

INTERNATIONAL COURT OF JUSTICE

**APPLICATION
INSTITUTING PROCEEDINGS**

filed in the Registry of the Court
on 24 April 2013

**OBLIGATION TO NEGOCIATE ACCESS
TO THE PACIFIC OCEAN**

(BOLIVIA *v.* CHILE)

COUR INTERNATIONALE DE JUSTICE

**REQUÊTE
INTRODUCTIVE D'INSTANCE**

enregistrée au Greffe de la Cour
le 24 avril 2013

**OBLIGATION DE NÉGOCIER UN ACCÈS
À L'OCÉAN PACIFIQUE**

(BOLIVIE *c.* CHILI)

I. THE MINISTER OF FOREIGN AFFAIRS
OF THE PLURINATIONAL STATE OF BOLIVIA TO THE
REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

La Paz, 24 April 2013.

I have the honour to address the Registrar in order to inform him that the Bolivian Government has appointed His Excellency Ambassador Eduardo Rodríguez Veltzé as Agent in the case concerning the sovereign access of Bolivia to the sea between Bolivia and Chile.

(Signed) David CHOQUEHUANCA CÉSPEDES.

I certify that the signatures below are those of Ambassador Rodríguez Veltzé.

(Signed) Eduardo RODRÍGUEZ VELTZÉ.

II. THE AGENT OF THE PLURINATIONAL STATE OF BOLIVIA
TO THE REGISTRAR OF THE INTERNATIONAL COURT
OF JUSTICE

La Paz, 24 April 2013.

I have the honour to present the original Application of the Plurinational State of Bolivia against the Republic of Chile concerning the sovereign access of Bolivia to the sea. This original document and its Annexes, dated today, are signed by the Minister of Foreign Affairs of the Plurinational State of Bolivia and the Extraordinary Ambassador with Plenipotentiary Representation of the Plurinational State of Bolivia, Ambassador Eduardo Rodríguez Veltzé as Agent named for these proceedings, with the purpose to be filed with the Registry in accordance with Article 52, paragraph 1, of the Rules of Court.

This original Application and its Annexes are accompanied by a copy that the undersigned Agent certifies as identical to the original for purposes of communication to the other Party in accordance with Article 43, paragraph 4, of the Statute.

The annexed documents are certified as accurate and identical to the originals, and the translations are also certified as true and accurate translations into the English language.

(Signed) Eduardo RODRÍGUEZ VELTZÉ.

SUPREME RESOLUTION

PRESIDENCY OF THE PLURINATIONAL STATE OF BOLIVIA

No. 09385.

La Paz, 3 April 2013.

Considering and whereas:

That Article 267 of the State Political Constitution, establishes that the Bolivian State declares its inalienable and imprescriptible right over the territory that gives it an access to the Pacific Ocean and its maritime space. Additionally, it determines that the effective solution to the maritime dispute through peaceful means and the full exercise of the sovereignty over such territory constitute permanent and inalienable objectives of the Bolivian State;

That Article 11 of the Law 1444, of 15 February 1993, regarding the Foreign Affairs Service, stipulates that the President of the Republic, current President of the Plurinational State of Bolivia, in accordance with the Minister of Foreign Affairs and Worship, current Minister of Foreign Affairs, can delegate Plenipotentiary Representation with the status of Extraordinary Ambassador to any Minister of State, parliamentary or national personality, for Special Public or confidential Missions of temporary nature;

That subparagraphs *(e)* and *(f)* of Article 4 of the Supreme Decree No. 0834, of 5 April 2011, establish as duties and powers of the Executive General Director of the Strategic Maritime Vindication Office, to elaborate and file the international claim regarding the Bolivian maritime vindication prior favourable opinion of the National Maritime Vindication Council; and, to represent the Plurinational State of Bolivia before the International Courts to which the maritime claim will be submitted, to carry on the proceedings and, to assume the technical legal defense until its termination. For that purpose, Supreme Resolution No. 06472, of 31 October 2011, designated the citizen Fausto Juan Lanchipa Ponce, as Executive General Director of the Strategic Maritime Vindication Office with the status of Extraordinary Ambassador with Plenipotentiary Representation;

That with the purpose of guaranteeing the fulfilment of such powers and, to contribute to the fulfilment of the duties entrusted to the Executive General Director of the Strategic Maritime Vindication Office, it results necessary to designate an Extraordinary Ambassador with Plenipotentiary Representation who carries out the duty of Agent of the Plurinational State of Bolivia before such International Courts;

That numerals 5 and 8 of Article 172 of the State Political Constitution, establish as attribution of the President of the State to lead the Foreign Policy and to pronounce Supreme Decrees and Resolutions;

Further resolved

Unique,

- I. To designate the citizen Enrique Eduardo Rodríguez Veltzé, as Extraordinary Ambassador with the Plenipotentiary Representation of the Plurinational State of Bolivia, who will hold the position of Agent of the Plurinational State of Bolivia before International Courts in which the Maritime Application will be submitted, and who will take office with proper formalities, previous fulfilment of the law.
- II. Abrogate and repeal all dispositions contrary to the current Resolution.

Registered, communicated and filed.

(Signed) Evo MORALES AYMA,
Constitutional President of
the Plurinational State of Bolivia.

(Signed) David CHOQUEHUANCA CÉSPEDES,
Minister of Foreign Affairs.

True copy of the original, 8 April 2013.

(Signed) Norberto VARGAS CRUZ,
Chief of Unit from the General File
President's Office of the Plurinational
State of Bolivia

III. APPLICATION INSTITUTING PROCEEDINGS

We, the undersigned, being duly authorized by the Government of the Plurinational State of Bolivia, have the honour to submit to the International Court of Justice, in accordance with Articles 36 (1) and 40 (1) of the Statute of the Court and Article 38 of the Rules of Court, an Application instituting proceedings against the Republic of Chile.

I. THE DISPUTE

1. The present Application concerns the dispute between the Plurinational State of Bolivia (“Bolivia”) and the Republic of Chile (“Chile”) relating to Chile’s obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean.

2. The subject of the dispute lies in: (a) the existence of that obligation, (b) the non-compliance with that obligation by Chile, and (c) Chile’s duty to comply with the said obligation.

3. At present, contrary to the position that it had itself adopted, Chile rejects and denies the existence of any obligation between the Parties concerning the subject of the present Application¹.

4. Bolivia asserts that Chile’s denial of the obligation to enter into negotiations regarding Bolivia’s fully sovereign access to the Pacific Ocean evidences a fundamental difference in points of view. It closes any possibility of negotiating a solution to this difference, and constitutes a legal dispute between the Parties, which Bolivia hereby has the honour to submit to the Court.

II. THE JURISDICTION OF THE COURT AND ADMISSIBILITY OF THE PRESENT APPLICATION

5. The jurisdiction of the Court in this case is based on Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948, which reads as follows:

“In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recog-

¹ See for example: Note 745/183 of Chile, 8 November 2011 (Annex 1); Declaration by the Minister of Foreign Affairs of Chile, 26 September 2012, as quoted in *La Tercera*: “Canciller Moreno y emplazamiento de Evo Morales: ‘Entre Chile y Bolivia no hay controversia, sino que hay tratados’”, 26 September 2012, available at: <http://www.latercera.com/noticia/politica/2012/09/674-485312-9-canciller-moreno-y-emplazamiento-de-evo-morales-entre-chile-y-bolivia-no-hay.shtml> (Annex 2); Speech by the Minister of Foreign Affairs of Chile, Mr. Alfredo Moreno Charme, during the 15th plenary meeting of the Sixty-Seventh Session of the UN General Assembly, 28 September 2012, UN doc. A/67/PV.15, available at: http://www.minrel.gob.cl/prontus_minrel/site/artic/20120928/pags/20120928164005.php.

nize, in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto*, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning: (a) The interpretation of a treaty; (b) Any question of international law; (c) The existence of any fact which, if established, would constitute the breach of an international obligation; (d) The nature or extent of the reparation to be made for the breach of an international obligation.”

6. Both Bolivia and Chile are parties to the Pact of Bogotá. Bolivia ratified it on 9 June 2011² and Chile on 21 August 1967³. No pertinent reservation made by either Party is in force at the present date.

7. The two States, Bolivia and Chile, are *ipso jure* parties to the Statute of the Court by virtue of their membership to the United Nations Organization. The conditions laid down in the Statute and Rules of Court concerning admissibility of the present Application are satisfied.

III. STATEMENT OF FACTS

8. In accordance with Article 38, paragraph 2, of the Rules of Court, which requires the party making the application to provide a succinct statement of the facts, the main relevant facts on which this claim is based are as follows.

9. On 6 August 1825, Bolivia achieved independence as a State with an access to the Pacific Ocean, with a coastline of more than four hundred kilometres long and a coastal territory of more than one hundred and twenty thousand square kilometres, which bordered Peru to the north and Chile to the south beyond parallel 25°.

10. The Treaty of 10 August 1866 delimited the boundary between Bolivia and Chile at parallel 24°, and this boundary was confirmed by the Treaty of 6 August 1874. Thus, Chile formally and legally recognized Bolivia’s sovereignty over the coasts of the Pacific Ocean.

11. On 14 February 1879, Chile invaded and militarily occupied the Bolivian port of Antofagasta, which led to the so-called “War of the Pacific” and deprived Bolivia of its access to the sea. Bolivia’s economic and social development has suffered for more than a century as a result of its confinement.

12. Bolivia signed a Truce Pact on 4 April 1884⁴, accepting under pressure the continuing military occupation of its Department of Litoral by Chile.

13. Chile admitted to the overriding need to grant Bolivia a fully sovereign access to the Pacific Ocean. In this sense, on 18 May 1895, Bolivia and Chile signed various treaties in Santiago with the aim of finally resolving the pending issues between the two States. One of them, particularly important in this regard, was the Special Treaty on the Transfer of Territories⁵.

² Plurinational State of Bolivia, Instrument of Ratification of the “Pact of Bogotá”, 14 April 2011, and, Instrument of Withdrawal of Reservation to the “Pact of Bogotá”, 3 April 2013, available at: <http://www.oas.org/juridico/english/sigs/a-42.html#Bolivia> (Annex 3).

³ Republic of Chile, Decree No. 526 of 21 August 1967, published in *Official Gazette* No. 26837 of 6 September 1967, available at: <http://www.leychile.cl/Navegar?idNorma=400563&buscar=decreto+526> (Annex 4).

⁴ Truce Pact between the Republics of Bolivia and Chile, 4 April 1884 (Annex 5).

⁵ Agreement on the Transfer of Territories between the Republics of Bolivia and Chile, 18 May 1895. In the preamble to this Treaty, it is stated that: “a superior need and the future development and commercial prosperity of Bolivia require its free and natural access

14. While the Bolivian Department of Litoral was under military occupation, on 20 October 1904, Bolivia signed the “Treaty of Peace and Friendship” with Chile. By this treaty, Chile imposed its rule over the occupied Bolivian territories⁶. This treaty did not cancel previous Chilean declarations and commitments concerning Bolivia’s sovereign access to the sea.

15. Six years after the Treaty of 1904 had been signed, faced with the uncertainty of the territorial situation of the Peruvian provinces of Tacna and Arica and aiming at finding an access to the sea for Bolivia through these territories, Bolivia’s Minister of Foreign Affairs put a proposal to Chile and Peru, which was also made known to the other countries of the continent⁷. This proposal reaffirmed the expectations which had been created by Chile and which had survived the signing of the Treaty of 1904. Chile reaffirmed its position in a Protocol signed with Bolivia on 10 January 1920⁸.

16. On the basis of these and other commitments, Bolivia and Chile entered into negotiations regarding an agreement that is contained in the Notes exchanged on 1 and 20 June 1950.

17. The Bolivian Note of 1 June 1950, invoking the different declarations and commitments formulated by Chile, proposed:

“for the Governments of Bolivia and Chile to formally enter into a direct negotiation to satisfy Bolivia’s fundamental need for obtaining an own and sovereign access to the Pacific Ocean, thus resolving the problem of Bolivia’s confinement, on the basis of mutual conveniences and the true interests of both countries”⁹.

18. The Chilean Note in response, dated 20 June 1950, states that:

“my Government . . . it is willing to formally enter into a direct negotiation aiming at finding the formula which would make it possible to grant Bolivia an own and sovereign access to the Pacific Ocean and for Chile to obtain compensations that are not of a territorial nature and that effectively take into account its interests”¹⁰.

19. The content of this agreement was reaffirmed through a Memorandum which the Chilean Embassy forwarded to the Bolivian Ministry of Foreign Affairs on 10 July 1961¹¹.

to the sea”; the Treaty therefore provided (Bases I and II) that if through a plebiscite or direct arrangements, Chile were to acquire control and permanent sovereignty over the territories of Tacna and Arica, it undertakes to transfer them to the Republic of Bolivia, except for the area from the Quebrada de Camarones to the Quebrada de Vitor which would remain under Chilean control. The Treaty also indicated (Base IV) that if Chile were unable to gain such sovereignty “it undertakes to transfer the Caleta de Vitor up to the Quebrada de Camarones or any other similar area to Bolivia” (Annex 6).

⁶ Treaty of Peace and Friendship entered into by Bolivia and Chile, 20 October 1904 (Annex 7).

⁷ Memorandum of the Minister of Foreign Affairs of Bolivia, Daniel Sánchez Bustamante, forwarded to the Republics of Chile and Peru, 22 April 1910 (Annex 8).

⁸ Protocol (“Acta Protocolizada”) signed by the Bolivian Minister of Foreign Affairs, Carlos Gutiérrez, and the Extraordinary Envoy and Plenipotentiary Minister of the Republic of Chile, Emilio Bello Codesido, 10 January 1920 (Annex 9).

⁹ Note of Bolivia, 1 June 1950 (Annex 10).

¹⁰ Note of Chile, 20 June 1950 (Annex 11).

¹¹ Memorandum of Chile, 10 July 1961 (Annex 12).

20. On 8 February 1975, the Presidents of Bolivia and Chile signed the Joint Declaration of Charaña, in the fourth point of which they agreed to continue with the dialogue, within a spirit of mutual understanding and a constructive mindset, in order to find formulas to solve the vital issues which both countries faced, such as the one relating to the confinement affecting Bolivia¹².

21. In the course of the Charaña negotiations, through a Note of 19 December 1975, Chile once more declared “Chile would be prepared to negotiate with Bolivia the cession of a strip of land north of Arica up to the Línea de la Concordia”¹³.

22. When the dialogue between the Parties was re-established in 1986, Bolivia proposed various solutions for its maritime confinement. Nevertheless, and in an untimely manner, on 9 June 1987, Chile rejected Bolivia’s proposals for granting an appropriate and sovereign access to the Pacific Ocean, contravening its own prior declarations and commitments.

23. Finally, it is important to mention that the General Assembly of the Organization of American States (OAS) adopted resolution 426 during its ninth period of sessions in 1979, in which, underscoring the continuing hemispheric interest in finding an equitable solution whereby Bolivia will obtain appropriate sovereign access to the Pacific Ocean, it resolved “[t]o recommend to the States most directly concerned with this problem that they open negotiations for the purpose of providing Bolivia with a free and sovereign territorial connection with the Pacific Ocean.”¹⁴

24. The general hemispheric will expressed in resolution 426 of 1979 was confirmed in another ten subsequent resolutions during the following decade¹⁵ whereby it was determined that Bolivia’s maritime problem would be kept permanently on the agenda of the General Assembly of the Organization of American States until being solved. In particular, resolution 686 of 1983 urges Bolivia and Chile especially to find “a formula for giving Bolivia a sovereign outlet to the Pacific Ocean, on bases that take into account mutual conveniences and the rights and interest of all parties involved”¹⁶.

25. Faced with Bolivia’s claims in international forums, on 22 February 2000, the Ministers of Foreign Affairs of Bolivia and Chile issued a joint communiqué, the second point of which referred to their agreement to put together a work agenda including, without any exclusion, the essential matters of the bilateral relationship. The Presidents of both countries confirmed this position on 1 September 2000.

¹² Joint Declaration of Charaña between Bolivia and Chile, 8 February 1975 (Annex 13).

¹³ Note of Chile, 19 December 1975 (Annex 14).

¹⁴ Resolution 426, General Assembly of the Organization of American States, 31 October 1979, available at: <http://www.oas.org/pdfs/agres/ag03793E01.pdf>.

¹⁵ Organization of American States’ resolutions: AG/RES 481 of 27 November 1980; AG/RES 560 of 10 December 1981; AG/RES 602 of 20 November 1982; AG/RES 686 of 18 November 1983; AG/RES 701 of 17 November 1984; AG/RES 766 of 9 December 1985; AG/RES 816 of 15 November 1986; AG/RES 873 of 14 November 1987; AG/RES 930 of 19 November 1988; AG/RES 989 of 18 November 1989.

¹⁶ Resolution 686, General Assembly of the Organization of American States, 18 November 1983, available at: <http://scm.oas.org/pdfs/agres/ag03797E01.pdf>.

26. In July 2006, the Governments of Evo Morales and Michelle Bachelet, Presidents of Bolivia and Chile, respectively, agreed on the “Agenda of the 13 Points”, which included the “Maritime Issue” in point VI¹⁷. On the occasion of the 22nd meeting of the Bolivia-Chile Bilateral Mechanism for Political Consultations (from 12 to 14 July 2010) both States agreed that the bilateral dialogue had to give rise to concrete, appropriate and feasible solutions on point VI of the Bilateral Agenda referred to the “Maritime Issue”¹⁸ in the next and subsequent meetings. For that purpose, a meeting was planned to take place in November 2010, but when the said date arrived Chile unilaterally suspended the meeting. The negotiations were never resumed.

27. In February 2011, the President of Bolivia publicly asked the Government of Chile to draft a written and concrete proposal to carry forward the process for solving Bolivia’s confinement¹⁹. Far from responding to this invitation, Chile stated that “Bolivia lacks any legal basis to access the Pacific Ocean through territories appertaining to Chile”²⁰.

28. Later, at the Sixty-Sixth Session of the United Nations General Assembly on 21 September 2011, the President of Bolivia stated that the channels for a bilateral negotiation with Chile to find a solution for the Bolivian maritime issue remain open²¹. The response received from the President of Chile was that there are no pending issues between the two countries²².

29. Further, at the Sixty-Seventh Session of the United Nations General Assembly in September 2012, the President of Bolivia once more requested that the Government of Chile “finally solve its maritime confinement, using peaceful dispute solving mechanisms”²³. This request was rejected categorically by the Chilean Minister of Foreign Affairs, who pointed out that “there is no dispute between Chile and Bolivia”²⁴, that there are no pending issues between the two

¹⁷ Minutes of the 2nd meeting of the Working Group on Bilateral Affairs Bolivia-Chile, Agenda of the 13 Points, 17 July 2006 (Annex 15).

¹⁸ Minutes of the 22nd meeting of Bolivia-Chile Mechanism for Political Consultations, 14 July 2010, available at: http://www.rree.gob.bo/webmre/notasprensa/2010/2010_julio/Acta%20final.pdf (Annex 16).

¹⁹ Declaration of the President of Bolivia, Evo Morales Ayma, 17 February 2011, as quoted in: *Los Tiempos*, “Evo pide a Chile entregar propuesta marítima hasta el 23 de marzo para debatirla”, 17 de febrero de 2011, available at: http://www.lostiempos.com/diario/actualidad/nacional/20110217/evo-pide-a-chile-entregar-propuesta-maritima-hasta-el-23-de-marzo-para_113493_224396.html (Annex 17).

²⁰ Declaration by the Ministry of Foreign Affairs of Chile, 12 July 2011, available at: http://www.minrel.gob.cl/prontus_minrel/site/artic/20110712/pags/20110712144736.php.

²¹ Speech by the President of the Plurinational State of Bolivia, Mr. Evo Morales Ayma, on the occasion of the 13th plenary meeting of the Sixty-Sixth Session of the UN General Assembly, 21 September 2011, UN doc. A/66/PV.13, available at: <http://gadebate.un.org/66/bolivia-plurinational-state>.

²² Speech by the President of Chile, Mr. Sebastián Piñera Echeñique, on the occasion of the 15th plenary meeting of the Sixty-Sixth Session of the UN General Assembly, 22 September 2011, UN doc. A/66/PV.15, available at: <http://gadebate.un.org/66/chile>.

²³ Speech by the President of the Plurinational State of Bolivia, Mr. Evo Morales Ayma, during the 11th plenary meeting of the Sixty-Seventh Session of the UN General Assembly, 26 September 2012, UN doc. A/67/PV.11, available at: <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/522/19/pdf/N1252219.pdf?OpenElement> or <http://gadebate.un.org/67/bolivia-plurinational-state>.

²⁴ See footnote 1 *supra*.

States and that “Bolivia lacks any right to claim a sovereign access to the sea”²⁵.

30. In these circumstances, it is clear that Chile has no intention of truly going forward in the formal negotiation regarding the agreement to perform its obligation of effectively ensuring a fully sovereign access to the sea for Bolivia. Therefore, being a peaceful State, Bolivia has decided to solve the present dispute with Chile by means of peaceful settlement mechanisms provided for in international law. Bolivia therefore submits the present dispute to the International Court of Justice.

IV. THE LEGAL GROUNDS ON WHICH THE CLAIM IS BASED

31. The facts provided above (Section III) show that, beyond its general obligations under international law, Chile has committed itself, more specifically through agreements, diplomatic practice and a series of declarations attributable to its highest-level representatives, to negotiate a sovereign access to the sea for Bolivia. Chile has not complied with this obligation and, what is more, at the present date Chile denies the very existence of its obligation.

V. SUBMISSIONS

32. For the above reasons Bolivia respectfully requests the Court to adjudge and declare that :

- (a) Chile has the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean ;
- (b) Chile has breached the said obligation ;
- (c) Chile must perform the said obligation in good faith, promptly, formally, within a reasonable time and effectively, to grant Bolivia a fully sovereign access to the Pacific Ocean.

33. Bolivia reserves the right to supplement, modify and amplify the present Application in the course of the proceedings.

34. Without prejudice to the jurisdiction of this Court in the present case, Bolivia reserves the right to request that an arbitral tribunal be established in accordance with the obligation under Article XII of the Treaty of Peace and Friendship concluded with Chile on 20 October 1904 and the Protocol of 16 April 1907, in the case of any claims arising out of the said Treaty.

VI. JUDGE *AD HOC*

35. For the purposes of Article 31 (3) of the Statute of the Court and Article 35 (1) of the Rules of Court, Bolivia declares its intention of exercising the right to designate a judge *ad hoc*.

* *

²⁵ See footnote 1 *supra*.

In accordance with the provisions of Article 40 of the Rules of Court, the President of the Plurinational State of Bolivia has appointed the undersigned Ambassador Eduardo Rodríguez Veltzé as Agent for these proceedings.

It is requested that all communications relating to this case be sent to the Embassy of the Plurinational State of Bolivia in the Netherlands, Nassaulaan 5, 2514 JS The Hague, the Netherlands.

Respectfully submitted,

(Signed) Eduardo RODRÍGUEZ VELTZÉ.
Agent.

(Signed) David CHOQUEHUANCA CÉSPEDES.
Minister of Foreign Affairs.

CERTIFICATION

MINISTRY OF FOREIGN AFFAIRS, REPUBLIC OF BOLIVIA

24 April 2013.

The undersigned Agent of the Plurinational State of Bolivia certifies that the documents contained in this file, and hereunder listed, are true and accurate copies of the original of documents annexed to the Application by the Plurinational State of Bolivia instituting proceedings against the Republic of Chile concerning the sovereign access of Bolivia to the sea. The documents contained in this file are the following:

LIST OF ANNEXES TO THE PLURINATIONAL STATE OF BOLIVIA'S
APPLICATION INSTITUTING PROCEEDINGS AGAINST THE REPUBLIC OF CHILE

- Annex 1.* Note of Chile No. 745/183, Addressed to the Bolivian Ministry of Foreign Affairs from the Chilean Ministry of Foreign Affairs, 8 November 2011.
- Annex 2.* Minister of Foreign Affairs Moreno Responds to the Statement Made by Evo Morales: "There is no dispute between Bolivia and Chile, but there are Treaties".
- Annex 3.* Instrument of Ratification of the "Pact of Bogotá", 14 April 2011, and Instrument of Withdrawal of Reservation to the "Pact of Bogotá", 3 April 2013.
- Annex 4.* Chilean Decree No. 526 of 21 August 1967, published in the *Official Journal* No. 26837 of 6 September 1967.
- Annex 5.* Truce Pact between Bolivia and Chile, 4 April 1884.
- Annex 6.* Agreement on Transfer of Territory between Bolivia and Chile, 18 May 1895.
- Annex 7.* Treaty of Peace and Friendship Entered into by the Government of Bolivia and the Government of Chile, 20 October 1904.
- Annex 8.* Memorandum from the Minister of Foreign Affairs of Bolivia, Daniel Sánchez Bustamante, 22 April 1910.
- Annex 9.* Protocol ("Acta Protocolizada") subscribed between the Foreign Affairs Minister of Bolivia, Carlos Gutiérrez, and the Extraordinary Envoy and Plenipotentiary Minister of the Republic of Chile, Emilio Bello Codesido, 10 January 1920.
- Annex 10.* Note of 1 June 1950 from the Ambassador of Bolivia to the Minister of Foreign Affairs of Chile.
- Annex 11.* Note of 20 June 1950 from the Minister of Foreign Affairs of Chile to the Ambassador of Bolivia.
- Annex 12.* Memorandum from the Embassy of Chile in La Paz, 10 July 1961.
- Annex 13.* Joint Declaration of Charaña, 8 February 1975.
- Annex 14.* Note No. 686 of 19 December 1975 to the Ambassador of Bolivia from the Minister of Foreign Affairs of Chile.

- Annex 15.* Minutes of the 2nd Meeting of the Working Group on Bilateral Affairs Bolivia-Chile, 17 July 2006.
- Annex 16.* Minutes of the 22nd Meeting of the Bolivia-Chile Mechanism for Political Consultations, 14 July 2010.
- Annex 17.* Declaration of the President of Bolivia, Evo Morales Ayma, dated 17 February 2011.
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Annex 1

**NOTE OF CHILE NO. 745/183, ADDRESSED TO THE BOLIVIAN MINISTRY
OF FOREIGN AFFAIRS FROM THE CHILEAN MINISTRY OF FOREIGN AFFAIRS,
8 NOVEMBER 2011**

[Translation submitted by Bolivia]

.....
None of the background information mentioned in the letter of 8 July 2011 supports the inference of any recognition of an obligation to negotiate sovereign access to the sea, or of an alleged right to sovereign access to the sea, as the Plurinational State of Bolivia seems to be suggesting.
.....



Annex 2

**MINISTER OF FOREIGN AFFAIRS MORENO RESPONDS TO THE STATEMENT
MADE BY EVO MORALES: “THERE IS NO DISPUTE BETWEEN BOLIVIA
AND CHILE, BUT THERE ARE TREATIES”**

[Translation submitted by Bolivia]

.....
La Tercera — 26 September 2012 — 22:29.
.....

In New York, the Minister of Foreign Affairs told *La Tercera* that “there is no
dispute between Bolivia and Chile, but there are treaties”.
.....



Annex 3

**INSTRUMENT OF RATIFICATION OF THE “PACT OF BOGOTÁ”,
14 APRIL 2011, AND INSTRUMENT OF WITHDRAWAL OF RESERVATION
TO THE “PACT OF BOGOTÁ”, 3 APRIL 2013**

EVO MORALES AYMA,
CONSTITUTIONAL PRESIDENT OF THE PLURINATIONAL STATE OF BOLIVIA

[Translation submitted by Bolivia]

.....
In exercise of the powers conferred upon me by the State Political Constitution, according to Article 172, subparagraph 5, I issue this *Instrument of Ratification* of the American Treaty on Pacific Settlement “Pact de Bogotá”.

.....
Done at the Government Palace of the city of La Paz, on April the fourteenth, two thousand eleven.

Minister of Foreign Affairs.

.....
In exercise of the powers conferred upon me by Article 172, subparagraph 5, of the Political Constitution of the Plurinational State of Bolivia, I issue this *Instrument of Withdrawal of the Reservation* to the American Treaty of Pacific Settlement — “Pact de Bogotá”, done on 30 April 1948 in the city of Bogotá and ratified by the Plurinational State of Bolivia by Law No. 103 of 5 April 2011.

.....
Done at the Government Palace of the city of La Paz, on the third day of April two thousand and thirteen.

Minister of Foreign Affairs.

Annex 4

DECREE NO. 526 OF 21 AUGUST 1967 FROM THE PRESIDENT
OF THE REPUBLIC OF CHILE, PUBLISHED
IN THE *OFFICIAL JOURNAL* No. 26837 OF 6 SEPTEMBER 1967

LIBRARY OF THE NATIONAL CONGRESS OF CHILE — CHILEAN LEGISLATION

[Translation submitted by Bolivia]

Type of rule:	Decree No. 526
Date of publication:	6 September 1967
Date of enactment:	21 August 1967
Institution:	Ministry of Foreign Affairs
Title:	American Treaty of Pacific Settlement
Version:	Sole version dated: 6 September 1967
Entry into force:	6 September 1967
International entry into force:	6 September 1967
Type of treaty:	Multilateral
Identity No.:	400563
URL:	http://www.leychile.cl/N?i=400563&f=1967-09-06&p=

AMERICAN TREATY ON PACIFIC SETTLEMENT

Santiago, 21 August 1967.

Today the following decree has been issued:

No. 526

Eduardo FREI MONTALVA, President of the Republic of Chile:

.....
Sole article: The American Treaty on Pacific Settlement, also called the Pact of Bogotá, done in this capital city on 30 April 1948, is hereby approved. This Treaty will be ratified by Chile with the following reservation:

.....
Done in my Office and countersigned by the Minister of Foreign Affairs, in the city of Santiago de Chile on 21 August nineteen hundred and sixty-seven.

Eduardo FREI MONTALVA, Gabriel VALDÉS S.
.....

Annex 5

**TRUCE PACT BETWEEN BOLIVIA AND CHILE,
4 APRIL 1884**

[Translation submitted by Bolivia]

.....

2nd — During the term of this Truce, the Republic of Chile will continue to rule, subject to the political and administrative regime provided for in Chilean law, the territories that lie between parallel twenty-three and the mouth of the Loa River in the Pacific, whereby the eastern boundary of the aforementioned territories is a straight line that starts from Sapalegui, from the intersection with the demarcation that separates them from the Republic of Argentina, up to the Llicancaur volcano. From this point, a straight line will be followed to the summit of the Cabana inactive volcano: from here another straight line will continue up to the spring located further south at Lake Ascotan; and from here another straight line that, crossing the aforementioned lake, ends at the Ollagua volcano. From this point, another straight line to the Tua volcano, continuing after the existing division between the department of Tarapacá and Bolivia.

.....

In witness whereof, the Plenipotentiaries of Bolivia and the Minister of Foreign Affairs of Chile, submitting evidence of their respective powers, hereby cause this Truce Pact to be signed in duplicate, in Valparaíso, on the fourth day of April eighteen hundred and eighty-four.

(Signed) Belisario SALINAS.

(Signed) Belisario BOETO.

(Signed) A. VERGARA ALBANO.

Annex 6

**AGREEMENT ON TRANSFER OF TERRITORY BETWEEN BOLIVIA AND CHILE,
18 MAY 1895**

[Translation submitted by Bolivia]

.....
The Republic of Chile and the Republic of Bolivia, with the purpose of strengthening increasingly closer ties of friendship to unite the two countries, and the agreement that a superior need and the future development and commercial prosperity of Bolivia requires its free and natural access to the sea, have decided to enter into a special Treaty on the transfer of territory for which purpose they have named and appointed their Plenipotentiaries, as follows:
.....

I.

If, as a consequence of the plebiscite to be held in conformity with the Treaty of Ancón or by virtue of direct arrangements, the Republic of Chile should acquire permanent dominion and sovereignty over the territories of Tacna and Arica, it undertakes to transfer them to the Republic of Bolivia, in the same form and size in which it has acquired them, without prejudice to the provisions contained in Article II.

As compensation for this transfer of territory, the Republic of Bolivia shall pay the amount of five million silver pesos of twenty-five grams in weight and nine-tenths purity. In order to make this payment, forty per cent of the income of the customs office in Arica will be allocated.

II.

If the cession contemplated in the previous Article takes effect, it is understood that the Republic of Chile would move its northern boundary from Camarones to the Quebrada de Vitor, from the sea up to the boundary currently separating that region from the Republic of Bolivia.
.....

IV.

Should the Republic of Chile fail to obtain definitive sovereignty over the area in which the cities of Tacna and Arica are located, either by plebiscite or through direct arrangements, it undertakes to transfer to Bolivia the area from the Caleta de Vitor up to the Quebrada de Camarones or any other similar area, as well as the amount of five million silver pesos of twenty-five grams of weight and nine-tenths pure.

(Signed) Luis BARROS BORGOÑO.

(Signed) H. GUTIÉRREZ.

Annex 7

**TREATY OF PEACE AND FRIENDSHIP ENTERED INTO BY THE GOVERNMENT
OF BOLIVIA AND THE GOVERNMENT OF CHILE, 20 OCTOBER 1904**

[Translation submitted by Bolivia]

.....

Article II

The present Treaty recognizes the absolute and perpetual dominion of Chile over the territories it has occupied by virtue of Article 2 of the Truce Pact of 4 April 1884.

.....

(Signed) Emilio BELLO C.

(Signed) A. GUTIÉRREZ.

Annex 8

**MEMORANDUM FROM THE MINISTER OF FOREIGN AFFAIRS OF BOLIVIA,
DANIEL SÁNCHEZ BUSTAMANTE, 22 APRIL 1910**

[Translation submitted by Bolivia]

The Government of Bolivia cannot pass by the present circumstance without acknowledging the willingness of Chile and Peru to welcome steps aimed at solving the conflict relating to Tacna and Arica.

.....
Chile and Peru, in accordance with the opinion of many of their distinguished men in public positions, should no longer be neighbouring countries, establishing the territorial sovereignty of Bolivia in an intermediate zone on the Pacific coast. It is not necessary to demonstrate the importance of this significant fact for the politics and stability of the Hispanic-American nations.

Bolivia cannot live isolated from the sea ; today and always, it will do its utmost to the best of its ability, to come to possess at least one convenient port on the Pacific ; and it shall never succumb to inaction whenever this matter of Tacna and Arica causes concern, which compromises the very foundations of its existence.

.....



Annex 9

**PROTOCOL (“ACTA PROTOCOLIZADA”) SUBSCRIBED BETWEEN THE FOREIGN
AFFAIRS MINISTER OF BOLIVIA, CARLOS GUTIÉRREZ,
AND THE EXTRAORDINARY ENVOY AND PLENIPOTENTIARY MINISTER
OF THE REPUBLIC OF CHILE, EMILIO BELLO CODESIDO, 10 JANUARY 1920**

[Translation submitted by Bolivia]

Assembled in the Ministry of Foreign Affairs of the Republic of Bolivia, Mr. Carlos Gutiérrez, Minister of Foreign Affairs, and Mr. Emilio Bello Codesido, Special Envoy and Plenipotentiary Minister of the Republic of Chile, encouraged by the desire to render the existing ties of friendship between their respective countries more solid and enduring by means of new agreements which foster the further development of their political and commercial relations, referring to the harmony of their interests and reciprocal aspirations, have agreed to initiate these meetings in order to exchange general ideas on how to fulfil these high purposes.

The Minister of Chile stated that, as he had mentioned already to the Minister of Foreign Affairs of Bolivia in accordance with the welcome and honourable mission entrusted to him before this Government, the Government of Chile has the greatest desire to promote a policy of genuine and close relations with Bolivia; to this effect, he reproduces the bases which in general terms were submitted to the Honourable Dario Gutiérrez last September, with the aim of reaching an agreement pursuant to which Bolivia could satisfy its aspiration of obtaining its own access to the Pacific, independently from the final situation established by the dispositions of the Treaty of Peace and Friendship of 20 October 1904.

IV. The situation created by the Treaty of 1904, the interests located in this area and the security of its northern boundary, impose on Chile the need to preserve the coastline which is indispensable for the country; but with the purpose of building, on solid foundations, the future union of both countries, Chile is willing to ensure that Bolivia acquires its own access to the sea, by ceding an important part of that area north of Arica and of the railway line that is located in the territories that are the object of the plebiscite provided for in the Treaty of Ancón.

(Signed) Carlos GUTIÉRREZ.

(Signed) Emilio BELLO C.

Annex 10

**NOTE OF 1 JUNE 1950 FROM THE AMBASSADOR OF BOLIVIA
TO THE MINISTER OF FOREIGN AFFAIRS OF CHILE**

[Translation submitted by Bolivia]

On several occasions and specifically in the Treaty of 18 May 1895, and in the Protocol (“Acta Protocolizada”) of 10 January 1920, entered into with Bolivia, although not ratified by the respective legislative powers, the Republic of Chile has accepted the transfer to my country of our own access to the Pacific Ocean.

.....
With this important background information in mind, which clearly shows the direction of the Republic of Chile’s international policy, I have the honour to propose to Your Excellency that the Governments of Bolivia and Chile formally enter into a direct negotiation in order to satisfy Bolivia’s fundamental need to obtain its own and sovereign access to the Pacific Ocean, thus resolving the problem of Bolivia’s confinement, on the basis of mutual benefits and the true interests of both countries.
.....

(Signed) Alberto OSTRIA GUTIÉRREZ.

Annex 11

**NOTE OF 20 JUNE 1950 FROM THE MINISTER OF FOREIGN AFFAIRS OF CHILE
TO THE AMBASSADOR OF BOLIVIA**

[Translation submitted by Bolivia]

.....
From the quotes contained in the Note I am replying to, it is understood that the Government of Chile, while safeguarding the legal situation established in the Treaty of Peace of 1904, has been willing to consider, in direct negotiations with Bolivia, the possibility of satisfying the aspirations of Your Excellency's Government and the interests of Chile.

On this occasion, I have the honour of informing Your Excellency that my Government will be consistent in that position and, within a spirit of fraternal friendship towards Bolivia, it is willing to formally enter into a direct negotiation aiming at finding the formula which would make it possible to grant Bolivia an own and sovereign access to the Pacific Ocean and for Chile to obtain compensations that are not of a territorial nature and that effectively take into account its interests.

.....
(Signed) Horacio WALKER LARRAÍN.

Annex 12

**MEMORANDUM FROM THE EMBASSY OF CHILE IN LA PAZ,
10 JULY 1961**

[Translation submitted by Bolivia]

.....
2. Note No. 9 of our Ministry of Foreign Affairs, dated 20 June 1950 in Santiago, is a clear testimony of those purposes. Through this Note, Chile states that

“it is willing to formally enter into a direct negotiation aiming at finding the formula which would make it possible to grant Bolivia an own and sovereign access to the Pacific Ocean and for Chile to obtain compensations that are not of a territorial nature and that effectively take into account its interests”.

.....

Annex 13

**JOINT DECLARATION OF CHARAÑA,
8 FEBRUARY 1975**

[Translation submitted by Bolivia]

.....
4. Both Presidents, within a spirit of mutual understanding and a constructive mindset, have resolved to continue with the dialogue on different levels to find formulas for solving the vital issues which both countries face, such as the one relating to the confinement affecting Bolivia, on the basis of reciprocal benefits and considering the aspirations of the Bolivian and Chilean people.
.....

(Signed) General Hugo BANZER SUÁREZ.

(Signed) General Augusto PINOCHET UGARTE.

Annex 14

**NOTE NO. 686 OF 19 DECEMBER 1975 TO THE AMBASSADOR OF BOLIVIA
FROM THE MINISTER OF FOREIGN AFFAIRS OF CHILE**

[Translation submitted by Bolivia]

.....
(d) Chile would be prepared to negotiate with Bolivia the cession of a strip of land
north of Arica up to the Línea de la Concordia.
.....

(Signed) Patricio CARVAJAL PRADO,
Minister of Foreign Affairs.

Annex 15

**MINUTES OF THE 2ND MEETING OF THE WORKING GROUP
ON BILATERAL AFFAIRS BOLIVIA-CHILE,
17 JULY 2006**

[Translation submitted by Bolivia]

As agreed by both Governments, the Working Group on Bilateral Affairs Bolivia-Chile met in the city of La Paz, Republic of Bolivia, on 17 July 2006, with the purpose of continuing the work on a broad common agenda, without exceptions.

.....

VI. Maritime Issue

Both delegations briefly relayed the conversations they had conducted in that regard in the past few days and agreed to leave this issue for consideration by the Vice-Ministers in the meeting they will have on the 18th of this month.

.....

Done in the city of La Paz, on 17 July 2006.

(Signed) For Bolivia.

(Signed) For Chile.

Annex 16

**MINUTES OF THE 22ND MEETING OF THE BOLIVIA-CHILE MECHANISM
FOR POLITICAL CONSULTATIONS, 14 JULY 2010**

[Translation submitted by Bolivia]

In the city of La Paz, from 12 to 14 July 2010, the 22nd meeting of the Bolivia-Chile Mechanism for Political Consultations was held, with the purpose of conducting an analysis and monitoring the progress as regards the thirteen items on the broad common agenda set by both countries, without exceptions.

.....

VI. Maritime Issue

The Vice-Ministers of Foreign Affairs underlined the importance of the bilateral dialogue as a mechanism of understanding between the Governments of Bolivia and Chile.

They reaffirmed that the process reflects a policy agreed between both Governments and, considering the high levels of mutual trust achieved in the present meeting, they confirmed that they would maintain this climate so it would encourage the bilateral dialogue in order to address the broad topic of point VI of the Agenda of the 13 Points in that context, and thus to propose how to reach concrete, feasible and useful solutions during the next and successive meetings of the Mechanism for Political Consultations, that benefit the understanding and harmony of both countries.

.....

At the close of the present meeting, the delegations congratulated one another on the work carried out, the co-ordination accomplished and the planning of both teams, as well as on the high level of organization, whereby they agreed to hold their next meeting in November 2010, in the city of Arica.

.....

For Bolivia,
(Signed)
Mónica SORIANO LÓPEZ,
Vice-Minister
of Foreign Affairs.

For Chile,
(Signed)
Fernando SCHMIDT ARIZTÍA,
Sub Secretary
of Foreign Affairs.



Annex 17

**DECLARATION OF THE PRESIDENT OF BOLIVIA, EVO MORALES AYMA,
DATED 17 FEBRUARY 2011**

[Translation submitted by Bolivia]

Los Tiempos.com

**EVO ASKS CHILE TO SUBMIT A MARITIME PROPOSAL
BY 23 MARCH FOR DISCUSSION**

Insistence that Piñera's Government work in a complementary manner

La Paz

Morales said at a press conference that "it is time we have concrete proposals to discuss", now that both countries have been able to build mutual trust and lay the foundations for a dialogue about the Bolivian claim of access to the sea; for the first time, he set a deadline and added:

"How good it would be to have a concrete proposal by 23 March. I take this opportunity to respectfully ask this of the President, the Government, the Chilean people, and by 23 March, I will be awaiting a concrete proposal as a basis for a discussion . . . This would be of enormous satisfaction for the Bolivian people."

.....

Source: Efe Agency.

