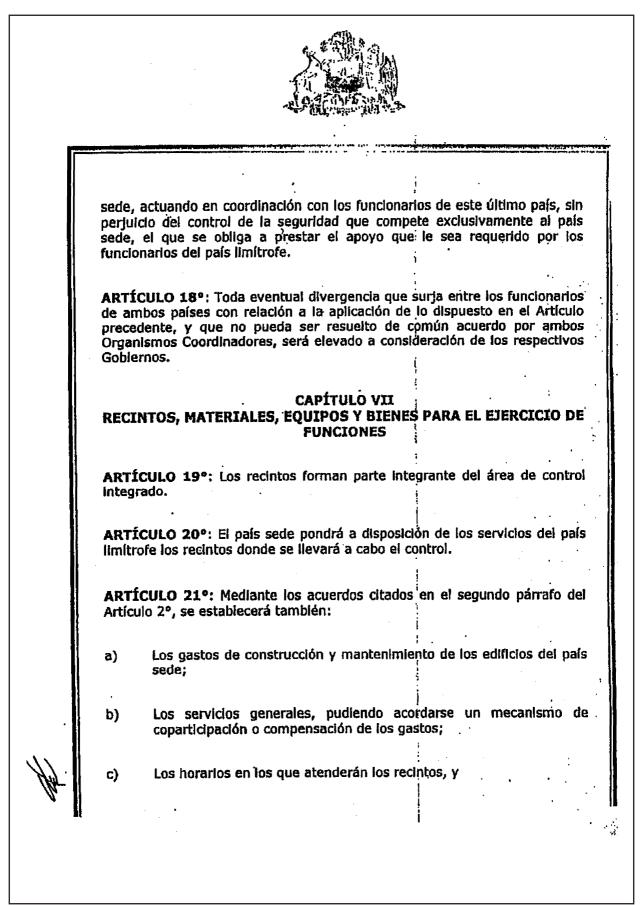
ARTÍCULO 15°: La ruta forma parte integrante del área de control integrado.

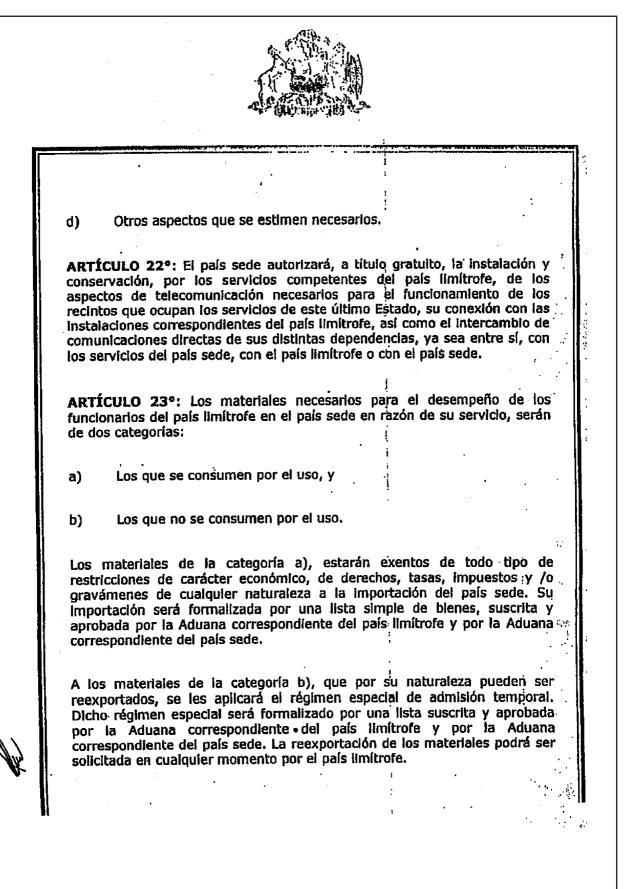
ARTÍCULO 16°: En el caso de aplicarse el sistema de país de salida – país sede, las personas que transiten en vehículos que hayan sido controladas en los recintos de control Integrado por los funcionarios de ambos Estados y que se dirijan por la ruta hacia el país limítrofe, no podrán adquirir o introducir en dichos vehículos alimentos, mercancias, animales o cargas de cualquier naturaleza durante el trayecto hacia el límite internacional.

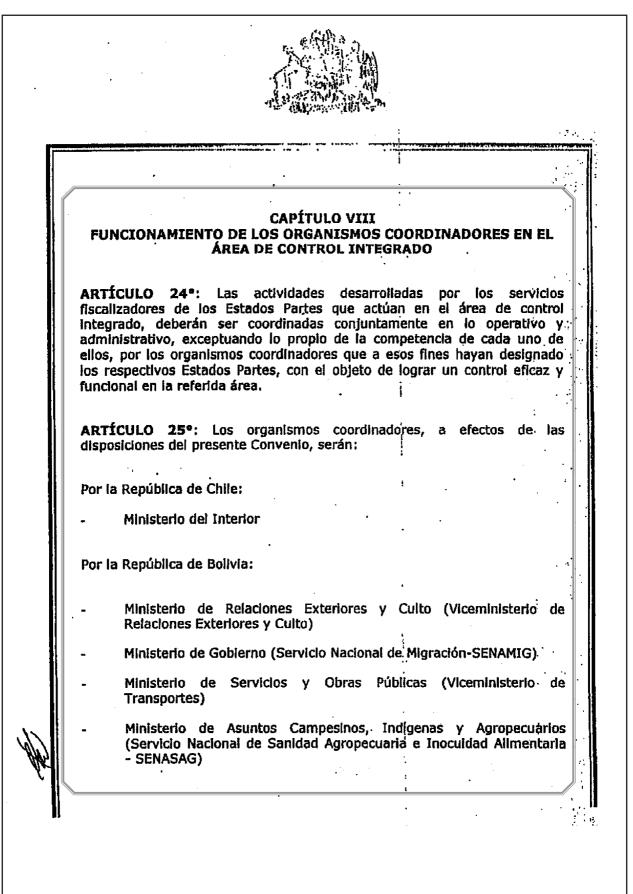
En caso de infracción a lo dispuesto en el párrafo precedente, las autoridades del país sede efectuarán la incautación de las especies por parte de sus funcionarios competentes, pudiendo actuar incluso a petición del país limítrofe, y adoptarán el procedimiento legal que corresponda respecto de quienes resultaren responsables. Los países cooperarán entre si informándose respecto de las medidas que adopten en esta materia.

En caso de mercancías destinadas al consumo riacional, y que no estén sujetas a control en los recintos de control Integrado, podrán ser objeto de la verificación por los organismos competentes que pudiere corresponder según la normativa aplicable en el país sede.

ARTÍCULO 17°: En el caso de aplicarse el sistema de país entrada. – país sede, los servicios del país limítrofe podrán verificar en la ruta en el país







CHAPTER VIII OPERATION OF COORDINATORS WITHIN THE INTEGRATED CONTROL AREA

SECTION 24: The activities conducted by the control services of the Parties acting within the integrated control area shall be jointly coordinated as to operating and administrative matters, with the exception of the exclusive powers they may be granted, by the coordinators appointed to such end by the respective Parties, for the purpose of attaining efficient and functional control within the referred area.

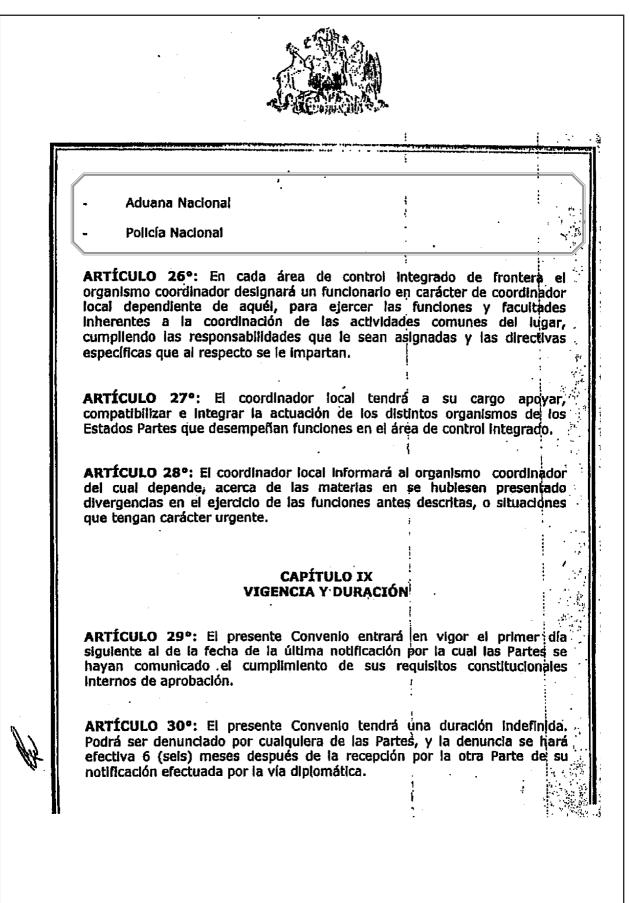
SECTION 25: For the purposes of this Agreement, the coordinators shall be as follows:

On behalf of the Republic of Chile:

- Ministry of Internal Affairs

On behalf of the Republic of Bolivia:

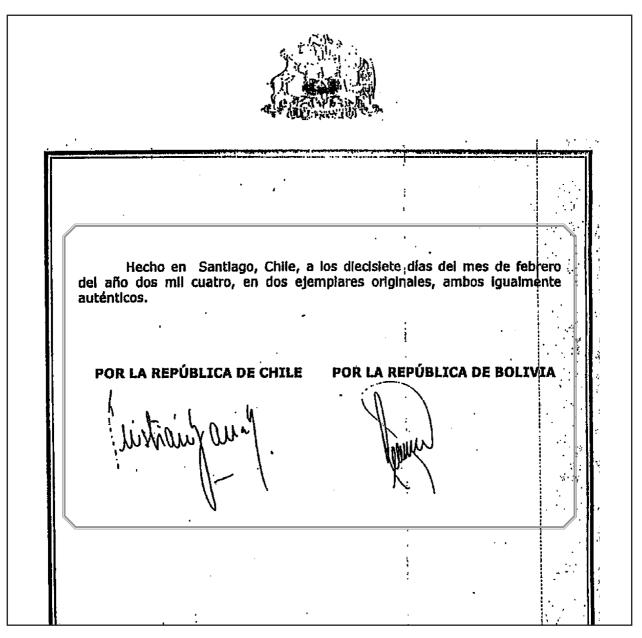
- Ministry of Foreign Affairs and Worship (Office of the Vice Minister of Foreign Affairs and Religion)
- Ministry of Government (Bolivian Immigration Office, SENAMIG)
- Ministry of Public Works and Services (Office of the Vice Minister of Transport)
- Ministry of Farming, Indigenous and Agricultural Affairs (Bolivian Office of Agricultural Health and Food Safety, SENASAG)



- National Customs Office
- National Police

[...]

Annex 331



The Parties hereby execute two identical counterparts, each of which shall be deemed an original, in Santiago, Chile, on 17 February 2004.

ON BEHALF OF THE REPUBLIC ON BEHALF OF THE REPUBLIC OF BOLIVIA

[Signed]

Annex 332

Minutes of the Fourth Plenary Meeting of the Organization of American States General Assembly, 8 June 2004

(English translation only)

Organization of American States, General Assembly, Thirty-Fourth Regular Session, 2004, *Proceedings*, Vol. II, OEA/Ser.P/XXXIV-O.2 (2004), pp 143-144 and 159-171

Annex 332

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MINUTES OF THE FOURTH PLENARY MEETING

Date:	8 June 2004	
<u>Time</u> :	2:30 p.m.	
Venue:	Swissôtel Quito	
President:	Envoy Patricio Zuquilanda Duque	
<u>11051d0111</u> .	Minister of Foreign Affairs of Ecuador	
In attendance	: John F. Maisto	(United States of America)
<u>III uttollulloo</u>	Denis G. Antoine	(Grenada)
	Marta Beatriz Altolaguirre Larraondo	(Guatemala)
	Bayney R. Karran	(Guyana)
	Yvon Siméon	(Haiti)
	Mario Alberto Fortín Midence	(Honduras)
	Peter Black	(Jamaica)
	Miguel Hakim Simón	(Mexico)
	Carmen Marina Gutiérrez Salazar	(Nicaragua)
	Juan Manuel Castulovich	(Panama)
	Leila Rachid	(Paraguay)
	Manuel Rodríguez Cuadros	(Peru)
	Francisco Guerrero Prats	(Dominican Republic)
	Izben C. Williams	(Saint Kitts and Nevis)
	Sonia M. Johnny	(Saint Lucia)
	Ellsworth I. A. John	(Saint Vincent and the
	Elisworth I. A. John	Grenadines)
	Henry L. Illes	(Suriname)
	Knowlson W. Gift	(Trinidad and Tobago)
	Didier Opertti Badán	(Uruguay)
	Jesús Arnaldo Pérez	(Venezuela)
	Harold Lovell	(Antigua and Barbuda)
	Jorge Taiana	(Argentina)
	Eugene F. Torchon-Newry	(The Bahamas)
	Billie A. Miller, M.P.	(Barbados)
	Lisa M. Shoman	(Belize)
	María Tamayo	(Bolivia)
	5	
	Luiz Filipe de Macedo Soares Guimarães Daniel Hays	(Brazil) (Canada)
	María Soledad Alvear Valenzuela	(Chile)
	Carolina Barco	(Colombia)
	Roberto Tovar Faja F. Osborne Riviere	(Costa Rica)
		(Dominica)
	Edwin Johnson Abigail Castra da Páraz	(Ecuador) (El Salvador)
	Abigail Castro de Pérez	(El Salvador)

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César Gaviria Luigi R. Einaudi (OAS Secretary General) (Assistant Secretary General)

[...]

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3. <u>Report on the maritime problem of Bolivia</u>

The PRESIDENT: We will now move on to discuss the next item on the agenda, the "Report on the maritime problem of Bolivia."

As the Delegations are well aware, Resolution AG/RES. 989 (XIX-O/89) provided that this matter would be addressed during any of the forthcoming regular periods of meetings of the General Assembly, if any of the parties involved required so. In this regard, it should be noted that the Government of Bolivia did so in due time and manner.

For the purposes of the relevant presentation, it is with great pleasure that I now give the floor to the Minister of Foreign Affairs and Worship of Bolivia, Juan Ignacio Siles del Valle. Please come forward, Minister.

The HEAD OF THE DELEGATION OF BOLIVIA: Thank you, Mr. President and distinguished friend.

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I want to start by joining everyone in expressing their appreciation and gratitude to the Secretary General. You know, Mr. Secretary General, the immense affection that my people, my government and my country have for you.

Mr. President, many leaders in the region have read about the tragic events of October 2003 in my country and openly and unequivocally proposed that solutions must be found that recognize the legitimate demands of the Bolivian people. It was not merely a question of hearing the deep voice of popular lament, but of understanding that confinement is a major obstacle (although not the only one, of course) to the development of Bolivia.

Bolivia unquestionably influences the Atlantic region through the Amazon Basin and the Rio de la Plata Basin. Four cornerstones of URSA communication pass through Bolivia, facilitating transport from the western States of Brazil and from Paraguay to the Pacific, and also the passage of goods from Peru and Chile to the Atlantic through the Panama-Paraguay waterway. It also particularly impacts northern Chile and southern Peru. La Paz, El Alto Oruro and Potosí naturally project towards the Pacific through the cities of Arica, Iquique and Antofagasta in Chile, which benefit from the influx of people from my country, and also through the ports of Ilo and Matarani in Peru. Western Bolivia converges over all this space, commercially, but also humanly and culturally-speaking.

While Bolivia is the heart of the region, and without it we cannot talk about integration, it is also true that along with Argentina we have the largest reserves of natural gas in the region after those of Venezuela. Therefore, Bolivia has entered a new stage in its economic history, marked by our energy resources, which may become the factor that lays the foundation for the equitable development of the country, while at the same time serving as the integrating axis of this part of the Continent.

Along with water resources, natural gas can be the factor that determines the creation of a growth area, in the region consisting of western Bolivia, northern Chile and southern Peru. That is where our economies and our cultures best complement each other. That is where we could build a common area of peace and enduring social welfare. That is where we are destined--or if you prefer--condemned to seek joint solutions to our problems, overcoming once and for all the obstacles that have prevented a true encounter of our peoples.

On these grounds, Bolivia and Peru are already working on this vision of complementarity. On the 4th of August, in Ilo, we will sign a Treaty of Integration, Cooperation and Common Market, in the presence of our Heads of State, which will mark a milestone in the process of economic and social bonding between our countries.

But the greatest obstacle to this future integration, no doubt, is the confinement that Bolivia has experienced since the Pacific War, at which time we lost not only 400 miles of coastline and 120,000 square kilometers of land, four ports and seven bays, but also our maritime quality—and this is the most important, our maritime quality—which had allowed us

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to connect with the world and be seafaring citizens of the world. Our claim today is to recover that maritime quality.

The referendum that President Mesa has convened, to be held in Bolivia on 18 July, is related to the use and ownership of hydrocarbons and includes a question about the possible use of natural gas as a strategic resource, i.e., as a bargaining tool to obtain a useful and sovereign outlet to the Pacific Ocean.

Because if we do not find an imaginative response that opens our doors to the world, the area to which we have referred above will lack the determining factor that redefines its growth and its progress. Only then will we overcome the resentment, distrust and stereotyping that still beset us today.

We do not reject, I repeat, we do not reject partial solutions such as those mentioned in Monterrey by the President of Chile, because they could be an interesting initial negotiating element that would allow the establishment of an exclusive economic zone, but these proposals do not include a definitive answer to the issue of a port through which we could export and import freely and sovereignly, nor do they allow us to use a territorial sea of our own.

I would like to point out that I have not come here to create controversy. I

am not seeking confrontation. Rather, I have come in a spirit of reunion, a reunion that makes real what is stated in Article 1 of the 1904 Treaty between Bolivia and Chile, the 100th anniversary of which will be commemorated in October. We have no intention today of creating a controversy surrounding a treaty which, incidentally, was revised four times between 1907 and 1908 at Chile's request. No. What we want is to establish the conditions for a discussion between the countries involved in order to find a solution to our confinement.

The evolution of international law presents us with new challenges and opens up new options for discussion. Let us seek solutions that satisfy everyone.

Yes, I have said this very clearly, because Bolivia is facing the challenge of having to make proposals responding to our public opinion, that satisfy Chile and its public opinion and that, why not say it, do not put aside our brothers in Peru.

The solution must necessarily be beneficial for all three countries, and if it is, it will be favorable for the entire region. It is not a question of subtracting but of adding. The further development of western Bolivia will also benefit southern Peru and northern Chile and so on. Nothing could be more attractive for the whole region and the Hemisphere, because under the present circumstances no one adds anything.

Certain media are trying to depict the treatment of item 5 [sic] on the agenda of the Assembly as a battle in which there will necessarily be winners and losers. Nothing could be more mistaken. If there is dialogue, there is integration, and if there is integration, we all win. Otherwise, it will be the entire region that loses.

The current situation harms our economy, affects the development and welfare of Bolivians and affects our possibilities for international inclusion . In fact, lack of

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access to the sea seriously impairs the normal development of many of the developing countries that are landlocked just as we are. It is "the tragedy of being landlocked," as President Duarte of Paraguay wisely pointed out a few weeks ago during the visit paid to him by Chilean President Lagos, although we Bolivians have no reason to view ourselves as landlocked, since we originally had an independent life without being landlocked. That is perhaps our greatest tragedy.

I must say, in any event, and I do so with gentlemanliness and recognition, that many Chileans have expressed solidarity with the need to seek and find solutions to the problem. I will quote, to start off, two writers for whom I have a deep literary admiration. The great Chilean poet Vicente Huidobro stated in 1938: "It's funny how people will get upset over anything. Bolivia asks for a port, and what could be more logical? We Chileans... if we were in Bolivia's position, wouldn't we want an outlet to the sea?"

In January of this year another Chilean, the novelist Jorge Edwards, winner of the Cervantes Prize for Literature, stated:

The Latin-American Southern Cone could be a forum for exemplary relations, development of regional solidarity, stability, but it does not manage to be so. To reduce this to a question of treaties, formulas, old diplomatic practices is a ruse or an irremediable limitation. We have here, at our borders, in the sight of everyone, a problem that jumps out at you and cannot be legal, but political, human, historical, cultural.

I could name many other prominent people whose patriotism no one could doubt. To begin with, I would point to President Domingo Santamaría, who created a real pro-Bolivian wave in Chile, his son Ignacio or, more recently, Oscar Pinochet de la Barra, Carlos Bustos, Leonardo Jeff, Pedro Godoy and many others who have become aware of the urgent need to find solutions that make sense for both countries.

It is essential to make progress in the search for imaginative solutions, but the word imaginative cannot mean renouncing sovereignty. Improving the free transit regime is not enough. We therefore demand a part of the coast, that is useful, sovereign, and has territorial continuity with our present territory, that is not subject to the supervision of any other country—and let me make this clear—that does not cut the territorial continuity of Chile. If our imagination were to restrict the depth of our claim, then it would lose the creative essence of its reason for being. The concept of sovereignty has been expanding in recent times and this should facilitate the negotiation process.

Chile has also stressed in recent months that the only way to restart a dialogue between the two countries is by reopening diplomatic relations. That is also our goal - I repeat - that is also our goal. However, Bolivians are expecting a prior, clear demonstration by the Chilean authorities that this dialogue will lead to a solution to our confinement. For now, the absence of diplomatic relations should be understood as an example of the existence of an issue to be resolved in the Hemisphere.

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To initiate any discussion we must first be willing to do this. We need to have the political will to resolve the issues that divide us. Only then can we establish a favorable environment for joint growth and to extend the conditions to strengthen trade agreements, mutual investments, in order to integrate peacefully.

Although we believe that the matter is ultimately a bilateral one, no one can deny the profound consequences of our confinement for the integration of the entire region, not only because of the effects it has on our development, but also because of the difficulties it causes for regional intercommunication.

In any event, there are eleven resolutions of the General Assembly that recognize that solving this issue is a topic of hemispheric interest, as established by the resolution of 1979 adopted in La Paz. Not surprisingly, in 1983 the resolution was even co-sponsored by the Chilean State. New resolutions are obviously not required, and that is why this time we have not proposed any. Nor should it be overlooked that subsection (c) of Article 2 of the Charter of the Organization of American States indicates as one of the essential purposes of our Organization: "To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States."

Moreover, the OAS is where we less developed countries can raise our concerns when we cannot find responses bilaterally.

It is therefore necessary to make the effort, for once, to put ourselves in

another person's position. Today we need decisions, openness to the common regional interest, calling for peace and good understanding between nations.

The time has come to hold a meeting between the Presidents of Bolivia and Chile, so that they can agree and order the commencement of serious, open negotiations without exclusions, allowing the two countries to find formulas to solve one of the few historical problems that remain pending in the Hemisphere.

We cannot ignore what has already been achieved in the past and therefore we think that the negotiations of 1950, 1975 and 1987 should be considered a starting point, without forgetting that on those occasions obstacles and misunderstandings arose that threw the entire process off course, whereas today those obstacles may be faced with a broader vision if there is the political will to do so.

Nor should we put aside the conversations held over recent years to study the possibility of establishing a special economic zone. Our only requirement is that we find a solution that would facilitate the exercise of maritime sovereignty for my country.

Despite the marked differences that have emerged in recent months, the Bolivian government believes that it is still possible to find and continue the thread of previous negotiations. This must not be a new "missed opportunity", a term used almost twenty years ago by the illustrious Bolivian Walter Montenegro to refer to all the failed attempts at negotiation.

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I accordingly ask Soledad Alvear, the distinguished Foreign Minister of Chile, that we be the ones who give continuity to the constructive meeting we held last Sunday, a meeting which, upon recognition of our differences, can be the start of this process of reunion of two countries that should and must be reconciled, because they face the option of jointly building a common destiny, and I invite the other Foreign Ministers of the Hemisphere to join us in this unavoidable challenge.

Thank you, Mr. President. [Applause.]

The PRESIDENT: Thank you very much, Minister of Foreign Affairs of Bolivia. The Chilean Minister of Foreign Affairs, Dr Soledad Alvear, has asked the floor. Please come forward, Minister.

The HEAD OF THE DELEGATION OF CHILE: Mr. President, esteemed colleagues, Heads of Delegation, we have followed with particular interest the Bolivia Foreign Minister's presentation of his "Report on the maritime problem of Bolivia." It makes a number of findings regarding the relations with my country, with regard to which my delegation wishes to state their point of view.

Without prejudice to our belief, as expressed at previous General Assemblies, that these issues, given their nature, impact and consequences must be addressed through bilateral channels, I would like to reiterate the willingness of the Chilean Government to dialogue with the Government of Bolivia on the issues of common interest, in a comprehensive, constructive and future-oriented spirit.

Mr. President, when the administration of President Lagos began in March 2000, it was agreed to start a dialogue incorporating the essential themes of the relationship between the two countries. Since then and for more than three years,

the relationship was intense and very active. The dialogue and contacts were fluid, ongoing and very broad, allowing discussion of all issues in the bilateral relationship.

The cornerstones of this dialogue have been improving the conditions and facilities for Bolivia's access to the sea and liberalization of bilateral trade, with large asymmetric advantages for Bolivia.

The agenda addressed by the two countries has been consistent with these purposes and has included the topics of road infrastructure, transportation, agriculture, mining, water resources, local and human development, border facilitation, physical integration, scientific and technical cooperation, cultural affairs, the fight against drug trafficking, cooperation with the police, customs and immigration officials, economic complementarity and trade, among other issues.

The idea that moves my country in this direction is our full commitment to building a relationship with Bolivia for the future, to look constructively to the 21st century from the perspective of integration and fulfillment of common interests. We are convinced that in a globalized world, the prosperity of Bolivia can only bring benefits to Chile. The increasing demands of our people require that we act in unity and solidarity.

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To achieve these objectives, Chilean President Ricardo Lagos met formally on thirteen occasions with Presidents Hugo Banzer, Jorge Quiroga, Gonzalo Sánchez de Lozada and Carlos Mesa, and spoke with them at each of the presidential summits they attended from 2000 to January 2003.

I have met eight times officially and many other times informally, at each of the South American Summits, the Rio Group, MERCOSUR, the Summit of the Americas in Quebec and the Ibero-American Summits, with Foreign Ministers Javier Murillo, Gustavo Fernández, Carlos Saavedra and Juan Ignacio Siles. I have also met with them during the General Assemblies of the United Nations and of the Organization of American States and in other multilateral fora in which we participate with Bolivia. During this same period there have been three meetings of the Political Consultation Mechanism chaired by the Vice- Ministers of Foreign Affairs of the two countries.

Mr. President, more than fifty meetings in the past three years shows that we have sought diligently to create a dynamic integration of bilateral and reciprocal efforts every day, incorporating factors that balance the asymmetry resulting from the difference in levels of development and consider the special needs of our border area.

Chile's committed participation in the integration process shows the clear will of my country. The development of trade, investment and cooperation has been encouraged by Chile, with the understanding that they are vital to the prosperity of both nations.

My country's policy is consistent. In recent years, Chile has committed will and resources in regional integration projects. The recent implementation of the grant of a free warehouse for Paraguay at the port of Antofagasta and the investments in infrastructure projects that contribute to the development of bioceanic corridors between Argentina, Bolivia, Brazil, Chile, Paraguay, Peru and Uruguay are concrete examples of a desire for integration that is very much in keeping with the 21st century.

Unfortunately, this auspicious path taken by Bolivia and Chile together ended as of January 2004. Bolivia rejected a statute to give an outlet for Bolivian natural gas through Chilean territory through a free grant of land with total exemption from taxes, in a free trade zone and for a period of fifty years, renewable as necessary for the export of gas. Bolivia's interest in a free trade agreement ceased, even though its terms had been practically agreed and these terms provided for access by all Bolivian products from day one, from day one--I repeat--from the signing and entry into force of that treaty, and Chilean products were not going to be duty free until the fifth year.

Chile is a country that has negotiated many free trade agreements with developed countries. How I would have liked, as a country, to have the asymmetry of these features considered when negotiating other agreements. To propose this was a clear decision by our country to consider the special difficulties that Bolivia was experiencing and that merited a special willingness by our country. Unfortunately,

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statements and gestures by the Bolivian authorities altered the fundamental assumptions of that dialogue begun in 2000.

Despite this unfavorable climate, President Ricardo Lagos offered the immediate restoration of diplomatic relations so that both countries could deal more easily with a positive agenda and the Government of Chile maintained and maintains a positive willingness to strengthen the Economic Complementation Agreement with Bolivia.

None of these efforts were successful. Moreover, last April a Bolivian decree prohibited re-exports from a third country to Chile.

Despite this environment, which was neither created nor desired by Chile, we have persisted in our effort to keep communication channels open and refine those aspects that have interested Bolivia. Last February a new meeting of the Political Consultation Mechanism, chaired by our vice-ministers, was held in Santiago. In March of this year, a Customs Cooperation Agreement was signed. On 6 May in La Paz, meetings were held on specific topics that occupy a very important place in our agenda, such as free transit and the enabling of ports.

Mr. President, from this perspective, which seeks to look to the future, I want to reiterate what I said the first time that I, as Minister of Foreign Affairs, chaired the Chilean Delegation to the OAS General Assembly held in 2000, in Windsor, Canada. I said on that occasion: "Chile is open to considering imaginative, modern, practical and realistic formulae that allow the improvement of Bolivia's facilities of access to the sea."

What I said in June 2000, I now repeat today in June 2004.

With the same willingness, transparency, accountability and respect, I wish to reaffirm the views expressed on the previous occasions when these matters have been discussed within the OAS.

As my country sees it, bilateral dialogue is the only way to approach a process that is primarily up to Bolivia and Chile. It is not the Organization's responsibility to consider matters concerning the sovereignty of its Member States and affecting the validity of international treaties, whose inviolability is one of the pillars on which relations between states are based.

The Treaty of Peace and Friendship of 1904 put an end to any dispute or situation between our countries and is a fundamental basis for their bilateral relations.

This Treaty is fully in force, its provisions are met on an ongoing basis, free transit is a concrete reality, a very important part of Bolivia's foreign trade goes through unhindered by Chile, and the border has been fully and definitively demarcated.

Under this legal instrument, the two countries have developed the integration initiatives that unite them, and we are confident that they will continue to refine these facilities in a manner consistent with the 21st century.

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My country is ready to restart this task, as soon as possible, with the best will. To advance this process, I reiterate the offer to restore our diplomatic relations, which will facilitate understanding between our two countries. Those of us who are here know very well that the way to conduct dialogue between two countries is through their Foreign Ministries, through diplomatic relations.

Mr. President, the reality of this global world tells us that only through cooperation and integration will we be able to meet the demands of economic prosperity and social inclusion, strengthening the democracy that our governments have an obligation to promote and defend. This requires learning the lessons of the past, without letting the past become an obstacle to our growth.

Ten days ago, in Guadalajara, we saw how a Europe that was torn by conflict half a century ago is now committed to expanding its dynamic and successful process of integration. This confirms that countries can achieve their goals when there is a will and an actual willingness to focus their relations in a pragmatic, constructive and forward-looking manner. We know that in the 20th century, there were two world wars in Europe, and recently in May, the European Union has grown into a group of 25 countries, where the issues of today are viewed in 21st century terms, with regard to their integration processes, the single currency or the dialogue they are currently engaged in for a constitution for the European Union.

I think, and have said many times, that we, especially in Latin America, have much to learn from that solid block of forward-looking countries.

In this spirit, we insist that we are fully open to considering creative and realistic formulae to perfect Bolivia's access to the Pacific, as well as progress at all levels of our bilateral relations.

Mr. President, calmly, but very firmly, I would like to point out that Chile is available today to resume dialogue and, in fact, on Sunday we talked with Foreign Minister Siles with the same goal we set for ourselves, which is to advance a relationship that looks to the 21st century, not to the past. Chile does not need to be

called to dialogue. The more than fifty meetings we have had over the years reflect our clear decision to talk bilaterally. We have done it before, we have continued to do so during this time and we want to continue on this path.

Chile always has its doors open for a forward-looking bilateral dialogue. We propose bilateral dialogue to Bolivia as a basis for building a future of understanding and shared prosperity. Let's work on what unites us, not what divides us. The path of integration that Chile proposes to Bolivia is the road to the future. Chile is a country that looks to the future, a future of integration and prosperity for the peoples and nations of Latin America. Chile will always be available to resume the bilateral dialogue with Bolivia on the basis of mutual respect and forward thinking. With the same clarity that we have stated in advance, and as President Lagos stated in Monterrey in January of this year, we are willing – and I repeat – to fully resume bilateral relations, because that would be a clear signal of our willingness to work together.

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Mr. President, my Government hopes that we can recover this bilateral climate conducive to the strengthening of bilateral relations with Bolivia and is confident your Government will welcome this message.

We know that it is up to Chile and Bolivia to work faithfully for understanding and the prosperity of our nations, so that the future our people deserve will be better than what we inherited.

Thank you very much. [Applause.]

[...]

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The PRESIDENT: Thank you, Mr. Representative.

There being no further requests for the floor, the President proposes to take due note of all speeches, which, as is required in this Organization, shall be duly recorded in the minutes, with the best wishes of this General Assembly.

I call on the Foreign Minister of Bolivia.

The HEAD OF THE DELEGATION OF BOLIVIA: Thank you, Mr. President.

I cannot fail to mention the words of my fellow Foreign Ministers from Peru and Venezuela and of Argentina's Vice Minister of Foreign Affairs, but I also want to refer to the words of the Foreign Minister of Chile.

I was deeply struck by the number of places where my speech is consistent with the one by the Foreign Minister of Chile. I would point out some of the words that were used by both of us. First, the idea of an unequivocal will to dialogue; second, the idea of integration; third, the idea that this dialogue that we have commenced will proceed on a constructive and positive basis.

With regard to access to the sea for Bolivia, I want to emphasize the word used by the Chilean Foreign Minister in terms of "creative" or "imaginative"

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formulas, as it was pointed out. She also reiterated that both countries are more than willing to dialogue. I therefore wish to emphasize, as strongly as possible, these points of agreement, which I believe are also the starting points for a dialogue between us.

However, there were also some points of disagreement, and if there weren't, we would not be sitting here discussing Bolivia's maritime problem. We will have to work on these points, but I would like to mention two of them, because I believe it is important to explain them.

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In the first place, with regard to the opening of diplomatic relations, I have clearly indicated that this is an objective of the Bolivian Government. However, what we do not agree on is that the Chilean Foreign Minister says that it should be the beginning of the process, whereas we believe that it should be the culmination of the process. I hope that this can reach its culmination and we can reopen diplomatic relations.

In second place, the Chilean Foreign Minister has referred to the Treaty of 1904. In my speech I mentioned three of the negotiations that were carried out: those of 1950, those of 1975 and those of 1978 [sic]. I want to point out that on those three occasions, the Treaty of 1904 was not mentioned, because the territory discussed on those three occasions is not subject to the Treaty of 1904. Therefore, when we talk about the inviolability of treaties, I want to make it very clear that I did not mention the Treaty of 1904, much less have I requested on this occasion that it be revised.

Thank you very much, Mr. President.

The PRESIDENT: Thank you very much, Mr. Foreign Minister. The Chilean Foreign Minister has asked to take the floor.

The HEAD OF THE DELEGATION OF CHILE: Thank you, Mr. President.

I am going to be very brief, but I cannot fail to mention some of the arguments made by my counterpart, the Bolivian Foreign Minister, who discussed several issues about which my Delegation was clear in the previous speech.

On this occasion, Mr. President, I want to express that Chile has repeatedly demonstrated, in its deeds and in its political actions, that it is in favor of dialogue and bilateral understanding, in accordance with the fundamental principles that bind the two nations.

I think that debating issues such as the ones presented in this forum, which affect or are related to international treaties in force, surely does not contribute to both countries making progress bilaterally through constructive efforts and a view to the future.

My country is very clear in its complete willingness to dialogue with Bolivia. This process, of course, is part of the goals of integration and development that the countries in our region share. We have emphasized our participation in the Initiative for Integration of Infrastructure in the South American Region (URSA), we are associate members of MERCOSUR, we participate in ALADI, and we are sure that free trade will only inure to the benefit of our peoples. We are willing to strengthen

our relations with Bolivia with a view towards integration.

Finally, Mr. President, dear colleagues, we hope that the desire for bilateral dialogue will be born again and that the conditions of trust that are indispensable for fruitful dialogue will be reestablished, so that our nations can advance progressively towards cooperation and integration. That is why we desire to resume diplomatic relations and reiterate our offer to do so.

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Thank you, Mr. President.