Chile Project (#S199900030)
U.S. Department of State
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n.d.

LC069

Q'S AND A'S
FOR COMMISSIONERS

A1] WHAT WILL BE THE CHILEAN REACTION TO THIS?

Q2] WE DON'T KNOW. WE WILL KEEP YOU INFORMED.

Q2] WHAT WILL HAPPEN IF BASTID OR THE OTHERS DO NOT WANT TO PARTICIPATE? CAN CHILE REVOKE ITS APPOINTMENTS?

A2] IF BASTID DOES NOT WANT TO SERVE, OR IF CHILE WITHDRAWS ITS CONSENT TO HER SERVICE, THE U.S. AND CHILE HAVE 30 DAYS TO AGREE ON A NEW PRESIDENT; IF WE CANNOT AGREE ON AN APPOINTMENT WITHIN 30 DAYS, THE 1914 TREATY EMPOWERS THE PRESIDENT OF THE SWISS CONFEDERATION TO CHOOSE A PRESIDENT. IF THE 2 CHILEAN APPOINTMENTS STEP DOWN, OR IF CHILE WITHDRAWS THEIR APPOINTMENTS, CHILE IS OBLIGATED TO APPOINT 2 NEW MEMBERS.

Q3] WHAT IF CHILE REFUSES TO COOPERATE? WHAT IF THEY WITHDRAW LACHS' AND VARGAS' APPOINTMENTS AND REFUSE TO APPOINT NEW COMMISSIONERS?

A3] IF CHILE REFUSES TO COOPERATE, THE REMAINING COMMISSION MEMBERS WILL HAVE TO DECIDE HOW TO PROCEED. THAT IS, THE COMMISSION PRESIDENT, WHO COULD ULTIMATELY BE SELECTED BY THE SWISS PRESIDENT, AND THE TWO U.S. APPOINTEES WOULD HAVE TO MAKE A NUMBER OF KEY DETERMINATIONS. THE UNITED STATES BELIEVES THAT THE COMMISSION WOULD CONTINUE TO HAVE THE POWER TO INVESTIGATE AND REPORT ON THE DISPUTE EVEN IF CHILE REFUSES TO COOPERATE. CHILE'S FAILURE TO COOPERATE OR APPOINT REPLACEMENTS WOULD CONSTITUTE A BREACH OF ITS OBLIGATIONS UNDER THE 1914 TREATY.

Q4] HOW WOULD THE INVESTIGATION WORK? WHAT PROCEDURES WOULD BE FOLLOWED? WHAT WILL COMMISSION MEMBERS DO? WHAT ARE ALL THE MECHANICS?

A4] THE COMMISSION ITSELF IS EMPOWERED TO ESTABLISH ITS OWN PROCEDURES AND REGULATIONS. THE UNITED STATES WOULD HOPE THAT THE COMMISSION WOULD INTERVIEW WITNESSES, EXAMINE DOCUMENTARY EVIDENCE AND TAKE ALL OTHER STEPS THAT THE COMMISSION BELIEVES ARE NECESSARY TO FULLY INVESTIGATE THE ISSUES PRESENTED BY THIS DISPUTE. IT IS POSSIBLE THAT THE COMMISSION WILL WISH TO TAKE EVIDENCE IN BOTH CHILE AND THE UNITED STATES. THE U.S. HAS SUGGESTED THAT THE COMMISSION BASE ITS PROCEDURES ON THE RULES FOR INTERNATIONAL COMMISSIONS OF INQUIRY CONTAINED IN PART III OF THE HAGUE CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES OF OCTOBER 18, 1907. IN ADDITION TO CONDUCTING THE INVESTIGATION, THE COMMISSION IS REQUIRED BY THE 1914 TREATY TO PRODUCE A REPORT.

Q5] WHAT TYPE OF TIME COMMITMENT ARE YOU TALKING ABOUT? WILL THIS BE A FULL-TIME UNDERTAKING?

A5] THE COMMISSION IS REQUIRED TO COMPLETE ITS REPORT WITHIN ONE YEAR AFTER THE DATE ON WHICH IT DECLARES ITS INVESTIGATION TO HAVE BEGUN. THE AMOUNT OF TIME ACTUALLY SPENT ON THE INVESTIGATION WILL ULTIMATELY BE DETERMINED BY THE COMMISSION ITSELF; HOWEVER, THE EVIDENCE IN THIS CASE IS VOLUMINOUS, AND THE UNITED STATES HOPES THAT THE COMMISSION WILL EXPEND CONSIDERABLE EFFORTS IN ARRIVING AT ITS CONCLUSIONS. WHILE WE CANNOT PREDICT THE EXACT AMOUNT OF TIME REQUIRED, WE WOULD ASSUME THAT A SUBSTANTIAL AMOUNT OF TIME OVER THE NEXT 12 TO 16 MONTHS WOULD BE REQUIRED.

Q6] WHEN WILL THIS BEGIN?

A6] WE WOULD HOPE THAT MADAME BASTID, OR WHOEVER SERVES AS PRESIDENT, WOULD CONVENE A MEETING OF THE COMMISSION AS SOON AS POSSIBLE. THERE ARE OBVIOUS ADMINISTRATIVE AND PROCEDURAL ISSUES TO BE DEALT WITH. THE U.S. WOULD HOPE THAT THE COMMISSION WOULD BEGIN ITS INVESTIGATION SOON.

Q7] WHERE WILL THE COMMISSION MEET?

A7] THE COMMISSION ITSELF IS AUTHORIZED BY THE 1914 TREATY TO DETERMINE THE COUNTRY IN WHICH IT WILL SIT.

Q8] WILL THE COMMISSIONERS BE PAID?

A8] WE EXPECT THAT THE COMMISSIONERS WILL BE PAID FOR THEIR SERVICES. THE AMOUNT OF COMPENSATION WILL DEPEND UPON NEGOTIATIONS BETWEEN THE PARTIES AND THE COMMISSIONERS. THE PARTIES ARE TO DIVIDE EQUALLY THE COSTS OF THE INVESTIGATION. PRESUMABLY, IF CHILE CHOOSES NOT TO PARTICIPATE, THE UNITED STATES WILL ASSURE THAT THE COMMISSIONERS ARE COMPENSATED.

Q9] WHAT ARE THE U.S. GOVERNMENT'S OBJECTIVES IN INVOKING THE TREATY AND CONVOKING THE COMMISSION?

A9] THE UNITED STATES HAS REPEATEDLY STATED OVER THE PAST 12 YEARS THAT IT WILL NOT REST UNTIL THE INDIVIDUALS WHO DIRECTED AND PARTICIPATED IN THE ASSASSINATION OF LETELIER, AN ACT OF INTERNATIONAL TERRORISM, ARE BROUGHT TO JUSTICE. THE U.S. HOPES THAT THE WORK OF THE COMMISSION WILL FURTHER THIS IMPORTANT OBJECTIVE.

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Q10] WHY DID THE USG NOT CONSULT WITH THE CHILEAN GOVERNMENT BEFORE INVOKING THE TREATY?

A10] THE USG HAS SOUGHT THE COOPERATION OF THE CHILEAN GOVERNMENT REPEATEDLY TO NO AVAIL. AT THIS STAGE WE BELIEVED IT WOULD ADVANCE THE PURSUIT OF JUSTICE TO INVOKE THE TREATY WITHOUT FURTHER CONSULTATION.

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