

COMMUNIQUE

Ministry of Foreign Affairs
Plurinational State of Bolivia

The Ministry of Foreign Affairs of the Plurinational State of Bolivia regrets the confrontational and provocative attitude of the Chilean Government, as reflected continuously in the statements of its authorities. On this occasion, this was seen in the communiqué by the Chilean Foreign Ministry on July 19th 2016. With regard to this, the Ministry of Foreign Affairs indicates that the visit by the Bolivian Foreign Minister David Choquehuanca and his commission to the ports of Antofagasta and Arica was carried out in the spirit of friendship and brotherhood, which guides the relations of the Bolivian Government with the peoples and nations of the world. The object of the trip was to learn more about the difficulties involved in, and seek solutions to, the different problems faced by Bolivian Foreign Trade in its transit through Chile. During the visit, the Commission, headed by Foreign Minister Choquehuanca, experienced, in the millenarian Aymara town of Putre and in the cities of Arica and Antofagasta, the same spirit of brotherhood and integration that provided the motivation for the Bolivian commission's visit.

The Chilean Government falls short of the truth once again in indicating that the Commission headed by Foreign Minister Choquehuanca refused to carry out immigration procedures. As the press present in Chungará at the time were able to verify, Foreign Minister Choquehuanca and his Commission patiently carried out all the Chilean immigration proceedings, taking their place in the lengthy queues resulting from the lack of Chilean personnel on hand to process Bolivian tourists and transport workers.

The immigration proceedings were carried out by the Commission as they would be by any other MERCOSUR citizen; by presenting their passport or ID card and obtaining the stamp and migration card issued by the Policía de Investigaciones de Chile (PDI). With respect to the statement that the Bolivian Commission attempted to refuse to comply with phytosanitary control standards imposed by the Chilean government, the Ministry of Foreign Affairs indicates that despite the stipulations of the Vienna Convention on Consular Relations of the 24th of April 1963, Article 50 with regard to 'Customs charge exemption and exemption from Customs inspection' and that established in Article 31, paragraph 4, which specifies that 'consular locations, their furnishings, goods belonging to the consular office and their means of transport may not be subject to requisition', nonetheless a search of luggage was permitted, along with a canine search of the vehicle transporting the Bolivian Foreign Minister. He himself expressed his surprise to the SAG official at the evident ignorance of international law, clarifying that he wished for the inspection to continue but registering his protest at this lack of recognition.

With respect to the statements made in the Communiqué of the Chilean Foreign Ministry suggesting that the Bolivian Foreign Minister attempted to force his entry into the port without respect for the appropriate regulations,

and without having duly completed the corresponding request for entry, it bears mention that on the 13th of July, with adequate time, Bolivia communicated to the Ministry of Foreign Affairs of Chile that the abovementioned visit would be taking place, and in addition that on the 15th of July ASP-B notified the Arica Port Authority (Empresa Portuaria de Arica – EPA) of the visit to the Port Authority. On July 18th 2016 the Commission set out for Arica and, as several members of the press can testify, the Commission presided over by Foreign Minister Choquehuanca was unable to enter these installations due to personnel from the private operator ‘Terminal Portuario de Arica’ declaring that they were following instructions from the Chilean Foreign Ministry in denying the Bolivian delegation access to the port terminal.

As the press present in the terminal confirmed, the Foreign Minister and his Commission waited patiently for more than 6 hours, standing in a space of 3 cubic metres, without the most minimal courtesy or consideration on the part of the TPA employees.

It is therefore obvious that the refusal of entry to the Bolivian Commission, far from ‘not causing interference to work and allowing the safe movement of the visitors’, had the objective of saving time in order to cover part of the soya exposed to the elements, cancelling over 50 work tasks requested by ASP-B in the afternoon and evening, suspending the appraisal of the Bolivian export and carrying out last-minute repairs to the Port Terminal.

The delay in allowing entry to the Commission headed by the Bolivian Foreign Minister reveals the evident intention on the part of the Chilean government to avoid confronting and indeed to cover up the serious violations of the right to the fullest and most unrestricted free transit, which Bolivia should enjoy under the 1904 Treaty and subsequent agreements.

With regard to the arguments used in the Chilean Foreign Minister’s communiqué to justify the assaults on Bolivian foreign trade, indicates the following:

- The Arica Declaration of 1953 establishes that ‘any premises in which Bolivian cargo is deposited shall be considered the premises of the Bolivian customs authorities’. As such, since the storehouses and deposits located in the port of Arica are considered to be the premises of the Bolivian customs authority, the Bolivian authorities have the right to enter them freely, it being utterly unacceptable that a private company operating on instructions from the Chilean foreign ministry impede their access.
- As such, it is remarkable that the Chilean government should attempt to justify their refusal of access to Bolivian high level officials into Bolivian customs premises with the pretext that this is not explicitly laid out in the 1904 Treaty.
- Impeding access by Bolivian government officials in their attempt to visit and verify offices and premises of the Bolivian customs service is

in flagrant non-compliance with the agreements signed with Bolivia under the aegis of international law.

- The Chilean Government aims to not recognise the different agreements within the Integrated Transport System (SIT) between Bolivia and Chile, among them that of agreeing the service charges for handling Bolivian cargo, in compliance with Article 6 of the 1904 Treaty which indicates that 'Chile recognises, in favour of Bolivia and in perpetuity, the fullest and most unrestricted free transit to commercial transit through its territory and Pacific ports', in addition to which 'Both Governments shall agree, in special Acts, the most suitable regulations to secure' this aim.
- The Chilean Government disguises the poor compensations given to Bolivia for the brutal seizing of its territory as generous unilateral concessions, which it then systematically refuses to honour.
- It is emphatically indicated that Bolivia will not renounce any right, and rejects the imposition of new charges which are not agreed with Bolivia and as such reiterates the proposal that CEPAL and ALADI should propose an automatic system for the adjustment of fees, to be based on economic variables which have effects on the corresponding costs, and not on discretionary criteria as proposed by the Chilean government.
- With regard to the claim for payment by ASP-B, it is indicated that there are problems with overpricing in these invoices, and once the respective corrections and reconciliations have been carried out, these will be paid. It bears mention that the debt referred to in the Chilean communiqué corresponds to invoices issued in the last 60 days.
- If the storage facilities referred to by Chile are not recorded in the 1904 Treaty, these were handed over subsequently to Bolivia in order to make operational the commitment to free transit laid out in this Treaty, and were committed to by using the same statutory instruments as the 1904 Treaty, and as such Bolivia may make legitimate demands exigibles for them.
- Article 12 of the Convention of Commercial Traffic of 1912 clearly indicates that 'The merchandise in transit to Bolivia which enters Customs storehouses are exonerated from payment for storage in Chilean customs, with these not being permitted to remain in storage for time exceeding one year'.
- The excuse of the Chilean government for failing to comply with this commitment are 'user delays', being that users have up to one year to withdraw their merchandise, according to the Convention on Commercial Traffic.
- Chile has the obligation to carry out the necessary investment to assure that it meets its commitments. These international commitments were transferred to private businesses; these businesses prioritised their revenue over providing services and investment sufficient to meet the demand from Bolivia. The business TPA shows profitability of 24%, that is, in one year it generated profits equivalent to up to a quarter of its value.

- TPA reaped profits of over 30 million dollars according to indicators of the state of outcomes for 2015, with 90% of its income coming from payments for handling Bolivian cargo.
- Bolivia has offered to carry out investments but Chile forbids this, preferring that a private company make profits at the expense of the unjust landlocked situation Bolivia is subjected to.
- The Plurinational State of Bolivia recognises and defends life in all forms, and establishes obligations and duties of State and society to guarantee respect for these rights. The Law of the Rights of Mother Earth establishes the right to a life free of pollution, understood as the preservation of Mother Earth from pollution by any components such as toxic or radioactive residues generated by human activity.
- With respect to the risks to life caused by handling minerals in a port which is located in the centre of the city of Antofagasta, it is demanded that the Chilean government grant adequate conditions for Bolivia to exercise its right to free transit, through ports which do not present a danger to the life and health of people there.
- Unfortunately the Chilean Government, in recent years, has limited itself to imposing conditions on Bolivian cargo in a discriminatory manner and has not complied with its obligation to agree with Bolivia the means which affect its right to free transit, protecting instead the million-dollar revenue of the ATI company, rather than providing Bolivia with a port outside the city from which to export its minerals, as it has done with several mining companies.
- The Bolivian Government offered the possibility of investing in a port that would not present a risk to life and health; nonetheless, Chile would not permit Bolivian state investment, again privileging the revenue of certain private companies over honouring their international commitments.
- It bears mention that Bolivian cargo only represents 10% of exports from the port of Antofagasta and, unlike Chilean minerals, it does not contain arsenic, the principal source of pollution in Antofagasta; in addition there is no storage of lead concentrates at the port.
- The Chilean government affirms that it 'enjoys the faculty under International Law of applying standards of security to highway transportation by transportation workers', with regard to which it must be recalled that Chile made a commitment to agree any measure which would affect free transit to Bolivia in 'Special Acts' and as such the imposition of 'standards of security to highway transportation' for the transit of Bolivian overseas cargo must be duly agreed with Bolivia.
- The arbitrary closure of garages and the conditions in which Bolivian transport workers are obliged to work represents a clear violation of the human rights of these people, and also of the political constitution of the Chilean State, Article 5 of which declares 'the exercise of sovereignty recognises as a limitation the respect for essential rights which emanate from human nature'
- More deplorable still are the actions of the Chilean authorities who, it has been established in the visit to the Port of Arica, closed garages in a discriminatory manner, closing garages corresponding to Bolivian

nationals and leaving other garages open which were in similar or worse conditions.

As stated by the Bolivian Foreign Minister, the visit to Arica and to the port of Antofagasta was not the first visit carried out by Bolivian government officials. Many of the abusive practices discovered on this most recent visit were presented within the framework of the dialogue recommended by the Committee of Representatives of ALADI and through the General Consulate of Chile in La Paz; unfortunately, to date the Chilean Government has not tackled the problems raised and has given no satisfactory response. The visit by the Commission allowed for corroboration of the complaints presented and for the systematisation of the failures of compliance and abuses against Bolivia.

The Chilean Government's announcement that it would begin initial proceedings following the Constitution in order to denounce the Agreement between Chile and Bolivia on the exemption of visa requirements for holders of diplomatic, official, special and service passports, constitutes retaliation against Bolivia for having confirmed and revealed to public opinion the abuses faced by Bolivian foreign trade and the Bolivian people from the Chilean government.

This action demonstrates once more the crude political and media handling used by the Chilean government in its relationship with Bolivia; this type of aggression merely reveals the lack of goodwill on the part of the Chilean government to seek solutions and comply with its commitments.

Despite the abovementioned agreement establishing reciprocal conditions for the granting of diplomatic visas, reflecting the feelings of brotherhood and desire for greater integration of our peoples, the Bolivian government, as announced by President Morales, decided in a sovereign manner to not require diplomatic visas of government officials and civil servants from the Republic of Chile for their entry into Bolivia. Bolivia therefore abstains from taking actions like those announced by Chile, which serve only to place further obstacles in the path of the possibility for a deeper dialogue, for integration, mutual trust and closer links bringing together two sister nations.

The Bolivian Government views it as unfortunate that the Chilean Government, rather than advocating for peace and building bridges with Bolivia, conspires against any Bolivian attempt to tackle and solve the serious problems faced by Foreign Trade in its transit through Chile and which affects the right of our people to development.

La Paz, July 22, 2016