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Peru Brings Maritime-Borders Case Against Chile to The Hague

by LADB Staff
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The Peruvian government took its claim against Chile over disputed ocean borders to the International Court of Justice (ICJ) in The Hague, Netherlands, in mid-January. The two nations disagree on who controls about 37,000 sq km of the Pacific Ocean west of their coastlines (see NotiSur, 2005-11-18, 2007-06-29 and 2007-08-24).

Chile withdrew its ambassador from Lima after the case went to the ICJ, but the Chilean government did make various goodwill gestures toward Peru in earlier months. Peru claims that its sea boundary should extend on a downward, southwestern diagonal line from the point where the two land borders meet, while Chile argues that the two countries agreed in the 1950s on a latitudinal line that lies 21 minutes south of the 18th parallel, extending westward from a point slightly inland and north of their coastal border.

The roughly trapezoidal maritime area in controversy contains about 26,000 sq km of waters rich with lucrative anchovy fisheries, according to the Lima-based newspaper La Republica. Peru argues that international sea conventions give it rights to waters extending 200 miles (about 320 km) off its coast.

Case could last years

On Jan. 16, Peru formally filed its request for the ICJ to set its sea boundary through the waters claimed by Chile. Peru's action drew an immediate denunciation from Chilean Foreign Minister Alejandro Foxley, who said the areas claimed by Peru "are unquestionably under Chilean sovereignty and jurisdiction."

Foxley read a statement in Santiago, asserting that his country "deeply laments" Peru's action, which, he said, "fails to recognize valid treaties existing between the two countries and also fails to recognize the practice of decades of implementation of those treaties." Allan Wagner, Peru's representative before the ICJ, also known as the World Court, told the radio station Radioprogramas from The Hague that the documents had been filed but declined to offer details. Court officials did not immediately confirm the case had been filed and a decision could take years.

Peru contends its maritime border with Chile has not been legally defined, while Chile says the border was set by treaties with Peru in 1952 and 1954. Peru argues the agreements dealt with fishing rights, not borders. Chile's President Michelle Bachelet rejected Peru's claim on Jan. 14. "Chile considers that no pending border issue exists with Peru," Bachelet said. "The maritime limits have been established and the treaties put us in the right."
Established to resolve disputes between UN member states, the World Court usually takes years to reach a final decision. Chile recalls ambassador Chile summoned home its ambassador to Peru for consultations amid the growing dispute the day Peru filed its case. Foxley said Ambassador Cristian Barros was due in Santiago Jan. 17 or 18 "for a long conversation." Foxley did not elaborate, but summoning home an ambassador is a way governments show displeasure at the actions of other countries.

In a more conciliatory tone, he said Chile's government would work to maintain a spirit of cooperation with Peru despite the maritime dispute. Wagner, a former foreign and defense minister, urged Peruvians and Chileans to "allow the process to develop in an orderly manner and not become an element of nervousness."

**Chile gives Peruvian immigrants amnesty**

There is strong anti-Chilean sentiment in Peru because the country lost a large chunk of its southern territory to Chile in the 1879-1884 War of the Pacific. Chile's relations with neighboring Peru and Bolivia have often been strained by disputes stemming from the war, in which Chile seized territory from both neighbors including Bolivia's only coastline.

In recent years, Chilean companies have invested large sums in buying Peruvian companies, which has also contributed to anti-Chilean feelings. Bachelet and Peru's President Alan Garcia have met in effort to defuse tensions, although at a November meeting Garcia said the ICJ case was not up for discussion since it had become a judicial matter. He did, however, recognize Chile's "gesture of friendship" in giving amnesty to thousands of Peruvians living in Chile.

"I have thanked her for the amnesty in the migratory issue that Chile has generously given and that will allow almost 30,000 Peruvians to regularize their situation. I think it is an act of friendship to resolve the problem of so many Peruvian workers who could not continue living clandestinely," said Garcia on Nov. 9.

Chile also returned almost 4,000 books to Peru's national library, more than a century after they were taken by Chilean soldiers. The soldiers pillaged the library after capturing the Peruvian capital, Lima, in 1881, during the War of the Pacific. Exactly 3,778 books were returned to Peru. It was hoped that the return of the books might go some way to improving the two nations tense relations.

Peru's foreign minister said the move would strengthen bilateral relations. Chile's director of libraries, archives and museums said it signaled a deep commitment to building a relationship of friendship between the two countries. The theft of the volumes written in Greek, Latin, French, and Spanish, many dating back to the 16th century is an example of how, historically, many Peruvians see their neighbors to the south. In their view, whether it is territory, maritime borders, or pisco (brandy), the Chileans, at some point, stole what was rightfully Peruvian.

There is also ongoing rivalry in cyberspace as Peruvian and Chilean hackers battle to post patriotic messages on each other's government Web sites. In the last week of October, a Peruvian flag with the message "Long live Peru," followed by an expletive, was posted on the official Web site of President Bachelet.