

Latin America: Territorial and Boundary Disputes

The conflict between Argentina and the United Kingdom over the Falkland Islands has focused world attention on international territorial disputes, especially those in Latin America. Many countries in Central and South America are at odds with each other over their international boundaries, most of which are legacies of colonial times. Some of the disputes are dormant, but others—particularly those between Ecuador and Peru and between Argentina and Chile—are the source of continuing sharp protests and even sporadic open conflict.

El Salvador-Honduras. Although agreements in the 19th century established most of the boundary between El Salvador and Honduras, no treaty delimited the entire boundary. Disputes have been common along the frontier, especially in the east. Any loss of land would affect densely populated El Salvador more adversely than sparsely populated Honduras.

Incidents between the two countries became intense in the late 1960s, culminating in a full-scale war in 1969, with Salvadoran troops penetrating 25 kilometers into Honduras. Both sides agreed in 1970 to a demilitarized zone on both sides of the border, and in 1976 a peace protocol to settle the dispute was signed.

The legal principle of *uti possidetis* (retaining possession), by which the Spanish colonial boundaries existing at the time of independence are recognized as the boundaries of the nation-states that emerged in Latin America in the mid-1820s, has in many cases not proven useful. Difficulties arise where other colonial powers did not recognize Spanish claims or where the language relating to boundaries in old documents is unclear and open to differing interpretations. Problems also result from attempts by coastal states to extend their maritime boundaries and from conflicting claims to offshore islands, interest in which has increased because they are the key to claims on ocean resources. The irredentist drive to regain territory lost in past wars is another factor keeping many disputes alive in Latin America. This paper reviews some of the major boundary and territorial problems that continue to plague the region.

In October 1980 agreement was reached on a general peace treaty that called for demarcation of two-thirds of the boundary and set up a commission to work toward resolving the undemarcated segments. The agreement is designed to achieve a solution in areas being exploited by leftist insurgents for training and infiltration. Although coordination has for some time been carried out regularly between Honduran and Salvadoran military units along the border, not until recently have there been significant joint operations against the insurgents. In June 1982 the presidents of the two countries met in Honduras and called for a bilateral settlement and demarcation of the boundary.

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Belize-Guatemala. Guatemala alleges that nonfulfillment by the British of certain portions of a 19th-century boundary treaty gives Guatemala, as inheritor of Spanish rights in the area, sovereignty over Belize. On the other hand, Belize (known as British Honduras before 1973 and independent from Britain since September 1981) holds that its present boundaries were fixed by the treaty of 1859 and that its territorial integrity and sovereignty have never been linked to meeting any requirements stipulated by Guatemala.

Neither a diplomatic resolution of the dispute nor a decisive military action is likely to take place in the near term. Although Guatemala's military forces have at times made threatening moves in the border region, they are now mostly occupied with suppressing leftist insurgents at home and are unlikely to take military action against Belize until internal problems are settled.

The territory comprising present-day Belize was largely ignored by early Spanish colonists. Only sparsely inhabited by Indians, it was settled by British subjects who were granted rights by Spain to cut logwood. Belize came to be regarded as a British settlement in territory under Spanish sovereignty. In the early 1800s, as Spain gave up control of Central America, the British expanded their activities and influence into most parts of what is now Belizean territory and exercised de facto sovereignty.

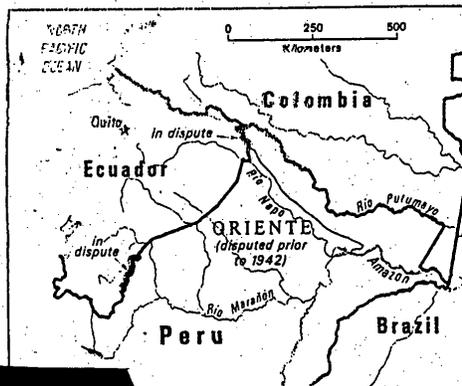
In 1859 Britain and independent Guatemala signed a treaty that delimited the present boundary between Guatemala and Belize. This treaty contained an article calling for a route to be established by Britain and Guatemala from Guatemala City to the Caribbean "near the settlement of Belize." Guatemala, declaring that Britain had reneged on the route-building article, abrogated the entire treaty in 1939 and claimed sovereignty over the area as part of the former Spanish colonial Captaincy General of Guatemala.

The dispute remained mostly dormant until the 1970s when the British became increasingly anxious to grant independence to Belize but only if an agreement could be worked out with Guatemala.

Continuing negotiations finally resulted in the Heads of Agreement of March 1981—signed by Guatemala, Great Britain, and Belize (as a self-governing colony). This agreement only outlined issues to be brought up in future discussions, but rioting broke out in Belize.

In September 1981 Belize gained its independence with no agreement having been reached with Guatemala.

1820s, Ecuador and Peru have been embroiled in a continuing boundary dispute over Ecuadorean access to the Amazon. The dispute, centered on territory in the Upper Amazon basin, has caused numerous significant armed clashes in the past. There are actually two undemarcated segments in dispute: one is at Peru's extreme northern boundary and the second near the southern border of Ecuador. These are part of a much larger area which was disputed prior to 1942—the so-called Oriente.



The origins of the controversy may be traced to vague or incorrect descriptions of boundaries in Spanish colonial documents. This disagreement was a factor leading to war between Gran Colombia (a federation of Colombia, Venezuela, and Ecuador) and Peru in 1829, in which Gran Colombia gained the upper hand. Peru was prepared at the end of hostilities to surrender the territory north of the Rio Marañon, but before the details could be worked out Ecuador split off from Gran Colombia, and the balance of power tilted in favor of Peru.

The issue finally came to a head in July 1941 when a small-scale war broke out along the border after Peru occupied and administered territory long claimed by Ecuador. Peace was restored on 29 January 1942 with the signing of the Protocol of Peace, Friendship, and Boundaries in Rio de Janeiro. This treaty was guaranteed by the United States, Argentina, Brazil, and Chile and became known as the Rio Protocol of 1942.

A series of Ecuadorean governments have pointed out that the Protocol was based on inaccurate geographic information, which makes it impossible to delimit the boundary as called for in the Protocol. They have called for its revision to give Ecuador a corridor to the Rio Marañon, a main tributary of the Amazon. In 1960 Ecuadorean President Ibarra declared that the Rio Protocol was not binding on the grounds that it was signed under duress.

In the last few years, border violations have raised tensions. In January 1981 a conflict broke out after the discovery that Ecuadorean troops were occupying outposts in the disputed territory. Peru regained the land and an uneasy truce has been maintained.

Although the dispute is now quiet, it could be revived over a border incident or because either country's



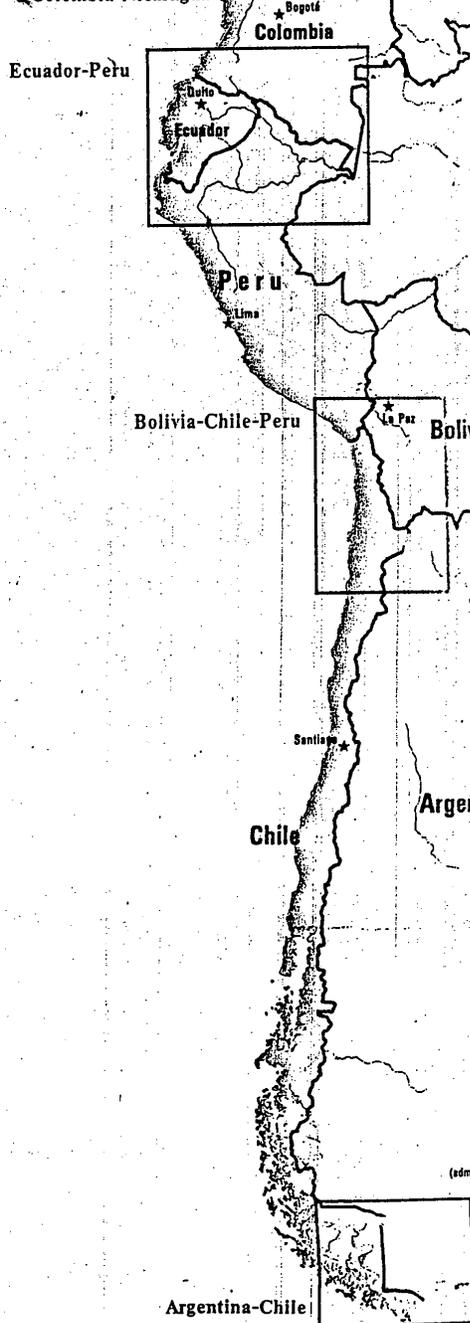
leaders wanted to divert attention away from domestic problems. A step toward improved relations would be the conclusion of the treaty of commerce and navigation called for in the Rio Protocol.

Colombia-Venezuela. The dispute between Colombia and Venezuela over jurisdiction in the Gulf of Venezuela has existed for almost 150 years; in October 1980 agreement was reached on a draft treaty, but it has not yet been ratified by either country.



Both states share a land boundary on the peninsula west of the Gulf of Venezuela. Small Venezuelan islands, Los Monjes, are located approximately 30 kilometers northeast of the peninsula where the Gulf meets the Caribbean. Venezuela has maintained that the Gulf of Venezuela, with its valuable deposits of oil, is Venezuelan internal waters and that the treaty should reflect that fact. Colombia has argued for the application of an equidistant line ignoring Los Monjes in its calculations.

In the draft treaty released by and commented on by the foreign ministers of both countries, both Colombia and Venezuela compromised on their claims. The draft treaty is acceptable to the Colombian public but could not be sold to the Venezuelan nationalists and military. The Venezuelan President, will likely seek to shelve the dispute for the remainder of his term in office, which expires in December 1983.



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Bolivia-Chile-Peru. This dispute centers on the desire of landlocked Bolivia to gain the sovereign outlet to the sea that it once enjoyed. When Bolivia gained independence from Spain in 1825, it laid claim to an area from the Andes westward to the Pacific. After valuable deposits of nitrates were discovered in the region, discussions were held between Bolivia and Chile in 1866 that led to a boundary settlement and a sharing of the mining revenues. In 1879 Chile protested Bolivia's taxation of a Chilean nitrate company. When Bolivia confiscated the company, Chile declared war on Bolivia and also on Peru, which had sided with Bolivia.

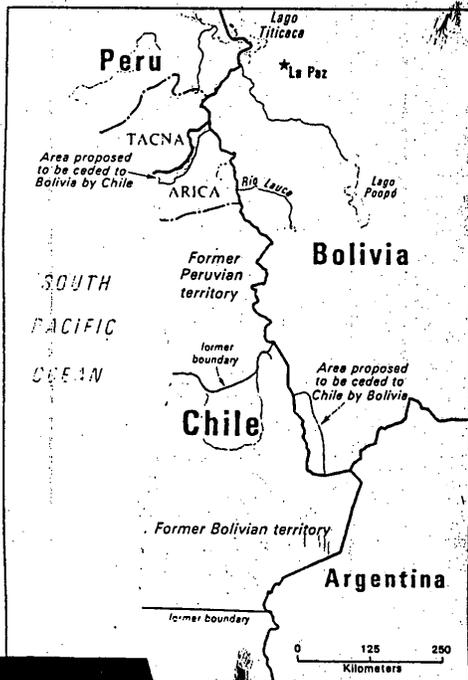
an agreement was signed dividing the disputed territory of Tacna and Arica, the former Peruvian provinces, between Chile and Peru. A protocol of the treaty enjoined either party from ceding territory to a third country without the consent of the other. Thus Bolivia became the real loser.

In the mid-1970s Chile considered granting Bolivia a corridor on the Chilean side of the present Chile-Peru border, in territory lost by Peru in the War of the Pacific, in exchange for land elsewhere. Peru countered with a proposal for tripartite control of the most seaward portion of the corridor, which Chile rejected.

Bolivia repudiates the notion that the 1904 Treaty is valid "in perpetuity," arguing that it was imposed by force after an unjust war. All recent Bolivian presidents have strongly reaffirmed this stance.

Santiago has publicly stated that the 1904 Treaty resolved once and for all the frontier between Bolivia and Chile. Some support exists in Chile for granting Bolivia access to the sea under conditions favorable to Chile. Chileans are, however, an intensely nationalistic people, and we believe an issue as important as the cession of territory without the overwhelming consent of the population would be impossible.

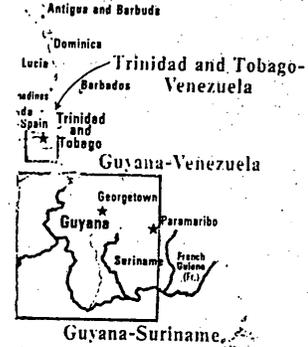
Bolivian public opinion, as reflected in the La Paz media, is strongly opposed to the idea of a territorial swap.



By the Treaty of 1904, ending the War of the Pacific, Bolivia lost its coastal territory to Chile and Peru lost some territory permanently and was forced to cede two southern provinces to Chile for 10 years, after which a plebiscite was to be held to determine final possession. The plebiscite was never held, but in 1929

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United States and Colombia exchanged notes, each side recognizing the existence of the other's claims. Also in 1928 Colombia and Nicaragua signed a separate treaty by which Nicaragua yielded sovereignty of the cays to Colombia. Finally, in the 1960s undersea petroleum exploration resulted in renewed interest in the region and claims by both Colombia and Nicaragua, the latter basing its rights on the assertion that the cays are part of its continental shelf.



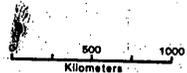
In 1972 the United States negotiated a treaty with Colombia offering to drop the US claims. Colombia maintained that its maritime domain in the San Andrés Archipelago, which it has administered since 1928, included the disputed cays. The 1972 treaty with Colombia was not ratified by the US Senate until 1981.

In 1980 the new Nicaraguan Government, according to Nicaraguan press accounts, rejected the 1928 boundary treaty between Colombia and Nicaragua.

Nicaragua has used its claim to bolster domestic support by appealing to nationalistic emotions.

Any negotiations between Colombia and Nicaragua to solve the dispute seem unlikely because Colombia does not acknowledge the existence of a problem. While both sides may express a willingness to talk, neither would be willing or able to grant publicly any concessions, especially concerning Colombia's sovereignty over San Andrés and Providencia.

The Falklands
Falkland Islands
(Islas Malvinas)
administered by U.K., claimed by Argentina



Boundary representation is not necessarily authoritative.

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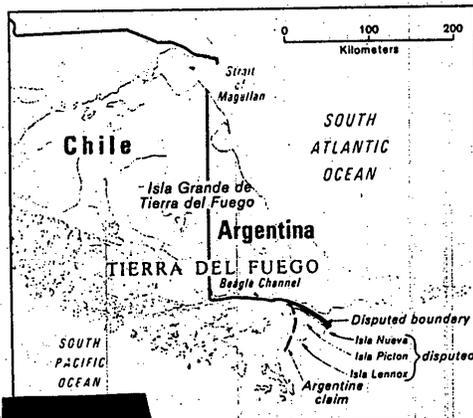
The Falklands. Long governed and populated by the British, the Falklands are claimed by Argentina, which sees itself as the inheritor of early Spanish claims to what it calls Las Islas Malvinas. Argentina maintains that 15th century papal bulls gave Spain sovereignty of the islands, that Argentina had occupied and governed them, and that geologically they are part of Argentina's continental shelf. The British, who visited the islands as early as 1592, recognize neither the former Spanish nor the current Argentine claims to the Falklands. They evicted the Argentines in 1833 and have continuously governed them as a colony ever since.

Interest in the Falklands increased with speculation about offshore oil and because of their strategic position near South Atlantic shipping lanes. Sovereignty over the islands will also have a bearing on territorial claims in the Antarctic.

Colombia-Nicaragua. At issue between Colombia and Nicaragua is sovereignty over a number of cays and small islands in the Caribbean. They are located between 225 and 240 kilometers from the Nicaraguan mainland and 600 and 750 kilometers from Colombia.

In the late 19th century, the disputed cays—largest of which are Quita Sueno, Roncador, and Serrana—were declared appurtenant to the United States under provisions of the Guano Islands Act of 1856. In 1890, Colombia claimed them, asserting that it alone had inherited sovereign title from Spain. In 1928 the

Argentina-Chile. The longstanding dispute between Argentina and Chile over territorial rights in and around Tierra del Fuego's Beagle Channel has its roots in national pride but also involves strategic control over transportation lanes, conflicting claims in the Antarctic, maritime fishing and seabed rights, and possible offshore petroleum resources.



The archipelago of Tierra del Fuego comprises numerous islands south of the Strait of Magellan at the southern tip of South America. Historically, Argentina has claimed all Atlantic waters in, around, and south of the Beagle Channel while recognizing that Chile is sovereign in the South Pacific.

A 1881 treaty stipulated that the boundary in the region should run north-south through Tierra del Fuego, dividing Isla Grande into two parts, with Argentina getting the eastern part and Chile the western part. All islands south of the Beagle Channel were to go to Chile.

Differing interpretations of the 1881 treaty soon emerged. Chile, maintaining that the eastern portion

of the Beagle Channel extends to the east of the small islands of Picton, Lennox, and Nueva, claimed them as part of its territory. Argentina, on the other hand, holding that the eastern portion of the Channel actually lies to the west of the islands, claimed them as its own. A General Treaty of Arbitration was signed by Chile and Argentina in 1902, but further efforts to resolve the Beagle Channel issue failed repeatedly. [REDACTED]

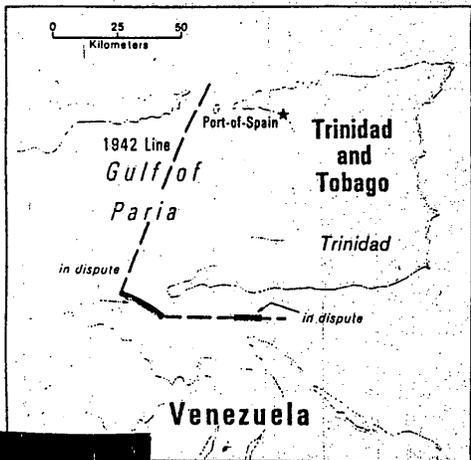
In 1971 Chile and Argentina agreed on a compromise calling for an arbitration panel composed of five members of the International Court of Justice to decide the matter of sovereignty over the disputed islands. The panel awarded the islands to Chile in 1977; Argentina's rejection of the decision brought Argentina and Chile to the brink of war in late 1978. [REDACTED]

In January 1979 the states submitted the dispute to the Vatican for mediation. Pope John Paul II's proposals, leaked to the Argentine press early last year, specified that the islands belonged to Chile. [REDACTED]

There are no signs that either side is prepared to modify its claims significantly. Chile's strong legal case and national pride, buttressed by the papal proposals, makes it unlikely to relinquish ownership of the islands. [REDACTED]

Trinidad and Tobago-Venezuela. Maritime boundary claims affecting fishing rights and oil and gas exploitation are involved in a dispute between Trinidad and Tobago on one side and Venezuela on the other.

Representatives of the two countries have been negotiating regularly in recent years, and in 1980 agreement was reached on a draft treaty.



Trinidad and Tobago and Venezuela concluded a continental shelf boundary agreement in the Gulf of Paria in 1942.

In May of this year articles appeared in the Venezuelan press alleging that Trinidad and Tobago oil and gas exploration has taken place along Venezuela's continental shelf.

Guyana-Suriname. The southern portion of the boundary between Guyana and Suriname is disputed. Although the issue is currently dormant, Suriname has in the past contended that a wedge-shaped piece of land in southeastern Guyana belongs to Suriname.

In 1799 the local governors agreed that the Courantyne River formed the dividing line between their respective territories, but problems arose from the fact that the Courantyne does not flow the entire length of the border. Guyana, following British precedents, claims the Kutari River is the main headwater of the Courantyne River and the present boundary is correct. Suriname, on the other hand, maintains that the New River, to the west of the present boundary, is the principal affluent of the Courantyne River and should be the boundary. Negotiations on the boundary have stalled because of more pressing domestic matters and because of Guyana's cooperation with the



Guyana-Venezuela. Guyana and Venezuela have long disputed ownership of that portion of present-day Guyana lying west of the Essequibo River—some five-eighths of Guyana's total territory. An international tribunal in 1899 awarded the region to what was then called British Guiana, but Venezuela declared that award null and void in 1962. After arguing for the rest of the decade, in 1970 Venezuela and the now-independent Guyana signed a protocol that called for a 12-year period during which each side would desist from pressing claims.

The dispute had its origin in the conflicting Spanish and Dutch claims in the 17th century. The following century saw recognition of the Dutch claims by the Spanish although their extent was unclear. The region was ceded by the Dutch to Great Britain in 1814, but again no boundary was delimited between British and Spanish holdings. Venezuela, gaining its independence from Spain in 1821 and separating from Gran Colombia in 1830, inherited the poorly defined Spanish claims.

In 1841 Robert Schomburgk, a Prussian explorer, was commissioned by the British Government to undertake a boundary survey in British Guiana. Venezuela objected to the resulting boundary, known as the Schomburgk Line, and responded by claiming all the territory west of the Essequibo River. The United States was drawn into the affair in the late 1800s and sided with Venezuela against the British, even invoking the Monroe Doctrine.

The Arbitration Treaty of 1897 called for a panel of two British and two American judges plus a fifth and presumably impartial jurist chosen by the first four. An eminent Russian writer on international law was selected. The resulting Arbitration Award of 1899 ruled that the boundary be a slight modification of the original Schomburgk Line, thereby giving Britain 90 percent of the disputed region. In 1962 Venezuela declared the 1899 Arbitration Award invalid, claiming that the Russian judge had struck a deal favoring the Schomburgk Line in exchange for British agreement to certain Russian demands in Asia.

The Geneva Accord of 1966 provided the diplomatic framework for the Port-of-Spain Protocol of 1970. The Protocol called for a 12-year freeze, during which the two sides were to negotiate a solution. When Venezuela refused to review the Protocol, it lapsed on 18 June 1982. The next step, as set out in the Geneva Accord, is that if within three months of the expiration of the Protocol the two governments have not reached agreement on the means of settlement, they will refer the choice either to an international organ or the UN Secretary General.

Guyana's position in international forums generally has been considered stronger than Venezuela's, and most countries, including the United States, have expressed support for a peaceful settlement. The dispute, however, is likely to be a major political issue in the forthcoming Venezuelan election campaign. It will probably generate considerable national rhetoric, but it is not expected to reach the level of armed conflict. At least for the near term, therefore, we judge that Venezuela will proceed with efforts to achieve a peaceful settlement of the dispute.

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