

# Contents

<i>List of figures</i>	xi
<i>Abbreviations</i>	xiii
<b>Introduction</b>	1
<b>PART I</b>	
<b>The Santiago Declaration and connected treaties</b>	7
<i>A. Background</i>	7
<i>B. Overview: approach to treaty interpretation</i>	12
1. Literal meaning	12
2. Inadequate analysis of the Santiago Declaration	14
3. Disregard of context	15
(a) A note on context	16
(b) The standard clause in the Lima Agreements	18
4. Disregard of the practice of the parties	19
(a) The Accession Protocol	20
(b) Negotiations with Bolivia	21
<i>C. Object, purpose and context</i>	22
1. In general	22
2. The Santiago Declaration	22
3. The 1954 Lima Agreements	25
<i>D. Development of Paragraph IV</i>	27
1. Minutes of the Santiago Declaration	27
2. Minutes of the Complementary Convention	32
3. Minutes of the Agreement Relating to a Special Maritime Frontier Zone	34
4. A note on the Minutes	36
<i>E. The 1968–1969 Lighthouse Arrangements</i>	39
<i>F. Ordinary meaning and context</i>	40
<i>G. Final remarks</i>	43



**PART II****The tacit agreement**

- A. Reasoning and evidence* 45
  - 1. Inference versus legal interpretation 45
  - 2. Agreement or evolving understanding? 49
- B. Content of the Agreement* 53
  - 1. Nature of the boundary 53
  - 2. Extent of the lateral boundary 54
    - (a) Practice of the parties: hunting and fishing 56
      - i) *Small vessels* 57
      - ii) *Whale hunting* 58
      - iii) *Fishing activities* 60
- C. Contemporaneous law of the sea* 63
  - 1. Purpose of the inquiry 63
  - 2. State practice 64
  - 3. Role of the International Law Commission 65
    - (a) Delimitation proposals 66
    - (b) Breadth of the territorial sea 68
  - 4. Territorial sea and fisheries jurisdiction 70
    - (a) An ambiguous statement 70
    - (b) The six-plus-six formula 72
    - (c) The 1958 Fisheries Convention 74
  - 5. The 200 mile claim 76
    - (a) Validity and enforceability 76
    - (b) Protests, acceptance and acquiescence 81
    - (c) The claim endures 82
- D. Final remarks* 84
  - 1. Evidence 84
  - 2. Equity 85

**Conclusion**

- Annex 1: Declaration on the Maritime Zone (1952)* 91
- Annex 2: Complementary Convention to the Declaration of Sovereignty over the Maritime Zone of Two Hundred Miles (1954)* 93
- Annex 3: Agreement Relating to a Special Maritime Frontier Zone (1954)* 95
- Annex 4: Agreements between Chile, Ecuador and Peru concluded in 1952 and 1954* 97

**References**

- Cases* 99
- Official documents* 99
- Minutes* 100
- Books and articles in journals* 100
- Index* 107