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Tensions Build Between Chile And Peru On Maritime Border Dispute

by Patricia Hynds

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The governments of Chile and Peru have come into conflict regarding the way their borders should be drawn in the Pacific Ocean. Peru's interpretation of its maritime rights would allow it access to tens of thousands of sq km of rich fishing territory, while Chile has gone on a diplomatic offensive to get other nations to recognize its rights to the zone. The crisis deepened after Peru's legislature passed a law that unilaterally redefined Peru's ocean boundaries and badly strained diplomatic relations between the neighboring countries. Peruvian Congress passes new definition of ocean borders On Nov. 3, Peru's Congress unanimously passed a bill that changed the baseline that defines its maritime border with Chile. By a 98-0 vote, the Peruvian government decided to remap its ocean border, an initiative that President Alejandro Toledo signed the same day and that went into effect Nov. 5. Chile delivered a protest letter to Peru, saying that it was a violation of international law and that Peru had disregarded agreements the two countries signed in 1952 and 1954. Peru contends that the borders have never been clearly defined and that the 1950s agreements only determined fishing areas, not national borders. Chile believes that a line extending parallel to latitude, starting at the point of the two countries' border and running horizontally, is the appropriate measure of its rights according to the treaties negotiated and signed decades ago. The border lies between the cities of Tacna, Peru, and Arica, Chile. The new law creates shore reference points that enable Peru to move the ocean boundary between the two countries farther south. Peru's law establishes a line that would be equidistant from the two countries' shorelines, meaning it would extend diagonally, relative to the equator, 370 km to the southwest. Peru's initiative would increase its ocean rights over an area of some 35,000 sq km. The area contains rich fishing waters and possibly other resources. Under the Chilean interpretation that the line should extend parallel to the equator, Peru's ocean rights relative to its southern shores are much smaller. For example, a boat launching from Ilo, Peru, could only fish a region 74 km southwest of its shore. Under the new law, it could travel well over twice that far and still be in Peruvian waters. Since the two countries are the world's two main producers of fishmeal, Roberto Toso of ECOFIN International LLC says this means fishing waters are of special industrial importance to them. The issue of ocean rights could make or break many artisan fisheries in the border regions of the two nations. The maritime border has long been a sticking point between Peru and Chile and an aggravating factor in military buildup, particularly with the much wealthier and better-armed Chile (see NotiSur, 2004-03-05 and 2004-10-08). Chilean President Ricardo Lagos said that Chile "will continue to exercise full sovereignty" over the area of the Pacific Ocean that Peru claimed in the Nov. 3 bill. Chile issued a formal protest of the bill defining maritime rights in the waters near the two countries' border. Just prior to its passage, Chilean Foreign Minister Ignacio Walker said the legislation "would absolutely lack any international juridical effects whatsoever." Defense Minister Jaime Ravinet said, "Our armed forces will safeguard our borders." Countries suspend trade talks, joint military projects The maritime-border crisis led the two governments to cease work on talks to increase trade in an Acuerdo de Complementacion Economica (ACE). It also led to a suspension of joint military-training projects and a cancellation of bilateral meetings between

military commanders. Chile's Foreign Relations Ministry sought support for its position from the governments of Brazil, Ecuador, and Argentina. Lima's government said it was preparing to take its case to the International Court of Justice (ICJ) in The Hague. Chile's diplomatic offensive partially paid off for Santiago, with a majority in Ecuador's Congress passing a Nov. 15 resolution condemning the "expansionist intentions of Peru and the cowardly attitude" of the government of Ecuadoran President Alfredo Palacio regarding Peru's maritime borderline law. Ecuador's Foreign Relations Minister Francisco Carrion had made prior statements in a television interview that Ecuador did not support Chile and that Quito had no "pending problems" with Peru. After the resolution passed Congress, however, Ecuador's Ambassador to Chile Gonzalo Olguin said that Peru's new law "alters the climate of regional peace." The power of Presidents Lagos and Toledo to calm the situation, if they choose to, may be hampered by their status as lame-duck presidents. The pre-electoral climate in both countries may also contribute to a nationalist fervor that no one political figure can manage. Chile has a vote coming up in December, while Peru will be voting for a new president in April. Nationalistic resentments have smoldered in Peru since the 1879-1884 War of the Pacific, in which Chile seized a swath of Peru's mineral-rich southern coast and sent some 5,000 soldiers to occupy Lima for nearly two years. Chile has largely dwarfed Peru economically and militarily ever since. The rivalry has inspired outrage regarding issues large and small including the name rights to the liquor pisco, which Peru claims as its own, but is trademarked, produced, and marketed in greater volume by its capitalist-powerhouse neighbor. "Chileans have always cheated Peruvians," Maria Antonia Yachaching said as she protested with a small group of demonstrators outside the Chilean Embassy. "I think that they're too ambitious, that they never think of anyone else, that they think they're going to live forever." She added, "Chileans always take away the best that we have." Peruvians often complain that Chileans look down on them. Last April, Peruvian lawmakers, business leaders, and government ministers pressed for sanctions against the Chilean-controlled airline LanPeru for showing an in-flight video depicting Lima as a center of urban blight for adventure tourists. The video, shown on several international routes, featured a man urinating in public, squalid hotels, and shirtless juveniles running wild in garbage-strewn streets. Legislators railed against the video and the airline in Congress, but the scandal blew over after the airline pulled the video and issued repeated apologies. Chile also has some gripes with Peru. Last month, a Peruvian court issued international warrants for three leading Chilean businessmen who owned a pasta factory near Lima, causing yet another stir in diplomatic relations. The arrest of former Peruvian President Alberto Fujimori (1990-2000) in Chile further compounded the disputes between the two countries, as Peru demanded the ex-president be extradited (see other story in this issue of NotiSur). Fujimori's arrest may, however, serve to postpone the maritime controversy somewhat, with global attention on the ex-president's fate rendering ocean-rights negotiations secondary. As the extradition case moves into the slow process of court deliberations, there is a possibility that the pace of maritime conflicts will slow down as well. Days before Fujimori arrived in Santiago, Chile suspended the talks with Peru on deepening bilateral trade as the maritime border dispute intensified. Peruvian Minister of Foreign Trade and Tourism Alfredo Ferrero was careful to separate the Fujimori controversy from the stalled ACE talks. Peru wants to enter UN sea-law convention One option that Peruvian lawmakers are looking into is whether they want to join the UN Convention on the Law of the Sea. The convention pertains to 149 nations and would guarantee Peru recognition of 370 km of ocean rights. On Nov. 2, Peruvian Foreign Relations Minister Oscar Maurtua announced a campaign to promote joining the convention, as part of the effort to use all the diplomatic tools available to defend his country's position. Bolivia watching closely, seeks stake in debate Bolivia's Foreign Relations Ministry believes that the conflict regarding ocean rights is not

just a bilateral issue between Peru and Chile, but should be considered trilateral. The landlocked country has long demanded sovereign access to the Pacific, something it lost to Chile 126 years ago during the War of the Pacific (see NotiSur, 2004-01-23). Several meetings took place among top Bolivian ministers and Congress members as the Chile-Peru dispute unfolded. Congress leaders are calling on President Eduardo Rodriguez to take a proactive role on the issue. Jose Guillermo Justiniano, Bolivia's president of the Senate commission on international policy, said on Nov. 9, "This is a very serious issue for Bolivia....Bolivia has ocean access as a main objective, not just the corridor that we may obtain, but also the rights that the convention brings to us. That is essential." Ecuador's vice minister of foreign relations Diego Ribadeneira gave a speech at the close of a bilateral meeting in Bolivia on Nov. 15 where he said his country "is at the orders of Bolivia" to collaborate on a solution for its demand for ocean access, perhaps signaling further challenges to Peru's position. "Energy ring" to Chile fails over dispute One casualty of the Chile-Peru dispute appears to be the energy ring that had been planned to deliver natural gas from Peru to Chile and pump gas into four other Southern Cone nations (see NotiSur, 2005-07-01). Peru suspended its attendance at a Nov. 8 meeting in Buenos Aires to discuss the gas megaproject. The meeting was set to seal the juridical framework for the gas-supply agreement between Argentina, Brazil, Paraguay, Uruguay, Peru, and Chile, with Bolivia as a guest observer. But the Chile-Peru conflict wasn't the only issue blocking progress on the US\$3 billion gas-distribution project. President Toledo has also said that his country will only export natural gas to the energy ring if new reserves are discovered. Prior analyses indicate that Peru's known natural-gas reserves would not be adequate to fulfill its commitments to a Southern Cone energy ring since it had to first satisfy internal demand and obligations to Mexico. [Sources: Clarin (Argentina), 11/02/05; BBC News, 11/01/05, 11/04/05; The Miami Herald, 11/03/05, 11/04/05; El Nuevo Herald (Miami), 08/09/05, 10/31/05, 11/01/05, 11/03/05, 11/04/05, 11/07/05; Associated Press, 11/08/05, 11/09/05; Inter Press Service, Latin America Advisor, 11/14/05; La Razon (Bolivia), 11/03/05, 11/04/05, 11/07/05, 11/15/05; Los Tiempos (Bolivia), 11/03/05, 11/08-10/05, 11/15/05; El Mercurio (Chile) 07/12/05, 10/28/05, 10/31/05, 11/01-04/05, 11/07-11/05, 11/14/05, 11/15/05; El Comercio (Peru), La Republica (Peru), 10/27/05, 10/30/05, 10/31/05, 11/01-04/05, 11/07-11/05, 11/13-15/05; El Comercio (Ecuador), 11/10/05, 11/15/05, 11/16/05]

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