



Relations with Bolivia: New Difficulties

History repeats itself. Once again, a Bolivian president forgets that good neighborhood does not mean to demand boarder modifications, but to create an atmosphere of trust, leading to mature, feasible, respectful and mutually convenient negotiations.

Chile has shown a clear continuity in external policy issues, especially with regard to the Treaties signed with its three neighbor countries. The borders were established by the Treaties with Peru (1883 and 1929), Bolivia (1904) and Argentina (1881). The intangibility of the Treaties is a key principle of the Chilean external politics.

The government of President Evo Morales, however, enacted a new Constitution in 2009, which stipulates that Bolivia has an “unrenounceable” and “inalienable” right over a sovereign access to the Pacific Ocean and its corresponding maritime space, thereby giving a constitutional status to its maritime demand. This infringes the dispositions of the Treaty of 1904. It also indicates as “unrenounceable” targets, the actual solution to the maritime dispute through peaceful means and the full exercise of sovereignty over this territory (Article 267). It also adds that Bolivia shall be able to denounce or renegotiate the International Treaties which are opposed to the Constitution.

In accordance with this new Constitution, a few days ago President Morales himself, raising his fist high and saying “homeland or death”, announced that he would eventually turn to the international courts in order to obtain a way out to the Pacific. With this purpose, Bolivia has created, with special solemnity, the Direction of Maritime Claims in charge of the former Ministry of Defense Rubén Saavedra, and he has summoned several former presidents who were until now persecuted and threatened by legal proceedings initiated by the government of President Morales. This means a complete step backwards in the atmosphere of trust developed in the last years; it is once again a political use of the relations with Chile to improve his decayed popularity after the frustrated increase of the fuel prices.

The historical relationship between Chile and Bolivia has been distinguished by the perceptions of La Paz regarding the War of the Pacific (1879-1883). The conflict ended with the signature of the Pacto de Tregua of 1884 and the Treaty of Peace, Friendship and Trade of 1904, fully in force, which completely and definitely delimited the boarder between both countries. Bolivia signed it under no pressures, and the Bolivian government and its Congress approved it 20 years after the War of the Pacific had ended, on November 11th, 1904, through the Law of February 4th, 1905. With its signature, Bolivia received transit benefits through Chilean territory and certain ports of the Pacific Ocean (Arica and Antofagasta). The Chilean government also assumed financial obligations and the construction of the Arica-La Paz railway.

Map 1

LIMITS OF CHILE'S CONTINENTAL TERRITORY



Source: NGS Cartographic Division (1996). Data: Self-preparation.

Bolivia lost vast territories in the hands of other countries following wars and negotiations. Nevertheless, the War of the Pacific is the one that concentrates its attention, due to the interest of a sovereign access to the sea. It is already a permanent political watchword to assign the cause of its social and economic problems to its landlocked condition.

Unlike the other limiting countries, Chile and Bolivia do not have diplomatic relations since 1962. They were broken by Bolivia, except for a parenthesis between 1975 and 1978.

In 1929, the Bolivian expectations to recover territories were given in the context of the Treaty of Lima signed by Chile and Peru, and the Complementary Protocol. This Treaty stipulates that neither country may cede to a third one the entire or part of the provinces of Arica or Tacna, without prior consent of the other party. Due to this agreement, Peru has become Bolivia's main obstacle.

Chile has participated in the search for understandings leading to a sovereign and continuous access – such as a corridor – for Bolivia. Episodes in this direction have occurred in 1950, 1975-1978 and 1986-1987, always in the understanding that it is a bilateral matter. However, different Bolivian authorities have tried to involve other countries or present their demand for an access to the sea before international organisms.

Therefore, although Chile has a respectable attitude in accordance with the Law which should be maintained, maybe it should complement it with a greater dissemination concerning its offers and the cooperation offered to Bolivia, and explain more frequently to the international community that Chile cannot be divided in two, and that Peru does not want a corridor for Bolivia in its border. The reason for this is that a sector of the international public opinion has been getting the wrong idea that Chile owes something to Bolivia and that this country cannot progress because it has no sea. This perception must be modified, by clearly explaining that Chile has given many opportunities to Bolivia – the greatest which a landlocked country has had in the world – so that its import and export trade may have an exit to the sea.

In 1975, Chile proposed a territorial exchange. On another occasion, the compromise of non-territorial compensation was analyzed. All negotiations ended with no progress at all and with Peru's opposition.

The biggest convergence was achieved during the military governments of the seventies. On February 8th, 1975, at the Bolivian railway station of Charaña, an agreement was signed in order to seek for "solution arrangements concerning the crucial matters faced by both countries, such as the landlocked condition which affects Bolivia, within reciprocal conveniences and in the light of the expectations of the Bolivian and Chilean people".

Chile was willing to negotiate a territorial exchange which included the cession to Bolivia of a sovereign corridor north from Arica. As a

compensation form, the Chilean government would receive an equivalent area from Bolivia.

As stipulated in the Treaty of Lima of 1929, Chile consulted Peru. Lima proposed to share sovereignty and introduced other demands which had no relation with the consultation, because, according to the Treaty of 1929, Peru only had to give or refuse its consent. The project failed.

Every time the Chilean governments have tried to seek for a “solution arrangement”, they have encountered insurmountable difficulties. The former Chilean Vice Ministry of Foreign Affairs, General (r) Ernesto Videla, remembers how after the Charaña embrace, Chile and Bolivia made the best negotiation of their history concerning an exit to the sea, through a territorial exchange.

An additional problem is the permanent internal political crisis in Bolivia, which has led their governments to incite anti-Chilean feelings as a way of obtaining political dividends.

In the last few years, a relation of pragmatic peace was attempted. In 2006, former President Michelle Bachelet and the Bolivian President Evo Morales implemented a bilateral agenda containing 13 points, which incorporated the “maritime subject” for the first time. The administration of President Sebastián Piñera has been confronted to continue along this path.

As a consequence of the increasing cooperation with Bolivia, in the last years the Bolivian products have been granted a complete elimination of custom duties and privileged quotas for their sugar exports, a condition which has favored no other country.

At the same time, in order to improve connectivity, substantial investments have been made in roads, port works, custom offices, and more recently, in the reconstruction of the railway Arica-La Paz, whose rails were destroyed by a flood in 2005.

In a cordial atmosphere, presidents Piñera and Morales, and also the Ministries and Vice Ministries of Foreign Affairs of Bolivia and Chile, have met several times, thereby stressing the importance of the bilateral dialog.

However, in the middle of this friendship context, Bolivia, which has declared the maritime demand unrenounceable in its new Constitution, announced a possible action in the international courts.

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create an atmosphere of trust, leading to mature, feasible, respectful and mutually convenient negotiations.

These events anticipate that Bolivia shall use again the multilateral forums to promote its maritime expectations, and Chile shall have to display its diplomacy to defend its sovereign rights and to respond to the Bolivian offensive.