

THE TACNA-ARICA CONTROVERSY

by

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PREFACE

In writing this thesis the author endeavored to present a clearly written account of the historical background, the leading events, and the final settlement of the Tacna-Arica question. In this dispute, as in many other similar international questions, the importance of the question and its bearing on other international situations cannot be appreciated unless a study is made of the antecedents of the dispute. This the author has attempted to set clearly before the reader.

A large amount of reference material is available largely in the form of articles in periodical magazines which furnish nearly a continuous record for the later phases of the problem. For the earlier period much material is available in the Messages and Documents of the Department of State dealing with foreign relations and less specifically in the general histories of the Latin American nations. An invaluable source of documentary material is the Documentary history of the Tacna-Arica dispute by William Jefferson Dennis. A large amount of material published in Spanish has been unavailable and possibly would

not contribute much other evidence than has been found.

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INTRODUCTION

The Tacna-Arica controversy was one in which the average citizen of the United States was little interested and probably knew little about. Why should he interest himself in a dispute between two Latin-American nations thousands of miles away of which little was known? To his mind he recalled that most Latin-American republics were given to frequent revolutions, disputes and disturbances of a political nature. Was not this another of the long series?

Casual newspaper reports inferred that this dispute was over a region of little value, not worth fighting over at any rate. Why, therefore, should his government concern itself with such a dispute? Such an attitude would fail to take into account certain traits of Latin-American character, the question of national honor, the historical and sentimental value attached to the region in dispute between Peru and Chile; and last but not least its strategic value. This last proved to be the real importance of the region to Chile. From the view point of the United States she was interested because of her trade with Latin-America

and indirectly in the political effects of the question. Politically she could not be partial to either country because she wanted the friendship of all Latin-America. She had no desire to set up a feeling of ill-will and hostility which might result in the formation of a Latin-American bloc definitely hostile to the United States. Not that she feared such a bloc but her statesmen and great industrialists had come to realize her greatest potential export market lay to the south of her in Latin-America. She could not afford to lose her valuable trade.

Again she felt a direct interest in the settlement of the controversy because of its possible relation to her Monroe Doctrine. In 1823, she had declared herself the guardian of the Americas as regards the European powers and she had on several occasions invoked that doctrine in defense of Latin-America. Not that the Latin-Americans regarded the doctrine favorably. Many had come to feel that in preventing European exploitation she had only reserved the field for herself, and thus through "dollar diplomacy" and similar methods she was regarded unfavorably if not with a hostile attitude in many quarters of Latin-America.

For her government to undertake to aid in the solution or settlement of the Tacna-Arica controversy was a serious step, one which might lead to very serious and unfavorable

consequences both at home and abroad. If she succeeded, well and good, but if she only succeeded in arousing hostility and suspicion what the political repercussions would be no one would venture to predict.

Fortunately she did not enter into the controversy in a serious manner until after the World War, when all the nations of the earth had had unlimited opportunity to see the effects and feel the results of modern warfare. No one could fail to know the enormous destruction of property and loss of life involved. Mere contemplation of the war was sufficient to make statesmen shrink from plunging their nation into war if pacific means of settlement could be found.

Accordingly the natural reaction of nearly all nations after the World War was to secure settlement of disputes by peaceful means and thus the offer of mediation by the United States was gladly accepted by both Chile and Peru. Another factor which probably was of considerable influence in leading to a settlement of the controversy was the decline of the nitrate industry. Chile before 1914 had a world monopoly on the production of nitrates. During the war production of nitrates at low cost by synthetic methods had been evolved and, naturally after the war demand for Chilean ni-

trates greatly decreased. Since the export tax on nitrates was one of the principal sources of Chilean governmental revenue, a drop in nitrate exports brought economic and financial repercussions in Chile.

The region in dispute between Chile and Peru was a small province on the west coast at the northern boundary of Chile and contained about 9250 square miles. It is practically a barren waste and of very little value from an agricultural stand point. Possessing no mineral resources its value to Chile lay principally in its strategic location in case of war.

Three cities are found in the region, Tacna, Arica, and Tarata; Tacna being the largest with a population of about 12000 people. Arica is the seaport of the region and its connection with La Paz, Bolivia, by railroad, by way of Tacna makes these towns important commercial centers. Control of Arica gives control of the railroad and also control of the nitrate provinces to the south.

It is the purpose of this paper to give a summary of the historical and racial background of the Tacna-Arica question; to give a brief narrative of the events leading to the War of the Pacific and thus to present the background for the Treaty of Ancon signed October 20, 1883, which gave

rise to the Tacna-Arica controversy.

The controversy presents interesting possibilities in the political study of plebiscites, outlets to the sea, questions of intervention and mediation and the Drago doctrine. Also the questions of foreign loans, economic determination of nations and imperialism have their part in the development of the controversy. As to the actual relations of the foreign mining companies to the War of the Pacific no definite statement can be made. Such evidence as is obtainable points to the conclusion that Chile and Peru were pawns in the hands of these powerful interests intent on securing every advantage regardless of cost or method. Certain it is that great financial profits were at stake.

RACIAL AND HISTORICAL BACKGROUND

In order to arrive at a clear understanding of nearly all Latin-American problems, it is necessary to have at least, a general knowledge of the historical background and settlement of the country. Latin-America is a country in which a large proportion of the population is of the native race mixed with the European and in many cases with the African negro. Spanish is the prevailing language yet there are numerous dialects and intermixtures with the native languages. Certain traits of character which are dominant in the Latin-American today may be traced back to the early Spanish settlers who transplanted them from the Iberian peninsula.

The first discoveries and explorations, the first conquests were made by Spaniards. The Spaniard is a mixture of races. Throughout a long period of time, the Iberian peninsula had been overrun by various peoples, the Phoenicians, mainly tradesmen, the Carthaginians, in their attempted conquest of Rome, the Romans, the Goths in the overthrow of the Roman Empire, and finally the Moors from Africa. All have left their impression in the Iberian peninsula. The Moors were an oriental people with eastern

ways and customs and many of these have left permanent impressions in Spain. The Moors, through the long series of wars which followed their advent, tended to develop in the Spaniard two prominent characteristics, one a warlike spirit and the other a religious fervor. These the Spaniard carried with him where ever he went. Others such as a contempt for labor may be noted. These traits are to be found in the average Latin-American today.

The geography of the Iberian peninsula tended to develop a spirit of separation or particularism due to the fact that the natural boundaries of regions in Spain were rivers and mountains which caused difficult communication and interfered with trade and commerce. The rivers ran east and west and the Moorish invasion tended to break up the native peoples into small warlike groups each independent of the other. Through a long series of wars, ending in 1492, the Moors were subdued and the Spanish monarchs, Ferdinand and Isabella, were free to concentrate their attention on their newly discovered American domains. These had been discovered by Columbus under the auspices of the throne of Castile ruled by queen Isabella. Throughout early and medieval Spanish history separation had been a dominant characteristic of the provinces of

Spain; Castile finally gaining and keeping the ascending position. Even under Ferdinand and Isabella the crowns of Aragon and Castile were not united on the same head.

After the discovery of America dozens of voyages were made; adventurers of all kinds set out for the new world in the fond hope of getting great wealth and a life of ease. Among the more notable were Cortez and Pizarro who explored Mexico and Peru, respectively. It is in connection with Peru we are directly interested. After many vain attempts Pizarro, with the aid of two friends, Almagro and Luque, succeeded in financing and conducting an expedition to the coast of Peru in 1531. He landed, claimed the country for the crown of Spain and marched inland to the camp of the native ruler Atahualpa. At this time civil war was going on between Atahualpa and Huascar, two brothers, who inherited the throne of the Inca kingdom on the death of their father.

The Peruvians were well advanced in the stage of civilization, but apparently had reached their height and were ready to decline at the coming of the Spaniards. Their ruler was an absolute monarch. Their government has been termed a socialistic state, but it would not be called a true form of socialism. All land was owned by the gov-

ornment and additional amounts were given to each family as it increased in size. The religion was a polytheistic type consisting mainly of the worship of the sun. They used metal principally for ornamental purposes, mostly gold and silver. The art of writing had not been learned or discovered; however they kept records by a system of knotted cords called quipus. Human sacrifices were not made. Excellent work was done in masonry and road building and a good system of communication was in use. Certain animals had been domesticated.

Pizarro reached Caxamarca in 1532 and a short time later he seized the Inca ruler and proceeded to overthrow the empire. Pizarro later became involved in civil war with Almagro who had made expeditions down into Chile and laid claim to the region. Pizarro's domain was bounded on the south by a line 270 leagues south of the river, Santiago. Below that line the territory was to be Almagro's. A dispute over the possession of Cuzco, the Capital of the Inca empire, led to war and the ultimate defeat of Almagro.

The Spanish system of colonial government once established ran along with little or no change for several hundred years. At the head of the colonial system was the King of Castile because the American dominions were always

regarded as the property of the crown, not the nation. Next below the king was the Council of the Indies which originated in 1493. To supervise economic affairs was the Casa de Contractacion or India House. The earliest colonial official was the adelantado or military governor. After the colonial government was fully organized the viceroy was the chief officer. He performed all the functions of a ruler himself. Next below the viceroy was the captain-general whose functions were similar to those of the viceroy except he ruled over a smaller territory.

The local government was modeled on that of Spain with an audiencia consisting of judges, attorneys, and other minor officials. Another unit was the province with its provincial governor or corregidor. In turn the province was divided into smaller units, the intendencia and residencia each with its own local administration. Social, political and economic conditions were much disturbed during the period of Spanish rule. The Spaniard would not work, the Indian was forced to and neither could look to a satisfactory local government. The colonies being governed from far off Spain gave opportunity for much corruption. Laws could not be enforced as was illustrated in the case of the "New Laws" promulgated in 1542.

A great mixture of races was to be found such as na-

tive born Spaniard, colonial Spaniard or Creole, Mestizo or half-breed Spaniard and Indian, mulatto or white and negro and finally the zambo or negro and Indian. Of all classes the European Spaniard was the highest in the social scale and was the ruling class. The Roman church was the dominant church and was one of the three elements in the numerous conquests. The attitude of the church that conversion of the Indian, forced if necessary, was a Christian act was responsible for many of the outrages caused by the conquerors.

The colonial administration continued with little interruption except for a revolt of the Incas in 1781. This was put down but was a forerunner of the revolution of 1810. The administration was very despotic and autocratic; trade was restricted to the mother country and the colonies themselves. Local government was degraded, high taxes imposed, native born Spaniards or Creoles were excluded from office and many other abuses existed until the colonists, getting the new spirit of the French and American revolutions, the doctrines of Rousseau, Montesquieu and Voltaire, burst forth in open rebellion in 1809-1810. At first they were moderately successful but Spain rallied and regained everything completely. Napoleon's advent to power, the

overthrow of Ferdinand VII gave the Spanish colonies their opportunity. Under the leadership of Miranda, Bolivar, San Martin and Sucre, independence was proclaimed and actually accomplished by the battle of Ayacucho, December 9, 1824. Bolivia separated from Peru and was named in honor of Bolivar.

It is to be remembered that the viceroyalty of Peru until 1717, governed all of Spanish South America. In 1717 Colombia, Ecuador and Venezuela were cut off the viceroyalty of Peru and formed into the viceroyalty of New Granada. In 1776 Argentina, Uruguay and Paraguay were cut off and formed into the viceroyalty of La Plata. Modern Peru, Chile and Bolivia were all that remained now of the viceroyalty of Peru. In 1776 Chile was made independent of the viceroyalty of Peru, except in military matters, and her boundaries were natural boundaries, the Andes on the east and the desert of Atacama on the north. The viceroyalty of Peru now included Peru and Bolivia. It is also important to remember that although the provinces of Tacna, Arica and Tarapaca had long been assigned to Peru by the Spanish government the seaport of Arica was the outlet for the audiencia of Charcas or Bolivia. The province of Atacama although a desert with no good ports also belonged to Bolivia.

Colonial maps of the time although in some cases slightly in error in degrees of latitude show approximately the same degree of latitude as the northern boundary of Chile. There was no dispute as to the actual boundaries during this period because the region all belonged to Spain and such boundaries in reality made little difference except with respect to the authority of the provincial officials.

Various colonial maps of 1776, 1787 and 1808 show the northern boundary of Chile at about 25° south latitude or at the River Salado which is approximately at the same latitude. The region was not inhabited because it is a desert and at that time no mineral discoveries in the region were known and the possibilities of the region to the north of 25° south latitude were not realized.

After the struggle for independence in South America, which began in 1810 and finally ended in 1824, the states generally took the colonial boundaries they had been given by Spain. While fighting for independence the Spanish colonies sent agents to foreign nations to seek recognition of their independence. Before recognizing their independence the United States sent agents to the colonies to make reports on their condition and status. Mr. Bland,

the American agent to Argentina, and Mr. Poinsett, the agent to Chile, in making their reports, both state the northern boundary of Chile to be the river Salado or approximately the twenty-fifth degree of south latitude. Chile in her proclamation of independence does not mention her national boundaries and it would be assumed that the colonial boundaries would be in force and in her various constitutions prior to 1833 her northern boundary is always described as the desert of Atacama. When Bolivia declared her independence, the assembly which made the declaration decided to form a republic and the new state included the provinces of La Paz, Charcas, Cochabamba, Potosi and Santa Cruz. Thus the River Salado was made the southern boundary of Bolivia because the province of Potosi included the desert of Atacama south to the river Salado. By the same principle of colonial boundaries Bolivia extended north along the coast to the River Loa which was the southern boundary of Peru. These boundaries were known by the nations recognizing the independence of Bolivia and were not questioned until in later years when the discovery of nitrates in the regions made the desert province of Atacama valuable.

During the decade, 1830 to 1840, many new mineral de-

posits were discovered in the northern province of Chile, Copiapo, and Bolivia. This naturally led to new explorations and more discoveries until Chilean settlements and influence extended north to the desert of Atacama. One of the great copper mining companies of this period of the Copiapo region was the Copiapo Mining Company. Mr. Bingley who was manager of the company for many years was reputedly of great care and technical in his reports. In 1835 in a letter to the directors of the company in England he enclosed a map which showed the northern boundary of Chile at about $26^{\circ} 30'$ and running in a northeasterly direction from the coast to the Andes mountains where it crossed the parallel of 25° south latitude.

GENESIS OF THE CONTROVERSY

For a long time a substance called a guano had been found along the coast of Peru and nearby islands which was used for fertilizer. In fact, it had become a very valuable source of revenue because of the high prices received for it in foreign markets. The proceeds on occasion had financed revolutions in Peru and made forcible seizure of the government a profitable affair.

In 1842, President Bulnes of Chile had sent an exploring expedition to search for guano along the coast between the port of Coquimbo and the Morro of Mejillones. The expedition on its return reported that guano had been discovered at sixteen different places along the coast between the latitudes of $29^{\circ} 35'$ and $23^{\circ} 5'$ south. According to his message to the Chilean Congress concerning the expedition President Bulnes recommended that Chile herself exploit all such deposits in the region mentioned and further he fixed the northern boundary of Chile at 23° without stating his reasons for such action.

In 1833, an Englishman by name of George Smith had discovered, by accident, deposits of nitrate of soda or

caliche in the desert of Atacama. The quantity in the deposits was unknown at the time but it was later estimated it would take eight to ten centuries to exhaust the deposit at the rate of excavation then existing. Here was another source of nitrate fertilizer besides the guano of Peru. Further this new source of nitrate was in territory recognized for years as Bolivian.

For some reason little attention was paid to the discovery of nitrate of soda until after the message of President Bulnes to the Chilean Congress in October 1842. Bolivia now sent a protest to Chile regarding President Bulnes' decree making 23° south latitude the northern boundary of Chile and continued to protest during the next few years. No satisfaction could be obtained from the Chilean government. During this time Chilean companies were exploiting the nitrate deposits in the disputed region. Bolivia was exploiting the deposits through concessions to foreign mining companies of all kinds. Although the region was in dispute Chile did not proceed to establish her claims by formal acts of possession until 1857. Chile also remained inactive even in the face of actual conflict between Chilean guano operators and Bolivian officials at Mejillones.

In 1857 the Bolivian authorities at Cobija imprisoned some Chilean laborers who were digging guano. Chile sent a warship to Mejillones, took possession, ordered the operators to quit work or get Chilean licenses and claimed jurisdiction over the territory. Bolivia again protested to Chile on the basis of the *uti possedetis* of 1810 and claimed the region to 25° south latitude. The matter dragged with Chile in actual possession of Mejillones and Bolivia in nominal possession of the region. In 1863 the Bolivian Congress granted the President power to declare war at his discretion. Peru and the United States both offered to mediate in the dispute but it was refused by Chile on the ground it was an exceptional case. Meantime foreign affairs had taken a very unexpected turn, and Bolivia and Chile patched up their quarrel temporarily in order to present a united front with Peru and Ecuador against Spain who had suddenly seized the Chincha Islands in a dispute with Peru. Domestic troubles were forgotten and Chile and Bolivia signed a treaty August 10, 1866.

By the terms of treaty Chile and Bolivia agreed:

(1) That the line of demarcation of boundaries shall hereafter be 24° south latitude from the coast to the eastern boundary of Chile.

(2) That the republics of Chile and Bolivia should share equally in the proceeds of the exploitation of the guano deposits discovered in Mejillones and of all such further deposits as should be discovered between 23° and 25° south latitude as well as the export duties which shall be collected upon the minerals mined within this same region.

(3) That all products of the territory between 24° south latitude and 25° south latitude should be exempt from export duties and that Chilean products imported into the region through Mejillones should be exempt from import duties.

(4) The two republics bound themselves not to transfer their rights to the possession of or dominion of the territory which was divided between them by the treaty to any other state, association or private individual.

Apparently a definite settlement of the boundary dispute had now been effected but soon the two republics were in dispute as to carrying out the terms of the treaty particularly the division of proceeds of the export tax on nitrates. A Chilean prospector also discovered deposits of caliche near the twenty-fourth parallel and these soon proved far more profitable than the diminishing beds of

guano.

The British firm of Gibbs & Company now secured from Bolivian government a concession to work the nitrate deposits in Bolivian territory. This concession provided for free duties for fifteen years, highway rights and a certain area of land. At the end of twenty years the property was to revert to the Bolivian government. This concession was granted to Melbourne, Clark & Company, a dummy company of Gibbs & Company. About this same time Chile granted an exclusive concession to the Antofagasta Nitrate Company which became consolidated with the Melbourne, Clark & Company.

The exploitation of the nitrates now proceeded with great rapidity and a large influx of Chilean laborers occurred which began to arouse fears in Bolivia. The purchase of warships by Chile did not allay Bolivian fears. Other factors arose to promote dissension between the two countries such as the discovery of great silver deposits on or near the boundary line. Also whether the by-products of the nitrate industry came within the terms of the treaty of 1866. After various acts of hostility a new agreement known as the Lindsay-Corral agreement was made in 1872. The agreement was approved by Chile and rejected by

Bolivia.

Meantime a new revolt in Bolivia had overthrown the government and the new government cancelled all former concessions and contracts. Melbourne, Clark & Company now secured a new concession from the Bolivian government under the name of Antofagasta Nitrate and Railroad Company. This new concession had one clause which provided that there would not be any further taxes or duties levied on its products for a period of fifteen years from the date January 1, 1874. This concession was not approved by the Bolivian Congress until 1878 with the provision that a minimum tax of ten centavos, on each quintal of nitrates exported, be imposed. It was this attempt to tax that brought about the War of the Pacific.

Bolivia was now in great fear of Chilean expansion at Antofagasta, Mejillones, and Caracoles. Peru also now began to fear that Bolivia would be unable to stop Chilean expansion northward and that Chile would become the dominating power. Chile feared that Peru would interfere with her expansion into the desert region. Such a situation, unless properly handled, could only engender ill will and hostility. Chile made secret overtures to Bolivia looking to the cession of the desert of Atacama by Bolivia to Chile

in exchange for Chilean aid in securing Arica as a natural seaport for Bolivia. Bolivia rejected the proposition and made overtures to Peru for a defensive alliance for the protection of her territories. On February 6, 1873, a treaty of defensive alliance between Bolivia and Peru was signed.

The two governments bound themselves to use every peaceful means to avoid rupture with a third power and provision was made for the adherence of other nations to the treaty. The treaty was ratified secretly yet it was known generally over South America within the next year. In 1874, Chile, having learned of the secret treaty between Peru and Bolivia, urged the rapid completion of her two new warships in England. Also her minister Walker Martinez urged a new agreement on Bolivia for the nitrate interests. The Peruvian minister now advised the Bolivian government to ratify the new proposals and accordingly the Treaty of Sucre between Bolivia and Chile was now ratified. By this treaty the twenty-fourth parallel was continued as the boundary line, the division of the guano was continued, the export duties and tariff arrangements were unchanged and in addition a new provision stated no additional taxes should be levied for a period of twenty-five years. This treaty was signed August 6, 1874. July

21, 1875, a supplementary agreement between Bolivia and Chile was ratified which provided that all questions arising as a result of the Treaty of Sucre of 1874 should be submitted to arbitration. It also specifically defined the region to be exploited jointly for guano.

In Peru for years the vast guano deposits had been the property of the government. As a result, due to the great revenues, an unsound economic system had been built up. So great and certain was the foreign demand that the government was able to secure large loans with guano as the security. Such a condition led to wasteful and extravagant governmental expenditures and even the future was heavily mortgaged. The revenues made taxation light or unnecessary so that the Peruvian citizen gave little financial support to the government. By 1875 the guano supplies had begun to show signs of diminishing and the returns from the industry were decreasing due to the competition of the nitrate of soda industry, which was then developing in the Peruvian province of Tarapaca at a greater rate than in the Antofogasta region. The enormous financial returns from the nitrate industry did not benefit the large mass of people of Peru except as the tax burden was lightened. Very little of the profits were reinvested

in building up the industries and resources of Peru. Instead the profits led to strife over the control of the government and increase in the number of government officials who were able to participate in the extravagant use of government funds.

At the urging of bankers who had knowledge of the great profits from the guano industry, Peru decreed the nationalization of the Tarapaca nitrate mines December 14, 1875. A group of capitalists now formed the Peruvian Nitrate Corporation in order to monopolize the nitrate shipping business with the Peruvian government as a silent partner. Heavy exportations of nitrate by the operators before the monopoly could become effective led to a drop in the price of guano. The bankers now took control of the industry and limited the output to about 20,000 tons which was prorated among the operating companies. Thirty-six companies conformed to the plan while fourteen refused. The government now decreed the forced sale of all nitrate mines which were to be paid for by the issue of certificates. The Peruvian Nitrate Corporation was to receive a commission of five per cent of nitrate sales, sixty per cent of the proceeds were to be paid to certificate holders and forty per cent to the Peruvian government.

The dispossessed owners of the nitrate mines, mostly

foreign, formed local organizations of certificate holders in England, France, Germany and Chile. Their purpose was to get back their mines. The certificate holders did not believe that with competition in Bolivia and Chile the Peruvian government would ever pay them all even should satisfactory terms be agreed upon. Although the certificate holders were not all agreed on the action to be taken certain groups were determined to have the province of Tarapaca taken from Peruvian control. The Antofagasta Company would prefer Chilean sovereignty being of Chilean and English ownership. Besides the certificate holders were the bond holders who had loaned the Peruvian government large sums on the basis of the guano sales. Both groups were now fearful as to the safety of their investments. Efforts were made by these groups to purchase warships in the United States for Chile before the outbreak of the war. It was also learned that these financial interests prevented Peru from buying war materials in Europe when the war finally came.

Other factors were not lacking now to precipitate a war involving Peru, Bolivia and Chile. The nitrate region was a desert region and as such was not properly supervised or policed by either Peru or Bolivia before or after the discovery of nitrates. It was thinly settled and

little interest was taken in it. Peru, having a monopoly of the guano deposits, took little interest in the nitrate deposits until 1875 when the governmental monopoly was decreed. From about 1842 Chile had shown a desire for expansion to the north and an interest in the mineral deposits. Later as these deposits were found near the boundary line between Chile and Bolivia and in the Peruvian province of Tarapaca Chilean mining interests had steadily pushed northward. Chilean interests in the nitrate provinces led to an influx of Chilean immigration principally laborers to work in the mines. Chilean influence led to the formation of annexationist societies called "carbineros" whose purpose was to add the nitrate regions to Chile. Thus was developed sentiment for the annexation of territory beside the financial interests who were steadily urging Chile northward. Again many of the Chilean governmental officials had investments in the mining companies and were thus directly interested in Chilean expansion and control of the nitrate industry.

Another factor of importance was the fact that both Peru and Chile had a large debt, that revenues had declined and a deficit was being incurred and neither was paying the interest on the debt when war began. Apparently

the financial interests favored Chile because private exploitation would be continued under Chilean control whereas the Peruvian government held a monopoly of the nitrate industry. The stage was now set for the outbreak of war. All that was needed was the spark to start it going.

The Treaty of Sucre of 1874 provided that export taxes on minerals should not be increased nor should Chilean citizens, industry or capital be subject to any other tax than those then existing for a period of twenty-five years.

In 1878 the city council of Antofogasta, which consisted of five nationalities, none of whom were Bolivians, requested the Bolivian government for authority to levy a tax of ten centavos on the property of the Antofogasta Nitrate and Railroad Company. The proceeds of the tax were to be used to help pay the municipal expenses. The Bolivian government authorized the ten centavos tax on nitrate exports in lieu of the taxes then paid. The tax was a new tax and was not materially different in amount than the other taxes for which it was to be substituted.

The Chilean government objected to the tax and Bolivia agreed to postpone the matter until a satisfactory agreement could be made. Chile later asked to have the matter put in writing as the Bolivian Assembly was considering revision of the concession to the Antofogasta

Company. Bolivia made no reply to the request of the Chilean government for several months and apparently the situation was not dangerous. Suddenly November 8, 1878, Chile sent a note to Bolivia threatening to abrogate the treaty of 1874 and to claim the region to 25° south latitude if the tax were put into effect.

The Bolivian government now replied that the company could take the matter to the Bolivian Courts and that the matter was not a diplomatic case. This proved to be a great mistake on the part of Bolivia. Chile, who had been in a serious dispute with Argentina, had settled the dispute and was now free to face Bolivia without fear of attack from her flank. Chile replied that collection of the tax would result in revindication of the coast to 23° south latitude. Bolivia ordered collection of the tax as of February 14, 1878, and the imprisonment of the English manager of the Nitrate Company. On December 27, 1878, Bolivia offered to arbitrate the question and on January 5, 1879, Chile offered to arbitrate provided the tax were not collected meantime.

During the crisis President Daza of Bolivia was told of the treaty of alliance between Peru and Bolivia. His ministers also advised that the concession of the Antofe-

gasta Nitrate and Railroad Company be cancelled, although the plan was suggested by a Chilean capitalist and former Consul to Bolivia, Senor Claro.

February 1, 1879, President Daza sent his letter of cancellation to the officials at Antofogasta and informed them of the Treaty of Alliance with Peru. The letters were intercepted by Chilean army officers and sent to Valparaiso. February 3, 1879, Chile gave Bolivia forty-eight hours to withdraw the cancellation decree or Chile would occupy the coast to 23° south latitude. February 14, 1879, the Chilean navy was anchored in Antofogasta bay, troops were landed and the coast occupied to 23° south latitude. Bolivian garrisons withdrew. On February 27, 1879, Daza issued a general war proclamation.

Meantime Peru being totally unprepared for war and nearly bankrupt was urging Bolivia to accept arbitration of the dispute. She sent Antonio Lavelle to Valparaiso to offer mediation. Chile considered this as a move to gain time for preparation for war. Bolivia now called upon Peru to fulfill the conditions of the Treaty of Alliance of 1873. The Chilean government demanded that Peru abrogate the treaty of Alliance and declare her neutrality. If this was refused the Chilean minister was to demand his passports. March 14, Bolivia notified the foreign powers

a state of war existed with Chile. On March 28, Chile planned an expedition against Callao, Peru and on April 5, Chile declared war against Peru and Bolivia.

Each nation now issued a war circular in which were stated the objectives for which it fought and as usual laying the blame for the war on the opposing party. As was previously pointed out, the Peruvian and Bolivian governments were unprepared for war. Peru was heavily in debt and the government had to deal with a revolt and a war at the same time.

Chile quickly proved herself the superior on land having good infantry and cavalry and being well equipped. The Peruvian navy although older than that of Chile gave a good account of itself until finally captured or destroyed by the Chileans. The war dragged on with the Chileans successfully pushing their way slowly northward through the coast provinces. January 17, 1881, Lima was occupied by Chilean troops and the Peruvian government officials had fled toward the mountains. The war should have ended here but the unwillingness of the Peruvians to acknowledge the war lost together with the lack of a responsible government with which to deal only prolonged the war another two years. Perhaps the Peruvian hope for foreign intervention which at times appeared imminent served to post-

pone the end of hostilities. With the capture of Lima, Peru was in no position to continue the war longer so that with the exception of sporadic guerrilla warfare little actual fighting was done the last two years. With her navy captured or sunk, her armies routed and no stable government Peru could only await the decision of her conqueror for the restoration of peace.

Although the United States officially took no action to prevent the outbreak of the war, the American Minister to Bolivia made several attempts unofficially to mediate but his efforts were fruitless. Shortly after the war commenced the British Minister at Lima offered his good offices in an effort to mediate the dispute. In June, 1879, England inquired of the United States if she would join England and Germany in an attempt to mediate. The United States replied it was ready and willing to assist in mediation at the earliest indication on the part of the belligerents to accept such good offices. It is interesting to note that the war being waged was at the expense of neutrals largely because of property destroyed. The cities bombarded were built up largely by foreign capital; the blockade reduced the guano shipments which also affected neutrals so that several European nations were inclined to intervene forcibly, if necessary, to stop the war. Ap-

parently the United States was not disposed to intervene unless requested to or unless the intervention would be successful.

In July 1880, Mr. Evarts, the American Secretary of State, instructed the American ministers in Lima and Santiago to make clear to the Chilean and Peruvian governments that the United States earnestly desired that peace be made upon terms honorable to both countries. Mr. Osborn, the American minister to Santiago, finally succeeded in having a conference of the belligerents on the U. S. S. Lackawanna in Arica Bay in October 1880. All hopes of peace were shattered at the conference by the demand of Chile that the Peruvian province of Tarapaca be ceded to her as indemnity for her war costs. This was the most valuable of the Peruvian nitrate provinces and Chile in her most extreme demands had never laid claim to it so Peru now refused to surrender the province. The conference failed to make any definite movement towards peace and so adjourned.

In 1881, the Garfield administration came into office in the United States with James G. Blaine as Secretary of State. Secretary Blaine soon informed the American ministers to Chile and Peru that the United States was strongly opposed to any transfer of territory as the basis of a

peace settlement. The American minister to Peru carried out his instructions so effectively that he soon antagonized the Chilean officials in Lima.

Secretary Blaine now decided to send William H. Trescott as a special envoy with full powers to negotiate with the belligerent states. His instructions were to take a firm stand against the annexation of Tarapaca by Chile as the United States deemed such an act to be an unreasonable exercise of the right of conquest. His instructions further declared that if the good offices of the United States were refused then the American government would feel free to appeal to the other republics of the continent to join in an effort to prevent the carrying out of such a Chilean policy. Trescott's instructions further directed him to make efforts to enable Peru to establish a government and enter into negotiations; to induce Chile to negotiate without cession of territory as a condition of peace; and to impress upon Chile the necessity of allowing Peru to make an indemnity other than cession of territory.

It can be seen that the United States had now definitely taken a stand as a mediator between the belligerents. This forceful policy was somewhat in contrast with the policy of Secretary Evarts who had been content with simply offering our good offices to both Chile and Peru

without any policy as to territorial cessions. Before Trescott could carry out his mission President Garfield died and Secretary Blaine was succeeded by Secretary Frelinghuysen. The policy of the new administration was much less emphatic than that of the previous one and when Trescott succeeded in negotiating an agreement, Secretary Frelinghuysen considered it unjust and directed that negotiations be continued.

The protocol which Trescott had negotiated with Chile, which is known as the protocol of Vina Del Mar, is important because of its bearing on later negotiations. It is in this protocol that is found the genesis of the later controversy of Tacna-Arica. Following a statement of the terms under which the protocol is undertaken a definition of the bases by which Chile will make peace is given. These bases include a cession of territory to Chile north to the river Camarones, the occupation of the provinces of Tacna-Arica for ten years, Peru to pay Chile twenty million pesos at the end of the ten year period.

This protocol having been repudiated by Secretary Frelinghuysen and the United States having reverted to the policy of a peaceful mediator, Peru gave up all hope of intervention or of assistance by other powers. Peace would

have to be made because Chile could not continue to occupy Peru indefinitely. Active resistance having ended, with no further efforts at mediation being made, with no strong government in Peru with which to make peace Chile now found herself in a dilemma. Several factions in Peru laid claim to having control of the government. Vice President Montero headed one group who favored a continuance of the war. General Caceres headed another war group. During the various mediations of the United States a group of leading residents had organized a government and named Francisco Calderon as provisional president of Peru. This group had had the support of the Chileans which in turn caused it to be looked upon with disfavor by the Peruvians. This government was later recognized by the American minister to Peru on the instructions of Secretary Blaine. This support of the Calderon government gave it added strength and the followers of the other factions gradually fell away.

Chilean authorities of the army of occupation now began to curtail the power of the Calderon government. Recognition of the Calderon government by other large powers might prove detrimental to Chilean interests. Reports were circulated of treaties being made by the government

with the United States. The Chilean commander issued orders to seize all archives of the Calderon government and to give up the presidential office. The Calderon congress now met and elected Montero Vice President of Peru. Calderon was sent as a prisoner to Chile and at the end of the year 1832 peace apparently was as far off as ever. Early in 1833 Iglesias, a wealthy planter, who favored peace, gathered a following and called a congress to meet at Cajamarca. Chile now turned her attention to General Iglesias with whom it appeared possible to negotiate a treaty.

Lima had been captured by the Chileans January 17, 1831, and apparently with the fighting ended the war should have ended there and the world generally had expected that it would end then. For two years, after the capture of Lima, Chile continued to occupy Lima and apparently little serious effort was made to negotiate a treaty of peace. Numerous attempts to negotiate had been made, it is true, but from the very nature of the proposals made by both sides it was clear that no settlement could be made unless one side or the other revised its conditions to be made the basis of a peace treaty.

Other factors also entered in to prolong the war on the part of Chile. In the first place, once the war was

started and she found herself increasingly victorious as the war progressed, there seemed to be no logical stopping point. After she had revindicated the coast to 25° south latitude she could not determine where a safe boundary line should be established which would also guarantee her hold on the nitrate industry. Obviously to leave Peru in control of a large nitrate industry would sooner or later bring a war of revenge. The nitrate interests, apparently now satisfied that their interests would be better served by having the industry under private hands in Chile, than in a government monopoly of Peru, favored a continuation of the war, until all the nitrate provinces were under Chilean control. After the capture of Lima, Chile had made contracts with foreign concerns for the sale of large quantities of Peruvian nitrates. This was proving very profitable and was an added reason why Chile was not overly anxious to conclude a treaty of peace. Another factor prolonging the war was the lack of a responsible Peruvian government with which to negotiate, or of any government willing to negotiate, on the basis that Chile was the victorious party in the war. Finally, public sentiment in Chile was rampant for the continuation of the war. Victory had only served to heighten the war spirit and nothing would satisfy except the complete destruction of Peru. A

very peculiar result of the war was the fact that Chile had entered the war bankrupt and yet each year as the war progressed had seen the payment of the governmental debts, the accumulation of a surplus and an era of prosperity set in. All as a result of Chilean control of the guano and nitrate fields.

By January 1883, it was apparent that a treaty must be concluded soon. Continued occupation of Peru was leading to a demand for the establishment of a protectorate and for permanent control. Foreign nations were expressing dissatisfaction at the continued control of Peru by Chile. On the part of the United States no further efforts toward mediation were being made and it was evident that Peru could not look to her to intervene in the peace negotiations. It was clear to the Peruvians by this time that they would have to accept a dictated, not a negotiated, peace.

The American minister at Lima now took a very unusual step by calling a secret meeting of the diplomatic corps to discuss the intervention of the powers to establish peace. Secretary Frelinghuysen at once disavowed the act of the minister and he was promptly recalled. In an interview at Washington with the Chilean representative, Senor Godoi, Secretary Frelinghuysen demanded that certain re-

marks made by Godoi's predecessor, Senor Martinez, be withdrawn. These remarks concerned minister Trescott who had been on special mission to the belligerent powers. The American Secretary warned Godoi that continued prolongation of the war might cause intervention by the United States and that other governments were questioning the intentions of Chile in Peru.

Under these circumstances Chile began to negotiate the terms of peace with General Iglesias. Preliminary negotiations proposed the ceding of Tarapaca to Chile, the sale of Tacna-Arica to Chile for ten million pesos, no indebtedness of the provinces to be assumed by Chile and the continued administration of the Lobos Islands by Chile.

March 27, 1883, the first formal conference for peace negotiations was held near Lima. Senor Novoa represented Chile and Senors Lavalle and Zaldivar represented Peru. After preliminary discussion Senor Lavalle proposed as a basis for a treaty of peace that: Peru cede the provinces of Tarapaca and Iquique to Chile as a war indemnity, that Peru cede the guano deposits of the Lobos Islands and that the provinces of Tacna and Arica remain in the hands of Chile for ten years at the end of which a plebiscito was to be held by which the inhabitants were to decide whether

they were to return to Peru or be annexed to Chile.

The Chilean government accepted the proposal for a plebiscite for Tacna-Arica but rejected the other proposals in part. The plebiscite was approved because the Chilean government felt that in ten years' time Chilean exploitation would make a plebiscite unnecessary.

A second conference was held April 9, 1883, and Lavalle now proposed that if Chile received Tacna-Arica by plebiscite at the end of ten years, Chile was to pay Peru ten million pesos. This brought a temporary halt to negotiations until the representatives could confer with their governments.

On May 3, 1883, a protocol containing the approximate terms of the treaty was drawn up and sent to each government for approval. During all the negotiations of the past year Bolivia had been ignored entirely. When other leaders in Peru were aware of the negotiations with General Iglesias many wore for a continuation of the war. General Iglesias now asked for foreign recognition of his government. Before Iglesias was negotiated with in any way which would involve recognition of his government he was required to sign a contract agreeing to make peace on such terms as Chile demanded. Thus the treaty of Ancon

was a dictated, not a negotiated, treaty. October 18, 1883, Chile formally recognized President Iglesias although he was representative of only a small portion of the Peruvian people and, it is said, his army was paid with Chilean funds and the privates were locked up at night to keep them from deserting. The final draft of the treaty of Ancon provided that:

(1) The province of Tarapaca was ceded to Chile unconditionally with the ravine and river Camarones as the northern boundary.

(2) That the provinces of Tacna and Arica were to be held by Chile for ten years; then a plebiscite should determine the sovereignty of the provinces. The country securing the provinces by plebiscite should pay the other, ten million pesos of Chilean silver.

Other articles provided for the disposition of guano, of Peruvian debts, the Lobos Islands and commercial relations.

The treaty was signed at Lima October 20, 1883, the Chilean troops withdrew October 23, and General Iglesias occupied the capital the same day. The treaty was approved by the Chilean congress in January 1884 and by the Peruvian congress in March. The plebiscite was to occur ten years after approval by the Peruvian congress. Thus

the War of the Pacific or the War of the Ten Centavos was legally terminated.

As a result of the war Chile gained the whole desert of Atacama as well as the Peruvian province of Tarapaca which was rich in nitrates. Bolivia lost her outlet to the sea, which she has since tried to regain in every way. Bolivia insisted on Chile making peace with Peru and Bolivia at the same time and Chile refused to do so. A short time after the Treaty of Ancon was signed Chile and Bolivia signed a pact of indefinite truce to continue until a treaty of peace could be made.

DIRECT NEGOTIATIONS 1884-1922

After the War of the Pacific both Peru and Chile were engaged in the work of reconstruction. In Peru a civil war took place between Caceres and Iglesias over the form of government. Finally both surrendered their claims and a council of ministers governed the country until 1886 when General Iglesias left the country and Caceres was then elected President. Under this administration the country slowly began to improve although it was without money, industry or spirit. The public debt increased to about \$250,000,000 near the end of his presidency and it was finally consolidated and a company formed to assume the debt. The bond holders and other debtors took stock in the company which received all state railroads and other securities as a consideration. The company, or Peruvian Corporation as it was called, thus had practical financial control of the government and was able to dictate to a great extent the policies of the country. In spite of her domestic political and economic troubles the Tacna and Arica question held a prominent place in the public mind.

At the beginning of the war Chile was in poor finan-

cial circumstances and the credit of the country was dwindling rapidly. The government was embarrassed by domestic conditions, the people were restless and revolt was in the air. It may be possible that the war was a means of consolidating the position of the government at home; and an attempt to gain control of mineral resources which would relieve the pressure of debt, and provide a source of revenue other than general taxation. A few figures will show the effects of the war upon the trade and revenues of Chile.

In 1879, Chilean exports were 78,000,000 gold pesos and these increased to about 150,000,000 in 1884. Imports, although less than exports, increased rapidly between 1877 and 1887. Public revenues in 1878 were about 30,000,000 gold pesos and nearly 60,000,000 in 1890; while expenditures decreased to less than revenues so that the public treasury began to show surpluses. The rate of interest on bank loans declined from twelve per cent to five per cent at the close of the war. Following the war Chile experienced great commercial growth and millions of dollars were expended in building public works, railroads and armaments. Since Chile had paid \$240,000,000 of Peruvian debts with the fifty per cent of the sale of guano captured she also had an equal amount to expend for her own pur-

poses. Such wealth only made for political struggles in Chile, various factions attempting to gain control of the government. Civil wars and revolutions together with economic troubles did not provide a very good time for the holding of the Tacna-Arica plebiscite in 1894.

As the end of the ten year period approached negotiations were begun in 1892 looking toward a settlement of the dispute. Chile proposed a commercial treaty with Peru and attached a proposal for settling the Tacna-Arica dispute. Peru declined to join the two proposals and suggested the two governments confer to find a basis for agreement. Six conferences were held at Lima in 1893 and as a result it became apparent there were two important points of difference between the countries.

According to Peru, Chile could hold the provinces of Tacna and Arica up to the time of the plebiscite only, then they would be turned over to Peru to conduct the referendum. Chile contended she was to hold the provinces until the referendum was held and the terms of the Treaty of Ancon fulfilled. Another point of difference concerned the qualifications for voting. Peru contended only Peruvians over twenty-one years of age could vote who were residing in the territory while Chile declared all the inhabitants had a right to vote.

Various proposals were made all or a part of which were rejected. Finally an agreement was reached which is known as the Jimenez-Solar protocol, which avoiding the question of the plebiscite specified means of paying the 10,000,000 soles and of rectifying the frontiers. Negotiations were transferred to Chile, Peru again made concessions but Chile failed to act. The day for the plebiscite arrived but no agreement had been reached. Changes took place in both governments, Peru protested at the delay in holding the referendum, new conferences were held which were fruitless and as the year ended Chile still held Tacna-Arica.

Chile renewed negotiations August 5, 1895, at Lima, conferences were held, various proposals were made which were found unacceptable to one or the other. During 1895 and 1896 Chile signed agreements with Bolivia agreeing to cede Tacna and Arica to Bolivia in case Chile should acquire these provinces and this aroused a storm of protest in Peru. In 1897, Chile suggested that the area under dispute be divided into three zones; Peru to keep the northern, Chile the southern and a referendum to be held in the middle zone. Peru refused to divide the region.

In 1898, Chile and Argentina became involved in a

serious dispute and Peru now pressed for settlement of the Tacna-Arica question. A special envoy was dispatched to Chile and a series of conferences took place during the winter and spring in which Chile made various proposals such as a larger indemnity, division of the territory, and others all of which were refused by Peru. Chile then proposed a settlement of the means of holding the plebiscite which resulted in an agreement known as the Billinghurst-Latorre protocol of 1893. This protocol determined the manner of registration, of counting votes and defraying the expenses. Qualifications for voters were submitted to the Queen of Spain for arbitration. A governing board for the referendum was to be provided composed of a Chilean, a Peruvian, and a third designated by the Spanish government. The time and manner of paying the 10,000,000 pesos was specifically provided for. This protocol is important because it is the first time the two countries succeeded in reaching an agreement.

The agreement was marked by fair play on both sides, and expert diplomacy and was promptly submitted to both governments for approval. Peru approved it promptly, although not entirely satisfied while the Chilean congress fearing the referendum would go against Chile refused to approve it. Various other proposals were made but nothing

came of them and in the end nothing was accomplished. It is significant that Chile meantime had settled her dispute with Argentina.

Late in 1900 new developments occurred which aroused Peruvian public opinion against the attitude and intentions of Chile. Peru sent an extended note to Chile protesting a whole series of laws and decrees, relating to the region under dispute, that had been approved by the Chilean government. Peru charged Chile with deliberately attempting to Chileanize the region so that when the referendum should be held it would go to Chile; and that a boundary commission had been appointed to determine the boundaries without consulting Peru; and concessions to nitrate producers, colonization schemes and other methods of fixing the Chilean grasp on the region were being employed.

Before the Chilean minister could reply to these charges, the Chilean congress recommended that the questions to be submitted to arbitration by the Billinghurst-Latorre protocol, be settled directly by new negotiations thus reopening the whole question. It appeared as if Chile was purposely delaying the plebiscite and as a result Peru broke off diplomatic relations. Although relations were not resumed until 1905, much correspondence took place between the two governments chiefly over the

questions of the boundary, the Arica-La Paz railroad and the Chilean administration of the customs at Arica.

Negotiations in regard to Tacna-Arica were not reopened until March 1903, when the new Peruvian minister asked for an immediate settlement as the basis for friendly relations. Chile again tried to attach the Tacna-Arica dispute to such other questions as tariff duties, merchant marine, and a Santiago-Lima railroad all of which Peru refused and again nothing was accomplished. Each side tried to justify its stand before the bar of world opinion; Chile going so far as to publish a Red Book, summarizing its attempts to settle the dispute. Editorial opinion seemed inclined to blame Chile for the delay in settlement.

Mention has been made of the Truce signed by Chile and Bolivia at the close of the War of the Pacific. This truce was of indefinite length and hostilities could be resumed at any time by either party giving one year's notice. Until a definite settlement was made with Bolivia, Chile would likely be forced to deal with Bolivia as well as Peru should hostilities be renewed between Chile and Peru. In the years following the signing of the Pact of Truce no serious efforts were made to make a definite treaty with Bolivia. Many notes were exchanged, conver-

sations took place and Bolivia was given to understand no settlement would be made until the Tacna-Arica plebiscite should be held. Chile fully expected to receive the provinces and gave Bolivia to understand she would cede them to her. As time passed by Bolivia demanded concessions from Chile to compensate her for territory lost in the war although Chile took the position that the victor was entitled to the spoils. In 1904, however, a treaty was signed by Bolivia and Chile which provided:

- (1) That Atacama was ceded definitely to Chile;
- (2) Chile assumed certain Bolivian debts;
- (3) Chile agreed to build the Arica-La Paz railroad which would be given to Bolivia at the end of fifteen years; also to permit Bolivia free imports and exports at the ports of Arica and Antofogasta.

This treaty technically closed the War of the Pacific although Bolivia has frequently sought to have the treaty of 1904 abrogated and a new one made whereby she would be given a corridor to the Pacific. Chile was now free to deal with Peru alone.

In 1909, Chilean authorities presented a new formula for settlement of the Tacna-Arica dispute to the government of Peru which returned a set of counter proposals. These sets of proposals showed that the two governments

were as far apart as ever although the Peruvian terms disclosed that Peru still thought that a plebiscite would give her Tacna and Arica. In a note of March 3, 1910, the Chilean minister made it clear that Chile regarded the plebiscite only a formula for disguising annexation. This exchange of notes only embittered relations between the two countries, and on March 19, 1910, diplomatic relations were severed; the situation was critical but various friendly powers offered their good offices and war was averted. Each side declared its willingness to settle, but on its own terms.

The protest of the Peruvian government against Chilean administrative methods in 1900 has been mentioned; particularly did Peru object to the closing of Peruvian schools. Further resentment was caused by a communication sent by the Chilean foreign minister in February 1910, ordering the governor of Tacna to expel all Peruvian priests from the provinces, on the charge they were guilty of anti-Chilean propaganda. In March 1910, *El Comercio*, a leading newspaper of Lima, published certain secret documents containing the record of proceedings of a commission known as the Nationalization Committee for Tacna-Arica, which had been set up in Santiago to examine administrative measures necessary to develop Chilean interests

in the provinces. In meetings of the commission held in 1908 of which some were presided over by the Chilean Minister of foreign affairs, definite plans had been formulated to Chileanize the region. Great tracts of land were to be appropriated by the government, ostensibly for drainage purposes, colonization was to be carried out, Peruvian labor was to be expelled and Chilean labor sent in to replace it and 500,000 pesos were set aside for propagandist work toward nationalization of the provinces.

Little delay is evidenced in carrying out these measures for the Peruvian government protested to Chile in September 1909 and again at the close of the year. Peru claimed native boatmen and shore laborers were forced to give up their trade; that merchants found it undesirable to employ native Peruvians; and that factories were being built to compete with established Peruvian industries.

In 1912, new methods of Chileanization were undertaken when Chile began enforcing army conscription laws and those Peruvians unwilling to serve were forced to leave the country. The American minister to Chile reported this policy to his government and stated it would only complicate and embitter the already unfortunate relations of the two countries. From 1918 to 1924 various outrages

and violences were frequent occurrences, and were often accompanied by expulsion of the Peruvians from the provinces; not only was the Chileanization policy carried out but it was also very effective.

Although diplomatic relations had been broken off in 1910, a new effort to settle the dispute was made in 1912, during the term of President Billinghurst of Peru. In June 1912, it was reported certain citizens of Chile were going to Lima to study Peruvian agriculture, mining and irrigation, but that the real purpose was to negotiate for a settlement of the Tacna-Arica question. This unofficial attempt was made known in November 1912 when telegrams were exchanged between the Foreign ministers of Chile and Peru, diplomatic relations were temporarily resumed and a tentative settlement agreed upon by both countries. The terms of the Huneeus-Valera protocol of 1912 provided that:

- (1) Diplomatic relations were to be reestablished at once;
- (2) A treaty of commercial reciprocity to be negotiated immediately;
- (3) Chile was to pay Peru about \$2,400,000;
- (4) Plebiscite to be held in Tacna-Arica twenty-one years after the signing of the protocol...voting was lim-

ited to Peruvians and Chileans able to read and write, who had resided in the provinces at least three years before the plebiscite;

(5) The election board was to consist of two Peruvians, two Chileans and a presiding officer, the president of the supreme court of Chile;

(6) The nation winning the plebiscite was to pay the indemnity specified in the Treaty of Ancon.

These terms indicate that Peru was very anxious to settle the dispute but it remained to be seen whether the Peruvian Congress would approve such a settlement. President Billinghamurst argued for the acceptance of the agreement before the Peruvian Congress but it adjourned without taking any action. Public sentiment in Peru was strongly opposed to approval of the protocol and finally caused the downfall of President Billinghamurst in 1914. In Chile the Congress refused to approve the protocol until Peru had approved it and adjourned without acting on the agreement.

With the outbreak of the World War in 1914 the question was allowed to lapse until the close of the war. With the establishment of peace and the setting up of the League of Nations Peru thought she saw an opportunity to present her case to the court of world public opinion.

Accordingly the Peruvian delegation to the first League Assembly in 1920 requested the Assembly "to revise and consider" the treaty of October 20, 1883. Articles 15 and 19 of the Covenant of the League were invoked by Peru in making this request; and in support of her contention she declared that the treaty was imposed by force and that Chile had not carried out its essential provisions.

The Secretary of the League replied that the request had been received too late to be placed upon the agenda of the Assembly; but that the request would be communicated to the delegates for their consideration. The Chilean delegation immediately challenged the request of Peru and the grounds on which it was based and asserted that such request did not come within the provisions of Articles 15 and 19. It was declared that the validity of the treaty of 1883 was incontestable and Chile was not at fault for failure to hold the plebiscite. The Assembly of the League was relieved of taking any action when the Peruvian delegation withdrew its request December 2, 1920, reserving its right to submit the request at a later date.

Bolivia now pressed her claims for a reconsideration of the treaty of 1904, but a commission of jurists, formed at the direction of the Assembly, reported September 21,

1921, that Bolivia's demand was inadmissible since the Assembly of itself could not modify a treaty...that such modification could only be effected by the parties of the treaty. The same decision apparently would have covered the request of Peru also under Article 19. Under Article 15 the appeal should have been made to the Council first which then may have submitted it to the Assembly.

Thus the attempts of Peru and Bolivia to bring the questions arising out of the Treaty of Ancon before the League and world opinion ended in failure. Probably the League was right in declaring it had no power to revise or reconsider treaties made previous to its organization. The League was a new organization whose effectiveness and ability were untried; and with all the problems of organization, questions thrust upon it as a result of the World War and the refusal of the United States to join, it was hardly to be expected that it would assume responsibility immediately, for the settlement of a question which even the United States had been unable to mediate successfully.

In support of its refusal to entertain the dispute the League undoubtedly had the support of authority in international law which recognizes treaties as binding even though accepted under duress or dictated by the conqueror.

EFFORTS OF THE UNITED STATES TO EFFECT A SETTLEMENT

The idealistic statements of President Wilson during the World War, regarding the rights of small nations, of minorities and self determination undoubtedly brought renewed hope to Peru for a settlement of the Tacna-Arica question. The reawakening of national aspirations only served to accentuate the real need for a permanent settlement. The question was influencing not only domestic questions in Chile and Peru but was also a perpetual menace to the peace of South America.

Economic factors were asserting themselves and gradually forcing citizens of both nations to realize that a settlement of the dispute would secure great benefits to both countries. Before the World War the nitrate industry was the greatest influence in Chilean economic policies. No other industry contributed so much revenue or required governmental interest in its affairs. The opening of the Panama Canal in 1914 rerouted the ocean commerce between the Atlantic and Pacific oceans and affected world commerce generally. During the war when many commercial nations turned all their energies to the prosecution of the

war and a blockade was placed on the Central Powers Chile developed her merchant marine and became an important carrier in South American commerce.

Business interests and shipping concerns soon felt the effects of the unsettled Tacna-Arica dispute. Peruvian commerce was handled by American or other foreign lines, not by Chile. Peruvian longshore-men, in many cases, would refuse to load or unload Chilean cargoes causing losses to Chilean owners. It was becoming apparent that economic losses in commerce and industry might be greater than any gain to be acquired by a further postponement of a settlement of the dispute.

Besides pure political opposition, Chile had other reasons for not holding the plebiscite. If the plebiscite were held and Chile should win nothing would be gained as she already had possession and exercised sovereignty over the region. If she should lose Tacna-Arica it might stimulate all the ambitions of Peru and Bolivia and encourage them to attempt to regain all lost territory. If Chile should show generosity it might be taken as a sign of weakness by other Latin-American powers. Under such conditions as long as the dispute was not settled Chile could look forward and see the necessity for large expenditures for

her army, navy and munitions. It was to be expected that sometime in the future when Peru felt herself strong enough an attempt would be made to regain her lost provinces. In such an attempt Bolivia could be expected to be the ally of Peru.

Under such circumstances in the summer of 1920 Chile decided to reopen direct negotiations relative to a settlement of the dispute. Senor Berne, ex-foreign minister of Chile, who was traveling north for his health, was asked by the President of Chile to approach President Leguia of Peru in regard to a settlement. On August 17, 1920, the Chilean minister for foreign affairs wrote Senor Berne suggesting that all negotiations should be kept within the lines of former negotiations more especially the Huneeus-Valera protocol of 1912 although any proposal of merit was to be transmitted to Chile.

Senor Berne was not permitted to present the proposals to President Leguia of Peru but the Chilean government persevered in its purpose and on December 12, 1921, the Chilean foreign minister, Senor Barros, telegraphed Senor Salomon, the Peruvian secretary of foreign affairs, a proposal to carry out the Huneeus-Valera protocol without delay. Since diplomatic relations did not exist the

Peruvian government inquired as to the authenticity of the message through a neutral embassy. The proposal was not acceptable to the Peruvian government but in his reply to Chile, Senor Salomon made the counter proposal that the whole dispute be submitted to an arbitration, agreed to through the initiative of the government of the United States.

In his answer of December 20, 1921, the Chilean foreign minister insisted that the only question dividing Chile and Peru was the difference of understanding regarding Article 3 of the Treaty of Ancon. Peru insisted that all differences between the two countries be submitted to arbitration to which Chile refused fearing the whole results of the War of the Pacific were thus to be opened to review. Peru insisted she wished to submit only the question as to whether the Treaty of Ancon had been violated and if so what remedies were to be applied.

At this time the United States government decided to offer its good offices and January 13, 1922, copies of the invitation were delivered by the ambassadors at Santiago and Lima. The governments of Chile and Peru were invited to send representatives to Washington to settle the dispute or to arrange for a settlement by arbitration. Chile

named Senor Alcunate and Senor Izquierdo as her representatives while Peru sent Senors Porras and Velarde. Bolivia, although not invited, sought to be included in the conference hoping to secure a revision of the Treaty of 1904. President Harding called the attention of Bolivia to the fact that the conference was to deal only with the difficulties arising from the unfulfilled provisions of the Treaty of Ancon, and that if Bolivia were included, she must be invited by Chile and Peru.

The conference opened May 15, 1922, in Washington under suspicious conditions but it did not take the delegates long to discover that difficult negotiations were before them. The Peruvian delegates argued that the only reasonable and just solution of the question was restoration of the provinces to Peru as twenty-eight years had elapsed since the time specified for the plebiscite; and further that the treaty meant the territory should belong to the country having a majority at the end of the ten year period. Since the Chileans admitted a Peruvian majority in 1894 Peru held she was justified in claiming possession of the provinces.

The Chilean delegates reasoned that the plebiscite did not have to be held exactly ten years from the date of

making the treaty, but any time after ten years when the conditions for it had been agreed upon by both parties, that Peru's possession depended not upon a lapse of ten years but on condition she won the plebiscite any time after ten years according to a protocol to be agreed upon. Since the two countries could not agree and Peru had accepted the protocol of 1898 and 1912 neither country, according to Chile, was responsible for the failure to hold the plebiscite. Peruvian delegates stated that conditions in the provinces had been changed radically by the Chilean policies; and for that reason Peru could not accept the protocol of 1912 and therefore, Peru would not accept the negotiations of 1912 as a basis for discussion. It was quite evident that the two countries were in a hopeless deadlock. Chile had secured an advantage early in the conference by having the question in dispute stated as follows: "It is hereby recorded that the only difficulties arising out of the Treaty of Peace regarding which the two countries have not been able to reach an agreement, are the questions arising out of the unfulfilled stipulations of Article 3 of said treaty" (40).

Peru had suggested that the question as to whether the plebiscite shall be held under present circumstances

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should be submitted to arbitration. This naturally raised the question that if it were not held to whom did the province belong. Chile at once rejected such a plan as being outside the offer of President Harding.

Secretary of State Hughes at once entered into negotiations in an effort to save the conference, and proposed that the two countries agree to submit to arbitration the questions arising out of Article 3 of the Treaty of Ancon. This suggestion saved the conference and Secretary Hughes now proposed that any decision of the arbiter would not change the status of the provinces. Such a proposal meant that if the arbiter held the plebiscite clause invalid that such status would be decided by later negotiations Chile meantime retaining the provinces.

On July 20, 1922, Chile and Peru signed a protocol of arbitration which provided that:

(1) The two parties agreed that the only outstanding difficulties were the questions arising out of the unfulfilled terms of Article 3 of the Treaty of Ancon.

(2) These difficulties were to be submitted to the President of the United States to decide without appeal after considering the arguments and evidence of both parties...the arbitrator to determine the terms and pro-

cedure.

(3) The protocol was to be submitted to both governments for approval and ratifications exchanged in Washington within six months.

A supplementary act was also signed which defined the scope of the arbitration in the following terms:

(1) The question as to whether the plebiscite should be held was submitted to arbitration.

(2) The arbitrator was empowered to determine the conditions of the plebiscite if held.

(3) If the arbitrator decided the plebiscite need not be held both parties agreed to continue negotiations and the administration of the provinces was to remain undisturbed.

(4) In case of failure to agree the two governments agreed to solicit the good offices of the United States government.

(5) The claims regarding Tarata and Chilcaya were included in the arbitration.

Ratifications of the protocol and supplementary act were exchanged January 15, 1923, at Washington and on January 29, Secretary Hughes notified the Chilean and Peruvian ambassadors the President of the United States had

accepted the office of arbitor.

At last, the governments of Chile and Peru, after forty years of dispute, had agreed to a peaceable means of settling the controversy over the fulfillment of the terms of the Treaty of Ancon. Peru gained her point in that the arbitrator was to determine whether or not the plebiscite should be held; but Chile still had an advantage because she would still hold the territory if the arbiter decided against a referendum. The President accepted the uneviable task of finding a satisfactory solution of the controversy; it remained to be seen whether the efforts of the United States as an arbiter would be more successful than the efforts she made to mediate in the War of the Pacific.

Peru felt confident that her contentions were just and expected to receive a favorable hearing from the United States. This attitude was based on the fact that the United States had been unsuccessful in intervening in the War of the Pacific, that she had advocated a policy of no territorial indemnities and that she had successfully prevented European intervention. It was thought that some attempt would now be made to secure justice and to make amends for the failure of her past efforts. Peru felt

under the circumstances that the President would hold the plebiscite clause void; then the status of the provinces could be determined on other principles.

By the end of the year 1923, both the Chilean Government and the Peruvian Government delegations had submitted their cases to the arbitrator. In the meantime President Harding had died and President Coolidge had fallen heir to his difficult task. However, since Secretary of State, Mr. Hughes, had remained in that position the matter was carried on uninterruptedly. The Peruvian case argued that a fair plebiscite could not be held and that the provinces should be turned over to Peru. The Chilean case argued that the terms of Ancon could and should be carried out, namely a plebiscite should be held. All that remained was to determine the manner in which it should be held and the manner in which the 10,000,000 pesos or soles should be paid. After giving the arguments much study the award of the arbitrator was handed down on March 4, 1925.

Without going into great detail, the award of the arbitrator provided essentially that a plebiscite should be held, holding that the treaty placed no limit as to when it should be held and that no positive proof of the lack

of good faith upon the part of both Governments had been presented. Second, the conditions of the plebiscite were set forth, carefully defining how the task of registering, determining who should vote, examining the results and police regulations should be cared for. It provided for a Plebiscitary Commission to consist of three members, one a Chilean, one a Peruvian and a third who should be appointed by the President of the United States. This third party should act as president of the commission. The third part of the award had to do with the boundaries, awarding Tarata to Peru and providing for a survey of the southern boundary. How was this award to be received? Americans realized that their Government was undertaking a mighty task but were hopeful of success. Since it provided for the holding of a plebiscite the Chilean people were wild with joy. Bells were rung, whistles were blown and the attitude toward Americans in Chile changed noticeably. In Peru it was received with public denouncement and official disappointment. It was actually necessary to throw an armed guard about the American legation in Lima. As a plebiscite was to be held Peru asked for further specifications which she thought necessary to insure fair and just vote. However, Peru stated that she expected to

carry out the award. The President of the United States appointed General John J. Pershing as President of the Plebiscitary Commission; Senor Agustin Edwards was the Chilean member and after some delay the Peruvian Government appointed Manuel de Freyre Santander, and the Commission met for the first time at Arica on August 5, 1925.

It was hoped that the Plebiscitary Commission would be able to carry out its projected work, difficult as it was admitted to be. Hardly had its proceedings started when the Peruvian member requested that certain guarantees be provided to insure the Peruvians living in the provinces and those returning to the provinces the right to vote. These guarantees were drafted but over the veto of the Chilean member of the Commission. "The fact that such guarantees were considered necessary by the president of the Commission indicated that the Chileans were not cooperating fairly in the preliminary preparations, and also that General Pershing intended to carry out the award in a fashion to insure a real expression of opinion if it were within his powers as head of the Commission" (112).

Further complications developed in November 1925 when Senor Edwards, the Chilean member of the Commission, threatened to withdraw from the Commission because he

claimed it was dealing with matters other than those pertaining to registration and voting. Furthermore, he charged General Pershing with partiality in favor of Peru. Matters took on a grave appearance when on December 9, 1925, a resolution was passed by a majority of the Commission severely censuring the Chilean authorities in Tacna and Arica, who have "Not only failed but neglected so to exercise the powers of government as to render progress toward a fair plebiscite possible, but have used these powers unlawfully to reduce, by means of expulsion and deportation, the number of Peruvian voters remaining in that territory in a state of fear and subjection, inconsistent with the free exercise of electoral rights" (112). General Pershing had also given the Chilean Government to understand that unless that Government's member of the Commission changed his attitude it would be impossible for the Commission to carry on its work.

The Chilean delegation then appealed to the arbitrator, President Coolidge, submitting a dissenting opinion in regard to the resolution passed by the Commission on December 9. The President allowed the appeal and on January 15, 1926, handed down a decision which upheld the resolution of the Plebiscitary Commission. It now became

evident that it was going to be increasingly difficult for the Commission to work out a satisfactory electoral law and put it into effect.

Matters took another turn for the worse when in January 1926, General Pershing was forced to give up his position as President of the Commission because of ill health. No political motives have been attached to his resignation for just before his departure the Plebiscitary Commission passed the election law that it had been working on for six months. Upon his resignation from the Commission, General Pershing said that a strict and rigid enforcement of the rules would provide an opportunity for all the electors freely to register their names and cast their votes. President Coolidge appointed General William Lassiter, commander of the American Forces in the Canal Zone to take General Pershing's position and the Plebiscitary Commission continued with its work. It should be remembered that according to the award made by the arbitrator on March 4, 1925, certain persons born in the provinces and certain other classes who had removed or been removed from these regions might be allowed to vote. The Chilean authorities were very bitter against these persons and were endeavoring to prevent their return.

According to the plebiscite law the registration was to begin on March 15, and the election to be held on April 15. These dates were later changed to March 27 and May 27. Both the Chilean and Peruvian delegations had appealed to the arbitrator, President Coolidge, in regard to certain qualifications of voters as laid down in the law. On February 25, the President confirmed the ruling of the Commission on these points. On March 10, the Peruvian delegate complained that sufficient protection for Peruvian voters had not yet been established and demanded that the date of registration be indefinitely postponed. In the meantime at Washington the United States Government offered its good offices for a friendly adjustment without a plebiscite. Chile wanted to continue arrangements for the plebiscite while Peru demanded that all plebiscitary activities be suspended. Negotiations for the plebiscite did continue but when the final date set for registration arrived, the Peruvians absented themselves from the registration boards at the express orders of the Peruvian representative on the Plebiscitary Commission.

Negotiations were now transferred to Washington where between April 15 and May 10, Secretary Kellogg made three proposals to the plenipotentiaries of Peru and Chile:

- "(1) The Territory of Tacna and Arica shall be constituted a neutralized state, either independent or under the protectorate of South American states as may be agreed upon, or
- "(2) the provinces of Tacna and Arica shall be transferred (upon an apportionment of equitable compensation and appropriate economic arrangements, to be agreed upon) to a South American state not a party to these negotiations, or
- "(3) that the provinces of Tacna and Arica be divided between the two states" (112).

A number of conferences had been held in Washington during the next month when General Lassiter on June 14, 1926, published his report criticizing Chilean methods and recommending the abandonment of the plebiscite. The Plebiscitary Commission on that day adopted a resolution terminating Plebiscitary Proceedings on the grounds:

"First, that a free and fair plebiscite as required by the award is impracticable of accomplishment;

"Second, that the plebiscitary proceedings be and they are hereby terminated, subject however to the formulation and execution of such measures as may be required for the proper liquidation of the affairs of the Commission and the transmission of its records and final report to the Arbitrator" (57).

The Chilean member of the Commission, Senor Edwards, declared the resolution to be illegal as being outside the Commission's powers, since the arbitrator had already de-

clared the plebiscite practicable, but the protest was in vain.

General Lassiter, in his report abandoning the plebiscite, said, "the hope of obtaining an effective expression of the will of the people has become an illusion" (112). Concerning the work of the Plebiscitary Commission he said that it has provided the machinery for holding a duly organized and regulated plebiscite with such electoral regulations as would eliminate all ballots which were not entitled to be cast. Also that the Commission had endeavored to create suitable conditions whereby every person entitled to vote might do so, but in this respect their powers were very limited. About all the Commission could do was to suggest, recommend and appeal to the Chilean forces in power in the provinces. He claimed that such appeals had failed utterly. General Lassiter makes this indictment against the Chilean Government. "Officials condemned by the Commission for activities inimical to a fair plebiscite, whose removal was demanded and obtained, were rewarded by better positions elsewhere in the territory where their opportunities to help defeat a fair plebiscite were not impaired. Outrageous criminals like Alvaro Oliva, Jorge Silva and others, whose systematic

acts of violence and intimidation against helpless Peruvians were notorious and unquestioned, in spite of repeated protests, retained with the consent of the Chilean Government their position of power and authority in the plebiscitary campaign organization, which was fostered and supported by the Chilean Government" (112).

In support of his opinion that it would be impossible to hold a fair and just plebiscite, General Lassiter then gave in detail, "accounts of various attacks upon unarmed and peaceful Peruvians under the very eyes of the police, who encouraged rather than prevented the outrages. Brutal beatings, clubbing, stabbing, in fact every sort of violence was used to intimidate and terrorize the Peruvians. Outrages took place in Arica where the Commission was sitting, and even upon the members of the Peruvian delegation. In spite of vigorous protests the authorities remained utterly indifferent to the situation, and took no measures to protect the innocent or punish the guilty. In addition to terrorizing, evidence proved that the Chilean authorities were also guilty of forcibly expelling and deporting many Peruvians from the plebiscitary territory" (112).

General Lassiter was not basing these reports on

hearsay and propaganda or Peruvians but upon the personal testimony of members of the staff of the president of the Plebiscitary Commission who had been eye-witnesses to these incidents at Tacna and Arica. The following summary of the atrocities in General Lassiter's own words completes the picture:

"The inescapable conclusions must be arrived at: that the Peruvian electorate has been physically reduced below its proper figure by such measures as forcible deportations, departures induced by violence or threats, unexplained disappearances, discriminatory military conscription, and even assassination; that Peruvians who have been driven or frightened out of the Plebiscitary territory have not been given by the Chilean authorities, due opportunities or facilities to return to register and vote; that there has been a systematic, widespread and effective terrorization of Peruvians, brought about through violence to persons and property, through threats, oppression and persecution;...that Peruvian official plebiscitary personnel has been impeded, and even subjected to attacks, in the effort to discharge necessary or appropriate plebiscitary duties; that there has been general and deliberate misrepresentations and suppression of the real facts by the local Chilean authorities and by the local Chilean press; and that the conditions above outlined have been brought about not only with the knowledge and implied approval of the Chilean authorities, but, in many cases, with the connivance as evidenced by failure to restrain the criminal activities of certain so-called patriotic or political organizations whose operations have been accompanied by unmistakable evidence of official support and approval" (68).

Thus ended, in an unhappy way, the attempts, through the

offices of the United States Government, to carry out the plebiscite as provided by the Treaty of Ancon. It may be pertinent to discuss some of the reasons why a plebiscite could not be held and why any attempt would end in failure. In the first place, it is doubtful if the temperament and character of the Latin-American were sufficiently understood by American officials. It is quite probable the arbitrator did not realize the sentimental and historical interest that Peru had in the region under dispute and that the question of national honor was as important as the territory itself. Tacna and Arica were to Peru what Alsace-Lorraine was to France, an unredeemed part of national territory. That such a conception of the region was not in the mind of the arbitrator is evidenced by certain statements in the opinion and award which state that it was unnecessary to enter into an interpretation of the Treaty of Ancon or the question of sovereignty. In the opinion of the arbitrator it was only necessary to take the express words of the treaty which placed the opinion on a basis of legality rather than on a broad basis of statesmanship.

Considering the opinion on which the award was based the following reasons are found:

(1) The plebiscite clause would be held invalid were the allegations of Peru proved that Chile had refused to hold the plebiscite and had officially Chileanized the provinces.

(2) That the record submitted failed to show that Chile ever arbitrarily refused to negotiate the terms of a protocol.

(3) That since by the terms of the treaty the territory was to continue under Chilean law and authority until the election provisions were made and since they were not made at the end of the ten year period, the provinces continued under Chilean law and authority and therefore Chile was within her legal right to subsidize industries, provide irrigation and homestead laws, and other acts which nationalized the region.

(4) That for the same reason it was not illegal to close Peruvian schools or conscript residents into the Chilean army.

(5) That since the destruction of Peruvian newspapers was caused by mobs of Chileans it was held impossible to charge such action to the Chilean government on the basis of the evidence presented.

(6) That the occupation by Chile of three districts

of Tarata and their creation into a department of Tarata was not offense enough to violate the treaty.

(7) That the provisions of paragraphs two and three of Article 3 of the Treaty of Ancon were still in effect, that the plebiscite should be held and that proper safeguards of the interests of both parties could be established.

(8) That the language of the treaty said the plebiscite would be held "after" ten years.

It is the interpretation of the last reason which possibly is the part of the award most open to criticism. Dennis (1927) states that "The strangest part of the award is the linguistic rendition of the expression in the treaty expirado este plazo. By this a legalistic sanction was given to the holding of an election forty years later ...an election designed to take place ten years after the Treaty of Ancon. The word expirado is a past participle and of course could be translated loosely several ways such as 'this period expired', 'this period being ended', 'this period having expired', or 'after the expiration of this period', in the sense of immediately or soon after. If the English word 'after' in its indefinite sense had been intended the Spanish despues would have been employed.

"A more specific expression than expirado este plazo would have been, al fin de los diez años, at the end of ten years, or al terminarse este plazo, this period being completed. In the negotiations before the treaty was finally drawn up all of these expressions were used as well as expressions about a period of five years and fifteen years and occupation until an indemnity was paid, so that interpreted either in the spirit of the makers of the treaty or in an understanding of the Spanish language there could have been no indefiniteness intended in the ten year period; the election was intended for 1894, the ten year period 'being expired'."

Before the announcement of General Lassiter events seemed to indicate, that the plebiscite would be abandoned and that other efforts would be made to settle the problem. On February 17, 1926, Secretary Kellogg instructed the United States Ambassador at Santiago to inquire if Chile would be willing to accept further efforts of the United States toward a settlement of the dispute. Chile replied affirmatively two days later. Similar inquiry was made through diplomatic channels of Peru. Peru answered affirmatively but later requested a statement as to the bearing such negotiations would have on the plebiscite.

On March 28, 1926, Secretary Kellogg explained that the object of his efforts was to secure a settlement; and that during such negotiations plebiscitary proceedings should be suspended without prejudice to their being resumed if the direct negotiations should fail. Also that arrangements for holding the plebiscite should be maintained.

Interest which had been centered on Arica now shifted to Washington where the first meeting under Secretary Kellogg's offer was held April 6, 1926. Peru was represented by Ambassador Herman Velarde and Chile by Ambassador Miguel Torconal. In his speech opening the conference Secretary Kellogg indicated his intense desire to arrive at a solution of the controversy and his purpose in proposing the good offices of the United States.

He stated clearly that his only object was to secure a friendly settlement of the dispute and that Chile and Peru should thereby set an example to the other nations of the world. As for a solution of the problem it seemed that three or four offered the only means of settlement. The territory could be left in the hands of Chile; it could be divided, with or without a corridor for Bolivia; it could be ceded to another power; and it could be made a neutral state independently or under the protection of

other powers.

These various solutions were considered by the conference and their possibilities discussed. The sessions were supposed to be secret but in some manner rumors of a transfer of the territory to Bolivia reached the countries concerned. Immediately a storm of protest swept both Peru and Chile, while a feeling of hope pervaded Bolivia. The United States had been regarded suspiciously by Chile and immediately it was suggested the plan was simply a device by which the United States would gain a foothold in South America, would secure a firm grasp on Bolivia resources and a naval base at Arica. Thus again was raised the cry of "dollar diplomacy" and "Yankee imperialism".

Nor was the American press friendly to the efforts of Secretary Kellogg. Maginnis (1926), former United States minister to Bolivia, states that "Secretary Kellogg's suggestion to the Chilean and Peruvian governments through their ambassadors, that an equitable division of the territory, providing a corridor for Bolivia, with Arica as a port, with adequate compensation to Chile and Peru was the right move but made in the wrong way. It was neither diplomatic nor fair to either of the two governments, because it failed to take into consideration the difficult

and delicate position in which they were placed with their own people."

Meantime negotiations were carried on secretly and no statements were made public by any of the members of the conference although it was reported that Chile had proposed to transfer Tacna to Peru, give a strip of territory leading out to the coast just north of Arica, and Chile to retain the balance of the territory. Peru was reported to have made the offer to give the southern end of the disputed territory to Chile, a strip to Bolivia as an outlet to the sea and Peru to retain the remainder of the territory, including Tacna and Arica.

With the publication of General Lassiter's report on June 14, 1926, all negotiations were suspended temporarily. Chile on June 18, 1926, served notice that she regarded all negotiations as ended. However, in a letter sent to her foreign representatives she indicated that a way was left open for a resumption of the efforts. Apparently the effect of General Lassiter's scathing report which placed all blame for the failure of the plebiscite on Chile was to awaken public opinion in Chile and the world at large. To the more intelligent Chilean statesmen it was apparent that the report had strengthened the case of Peru.

Although negotiations had been formally closed in June the press of North and South America was hopeful concerning the renewal of negotiations and of a settlement in the near future. No formal statements were made, but a number of circumstances pointed to a renewal of negotiations to settle the dispute. The Chilean Ambassador called on Secretary Kellogg and was accompanied by the Chilean expert on Tacna-Arica, Senor Claro. Secretary Kellogg also decided to remain in Washington during July and August while the Chilean officials in Santiago made frequent visits to the Bolivian legation. Two important announcements were made during July--a protest against General Lassiter's report by Chile and a declaration of gratitude to the United States from Peru. Chile declared not even President Coolidge himself as arbitrator could end the plebiscite. President Leguia in his message to the Peruvian Congress July 29 stated, "Peru's policy was a triumph tantamount to the recovery of the lost provinces of Tacna and Arica" (30).

During August the Chilean government received from her ambassador at Washington a proposal for the solution of the Tacna-Arica dispute. No announcements were made as to the source of the proposal but it was understood to include

the return of Tacna to Peru, Bolivia to receive a corridor to the sea and the remainder of the territory to go to Chile including the Arica-La Paz railroad. Bolivia's desire for an outlet to the sea had led to unofficial negotiations which had been carried on for sometime. However, a speech by Senor Guzman, President of the Bolivian Senate to the Bolivian Congress, was interpreted as a criticism of Chile. Chile at once broke off negotiations on August 19. This Bolivian incident while of no great importance indicates the state of tension in the countries concerned. Early in October negotiations were resumed by Chilean and Peruvian ambassadors with Secretary Kellogg in a new attempt to settle the question. While optimistic reports came from Washington, the situation in Chile was decidedly hostile to the United States.

Press dispatches stated on November 4 that the Peruvian minister at Washington had received a reply from his government concerning a rumored settlement; and soon thereafter that he had a conference with Secretary Kellogg. No announcements were given to the press concerning the meeting or the progress of settlement.

On November 30, Secretary Kellogg announced a new plan for the peaceful settlement of the dispute. This

proposal differed radically from the plebiscite method and involved the joining in mutual friendship of Chile and Peru and with no injury to the national pride of either. The text of Secretary Kellogg's plan contained the following specific proposals:

"(a) The Republics of Chile and Peru, either by joint or by several instruments freely and voluntarily executed, to cede to the Republic of Bolivia in perpetuity, all right, title and interest which either may have in the provinces of Tacna and Arica....subject to appropriate guarantees....without discrimination of the personal and property rights of the inhabitants of the provinces.

"(b) Provision to be made for adequate compensation to be given by the Republic of Bolivia....such compensation to be determined in direct negotiations participated in by the Republics of Chile, Peru and Bolivia....the Secretary of State will place at the disposal of the three governments his good offices if they are required.

"(c) Chile and Peru to agree in direct negotiation upon the equitable apportionment between them of any cash compensation....that the Secretary of State will place at their disposal his good offices....and that he will himself undertake to apportion the compensation if asked to do so

by both Chile and Peru.

"(d) The promontory known as the Morro of Arica....to be reserved from the transfer to Bolivia....with the suggestion there be erected on the Morro a monument to commemorate the friendly settlement of the Tacna-Arica question.

"(e) Suitable treaties of friendship to be entered into between Chile and Peru covering diplomatic and consular relations, commerce and navigation.

"(f) The territory now comprised in the provinces of Tacna and Arica to be perpetually demilitarized.

"(g) The City of Arica to be made forever a free port" (75).

Summarizing his plan Secretary Kellogg emphasized that it would furnish a substitute for the unfilled provisions of Article 3 of the Treaty of Ancon, that it was free from complicating factors, left no room for claims or territorial revisions, left the national honor and integrity of each nation intact and would from the continental viewpoint insure peace and stability.

Secretary Kellogg's proposal elicited keen interest both in United States and South America. A wide variety of opinions were to be heard or read on all sides. Accord-

ing to Collings (1927) some pronounced it "a diplomatic bombshell", another "an unprejudiced and commendable proposal". "South American papers characterized it as 'ideal', 'practical', 'commendable', 'abysmal failure', and a 'blundering formula'."

In Bolivia the proposal met instantly with favor and acceptance of the conditions was made by Bolivia within forty-eight hours. On December 4, 1926, Chile notified Secretary Kellogg of the acceptance "in principle" of the proposal. On December 3, 1926, Secretary Kellogg announced the receipt of a memorandum from the Peruvian Ambassador reading as follows: "The government of Peru, in order to be in a better position to make a decision, and as the necessary clarification of the memorandum presented by his Excellency, the Secretary of State, November 30, last, desire to know if...the proposed transfer of the inhabitants of Tacna-Arica is to be made without consulting their own wishes...what forms will be employed...and what authorities would discharge its execution" (53).

In reply to the Peruvian note of December 3, 1926, Secretary Kellogg stated on December 11, 1926, that paragraph (a) of his note of November 30, 1926, provided appropriate guarantees were to be made by the nations concerned.

The Peruvian note had reference of course to the ill fated plebiscite and was an opportunity the Peruvian government could not resist.

An intimation that Peru would not accept the Kellogg proposal of November 30, 1926, was seen in a New Year's message of President Leguia published in La Nacion of Buenos Aires which stated, "I hope that this year of 1927 will bring the so much desired solution, although it appears yet very far away" (33). The definitive reply of Peru which was received by Secretary Kellogg January 12, 1927, rejected the proposal of transfer and cited the following reasons: "Tacna and Arica had always been an integral part of Peruvian territory...and cannot be transferred...without impairing national honor.

"Peru cannot convert...rights over said territories... into merchandise subject to a price however large it may be. That as the plebiscite has not been held...these territories have reassumed their status as provinces free from all foreign domination and...that they continue to be Peruvian provinces" (76).

The reply further stated that Peru was willing to consider a corridor for Bolivia but that she would want to keep Tacna province and the town and Morro of Arica. The

reply also stated that there was no intention of obstructing any other solution of the question.

While both nations now had rejected the proposal in whole, or in part, it can be seen that each was willing to consider certain parts favorably. The Chilean reply had accepted the proposal "in principle", but Chile was also in possession of the territory and would have no objection to indefinite discussions of the matter. The Chilean reply emphasized one point that showed it to be the heart of the situation for her namely, the necessity of demilitarizing Tacna-Arica. It could now be seen that in reality the question for Chile was not Tacna-Arica but a safe, fixed northern frontier. With the rejection of Secretary Kelllogg's proposal the question was dropped and events drifted with little or no actual effort being made toward settlement for nearly two years.

In the meantime, however, important events were taking place in the countries concerned. It will be well to consider several other factors which were now to enter into the problem and which undoubtedly aided or brought about an early settlement of the question. In Chile during 1926 the government was having severe domestic as well as foreign difficulties. That these domestic problems were of a

serious nature can be seen in the following article by Collings (1926): "Following the press battle between Senor Ibanez, Minister of War, and Senor Somarriva, Minister of Finance in which the former criticized the extravagance of the Finance Department, a cabinet meeting was called by President Figueroa on August 17, 1926. Only three Cabinet officers attended--the Ministers of War, Education and Foreign Affairs.

"Financial difficulties threaten to overshadow the Tacna-Arica question. Chilean prosperity has been built up on the nitrate fields. The country has reaped little direct profit from the sale of nitrates, since the mines are financed by foreign capital to the extent of 75 to 80 per cent. The national treasury has benefited, however, from the export tax on nitrates which has constituted the main source of state revenue. Synthetic nitrates are now manufactured to sell in Europe and the United States at prices lower than the Chilean product. In consequence, the export of nitrates from Chile fell from 21,000,000 quintals in 1923 to 13,000,000 quintals in 1925. Largely for this reason a national deficit has accumulated since 1924. It has become evident that Chilean nitrates cannot hold their place in the world market unless the price is

reduced, which reduction may take the form of a lower export tax."

Again Collings (1927) states that: "More disturbing than finances in Chile is the growing number of unemployed in the nitrate industry. The demand for nitrate has been slack and many plants have closed down entirely and discharged their workmen.----Reduction in the Chilean export of nitrate has decreased custom receipts, increased taxation to make up the deficit in revenues, and compelled the expenditure of considerable sums in doles and public works to aid the unemployed."

It is to be noticed that any attempt on the part of government officials to increase revenues by higher taxes instantly met with disfavor and the overthrow of the cabinet or resignation of the president. In 1925 President Alessandri was forced to resign and President Figueroa was inaugurated December 23, 1925. Attempts to lower the export tax or otherwise increase revenues led to seizure of the reins of government by General Ibanez on February 9, 1927, and the formation of a new cabinet with Ibanez at its head. Ibanez seized power on the pretext that communism was gaining the ascendancy in Chile and it was necessary to check it. In his first official declaration he

stated he would not tolerate communistic doctrines in Chile.

Meantime political events were taking place. Senor Cruchaga, Chilean Ambassador to the United States, resigned under circumstances which indicated a disagreement with his government on the Tacna-Arica question although he was promptly requested to retain his post. Press attacks were made on Ambassador Collier of United States at Santiago claiming he was partial to Peru. He was succeeded by Ambassador Culbertson. In Lima, Peru, United States Ambassador Poindexter was followed by Ambassador Moore. In 1928, Peru amended her constitution so as to allow President Leguia another term.

General Ibanez of Chile had not been in office long when a new Chilean policy for Tacna-Arica was announced. This new policy as quoted by Collings (1927) provided that:

"1. It is the firm resolution of the government to maintain in complete integrity its intention of arriving at the most complete and definite nationalization of the province.

"2. Severe and scrupulous order must be the rule in the public administration...to make Chilean administration

efficient and respected.

"3. Careful attention must be bestowed on all natives...who have manifested...their adhesion to Chile.

"4. Foreigners who make propaganda against the national interests and against the integrity of our territory will be visited with all the rigor of the law.

"5. Every assistance must be given to Peruvians who dedicate their activities to work and who respect the established order....

"6. Fundamental importance must be attributed to public instruction...that its organization shall be patriotic in character.

"7. In difficulties that may arise between employers and employed, liberty of work must be guaranteed above all....

"8. In cases where the strikes or lockouts may prejudice communications with Bolivia, which are fully guaranteed by the treaty of 1904, the stipulations of that solemn treaty must be carried into effect, if necessary, with the assistance of the army, the navy, the carabinceros and the police."

Peru immediately called the attention of the United States government to this order for Chileanization of the

provinces. It is to be recalled that General Lassitor's motion for the abandonment of the plebiscite left the provinces, "subject to the authority and laws of Chile." Peru pointed out to Secretary Kellogg that there was a difference between administering and nationalizing the territory in dispute.

Apparently under these circumstances there was no hope for a settlement either by plebiscite or by negotiations. Throughout the year 1927, there was no evidence on the part of either Chile or Peru to make concessions leading to a resumption of negotiations. Secretary Kellogg's effort had revealed, however, that some concessions were possible. It was certain that the question could not remain open indefinitely. Conditions in the world showed that it was not an easy matter for one nation to make war on another. Following so closely on the World War of 1914-1918, public opinion throughout the world was opposed to war and again, the World War had showed that modern warfare was enormously expensive. With the decline in importance of natural nitrates Chile might find it hardly worth while to go to war again over Tacna-Arica. Peru potentially is a much stronger country than Chile and with the great economic development which Peru was undergoing

Chile might find that a race for armaments would end greatly favorable to Peru.

Another factor was involved also which was assuming great importance. This was commerce between the two countries. Diplomatic relations had been broken off in 1912 and as a result millions of dollars had been lost by having no diplomatic relations. In a note to Secretary Kellogg the Chilean minister, Gallardo, estimated the commercial losses to both countries to be five hundred million pesos during the preceding ten years.

FINAL SETTLEMENT BY DIRECT NEGOTIATION

During the early part of 1923, some evidences began to appear that a more friendly attitude existed between Chile and Peru. High Peruvian officials expressed themselves as favoring a direct settlement. The Chilean newspapers talked of possible formulas for settlement. Then suddenly came Secretary Kellogg's announcement in the latter part of July 1923 that diplomatic relations had been reestablished between Chile and Peru after a lapse of nearly twenty years. This event was hailed as a great diplomatic victory for United States and Secretary Kellogg. That the American Press regarded it as the forerunner to a final settlement of the Tacna-Arica dispute can be seen in the following editorial: "With a Chilean Embassy reestablished at Lima, and a Peruvian embassy reestablished at Santiago, a settlement of the dispute over Tacna-Arica ought to be possible. The end, through arbitration, of another dispute with Columbia has brought to Peru an area worth many times as much as Tacna-Arica, and it can afford to be magnanimous....It will be crowning achievement of his administration...to see the Republics

of Chile and Peru in friendly accord...the present success of Secretary Kellogg redeems--in part, at least--the previous failure of the administration" (17).

In September 1928, Dr. Cesar Elguera was received at Santiago as Peruvian ambassador and in October 1928, Ambassador Figueroa Larraili from Chile was received by President Leguia of Peru. A leading Chilean paper in Santiago states, "The American suggestion to Chile and Peru to try a direct settlement of the problem in order to promote the future well being of the two countries has found a hearty welcome in Chile, and we do not doubt it will be received in the same spirit also in Peru. Though the problem belongs exclusively to our two countries it is undoubtedly gratifying to our peoples to see that the entire American continent is interested in the resumption of diplomatic relation" (18).

The same article quotes the El Comercio of Lima saying: "Peru gives a new proof of its pacific policies in accepting the suggestion advanced by the arbitrator... Peru hopes that Chile will reciprocate with the same sincerity and lofty purposes in order to reach a solution harmonious as well as just....Times have changed....Let us, then, welcome the resumption of relations and welcome

also the Ambassador of Chile if he brings with him, as the American continent and ourselves hope, peace and justice" (18).

In November 1923, Herbert Hoover was elected President of the United States. Shortly after his election he made a tour of South America going down the west coast to Chile then across to Argentina and up the eastern coast. His visit was marked by great demonstrations of friendship especially in Chile and Peru. He stated that his visit was solely for the purpose of promoting unity and friendship between the Latin-American nations and the United States. About this same time Pan-American airway service was opened between South America and the United States. Although the Tacna-Arica was not a subject of discussion between President-elect Hoover and Latin-American officials yet his friendly visit and the opening of the airway service served to bring the Latin-American nations much closer to the United States and to each other. When President-elect Hoover took office March 4, 1929, it seemed as if the Tacna-Arica problem was going to lapse indefinitely. President Coolidge had made no announcement concerning its disposition nor had any come from the Plebiscite Commission. Apparently the more recent nego-

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tiations were going to end, as had all former efforts, in failure.

Early in May 1929, there were rumors that a group of engineers were making examination of harbors along the coast of Tacna-Arica. Although unannounced publicly negotiations had been proceeding directly between Chile and Peru looking toward a direct settlement ever since the resumption of diplomatic relation in July, 1928. These had been carried on with the knowledge of Secretary Kellogg and Secretary Stimson who succeeded him.

On May 14, 1929, President Hoover made a proposal to the government of Chile and Peru that: "Having been informed of the cordial progress of the negotiations between the governments of Chile and Peru with reference to the direct agreements reached on nearly all the questions involved in the solution of the problem of Tacna-Arica... the President of the United States, summarizing the points agreed upon, proposes to the two governments, in the exercise of good offices, as the final bases of a solution, the following stipulations-

"First--The territory will be divided into two parts-- Tacna for Peru and Arica for Chile. The dividing line shall start at a point which shall be designated with the

name "Concordia" situated ten kilometers to the north of the bridge over the river Lluta and shall continue parallel to the Arica-La Paz Railroad, following, as far as possible, the topographic features which may make easier the demarcation of the line.

"Second--The government of Chile will grant to the government of Peru within 1,575 meters of the Bay of Arica a wharf, a custom house and a station for the railroad from Tacna to Arica, where Peru shall enjoy independence, within the most ample free port. All the afore mentioned works shall be constructed by the government of Chile.

"Third--The government of Chile will deliver to the government of Peru the sum of \$6,000,000.

"Fourth--The government of Chile will deliver without cost of any kind to Peru all the public works already constructed, together with all government owned real property, in the Department of Tacna.

"Fifth--The government of Chile will maintain in the Department of Arica the franchise granted by the government of Peru in the year 1852 to the Arica-Tacna Railroad Company.

"Sixth--The government of Chile shall proceed to deliver the Department of Tacna thirty days after the ex-

change of ratifications of the treaty.

"Seventh--The governments of Chile and Peru will respect private right legally acquired in the territories that remain under their respective sovereignties.

"Eighth--The governments of Chile and Peru, in order to commemorate the consolidation of their friendly relations agree to erect on the Morro de Arica a monument, the design of which shall be the subject of agreement between the parties.

"Ninth--The children of Peruvian nationals born in Arica shall be considered as Peruvians until they attain the age of twenty-one years, at which age they shall have the right to elect their definitive nationality; and the children of Chileans born in Tacna shall enjoy the same right.

"Tenth--Chile and Peru will reciprocally release any obligation, engagement or indebtedness between the two countries, whether derived or not from the Treaty of Ancon" (95).

On May 15, 1929, the government of Chile replied it had decided to accept the President's proposal and on May 16 Peru notified President Hoover of her acceptance of each and everyone of the proposals for settlement. Peru further

stated that with the acceptance of the proposal by both parties she would consider the question absolutely and finally settled.

On May 17, 1929, President Hoover issued the following statement in Washington: "The President is happy to be able to announce an agreement between the governments of Chile and Peru relative to the nearly half-century-old question of Tacna-Arica...diplomatic relations were renewed...last September at the suggestions of the Secretary of State and rapid progress toward a settlement satisfactory to both was made...when the President...visited Peru and Chile last December he was advised of the difficulty of the definite settlement and gladly consented to lend any proper assistance, upon assuming office...accordingly on May 14, the President, not as arbitrator but in the exercise of good offices at the request of both parties, transmitted...a proposal suggesting the final bases of settlement. This proposal...was immediately accepted by them" (43).

A treaty was drawn up between Peru and Chile and signed at Lima June 3, 1929. As drawn the treaty included every stipulation of President Hoover's proposals with a protocol having the following provisions:

"First Article--The Governments of Peru and Chile shall not, without previous accord between them, cede to a third power the whole or any part of the territories, which in conformity with the Treaty of this date, remain under their respective sovereignties, nor shall they, without this accord, construct across them, new international railway lines.

"Second Article--The port facilities, which the Treaty in its Fifth Article extends to Peru, shall consist in the most absolute free transit to persons, merchandise and armaments to Peruvian territory and from this across Chilean territory----.

"Third Article--The Morro of Arica shall be disarmed and the government of Chile shall construct at its own cost the monument agreed upon in the Eleventh Article of the Treaty.

"The present Protocol shall form an integral part of the Treaty of this date and, in consequence, shall be ratified and the ratifications exchanged in Santiago as soon as possible" (41).

The Treaty with the Protocol was approved by large majorities in the Congresses of both Peru and Chile and final ratifications were exchanged in Santiago July 23,

1929. Thus was brought to an end peacefully, and with added prestige to the United States, a dispute of forty-five years standing. That the settlement was well received in both Chile and Peru is evidenced by the large majorities in both Congresses for the treaty and by the fact that no unfavorable incidents occurred where Chilean troops and authority were withdrawn from Tacna.

In foreign countries, with the exception of Bolivia, the settlement was applauded. Concerning the Bolivian attitude and settlement Dennis (1931) says: "Legally and obviously Bolivia's claims may be passed over. The settlement between Chile and Peru is very good; it is, indeed, a commendable piece of work. Peru has recovered Tacna which contained the major portion of her former citizens. Chile has Arica where the population brought there for government and railroad work is largely Chilean. Peru has discharged her duty toward her lost citizens, and Chile by this treaty is relieved of anxiety over her northern frontier. The old Gordian knot has been cut and friendly and commercial relations resumed. South America has been purged of the need for balances of powers and other menacing spectres."

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