


General Assembly Security Council

 Distr.
GENERAL

 A/42/831✓
S/19308*
2 December 1987
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-second session
Agenda items 129, 138 and 142
PEACEFUL SETTLEMENT OF DISPUTES
BETWEEN STATES
DEVELOPMENT AND STRENGTHENING OF
GOOD-NEIGHBOURLINESS BETWEEN STATES
CO-OPERATION BETWEEN THE UNITED
NATIONS AND THE ORGANIZATION OF
AMERICAN STATES

SECURITY COUNCIL
Forty-second year

Letter dated 26 November 1987 from the Permanent Representative of
Bolivia to the United Nations addressed to the Secretary-General

The Permanent Mission of Bolivia to the United Nations has taken note of the letter dated 12 November 1987 addressed to you by the Permanent Representative of Chile (A/42/736-S/19265). In that letter and its annex, the Permanent Mission of Chile endeavours, in its usual way, to confuse world opinion about its century-old dispute with Bolivia, the true nature of which is known and recognized by the international community.

In order to refute such falsehoods, the Permanent Mission of Bolivia does not wish to circulate any further report, since the documents circulated previously (A/42/348 and A/42/662) recall and recapitulate very concisely the nature and extent of the problem of enclavement to which Bolivia has been and continues to be subjected as a result of Chile's war of conquest and aggression. Bolivia has no need to resort to lies and inventions to justify its legitimate claim.

The international community is very familiar with all the falsehoods contained in the document which Chile circulated, with all the misrepresentations to which Chilean Governments have always resorted, in an attempt to present its younger generations with an artificial and distorted version of history through manoeuvres in international forums, as it is trying to do with such an august body as the General Assembly.

* - Reissued for technical reasons.

It is logical to assume that all the false opinions ascribed to Bolivian public figures and reproduced in the document from the Chilean Mission - opinions allegedly expressed during the war and on the occasion of the signing and ratification of the 1904 Peace Treaty - in no way reflected a free expression of Bolivian views, for at that time politicians, the Bolivian Government and the entire Bolivian people, even though weaker in numbers and military might, defended the territorial integrity of the Bolivian nation. It does not take much mental effort to realize that neither in peacetime nor in wartime was there any citizen who disagreed with the feeling of solidarity and defence of his country's values.

It has been fully established that, when Bolivia became an independent State, it did so possessing territory the ownership of which was established by legitimate title deeds. Demarcation of its boundaries was based on the principle of uti possidetis juris of 1810, which was in force for all Latin American nations and governed the demarcation of boundaries between countries liberated from colonialism. It was on this basis that Bolivia was established on the territory of the Royal Province (Real Audiencia) of Charcas, retaining possession of the entire coast of Atacama, from the Loa River to the Paposo, while Chile kept the coast from the Salado River, which adjoins the Paposo, down to Cape Horn.

As a result, anything which the Government of Chile might say to the contrary is devious and false, for it rewrites history and alters the letter and spirit of existing bibliographical and cartographical documentation, the authenticity of which is beyond question.

But it is also true that, despite their efforts to gain sympathy for their specious arguments, the Chilean Government itself has weakened its position by acknowledging the existence of the quarrel and the latent dispute with Bolivia on various occasions, and also by agreeing to launch negotiations with a view to finding a solution to the problem, which adversely affects good-neighbourliness between the two countries. One has only to mention the Exchange of Notes of 1950, by which Chile undertook to initiate a formal dialogue in order to find a solution enabling Bolivia to claim a sovereign outlet to the Pacific Ocean, an outlet which it lost in the 1879 war of conquest, when Chile annexed Bolivia's entire coast, consisting of more than 400 kilometres of coastline.

The same is true of the negotiations launched in 1975 by agreement between the two Governments, and the latest negotiation in 1987, which is described succinctly in the documents already distributed to delegations and the interruption of which was a total aberration and a harmful precedent for the international relations of the Latin American region, which always presuppose good faith in complying with agreements.

The American and international communities are convinced that a serious problem exists between Bolivia and Chile which has its origins in situations contrary to international law, such as wars of conquest and the illegal seizure of territory, which must be resolved through dialogue and peaceful means of negotiation. It was to promote such ends that States set up such international bodies as the United Nations and the Organization of American States (OAS), and

this is why, since 1979, OAS has been adopting resolutions which reiterate that it is in the permanent interests of the hemisphere to find an equitable solution which would give Bolivia sovereign and effective access to the Pacific Ocean. The latest resolution was adopted by OAS on 16 November (see A/42/778, annex).

It follows, therefore, that the United Nations, its organs and all the committees dealing with such items as good-neighbourliness, peaceful settlement of disputes, human rights, decolonization and others are competent to deal with this issue affecting two nations whose ancestry, proximity and founding precepts should make them two sister nations. What we are faced with here is a serious, unresolved problem: a country that had always been a maritime nation has been subjected to the extremely difficult situation of enclavement, a situation which hampers its ties with the rest of the world, its international trade and the exercise of the universal rights of free access to and the enjoyment of the sea's resources, and impedes its development.

The right of free transit through Chilean ports, established in the 1904 Treaty, is the minimum right which Chile granted to Bolivia, but, far from solving Bolivia's problems, it has, in practice, principally benefited Chile, for it is Bolivia's trade which keeps alive and maintains the ports of Arica, Iquique and Antofagasta and economically depressed desert areas, thereby subsidizing the development of northern Chile over the past 80 years.

In requesting you to have this communication circulated as an official document of the General Assembly, under the same items as documents A/42/348, A/42/662 and A/42/778, and of the Security Council, as was done with document A/42/736-S/19265, I must conclude by stating that there will be harmony and co-operation between Bolivia and Chile only when historical reparation is made for the injustice perpetrated against my country over 100 years ago. Far from demonstrating a spirit of Americanism and co-operation, the attitude and conduct thus far adopted by the Chilean Government has been one of hostility and aggression. This is how the people and Government of Bolivia perceive and interpret it.

(Signed) Jorge GUMUCIO GRANIER
Ambassador
Permanent Representative
