INTERNATIONAL COURT OF JUSTICE

ARBITRAL AWARD OF 3 OCTOBER 1899

(GUYANA v. VENEZUELA)

Counter-Memorial of the Bolivarian Republic of Venezuela



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8 April 2024

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TREATIES AND AGREEMENTS

Annex 1

Treaty of Peace between Philip IV, King of Spain, and the United Provinces of the Low Countries, Munster, 30 January 1648.

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 476, pp. 4-21)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 474.

By order of their High Mightinesses the Lords the States General:
(Signed)
C. AERTSSEN.
(Having a seal of red wax and white silk cord.)

No. 475.

Extracts from Continuation of Charter of West India Company, July 4, 1647.

[Reprinted from Blue Book, No. 3, p. 56.]

* * * * * *

That having further considered the affairs and constitution of the West India Company of this country, and having also in mind the fact that the welfare of the inhabitants of the same is principally based upon the navigation, trade and commerce which from time immemorial have been carried on by this country and have gradually increased with other countries of Europe, Asia, Africa, and America:

* * * * * *

We, in the exercise of our discretion and authority, did, on the 22nd March last prolong and renew for the period of twenty-five consecutive years, commencing the 1st day of the month of January of this current year, 1647, the Charter of the aforesaid Company, dated the 3rd June, 1621, with amplification of the 10th June, 1622, together with that of the 13th February, 1623, and the Agreement of the 21st June, 1623.

No. 476.

TREATY OF MUNSTER.

A Treaty of Peace Between Philip IV., King of Spain, and the United Provinces of the Low Countries, Made at Munster the 30th of January, 1648.

In the name, and to the glory of God, be it known to all men, that after the long course of bloody wars, which have so many years afflicted the people, subjects, kingdoms and countries in the obedience of the Lords, the King of Spain, and the States General of the United Provinces of the Low Countries; the said Lords, the King and States being touched with Christian compassion, and desirous to put an end to the public calamities, and a stop to the deplorable consequences, incon-

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veniences, damages and dangers, which the farther continuance of the said war of the Low Countries might produce and draw after them, by extending even to other the most distant countries, states, lands and seas; and in order to change the pernicious effects thereof into those most desirable ones of a good and sincere pacification on both sides, and the sweet fruits of an entire and firm repose and quiet, for the comfort of the said people and states under their obedience, and the restitution of past damages, for the common good not only of the Low Countries, but even of all Christendom; praying and beseeching all other christian princes and potentates to suffer themselves to be prevailed upon by the grace of God, to have a compassion for, and aversion to the miseries, ruins, and disorders which this present scourge of war has made us feel so long and so severely: In order to obtain so good an end, and so desirable an issue thereof, the said Lords, the King of Spain, Don Philip IV. and the States General of the said United provinces of the Low Countries, have constituted and appointed, viz. the said King has deputed, &c., don Gasper de Braccamonte and de Guzman, Count of Penaranda, Segnor of Aldea Seca la Fontera, Knight of the order of Alcantara, perpetual administrator of the commandry of Daymiel, of the order of Calatrava, gentleman of his Majesty's bedchamber, Ambassador Extraordinary to his Imperial Majesty, and first Plenipotentiary for the treaty of a general peace, and Messire Anthony Burn, Knight of his Catholic Majesty's council of state, and supreme counsellor of the affairs of the Low Countries, and of Burgundy, and his Plenipotentiary at the treaty of a general peace. And the said Lords the States of the United Provinces of the Low Countries have appointed and deputed the Sieur Baltot de Gent, Lord of Loenen, and Meynerswick, Seneschal and Diikgrave of Bommel, Tieler and Bommeler-Weerden, deputy from the nobility of Guelder to the assembly of the Lords, the States General; the Sieur John de Mathenesse, Lord of Mathenesse, Riviere Oppmeer, Souteveen, &c., deputy in the ordinary council of Holland and West Frieseland, and at the assembly of the Lords the States General from the Nobility of the said province, counsellor and heemrade of Schieland; Messire Adrian Paw, Knight, Lord of Heemstede, Hoogersmilde, and first president, counsellor and master of the accounts of Holland and West-Friezeland, and deputy at the assembly of the Lords the States General from the said province; Messire John de Knuyt, Knight, Lord of Old and New Vasmar, the first representative of the nobility in the states and councils of the country and Admiralty of Zeland, first counseller to his Highness the Prince of Orange, deputy in ordinary at the assembly of the Lords the States General, the Sieur Godart de Reede, Lord of Neederhorst, Verdeland, Cortehoef, Overmeer, Hostwaert, &c., president in the assembly of the nobility of the province of Utrecht, and deputy on their part at the assembly of the Lords the States General;

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the Sieur Francis de Donia, Lord of Hinnema, Heilsun, deputy in the assembly of the Lords the States General from the province of Frieseland; the Sieur William Ripperda, Lord of Hengeloo, Boxbergin, Bobuloo and Russenbergh, deputy from the nobility of the province of Over-Yssel, at the assembly of the Lords the States General; the Sieur Adrian Kland van Stedum, Lord of Nittersum, &c., deputy in ordinary from the province of the city of Groninghen and Ommelande to the assembly of the Lords the States General; all of them ambassadors extraordinary in Germany, and Plenipotentiaries from the said Lords the States General at the treaties for a general peace; all warranted by sufficient powers, which shall be inserted at the end of these presents: who being assembled in the City of Munster in Westphalia, by common consent appointed to be the place of treaty for the general peace of Christendom, by virtue of the said powers, and for and in the name of the said Lords, the King and States, have made, concluded and agreed to the following articles:

I. In the first place the said Lord the King declares and acknowledges, That the said Lords the States General of the Low Countries, and all the respective provinces thereof, together with all the associated countries, towns and lands thereto belonging, are free and sovereign states, provinces and countries, upon which, or their associated countries, towns or lands abovesaid, the said Lord the King has no manner of pretensions; and that neither at this time, nor *in futurum*, he shall ever make any pretensions to them for himself, or for his heirs and successors: and that in consequence hereof he is content to treat with the said Lords and States, even as he does at present, and agree upon a perpetual peace, on the conditions after-written and declared, viz.:

II. That the said peace shall be good, firm, faithful and inviolable: and that from henceforth shall cease all acts of hostility, of whatsoever nature they be, between the said Lords the King and the States General, as well by sea and other waters, as by land, in all their kingdoms, countries, lands and dominions, and for all their subjects and inhabitants, of what quality or condition soever they be, without any exception either of places or persons.

III.—Each shall remain effectively in the possession and enjoyment of the countries, towns, forts, lands and dominions which he holds and possesses at present, without being troubled or molested therein, directly or indirectly, in any manner whatsoever, wherein the villages, burghs, hamlets and flat country thereupon depending or understood to be comprehended. And next the mayoralty of Boisleduc, as also all the lordships, castles, towns, villages, hamlets and flat country depending upon the said city and mayoralty of Boisleduc, the city and marquisate of Bergen-op-zoom, the city and barony of Breda, the city and jurisdiction of

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Maestricht, as also the county of Vroonhoff, the town of Grave, the county of Kuyk, Hulst, and the bailage of Hulst and Hulster Ambacht, situated upon the south and north of Guelder, and likewise the forts which the said Lords the States possess at present in the country of Waes, and all the other towns and places which the said Lords and States hold in Brabant, Flanders and elsewhere, shall remain to the said Lords and States, in all the same rights, and parts of sovereignty and superiority, just in the same manner that they hold the provinces of the United Low Countries. But then it must be observed that all the rest of the said country of Waes, excepting the said forts shall belong to the said Lord the King of Spain. As to the three-quarters of the Over-Maze, viz.; Fauquemont, Dalem and Roleduc, they shall remain in the State they are in at present; and in case of dispute or controversy, the matter shall be referred to the chambremy-partie, or the indifferent and disinterested court, whereof mention shall be made afterwards.

IV.—And the subjects and inhabitants of the countries of the said Lords, the King of Spain and the States, shall entertain all good correspondence among themselves, without shewing any resentment of the offences and damages they may have sustained heretofore; they may likewise remain in and frequent one another's countries, and there exercise their traffic and commerce in all safety, as well by sea and fresh waters, as by land.

V.—The navigation and trade to the East and West Indies shall be kept up and comformably to the grants made or to be made for that effect; for the security whereof the present treaty shall serve, and the Ratification thereof on both sides, which shall be obtained; and in the said treaty shall be comprehended all potentates, nations, and people, with whom the said Lords the States, or members of the East and West India Companies in their name, within the limits of their said grants, or in friendship and alliance. And each one, that is to say, the said Lords the King and States respectively, shall remain in possession of and enjoy such lordships, towns, castles, fortresses, commerce and countries of the East and West Indies, as well as of Brazil, and on the coasts of Asia, Africa and America respectively, which the said Lords the King and States respectively hold and possess, in this being specially comprised the spots and places which the Portuguese since the year 1641, have taken from the said Lords the States and occupied: comprising also the spots and places which the said Lords the States hereafter without infraction of the present treaty shall come to conquer and possess. And the directors of the East and West India Companies of the United Provinces, as also the servants and officers, high and low, the soldiers and seamen actually in the service of either of the said Companies, or such as have been in their service, as also such who in this country,

or within the district of the said two companies, continue yet out of the service, but who may be employed afterwards, shall be and remain to be free and unmolested in all the countries under the obedience of the said Lord the King in Europe; and may sail, traffic and resort, like all the other inhabitants of the countries of the said Lords and States. Moreover it has been agreed and stipulated, That the Spaniards shall keep their navigation to the East Indies, in the same manner they hold it at present, without being at liberty to go further; and the inhabitants of those Low Countries shall not frequent the places which the Castilians have in the East Indies.

VI.—And as to the West Indies, the subjects and inhabitants of the kingdoms, provinces and lands of the said Lords, the King and States respectively, shall forbear sailing to, and trading in any of the harbours, places, forts, lodgments or castles, and all others possessed by the one or the other party, viz., the subjects of the said Lord the King shall not sail to, or trade in those held and possessed by the said Lords and States, nor the subjects of the said Lords and States sail to or trade in those held and possessed by the said Lord the King. And among the places held by the said Lords the States, shall be comprehended the places in Brazil, which the Portuguese took out of the hands of the States, and have been in possession of ever since the year 1641, as also all the other places which they possess at present, so long as they shall continue in the hands of the said Portuguese, anything contained in the preceding article notwithstanding.

VII.—And because there will be required a pretty long time to give notice to those who are without, or beyond the limits aforesaid, with their forces and ships, to desist from all acts of hostility; it has been agreed, That within the limits of the grant formerly made to the East India Company of the Low Countries, or to be continued to them; the peace shall not commence sooner than a year after the date of the conclusion of the present treaty; and as to the limits of the grant formerly made by the States General, or to be continued to the West India Company, That in the said places the peace shall not commence sooner than six months after the aforesaid date: but then it must be observed. That if advice of the said peace shall have come from the public to those limits respectively earlier than the aforesaid time, from the minute of that advice all hostility shall cease in those parts; but if after the term of a year and of six months respectively, any act of hostility be committed within the limits of the aforesaid grants, all damages occasioned thereby, shall be repaired without delay.

VIII.—The subjects and inhabitants of the countries of the aforesaid Lords, the King and the States trading to one another's countries shall not be obliged to pay greater duties and imposts, than the respective

subjects natives of the countries; so that the inhabitants and subjects of the United Low Countries shall be and remain to be exempted from certain duties of twenty per cent. or from such lesser, greater, or any other duty as the said Lord the King has raised and imposed during the twelve years truce, or should endeavor or be inclined to raise or impose afterwards, directly or indirectly, upon the inhabitants and subjects of the United Low Countries, or lay upon them over and above what he does upon his own subjects.

IX.—The said Lords, the King and States shall not raise, without their respective limits, any duties or gables for entry, parting, or any other account, upon the commodities in their carriage, either by land or water.

X.—The subjects of the said Lords, the King and the States, shall respectfully in one another's countries enjoy the ancient privilege of the customs, whereof they have been in peaceful possession before the commencement of the war.

XI.—Society, conversation, and commerce among the respective subjects shall not be hindered; and if any hindrances or impediments happen, they shall be really and effectually removed.

XII.—And from the day of the conclusion and ratification of this peace, the King shall cause the raising of all customs, which before the war, were under the jurisdiction, and within the district of the United Provinces, to cease upon the Rhine and the Maese, as also the custom of Zeeland; so that that custom shall not be raised by his Majesty, either in the City of Antwerp or elsewhere; provided and on condition that from the aforesaid day, the States of Zeeland shall reciprocally take upon themselves, and first of all pay from that same day the annual rents which were mortgaged upon the said customs before the year 1572 (whereof the proprietors have been in possession, and received the rent thereof since before the commencement of the said war); which the proprietors of the other customs above said, shall also do.

XIII.—The white boiled salt coming from the United Provinces into those of his said Majesty shall be there received and admitted, without, being charged with higher duties than bay-salt, and the salt of the provinces of his said Majesty, shall likewise be admitted and received in those of the said Lords and States, and shall be there sold, without being charged with a higher duty than the salt of the said Lords and States.

XIV.—The rivers of the Escaut, as also the canals of Sas, Zwyn, and other mouths of rivers disemboguing themselves there, shall be kept shut on the side of the Lords the States.

XV.—The ships and commodities entering into and coming out of the harbours of Flanders, shall be respectively charged by the said Lord, the

King with all such imposts and duties, as are laid upon commodities going and coming along the Escaut, and other canals mentioned in the preceding article. And the tax of the aforesaid equal duty shall be agreed afterwards betwixt the respective parties.

XVI.—The Hans Towns, with all their citizens, inhabitants and subjects, as to the navigation and traffic in Spain, the kingdoms and estates of Spain shall enjoy all the same rights, franchises, privileges and immunities, which by the present treaty are granted, or shall afterwards be granted for and with relation to the subjects and inhabitants of the United Provinces of the Low Countries. And the said subjects and inhabitants of the United Provinces of the Low Countries shall reciprocally enjoy all the same rights, franchises, immunities and privileges, whether for the establishing of consuls in the capital and maritime towns of Spain and elsewhere, where it shall be needful, or likewise for merchants, factors, masters of ships, mariners or others; and in the same sort as the said Hans towns in general or in particular have formerly obtained and enjoyed, or shall and enjoy afterwards, for the security, benefit and advantage of the navigation and trade of their towns, merchants, factors, commissioners and others thereupon depending.

XVII.—The subjects and inhabitants of the countries of the said Lords and States, shall also have the same security and freedom in the countries of the said Lord the King, that has been granted to the subjects of the King of Great Britain, by the last treaty of peace, and secret articles made with the constable of Castile.

XVIII.—The said Lord the King shall make, on the first opportunity, all necessary provision, that honorable places may be appointed for the interment of the bodies of such subjects of the Lords, the States, as shall happen to die in any place under the obedience of the said Lord, the King.

XIX.—The subjects and inhabitants of the countries of the said Lord, the King, coming into the countries and lands of the said Lords, the States, shall be obliged, with regard to the public exercise of religion, to govern and behave themselves with all modesty, without giving any scandal in word or deed, or uttering any blasphemies; and the same shall be done and observed by the subjects and inhabitants of the countries of the said Lords, the States, coming into the lands of the said Lord, the King.

XX.—The merchants, masters of ships, pilots, seamen, their ships, merchandises, commodities, and other goods belonging to them, may not be seized and arrested, either by virtue of any general or particular commission, or for any other cause whatsoever, nor upon the account of war or otherwise, nor even under pretext of employing them for the preser-

vation and defence of the country. However, we do not here mean to comprehend the seizures and arrests of justice in the ordinary methods upon account of debts, proper obligations and valid contracts of those upon whom such seizures shall have been made; in which case actions and suits shall be carried on according to right and reason.

XXI.—Certain judges shall be appointed on both sides in equal number, in form of the Chambre Mipartie, who shall sit in the Low Countries, and in such other places as shall be found convenient and proper, and that everywhere, sometimes under the obedience of the one, and sometimes of the other, according as shall be agreed by mutual consent; which judges appointed on both sides, shall (conformably to the commission and instruction that shall be given them, and upon which they shall make oath according to a certain form to be settled on both sides for that effect) have regard to the negotiations of the inhabitants of the said provinces of the Low Countries, and to the burdens and duties which of both sides shall be laid upon merchandises; and if the said judges perceive that any excesses are committed on either side, or of both sides, they shall regulate and moderate the said excesses.

Moreover the said judges shall examine into disputes touching a failure in the execution of the treaty, and the contraventions thereof, which from time to time may happen in the countries on this side, as also in the distant kingdoms, countries, provinces and Islands of Europe; and shall summarily and fully determine thereon and decide as they see agreeable and conformable to the treaty the sentences and determinations of which judges shall be executed by the ordinary judges of the place where contravention shall have been committed, upon the persons of the contraveners, according as occasion and circumstances shall require; nor must the said ordinary judges neglect to do the said execution, or suffer it to be neglected, but repair the contraventions within the space of six months after they the said ordinary judges shall have been hereto required.

XXII.—And if any sentences or judgments should pass upon the person of any of either party, whether in a civil or criminal matter, they must not be put in execution against the persons of the condemned, nor against their goods. Nor shall any letters of mark or reprisal be granted, but upon cognizances of the cause, and in cases allowed by the Imperial laws and constitutions, according to the order by them established.

XXIII.—It shall not be lawful to come ashore, enter or stop at the ports, harbours, shallows or roads of one another, with men of war and soldiers, in such number as may cause suspicion, without the leave and permission of him to whom the said ports and harbours, shallows and

roads belong, unless they are forced in by storm, or obliged thereto through necessity, or to avoid the dangers of the sea.

XXIV.—Such whose goods have been seized and confiscated upon occasion of the war, or their heirs, or such as have an interest therein, shall recover and take possession of the said goods, by their own private authority, and in virtue of this treaty, without being obliged to have recourse to justice, notwithstanding all fiscal incorporations, engagements, treaties, agreements, and transactions, or any renunciations that may have been put in the said transactions, to exclude from part of the said goods those persons to whom they belonged: and all and every the said goods and rights which, agreeable to the present treaty, are to be restored or ought to be restored reciprocally to the first proprietors, or their heirs, &c., may be sold to said proprietors, without having need of any particular consent for that effect. And next, the proprietors of rents, which shall be appointed by the Fisques, in lieu of the said goods, and the proprietors of rents and actions with which the Fisques are burthened respectively, may dispose of them by sale or otherwise, as of their other proper goods.

XXV.—This shall also take place in the profits arising to the heirs of the late Lord, Prince William of Orange, even with regard to the rights which they have in Salines in the county of Burgundy, which shall be remitted and given over to them, with the woods thereon depending, in case it be not found that they have been bought and paid for by his said Majesty.

XXVI.—In which are also meant to be comprehended the other goods and rights in the counties of Burgundy and Charolois; and that which has not been yet restored according to the treaty of the 9th of April, 1609, and of the 7th of January, 1610, respectively, shall as soon as possible be restored *bona fide* to the proprietors, their heirs or assigns, on both sides.

XXVII.—In like manner are meant to be comprehended the goods and rights, which after the expiration of the twelve years truce, were, btenc y sene of the great council of Malines, to the prejudice of the Fisque, adjudged to the late John Count of Nassau, or in any other manner whereby the said Count got possession thereof, in any places or seignieuries where these goods and rights may lie, and by whomsoever they may be possessed; which sentence, by virtue of the present treaty, is, and shall be held as not given, and all other acquisitions of the aforesaid possession is and shall be annuled.

XXVIII.—And as to the process of Chastel Belin entered in the lifetime of the late Lord the Prince of Orange, before the great council of Malines, against the Procurator-General of the said Lord the King;

since the said process was not judged in a year after the suit which commenced upon it, as was promised in the XIVth article of the said twelve years truce; it is concluded, That immediately after the conclusion of the ratification of the present treaty, the Fisque, in the name of his Majesty, or in the name of any other whatsoever, shall effectually quit all pretensions to all and every the goods demanded in the said process, by whom or by what right whatsoever they may have been possessed, and shall renounce in the name, and by the persons aforesaid, all actions and pretensions which the said Fisque may have or pretend to have in any wise upon the said goods, to be really and effectually claimed, and taken into free and full possession from this present by the said Lord the Prince of Orange, his heir and successors, &c., presently after the conclusion and ratification of this treaty, by virtue thereof and without having recourse to justice; or condition, That the fruits and profits, together with the taxes thereof until the conclusion of the said present treaty, shall remain to the benefit of the Fisques.

XXIX.—If any difficulty should arise concerning the restitution of the goods and rights that are to be restored, the judge of the place shall cause restitution to be made without delay, and take the shortest course towards it; nor shall it be lawful for him to delay restitution upon pretext of the non-payment of the capitation or otherwise.

XXX.—The subjects and inhabitants of the United Low Countries may, every where in the lands under the obedience of the said Lord the King, employ such advocates, procurators, notaries, solicitors and agents as they shall think proper, whereto they shall be appointed by the ordinary judges, when it shall be needful, and the said judges shall be required. And on the other hand, the inhabitants and subjects of the said Lord the King coming into the countries of the said Lords the States shall have the same assistance.

XXXI.—If the Fisque has sold any of the goods of either side, those to whom they would appertain by virtue of this treaty, shall be obliged to be satisfied with the interest at the rate of 16 per cent. to be paid every year by those who possessed the said goods; otherwise it shall be lawful to come upon the fund and inheritance that was sold. Let it be well observed. That instead of the goods sold, rents redeemed, or any other such like, letters patent shall be passed by, and in the name of the Fisques respectively, for the benefit of the proprietors, their heirs and assigns, which shall serve as a declaratory proof in conformity to the treaty; together with an assignation of annual payment upon a receiver in the province in which the sale of redemption shall have been made; which receiver shall be there named, and the price shall be calculated conformably to the first public sale, or otherwise as the law shall

ordain; the first year of which annuity shall commence a year after the date of the conclusion and ratification of the present treaty.

XXXII.—But if the said sales should be made by law for good and lawful debts of those to whom the said goods belonged before the confiscation; it shall be lawful for them or their heirs to recover them upon paying the price of them within a year, reckoning from the date of the present treaty, after which time they cannot be received; and the said recovery and redemption being made by them they may dispose of them as they please, without being obliged to obtain any other permission.

XXXIII.—However, it is not meant here that this recovery should be allowed with regard to houses in towns that have been sold on this occasion, because of the great inconvenience, and considerable loss which the purchasers would suffer thereby, upon the account of the changes and reparations they may have made in the said houses, whereof a detail would be too long and difficult.

XXXIV.—And as to reparations and meliorations of other goods sold, the recovery of which is allowed, in case they are pretended to have been made, the ordinary judges of the place shall cause justice to be done upon cognizance of the cause, by making the mortgaged funds and inheritances stand good, and answer for the sum that has been laid out upon the meliorations; but it shall not be lawful for the said purchasers to use the right of retention, in order to be paid and satisfied therefor.

XXXV.—All goods and right; kept secret, movables, immovables, revenues, actions, debts, credits, and others which shall have been seized by the Fisque, without due cognizance of the cause before the day of the conclusion and ratification of this treaty, shall remain at the free and full disposal of the proprietors, their heirs or assigns, with all the fruits, revenues, incomes and profits thereof: as also neither those who shall have concealed the said goods and rights, nor their heirs, may be molested upon this occasion by the respective Fisques; but the proprietors and their heirs shall with respect to them have the benefit of law against all persons whatsoever, as they may for their own proper goods.

XXXVI.—The trees cut down after the day of the conclusion of this treaty, and which were yet standing upon that very day, as also the trees sold, which shall not be yet cut down at the day of the said conclusion, shall remain to the proprietors, notwithstanding the said sale; nor shall they be obliged to pay any price for the same.

XXXVII.—The fruit, rents, farms and revenues of the seignieuries, lands, tents, houses, fisheries and incomes, and other appurtenances which conformably to the treaty are to be restored; if they arise after the

day of the conclusion of this treaty, they shall remain for the whole year to the proprietors and their heirs.

XXXVIII.—The farms of goods confiscated or registered (altho' they may have been granted for many years) shall expire the very year of the conclusion of the treaty, according to the custom of the respective places where the said goods are, and the farms arising after the day of the conclusion of the treaty, as is said, shall be paid to the proprietors. But then, if the farmer of the said goods shall have been at any charges for the growth of the said year, the said expenses shall be reimbursed to the farmer by the proprietors, according to the custom or discretion of the judges of the place where those goods are.

XXXIX.—The sale of goods confiscated or registered, after the conclusion of the treaty, shall be held null and void ; as also sales made before the conclusion of the said treaty, contrary to the capitulations and agreements made particularly with any towns, shall be null and void.

XL.—The houses of particular persons, restored or to be restored conformably to the treaty, shall not be reciprocally burthened with garrisons, or any other thing in any manner, nor charged higher than the houses of the other inhabitants of a like condition.

XLI.—None of either side shall be hindered directly or indirectly from changing the place of his abode, provided he pays the proper duties ; and if any hinderances should be done after the treaty, they shall be readily removed.

XLII.—If any fortifications or public edifices or works have been made on either side, with permission and authority of the superiors in the places whereof restitution is to be made by the present treaty ; the proprietors thereof shall be obliged to be satisfied with the estimate which shall be made by the ordinary judges, as well of the said places as of the jurisdiction of the same, unless the parties agree it among themselves ; and satisfaction shall likewise be made to the proprietors for the goods applied to the making fortifications, raising public works, and building religious houses.

XLIII.—As to the goods of churches, colleges and other religious places within the United Provinces, which were formerly members of the churches, benefices and colleges under the obedience of the said Lord the King, so much of them as have not been sold before the conclusion of the present treaty, shall be returned and restored to the owners, and they may take possession of them by their own private authority, and without the assistance of law, according to what has been said above ; but as to such as have been sold before the said time, or given in payment by the States of any of the provinces, the income thereof shall be paid yearly at the rate of 16 per cent. by the province that shall have made such sale

or given the said goods in payment, and assigned also in such sort as that they may be sure of having it; and the same shall be done and observed by the said Lord the King.

XLIV.—As touching the pretentions and interests which the Lord, the Prince of Orange, might have to the parts where he is not in possession; it shall be agreed by a separate treaty, to the satisfaction of the said Lord the Prince of Orange: but as to the goods and other effects, whereof the said Prince is in possession by the grant and concession of the said Lords, the States General, in the Bailiage of Hulster-Ambacht and elsewhere, of which the said Lords, the States, have sometime ago given him the confirmation; all the said places shall remain absolutely in full property for his own benefit, and that of his heirs and successors; so that there shall be no pretentions upon the said goods by virtue of any articles of the present treaty.

XLV.—As to what concerns certain other points, besides those mentioned in the preceding article, which have been treated and agreed separately, and signed in two writings, one on the 8th of January and the other on the 27th of December, 1647, for, and in the name of the said Lord, the Prince of Orange; the said writings, and the whole contents thereof, shall have their effect, and be confirmed, fulfilled and executed according to their form and tenor, neither more nor less than if all the said points in general, or everyone of them in particular were word for word inserted in this present treaty; and that notwithstanding all the other clauses in the present treaty contrary thereto, from which we mean to derogate, and it is expressly derogated by the present article; and which clauses, with regard to the contents of the last two writings, are and shall be held as not made, and shall not hinder or delay in any manner the effect, accomplishment and execution of the said two writings of the 8th of January, and 27th of December, 1647.

XLVI.—Those to whom the confiscated goods are to be restored, shall not be bound to pay the arrearages of the incomes, burdens and duties specially affecting them and assigned upon them, for the time that they have not been in possession of them; and if they be sued and put to trouble for them on either side, they shall be absolved: in case it be truly found that all the goods of any one of either side have been confiscated and registered, so that it was not in his power to pay the annuity or interest arising during the confiscation or registration, he shall not only be exempted from the real charges and annuities in conformity to the treaty, but also from the general and personal charges of the said revenues and interests arising during the said time.

XLVII.—Nor shall there be any claim or pretention to goods sold or granted in order to commence an action about them, but only to the

debts for which the possessors stand obliged by the treaties made upon that matter, together with the interest of the entry money, which shall be at the rate of four per cent.

XLVIII.—The judgments given for goods and rights confiscated to the parties who have had the cognizance of the Judges, and who have been legally defended, shall stand good, and the condemned shall not be admitted to offer anything against them, but in the ordinary methods of proceeding.

XLIX.—The said Lord the King quits and renounces all pretentions of redemption, and all other rights and pretentions that he might have or pretend to have in any wise upon the city of Grave, the country of Kuyk, its appurtenances and dependencies, the antient Barony of Brabant, formerly engaged to the late Lord the Prince of Orange, the redemption and recovery of which engagement has been quitted and turned into property, and yielded for the benefit of the late Lord Prince Maurice in December 1611, by the Lords the States General of the United Low Countries, as Sovereigns of the said city of Grave, and country of Kuyk, according and in conformity to letters patent thereupon dispatched; and in virtue of which conversion and cession of said Lord the Prince of Orange, his heirs and successors, shall from this present always enjoy the full and entire property of the said town and country of Kuyk, their appurtenances and dependencies.

L.—The said King likewise quits and renounces all and every the rights and pretentions, either of property, cession or otherwise, which he could in any manner pretend upon the town, county and seignieury of Lingen, and the four villages and other rights thereto appertaining, as also upon the towns and seignieuries of Bevergarde and Cloppenburg, and all other pretentions against anyone whatsoever; that so they may really, effectually and forever remain to the said Lord the Prince of Orange, his heirs and successors, in full right the property, conformably to the letters of donation and investiture granted by the Emperor Charles V. on the 3rd of November, 1546, and according to the transaction afterwards made between the Count of Buren and the Count of Tecklenburg on the 5th of March 1548, and finally, in consequence of the cession made thereupon in November 1578, which the said Lord the King, so far as concerned him, hath confirmed, and doth confirm by the present treaty.

LI.—The said Lords, the King and the States shall appoint, each of them in their place, officers and magistrates for the administration of justice and government in the towns and garrisons, which by this present treaty are to be given up to the proprietors in possession.

LII.—The upper quarter of Guelder shall be exchanged for an equiv-

alent; and in case that equivalent cannot be agreed upon, the matter shall be referred to the Chambre Mipartie, to be there decided within six months after the conclusion and ratification of the present treaty.

LIII.—The said Lord the King obliges himself effectually to procure the continuation and observation of the neutrality, amity, and good neighborhood of his Imperial Majesty and the Empire with the said Lords the States; to which continuation and observation the said Lords the States likewise oblige themselves reciprocally; and the conformation thereof must be made by his Imperial Majesty within two months, and by the Empire within a year after the conclusion. and ratification of the present treaty.

LIV.—The movables confiscated, and the profits from thence arising before the conclusion of the present treaty, shall not be liable to any restitution.

LV.—The movable actions which by the said Lords the King and the States shall have been granted for the benefit of particular debtors before the conclusion of the present treaty, shall be extinct on both sides.

LVI.—The time that shall have elapsed during the war begun in the year 1607, and continuing till the beginning of the twelve years truce, as also the time elapsing from the expiration of the said truce till the conclusion of this treaty, shall not be reckoned, so as thereby to do any prejudice or damage to anyone whatsoever.

LVII.—Such who have retired to neutral countries during the said war, shall enjoy the benefit of this treaty, and may live where they please, or return to their former dwellings, there to live in all safety, provided they observe the laws of the country; nor may their goods be seized, or they deprived of the possession of them, on account of their having lived in any place whatsoever.

LVIII.—No new forts may be made in the Low Countries on either side, nor may any new canals be made, or dikes thrown up, whereby the one or the other party may be kept off or beat back.

LIX.—Neither the Lords of the House of Nassau, nor Count John Albert of Solms, Governor of Maestricht, may be prosecuted or molested in their persons or goods for any debts contracted by the late Lord William Prince of Orange, from the year 1567, till his decease, nor for any arrears due during the seizure and registration of the goods therewith burdened.

LX.—If any contravention should be made to the treaty by private persons without the command of the said Lords, the King and the States, the damage shall be repaired in the same place where the contravention shall have been made, if the contraveners are taken up there, or in their habitation; but they must not be prosecuted elsewhere in

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their persons or goods in any manner whatsover, nor shall it be lawful to come to arms, or break the peace on that occasion ; but it shall be allowable, in case of manifest denial of justice, to do themselves right by letters of mark or reprisal, in the usual manner.

LXI.—All disinherisons and dispositions made in the heat and fury of war shall be declared null, and held as not made ; and by such disinherisons made in the heat of war are meant such as either proceeded from the war, or depended thereupon.

LXII.—The subjects and inhabitants of the countries of the said Lords the King and the States, of whatever quality or condition they be, are declared capable of succeeding to one another, as well without as with a will, according to the customs of the places ; and if any successions of legacies have formerly fallen to any of them, they shall be maintained and preserved in their right thereto.

LXIII.—All prisoners of war shall be delivered up, of both sides, without paying any ransom, and without any distinction or reserve of prisoners, who have served out of the Low Countries, and under other standards and colors than those of the said Lords the States.

LXIV.—The payment of arrears of contributions, which shall remain unpaid from the conclusion of the treaty, for the persons and goods of both sides, shall be regulated and determined by those of both sides who shall have the superintendence of contributions.

LXV.—And whatever shall be proposed or alleged on either side, by word of mouth or by writing during the negotiation, shall not be turned or interpreted to the advantage or prejudice of any directly or indirectly ; but as well the said Lords, the King and the States General and particular, as all Princes, Counts, Barons, gentlemen, citizens, and other inhabitants of the respective kingdoms and countries, of whatever quality, state or condition they be, shall continue in their rights, according to the tenor of the treaty, and the conclusion thereof.

LXVI.—The respective inhabitants and subjects of the said Lords the King and the States shall really enjoy the effect of the 5th article of the twelve years truce now expired, and also the effect of the 10th article of the following agreement of the 7th of January 1610, and that because during the term of the foresaid truce the said effect was not obtained or procured of either side.

LXVII.—The limits and bounds in Flanders and elsewhere shall be regulated in such sort as shall be found just, and appertaining to the jurisdiction of both sides, whereupon informations shall be waited for and delivered, that so the said limits may be adjusted and regulated in due time.

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LXVIII.—On the part and side of the said Lord the King of Spain, the forts here named near l'Ecluse shall be demolished, viz., St. Job, St. Donas, the fort l'Estoile, fort St. Theresa, fort St. Frederick, fort St. Isabella, fort St. Paul, and the redoubt Papemuts ; And on the side and part of the said Lords and States shall be demolished the following forts, viz., the two forts in the isle of Casant called Orange and Frederick, the two forts of Pas, all the forts upon the east side of the river Escaut, except Lillo, and the fort at Keildrecht called Spinola ; which demolition, to be made reciprocally, shall be agreed upon betwixt both parties, that so the equivalent thereof may be regulated.

LXIX.—All the registers, charters, letters, archieves and papers, as also all the bags of processes concerning any of the respective United Provinces, associated countries, cities and members, or any inhabitants thereof, being in the Courts, Chanceries, Councils, Chambers of Policy, Courts of Justice, Finances, Fiefs or Archies, whether at Avennes, Malines, or any other places under the obedience of the said Lord the King, shall be delivered *bona fide* to those who shall have a commission from the said respective Provinces to demand them : And the same shall be done on the part of the said Lords the States, for the Provinces, towns, and particular persons under the obedience of the said Lord the King.

LXX.—The jurisdiction over the waters shall be left to the town of l'Ecluse, as appertains to it.

LXXI.—The dike that crosses the river Soute, near St. Donas, shall be taken down and opened ; and in place of it shall be made and raised a Sas, the guarding of which Sas shall be agreed upon, as has been said above with relation to the demolition of the forts.

LXXII.—In this present treaty of Peace shall be comprehended all those who, before the exchange of the agreement or ratification, or within three months after, shall be named on both sides, in which time the said Lord the King shall name such as he shall think proper : In the meanwhile, on the part of the said Lords the States, are named the Prince the Landgrave of Hesse Cassel, with his countries, towns and states ; the Count of East Frieseland, the town of Emden, the County and Country of East-Frieseland ; the Hanseatick Towns, and particularly Lubeck, Bremen and Hamburg ; and the said Lords the State reserve to themselves the nómination of others, in the aforesaid term, whom they shall think proper.

LXXIII.—As touching the pretentions of the Count of Flodrof, for the restitution made to him of the Castle of Leut, with the goods thereupon depending, and all other goods and villages which might belong to him thereabout, and which were seized by the said Lord the King, the said restitution shall be granted him, as also that of the Castle ; saving an allowance to be made between the conclusion of the present treaty and

the ratification of the same, for the maintenance of a garrison by the said Lord the King, or for the demolition of the new fortifications made since the castle was possessed.

LXXIV.—As to what has been treated and agreed the 8th of December, 1646, between the Ambassadors Extraordinary, and the Plenipotentiaries of the said Lords, the King and the States, touching Roger Huygens, for and in the name of his wife Lady Anne Margaret Van Stralen ; it shall have the whole force and effect, and shall be fulfilled and executed in the same manner as if it was inserted word for word in this present treaty.

LXXV.—And to the end that the present treaty may be the better observed, the said Lord the King and the States respectively promise to use their endeavors, and employ their power, each in his place, to render the passages free, and the seas and rivers navigable and secure from all incursions of pirates, corsairs and robbers ; and if they can catch them, to chastise them with rigour.

LXXVI.—They promise moreover, not to do anything contrary to or in prejudice of the present treaty, nor suffer anything to be done directly or indirectly ; and if anything be done they promise to repair it without any difficulty or delay ; and they oblige themselves respectively (viz., the said Lord the King and his heirs and successors) to the observation of all the above ; and for the validity of the said obligation, they renounce all laws, customs, and other things whatsoever to the contrary.

LXXVII.—The present treaty shall be ratified and approved by the said Lords the King and the States, and letters of ratification shall be delivered by the one to the other in good and due form, within the term of two months ; and if the said ratification comes sooner, all acts of hostility between the parties shall cease, without waiting for the expiration of the said term. But then it must be observed, That after the conclusion and signing of this treaty, hostlities of both sides shall not cease, till the ratification thereof shall have been delivered by the said Lord the King of Spain in due substance and form, and exchanged for that of the Lords the States General of the United Provinces.

LXXVIII.—So that in the meanwhile the affairs of both sides shall continue in the same state and condition they shall be found at the conclusion of the present treaty, until the foresaid reciprocal ratification shall have been exchanged and delivered.

LXXIX.—The said treaty shall be published everywhere, as is usual, immediately after the ratifications of both sides shall have been exchanged and delivered ; and from thenceforth all acts of hostility shall cease.

Annex 2

Treaty of Peace between England and Spain, Utrecht, 13 July 1713

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 478, pp. 23-34)

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sive, none of the natives or inhabitants of this or any other country, shall be permitted other than in the name of this United Company to sail or trade upon the coasts and lands of Africa, reckoning from the Tropic of Cancer to the *latitude* * of 30 degrees south of the Equator, with all the islands in that district lying off the aforesaid coasts, and particularly the Islands of St. Thomé, Annebon, Isle of Principe, and Fernando Polo, together with the places of Isekepe and Bauwmerona, situated on the continent of America, as well as the Islands of Curaçao, Aruba, and Buonaire:

* * * * * *

II.

That the aforesaid Company shall henceforth be permitted to make in our name and by our authority within the limits set down above, contracts, leagues, and alliances with the Princes and natives of the countries lying within them; shall further build fortresses and strongholds there, and shall appoint Governors, Warriors, and Officers of Justice, and keep up establishments of good order, police, and justice, for other necessary services and for the maintenance of the police.

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Treaty of Peace concluded at Utrecht July 13, 1713, between England and Spain.

TREATY *of peace and friendship between their Majesties the King of Spain and the Queen of England in which, among other things, the incompatibility is stipulated of the Crowns of Spain and France being possessed by the same person, as also the hereditary succession of Great Britain in the descendants of Queen Anne, in those of the Electress Widow of Brunswick and those of her heirs in the protestant House of Hanover, Concluded at Utrecht on the 13th of July, 1713.*

The Supreme Arbiter of all things having been pleased in his Divine Mercy to incline towards peace and harmony the minds of princes who hitherto have been waging a war against each other that has filled almost all of the Christian World with blood and death; and, the Most Serene and Most Powerful Prince Philip V, by the grace of God King of Spain, and the Most Serene and Powerful Princess Anne, by the grace

* Note by Prof. Burr.—For *latitude* as given here the Blue Book reads *height*.

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of God Queen of Great Britain, France and Hibernia, wishing for nothing with more ardour, nor there existing another thing that they so much desire as to reestablish and tighten with new bonds of reciprocal convenience the old friendship and confederation of the Spaniards and the English, in such a manner that it shall pass to the most remote posterity with almost indissoluble ties; in order therefore to happily conclude this most useful and for so many reasons most desirable affair, they have appointed on the one part and on the other as their ambassadors extraordinary and plenipotentiaries, giving them the necessary instructions, to wit, the Catholic King on his side, His Excellency don Francisco de Paula Téllez, Jiron, Benavides, Carrillo y Toledo, conde de Leon, duke of Ossuna, Conde de Ureña, Marquess de Peñafiel, grandee of the first class, gentleman of his Chamber, Lord Chamberlain and principal cup bearer, principal notary of his kingdoms of Castile, knight of the order of Calatrava, principal key bearer of the same order and knighthood, and commander of the same and the order of Usagres in that of Santiago, captain of the first Spanish company of his life-guards, and His Excellency Don Isidro Casado de Rosales, Marquess de Monte-Leon, member of the council of the Indies, Ambassadors Extraordinary and Plenipotentiaries of His Catholic Majesty, and the Queen of Great Britain on her side, the Most Reverend Lord John, Bishop of Bristol, of her Privy-Council and Keeper of the Privy Seal, Dean of Windsor and secretary of the most noble order of the Garter and His Excellency Lord Thomas, Earl of Strafford. Viscount Wentworth, Woodhouse and Staineborough, Baron Ravij, Neumarch and Overseliy, member of the Privy-Council, Lieutenant General of her armies, first Lord of the Admiralty of Great Britain and Ireland, knight of the most noble order of the Garter, Ambassador Extraordinary and Plenipotentiary of the States-General of the United Provinces of the Netherlands; which ambassadors, according to the tenor of what was agreed by the Ministers of the two parties, both in the Court of Madrid and in that of London, consented to and agreed upon the following articles of peace and friendship.

I.

There shall be a Christian and universal peace and perpetual and sincere friendship between the Most Serene and Most Powerful Prince Philip V, Catholic King of Spain, and the Most Serene and Most Powerful Princess Anne, Queen of Great Britain; between their heirs and successors and also between their kingdoms, states, dominions and provinces, wherever they may be situated as well as between their subjects; and this peace shall be so kept and preserved that neither of the parties shall attempt anything which may be prejudicial or hurtful to the other under any pretext whatsoever, neither can they or shall they aid or as-

sist for any cause whatsoever whomever may attempt or wish to cause either of them any prejudice, but on the contrary Their Majesties shall be bound to procure all that may be useful, honourable or convenient to each other, endeavoring in every way to promote, by new demonstrations of friendship, the peace that is hereby established, that it may each day acquire greater stability.

II.

It being a certain fact that the war which is now happily ended by this treaty of peace, was commenced and has been continued for many years with great vigor, enormous expense, and an almost incalculable number of killed, on account of the great danger with which the close union of the Kingdoms of Spain and France threatened the liberty and safety of all Europe ; and wishing to take from the minds of all men the care and suspicion which this union has given them and to establish the peace and tranquillity of the whole christian world through the just equilibration of the Powers (which is the best and the most solid foundation of a mutual friendship and a durable peace) it has been agreed both by the Catholic King and by the Most Christian King to prevent with the justest precautions that the kingdoms of Spain and France can ever be united under the same dominion or that one same person can be the ruler of both kingdoms ; and with this object in view His Catholic Majesty has most solemnly renounced, for himself and for his heirs and successors, all rights, titles and pretension to the Crown of France in the form and words which follow.

(Here are introduced the seven instruments of renunciation which are placed in the treaty made on this same date with the Duke of Savoy.)

And by this article His Catholic Majesty renews and confirms his aforesaid most solemn renunciation. And the same having been established a royal ordinance and fundamental law, he again promises in the most binding manner that he will faithfully keep it and shall have it kept by others, endeavouring with all its power and directing with the greatest diligence, that the aforesaid renunciations be observed and irrevocably executed both on the part of Spain and that of France ; for if these subsist in their full force and are kept in good faith by both parties, together with the other transactions which tend to the same object, the crowns of Spain and of France will be so separated that they can never come together again.

III.

There shall be on both sides a perpetual amnesty and forgetfulness of all the hostilities which during the recent war may have been committed in any place or manner by both parties ; so that at no time under pretext

of the same, or for any other cause, any molestation may be caused by the one party to the other either directly or indirectly, under colour of justice, neither by acts of violence, nor shall they allow it to be caused.

IV.

All the prisoners of both parties and each one of them of whatever state or condition they may be, shall, on the ratification of the present treaty, be restored in their original liberty without any ransom being demanded from them, paying only the debts which they may have contracted during the time of their captivity.

V.

In order to give greater force to the peace which is thus reestablished, and to the faithful and never broken friendship, and in order to remove all causes of mistrust which might arise at any time respecting the right and the mode established for hereditary succession to the kingdom of Great Britain and the limitation thereof, established by the laws of Great Britain (both in the reign of the late king William III of the glorious memory and of the present queen) in favour of the descendants of the aforesaid queen) and failing this in favor of those of the Most Supreme Princess Sophy, Electress Widow of Brunswick and of her heirs in the protestant house of Hanover; in order therefore to preserve the aforesaid succession in accordance with the laws of Great Britain, the Catholic King sincerely and solemnly recognizes the aforesaid limitation of the succession to the kingdom of Great Britain, and he declares that it shall ever be ratified and accepted by him and his successors upon his royal faith and word, thereto engaging his honour and that of his heirs. The Catholic King likewise promises, under the same engagement of his honour and royal word, that neither he nor his heirs and successors shall, at any time, recognize as king or queen of Great Britain any others but the aforesaid Queen and her successors, according to the limitation established by the laws and statutes of Great Britain.

VI.

The Catholic King likewise promises in his own name and in that of his heirs and successors that he shall at no time molest or cause any trouble to the aforesaid Queen of Great Britain nor to her heirs and successors descending from the aforesaid protestant family, who may hold the crown of Great Britain and the dominions subject thereto: neither shall at any time the aforesaid Catholic King nor any of his successors aid, assist, favour or advise either directly or indirectly, on land or at sea, or with money, arms, ammunitions, war materials, ships, soldiers, sailors or in any other manner, any person or persons, should there

be any, who for any cause or under any pretext should attempt to oppose the aforesaid succession, whether declaring war or fomenting rebellion, or plotting conspiracies against the Prince or Princes who may occupy the throne of Great Britain by virtue of acts approved by Parliament, or against any Prince or Princess to whom by act of Parliament the succession belongs as aforesaid.

VII.

The ordinary procedures of justice shall be reestablished in the kingdoms and dominions of both Their Majesties, so that all the subjects of the two parties can freely maintain and obtain their rights, pretentions and actions, according to the laws, constitutions and statutes of both kingdoms; and, especially, if there is any complaint of injuries or grievances caused in time of peace or at the beginning of this war, against the tenor of the treaties, care shall be taken to repair the dammages as soon as possible in accordance with the forms of justice.

VIII.

Commerce and navigation shall be free between the subjects of both kingdoms as they were at other times during peace and before the declaration of this war, during the reign of the Catholic King of Spain Charles II, of glorious memory, in conformity with the treaties of friendship, confederation and commerce which were established between the two nations, according to ancient customs, letters patent, schedules and other acts, especially made in this respect, and also in conformity with the treaty or treaties of commerce which will already have been concluded in Madrid or will be concluded later. And, as among other conditions for general peace, it has been established by common consent as a principal and fundamental rule that the navigation and commerce of the West Indies of the dominion of Spain shall remain in the same state in which they were in the time of the aforesaid Catholic King Charles II, in order that this rule be observed in future, with an inviolable good faith, so that it cannot be broken, and all causes for mistrust and suspicion regarding this affair be avoided and removed, it has been especially agreed and established, that for no consideration, and under no pretext, permission may be granted to the French or to any other nation either directly or indirectly, to navigate, traffic or introduce blacks, goods or merchandize or other things in the dominions of America belonging to the crown of Spain excepting that which may be agreed upon in the aforesaid treaty or treaties of commerce and by the rights and privileges granted in the convention vulgarly known as the *Seat of blacks*, which is mentioned in article 12; and excepting likewise that which the aforesaid Catholic King or his heirs or descendants may offer in the treaty or

treaties for the introduction of blacks in the Spanish West Indies, after the aforesaid convention of the seat of blacks shall have been concluded. And in order that the navigation and commerce of the West Indies shall be more firmly and amply established, it has also been agreed and adjusted by these presents, that neither the Catholic King nor any of his heirs and successors, can either sell, cede, mortgage or transfer to the French or to any other nation any lands, dominions or territories of Spanish America or any part thereof, or alienate it from themselves or from the Crown of Spain. And on the contrary, in order that the dominions of Spanish America be preserved in a greater entirety, the Queen of Great Britain promises that she will ask from and give assistance to the Spaniards in order to reestablish and fix the former limits of their dominions in America as they were in the time of the aforesaid Catholic King Charles II, should they in any manner or under any pretext have undergone any dismemberment after the death of the aforesaid Catholic King Charles II.

IX.

It has also been agreed upon and established as a general rule, that all and every one of the subjects of both Kingdoms shall, in all lands and places the one of the other, in all that concerns persons, merchandize, vessels, cargoes, sailors, navigation and commerce, enjoy the same privileges, franchises and immunities and receive the same favour in all, that the subjects of France or of another foreign nation the most friendly, have, enjoy and possess or may hereafter have and enjoy.

X.

By this treaty the Catholic King, for himself and for his heirs and successors gives to the crown of Great Britain full and entire possession of the city and castle of Gibraltar, together with its port, and the defences and fortress that belong to it, giving her the aforesaid property to have and to hold with full right and forever, without any exception or impediment whatsoever. But in order to avoid all abuses and fraud in the introduction of merchandize, the Catholic King desires, and he supposes that it is so understood, that the aforesaid property is given to Great Britain, without any territorial jurisdiction upon nor with open communication by land with the neighbouring country. And as communication by water with the court of Spain cannot be open and safe at all times, and thence it might happen that the soldiers of the garrison of Gibraltar and the inhabitants of that city might find themselves in great trouble, it being the intention of the Catholic King only to prevent, as aforesaid, the fraudulent introduction of merchandize by way of land; it has been agreed that in these cases, provisions and other necessary things for the use of the troops of the garrison, of the inhabitants

and of vessels lying in the port may be bought with ready money in the neighbouring land of Spain. But if any merchandize be apprehended which has been introduced through Gibraltar, whether in exchange for provisions or for any other purpose, it shall be adjudged to the fisc, and upon complaint being made of this infringement of the present treaty, the guilty parties shall be severely punished. And Her British Majesty, at the request of the Catholic King, consents and agrees that, for no consideration, jews or moors shall be allowed to reside or have a domicile in the said city of Gibraltar, nor shall moorish ships of war be allowed to enter the port of said city, whereby the communication between Spain and Ceute might be interrupted and the Spanish coasts infested with moorish corsairs. And as treaties of friendship, liberty and commerce exist between the English and some regions of the coast of Africa, it is understood that the entrance to the port of Gibraltar cannot be refused to the moors or their vessels who only go there for commercial purposes. Her Majesty the Queen of Great Britain also promises that the inhabitants of the aforesaid city of Gibraltar shall be allowed the free practice of the roman catholic religion. If at any time the crown of England should find it convenient to give away, sell or alienate in any manner the aforesaid city of Gibraltar, it has been agreed and adjusted by this treaty that the crown of Spain shall be given before any one else, the first chance to redeem it.

XI.

The Catholic King for himself and his heirs and successors also gives to the crown of Great Britain the whole of the island of Minorca, transferring to it forever all rights and full dominion over the aforesaid island, and especially over the aforesaid city, castle and port of the bay of Minorca, commonly called Port Mahon, together with the other ports, garrisons and towns situated in the aforesaid island. But it is provided as in the preceding article, that neither in Port-Mahon, nor in any other port of the aforesaid island of Minorca, moorish ships of war shall be allowed to enter which might infest the coasts of Spain with their privateering ; and only those moors and their vessels that go there for commercial purposes shall be allowed to enter said island according to the compacts which may have been made with them. The Queen of Great Britain also promises that if at any time the island of Minorca and the ports, garrison and cities therein situated, are to be alienated from the crown the first chance shall be given to Spain, before any other nation, to redeem the possession and the proprietorship of the aforesaid island, Her British Majesty also promises that all the inhabitants of the aforesaid island, whether secular or ecclesiastic, shall safely and peacefully enjoy all their property and honours, and that they shall be allowed to practice freely the Roman Catholic religion ; and that all measures shall

be taken for the preservation of this religion which are not in opposition to the civil Government and laws of Great Britain. Those persons shall also be allowed to enjoy their property and honours, who are at present in the service of the Catholic King, though they should remain in it; and all those who wish it shall be allowed to leave that island and sell their property or transfer it to Spain.

XII.

The Catholic King gives and grants to Her Britannic Majesty and to the Company of her subjects which has been formed with this purpose, the power of introducing negroes into various parts of the dominions of His Catholic Majesty in America, which are vulgarly called the seat of negroes, which power is granted them to the exclusion of the Spaniards and all others for the period of thirty consecutive years commencing from the 1st of May, 1713, with the same conditions that the French enjoyed, or could or should have enjoyed at any time, together with the territory or territories which the Catholic King shall determine, to be given to the company at a convenient point of the Rio de la Plata (without said company having to pay any dues or tributes during the period of the aforesaid treaty of the seat of negroes, and for no longer a period), also taking care that the aforesaid territories and establishments which are given to the company, shall be suitable for labouring and for grazing cattle for the maintenance of the employees of the company and of their negroes, and for the safe keeping of the latter until they are sold ; and also that the vessels of the Company can put in there and find shelter from all dangers. But it shall always be permitted to the Catholic King to place there an official to prevent anything being done or admitted which may be against his royal interests, and all persons who may go thither as commissioners of the Company, or who may belong to the same, shall always be subject to the inspection of the aforesaid official in all that concerns the aforesaid territories ; and should any doubts, difficulties or controversies arise between the aforesaid official and the commissioners of the Company, they shall be laid before the Governor of Buenos Ayres for him to judge them. It was furthermore the will of the Catholic King to grant to the aforesaid Company other great advantages, which are more fully and extensively explained in the treaty of the seat of negroes which was made and concluded in Madrid on the 26th of March of the present year 1713 ; which treaty of negroes, with all the clauses, conditions immunities and privileges therein contained and are not contrary to this article is understood and is to be understood as forming a part of this treaty exactly as if it were herein inserted word by word.

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XIII.

Considering that the Queen of Great Britain does not cease to urge that all the inhabitants of the principality of Catalonia, of whatever state and condition they may be obtain not only the entire and perpetual forgetfulness of all that has been done during this war and enjoy the sole possession of all their estates and honours, but also that they preserve, inviolable and intact, their ancient privileges, the Catholic King, out of consideration for Her Britannic Majesty, by these presents grants and confirms to any and all the inhabitants of Catalonia, not only the desired amnesty together with the full possession of their property and honours, but he also gives and grants to them all those privileges which are possessed and enjoyed by the inhabitants of the two Castiles, which of all the population of Spain are the best-beloved of the Catholic King.

XIV.

It having also been the wish of the Catholic King, at the request of Her Britannic Majesty to cede the Kingdom of Sicily to His Royal Highness Victor Amadeus Duke of Savoy, and he having in fact ceded to him by the treaty concluded this day between His Catholic Majesty and His Royal Highness the Duke of Savoy, Her Britannic Majesty promises that she shall take good care that, failing male heirs of the House of Savoy the possession of the aforesaid Kingdom of Sicily shall return to the crown of Spain; and her Britannic Majesty further agrees that the aforesaid Kingdom may not be alienated under any pretext or in any manner whatsoever, nor be given to any other Prince or State but the Catholic King of Spain and his heirs and successors. And as the Catholic King has expressed to Her Britannic Majesty that it would be quite in reason and very agreeable to himself, that, not only the subjects of the Kingdom of Sicily, though they may reside in the dominions of Spain and may be in the service of His Catholic Majesty, but other Spaniards and subjects of Spain who may possess property or honours in the Kingdom of Sicily should enjoy them without any loss whatsoever, and that they be not molested or disturbed in any manner under pretext of their personal absence from said Kingdom, and he also willingly promises that the subjects of the aforesaid kingdom of Sicily and others of his Royal Highness, who may possess property and honours in Spain or in any of her dominions shall enjoy them without any loss, and shall not be molested or disturbed under pretext of their personal absence; therefore Her Britannic Majesty promises that she shall issue letters and will order her ambassadors extraordinary and plenipotentiary who are at Utrecht, to use efficient endeavours that the Catholic King and His Royal Highness come to an agreement on this point, arranging it in the manner most convenient to both.

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XV.

Their Royal Majesties, each one for his and her part, renew and confirm all the treaties of peace, friendship, consideration and commerce made and concluded before now between the crowns of Spain and Great Britain, and by the present confederation are renewed and confirmed the aforesaid treaties in a manner as ample and explicit as if they were each one herein introduced, that is to say, as far as they are not in opposition to the treaties of peace and commerce recently concluded and signed; and by this treaty of peace are specially confirmed and corroborated all pacts, alliances and conventions which concern commerce and navigation in Europe and other parts, as well as the introduction of Negroes into Spanish America, as also all those which have already been concluded or will be concluded as soon as possible in Madrid between the two nations. And whereas it is urged on the part of Spain that the Biscayans and other subjects of Her Catholic Majesty possess a certain right of fishing at the Island of Newfoundland, her Britannic Majesty agrees that the Biscayans and other peoples of Spain shall preserve intact all the privileges which they may rightfully claim.

XVI.

Whereas in the armistice convention made between Her Britannic Majesty and the Most Christian King for four months from the 11th to the 22d day of August last, which was confirmed by the acquiescence of the Catholic King, and is now confirmed by this treaty, as well as the prorogation thereof to the 11th and 22d day of April of this year, it was expressly stipulated, among other conditions, in which cases the vessels, merchandize and other movable property captured by each one of the parties from the other, are to be left to the capturers or be restored to their original owners, therefore is it now agreed that in those cases the stipulations of said armistice shall remain in full force, and that all that concerns said captures, whether they have been made in British waters or in southern waters or in other parts, shall be governed in good faith by the tenor thereof.

XVII.

Should it happen that through thoughtlessness, imprudence or any other cause, any subject of either of Their Royal Majesties should commit any offence, whether on land, or at sea, or in fresh waters in any part of the world, whereby the strict observance of this treaty should suffer, or any particular article thereof should not be strictly carried into effect, it is agreed that this shall not interrupt or break the peace established between the Catholic King and the Queen of Great Britain; but on the contrary, it shall remain in its original force and only the aforesaid sub-

ject shall be held responsible for his own acts and made to pay the penalties established by the rules and statutes of international law.

XVIII.

But if, what is to be deprecated, the extinguished enmity between their Catholic and Britannic Majesties should at any time be revived and a declaration of war should ensue, the ships, merchandize and movable and immovable property of the subjects of both parties, which may be captured in the ports and dominions the one of the other, shall not be adjudged to the fisc; but on the contrary, a period of six months shall be granted to the subjects of both Their Majesties for them to sell, carry or transfer to wherever they may wish, their aforesaid property or anything else which they may possess and to leave those places.

XIX.

The kings, princes and states mentioned in the following articles and all those which by common consent of both parties may be mentioned by either of them before the exchange of the ratifications, or within the six months following, shall be included and comprised in this treaty as a mark of mutual friendship; Their Catholic and Britannic Majesties being fully persuaded that they will recognize the provisions in it made and established.

XX.

All that may be contained in the treaty of peace which is about to be concluded between His Sacred Royal Majesty of Portugal, with the approval of Her Sacred Royal Majesty of Great Britain, shall be held an essential part of this treaty, as though it were introduced in it word by word; and Her Britannic Majesty furthermore offers to guarantee the aforesaid treaty of peace and she has really and expressly promised to fulfill it that it may be more inviolably and religiously observed.

XXI.

The treaty of peace concluded this day between His Catholic Majesty and His Royal Highness the Duke of Savoy is specially included and confirmed in this treaty as an essential part thereof, as though it were introduced in it word by word; and the Queen of Great Britain expressly declares that she wishes to be bound by the stipulations of guarantee therein promised.

XXII.

The Most Serene King of Sweden, together with his kingdoms, seigniories, provinces and rights, as also the Most Serene Princes the Grand Duke of Tuscany and the Duke of Parma together with his towns

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and subjects and also with the freedom and profits of commerce of the aforesaid subjects, shall be included in this treaty in the best possible form.

XXIII.

The Most Serene Republic of Venice shall be included and comprised in this treaty and in the best possible form, in consideration of the strict neutrality she has preserved between the belligerents during this war, and of other many acts of humanity she has executed; and her dignity, power and safety shall ever remain inviolable, as a mutual friend of both Their Majesties, who wish both to give her at all times all the tokens of sincere friendship which her interest may demand.

XXIV.

It has also been the pleasure of Their Majesties to comprise the Most Serene Republic of Genoa in this treaty, who, preserving the strictest neutrality during this war, has cultivated and tightened the ancient bonds of friendship which bound her to the crowns of Spain and of England; and it is the will of Their Majesties that the benefit of this peace shall embrace all that may be convenient to her, and that her subjects shall henceforth enjoy in all cases and in any place the same freedom of commerce which they enjoyed in former times, during the life of Charles II, King of Spain.

XXV.

The city of Dantzig, is likewise included in this treaty that she may henceforth enjoy the ancient benefits which she has heretofore enjoyed from the commerce of both kingdoms, whether by treaties or from ancient custom.

XXVI.

The ratifications of this treaty, solemnly and in due form executed, shall be exhibited and exchanged within the period of six weeks counted from this date, or before if it be possible.

In witness whereof, the Ambassadors Extraordinary and Plenipotentiary aforesaid, after duly exhibiting to each other and exchanged their credentials, have signed the present treaty and sealed it with their seals at Utrecht on the 13th day of July, 1713.

DUKE OF OSSUNA. MARQUESS OF MONTELEON.
JOH. BRISTOL E. P. S. STRAFFORD.

Annex 3

Convention between Great Britain and Holland relating to their Colonies, Holland cedes the colonies of Demerara, Essequibo and Berbice to Great Britain, 13 August 1814

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 483, pp. 43-48)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 481.

Done at Amiens on the 27th of March 1802, 6th Germinal year X of the French Republic.

(L. S.) JOSEPH BONAPARTE.

(L. S.) CORNWALLIS.

(L. S.) J. NICOLAS DE AZARA.

(L. S.) R. J. SCHIMMELPENNINCK.

No. 482.

Extract from a Proposed Charter for the Colonies of Essequibo and Demerara, submitted to the Council of the American Colonies and Possessions of the Batavian Republic, June 22, 1803, by G. A. W. Ruysch, late member of the Council.[1]

[Reprinted from U. S. Commission, Report, Vol. 2, pp. 657-658.]

* * * * * *

Inasmuch as there are to be found in the upper rivers of this colony, and likewise in the various creeks, a great number of abandoned plantations and uncultivated lands, the Republic grants to all who may wish to establish themselves on one or more of those estates and to cultivate there rice, tobacco, cocoa, indigo, or any other useful product, not only a considerable [piece] of tobacco land, gratis, but moreover freedom from all charges during ten consecutive years; the like privilege is granted to those who on such abandoned or uncultivated lands may be willing to establish studs, cattle-ranches, or stock-farms for horned cattle—cows, sheep, and goats—or for hogs.

* * * * * *

No. 483.

Convention between Great Britain and Holland relating to their Colonies. Holland cedes to Great Britain the Colonies of Demerara, Essequibo and Berbice, August 13, 1814.

In the name of the Most Holy and Indivisible Trinity.

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[1] Note by Prof. Burr.—Under date of June 21, 1803, one reads in the minutes of the Council of the American Colonies: "The President stated to the meeting that he had received from a former member of this Council, G. A. W. Ruysch, a charter drafted by him for the agricultural colonies of the State, with the request that if he saw fit he would present it to the Council, that the Council might make at its convenience such use of it as it should deem proper." The charter was referred to the Committee on Policy, and is never heard of again. The document itself bears a marginal memorandum, stating that it was submitted to the Council of the Colonies on June 23, 1803. Ruysch, who on July 8, 1802, had been granted leave of absence because of ill health, had resigned from the Council on April 1, 1803.

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The United Provinces of the Netherlands having, by the favour of Divine Providence, recovered their independence, and having been placed by the loyalty of the Dutch Nation and the armies of the allied Powers under the government of the illustrious house of Orange: and H. B. M. being desirous of entering into an arrangement with the Sovereign of the United Provinces of the Netherlands regarding the colonies of the aforesaid Provinces which were conquered during the late war by the armies of this Majesty, which arrangement shall promote the prosperity of the aforesaid State, and also wishing to give a proof of his constant friendship and attachment for the house of Orange and the Dutch nation, the High Contracting Parties aforesaid, moved by like feelings of cordial benevolence and attachment towards each other, have appointed as their Plenipotentiaries, to wit: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, member of His Majesty's Privy Council, member of Parliament, colonel of the regiment of the Londonderry militia, Knight of the Most Noble order of the Garter and his First Secretary of State for Foreign Affairs: and H. R. H. the Prince of Orange, Prince Sovereign of the United Provinces of the Netherlands, Mr. Henry Fagel, his Ambassador Extraordinary and Plenipotentiary to the Court of H. B. M., who after having exchanged their full powers and found them in good and due form, have agreed upon the following articles:

ART. 1.

His Britannic Majesty engages to restore to the Prince Sovereign of the United Provinces of the Netherlands, within the time which shall be specified here below, the colonies, factories and establishments of which Holland was in possession at the beginning of the late war, that is to say, on the 1st of January 1803, in the seas and continents of America, Africa and Asia, with the exception of the Cape of Good Hope and of the establishments of Demerara, Essequibo and Berbice, which the High Contracting Parties reserve the right to dispose of by a supplementary convention which shall be adjusted at once in conformity with the mutual interests of both parties, and more especially in relation to the stipulations contained in articles 6 and 9 of the treaty of peace concluded between His Britannic Majesty and His Most Christain Majesty on the 30th of May 1814.

ART. 2.

His Britannic Majesty agrees to cede in all sovereignty to the Prince Sovereign of the United Provinces of the Netherlands, the Blanca island, situated in the eastern seas, in exchange for the establishment of

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Cochin and its dependences on the coast of Malabar, which shall be left in all sovereignty to His Britannic Majesty.

ART. 3.

The stronghold and forts in the colonies and establishments ceded and exchanged by the two High Contracting Parties by virtue of the two preceding articles, shall be delivered in the same state in which they may be at the moment of signing the present convention.

ART. 4.

His Britannic Majesty promises to allow the subjects of His Royal Highness the Prince Sovereign of the United Provinces of the Netherlands, to enjoy, in regard to commerce and to the safety of their persons and property, within the limits of the British dominions on the Indian Continent, the same facilities, privileges and protection which have been granted or may hereafter be granted to the subjects of the most favoured nation.

On his side, H. R. H., wishing for nothing more earnestly than for the perpetuity of peace between the crown of England and the United Provinces of the Netherlands, and wishing from now and as far as lies in his power to remove all that might at any time disturb the good understanding which exists in the relations of both nations, promises not to erect any fortifications in the establishments which are to be restored to him and are situated on the borders of the British dominion in the Indian Continent, and not to maintain therein a larger number of troops than is necessary for the preservation of order.

ART. 5.

The colonies, factories and establishments which are to be ceded to H. R. H. the Prince Sovereign of the United Provinces of the Netherlands by His Britannic Majesty in the seas and Continent of America shall be delivered to him within three months from the ratification of the present convention.

ART. 6.

The High Contracting Parties being desirous of casting in oblivion the differences which have agitated Europe, declare and promise hereby that in the countries restored and ceded by this treaty no person of whatever class or condition shall be prosecuted, disturbed or molested under any pretext whatsoever, or on account of their political conduct or opinions or their attachment to either one of the Contracting Parties or to Governments which may have ceased to exist, or for any other cause, excepting for debts contracted with third parties or by acts posterior to the present treaty.

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ART. 7.

In all the countries which are to change sovereigns, both by virtue of the present convention or by arrangements which may be made in consequence thereof, the inhabitants, natives or foreigners, of whatever class and condition, shall be granted a period of six years, counted from the date of the exchange of the ratifications, to dispose of their property, if they see fit to do so, whether acquired before or after the late war, and to go to the country which they may elect.

ART. 8.

Being moved by an earnest desire to cooperate in the most effectual manner with H. M. the King of the United Kingdom of Great Britain and Ireland in obtaining the abolition of the trade of slaves on the coast of Africa, and having issued a decree of his own accord, under date of the 15th of June, 1814, whereby he commands that no vessel destined for said trade shall be equipped at or sail from the ports or garrisons of his States, or shall be admitted to the forts or possessions of the coast of Guinea, and that no inhabitant of those regions shall be sold or exported as a slave, the Prince Sovereign of the United Provinces of the Netherlands hereby further engages to prohibit his subjects, in the most effectual manner and under the severest penalties, from taking any part whatever in this inhuman trafic.

ART. 9.

The present convention shall be ratified and the ratifications shall be duly exchanged in London within the term of three weeks or sooner if possible.

In witness whereof we the undersigned plenipotentiaries have signed the present convention, by virtue of our respective powers, and have sealed it with the seals of our arms.

Done in London on the 10th of August, 1814.

[L. S.] CASTLEREAGH. [L. S.] H. FAGEL.

FIRST ADDITIONAL ARTICLE.

In order to further ensure the defense and the reunion of the United Provinces to Holland, as well as with the object of securing for His Swedish Majesty, according to Article IX of the Treaty of Paris, a suitable compensation for the rights which he ceded by virtue of the same article, which compensation it is understood that Holland shall be obliged to provide after the said reunion has been effected in conformity with said stipulations, the High Contracting Parties have agreed by the present article that His Britannic Majesty shall take the following charges upon himself:

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1. The payment of one million pounds sterling to Sweden for the aforesaid demands and in consequence of a convention which has been concluded and signed this day with the Plenipotentiary of His Swedish Majesty, of which convention a copy is annexed to the present additional articles.

2. The sum of two million pounds, to be employed with the concurrence of the Prince Sovereign of the United Provinces of the Netherlands, besides a like sum which shall be furnished by the latter Prince for the increase and fortification of a line of defense of the Netherlands.

3. To defray, jointly with Holland, and in equal parts, all the ulterior expenses which may be determined and agreed upon by common consent by the High Contracting Parties and their allies, with the object of consolidating and definitively establishing, in a satisfactory manner, the union of the Netherlands and Holland under the rule of the House of Orange, the quota to be furnished by Great Britain not to extend three millions pounds sterling.

In consideration of the engagements above mentioned, the Prince Sovereign of the Netherlands consents to cede in all sovereignty to His Britannic Majesty the Cape of Good Hope and the establishments of Demerara, Essequibo and Berbice, on condition, however, that the subjects of H. R. H. the Prince Sovereign, who own property in said colonies or establishments, shall be at liberty (saving the regulations which shall be agreed upon in a supplementary convention) to navigate and trade between said establishments and the territories of said Prince Sovereign in Europe.

The High Contracting Parties have furthermore agreed that ships of all kinds belonging to Holland shall be freely admitted in the Cape of Good Hope, to furnish themselves with victuals and to make the necessary repairs, without having to pay any higher duties than those paid by English subjects.

SECOND ADDITIONAL ARTICLE.

The small district of Bernagore, situated near the city of Calcutta, being required to ensure tranquillity and order in said city, the Prince of Orange agrees to cede said district to His Britannic Majesty, who shall pay to His Royal Highness the annual sum which, in the judgment of Commissioners who shall be appointed by both parties, shall be just and reasonable; and the profits and revenues which the Dutch Government generally derives from the district in question shall be taken into account.

THIRD ADDITIONAL ARTICLE.

The present additional articles shall have the same force and validity

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that they would have if they had been introduced word by word in the convention which has been signed this day. They shall be ratified and the ratifications exchanged at the same time and place.

In witness whereof we, the undersigned plenipotentiaries, have signed them and sealed them with the seals of our arms.

Done in London on the 13th of August, 1814.

[L. S.] CASTLEREAGH.
[L. S.] H. FAGEL.

No. 484.

Treaty of Peace and Recognition between Venezuela and Spain, March 30, 1845.

The Republic of Venezuela on the one part and H. M. the Queen of Spain Doña Isabel II on the other part, being desirous of effacing the traces of the late struggle and of fomenting by means of a public and solemn act of reconciliation and peace, the good relations which already exist between the citizens and subjects of both States, and which will become closer each day, to their mutual benefit, have resolved to conclude, with this laudable end in view, a treaty of peace, based upon the principles of justice and of reciprocal convenience; and the Republic of Venezuela has appointed as her Plenipotentiary. Señor Alejo Fortique, Judge of the Superior Court of Caracas, and at present Envoy Extraordinary and Minister Plenipotentiary of the Republic to H. B. M., and H. C. M., Don Francisco Martinez de la Rosa, Knight Grand Cross of the Royal and distinguished Order of Charles III, of that of Christ of Portugal of that of Leopold of Belgium and of the Saviour of Greece, her Minister of State, who after having communicated their full powers to each other and found them in good and due form have agreed upon the following articles:

ARTICLE FIRST.

H. C. Majesty, making use of the power vested in her by decree of the Cortes Generales of the Kingdom, of 4th of December, 1836, renounces for herself, her heirs and successors the sovereignty, rights and action which she has upon the American territory known under the old name of Captaincy General of Venezuela, now Republic of Venezuela.

ART. 2.

In consequence of this renunciation and cession H. M. recognizes the Republic of Venezuela as a free, sovereign and independent nation, com-

Annex 4

Treaty of Peace and Recognition between Venezuela and Spain, 30 March 1845

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 484, pp. 48-53)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 483.

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ART. 2.

In consequence of this renunciation and cession H. M. recognizes the Republic of Venezuela as a free, sovereign and independent nation, com-

posed of the provinces and territories mentioned in her Constitution and other posterior laws, to wit: Margarita, Guayana, Cumana, Barcelona, Caracas, Carabobo, Barquisimeto, Barinas, Apure, Merida, Trujillo, Coro and Maracaibo and any other territories or islands which may belong to her.

ART. 3.

There shall be a complete forgetfulness of the past and a general amnesty for all the citizens of the Republic of Venezuela, and Spaniards without exception, whichever party they may have followed during the war and the dissensions which are happily brought to an end by the present treaty.

This amnesty is stipulated and is to be granted through the high interposition of H. C. M. as a proof of her desire to base upon principles of benevolence the peace, union and close friendship which shall henceforth be preserved between her subjects and the citizens of the Republic of Venezuela.

ART. 4.

The Republic of Venezuela and H. C.-M. have agreed that their respective subjects and citizens shall fully preserve the right to demand and obtain justice and complete satisfaction for the debts which they may have contracted between themselves *in good faith*, as also that no obstacles or impediment shall be put in their way by the public authorities in the rights which they may allege, on account of marriage, inheritance by testament or *ab intestato*, succession or any other title of acquisition which is recognized by the laws of the country in which the claim is presented.

ART. 5.

The Republic of Venezuela, impelled by feeling of justice and equity spontaneously recognizes as a national consolidated debt, the sum to which may amount the debt of the treasury of the Spanish Government which may be registered in the books of the Treasury of the old Captaincy General of Venezuela, or which may be proved in any other equivalent and lawful manner; but as it is difficult, on account of the peculiar circumstances in which the Republic is at present, and of the disastrous war which is now happily ended, to definitively determine this point, and both parties being anxious to conclude this treaty of peace and friendship as soon as possible and as their mutual interest demands, they have agreed to leave the decision of it for later arrangement. It must be understood, however, that the sums which according to this arrangement shall prove qualified and are admitted as being lawfully owed, shall as long as they are not paid, bear an interest of five per cent. per annum, to

be reckoned from one year after the exchange of the ratifications of the present treaty, and said debt to be subject to the general rules established on the subject in the Republic.

ART. 6.

All property movable or landed, jewels, money or effects of any other kind which on account of the war, may have been seized or confiscated from citizens of the Republic of Venezuela or from subjects of H. C. M., and may be still at the disposal of the Government in whose name the seizure or confiscation has been made, shall be immediately restored to their former owners or to their heirs or legal representatives, without the latter having the right to claim anything for the proceeds which said property may have or could have yielded from the time of the seizure or confiscation.

ART. 7.

Neither can any claim be presented by either party for the damages or the improvements which may have been since then made in said property for any motive whatsoever.

ART. 8.

The owners of property movable or landed, which, having been seized or confiscated by the Government of the Republic may have been since sold, adjudicated or disposed of in any manner by the Government, shall receive from the latter a suitable compensation. This indemnity shall be given, at the option of the owners, in bonds of the consolidated debt of the Republic, bearing an annual interest of three per cent. to be reckoned from one year after the exchange of the ratifications of the present treaty, from which date they shall have the same chances as other creditors of the same kind of the Republic, or in lands belonging to the State. For the indemnity either in bonds as aforesaid or in lands, the value shall be taken into account, which the property had at the time of the seizure or confiscation; in all of which it shall be proceeded in good faith and in an amicable manner and not judicially, in order to avoid all causes of discontent between the subjects of both countries and to prove on the contrary, the mutual wish for peace and fraternity which possesses every body.

ART. 9.

If the indemnity is in the form of bonds of the consolidated debt, the Government of the Republic shall issue a document of credit against the State, which shall bear the above mentioned interest from the time fixed in the preceding article, even though the document be issued at a later

period ; and if in the form of public lands, after one year following the exchange of the ratifications, it shall be added to those given as an indemnity for the lost ones, an extent of land equivalent to the proceeds which would have been yielded by the original property, if said lands are delivered within one year after the exchange of the ratifications or sooner, so that the indemnity shall be effectual and complete when it is effected.

ART. 10.

The citizens of the Republic of Venezuela or the Spanish subjects who, by virtue of what has been stipulated in the preceding articles, may have a claim against either one of the two Governments, shall present it within the period of four years counted from the date of the exchange of the ratifications of the present treaty, accompanied by a brief statement of the facts, supported by bona fide documents to justify the genuineness of the claim ; after the aforesaid four years have elapsed, no new claims of this kind shall be admitted under any pretext whatsoever.

ART. 11.

In order to remove all grounds for disagreement about the meaning and the exact execution of the preceding articles, the two Contracting Parties declare that they shall not reciprocally present any claim for damages or prejudice caused by the war or in any other manner, confining themselves to those stipulated in this treaty.

ART. 12.

Impelled by the like feelings, and in order to remove all cause for future claims or complaints, both Parties reciprocally promise not to permit in their respective territories any conspiracy against the safety and tranquility of the other State, preventing on the contrary any expedition which may be prepared with such a prejudicial purpose, taking against the persons guilty of such intents the most efficient measures that the laws of each one of the countries may permit.

ART. 13.

In order to at once and forever efface all traces of division between the subjects of both countries who are now united by the bonds of the same origin, religion, language, customs and affections, the two Contracting Parties have agreed :

1.—That the Spaniards who for special reasons may have resided in the Republic of Venezuela and adopted the nationality of that country, shall be allowed to resume their original nationality, a period of one

year being granted them to avail themselves of this right, counted from the date of the exchange of the ratifications of the present treaty. This shall be done by entering their names in the register of Spaniards which shall be opened in the Legation or Consulate of Spain which shall be established in the Republic in consequence of this treaty; and due notice shall be given to the Government, of the number, profession and business of those who shall prove to be Spaniards in the register, on the day that the latter is closed after the expiration of the appointed time. After this time has elapsed, shall be considered as Spaniards only those coming from Spain and her dominions and those who, through their nationality, are the bearers of passports issued by Spanish authorities, and enter their names in said register immediately upon their arrival.

2.—Venezuelans in Spain and Spaniards in Venezuela shall be at liberty to own all kinds of moveable or landed property, to keep establishments of all kinds, to exercise all kinds of industry and trade, whether wholesale or at retail; those who are thus established being considered in each country as national subjects, and as such, subject to the laws of the country where they own property, reside or exercise their industry or commerce; they shall likewise be at liberty to carry their property integrally away from the country, to dispose of it, to succeed by testament or *ab intestato*; all this in the same terms and under the same conditions as natives of the country.

ART. 14.

Citizens of the Republic of Venezuela in Spain, and Spanish subjects in Venezuela, shall not be compelled to serve in the army, navy or national militia, and shall be exempted from all forced loans, only paying for the property which they may own or the industry they may exercise the same taxes as natives of the country.

ART. 15.

The Republic of Venezuela and H. C. M. hereby agree to proceed as soon as possible to the adjustment of a treaty of commerce based upon principles of mutual profit and advantages.

ART. 16.

In order to facilitate commercial relations between both States, the merchant ships of each one of the countries shall be admitted into the ports of the other with the same advantages which are enjoyed by those of the most favoured nations, without having to pay any other or higher duties than those known under the name of harbour duties, as they are paid by the ships of the most favoured nation.

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ART. 17.

The Republic of Venezuela and H. C. M. shall have the right of appointing Diplomatic and Consular agents in the dominions the one of the other; and these agents having been accredited and recognized, shall enjoy the same franchises, privileges and immunities that are enjoyed by those of the most favoured nation.

ART. 18.

The Consuls and Vice Consuls of the Republic of Venezuela in Spain, and those of Spain in Venezuela, shall intervene in the successions of the subjects of either country who may be established, residing or transient in the territory of the other, whether by testament or *ab intestato;* likewise in the case of wrecks or disasters of ships, they may issue passports to the respective subjects, and in general exercise all the functions inherent to their position.

ART. 19.

Being desirous of preserving the peace and harmony which have been happily re-established by the present treaty, the Republic of Venezuela and H. C. M. hereby solemnly and formally declare:

1.—That any advantage which may be acquired by them, by virtue of the preceding articles, is and shall be understood to be a compensation for the benefits which are mutually conferred by the same articles; and

2.—That if, as it is to be deprecated, the harmony should be interrupted, which should exist in future between the Contracting Parties, through a misunderstanding of the articles hereby agreed upon, or for some other motive of offence or complaint, neither of the Parties shall permit acts of hostility or of reprisal to be committed either on land or at sea, without having previously presented the one to the other a justificatory memorial of the facts upon which the complaint or offence is grounded, and unless a suitable apology be refused.

ART. 20.

The present treaty, containing twenty articles, shall be ratified, and the instruments of ratification shall be exchanged in this Court within the term of eighteen months counted from the day on which it was signed, or sooner if both parties desire it.

In witness whereof the respective Plenipotentiaries have signed it and have affixed thereto their private seals.

Done in Madrid on the thirtieth day of March one thousand eight hundred and forty-five.

[L. S.] ALEJO FORTIQUE.
[L. S.] FRANCISCO MARTINEZ DE LA ROSA.

Annex 5

Treaty of Arbitration between Great Britain and the United States of Venezuela, Washington D.C., 2 February 1897

Available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/GB-VE_970202_Treaty%20of%20Arbitration.pdf

Treaty of Arbitration between Great Britain and the United States of Venezuela

Washington D.C., 2 February 1897

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of Venezuela, being desirous to provide for an amicable settlement of the ques-tion which has arisen between their respective Governments concerning the boundary be-tween the Colony of British Guiana and the United States of Venezuela, having resolved to submit to arbitration the question involved, and to the end of concluding a Treaty for that purpose, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Julian Pauncefote, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of Bath, and of the Most Distin-guished Order of St. Michael and St. George, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States:

And the President of the United States of Venezuela, Senor Jose Andrade, Envoy Extraordinary and Minister Plenipotentiary of Venezuela to the United States of America:

Who having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles: -

ARTICLE I

An Arbitral Tribunal shall be immediately appointed to determine the boundary-line between the Colony of British Guiana and the United States of Venezuela.

ARTICLE II

The Tribunal shall consist of five jurists; two on the part of Great Britain, nominated by the members of the Judicial Committee of Her Majesty's Privy Council, namely, the Right Honourable Baron Herschell, Knight Grand Cross of the Most Honourable Order of Bath, and the Honourable Sir Richard Henn Collins, Knight, one of the Justices of Her Britannic Majesty's Supreme Court of the Judicature; two on the part of Venezuela, nominated, one by the President of the United States of Venezuela, namely, the Honourable Melville Weston Fuller, Chief Justice of the United States of America, and one nominated by the Justices of the Supreme Court of the United States of America, namely, the Honourable David Josiah Brewer, a Justice of the Supreme Court of the United States of America; and of a fifth jurist to be selected by the four persons so

nominated, or in the event of their failure to agree within three months from the exchange of ratification of the present Treaty, to be so selected by His Majesty the King of Sweden and Norway. The jurist so selected shall be the President of the Tribunal.

In the case of death, absence, or incapacity to serve of any of the four Arbitrators above named, or in the event of any such Arbitrator omitting or declining or ceasing to act as such, another jurist of repute shall be forthwith substituted in his place. If such vacancy shall occur among those nominated on the part of Great Britain, the substitute shall be appointed by the members for the time being of the Judicial Committee of Her Majesty's Privy Council, acting by a majority, and if among those nominated on the part of Venezuela, he shall be ap-pointed by the Justices of the Supreme Court of the United States, acting by a majority. If such vacancy shall occur in the case of the fifth Arbitrator, a substitute shall be selected in the manner herein provided for with regard to the original appointment.

ARTICLE III

The Tribunal shall investigate and ascertain the extent of the territories belonging to, or that might lawfully be claimed by the United Netherlands or by the Kingdom of Spain re-spectively at the time of the acquisition by Great Britain of the Colony of British Guiana, and shall determine the boundary-line between the Colony of British Guiana and the United States of Venezuela.

ARTICLE IV

In deciding the matters submitted, the Arbitrators shall ascertain all facts which they deem necessary to the decision of the controversy, and shall be governed by the following Rules, which are agreed upon by the High Contracting Parties as Rules to be taken as appli-cable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case-

RULES

(a) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual set-tlement thereof, sufficient to constitute adverse holding or to make title by prescription.

(b) The Arbitrators may recognise and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of interna-tional law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule.

(c) In determining the boundary-line, if territory of one Party be found by the Tribu-nal to have been at the date of this Treaty in the occupation of the subjects or citizens of the other Party, such effect shall be given to such occupation as reason, justice, the

principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require.

ARTICLE V

The Arbitrators shall meet at Paris, within sixty days after the delivery of the printed arguments mentioned in Article VIII, and shall proceed impartially and carefully to examine and decide the questions that have been, or shall be, laid before them, as herein provided, on the part of the Governments of Her Britannic Majesty and the United States of Venezuela re-spectively.

Provided always that the Arbitrators may, if they shall think fit, hold their meetings, or any of them, at any other place which they may determine.

All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall name one person as its Agent to attend the Tribunal, and to represent it generally in all matters connected with the Tribunal.

ARTICLE VI

The printed Case of each of the two Parties accompanied by the documents, the offi-cial correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other Party as soon as may be after the ap-pointment of the members of the Tribunal, but within a period not exceeding eight months from the date of the exchange of the ratifications of this Treaty.

ARTICLE VII

Within four months after the delivery on both sides of the printed Case, either Party may in like manner deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a Counter-Case, and additional documents, correspondence, and evidence, in reply to the Case, documents, correspondence, and evidence of the other Party.

If in the Case submitted to the Arbitrators either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other , through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the Case, and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding forty days after receipt of notice.

ARTICLE VIII

It shall be the duty of the Agent of each Party, within three months after the expira-tion of the time limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a printed argument showing the points, and referring to the evidence upon which his Government relies, and ei-ther party may also support the same before the Arbitrators by oral argument of Counsel; and the Arbitrators may, if they desire further elucidation with regard to any point, require a writ-ten or printed statement or argument, or oral argument by Counsel upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

ARTICLE IX

The Arbitrators may, for any cause deemed by them sufficient, enlarge either of the periods fixed in Articles VI, VII and VIII by the allowance of thirty days additional.

ARTICLE X

The decision of the Tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The decision shall be in duplicate, one copy thereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States of Venezuela for his Government.

ARTICLE XI

The Arbitrators shall keep an accurate record of their proceedings, and may employ the necessary officers to assist them.

ARTICLE XII

Each Government shall pay its own Agent and provide for the proper remuneration of the Counsel appointed by it, and of the Arbitrators appointed by it or in its behalf, and for the expense of preparing and submitting its Case to the Tribunal. All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE XIII

The High Contracting Parties engage to consider the result of the proceeds of the Tribunal of Arbitration as a full, perfect, and final settlement of all the questions referred to the Arbitrators.

ARTICLE XIV

The present Treaty shall be duly ratified by Her Britannic Majesty and by the Presi-dent of the United States of Venezuela, by and with the Congress thereof, and the ratifica-tions shall be exchanged in London or in Washington within six months from the date hereof.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate, at Washington, the second day of February, one thousand eight hundred and ninety-seven.

(L.S) JULIAN PAUNCEFOTE

(L.S) JOSÉ ANDRADE

Annex 6

Venezuela and United Kingdom of Great and Northern Ireland, Agreement to Resolve the Controversy over the Frontier between Venezuela and British Guiana, Geneva, 17 February 1966 (Geneva Agreement)

Available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/GB-VE_660217_Agreement%20to%20Resolve%20Controversy%20over%20Frontier%20British%20Guiana.pdf

No. 8192

VENEZUELA
and
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Agreement to resolve the controversy over the frontier between Venezuela and British Guiana. Signed at Geneva, on 17 February 1966

Official texts : Spanish and English.

Registered by Venezuela on 5 May 1966.

VENEZUELA
et
ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Accord tendant à régler le différend relatif à la frontière entre le Venezuela et la Guyane britannique. Signé à Genève, le 17 février 1966

Textes officiels espagnol et anglais.

Enregistré par le Venezuela le 5 mai 1966.

No. 8192. AGREEMENT [1] TO RESOLVE THE CONTROVERSY BETWEEN VENEZUELA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND OVER THE FRONTIER BETWEEN VENEZUELA AND BRITISH GUIANA. SIGNED AT GENEVA, ON 17 FEBRUARY 1966

The Government of the United Kingdom of Great Britain and Northern Ireland, in consultation with the Government of British Guiana, and the Government of Venezuela ;

Taking into account the forthcoming independence of British Guiana ;

Recognising that closer cooperation between British Guiana and Venezuela could bring benefit to both countries ;

Convinced that any outstanding controversy between the United Kingdom and British Guiana on the one hand and Venezuela on the other would prejudice the furtherance of such cooperation and should therefore be amicably resolved in a manner acceptable to both parties ;

In conformity with the agenda that was agreed for the governmental conversations concerning the controversy between Venezuela and the United Kingdom over the frontier with British Guiana, in accordance with the joint communiqué of 7 November, 1963, have reached the following agreement to resolve the present controversy :

Article I

A Mixed Commission shall be established with the task of seeking satisfactory solutions for the practical settlement of the controversy between Venezuela and the United Kingdom which has arisen as the result of the Venezuelan contention that the Arbitral Award of 1899 [2] about the frontier between British Guiana and Venezuela is null and void.

Article II

(1) Within two months of the entry into force of this Agreement, two representatives shall be appointed to the Mixed Commission by the Government of British Guiana and two by the Government of Venezuela.

(2) The Government appointing a representative may at any time replace him, and shall do so immediately should one or both of its representatives be unable to act through illness or death or any other cause.

[1] Came into force on 17 February 1966, the date of signature, in accordance with article VII.

[2] *British and Foreign State Papers*, Vol. 92, p. 160 (see also United Kingdom : *Treaty Series No. 5* (1897), C. 8439, for text of Treaty of 2 February 1897).

(3) The Mixed Commission may by agreement between the representatives appoint experts to assist the Mixed Commission, either generally or in relation to any individual matter under consideration by the Mixed Commission.

Article III

The Mixed Commission shall present interim reports at intervals of six months from the date of its first meeting.

Article IV

(1) If, within a period of four years from the date of this Agreement, the Mixed Commission should not have arrived at a full agreement for the solution of the controversy it shall, in its final report, refer to the Government of Guyana and the Government of Venezuela any outstanding questions. Those Governments shall without delay choose one of the means of peaceful settlement provided in Article 33 of the Charter of the United Nations.

(2) If, within three months of receiving the final report, the Government of Guyana and the Government of Venezuela should not have reached agreement regarding the choice of one of the means of settlement provided in Article 33 of the Charter of the United Nations, they shall refer the decision as to the means of settlement to an appropriate international organ upon which they both agree or, failing agreement on this point, to the Secretary-General of the United Nations. If the means so chosen do not lead to a solution of the controversy, the said organ or, as the case may be, the Secretary-General of the United Nations shall choose another of the means stipulated in Article 33 of the Charter of the United Nations, and so on until the controversy has been resolved or until all the means of peaceful settlement there contemplated have been exhausted.

Article V

(1) In order to facilitate the greatest possible measure of cooperation and mutual understanding, nothing contained in this Agreement shall be interpreted as a renunciation or diminution by the United Kingdom, British Guiana or Venezuela of any basis of claim to territorial sovereignty in the territories of Venezuela or British Guiana, or of any previously asserted rights of or claims to such territorial sovereignty, or as prejudicing their position as regards their recognition or non-recognition of a right of, claim or basis of claim by any of them to such territorial sovereignty.

(2) No acts or activities taking place while this Agreement is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in the territories of Venezuela or British Guiana or create any rights of sovereignty in those territories, except in so far as such acts or acti-

vities result from any agreement reached by the Mixed Commission and accepted in writing by the Government of Guyana and the Government of Venezuela. No new claim, or enlargement of an existing claim, to territorial sovereignty in those territories shall be asserted while this Agreement is in force, nor shall any claim whatsoever be asserted otherwise than in the Mixed Commission while that Commission is in being.

Article VI

The Mixed Commission shall hold its first meeting at a date and place to be agreed between the Governments of British Guiana and Venezuela. This meeting shall take place as soon as possible after its members have been appointed. Thereafter the Mixed Commission shall meet as and when agreed between the representatives.

Article VII

This Agreement shall enter into force on the date of its signature.

Article VIII

Upon the attainment of independence by British Guiana, the Government of Guyana shall thereafter be a party to this Agreement, in addition to the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Venezuela.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Geneva this 17th day of February, 1966, in the English and Spanish languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland :

Michael STEWART
Secretary of State for Foreign Affairs

L. F. S. BURNHAM
Prime Minister of British Guiana

For the Government of Venezuela :

Ignacio IRIBARREN BORGES
Minister for Foreign Affairs

Annex 7

Guyana, United Kingdom of Great Britain and Northern Ireland and Venezuela, Protocol to the Agreement to Resolve the Controversy between Venezuela and The United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela, and British Guiana, Geneva, 17 February 1966 ("Protocol of Port Spain"), Port Spain, 18 June 1970

Available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/GY-GB-VE_700618_ProtocolPortSpain%28eng%29.pdf

No. 11410

GUYANA, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and VENEZUELA

Protocol to the Agreement to resolve the controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the frontier between Venezuela and British Guiana signed at Geneva on 17 February 1966 (" Protocol of Port of Spain "). Signed at Port of Spain on 18 June 1970

Authentic texts: English and Spanish.

Registered by Guyana on 19 November 1971.

GUYANE, ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD et VENEZUELA

Protocole à l'Accord tendant à régler le différend entre le Venezuela et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord relatif à la frontière entre le Venezuela et la Guyane britannique signé à Genève le 17 février 1966 (« Protocole de Port of Spain »). Signé à Port of Spain le 18 juin 1970

Textes authentiques: anglais et espagnol.

Enregistré par la Guyane le 19 novembre 1971.

PROTOCOL OF PORT OF SPAIN [1]

The Government of Guyana, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Venezuela,

Having received on this date the Final Report dated 18th June, 1970 of the Mixed Commission established by the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland, in consultation with the Government of British Guiana, and the Government of Venezuela, signed at Geneva on 17th February, 1966 [2], hereinafter referred to as the Geneva Agreement;

Convinced that the promotion of mutual confidence and positive and friendly intercourse between Guyana and Venezuela will lead to an improvement in their relations befitting neighbouring and peace-loving nations, have agreed as follows:

Article I

So long as this Protocol remains in force and subject to the following provisions the Government of Guyana and the Government of Venezuela shall explore all possibilities of better understanding between them and between their peoples and in particular shall undertake periodical reviews, through normal diplomatic channels, of their relations with a view to promoting their improvement and with the aim of producing a constructive advancement of the same.

Article II

(1) So long as this Protocol remains in force no claim whatever arising out of the contention referred to in Article I of the Geneva Agreement shall be asserted by Guyana to territorial sovereignty in the territories of Venezuela or by Venezuela to territorial sovereignty in the territories of Guyana.

[1] Came into force on 18 June 1970 by signature, in accordance with article VI.
[2] United Nations, *Treaty Series*, vol. 561, p. 321.

(2) In this Article, the references to the territories of Guyana and the territories of Venezuela shall have the same meaning as the references to the territories of British Guiana and the territories of Venezuela respectively in the Geneva Agreement.

Article III

So long as this Protocol remains in force the operation of Article IV of the Geneva Agreement shall be suspended. On the date when this Protocol ceases to be in force the functioning of that Article shall be resumed at the point at which it has been suspended, that is to say, as if the Final Report of the Mixed Commission had been submitted on that date, unless the Government of Guyana and the Government of Venezuela have first jointly declared in writing that they have reached full agreement for the solution of the controversy referred to in the Geneva Agreement or that they have agreed upon one of the means of peaceful settlement provided for in Article 33 of the Charter of the United Nations.

Article IV

(1) So long as this Protocol remains in force Article V of the Geneva Agreement (without prejudice to its further operation after this Protocol ceases to be in force) shall have effect in relation to this Protocol as it has effect in relation to that Agreement, subject to the substitution for the words " British Guiana " wherever they occur in that Article of the word " Guyana ", and subject to the deletion from paragraph (2) of that Article of the following phrases:

(*a*) " , except insofar as such acts or activities result from any agreement reached by the Mixed Commission and accepted in writing by the Government of Guyana and the Government of Venezuela "; and

(*b*) " , nor shall any claim whatsoever be asserted otherwise than in the Mixed Commission while that Commission is in being ".

(2) The signing and the continuance of this Protocol shall not be interpreted in any way as a renunciation or diminution of any rights which any of the parties may have of the date on which this Protocol is signed or as a recognition of any situation, practice or claim existing at that date.

Article V

(1) This Protocol shall remain in force for an initial period of twelve years, renewable thereafter, subject to the provisions of this Article, for successive periods of twelve years each.

COLONIAL DOCUMENTS

Annex 8

Letter from Antonio De Berrío to the King, 2 December 1594 (Translation)

From *Archivo General de Indias*, ESCRIBANÍA, 1011A, Piece 8. Year 1594.

Sir:

For fifty-two years I have served Your Majesty and Emperor Carlos V, of glorious memory, our lord and father of Your Majesty, in all the wars in Germany, Italy, Barbary and Flanders, and I came to do so by order of Your Majesty in the War of Granada, where I served in different places as a governor.

The services I have rendered for Your Majesty, being rendered to a King so Christian and so notorious, there is no need for me to mention them. I will only say that so far three brothers of mine have died in the war: one in Piedmont, the other in the War of Granada as my ensign, and the third in the naval war that Your Majesty's General Lord Don Juan of Austria won against the Turk.

And when the War of Granada was over, being governor of the Alpujarras, I married the daughter of Colonel Hernando de Oruña, who served Your Majesty for fifty years in the manner that Your Majesty and everyone knows, and at the end he and his sons died in the War of Granada, and at that time Don Gonzalo Jiménez de Quesada died. He was the *Adelantado* of the New Kingdom of Granada who discovered, populated and conquered that Kingdom in the name of Your Majesty. At his death, he left as his successor Doña María de Oruña, my wife, because she was the daughter of his eldest sister and he had no other successor with more right, and entrusted to me the journey they call *El Dorado*, which he had begun, having capitulated it with Your Majesty. And, for further service, considering it just to take charge of so great a thing and of which so much increase and profit came to the Royal Crown, with Your Majesty's licence, I went to the New Kingdom of Granada in the year eighty, and having arrived there, by virtue of the capitulations that the *Adelantado* had concluded with Your Majesty, I established a new formal agreement with the Royal Court of that Kingdom, which Your Majesty confirmed; and without losing any time, at the beginning of January eighty-two, I set out with the best army I could, in pursuit of the said journey. Having arrived at the plains,

with my back to the mountain range of the said Kingdom, I walked southwards along the plains for more than two hundred and fifty leagues, and I crossed the Pauto River, which is the beginning of the limits of my governorate, and then the Dabne and Ubarro rivers, which are all large, and having passed them, on Palm Sunday of the said year, I went to the mountain ranges on the other side of the Llanos, so desired and sought after by so many captains for so many years.

There, near it, I came across two other very large rivers, one called Guixar and the other Goayhuare, which, not being able to break off to the right as they were going towards the large mountain ranges, turn towards the sea and there all the rivers I have mentioned join together with those of Bita and Pauto, which are all famous. But there is also an infinity of other small rivers and lagoons that flow there, which all together make a very large river which in that province is called Barraguán, which I crossed after building, with great difficulty, a large boat. For this I tried again to cross the sierra and mountain ranges because of the great news that the natives there gave me that, past the mountain ranges, on the other side, there was a very large sum of natives and gold and other great things, but although I tried many times I did not succeed, with the cows and horses that I carried with me in great numbers. Then, I tried to find out about the Papamene River, which marks the other limits of my governorate where I was going, and the most certain information I learned was that it has its source in the mountains of San Juan de los Llanos, which is in the last part of the New Kingdom of Granada, and runs towards Pasto, where it joins an infinite number of other very large rivers, and breaks through the mountain range itself and flows into the Marañón.

This is the most certain information that we have because this river, being so large, does not go down to the sea in these parts of the mountain range and being so, nor having been able to reach the sea, it is certain that it has broken through some part of the less rugged mountain range and flows into the Marañón, which is many leagues away. This is what I have been able to learn about these two rivers, and while working and trying to cross the mountain range with the great news that we had, the people worked so hard that their work and the movement of land and maintenance and the lack of them was the cause that made most or all of them sick, and I was forced by sheer necessity to return, which I did by a different route on which I was able to navigate by the rivers and I had news that I would find the entrance further down, and with this I returned to the New Kingdom, having spent seventeen months on the road alone from the moment I entered the Llanos to the time I left.

Having returned to the New Kingdom and with the health of many restored, and accompanied by others who joined me, I set out again, for the second time, with a tremendous cost and equipment and more than five hundred horses and as many cows. I took the route further down than the first time, crossing a large number of marshes, lagoons, swamps and uninhabited and unhealthy land. I went straight to Barraguán, which is more than a league wide in that place, and after the whole army and baggage had passed, I tried again to break through the Barraguán. Because of the roughness of the sierras, it was not possible to ride on horseback and it took me twenty-eight months this second time, and I went down the mountain range for more than two hundred leagues, cutting down more and more, and the news improved so that the more work we went through the more we were eager to cross. And at that moment, one of the captains who came with me, called Gonzalo de Piña, mutinied against me and with his mutiny a large part of the people left me, so much so that this forced me to leave too because I had no strength left to get through, notwithstanding the work I have described and having spent more than a hundred thousand pesos of fine gold on these two occasions.

I armed and geared up for the third time and decided to come by land and water, and so I managed to cross twenty-two canoes and as many rafts, all loaded with victuals, supplies and ammunition, bringing only a few cows to eat on the way. With this arrangement by water and up to two hundred horses by land I walked another round to Barraguán River itself because there was no other passage. I crossed it by embarking on the Casanare, which is a large river that enters into the Pauto River and the Pauto into the Barraguán, and further down, about fifty or sixty leagues, it loses the name of Barraguán and is called Orinoco, which name lasts until it reaches the sea, so that it is well understood that Pauto, Casanare and Meta and many other rivers that I have and have not named all have their source in the mountain range of the New Kingdom of Granada, and they are named according to the provinces through which they pass until they take the name of Orinoco, with which name it enters the sea in front of the Island of Trinidad, less than three leagues across. And the Papamene, which flows towards Pasto through that region, joins the other rivers and breaks through those large mountain ranges and joins the Marañón. And from here it will be understood that the *Adelantado* Don Gonzalo Jiménez, as a very prudent and discreet man, took the known boundaries of the four hundred square leagues given to him for a governorate, and that Don Pedro de Silva and the said *Adelantado* always aspired to a property of their own, but Diego Fernández de Serpa, although he almost aspired to a property of his own, is different because he asked Cumaná for limits because he had Your

Majesty's salary and Cumaná was populated, and from there it ran to the hill of Caburuto and the Gulf of Paria, which all fall on the part of the Pauto that is called Orinoco towards the Llanos and Cumaná. And what he and Don Pedro de Silva and the *Adelantado* capitulated was of their property.

Don Pedro de Silva died twenty years ago, and that governorate was left to Your Majesty, and Diego Fernández de Serpa died some years before, and the governorate was left to his son, who left it to Your Majesty. In recompense for this, Your Majesty gave him a good reward of natives in Cartagena, and no one of these two nor any of theirs has returned to continue this journey, but only the *Adelantado*, who began it twenty-five years ago and spent three and a half years on it, and from the hard work he died, leaving it in my charge. And I embarked on it thirteen years ago and I have never left it out of my hands.

Now, continuing with my account of the third time that I left and crossed the Barraguán with the whole army, having spent some months looking for a way to cross the mountain range, I decided to stay for the winter, and when the summer came, I left in pursuit of my journey and returned again by various places to try to break through the mountain range and in no way was I able to do so, having great news and the certainty that it was impossible to cross the mountain range if I did not go down the Orinoco and arrive at the province of Caroní, which is called by another name, the provinces of Moriquite and Carapana. Knowing this and having lived the worst calamities ever faced in the Indies, and after two parts of the people died or ran away, and with the largest part of the people remaining determined to return to the Kingdom, and considering that if I returned this time my pretensions would come to an end, I decided to take the great risk of going down to the river to the place where I could find poles to build ships. And God wanted by way of a miracle to give me five of them all together, the largest and the most beautiful I had ever seen in my life, and having found them, I decided to kill all the horses because the soldiers had lost hope of returning to the Kingdom, and with the salt that we had brought with us, we made some dried beef to eat there while the canoes were being built, for we were in great need, and with the meat that we had left, almost without other provisions, entrusting myself to God and to luck, I set off down the river and walked along it for about two hundred and fifty leagues until I reached the Caroní River, which flows down to the large and rich provinces that we call El Dorado, there and at Moriquite and Carapana, which is a small district.

I stopped for five months and found out for certain that all that I had been told was true and that the mountain ranges ended there and that the land was healthy, well populated and full of gold, and the road was peaceful and good until I reached the beginning of the great provinces that I was looking for. And from there I sent people to the Island of Trinidad to find out if it was populated because I had written to Your Majesty begging for it to be populated because I always knew that no help could come to me except from that island, and Pedro de Ledezma had written to me that Your Majesty had seen my letter and would order that the said island be populated, and seeing that it was not populated, my stay up there was of no use, and considering that the island came within my demarcation under a chapter of my capitulation granted by Your Majesty to the *Adelantado* first and then to me, I agreed to come to the said island, and entered it on the first of September ninety-one, where I spent twenty days examining it and determining where I could populate it.

And knowing that all I had done was work in vain, since the island was not populated, and because I lacked supplies and ammunition, I decided to go on to Margarita to get the necessary things ready, and from there I wrote to Your Majesty giving an account of some of the things I have mentioned here and saying how I was preparing myself to return to populate the said island without spending any time because it was convenient for Your Majesty's service. And then I dispatched Domingo de Vera Ibargoyen, who serves Your Majesty as Camp Master on this journey, to go to Caracas and gather as many people as he could, which he did with great haste.

With the people he brought and with the people I had, he put forty men in a boat and three canoes that could not fit any more, nor did he have any ships or natives to sail, because Don Juan Sarmiento, governor of Margarita, had decided to disrupt me, and then I sent him as many others with whom he populated the Island of Trinidad, so that when I took possession of it, it was the first of September ninety-one. And when it was populated, having looked at it and surrounded it, it was the nineteenth of May ninety-two, as shown in the documents that I sent to Your Majesty with Pedro de Ysasi, the captain of a ship, and when I had it populated, Your Majesty recalled that I had begged him by my letter to populate it.

A formal agreement was made with Francisco de Vides, a neighbour of Caracas, and he was granted the governorate of Cumaná, as it appears from his documents, on condition that within six months after having arrived at the said Cumaná he was obliged to populate the said

Island of Trinidad and then successively La Granada, and other things that he might be ordered to do. The said Francisco de Vides came to the Indies and entered Cumaná on Christmas Eve of ninety-two, which is sixteen months after I had entered the said Island of Trinidad and eight months after I had had it populated. When I found out that he had arrived and the documents he had, and in view of the fact that I needed people to begin to populate or at least to position myself at the gates of those great provinces, I wrote him a letter with the greatest humility imaginable, almost asking him, for the love of God, that since he had made a capitulation with Your Majesty to populate this island and to put a hundred men on it, and that because he was populating this island, he would be given Cumaná, to comply with the service and obligation that he owed to Your Majesty and send me seventy soldiers well prepared with ammunition and the things that I needed, and told him that notwithstanding the fact that I had populated this island and that it fell in my demarcation, I would beg Your Majesty to order me to hand it over to him, and that with those seventy men and with the eighty men I had, the island would be safe and I would go to the gates of those great provinces, and that in doing this I was serving God and Your Majesty and I would be very happy and pardon him more than twelve thousand pesos I had spent to populate this island. This letter was given to him and he confesses to having received it, but he did not want to reply to me.

Six months later, a royal decree from Your Majesty came to me, as precise as it could be in the world, in which he was ordered to favour me with all the people I requested and needed. I sent this letter to him with Captain Felipe de Santiago. And through a friar called Domingo de Santa Agueda I earnestly asked him —because at that time the Caribs had killed eleven very good soldiers and had me under siege somehow, and considering that English ships regularly came to this island to which much damage had been done—for the love of God, to recall both the mercy that Your Majesty had given him without him ever having served and the capitulation that he had concluded with Your Majesty, and help me, and that in doing so he would do what he owed and what Your Majesty ordered him to do. But he disregarded the royal decree and did not want to send a single man and would not even reply to my letter. For the sake of a lot of money, he had given licence or rather redeemed all the soldiers he brought from Spain, and now he has less than twenty of them left, adding guilt to guilt. I had sent Camp Master Domingo de Vera Ibargoyen to Caracas to dispatch to Your Majesty a document with the happy news that —with only thirty-five soldiers and a thousand ducats of payment— I had discovered and started to enter the very provinces of Mucura Goarai, and other things which I referred to in what I wrote.

The aforementioned Camp Master arrived in Cumaná but did not disembark, knowing that he was in possession of another decree like the one that Captain Santiago had, and the latter ordered him, at the risk of his life, to leave the port and not to disembark, and he did so. During the previous year, I had been in great need and in great difficulty because of the continuous war, and when I learned that a Flemish ship had come to Cumaná with a lot of ammunition, I sent two captains to buy me some and other things necessary for the journey. He imprisoned them and refused to let them go until they provided guarantees that they would not take people or anything else out of the town. After spending time in prison, these two captains left without bringing anything with them. Thirty-seven months had passed since I had this island, with great expense and labour, and a royal decree came to him from Your Majesty as he, in a sinister account, had reported I had come to this island after he was in the Indies, even though I had it before he had left the Indies for Spain. Bringing the said royal decree and twenty-five men, all from Cumaná and some canoemen, he came to this island to ask me to give it to him, not bringing any man to leave on it. If I took out the people I had here, which cost me so much, it would be deserted and depopulated, which being so, and the island being depopulated, everything I had done and worked for had been time and money lost.

I realised his evil intention within a calendar day of his serving me the royal decree with a man who was not a notary, but who, having wrongfully acted upon it, was condemned to the galleys as a forger. He left without wanting to give me the summons for me to reply, and he did other things and tried to do them so much in the service of Your Majesty that it is just to send a judge to punish these and other great crimes that he commits every day, and to order him to populate Granada instead of this island, because it is of great importance to the service of Your Majesty, and he has it thus capitulated.

And so that you may understand the reason why these great provinces have been sought for eighty years and have not been found, I will tell you here what I know and the truth as a man who has travelled so many leagues and for so many years in search of them.

The Orinoco River is a very big river and so big that I do not have knowledge that there are two bigger ones in what has been discovered. When it reaches the Caroní River, the land begins to be very low and is divided into seven branches and each branch of these into an infinite number of channels. All these branches and spouts enter the sea, each one by itself, and because of this respect and the growth of the sea, it floods more than forty leagues inland and

more than two hundred and fifty leagues of coastline, so that on dry land until now there was no place where a Spanish town could be built or where the ships and the great news could be unloaded. And the provinces are from the Caroní River upwards, although the entrance is by that very post, you have to walk a few leagues to the south and then turn the towns to the southwest and then to the west. As the Indians try to drive those who go to them out of their homes and the Spaniards saw that which was so waterlogged and bad, nobody ever got rid of [sic] the water itself and the news was from above, because of which they never came to get and know the right path and, better to say, it had not been God's will that it should be seen until now.

The state in which I now have this matter is that, as I wrote to Your Majesty, I sent everywhere to ask for help and they have not wanted to give it to me from any part, but by all possible means they hinder me so that no people come in, and it is well understood that the devil, as such a powerful protector and defender of this journey, blinds the minds of those who have to serve God and tries to turn them away from Your Majesty.

As I have written to Your Majesty, among those I sent was my son, so that he may begin to know how to serve as Colonel Hernando de Oruña, his grandfather, did, and as I have done. I brought him with me when he was thirteen years old and was the successor and heir to the *encomiendas* of the *Adelantado*. It may seem a pity that a child so tender and rich should have had to go through so much work, but it is my crown that he should begin to serve Your Majesty, so that he will know how to do it when he is a man. And as a person who cared more than anyone else, wishing to enjoy his labours, he sold all the property that remained to us in the New Kingdom of Granada and has begun to send me people down the river, which I have located in the province of Carapana. And he sent me word that he has many people assembled and that the weather has not allowed them to come in any way, and that at the beginning of the summer he and as many as he can bring will come down the rivers to the same place where the others are.

The said river is beginning to be visited and it becomes known that it is contrary to walk on it, and what took a year, in a month and less you can go from Carapana to Casanare. The river is so tame because it is so big that there is almost little difference between going and coming because the breeze assists you in going and the current helps you in coming. I wish I had the ability to know better how to declare and describe these things, in particular because

they are very great and it is convenient to know them, but as time goes by it will be done very easily. I beseech Your Majesty, in view of my many labours and the short life I have left, that Your Majesty may favour me by giving me warmth, favour and help so that before I die, I may leave some cities in those rich provinces populated and my body buried in them, since it costs you so much work, and may Your Majesty remember that I have nine children, six daughters and three sons, and that I have spent all their wealth serving Your Majesty.

To provide a better account of what I am saying, I am sending Domingo de Vera Ibargoyen, who has served and is serving Your Majesty on this journey as your Camp Master, and I beg Your Majesty to grant permission for the sale of five hundred licences of blacks that Your Majesty has granted me and to convert the proceeds into five hundred men and one hundred muskets and one hundred quintals of gunpowder and two hundred quintals of lead and twelve shoulder emery guns and half a dozen small bronze verses, and to punish Francisco de Vides for not having wanted to comply with Your Majesty's decrees and for having tried to thwart me, and to order him not to meddle in this island, because beyond (sic) being of my demarcation and Your Majesty having confirmed it twice, I populated it thirty-seven months before he came here and his intention was never to populate it but to depopulate it because being depopulated it serves him and the governors with neighbours from another Guinea, taking from this island a quantity of Indians, which is against what Your Majesty has ordered with severe penalties.

And if I do not have this island I cannot afford the things necessary for the population of those rich provinces and all that I have done is money and time wasted and Your Majesty cannot be well served, and if Francisco de Vides, when I asked him for the people, would have given it to me, which would have been of so much benefit to him, I would have populated some cities and Your Majesty would have been supplied with a large sum of gold, which is found in those provinces on the earth, but he never served Your Majesty and after this government was given to him, much less so.

On the Island of Trinidad, the second day of December in the year one thousand five hundred and ninety-four.

[Signed] Antonio de Berrío.

Annex 9

Orders of Cristobal Felix Guzman, Governor of Guiana, to Francisco de Venavides, his Lieutenant of War of Santo Thomé de la Guyana, 7 July 1711

Venezuela- British Guiana Boundary arbitration, The counter-case of the United States of Venezuela before the Tribunal of Arbitration to convene at Paris, under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3.

Available at: **https://books.google.co.ve/books?id=--GfAAAAMAAJ&pg=PA16&lpg=PA16&dq=Orders+of+Cristobal+Felix+Guzman,+Governor+of+Guiana,+to+Francisco+de+Venavides,+his+Lientenant+of+War+of+Santo+Thomé+de+la+Guayana,+July+7,+1711,+in+case+of+an+invasión,+Archivo+General+de+Yndias+(Seville),+Stand+56,+Case+6,+Bundle+15.&source=bl&ots=mHWM81cOZt&sig=ACfU3U1DdZAakCtMEgvIOsjCEpjJARjAew&hl=en&sa=X&ved=2ahUKEwjnypnGtveEAxXARjABHfw7C08Q6AF6BAgPEAM#v=onepage&q=Orders%20of%20Cristobal%20Felix%20Guzman%2C%20Governor%20of%20Guiana%2C%20to%20Francisco%20de%20Venavides%2C%20his%20Lientenant%20of%20War%20of%20Santo%20Thomé%20de%20la%20Guayana%2C%20July%207%2C%201711%2C%20in%20case%20of%20an%20invasión%2C%20Archivo%20General%20de%20Yndias%20(Seville)%2C%20Stand%2056%2C%20Case%206%2C%20Bundle%2015.&f=false**

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must forewith embark and leave this river, warning them that should they fail to comply with the orders and be captured a second time, they will forfeit all that is found with them and will be punished as transgressors of the orders and agreements; and this will not only apply to this (second) instance but to any other instance, when they may be found on this river. This act shall be made known to them for their instruction, and they shall be given letters of safe conduct, for to day, after which the foregoing shall be in force. Done on the said day, month and year.

No. 9.

Orders of Cristoval Felix de Guzman, Governor of Guiana, to Francisco de Venavides, his Lieutenant of War of Santo Thomé de la Guayana, July 7, 1711, in case of an invasion.

[Printed from translation of a certified copy of the original in the "Archivo General de Yndias" (Seville), Stand 56, Case 6, Bundle 15.]

Major Don Cristobal Felix de Guzman, Governor and Captain General of the City of San José de Oruña, Island of Trinidad and Provinces of El Dorado, Guayana, Naparimas, Aruacas, Pariagotos, Caribes, Guaraunos and their Royal Forces by the King our Master . . . etc.

By these presents I order and command Captain Don Francisco de Venavides, my Post Lieutenant, Chief Justice, and Captain of War of the City of Santo Thome del Sant° Sacramento of the Province of Guayana—

To be very careful and vigilant of the movements and intentions of the Hollanders of Surinam, Berbis and Essequibo, also of the Caribes and Aruacas Indians who are with the aforesaid people.

To take notes of their pretentions and their forces, and to give me notice of everything.

To hold the Royal Forces in regular defense with provisions and the Infantry well supplied with ammunition.

To the Cacique Don Lorenzo de Playas and his Lieutenant of Guayano and Pariagoto Indians, and Captain Don Antonio Baraba y Bustamente, who is with the Aruacas of that territory, keep them advised and in readiness, that, in case of hostilities they with their men may promptly come to the defense of this city and Royal forces.

At all events occupy the hill which serves as a rampart to said Royal forces, covering yourselves with regular trenches, with enough men to repulse whomsoever would attack said Post, and never to abandon it even if it should take the last drop of blood.

In case you are unable to resist the enemy and, should be forced to surrender, to capitulate honorably, with credit to the Arms of Our King and Master Don Felipe V., over whom God guard.

And you will retire with your men to the Place of Araguacay, where

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the Cacique Magaracana lives, so as not to leave the Province helpless—procuring safe places for the security of the women and families—and particularly for the Indians so as not to let them be made slaves and heretics.

And of all the events in all circumstances and times you will give me notice so as to be able to help you promptly without delay.

Given in this City of Santisimo Sacramento of the Province of Guayana the seventh day of July in the year one thousand seven hundred and eleven.

Signed by my hand and countersigned by my Secretary of War.

DON CRISTOVAL FELIX DE GUZMAN.
(a flourish)

FRANCISCO DE VENAVIDES—(a flourish)

By Command of the Governor and Captain General my Master. DON PEDRO DE LA GUERRA Y VEGA, his secretary—(a flourish).

No. 10.

Certificate given by Cristoval Guillen de Orvay and other officers of the Island of Trinidad in favor of Cristoval Felix de Guzman, Governor of Guiana, etc., September 13, 1711.

[Printed from translation of a certified copy of the original in the "Archivo General de Yndias" (Seville), Stand 56, Case 6, Bundle 14.]

Sergeant Major Don Christoval Guillen de Orvay, His Majesty's Regular Magistrate for this present year; and Captain Don Antonio Garcia de Cordova; and Ensign D. Martin de Mendoza, Magistrates, do hereby certify before our Lord the King in his Royal and Supreme Council and Chamber of the Indies, and before all other Courts to whom it may concern, that Sergeant Major Don Xptoval Felix de Guzman His Majesty's Governor and Captain General of these Provinces is known to us; that he took possession of said Provinces on the twenty first of April of the present year, and thereupon he passed muster and attended to the defenses of the Government in His Majesty's Service. He went to Guiana to reconnoitre the River Orinoco as far as Angostura, which no other governor has done since Don Pedro de Viedma went to punish the Carib Indians of Caura. We also testify to the truth of the attempt made by the Dutch enemy from Surinam to fall upon the Province of Guiana and Angostura, prompted thereto by their covetousness of the silver mine of Aracafiua; and that the work of making six gun carriages for the artillery of Guiana was carefully watched over and supervised by him; that on this matter he issued decrees—to which we refer—by reason of several depositions justifying such act. That, at a general meeting held by order of said gentleman, we were informed of the worthless state of defense of the said Province of Guiana; and moreover that

Annex 10

Ministry of Foreign Affairs (1981) Venezuelan International Law: British Limits of Guyana, Collection "Fronteras" 8, Caracas.
(Translation)

Avialable at: https://kamuru.mppre.gob.ve/index.php/s/f4EgYB65s3N4JHY

TITLE OF 4 JUNE 1762 GRANTED TO COLONEL DON JOAQUÍN MORENO DE MENDOZA TO GOVERN THE PROVINCE OF GUAYANA, UPON ITS ESTABLISHMENT AS A SEPARATE COMMANDANCY

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ROYAL TITLE

Don Carlos, by the grace of God, King of Castile & • In consideration of the importance of *placing the government of the province of Guayana on another footing*, as well as for the better custody of it, the interior and the Kingdom of Santa Fe, thanks to the entrance that the known navigation of the Orinoco River facilitates, as well as to prevent, by moving the population of Guayana to the Angostura of the said river, the weather that has hitherto been experienced, which has been so fatal to its inhabitants and has prevented their increase, I have resolved to establish a separate Commandancy in the whole district, which shall be directly subordinated to the Viceroyalty of Santa Fe. And as it is convenient that this responsibility should fall on an officer having the merits, conduct and other attributes corresponding to this role, these being present in you, Lieutenant Colonel Don Joaquín Moreno de Mendoza, who has been the Governor of the Island of Margarita, I have decided to appoint you on an interim basis to run the aforementioned Commandancy with a salary of three thousand pesos per each year of those that you will occupy the position, to be deposited in the Santa Fe treasury. Therefore, I command the Viceroy, Governor and Captain General of the New Kingdom of Granada and president of the Audiencia of the city of Santa Fe, that following the oath —which you shall take before the Governor, Captain General of the province of Venezuela and the city of Caracas, where you are at present— that you will well and faithfully fulfil the aforementioned Commandancy, to order and arrange for you to be received at the said Commandancy, providing for all that concerns this end; and I command all the troops of the said province, including officers of all ranks, sergeants and soldiers, and the neighbours, natives, inhabitants

and employees of the said province, without distinction or reservation of any kind, to receive, respect and obey you as their commander, to respect and obey you, to comply with and execute your orders, whether in word or in writing, for in any case they will fulfil their obligation and that which is due to me from them, as to their King and natural lord. And as far as it pertains to my express intention in the manner and practice of this new establishment, I have ordered my undersigned Secretary of State and of the Universal Office of the Indies, to instruct you and to provide for what is appropriate; and to advise you to be fully at my command as you are instructed, for in so doing you will be free from all charge and you will do my will. I declare that you do not owe any amount by reason of this employment, given that it is newly created, and that the salary of three thousand pesos per year shall be earned and enjoyed from the day you take possession of the Commandancy, being paid from the funds of my Royal Treasury in the Santa Fe treasury, by its royal officers, to which this item shall be credited, as is done with the others of those who have a salary in them. Notwithstanding the fact that this title fails to comply with the legal requirement of having been entered on record in the general accounting offices for finances and allocation of my Royal Treasury and of my Council of the Indies, which I hereby repeal for this single case, this title shall remain in force and effect for all others, but shall be entered on record by the Royal officers of the treasury of Santa Fe.

Given at Aranjuez on the fourth day of July in the year one thousand seven hundred and sixty-two.— I THE KING.— *Don Julián de Arriaga*.

Annex 11

Manuel Centurión appointed Interim Commander of the Province of Guyana, 1 May 1766
(Translation)

AGN-C. *Papeles del Gobernador Centurión*. Caracas, t. único, 1766-1776, fs. 68-68vto.; otra copia en AHMPPRE-C. *Archivo Antiguo*. Colombia, Colec. Verde, t. 146, Exp.21, Doc.18, fs. 244-244vto. 1766.

The King has kindly decided to appoint you to succeed Don Joachin Moreno in the interim command of the province of Guayana, according to the Royal Dispatch that the Governor of Caracas, Don Joseph Solano, will deliver to you, to which effect it is sent to you on this occasion. I inform this to you for your acquaintance, and in order that complying with the requirements that are expressed in the referred Dispatch, you proceed to take possession of the mentioned Command, in the understanding that the Viceroy of Santa Fe is notified of this providence, and that he is to supply you with his aids; and also Don Joachin Moreno is forewarned that when you present yourself with the corresponding Dispatch, he is to hand over to you the command and all the orders and instructions that have been issued to him concerning the best establishment of that Province, its fortifications, the arrangement of troops and other matters concerning it, to the effect that with this knowledge and under the direction of the aforementioned Governor of Caracas, you may take the necessary steps for the continuation and effective fulfilment of the Royal intentions of His Majesty which have been communicated to you, in whose importance it is hoped that you will demonstrate your zeal and activity. May God preserve you for many years to come. Aranjuez, 1 May 1766. The Bailiff Fray Don Julián de Arriaga.
To Mr. Don Manuel Centurión.

This is a copy of the original Royal Order that exists in the Archives of the Secretariat of the General Command of Orinoco and Guayana, which I certify. City of Guyana, 11 November 1773.

Annex 12

Royal Decree separating the Provinces of Cumaná, Guayana, Maracaibo Margarita and Trinidad from the New Kingdom of Granada, adding them in Government and Military matters from the Captaincy General of Venezuela, 8 September 1777
(Translation)

AHMPPRE-C. Archivo Antiguo, Colombia, Colec. Verde, t. 146, Exp. 7, Doc. 4, fs. 25-26vto. 1777.

The King. In view of what has been presented to me by the current Viceroy, Governor and Captain General of the New Kingdom of Granada, and the Governors of the provinces of Guyana and Maracaybo regarding the inconvenience caused by the fact that the said provinces, as well as those of Cumaná and the islands of Margarita and Trinidad, remain united as they are at present to the Viceroyalty and Captaincy General of the said New Kingdom of Granada, due to how distant they are from the capital of Santa Fé, with the consequent delay of provisions, with serious prejudice to my Royal service. Therefore, in order to avoid these and the greater damages that would be caused in the event of an invasion, I have decided to resolve the absolute separation of the said provinces of Cumaná, Guyana and Maracaybo, and the islands of Margarita and Trinidad from the Viceroyalty and Captaincy General of the New Kingdom of Granada, and to add them governmentally and militarily to the Captaincy General of Venezuela -as well as they are in respect of the management of my Royal Treasury- to the new Intendancy erected in the said Province and city of Caracas, its capital. I have also resolved to separate the two provinces of Maracaybo and Guyana in legal terms from the Audience of Santa Fe and to add to the original Audience of Santo Domingo the above-mentioned provinces of Maracaybo and Guyana, as is the case of that of Cumaná, and the islands of Margarita and Trinidad, so that these territories, being under the same Audience, a Captain General and an immediate Intendant, may be better governed and ruled with greater benefit of my Royal service. And, consequently, I command the Viceroy and the Audience of Santa Fé to be inhibited and to abstain from the knowledge of the respective matters that were theirs before the separation that has been insinuated, and the Governors of the provinces of Cumaná, Guyana and Maracaybo, and the islands of Margarita and Trinidad to obey as their Captain General the one who is now, and henceforth will be, of the province of Venezuela, and to comply with the orders that in matters of my Royal service he communicates to you in all governmental and military matters; and that the governors of the provinces of Maracaybo and Guyana also comply with the provisions which my Royal Audience of Santo Domingo shall henceforth issue, admitting before it the appeals which may be filed according to, and in the manner which they have done, or should have done, before that of Santa Fe, which is my will. Given at San Ildefonso, the eighth day of September, one thousand seven hundred and seventy-seven. I, the King. Joseph de Gálvez.

Annex 13

Royal Order to survey the region East of the Lower Orinoco, 1 October 1780

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 652, p. 385-386)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 651.

tion taking part in it; which advices it is thought indispensable to communicate to you in order that you may take every precaution to frustrate the designs of the French, giving prompt notice of whatever may have happened or shall happen in future.

May God preserve you many years.

No. 652.

Royal Order as to Surveying the Region east of the Lower Orinoco, October 1, 1780. [1]

[Translated from certified copy of original in Caracas-Civil-1779-Docket-77-1.]

Although the papers were lost which were being brought by the brigantine "Nuestra Señora del Rosario" and by the other two vessels which sailed in its company from the port of La Guayra for Spain, the captain of the said brigantine, Don Josef Felipe de Inciarte, was able to save the letter of April 12 last, which Your Lordship gave him in order that he might present himself to me with it and inform me of the results of his commission, directed to the examination and occupation of the lands at the east of the lower Orinoco; and this he did verbally. Moreover, he gave me the original drafts, which were likewise saved, of the Journal, the Chart, and the Report which he submitted to Your Lordship on the 27th of November of last year, and, having laid before the King the substance of these documents, His Majesty has deigned to authorize the return of the said Inciarte, in order that Your Lordship, immediately or when convenient, may commission him again to the same task of occupying and settling the places which he pointed out in his above mentioned report of November 27th last, and to construct two small provisional forts which he deems necessary—the one in order to ward off the insults of the Dutch from Essequibo against the village to be founded, as proposed in the said document, close by the cove made by the said river or Cayon of Moruca, at a distance of a quarter of a league from the post of guard which the Dutch maintain at a distance of about eighteen leagues from the Essequibo towards the Orinoco, this said first fort to be placed at the most elevated point, so that it may command the site to be occupied by the village and its surroundings; and the second fort, with four or six cannon, on the cove itself of the said river Moruca, in order to prevent the passage of any hostile vessel, displacing the Dutch from the above-mentioned post or advanced guard which they have built there, it being understood that, if the Director-General or Governor of Essequibo should complain of this act, it is to be answered that we have proceeded and do proceed in this matter according to the

[1] Another translation of a portion of this document is printed in Vol. 2, p. 489 (No. 434).

No. 652.

laws and general instructions for the good government of our Indies which do not permit such instructions [intrusions[1]] of foreigners in the Spanish dominions as are these; for the same reply will be made here if any complaints or remonstrances are offered by the States-General of Holland. To the said Inciarte there were given five hundred dollars which he showed to be necessary for his journey; and, in order that he enter with the greater honor on his commission, the King has deigned to give him the rank of Lieutenant of Infantry in the army. A dispatch corresponding to this has been issued and given to him; and the same will be done with this Royal Order, that it may be placed in the hands of Your Lordship with the enclosed notifications for the Captain-General and the Governor of Guayana. In these they are recommended to aid your Lordship and the said person commissioned by you with the utmost activity and efficiency, in order that the object of his commission may be fully attained with the promptness and security befitting the service of His Majesty. Of all this I notify Your Lordship by His Majesty's order, for your information and for the execution of the part which concerns you.

May God Keep Your Lordship many years.

No. 653.

Report of Felipe de Inciarte on the French Company and French Settlements 1778-1784 with Accompanying Papers.

[Translated from Certified Copy of Original in Archivo General de Simancas—Department of War—Docket 7805.]

Report submitted by Don Felipe de Inciarte, commissioned to establish villages in the Eastern part of Guayana, [region] of the lower Orinoco, in order to hinder the progress of the French Company.

Report on the company which had been established in France for the settlement and cultivation of French Guiana.

By letter of September 7, 1776, the Count of Aranda sent a copy of the resolution taken by His Most Christian Majesty [the King of France] on January 6th of the same year, authorizing sundry of his subjects to form in French Guiana the establishments necessary for its cultivation, and furthermore *with the end of facilitating the maintenance of his Windward and Leeward Islands*, and also authorizing that, under the name of Company of French Guayana, they might make all the agreements and regulations which they judged necessary for the government and administration of the said establishments.

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[1] That "intrusions" is the word intended appears from another document. See p. 396, below.

Annex 14

Report of Antonio López de la Puente upon his exploration of the Cuyuni River in 1788, 13 April 1788

(Venezuela-British Guiana boundary arbitration. (1898) The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 1-2, Annex n. 443, pp. 448-454)

Available at: https://archive.org/details/venezuelabritis01venegoog/page/86/mode/2up

No. 442.

vice. He will, on his arrival, present and make known to your Reverence the instructions with which he has been furnished. It will be well that your Reverence appoint a religious acquainted with the place to accompany this official for the purpose of examining and becoming acquainted with the site of Tumeremo, and an advantageous and proper place on the Cuyuni, where a village or post may be established, with the object of protecting the rear of the Missions, and rendering help to the new reductions, which the venerable community under your Reverence's charge are continuing to found. In this view, I remember to have conferred with your predecessor and other religious, who inform me that the junction of the rivers Yuruary and Cuyuni is very well adapted for that purpose. But, nevertheless, I have instructed the official not to omit to examine carefully all parts of that neighborhood for the purpose of seeing whether there may not be another more advantageous position better suited for the purpose, as this is an affair as important to His Majesty's service as beneficial and useful to the preservation and increase of these Missions, and I trust your Reverence will supply the said Don Antonio Lopez de la Puente with all that may be necessary to enable him the better to fulfil the commission with which he is charged. If you will also send a Circular letter to the Religious under your charge in the villages through which he may pass to see that the same orders be duly observed, I shall feel obliged.

It is understood that any expense he may incur while on his mission will be immediately paid on presenting an account signed by him.

In informing you of this in full confidence, thoroughly assured of your love and zeal for His Majesty's service, I pray God may preserve you, &c.

No. 443.

Report of Antonio Lopez de la Puente upon his Exploration of the Cuyuni River in 1788; dated April 13, 1788.

[Reprinted from Blue Book, No. 3 pp. 329-332.]

February 26th of the present year (1788), at 10 o'clock at night, Adjutant-Major Don Antonio Lopez de la Puente departed from this capital of Guayana, provided with the passport and instructions from the Governor of this province, Don Miguel Marmion, in order to carefully explore the River Cuyuni and its neighbourhood.

Having embarked in the cargo boat of Miguel Castellaños, in company with Corporal Antonio Mora, we arrived at the port of San Joaquin (?) on the 28th of the present month (February) at 3 P. M., and at the same hour I wrote to the reverend Father Prefect, who was at the

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village of Caroni, forwarding him at the same time the official letter of the Governor, asking him to send me animals for my journey.

As it was now night, and no news having arrived, I took some riding animals from a team of mules which were then in this port as necessary for my journey, which took place on the 29th, the day that I arrived at the Mission of Caroni, being a journey of two leagues.

At 7 in the morning I went to see the Prefect, who having been already informed of the commission with which I was charged from the official note and instructions I showed him, I requested some animals to continue my journey the same day for the town of Upata. To which he replied that all would be furnished me, for he rejoiced much that some remedy would be applied to those parts of Cuyuni, for already, long before, they had represented the great danger the Missions were in from the Dutch on that part. But he said that I could not yet go forward, for it was necessary to consult with the assistants in order to select a Religious to accompany me, and in awaiting this choice I was detained until the 2nd.

On the 2nd March I left Caroni at 4 in the afternoon, the Father Prefect having told me that the Father selected to accompany me was Father Mariano de Perafuta, that he was writing to Father Manuel Prejania [*sic*], so that as soon as I arrived at the village of Carapo he might accompany me to Tupuquen, and the Father of Tupuquen to Angel Custodio. In like manner he gave me a Circular letter, so that the Fathers in the places through which I might pass should furnish all the assistance I might require, with which I took my leave, and after having marched 5 leagues we arrived at the watch-house and resting-place of Guacayma at 7 o'clock at night.

On the third day I continued my journey at 6 o'clock in the morning; and having gone 7 leagues, we reached the village of Altagracia at 4 in the afternoon, where we remained with the Father of the village until I should arrange with the one of the town of Upata to send me animals and whatever else I should request, so that we remained until the following day.

Fourth day: I continued my journey at 7 in the morning for the town of Upata, having arrived there at 10 o'clock, after a march of 2 leagues.

On this same day I delivered the order of the Governor to Lieutenant Don Diego Morales, who, as the residents of this town were then engaged at their labours, had to send for them. And of three whom I had to take with me there was wanting Patrick Rivas, who did not put in an appearance until five days later, on account of which I was obliged to wait until the 9th for the animals I had requested the Father of the village of Altagracia to send.

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Tenth day: I continued my journey to the village of Santa Maria, in company with three inhabitants of the town of Upata, and a militiaman of the escort, for, by an order of the Governor, sent to the Sergeant in command of the escort, he was directed to give me three militiamen. These men being at the time in the villages of Angel Custodio and Agua Chica, orders were sent to them to join my company. Having arrived at the said village of Santa Maria, 4 leagues distant from the town, I requested animals from the Father of this village, which he provided the following day.

Eleventh day: I pursued my journey at 3 in the afternoon, and after a march of 5 leagues we arrived at the River Cume (Cuniri?) at 7 at night.

Twelfth day: I continued my journey at 10 o'clock in the morning on account of two horses having disappeared, and in the best way we could we went forward until we reached the Savannahs of Carapo, where it was necessary to encamp, after having marched, with a great want of water, during a half day, only 4 leagues, and we remained in a "morichal" until the following day.

Thirteenth day: At 7 in the morning we set out on our journey, and having marched 4 leagues we arrived at the village of Carapo, and on this day animals were provided for the next day's journey.

Fourteenth day: I continued the journey in company with the Father Manuel Preciana [*sic*], who was ordered by the Prefect to accompany me as far as Tupuquen. And after a 5 leagues march we arrived at the said village after 12 midday, from where the said Father returned to his village, leaving the same order of the Father Prefect with Father Leopold of this village. On this day I sent for the militiaman, Migel Zuñiga, interpreter of the Carib language, and one of the three appointed to accompany me, so that I might inform myself concerning the Indians that were to be taken. From this village, and on this same day, Father Leopold sent for Father Mariano, appointed to accompany me, and he was at the village of Angel Custodio, and arrived in like manner with the before-mentioned Zuñiga at 7 at night. I was then informed by the said Zuñiga of the most suitable means for best fulfilling my commission.

Fifteenth day: We conferred with the two Fathers, Leopold and Mariano, Zuñiga being present, on the arrangements that were to be made in regard to experienced Indians and rowers, boats and supplies. On this same day we sent to ask Father Peter, of Guacipata, for ten Caribs as being the most experienced, just as those of this village of Tupuquen were the best in regard to the Cuyuni, with the permission of Father Leopold. Only four were found useful, and they were appointed.

On this same day a notice was sent to the Father of Cura that he should have dried meat prepared, and advise us of what quantity of Cassava bread could be furnished. This notice was sent by Father

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Mariano; and in awaiting the Indians and this news from Cura we remained until the following day.

Sixteenth day: The said Father Mariano returned to his village of Angel Custodio to arrange for his journey and await our arrival, on the understanding that the rowers that might be wanting should be completed from among those there might be in Angel Custodio and Cura; and in case there should not be all the Cassava bread necessary at Cura, it was to be provided from Tupuquen, where it was in abundance; and in waiting for the Indians the day was passed, though we had the necessary animals to continue the journey.

Seventeenth day: The Caribs arrived from the village of Guacipata. I left with Father Leopold for Angel Custodio with two militiamen of those appointed, fourteen Caribs, and those who already accompanied me, for, although an order was sent to me that I should be accompanied by one who is in Agua Chica (Avechica), the Father missionary of the said village opposed it; and although Father Leopold urged that this militiaman was necessary to the expedition, the Father had his way in not allowing him to come; and notwithstanding that it was necessary to arrange military measures, I started on this day; and having gone more than 2 leagues we arrived at the village of Angel Custodio, where I found news from the Father of Cura, who was preparing the meat that I might require, and in regard to the Cassava bread, he only offered five loads, upon which six more loads were required from Father Leopold. With them we went on to Cura, having dispatched this day a boat with six Indians to the said Cura, on account of the want of canoes in those places; and having provided the animals necessary we remained here until the following day.

Eighteenth day: We started for Cura, and after a journey of 5 leagues we arrived at the said village, where we met Father Fray Manuel de Castel-Feriol, and conferred with him and Father Mariano (who now accompanied me, as was arranged, on this journey) about the boats. He offered those he had, which we went to see, and we really found in a creek two large, roomy canoes, which, with what we brought from Angel Custodio, was sufficient to continue the voyage. Notwithstanding this service and all the rest which he had furnished in supplies of provisions, the said Father offered whatever else might be necessary in the service of the King. But, on his asking how we had intended to continue the voyage, I answered by water; on this he observed that, not to put any difficulty in the way, he offered everything; but that it was impossible for us to continue the voyage, as the river was totally dry, more so than he had ever seen it before. To this I replied that, nevertheless, the best manner of proceeding on our way would be considered. After receiving this information from the Father, I determined to learn the truth from

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the Carib pilots of Guascipata and Tupuquen. Notwithstanding that they gave the same account, I asked if we could not go, although with much labour, by hauling the canoes. They answered that we could, but that before two days were at an end we would have no boats, and for six or eight that we would have to pass before entering the River Supamo, where navigation would be possible, it would be necessary to build new canoes. This was because the Yuruari, where we had to go, was all stony in the summer, and was impassable, as well as the Supamo, at this season.

Notwithstanding these reasons, I told them to come the following day to see it; the two above-mentioned Fathers were also invited, and at once offered to accompany me, as was verified on the following day.

Nineteenth day: At 8 in the morning we went to the port of Cura, on the River Yuruary, the two Fathers, Fray Mariano and Fray Manuel, and I, accompanied by the corporal, Antonio Mora, five Spaniards, and the Caribs of Tupuquen and Guascipati; and at a distance of a quarter of a league I undeceived myself, it being impossible to proceed, for in various parts we crossed it without taking off our boots, upon which I determined to return to the village until the following day.

Twentieth day: I ordered Corporal Antonio Mora, accompanied by two of the militiamen, three inhabitants of the town, and the Carib Indians, to go and examine during the whole day that part of the river, in order to find out whether there was water lower down. He returned with those who accompanied him, telling me that on account of the river being more rocky a less quantity of water was found.

Then after questioning the Carib Indians, asking the interpreter Zuñiga and one of the militiamen of the company as to whether on passing overland to the Supamo, and then making bark canoes, we might be able to proceed, they replied that it was very difficult, for, as the Indians used this river, there were no more bark boats to be found there, nor trees from which to get the bark from.

And in view of these reasons, and wishing to open a way to the mouth of the Yuruary, and make bark canoes, the same difficulty arose, as they say, that in all this mountain very little bark is to be found. In regard to opening the way, they said it would require at least forty days, no Savannahs existing in that distance until reaching the place where the Yuruary flows into the River Supamo [?]; so that, in view of all these difficulties, I resolved on suspending all attempt until the river should rise, as the winter season was approaching. On my stating this, in agreement with the Father of this village of Cura, another difficulty arose. They said that when the River Yuruary is in flood the going down is easy; but on our return, at the time we should be coming, the river would be in full flood, and as the greater part of the region about there is inundated, we should perish of hunger; and that from experi-

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ence they knew that the time the Indians navigated it was from August to February, which was the season when the Indians made their voyages to Essequibo; and that those who went from February and later were obliged to remain until the beginning of the winter season, as happened at the present with these from Tupuquen, who had not yet returned.

Notwithstanding these reasons, it was my own experience and practice that convinced me, and as it appeared to me useless to remain, I resolved to return and make a report to the Governor of all that happened, and inform him of the proper season, and thereby save greater expense, which would be occasioned by remaining.

Twenty-first day: I informed Father Mariano, my companion, of my determination of returning to the capital and reporting. In regard to the supplies furnished for the voyage, Father Mariano and the Father of Cura said that the Cassava bread would be sent to the new cattle-farm of Tumeremo, and the meat would remain at Cura for the use of the village.

This new cattle-farm of Tumeremo is established, according to what they say, at a distance of 6 or 7 leagues from Cura, on the east side, and from that cattle-farm towards the east there is a river named Curumo, which flows south (like the Yuruary), seeking its outlet in the Cuyuni, and although not so large as the Yuruary, it is navigable at the same time, and is nearer to the mouth of the Masuruni, where the first habitations of the Dutch are. They say too that, according to the best information of the Carib Indians, from the mouth of this Corumo downwards there are no rapids or any impediment to hinder the transit of any boat at all seasons, and without the difficulties in the shape of rapids which they say exist by way of the Yuruary and Cuyuni down to the mouth of the Corumo, where I thought of returning to come out at Tumeremo.

Twenty-second day: I dispatched the Caribs and rowers to their respective villages, and the Father and I remained with the Spaniards until the following day, to return by Angel Custodio, leaving here the boat which had been rowed from Angel Custodio, not being able to take it.

Twenty-third day: Father Mariano and I with the other Spaniards left Cura for Angel Custodio, having previously taken care to warn the Father at Cura that until such time as the said voyage should take place to the Cuyuni, it would be very important that no permission should be given to the Indians to go to the Dutch, on account of the bad consequences that might follow if it became known to the Dutch that an exploration of the Cuyuni and its neighborhood was projected. We said it might bring upon the Father, for example, the misfortunes of the expedition of the Parime, and advised him that he should also warn Father Leopold of Tupuquen and Father Peter of Guascipati.

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Twenty-fourth day: I left Angel Custodio for Tupuquen, and having given this said precaution and warning of circumspection to Father Leopold, I then remained until the following day with the animals that were furnished me.

Twenty-fifth day: I departed from Tupuquen for Guascipati, and warned Father Peter Martin in like manner as those of Cura and Tupuquen, namely, that I knew that as soon as the river was high the Indians of this village would go down to Essequibo; for this purpose I remarked they had a great quantity of hammocks made, and on my asking for whom they were, they replied to take to the Dutch of Essequibo, and that for each hammock they received a piece of calico and six flasks of spirits or a Trenquera (?).

Twenty-sixth day: I left Guascipati for Carapo, and with the intention of changing animals I passed all the rest of the day there in Carapo.

Twenty-seventh day: I left Carapo and arrived at the village of Santa Maria the following day, 28th, and having reached on this day the town of Upata I remained there until Monday, the 7th April (on account of being ill), leaving in charge of the Sergeant in command of the escort the two militiamen who had accompanied me, and likewise delivering over to the Lieutenant of the said town the three residents. Then, with the animals which they provided for me from Altagracia, I continued to Caroni.

On the eighth day I arrived at Caroni, where I was furnished, by order of the Father Prefect, with a sailing-boat and six Indian rowers from the village of Puga, and I departed for this capital on the tenth, leaving with the Father Prefect an account of the animals and men which had been given me for my journey in each village as I was going and returning.

On the twelfth day I arrived at this capital with Corporal Antonio Mora, having intact and complete the 200 cartridges and 5 lbs. of powder which were delivered to me, and of the 100 lbs. of tobacco I took from the town of Upata for the Indians, having only consumed 50 lbs., the rest remaining in my possession until further orders of the Governor.

No. 444.

Certificate of Election of Officers of the Capuchin Missions, 1787.

[Reprinted from Blue Book No. 3, pp. 383-384.]

The undersigned certify in the most formal manner that, on the 25th day of the month of April of the present year, we celebrated our triennial Chapter in the Mission of San Joseph de Cupupuy, in which the Revered Father Fray Buenaventura de San Celonio was elected Prefect of our Missions, and for Assistants the Reverend Fathers Fray Buenaventura de Sevadel and Fray Buenaventura de Santa Coloma, and in accordance with our institutes the same reverend Fathers elected for their offices [stations] and Presidencies the reverend Father missionaries as follows:—

Annex 15

Memorandum presented by the Plenipotentiary Minister of Gran Colombia José Manuel Hurtado to the Government of His British Majesty, London, 16-VII-1824, Public Record Office, F.O. 18/10

Ministerio de Relaciones Exteriores Republic de Venezuela, Report on the Boundary Question with British Guiana Submitted to the National Government by the Venezuelan Lawyers, Caracas, 1967.

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MINISTERIO DE RELACIONES EXTERIORES

REPUBLICA DE VENEZUELA

REPORT ON THE BOUNDARY QUESTION WITH BRITISH GUIANA SUBMITTED TO THE NATIONAL GOVERNMENT BY THE VENEZUELAN EXPERTS

CARACAS, 1967

H 29

3. — *Memorandum presented by José Manuel Hurtado, Plenipotentiary Minister of Gran Colombia to H. M. Government. London, 16/VII/1824. (Extract).*

LIMITS

The Republic of Colombia is today composed by the countries known as Venezuela and Nueva Granada, and it is located within the heart of the torrid zone of South America. This beautiful and rich country extends by the Northern Sea, *from the Essequibo River* or the limits of the Province of Guayana, up to the Culebras River in the boundary with Guatemala.

Public Record Office (London). F. O. 18/10

II

SCHOMBURGK'S ARGUMENTS ARE GROUNDLESS

1. — *Minutes by Lord Stanley, Colonial Office Secretary. London 7/IX/1841.*

This report should be communicated to the Foreign Office. The Maps in my possession do not enable us to trace the course followed by Mr. Schomburgk and he affords no great facilities for tracing his course. *Extracts* from the Report should be communicated to the Royal Geographical Society but care should be taken not to insert any of the vague charges against the Venezuelan Government, which, though very possible founded in fact, would have no sufficient authority and if they did, perhaps no advantage would be derived from their publication. *Mr. Schomburgk does not give any data upon which he assumes the limits claimed by him, to be, as he designates then more than ever, the "undoubted" right of the British Crown.*

Public Record Office (London). C. O. 111/179

2. — *Confidential memorandum from the British Foreign Office. 24/XI/1857. (Extracts).*

It would be difficult, within reasonable limits, to discuss the value to be attached to the evidence adduced on both sides from various writers as to this boundary, although, so far as Sir R. Schomburgk is concerned, *that evidence is limited by his objection to French writers on the score of national jealousy, and to the Roman Catholic writers on the score of sectarian motives...*

Hitherto attention has been called to the question as to right in the matter of this portion of the boundary; and it *certainly appears to be doubtful whether our rights are so free from doubts as to make it advisable to claim the boundary as laid down by Sir R. Schomburgk*, if negotiations are now resumed.

Bodleian Library (Oxford) Mss. Clarendon Deposit C/275.

Annex 16

Extracts from Letter of Henry Light, Governor of British Giuana to Lord Glenelg, 1 September 1838

Venezuela-British Guiana Boundary Arbitration. The Counter-Case of the United States of Venezuela before the Tribunal of Arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty, Signed at Washington February 2, 1897. (1898), vol. 1-2, Annex 94, pp. 176-178.

Available at: https://archive.org/details/venezuelabritis01venegoog/page/368/mode/2up

No. 93.

Demerary and Essequebo.

	Miles.
From Registrar's office to any part of Georgetown.	
East Coast Demerary.	
From Georgetown to Pl. Kitty	3
" " " Vryheid's lust	6
" " " Good Hope	9
" " " Paradise	12
" " " Nabacles	15
" " " Ann's Grove	18
" " " Mahaica Creek	22
" " up the Creek to Pl. Belmont	25
" " to Cane Grove & beyond	28
" " " Broomhall	30
" " " Mahaicony	36
" " " Up the Creek	44
" " " Abary	45
R. Demerary, East Side.	
From Georgetown to Pl. Houston	3
" " " Pl. Providence	6
" " " all estates in Canal No. 3	12
" " " Plt. Farm	9
" " " Great Diamond	12
" " " New Hope	15
" " " Garden of Eden	22
River Demerary, West Side.	
From Georgetown to Pl. Malgré Font	3
" " " La Grange	6
Canal No. 1.	
Any estate on the same	12
La Retraite	9
Canal No. 2	
From Georgetown to any estate on the same.	15
" " " Plt. Vriesland	15
" " " Reynestin	22
" " " Borselin Island	33
" " " Sand Hills	40
" " " Saw Mill of Huss	50
And all above f. 110.	
West Coast.	
From Georgetown to Nouvelle Flandres	3
" " " Waller's Delight	6
" " " Blankenburgh	9
" " " Cornelia Ida	12
" " " Vrees en Hoop	15
" " " Kinderen end Booe's Rust	18
" " " Philadelphia	21
" " " Farm	24
" " Beyond as far as road extends	27
" " to Leguan	25
" " " Tiger Island and Wakenaam	30
" " " Hog, Fort and Troolie Island	35
West Coast Essequebo.	
From Supenaam Creek to Plt. Somerset and Burks and Evergreens	40
To Pomeroon, f. 330.	
From Supenaam up the river to the Falls, f. 150.	

No. 94.

Extracts from Letter of Henry Light, Governor of British Guiana, to Lord Glenelg, September 1, 1838.

[From Parliamentary Papers, "Papers relative to the West Indies. Part I., Jamaica—British Guiana. Ordered by the House of Commons, to be printed, March 15, 1839. pp. 278–279.]

Though the country over which I have lately passed has no variety of surface, and may be represented as one great flat, intersected by creeks, rivers, and trenches, yet I think it my duty to attempt some description of it, that may enable your Lordship to form, perhaps, with the aid of the

No. 94.

accompanying Map, a more correct idea of the various locations, of the cultivation, past and present, and of the future means of increasing this cultivation, and thence judge of the value of this important colony to Great Britain, if supported by the capital of the mother country, and the protection of the Government; a protection never withheld, but more peculiarly required where the field for improvement of the resources of the country is so wide, and so capable of adding to the treasures of the parent state.

The three great rivers Berbice, Demerara, and Essequibo, may be considered the source of all the alluvial soil now in cultivation, peculiarly British. The Corantyne, being the boundary of British Guiana, it contributes plainly to the richness of the soil on the Corantyne coast of Berbice. Into all these rivers flow what are misnamed creeks, which may be rather considered tributary streams, taking their rise at greater or less distance amongst the great marshy savannahs of the interior. The Pomaroon river, at the western extremity of Essequibo, may be taken as a limit to the country, though there is a mission supported by the colony on the Maracca river or creek, a short distance westward, where 500 Spanish Indians are collected in a settlement under a Roman-catholic priest, recommended from Trinidad for that purpose; he is reported to be effecting good.

The cultivation of the staple commodities, sugar, coffee and cotton, is confined at present to the coast of the Essequibo; west and east Demerara; the west and east coast, Berbice, as regards the sea. On the three great rivers the highest cultivation is on the Berbice, 35 miles on the east bank. On the west bank, some few miles less, and on the east and west banks of the Demerara and Essequibo, the highest cultivation does not extend above 25 miles from the mouth of the river. The Canje Creek, flowing into the Berbice river below New Amsterdam, also has several estates in cultivation on each bank. On the Corantyne there are only two estates.

By reference to the accompanying map, the existing cultivation will be observed coloured green; the abandoned cultivation, brown.

* * * * * * *

The banks of the Pomaroon and the western extremity of the Essequibo are rich in alluvial soil, but are not cultivated; there is one wood-cutting settlement on the Pomaroon which may be considered as fit for mercantile purposes, and is prosperous.

The appearance of the country, on the Essequibo coast and in the islands, is much more cheerful than on the Demerara river; canals, trenches and dykes, the same everywhere. In Essequibo, the traveller drives through cultivation; in Demerara, he must view it at a distance, as the front lands are generally morass and bush, the land having been exhausted. In most parts of Essequibo it seems inexhaustible. The numerous creeks or tributary streams take their rise, as I have said before, in the savannahs, which are either barren sand, impassable marsh, or land so marshy as to forbid a

No. 94.

hope of cultivation; yet on the sides of these creeks are borders of soil which quickly repay the cultivator, though as yet few, but the scattered families of aborigines, are to be found taking advantage of such spots.

* * * * * * *

On the extremity of the coast of Essequibo, towards the Pomaroon, there are two isolated estates in cultivation, while rich land is ready for human industry. The Dutch formerly cultivated the banks of the Essequibo, 100 miles above its mouth; the map will show your Lordship how little, on either side, is now in cultivation.

* * * * * * *

No. 95.

Proposed establishment of an Indian Village; debate in the Combined Court of British Guiana, March 27, 1844.

[From "Royal Gazette," Georgetown, British Guiana, Tuesday, April 2, 1844.]

The Government Secretary—The Governor and Court of Policy, at the recommendation of the Combined Court, have placed an item on the Estimate for the establishment of an Indian Village.

Mr. Arrindell—I move that it be struck off.

Mr. Naghten—I second it.

Mr. Arrindell—It may appear somewhat singular that I should move an amendment that is irregular, or would appear irregular, but for the precedent which was set about two or three days past. There was an item on the Estimate for a certain Clergyman; it was moved that it be struck off, and the motion was carried by a majority. In the absence of one of the majority, it was reconsidered and placed on the Estimate. I have, therefore, an excellent precedent for my motion, and I trust that the item will be this day struck off. The Court of Policy has been recommended to put the item on the Estimate and has done so. On both occasions I was, unfortunately, in the minority. I agree with yourself, and many others, that the prospects of the Colony are considerably increased within the last two or three years, but they are increased so much a magnitude as to warrant the Court in throwing away $10,000 upon a mere chimera. It is stated that we have a native population which may be civilized. We are endeavouring to civilize them as much as is in our power, and we have two or three Missions established, which we are supporting with very great liberality. Why, merely upon a whim or caprice, so large a sum, or any sum, should be placed at the disposal of God knows whom, merely for the purpose of erecting a Village, which is to be populated by savages from the interior (and whether they are to be under any and what control we know not), I cannot understand. Many attempts have been made to redeem those people from their habits; they have been taught to read, and in

Annex 17

Exchange of Letters between Alejo Fortique and Lord Aberdeen, 10 January 1842, 31 January 1842
(translation)

Letter from Henry Light, Governor of British Guiana to Mr. Daniel F. O'Learly, 9 March
(translation)

Letter from Mr. Daniel F. O'Learly to Mr. Aranda, 8 April
(translation)

Ministerio de Relaciones Exteriores, (1981), Arbitramiento sobre los Límites entre Venezuela y la Guayana Británica: alegato y contra-alegato, Colección "fronteras" 6, Caracas, pp. 16-20.

Available at: https://kamuru.mppre.gob.ve/index.php/s/XSLfiiQbn2mtAF4

LETTER FROM ALEJO FORTIQUE TO LORD ABERDEEN, JANUARY 10, 1842

Dr. Fortique to Lord Aberdeen

The undersigned, Minister Plenipotentiary of the Republic of Venezuela, has the honor to reply to the communication of the Hon. Earl of Aberdeen, Her British Majesty's Principal Secretary of State in the Department of Foreign Affairs, dated on 11th of last month, in which, referring to the signs placed on Venezuelan territory by Surveyor Schomburgk, his Lordship states that their removal would entail much useless trouble, as they offer the only tangible means by which Her Majesty's Government could be prepared to discuss the boundary question, and that they were erected with this special object, and not, as the Venezuelan Government seems to fear, as signs of dominion and government on the part of Great Britain.

The undersigned regrets to be obliged to again insist upon this point; but the damages sustained by Venezuela on account of the permanence of said signs are so serious, that he hopes, in view of these facts, that the trouble resulting from their removal may not appear useless.

The undersigned has already stated, either by writing or verbally, that the unexpected proceeding of the English Commissioner, the ostentatious performance of this act, and the fact that the English flag was raised upon these same signs and Her British Majesty's monogram placed thereon, have given rise, as was to be expected, not only to the dissatisfaction of the Venezuelan people, but have also excited grave fears that all the explanations received up to the present time, and the hope which the undersigned has imparted that such signs would soon be removed, cannot wholly dissipate. The Venezuelan Government has vainly taken great pains to inspire confidence in the uprightness of Her Majesty's Government and to persuade the people that negotiations are preferable to force. Citizens, well worthy of the public esteem in which they are held, on seeing the position of the relations between the two countries, and fearing that the peace of English subjects resident in the Republic might be disturbed, have also vainly striven to the same end; the Venezuelans have seen the English flag floating over their territory, and it is not to be expected that while such marks, erected so untimely, lest the Venezuelans should feel satisfied to let them remain, and malcontents will profit by this for their plots of ominous consequences.

Congress will soon convene and the Executive must submit to that body both this matter and the Government's conduct in the premises. No one can tell in what light these will be looked upon by the Representatives of the Nation nor how far they may be influenced by public alarm. It would be desirable then that they learn at the same time that the confidence in Her Majesty's Government has not been misplaced and that the marks or signs have been removed.

Contraband trade, which reduces the revenue of the Treasury and so completely demoralizes communities, is also one of the evil results of these unfortunate signs, because, under the British flag raised in Barima, a perfect system of fraudulent trade has been established from the Island of Trinidad, affecting most seriously the interests of honest merchants, either English or otherwise, who respect the laws of the country and who endeavor by means of honest trade to make profits proportionate to their labor. This is a calamity that at the present is

deplored by British subjects resident in Trinidad, Barbados and other places, according to reports published by the newspapers of said islands and also by the city papers. Would the trouble resulting from the removal of the signs be useless if it is conducive to the preservation of the order and morality of a State that has constantly given to England proofs of its friendship and good faith ?

In addition to this, the fatal results of public restlessness and the fact that a disagreement is to be feared, must be taken into consideration, and it will be seen that, even were the signs less significant than Her Majesty's Government proclaim them to be, the Governor of Demerara, Commissioner Schomburgk himself proclaim them to be, a sentiment of justice and the consideration due to a friendly nation demand their removal.

But the Hon. Earl of Aberdeen is of opinion that these signs may serve as tangible means for the discussion of a boundary treaty, and it must be remarked at this juncture, that the line, such as it is described, is not the one H. B. M. believes to be the boundary of British Guiana, but the line that Commissioner Schomburgk has thought convenient to describe, as the map which he was instructed to draw after examination of the territory has not, even yet, been received in London. In this uncertainty the undersigned is not of the opinion that the fixation of points should be the initial operation, nor does he believe most appropriate to inspire that confidence required for any transaction the fact that one of the parties concerned should ascribe to itself, without previous consent of the other, the territory the possession of which is claimed.

When the points over which a boundary line will pass have been agreed upon; when, as was the case with the United States of North America, there is a previous boundary treaty in force, the commissioners of one or both parties may proceed to the material operation of describing said boundary, and in case they should not come to an understanding, they may proceed to the erection of any signs which they may deem convenient, until an arrangement can be arrived at which shall depend solely upon the understanding or realization of what has been agreed upon. Venezuela is ready to enter into such an agreement and has invested the undersigned with the proper authority to that effect and if, as it is to be expected, Her Majesty's Government is well disposed toward a friendly settlement, the removal of the aforesaid signs is not only useful but is also an absolute necessity.

The undersigned takes pleasure in renewing to the Hon. Earl of Aberdeen the assurance of his highest consideration and esteem.

A. Fortique.
22 Wimpole st., January l0, 1842

To the Hon. Earl of Aberdeen, etc., etc., etc.

LETTER FROM LORD ABERDEEN TO ALEJO FORTIQUE, JANUARY 31, 1842.

Lord Aberdeen to Dr. Fortique.

[Copy.]

Foreign Office, January 31, 1842

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note addressed to him on the 10th instant by M. Fortique, Minister Plenipotentiary of the Republic of Venezuela, representing the alarm and agitation which have been created in Venezuela on account of the marks fixed by Mr. Schomburgk at different points of his survey near the mouth of the Orinoco, and renewing his request that Her Majesty's Government will order the removal of those marks.

The undersigned begs to inform M. Fortique in reply, that in order to meet the wishes of the Government of Venezuela, Her Majesty's Government will send instructions to the Governor of British Guiana, directing him to move the posts which have been placed by M. Schomburgk near the Orinoco.

But the undersigned feels it his duty distinctively to declare to M. Fortique, that, although, in order to put an end to the misapprehension which appears to prevail in Venezuela with regard to the object of M. Schomburgk's survey, the undersigned has consented to comply with the renewed representations of M. Fortique upon this affair; Her Majesty's Government must not be understood to abandon any portion of the rights of Great Britain over the territory which was formerly held by the Dutch in Guiana.

The undersigned begs to renew to M. Fortique the assurance of his high consideration.

Aberdeen
Foreign Office, January 31, 1842

To Dr. A. Fortique

LETTER FROM HENRY LIGHT, GOVERNOR OF BRITISH GUIANA TO MR. DANIEL F. O'LEARY, MARCH 9, 1841.

British Guiana – Government House,

Demerara, March 9, 1842

Mr. Hairy Light to Mr. Daniel F. O'Leary

Sir:

I have the honor to inform you, for the satisfaction of the Government of Venezuela, that I have received instructions from the Right Honorable the Secretary of State for the Colonies to remove the landmarks placed by Mr. Schomburgk on the Barima and elsewhere in his survey of the assumed limits of British Guiana.

These instructions having been given will, I trust, be received by you as a pledge of the friendly intentions of Her Majesty's Government and shall be obeyed as soon as possible.

In the meantime, if any delay arise in carrying into effect the orders I have received, I trust to your good offices to point out to the Venezuelan Government that all grounds of remonstrance may be considered removed, from the concession made to it by the British Ministers.

I have the honor to be, Sir, your most obedient, humble servant,

Henry Light,
Governor British Guiana

Mr. Daniel F. O'Leary, Caracas

LETTER FROM MR. DANIEL F. O'LEARY TO MR. ARANDA, APRIL 8, 1841

Caracas, April 8, 1842

Mr. F. O'Leary to Dr. Aranda

The undersigned. Her Britannic Majesty's acting Consul at Caracas, has the honor to transmit herewith to M. Aranda, Secretary of State for Foreign Affairs of the Republic of Venezuela, copy of a dispatch which he has received from the Governor of British Guiana, acquainting the undersigned, for the satisfaction of the Venezuelan Government, that His Excellency has been directed by the Right Honorable the Secretary for the Colonies to remove the landmarks placed by Mr. Schomburgk near the mouth of the Orinoco; and expressing a hope that the Venezuelan Government will consider all grounds of remonstrance removed, from the concession made to it by Her Majesty's Government.

The undersigned feels most happy when he has it in his power to communicate to M. Aranda any intelligence that may be agreeable to the Venezuelan Government, and he avails himself of this opportunity to renew to M. Aranda the assurance of his high consideration.

Daniel F. O'Leary

To His Excellency M. Aranda, etc., etc., etc.

Annex 18

Letter from Governor Henry Light to Lord Stanley, 4 March 1842

Venezuela: Desp. Guiana- Venezuela Boundary (Governor Light). Bound: Venezuela 12.
Reference: FO 881/7214. The National Archives, UK.

F.O. 881/7214

[This Document is the Property of Her Britannic Majesty's Government.]

Printed for the use of the Foreign Office. June 1, 1899.

CONFIDENTIAL.

7214

S 1379

Governor Light to Lord Stanley.—(*Received May* 10.)

(Confidential.)

My Lord, *Government House, Demerara, March* 4, 1842.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked "Confidential," of date 28th January.

In reply, I have the honour to state that, were British Guinna/a well-peopled Colony, capable of employing a surplus population in the cultivation of the extensive tracts of waste land between the Pomaroon and the Orinoco, it might be necessary to insist strongly on every point marked by Mr. Schomburgk as the natural boundaries of this province.

Limited as is the population both of Venezuela and British Guiana, the Governments of neither country can derive any benefit from the boundary in question for at least a century to come; yet it is the hereafter that we must consider.

We have no claim to the Amacura River west of the Barema, though in the old map of Major L. von Bouchenroeder, published in 1798, the first river is marked east of the second, both flowing into the Orinoco.

Mr. Schomburgk's map, as well as Codazzi's, place these rivers in their proper position, the Amacura entering the Orinoco south-west of the Barema.

In the Dutch map first mentioned, of which I have the honour to forward a correct copy, the site of a Dutch fort is marked on the Barema, and a line drawn to the Cuyuni, which has its embouchure in the Essequibo, pretty nearly in the direction laid down by Mr. Schomburgk, as the natural limit of this province.

Mr. Schomburgk has taken the Amacura as a connecting link with the Barema to unite (a small portage excepted) all the rivers and creeks with the Cuyuni, which, flowing into the Essequibo, secures an internal water communication with the Orinoco.

Mr. Schomburgk assumes the Amacura as a boundary, I believe, only by a right of expediency.

A more just claim appears to exist for marking the Barema as part of the Dutch province, though many years have passed since the Post of that river was occupied by the Dutch.

Its ruins still remain, and, according to Mr. Schomburgk, of the truth of whose assertion there is little doubt, ships were annually sent there from Middleburgh for the purposes of trade.

A reference to the records of Holland ought therefore to be made in support of this weighty fact.

The question then resolves itself into this:—

Has any cession been ever made of the Barema by the States of Holland to the Old Monarchical Government of Spain, or was the possession of this river usurped by the Dutch from Spain?

If the Dutch usurped it in former days, and abandoned it before the Province of British Guiana was ceded to Great Britain, then, if Great Britain has formally acknowledged the rights of the Spanish Monarchy in Venezuela, the Barema must be considered of right as belonging to Venezuela.

The Barema is of no use at this moment either to the Venezuelans or to this province, but it commands one of the entrances to the Orinoco, which naturally enough is an object of attention to the Venezuelans, or rather to Venezuelan Guiana, of which Angostura is the capital.

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Neither the Barema nor the Amacura can now be of any importance to Great Britain, and could only be occupied at an expense of life and money which could not be expedient; but care should be taken that some more important Power than that of Venezuela should not get possession of them.

The existence of the Spanish-American Republics seems to depend so much on parties who are at all times ready to dispute for power, that it may be well asked, What is to prevent some contending province wishing to obtain external aid from offering to the United States, or France, or to any other Power, a settlement on either of the rivers in question, merely from the madness of party feelings, ready to plunge into any folly, that some temporary advantage may be gained over an opposite faction?

So long as Great Britain retains its maritime superiority, the possession of the Barema or of the Amacura by the Venezuelans would not prevent our command of the Orinoco.

It is therefore a matter of little present importance whether Great Britain assume the Barema as the boundary, or allow it to remain with the Venezuelans.

A public right, if it be found and proved, that the Barema was part of the Dutch possessions should not, however, be yielded without a guarantee.

Such a guarantee might be demanded from the Venezuelan Government as that British Guiana should never be subject to have the flags of France, of the United States of America, or of any other Power waiving on her frontiers.

That guarantee obtained, Great Britain may afford to yield something to the national feelings of a poor and weak Government such as Venezuela, whose interests must be benefited by intimate connection with Great Britain, and the majority of whose people are well disposed to look on Great Britain with regard and admiration.

It may, however, be proper to observe that though the Venezuelan Government has remonstrated against our supposed encroachments on her territory, that very Government had directed a set of maps to be published in 1840 by Codazzi, in which is marked a tract of country as belonging to Venezuela, but usurped by the English, extending over many hundred miles to the Essequibo from the confluence of the Cuyuni with that river to the Moroco, which would include many of our Settlements on the Essequibo handed over to Great Britain in 1815.

This is presumption of right infinitely more offensive and less founded on justice than that set up by Great Britain to the Barema.

The possession of the Barema, without that of the Amacura, will not secure the continuous connection of the boundary laid down by Mr. Schomburgk; therefore, if the Amacura, to which we have no right, be yielded, there may be no great necessity for keeping the Barema.

In the copy of the despatch dated the 5th November, 1841, from the Acting Consul at the Caracas to Lord Aberdeen, received with your Lordship's despatch No. 47, dated the 28th January, the Wyana, called Guiana by Mr. O'Leary, and so written in Codazzi's maps, is mentioned as a limit, about which there would be no difficulty in coming to an arrangement with the Venezuelan Government.

The Wyana offers a fine shell bank for a Post, but is not, I believe, so large a river as the Barema, nor do its banks present such rich growth of timber.

But the Wyana, instead of taking its source from the south, runs in a slanting direction from south-east to north-west; thence it does not afford the same ready mode of fixing a boundary of rivers as the Barema and the Amacura.

There will be savannahs and hills without marked line of separation; these might hereafter be the cause of dispute. An imaginary boundary-line cannot be preserved.

Yet if security be given that all the country extending between the boundary marked by Mr. Schomburgk and the Wyana should be left to the undisturbed possession of the aborigines, the Venezuelan Government binding itself to respect the rights of these unfortunate people, as well of those now existing as of those who may retire there from the Orinoco or elsewhere—if security be given that no fort or forts shall be constructed on the Barema either by the Venezuelans or by any other Power—then Great Britain may yield to the national pride of the New Republic, and make the Wyana, with its tributary streams, including both banks of those streams, a boundary, connecting it with the Cuyuni by such convenient line of communication as may be best found by survey.

I have, &c.
(Signed) HENRY LIGHT.

Annex 19

Letter from Alejo Fortique to Lord Aberdeen, 31 January 1844

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available at: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

OF THE

DISCUSSION BETWEEN VENEZUELA AND GREAT BRITAIN

ON THEIR

GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

Secretary of State for Foreign Affairs of the Republic of Venezuela, copy of a despatch which he has received from the Governor of British Guiana, acquainting the undersigned, for the satisfaction of the Venezuelan Government, that His Excellency has been directed by the Right Honorable the Secretary for the Colonies to remove the landmarks placed by Mr. Schomburgk near the mouth of the Orinoco; and expressing a hope that the Venezuelan Government will consider all grounds of remonstrance removed, from the concession made to it by Her Majesty's Government.

The undersigned feels most happy when he has it in his power to communicate to M. Aranda any intelligence that may be agreeable to the Venezuelan Government, and he avails himself of this opportunity to renew to M. Aranda the assurance of his high consideration.

DANIEL F. O'LEARY.

His Excellency M. Aranda, etc , etc., etc.

Dr. Fortique, Venezuelan Minister at London, to Lord Aberdeen, Chief Secretary of State for Foreign Affairs of H. B. M.'s Government, January 31, 1844.

[Translation.]

Her Majesty's Government being desirous to learn which were the limits of English Guiana, ordered a map to be drawn. These instructions were carried out in a manner that caused the Government of Venezuela to complain of the conduct of the Commissioner, as he entered into Venezuelan territory and therein erected, at his will, posts and tents that were subsequently removed by the express order of Her Majesty's Government. Since that occurrence, the undersigned, Minister Plenipotentiary of the Republic of Venezuela, has not ceased to urge the Count of Aberdeen, Prime Secretary of State of Her Majesty in the Department of Foreign Affairs, to commence without delay negotiations for a treaty fixing definitely the boundry line that shall divide the two countries. Although it was undoubtedly the duty of the one who promoted this question to take the first steps toward the negotiation of the

treaty, the undersigned being well aware that other important matters claim the attention of Her Majesty's Government, and as he ought not to wait indefinitely, hastens to propose an agreement which, if left for a later date, may be difficult to conclude. It cannot be expected, however, that in a communication of this character he should undertake to justify the rights of the Republic, and even absolute silence on this question would be excusable; but his confidence in the good faith, conciliatory spirit, and the sentiments of justice of Her Majesty's Government is so complete that, in the belief that they may lead to an amicable settlement of the question, he has decided to make a few remarks on the subject.

No one has ever denied to Spain her rights as discoverer and first occupant of the New World. All nations have, directly or indirectly, recognized such rights, and it would be lengthy and unnecessary to enumerate here the facts that go to prove this. Upon this being understood, it may not be amiss to recall the fact that the coasts of the territory in question were the very same that Columbus saw when he first discovered the American Continent; that it was here where Alonzo de Ojeda began his discovery and conquest of Venezuela; that this was the same land the government of which was ceded to Diego de Ordaz by the Emperor Charles V., and that which in the early part of the sixteenth century was courageously explored by this same Ordaz, and by Herrera, Ortal, Cedeno, and others. It is also pertinent to recall that the occupancy of this land followed soon after its discovery, and with its occupancy a decided intention to retain possession of it; then also followed the founding of towns, the sending of missionaries, and the civilization of the Indians based upon the gospel. This shows why, in 1579, the enemies of Spain found towns to destroy and priests to persecute, as the effects of the war that alternately divided the nations of Europe were disastrously felt in those far-off regions, where invasions, attacks, and conflagrations were of frequent occurrence. The very rights that no one could dispute with Spain excited both envy and vengeance.

But the sufferings of Spanish Guiana cannot be exclusively attributed to war. The report of the gold that was supposed

to exist in this section, its rich woods, its tobacco, and the facilities for enslaving the natives, excited cupidity, and several expeditions were formed. For the present, it will suffice to cite, among others, the famous one of Sir Walter Raleigh, in which the city of Santo Tomás was destroyed for the second time, not a trace remaining of it. The sad recollection of this fact is presented here simply to prove, even with the testimony of an old English traveler, that the Spaniards were in possession then of the Orinoco and of all its contiguous territory, that they already occupied the rivers Barima, Moroco, and Pumaron, that their domain extended to the Essequibo, and that, according to the document which he found in possession of Governor Antonio Berrio, formal possession of that territory was again taken in the name of the King of Spain, on the 23d day of April, 1593.

Were it desirable to quote other testimony even less liable to objection to prove the exclusive possession of the Spaniards in these lands, previous to the treaty of Münster, that of Juan de Laet might be added. He was a Dutchman, a member of the Leyden University, who, about this time, undertook to write about the prowess of his countrymen in South America, as well as of that of the English and Spaniards; and if he assumes that the Dutch were occupants of certain points on the Amazon, he also agrees with Sir Walter Raleigh in regard to the Spanish occupancy of the Orinoco, Moroco, and Pumaron.

The treaty of Münster has been mentioned because all know that in it was expressly stipulated that whatever territory the contracting parties were possessed of at that date was to be retained, both of the contracting parties agreeing not to encroach upon any territory occupied by the other party. It follows then that the Dutch, not being possessors of any territory in Guiana, at least on the opposite side of the Essequibo, they could not trespass upon that line without violating an express agreement, not to mention the violation of Spain's right as discoverer and first occupant. But there exist besides authentic documents, signed by the kings of Spain, in which the territory of the Province of Guiana is extended to the Amazon. It must be inferred from this that, in the belief of said

sovereigns, with the exception of what the Dutch had taken from the Portuguese in Brazil, nothing less belonged to Spain (A. D. 1750). In a public treaty Spain and Portugal reciprocally guarantee their respective possessions in South America, and agree to aid and to support each other until they remain in peaceable enjoyment of their domains, this obligation, on the part of Portugal, extending from the Amazon or Marañon to the borders of the Orinoco on both sides.

There also exists a royal decree which establishes (March 5, 1768,) the limits of Spanish Guiana and carries them to the south as far as the Amazons, extending them to the east to the Atlantic Ocean. It is not to be believed that the kings of Spain and all their ministers should make an error in so weighty a matter, nor that they should appear before all other nations as giving to themselves territories that did not belong to them.

No; the truth is, as Martens says (Diplomatic Course, vol. 3, page 183): "The conquests made by the Dutch in the Indies and in America during the long war of their revolt against Spain went as far as the Portuguese, then subjects to the crown of Spain. The Peace of Münster therefore took nothing away from Spain when it was stipulated, in Article 5th, that each of the contracting parties should 'retain their possessions in the East Indies and on the coasts of Asia, Africa, and America.'"

But, be this as it may, it cannot be denied that the Essequibo has been considered as the dividing line between the two possessions, either on account of difficulty in crossing it, its current being so strong that the natives called it "the brother of the Orinoco," or that the kings of Spain, being unable to control such a vast expanse of coast, reserved to themselves particularly that part lying between the Essequibo and the Orinoco, without, however, resigning the right they had to the rest of the territory. "English Guiana"—says La Condamine—"commences at the Marawine river and ends at the Essequibo; there remains for Spanish Guiana the territory lying between the Essequibo, where Dutch Guiana ends, and the Orinoco." Norie, the English geographer, author of the Chart of the coast of Guiana, makes the same assertion. His words are worth quoting: "British Guiana extends from the Corawine in a

northwesterly direction to the Essequibo. This was the true line of extension of the Colony as agreed upon between the Spaniards and the Dutch by the Münster Treaty in 1648, *which never since then has been revoked.*" Bellin, Engineer of the navy and of the school of charts, Royal Censor of the Naval Academy and of the Royal Society of London, a man of whose impartiality and learning it were injustice to dispute, in treating of this subject finds himself compelled to make an assertion which, as coming from an old foreign writer, bears upon this case. He says that he gives the name of Dutch Guiana to "the territory that the Dutch occupied and were possessed of" when he wrote, "not attempting, however, to decide upon the rightfulness of its possession, nor to injure in any way whatever the rights that the French or the Spaniards, their neighbors, may have upon the same land, where the Dutch have been seen increasing and extending step by step, advancing settlements as far as it has been possible for them to go."

Countless quotations could be made with the authority of the men of learning who have treated on this subject, to show that the territory lying between the Essequibo and the Orinoco has been considered by the world as the exclusive property of Spain. It will be noticed that purposely quotations have been omitted from Spanish writers, who afford the most abundant evidence in favor of Venezuela, since the undersigned, as above stated, has only undertaken to make some brief remarks and has thought it best, for the present, to make use of the words of foreign writers. Moreover, the undersigned is not ignorant of the fact that, the rights of Spain as first occupant and by the stipulations of the Münster Treaty being established, upon Her Majesty's Government would devolve the difficult task of proving that the Dutch were the rightful possessors, or that Spain approved of their encroachments; but, instead of this we find that as far back as 1596, the Dutch, having undertaken to cross the Essequibo, were immediately repulsed by the Spaniards, who compelled them to retreat to the river headwaters, where it could not be said that they were tolerated, as even toward the middle and the end of the last century, particularly on the Pumaron and the Moroco, they were disturbed and attacked,

the Spaniards striving to expel them as intruders who violated an express agreement. It cannot be said that these hostilities emanated from private authority. They were, on the contrary, expeditions ordered and approved by the Kings of Spain (Royal Decree dated at Aranjuez, on the 10th of August, 1780), who cautioned those intrusted to direct these expeditions that, "should the Director or Governor-General of Essequibo complain on this account," he should be answered that they were acting in this matter "in accordance with the laws and general instructions for the proper government of the Indies, which do not countenance such intrusions of foreigners upon Spanish territory" such as this was; and that this same answer would be given in Madrid should the States-General of Holland either make any complaint or present any claims. These attacks, these orders, and solemn declarations do most certainly reject all idea of consent, on the part of the Spaniards, to the usurpations of the Dutch. Without this consent no pretensions could be made, not even to the title of prescription, which is founded upon the belief that the owner has abandoned the right he owned.

The undersigned is well aware that some modern travelers, such as Depons and Humboldt, indicate Cape Nassau, on the coast, and the Essequibo river, in the interior, as the boundary between the Spanish and the Dutch (now English) Guianas; and it was, perhaps, referring to them that the Governor of Demerara gave his opinion that "the river Pumaron, west of the Essequibo, could be taken as the boundary of the colony." (Parliamentary Papers, desp'd, September 1, 1838.) But these travelers followed Bellin's course; not pretending to decide upon the rightfulness of the Dutch possessions, and without any injury to the right of the Spaniards, they divided the territory according to the material occupation then existing. Humboldt, besides, refers to the chart of Major J. von Bouchenroeder, a Dutchman, who made it by order of the Committee on Colonies and Possessions of the Republic of Batavia, which chart was dedicated to him. It is not, therefore, Humboldt's testimony, but the testimony of a Dutch commissioner, which in reality has served as a guide to the Governor of Demerara, who

can undoubtedly be excused, as showing his desire to increase, as much as possible, the country with whose government he has been entrusted. Depons conclusively declares that "the Dutch, violating the original treaties, had erected advanced posts on the Spanish territory."

Enough has already been said in regard to this retention damaging to the rights of Spain as the first occupant and in violation of the Münster treaty, to render further insistence upon this point unnecessary. Therefore the undersigned will only recommend a very special circumstance in this effort of the Kings of Spain to defend their territory against the invasions of the Dutch, and this circumstance is that Great Britain, who succeeded the latter, agreed at Utrecht by a public treaty (A. D. 1713) to aid Spain as much as she could in the restoration of the old boundaries of its possessions in America, as they existed during the time of the Catholic King Charles II. The Dutch, themselves, acknowledged the justice of this agreement when acquainted with it, they ratified on the following year, and at the same place, the treaty of Münster. These documents would make a strange contrast with the pretensions of disputing with Spain, or her successor, the Republic of Venezuela, the territory contiguous to the Orinoco, if such pretensions should emanate from any of the sovereigns who so solemnly engaged themselves to fulfill the Treaty of Utrecht. Happily this state of affairs has not yet arrived, and probably, never will, as it is only a question of peaceable fixing, and in a conciliatory spirit, the dividing line of two friendly States, for whom the main object is the maintenance of their pleasant relations, which certainly are worth much more than the uncultivated and barren land that may be the cause of a controversy.

But, upon drawing this line the future must not be lost sight of, and such points must be selected as will allow a division to be made which will obviate all causes of further misunderstanding. There exists no doubt that the Essequibo seems to be a river purposely made by nature to fulfill this object, and as the British colonists, at present, occupy nothing, or almost nothing, of the land between this river and the Orinoco, their plantations being on the other side, a settlement of this question

upon this basis would suit the purpose, and would insure to Great Britain even the most remote rights that she may possess as the successor to Holland.

The undersigned avails himself of this opportunity to renew to the Earl of Aberdeen the assurance of his consideration and respect. (Signed) A. FORTIQUE,

22 Wimpole street, January 31, 1844.

To the Earl of Aberdeen, etc., etc., etc.

Lord Aberdeen's Reply to the Foregoing Note.

[Retranslation.]

The undersigned, Her Majesty's Prime Secretary of State in the Department of Foreign Affairs, had the honor to receive, on the first of last month, a note from Señor Fortique, Minister Plenipotentiary of the Republic of Venezuela at this Court, calling the attention of Her Majesty's Cabinet to the question of limits between British Guiana and the Republic of Venezuela.

Mr. Fortique commences said note by recalling to the undersigned certain acts of the Commissioners appointed by Her Majesty's Government to examine the limits of the Colony, which gave rise to the complaint of the Government of Venezuela on the ground that they had invaded territory of the Republic and planted therein certain marks which, Señor Fortique observes, were immediately removed by the express order of Her Majesty's Government.

The undersigned believes that, before proceeding, he must remind Señor Fortique that Her Majesty's Government's consent to the removal of said marks must not be construed as a resignation of any of the rights that, in the future, it may be deemed proper to claim, but that it was only prompted by a friendly deference to the entreaties of the Government of Venezuela.

Señor Fortique then remarks that, although it properly belongs to the party who promoted this question to take the first steps toward its settlement, he hastens to propose an arrangement, which, if left for a later date, may be difficult to conclude,

Annex 20

Extract from the Instructions of the Government of Venezuela to Mr. Dr. Alejo Fortique, Venezuela's Minister in England, September 1841

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Avialable at: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

OF THE

DISCUSSION BETWEEN VENEZUELA AND GREAT BRITAIN

ON THEIR

GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

PART III.

Extracts from the Instructions by the Venezuelan Government to Dr. Alejo Fortique, its Minister at London, September, 1841.

[Translation.]

Although Venezuela's rights in Guayana extended to the banks of the Essequibo, as you should show, this Government being anxious to remove all obstacles to a speedy adjustment, is not disposed to insist upon its rights to that extent, it being manifest that England will not agree to surrender her establishments on the Pumaron and Moroco rivers. You may, therefore, direct the course of your negotiations accordingly, making gradual concessions until an agreement can be had on the following line of boundary between Venezuela and British Guiana, viz.: The Moroco from its mouth to its headwaters in the Imataca mountains; thence southward along the highest ridge of these mountains to Tupuro creek; thence along the waters of said creek to the Cuyuni river; thence along the northern side of the Cuyuni to its confluence with the Essequibo; and thence southward along the left bank of the Essequibo to its confluence with the Rupuruni as a terminus.

Dr. Fortique to Lord Aberdeen.

[Translation.]

The undersigned, Minister Plenipotentiary of the Republic of Venezuela, has the honor to inform the Honorable Earl of Aberdeen, Prime Secretary of State and Foreign Affairs, that his Government, being informed of the appointment by Her Majesty's Government of a Commissioner to fix and mark the limits between British Guiana and Venezuela, proposed since the 28th of January *ultimo*, that a treaty of boundaries be agreed upon by Plenipotentiaries fully authorized thereto, and

Annex 21

Letter from Alejo Fortique to Lord Aberdeen, 5 October 1841

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

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Dr. Fortique to Lord Aberdeen.

[Translation.]

The undersigned, Minister Plenipotentiary of the Republic of Venezuela, has the honor to inform the Honorable Earl of Aberdeen, Prime Secretary of State and Foreign Affairs, that his Government, being informed of the appointment by Her Majesty's Government of a Commissioner to fix and mark the limits between British Guiana and Venezuela, proposed since the 28th of January *ultimo*, that a treaty of boundaries be agreed upon by Plenipotentiaries fully authorized thereto, and

promised that, upon conclusion of said treaty, Venezuela would designate a Commissioner who, in accord with one appointed by Her Majesty's Government, would proceed to settle upon fixed bases and to mark the limits between British Guiana and Venezuela. Two days later the British Consul at Caracas announced that he had transmitted to his Government the proposition made by the Venezuelan Government, which is still awaiting a reply.

The Honorable Earl of Aberdeen may now judge the surprise of the Government of Venezuela upon learning that, in the territory of the Republic, a sentry-box has been erected, upon which the British flag has been raised. The Venezuelan Government is in ignorance of the origin and purport of these proceedings, and hopes that they may receive some satisfactory explanation of this action. In the meantime, the undersigned, in compliance with the instructions communicated to him, urges upon the Honorable Earl of Aberdeen the necessity of entering into a treaty of boundaries, as a previous step to the fixation of limits, and begs to ask for an answer to the above mentioned communication of January 28th.

With sentiments of the highest consideration and esteem, the Hon. Earl of Aberdeen's most obedient servant,

(Signed) A. FORTIQUE.

No. 22 Wimpole St., October 5th, 1841.

To the Hon. Earl of Aberdeen, etc., etc., etc.

Lord Aberdeen to Dr. Fortique.

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the note addressed to him on the 5th instant by M. Fortique, Minister Plenipotentiary of the Republic of Venezuela, referring to a correspondence which took place in January last between the acting British Consul at Caracas and the Venezuelan Minister for Foreign Affairs, respecting the appointment of Mr. Schomburgk to survey and mark out the Boundaries between British Guiana and Venezuela, and stating that the

Annex 22

Lord Aberdeen's Reply to the Foregoing Note, 30 March 1844

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GEO. W. HARRISON, Manager.
1896.

upon this basis would suit the purpose, and would insure to Great Britain even the most remote rights that she may possess as the successor to Holland.

The undersigned avails himself of this opportunity to renew to the Earl of Aberdeen the assurance of his consideration and respect. (Signed) A. FORTIQUE,

22 Wimpole street, January 31, 1844.

To the Earl of Aberdeen, etc., etc., etc.

Lord Aberdeen's Reply to the Foregoing Note.

[Retranslation.]

The undersigned, Her Majesty's Prime Secretary of State in the Department of Foreign Affairs, had the honor to receive, on the first of last month, a note from Señor Fortique, Minister Plenipotentiary of the Republic of Venezuela at this Court, calling the attention of Her Majesty's Cabinet to the question of limits between British Guiana and the Republic of Venezuela.

Mr. Fortique commences said note by recalling to the undersigned certain acts of the Commissioners appointed by Her Majesty's Government to examine the limits of the Colony, which gave rise to the complaint of the Government of Venezuela on the ground that they had invaded territory of the Republic and planted therein certain marks which, Señor Fortique observes, were immediately removed by the express order of Her Majesty's Government.

The undersigned believes that, before proceeding, he must remind Señor Fortique that Her Majesty's Government's consent to the removal of said marks must not be construed as a resignation of any of the rights that, in the future, it may be deemed proper to claim, but that it was only prompted by a friendly deference to the entreaties of the Government of Venezuela.

Señor Fortique then remarks that, although it properly belongs to the party who promoted this question to take the first steps toward its settlement, he hastens to propose an arrangement, which, if left for a later date, may be difficult to conclude,

and proceeds, therefore, to state some of the facts upon which the claims of Venezuela to a certain boundary line are based, observing, however, that it cannot be expected that in a communication he would undertake to justify the rights of the Republic, and that even absolute silence on this point would be excusable. The undersigned believes that the claims presented by Señor Fortique, and the accounts upon which he based them, may be condensed to the following:

That the American continent not only was discovered and originally occupied by subjects of the Spanish Crown, but that the territory now under discussion—that is, the country lying between the Orinoco, the Barima, Pumaron, and the Essequibo—was at a very early date explored and inhabited by the Spaniards, and that on this account became a point of attack for the enemies of Spain. Señor Fortique tries to account for these facts by referring to a concession made by the Emperor, Charles V., and by the condition in which Sir Walter Raleigh found the coasts of the territory in question, at the end of the XVIth century and beginning of the XVIIth.

That when the Münster Treaty was concluded, this country remained under the exclusive power of the Spaniards, and that the Dutch, not having at that time any possessions on the coast west of the Essequibo, they could not cross the river unless in violation of said treaty.

Señor Fortique then states that no one could deny that the Essequibo was always considered as a dividing line between the Spanish and Dutch possessions, either on account of the strong currents which made navigation difficult, or because it not being possible for Spain to control all the coast, her occupation of the territory was limited to the space lying between the Orinoco and the Essequibo. His Excellency states that he could cite countless authorities to prove that this territory has been considered by all the world as the exclusive property of Spain. Señor Fortique quotes three of these authorities, one of them the author of a modern English Treatise on Coast Navigation, in which this author has not used his own data, being compelled, on account of the character of the work, to rely on Spanish authorities; the other two are French. In conclusion, after briefly

quoting from Depons and Humboldt, whose testimony contradicts the exclusive right claimed by Venezuela, Señor Fortique says that—there being no doubt that the Essequibo is the natural limit, and as the British colonists at present occupy nothing, or next to nothing, between the Essequibo and the Orinoco—the selection of the former river as the boundary line of the colony would be a settlement of the question by which Great Britain would insure all her rights.

The undersigned thinks this a fair exposition of Venezuela's rights, as Señor Fortique has wished to describe them in his communication. But that in so presenting this right there should be a desire to promote a friendly settlement of the question, as Señor Fortique states at the beginning of his communication, would appear, without the express declaration of His Excellency, doubtful to the undersigned, who can only state the surprise of H. M.'s Government at such an exposition.

The fact that the American continent was discovered and largely occupied by Spanish subjects cannot certainly be disputed, but this does not bear directly upon the matter under discussion. Señor Fortique wished it to be understood that up to 1648 (date of the Münster Treaty) no section west of the Essequibo had been occupied by the Dutch, and that their endeavors to cross the river had been fruitless. Were this true, it would be of greater importance for the object His Excellency has in view. But the undersigned must remark that this statement is so far from being true that, according to J. de Laet (the same authority quoted by Señor Fortique), the Dutch since 1580 navigated the Orinoco river, with the object to establish themselves at such points as were not occupied by the Spaniards; and in 1581 the States-General granted to certain parties the exclusive privilege to trade with those settlements. It is also stated that, toward the end of the same century, there existed a company of merchants in Middleburgh trading on the Barima river. Be this as it may, it is certain that in 1621, a body of merchants, under the name of the West India Company, obtained from the States-General the privilege of exclusive trade with America, and of govern

ing new colonies that they might have acquired, said States reserving the right to appoint Governors. Hartsinck, the most truthful historian of Guiana, states, more than once, that the Orinoco river was the limit of the West India Company.

As Señor Fortique states, it was agreed between the Spanish Crown and the States-General by the Münster Treaty in 1648, that both of the contracting parties should retain their possession of all the points in Asia, Africa, and America, which they were occupying at that time, and including especially all the settlements of the West India Company.

In proof of the fact that such settlements extended as far as the Orinoco, a document can be seen by which the West India Company donated to the Count Fernando Casimiro de Hanau a parcel of the land they owned on the American coast, and that the Orinoco was mentioned as the western limit of said possession. This document is dated 1669, only twenty-one years after the Münster Treaty was concluded.

Prior to this, in 1657, the Dutch erected the forts of New Zealand and New Middleburgh on the Pumaron and on the Moroco.

It was at the former of these forts that in 1797, during an attack made by the Spaniards, they were completely routed by the garrison, which was composed of Dutch and English soldiers, and were compelled to seek refuge in their boats, with the loss of many lives.

In 1674 the West India Company, formed in 1621, was dissolved, but a new company was formed and authorized, restricting their rights to trade with certain parts of Africa, the Island of Curacão, and the colonies of the Essequibo and Boneverone (Pumaron), the latter extending, as above stated, as far as the Orinoco.

Pursuing the examination of the authorities, which in more modern times confirm these data, it will be found that in the History of South America by Bolt, published about the middle of the last century, Dutch Guiana is described as extending from the mouth of the Orinoco at 9° as far as the Marawaina to 6° 20′ latitude north ; that in a map of said coast published in 1783 by Taden, the Orinoco river is established as the

western limit of the Dutch, according to their pretensions; and that in a more recent chart published by Fefferys in 1798 the Barima river is described as being the division between the Dutch and Spanish lands. The undersigned must declare that these authorities cannot be rejected as being English, and, therefore, having an interest in this question because, although at the date of the last cited chart the Dutch colony was under the protection of Great Britain, it was restored to the Batavian Republic in 1802, and there is no reason to doubt the testimony of Taden and Bolt, or to accuse them of partiality.

It is doubtful whether the same could be said of La Condamine, Bellin, and other French writers, whose government always showed itself to be jealous of the progress of the Dutch in the neighborhood of the settlements of Cayena.

But, in reality, no doubt can exist that the mouth of the Orinoco was not only claimed by the Dutch as the western limit of their possessions, but also that, from the very beginning, they effected its military occupation and retained possession of it. Hartsinck says: "The first rivers found in Dutch Guiana coming from the Orinoco are the Barima, about one mile in width, where in olden times we had a fort." There exist documents of the West India Company showing that the directors recommended to the commander of Pumaron to keep the Barima fort in good condition. Colonel Moody found the ruins of these fortifications when in 1807 the English occupied the coast, and were preparing to send some forces to Angostura to destroy the buccaneers that were pillaging the coasts of Dutch Guiana, and also to fortify that place again. Mr. Schomburgk, when in the discharge of a commission, found the remains of the fort and also of cultivation in the neighboring territory.

The undersigned does not deem further evidence necessary to show how erroneous are the assertions of Señor Fortique when he states that the Essequibo has been considered as a dividing line between the two countries, and that the territory lying between that river and the Orinoco has been considered by the world as belonging exclusively to Spain. These

statements make the undersigned feel justified in doubting whether Señor Fortique would be supported by his own countrymen in his views, taking into consideration that in the maps of the provinces of Venezuela published four years ago by an officer of the Republic, the extreme limits of the Venezuelan eastern claim is the Moroco river; and, in truth, to judge from the exaggerated pretensions found in this work on other points, the author is not inclined to sin on the side of generosity with respect to the neighboring British colony.

Were the undersigned inclined to act upon the spirit of Señor Fortique's communication, it is evident, by what he has said, that he ought to claim, on behalf of Great Britain as the rightful successor to Holland, all the coast from the Orinoco to the Essequibo; and such claim, aside from all question of right, would certainly be much less injurious to Venezuela than the pretensions of Señor Fortique is to England, as Venezuela has no settlements on the disputed territory, and the admission or acknowledgment of the Essequibo as the limit of the Republic would, of course, mean that Great Britain should deliver about one-half of the Colony of Demarara, including Point Cartabo and the Island of Kykoveral where the Dutch founded their first settlements on the Mazaruni, the missions of Barlika Grove, and many settlements now existing on the Arabisi coast as far as fifty miles from the capital.

But the undersigned believes that the negotiations would not be free from difficulties if the claims that cannot be sustained are presented, and shall not, therefore, follow Señor Fortique's example, but state here the concessions that Great Britain is disposed to make of her rights, prompted by a friendly consideration for Venezuela, and by her desire to avoid all cause of serious controversies between the two countries.

Being convinced that the most important object for the interests of Venezuela is the exclusive possession of the Orinoco, Her Majesty's Government is ready to yield to the Republic of Venezuela a portion of the coast sufficient to insure her the free control of the mouth of this her principal river, and to prevent its being under the control of any foreign power. With

this end in view, and being persuaded that a concession of the greatest importance has been made to Venezuela, Her Majesty's Government is disposed to lay aside its rights upon the Amacuro as the western limit of the British territory, and to consider the mouth of the Guaima river as the boundary of Her Majesty's possessions on the coast side. Moreover, Her Majesty's Government will consent that the boundary in the interior be fixed by a line from the mouth of the Moroco to the point where the rivers Barama and Guaima meet ; continuing from this point the line follows up the Barama as far as the Aunama, whose upward course will be followed until this stream approaches the point nearest the Acarabisi; then following the downward course of the Acarabisi as far as its confluence with the Cuyuni, it will pursue the upward course of the latter as far as the high lands contiguous to the Roraima mountain, where its waters are divided between the Essequibo and the river Branco.

Great Britain is, then, disposed to cede to Venezuela all the territory lying between the above mentioned line and the Amacuro river and the chain of mountains where it has its head, upon condition that the Government of Venezuela shall engage itself not to alienate any portion of said territory to any foreign power, and also upon condition that the tribes of Indians now living in said territory shall be protected against all ill-treatment and oppression.

The undersigned has the honor to renew to Señor Fortique the assurance of the highest consideration.

(Signed.) ABERDEEN.

Foreign Office, March 30, 1844.

Annex 23

Letter from Lord Granville to Dr. José María Rojas, 12 February 1881

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available at: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

OF THE

DISCUSSION BETWEEN VENEZUELA AND GREAT BRITAIN

ON THEIR

GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

Earl Granville to Dr. Rojas.

FOREIGN OFFICE, February 12th, 1881.

Monsieur le Ministre:

Her Majesty's Government have had under their consideration the desire expressed in your letters of the 12th of April and 27th of September last to reconsider the question of the boundary between British Guiana and Venezuela, and stating that your Government would be willing to accept the mouth of the river Moroco as the boundary on the coast.

I have now the honor to inform you that Her Majesty's Government are unable to accept the mouth of the Moroco as the boundary on the coast. They would nevertheless be ready to consider any conventional boundary which the Venezuelan Government may propose, commencing at a more northerly point on the coast, and would be glad to be favored with a general indication of their views, not only on that point, but also as to the general line of frontier which in their opinion might form a basis of negotiations.

I have the honor to be with the highest consideration, Monsieur le Ministre,

Your most obedient humble servant,

GRANVILLE.

Senor Don J. M. de Rojas, etc., etc.

Dr. Rojas to Earl Granville.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA.

PARIS, February 21, 1881.

My Lord:

I have had the honor to receive Your Excellency's dispatch of 12th inst. referring to the most important question of limits between Venezuelan Guiana and British Guiana. This is a question which my Government always has been anxious to have adjusted and with which it has seriously concerned itself during the past forty-one years without, however, obtaining any practical results.

Annex 24

Letter from Dr. José María Rojas to Lord Granville, 21 February 1881

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Your Excellency will permit me to make in the present communication a summary statement of the true state of the question which I am about to treat of.

This question can only be considered under two phases: Either a treaty must be concluded between the two countries fixing in a friendly and cordial manner an accommodation and mutually convenient frontier; or it must be adjusted in accordance with the principles of universal law and with the titles which each side may present. In the latter case the frontier will be a consequence of the rights which either party may establish.

Her Britannic Majesty's Government claim in the event of the latter extremity of the foregoing dilemma the following frontier, judging from the dispatch which Your Excellency was pleased to address to me on the 10th of January, 1880: The mouths of the Orinoco as a starting point west of Point Barima in a southerly direction towards the Imataca mountains, which line would continue towards the northwest passing through the high lands of Santa Maria exactly south of the city of Upata, as far as the foot of the mountains on the eastern shore of the Caroni river; continuing thence southwards until it meets the Roraima mountains in British Guiana, and thence still further south, stopping at the Pacaraima chain.

The Venezuelan Government maintains, in view of the titles, documents, and official maps and of all the proofs more or less irrefutable at law, which it will in its turn adduce, that the frontier between the two Guianas commences at the mouths of the Essequibo river, up said river as far as its confluence with the Rupumini and Rewa rivers to the eastern extremity of the Pacaraima chain, and that therefore all the immense territory to-day occupied by Her Britannic Majesty's Government within said limits belongs to Venezuela.

It was agreed between the two Governments that, in order to avoid any delay in this important question, the demarcation of an accommodation frontier satisfactory to the interests of both countries should be proceeded to. In fulfillment of this promise, I had the honor of proposing to Your Excellency

to designate the Moroco river as the starting point from the coast. The remainder of the frontier, when once said point had been fixed upon, would be a matter of secondary consideration.

When this question was seriously discussed in 1844 the Honorable Lord Aberdeen proposed to my predecessor in London the following frontier: As a starting point at the coast the mouth of the Moroco river at the point where the Barama river joins the Guaima; thence through the Barama up the river as far as Aunama in order to ascend through it to the Acarabisi, descending through the latter as far as its confluence with the Cuyuni, and up the latter river as far as the high lands of Mount Roraima, where the waters which pour into the Essequibo part from those which pour into the Rio Branco. It was therefore thirty-seven years ago that Her Majesty's Government spontaneously proposed the mouths of the Moroco as the limit on the coast, a limit which Your Excellency will not accept to-day as you are pleased to say in the dispatch to which I now have the honor to reply.

The Venezuelan Government moved by the desire to preserve unaltered the relations of cordial friendship at present happily existing between the two nations, now propose the following conciliatory frontier as a mutually convenient one in order to finally settle this question by means of a treaty; and in order to prove the sincerity of these feelings they will accept a starting point of the frontier on the coast, one mile northwards of the mouths of the Moroco. There a post shall be placed which shall indicate the true limit between the two countries on the coast. At said point a meridian of latitude shall be drawn westward until the point at which this line shall cross the longitude of sixty degrees of Greenwich and thence it shall continue southward through said meridian of longitude as far as the boundaries of both countries. This demarcation has the advantage of being precise and unalterable and is the greatest of all the concessions which the Venezuelan Government can make in this matter in order to come to a friendly understanding.

If Her British Majesty's Government do not think it convenient to accept this proposed demarcation, there is then nothing left for both Governments but resort to the determination of a strictly legal frontier. And as in case such a contingency should arise, the two Governments would be unable to come to a mutual agreement, as the titles adduced by one would be rejected by the other and each would endeavor to demonstrate the wrong of its adversary, a mutual agreement between both countries would be absolutely necessary in order to submit the decision of this important matter to arbitration or to a tribunal which would pronounce a final award. I have therefore received instructions from my Government to urge Her Britannic Majesty's Government to refer the question to an arbitrator selected by both parties and to whose decision both Governments shall submit. This same arbitrator should decide whether the Island of Patos belongs to Venezuela or to Her Britannic Majesty's Government.

In view of the importance of this matter and of the convenience for both countries to adjust it in a final manner, I beg Your Excellency to honor me with a reply as soon as possible, and meanwhile I have the honor to sign myself with highest consideration Your Excellency's most obedient, humble servant.

(Signed) J. M. DE ROJAS.

To His Excellency Earl Granville, Her British Majesty's Secretary for Foreign Affairs, London.

Earl Granville to Dr. Rojas.

FOREIGN OFFICE, September 15, 1881.

Monsieur le Ministre:

Her Majesty's Government have carefully considered the proposals contained in your letter of the 21st of February last for the settlement of the question of the boundary limits between the Colony of British Guiana and Venezuela.

In reply I have now the honor to state to you that they regret that they are unable to accept the line of demarcation indicated in that letter as a satisfactory solution of the question.

Annex 25

Memorandum of Sir E. Herslet about the British Guiana maps, 1 June 1886

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Memorandum de Sir. E. Herslet, Bibliotecario del Foreign Office, 1886, Box: E-04

(6) 1

MEMORANDUM DE SIR EDWARD HERTSLET, BIBLIOTECARIO DEL FOREIGN OFFICE

1 de junio de 1886.-

BRITISH GUIANA MAPS

Another fact has just been brought to my notice respecting a Map of British Guiana, which I think it right to report.

At an interview which I had a day or two ago with Mr. Hawtagne, who was Acting Administrator of British Guiana in 1884. I asked him what published Map of the Colony he considered the best; and he replied "A Map published by Mr. Stanford for the Colonial Office in 1875, in 4 sheets".

I ordered a copy of it at once, but a gentleman who called upon me yesterday from the Colonial Office, and saw it upon my table, said he thought it right to tell me that the Boundary as coloured upon it was "All Wrong" and entirely opposed to British interests and, on comparing it with Schomburgk's original Maps preserved at the Colonial Office, I found it to be so.

This is really a very important matter, as the Map bears upon the faces of it the following Title: "Map of British Guiana compiled from the surveys executed under H. Majesty's Commission from 1841 to 1844 and under the direction of the Royal Geographical Society from 1835 to 1839. By Sir Robert H. Schomburgk, K.R.E., Ph.D. Revised and corrected to the present time by Cathcart Chalmers Esqr., Crown Surveyor of the Colony and James Gay Sawkins Esqr., Director of the Geological Survey of the West Indies and British Guiana. With additions by Charles B. Brown Esqr. Engraved under the Superintendence of William Walker Esqr. 1875".

Then...

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Then follows this note:

"Note-- The Boundaries indicated in this Map are those laid down by the late Sir Robert Schomburgk who was engaged in exploring the Colony during the years 1835 to 1839, under the direction of the Royal Geographical Society. But the Boundaries thus laid down between Brazil on the one side, and Venezuela on the other, and the Colony of British Guiana must not be taken as authoritative; as they have never been adjusted by the respective Governments and an engagement subsists between the Governments of Great Britain and Venezuela by which neither is at liberty to encroach upon or occupy territory claimed by both".

I suggested to the gentleman from the Colonial Office that they should at once place themselves in communication with Stanford and get him to reissue the Map properly coloured, removing the last two lines of the present note, and adding this note upon it: - "Corrected up to date, 1886" and in the meantime to suspend the sale of the incorrect copies for as the dispute with Venezuela with regard to this Boundary has now come to a height, a demand is sure to be made for the best map upon the subject, and if this is the best Map which H. M's Govt. can produce in support of their claim, the general opinion cannot fail to be pronounced to a great extent, in favour of Venezuela, and against the justice of the British claim.

This question is so important that I would venture to suggest that the Intelligence Department of the War Office should at once be asked to prepare a Map founded upon Schomburgk's Maps and other official data, to be supplied by the Colonial Office, supplemented with information upon Treaty and Historical points to be supplied by this office. We might then quote this as our Official Map.

I send...

Annex 26

Letter from Earl Rosebery to General Guzman Blanco, Minister of Venezuela in Great Britain, 20 July 1886

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 589, p. 233)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 588.

Letter from Earl Rosebery to General Guzman Blanco, Minister of Venezuela in Great Britain, June 23, 1886.

[Reprinted from Blue Book, No. 1, p. 356.]

I should be very glad if possible to give effect to the wishes you have expressed that the opportunity should be taken of your visit to London to endeavour to arrange the various questions which have been so long pending between our Governments.

Being most desirous to place the relations between the two countries on the most friendly footing, I propose to address a note to you explaining the views of Her Majesty's Government on each of those questions.

I should be glad to know whether your present arrangements allow of your remaining in London for a little while longer in order that I may have the advantage of discussing with you the proposals which I may be able to make after communication with the Secretary of State for the Colonies.

No. 589.

Letter from Earl Rosebery to General Guzman Blanco, Minister of Venezuela in Great Britain, July 20, 1886.

[Reprinted from Blue Book, No. 1, p. 356.]

I have the honour to acknowledge the receipt of your notes of the 19th and 24th ultimo.

I am most anxious to take advantage of your stay in Europe to endeavour to come to an understanding as to the questions in dispute between our respective countries, and, in accordance with the proposal which I made in my note of the 23rd ultimo, I now transmit to you a Memorandum of the bases on which I should be prepared to negotiate.

You will, I feel sure, recognize the conciliatory spirit shown by Her Majesty's Government in these proposals; and I feel confident that you will meet them with a sincere wish to settle these troublesome questions in a manner which will be fair and satisfactory both to England and to Venezuela.

Annex 27

Extract of the Memorandum by Sir E. Herslet, Foreign Office, 5/VIII/1886

Ministerio de Relaciones Exteriores Republic de Venezuela, Report on the Boundary Question with British Guiana Submitted to the National Government by the Venezuelan Lawyers, Caracas, 1967, p. 35

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MINISTERIO DE RELACIONES EXTERIORES

REPUBLICA DE VENEZUELA



REPORT ON THE BOUNDARY QUESTION WITH BRITISH GUIANA SUBMITTED TO THE NATIONAL GOVERNMENT BY THE VENEZUELAN EXPERTS

CARACAS, 1967

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III

THE SCHOMBURGK MAPS ARE TAMPERED WITH

1. — *Foreign Office statement explanatory of the Schomburgk Line* (Extract).

In June 1886 the Hon. R. G. W. Herbert (by direction of Earl Granville) *ordered the boundary to be corrected and all copies of the map in existence to be destroyed.*

Public Record Office (London) F.O. 80/373.

2. — *Letter from Mr. Charles Alexander Harris (Colonial Office) to Sir E. Hertslet (Foreign Office). 11/VI/1886.*

I am afraid this Venezuelan Boundary question is in a very unsatisfactory state.

The Colonial Office appear to have had a more or less official map *which differs widely from Schomburgk's original Map* and now we hear privately that the tracing of our Boundary which was officially submitted as our ultimatum to Venezuela cannot be absolutely guaranteed; but the Colonial Office are about to send a surveyor with a police escort to mark the Boundary and a British squadron is orderer to cruise off the Orinoco.

Public Record Office (London) F.O. 80/309.

c. — *Letter from Sir E. Hertslet to Mr. Jervoise. 14/VI/1886.*

What do you think of the enclosed letter from Mr. Harris? If the map which was sent to the Venezuelan Government officially in Sept/81 in support of our claims is inaccurate, and the published Map, issued under the auspices of the C.O. in 1875 is all wrong, I am afraid our case is a poor one indeed. The more I see of this business, the less I like it, entre nous.

Public Record Office (London) F.O. 80/309.

4. — *Memorandum by Sir E. Hertslet (Foreign Office). 5/VIII/1886.* (Extract).

Are the objections on the part of Her Majesty's Government to arbitration on the boundary question insuperable?

I should say we could not submit the case to arbitration with the slightest hope of success in face of the contradictory claims which have been put forward in the English published maps, for, in addition to what has been stated above, the map was published by Mr. Stanford, under the auspices of the Colonial Office and with everything upon the face of it to denote that it had official sanctions and the boundary marked thereon was approximately the same as that marked on the map which was laid before Parliament in 1840; and, therefore, embracing considerably less territory than was claimed in 1880 or in 1883; besides which it has been considered that "the argument on the ground of strict right would be hopeless"...

Public Record Office (Landon) F.O. 80/8310.

Annex 28

Transcription of the Memorandum by Sir E. Herslet, Librarian of the Foreign Office, 22 October 1886

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Memorandum de E. Hertslet, 1886, Box: E-07.

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MEMORANDUM DE SIR E. HERTSLET, BIBLIOTECARIO DEL FOREIGN OFFICE.-
22 de octubre de 1886.-

MEM: ON THE GUIANA BOUNDARY MAPS.

I think it would lead to misapprehension hereafter, if the statements made in the Colonial Office Letters of the 25th and 27th Ult:, were accepted without comment, and I therefore beg to point out; with reference to the statement made in the letter of the 25th September, that the "British Government has never withdrawn or modified it's claim to the Boundaries laid down by Schomburgk"; and to the statement repeated in the letter of the 27th September, that "the claim to the Boundary laid down by Schomburgk has been consistently adhered to by that Department, although, in lapse of time, it has been now and again distorted by the issue of unauthorized Maps," etc; that the existence of Schomburgk and Herbert's M.S. Map of 1842, which is evidently the one now alluded to, was not officially known at this office until the present year,* and that, so far from any "unauthorized Map" (by Schomburgk) having been issued, the Colonial Office themselves, in May 1840, laid before Parliament a Map which was described as being a "sketch Map of British Guiana, by Robert H. Schomburgk Esqre." and upon which a line was drawn and coloured, which was stated to be "the Boundary as claimed by Great Britain," and which line was very different from that traced upon Schomburgk & Herbert's M.S. Map, now in the possession of the Colonial Office.

* altho' a reduced tracing from it was received in Sept. 81 not so stated on it (at the time)

Another...

Another Map was published by Stanford in 1875, but neither could this Map be well called an "unauthorized" one, since it bore upon it the following inscription:

"Map of British Guiana,* compiled from the surveys executed under Her Majesty's Commission from 1841 to 1844. And under the direction of the Royal Geographical Society from 1835 to 1839. By Sir Robert H. Schomburgk, K.R.S., Ph.D.

Revised and corrected to the present time by Cathcart Chalmers Esqre., Crown Surveyor of the Colony, and James Gay Sawkins Esqr. , Director of the Geological Survey of the West Indies and British Guiana. With additions by Charles B. Brown, Esqr. Engraved under the superintendence of William Walker Esqr. , 1875".

Then followed this note:

"The boundaries indicated in this map are those laid down by the late Sir Robert Schomburgk, who was engaged in exploring the Colony during the years 1835 to 1839, under the direction of the Royal Geographical Society. But the boundaries thus laid down between Brazil on the one side, and Venezuela on the other, and the Colony of British Guiana must not be taken as authoritative; as they have never been adjusted by the respective Governments, and an engagement subsists between the Governments of Great Britain and Venezuela by which neither is at liberty to encroach upon or occupy territory claimed by both".

It is true that this year the Colonial Office called in this Map, and authorized Stanford to reissue it with the Boundary line so traced as to make it agree with the line traced on Schomburgk and Herbert's M.S. Map in their possession, but the 1875 Edition of Stanford's

* See Memo: (E.H.) of 5 June. Conf. Print P: 71

Map...

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* See Memo: (E.H.) of 5 June. Conf. Print P: 71

Map...

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the Government Secretary, Georgetown, British Guiana".

This is Schomburgk & Herbert's unpublished Map of 1842, a photograph of a portion of which was sent by the C.O. to the Govt. of British Guiana "sometime ago".

E.H.
(E. Hertslet)

23/10/86

PUBLIC RECORD OFFICE (LONDON)

F.O. 80/310

Annex 29

Venezuela's protests against British violation to the disputed territory. (Translation)

AHMPPRE, Archivo Antiguo, País: Gran Bretaña, Periodo 1886-1887, Vol. 148, N° 12, Folios 22-45. 1886.

MINUTES RELATING TO THE VENEZUELAN COMMISSIONS APPOINTED TO STUDY THE PLANS OF THE MOUTHS OF THE ORINOCO RIVER.

London July 28, 1886

General Guzmán Blanco to Lord Rosebery

Excellency:

It is some time since the Government of the United States of Venezuela communicated to me the order to endeavour before Her Britannic Majesty's Cabinet the claims initiated in Caracas against repeated acts of violation of the territory of Venezuela, executed by English authorities. I have waited until now that the Queen's Cabinet, taking into consideration the just complaints of the Republic, and previous to the reports of the case, would agree to the measures of redress that such offenses demanded. But, as this has not happened, I will now explain the grounds for the urgent requests of the Executive.

I must begin by pointing out that the acts committed to the detriment of Venezuela lack all possible justification, and that naturally, because of this and because they come from agents of a great and powerful nation, with whom Venezuela has lived in ancient and cordial friendship, they have considerably excited the interest of the Venezuelan people, and awaking the sentiments that has been calmed since 1841.

If you will deign to send for the respective papers, you will find that then the engineer Schomburgk, in charge of a scientific communication to Guiana, went through the region and arbitrarily planted posts in Barina and other parts as signs of British domination in those places, as if only one of the parties to an international litigation could resolve by itself, out of all contradictory and factual discussion, a controversy with one who has the same attributes as it, of sovereignty and independence. However, such arbitrariness was not sustained, but on the contrary, listening to the voice of reason, the Government of Her Britannic Majesty gave explanations to her honour, and, what is more, ordered the removal of the posts and emblems.

Desirous of avoiding in the future the repetition of such serious events, of forever blinding a source of disagreements and difficulties, the Venezuelan President then strongly promoted the settlement of the boundary question between the two countries. In the end, negotiations were initiated through the Plenipotentiary Minister, Dr. Alejo Fortique; but they remained without result as a consequence of his premature death in 1844. Since then, some steps have been taken to bring the matter to an end; and Venezuela has seen with regret that in recent times a less favourable proposal has been made by Great Britain, without the cause of the difference being known, than the one presented spontaneously by Lord Aberdeen to Dr. Fortique. On its side

the Republic, considering the mutual advantages of arbitration, and the adoption of it on the part of Her Majesty in analogous cases, and in view also of constitutional precepts, has appealed again and again to the recourse so earnestly urged by the Houses, statesmen, and public opinion of the United Kingdom of Great Britain and Ireland and the whole civilized world.

In 1850 Mr. Belford Hinton Wilson, Chargé d'Affaires of Great Britain in Venezuela, on the occasion, he said, of rumours having spread that England wanted to claim Venezuelan Guyana, took upon himself to deny them, and declared in an official note of November 11 that not only were they absolutely and completely devoid (sic) of any foundation, but that they were precisely the reverse of the truth. Furthermore, it expressed itself in the following terms: "E Government of Venezuela, without being unjust to Great Britain, cannot for a moment distrust the sincerity of the formal declaration, now made in the name and express order of Her Majesty's Government, namely, that Great Britain has no intention of occupying or usurping the disputed territory; so, in the same spirit of good faith and friendship, the Government of Venezuela can have no objection to make to Her Majesty's Government a similar formal declaration, namely, that Venezuela itself has no intention of occupying or usurping the disputed territory."

Further on and in the note itself Mr. Wilson added: "His Majesty's Government, as aforesaid, will neither order nor sanction such usurpations or occupation on the part of British authorities, and the undersigned is persuaded that, should there ever be misunderstanding as to the determination of his Government on this point, he would gladly renew his orders in the matter; I therefore cherish the conviction that, in accordance with the friendly directions of His Majesty's Government, that of Venezuela will not hesitate to send to the Venezuelan authorities in Guiana positive instructions to refrain from taking measures which the British authorities may justly regard as aggressive. "

The Government of the Republic acceded to what was requested of it, declaring that it had no intention of occupying or usurping any part of the territory whose dominion was in dispute, nor would it view with indifference that Great Britain should proceed otherwise. He also ordered the authorities of Guyana to abstain from taking any action that would violate the obligation that the Government had contracted by virtue of what had been declared, and that could lead to disastrous results.

This agreement has continued until now without any change whatsoever, since no duration was fixed, nor have the parties made the least communication to each other about it since then.

Now, if such an agreement means anything, neither Great Britain nor Venezuela have been able to occupy disputed places, the specification of which should have been made, and was not made, on that occasion as an integral part of the agreement. But the rational sense of the agreement is that it was intended to maintain the status quo. This is how the Republic has understood it, which, claiming as its own places whose de facto possession is held by Great Britain up to the Essequibo, has provisionally left them there.

On the contrary, Great Britain has continued to advance its occupations, which and the recent actions of its authorities prove that it has not taken into account its spontaneous declaration here recalled.

When negotiations were being held to fix the boundaries between Venezuelan and British Guyana, Lord Aberdeen, Principal Secretary of State to Her Britannic Majesty in the Office of Foreign Affairs, after the Plenipotentiary Mr. Fortique had claimed the Essequibo line, spontaneously proposed to begin it along the coast at the mouth of the Moroco River and to continue it upstream.

This proves that the British claim could not go beyond that point, because to suppose that His Majesty's Cabinet was then unaware that the frontier should go up to the Orinoco, is an absurdity as inadmissible as it is disgraceful to the enlightened members who constituted the Government at the time.

However, Venezuela did not agree to the proposal. Now, forty years after those events, and in spite of the fact that England can have no more rights today than those that corresponded to its originator, Holland, in 1814, from the cession of part of Dutch Guiana, it is advanced that Great Britain exercises authority and jurisdiction from the right bank of the Amacuro River.

But, supposing for a moment that such were the aspirations of His Majesty's Government, since it promised not to occupy or usurp the disputed territory, it has not been permitted to execute acts such as those which, by means of officers of its navy and civilians, it has consummated at the great mouth of the Orinoco and elsewhere with disregard for the sovereignty, laws and authorities of Venezuela. After English officials had asked for pilots in October 1884 to go up that river, as they were refused because their destination was not any authorized port of the Republic, they continued their trip quietly, entered places that have always belonged to Venezuela, placed posts, posted signs declaring that British laws were in force there, changed employees of the Republic replacing them with others of their own choice, tried to put Venezuelan officials under their service, and promised to return with greater force to make their mandates effective. They returned with effect to continue the series of events they had begun, without taking absolute care of the counterclaims of the Venezuelan authorities. Not content with this, they took a Commissary of the Republic under the pretext that he had committed a crime by mistreating a Portuguese subject; and placed under the jurisdiction of a court of Demerara, he was prosecuted and sentenced, which has been carried into effect. This individual's name is Roberto Wells; he was in charge of the Commissariat of Amacuro, and was caught with cunning.

Such facts do not need more proof than the following. The Government of the Republic sent a commissioner to clarify them, Mr. General Federico Puga. He went to the places where the events took place, and having found Mr. Michael McTurk in Morajuana, he asked him first by word of mouth, and then in writing, about them. Said individual, who is entitled Acting Special Magistrate and Superintendent of Crown Lands and Forests in the Pomaron River District, replied in the following terms on April 4:

"Morajuana River, British Guiana, April 4, 1885.

"I have been on the Amacuro, Barima, Morajuana and Guaima rivers and have posted notices in English at the principal places on those rivers. I am sorry I do not have a copy of these notices to forward to you; but as they were removed by employees of the Manoa Company, you will probably be able to get some with them. The notices were placed by order of His Excellency the Governor of British Guiana.

"The name of the steamer on which I came was the Lady Longden, commanded by Captain Paisley. I have been several times on the rivers referred to after the posting of the notices, but in the exercise of my duties as Magistrate-in-Charge of the District of which they form a part.

"Robert Wells was sentenced before the Supreme Criminal Court of the Judelie Sessions, Esequibo River, on the 20th of February last, for an assault committed (I believe last October) on the person of a Portuguese on the Morajuana River. I never knew him to be a police employee of the Venezuelan Government, but he was a police employee of the Manoa Company, as Wells himself told me.

"I did not need a pilot for the Amacuro River, nor did I request the services of any for the Orinoco.

"I have the honor to be, sir, your obedient servant.

"Signed) Michael McTurk,

"Acting Special Magistrate and Superintendent of Crown Lands and Forests in the Pomaron River District.

"Mr. F. Puga, Commissioner of the National Government of Venezuela."

Here it is paladinly acknowledged: 1° that Senor McTurk has been in the Amacuro, Barima, Morajuana and Guaima Rivers, and in the principal places of them has placed notices in English: 2° that this he has done by order of His Excellency the Governor of British Guiana; 3° that it was in the steamer Lady Longden, commanded by Captain Paisley; 4° that he has been several more times in the said rivers after the posting of the notices, although he adds that in exercise of his functions as Magistrate in Charge of the District of which they form a part; 5° that Robert Wells was sentenced before the Supreme Criminal Court of the Judelie Sessions, Esequibo River, on the 20th of February last, for an assault said to have been committed (October 1884) on the person of a Portuguese on the Morajuana River; and 6° that he did not require a pilot for the Amacuro River, nor did he request the services of any for the Orinoco.

With respect to the last point there is a contradiction between the affirmations of Mr. McTurk and those of several witnesses; but we will dispense with this for the moment in order to examine the transcendence of the acts executed by the former in his capacity as a British public official.

The first reflection that will come to light is that the most sacred property of the Republic of Venezuela, its territory, has been violated by British officers, by virtue of orders of the Governor of Guiana, and this not accidentally, but with deliberate purpose, and in the midst of the friendship established by a solemn pact.

In the second place, an agreement devised and proposed by Great Britain to Venezuela since 1850, and which the latter only accepted out of deference to the wishes of Her Majesty and with a view to avoid for the future, and while the demarcation was being definitively settled, any dispute capable of harming the good relations of the two parties, has been infringed.

The Governor of English Guiana has failed to comply with the orders then given to him and subsequently repeated, not to practice any usurpation or occupation, since His Majesty's

Government promised not to order or sanction such acts on the part of its authorities, and was ready to renew its orders in this respect, should there be any misunderstanding of its determination on this point.

The declaration made on behalf of and by express order of His Majesty's Government, namely, "that Great Britain has no intention of occupying or usurping the disputed territory," is likewise violated.

If such an agreement refers to the parts of territory over which there is a dispute, with greater reason must the same be applied to places over whose ownership there has not been the least doubt, and which remain in the quiet and peaceful possession of their owner. This is precisely the case with some of those in which English officials have exercised jurisdiction, and in which no other Government than that of the Republic has ever been known. The very circumstance of having thought it convenient to place their notices and other signs of British dominion, proves that it was intended to speak to the eyes of the inhabitants, making them understand that it was a question of introducing novelties. With the same object, Mr. McTurk was sent to places to which his jurisdiction had not been extended.

Although the said gentleman assures that he did not ask for pilots to go up the Orinoco, there is testimony from employees who affirm the contrary, and that they were not given to him because his voyage was not directed to any authorized port. But he dispensed with such a formality and went ahead, exposing himself to the danger that measures of force might be taken to oppose the consummation of an act which violated the rights of Venezuela. Its laws do not permit entry into the territory except through ports authorized for that purpose: thus, even if Great Britain had possessions to reach which it needed to cross lands or waters of the Republic, it would have to comply with such a formality. The Orinoco is an internal river, whose entry is only permitted under certain conditions and with a designation of the points where it can be touched or anchored.

There is also a law that prohibits foreign warships from entering ports not open to foreign trade, except with scientific objects, and that with prior permission of the Executive. This law, although it was not necessary, was notified to the nations represented in Caracas, among them Great Britain, in the course of 1882.

The gravity of the case is increased by the fact that an employee of the Republic was taken prisoner, in his own territory, and without any consideration for his authority, he was cunningly taken to a British vessel, declared there to be a prisoner, taken to Demerara, put on trial, and sentenced for the crime of mistreatment of a Portuguese subject. The majesty of the nation has been offended by such proceedings in regard to the person of Mr. Wells, its Commissioner. If he committed any fault in the exercise of his office, he was only responsible for it before the competent judges of Venezuela, and in no way before the courts of a foreign country to whose laws he was not subject; and it is not conceivable that the case should be prolonged, once he had alleged that he was an official of Venezuela, and that the act imputed to him was an act of legitimate jurisdiction on the soil of the Republic. In the event that the latter had been improperly conferred upon him, the consequences would have been taken by him, his principal, and should not have fallen upon a subordinate who was acting on behalf of another. But even if he had been a private delinquent, his actions were subject only to the owner of the territory where they were committed, not to the English magistracy of Demerara, which tried and punished him. The officer who was on the aforementioned warship of S.MB. entered the mouth of the Orinoco, arrived at Pontoon Faro and asked for pilots to go up the river; and having been

denied by the employees of the latter for not going to authorized ports, he dispensed with pilots and followed his course to "Amacuro," leaving the next day for "Guaima" through the "Barima" channel, after having posted this notice at all the points traveled:

“(L. S.)- Government Notice.

“Notification is hereby given that any persons who infringe the Rights of Her Majesty, or who act in contravention of the laws of British Guiana, will be prosecuted according to law.

“By virtue of mandates,

“Francis Villiers,

“Acting Secretary of Government.

“Georgetown, Demerara, October 16, 1886.”

This happened in October 1884, with such operations beginning on the 18th. The invasions in Venezuelan territory continued since then, and had among other objects the violent deposition of the authorities that the Governor of the “Delta Territory” had established at the mouths of the Amacuro and the Morajuana; and the proposal was made to the Commissioner from the mouth of the first, Mr. Roberto Liso, to invest him with sufficient authority, assign him a salary, and leave him the garrison required to maintain and defend British jurisdiction at that point.

On the following November 22, the aforementioned Mr. McTurk wrote from the right bank of the Amacuro River to Mr. Tomás A. Kelly, President Administrator of the Manoa Company, telling him that he had news that she was trying to erect a Sierra at the mouth of the Barima and adding these words: “I consider it my duty as an officer now in charge of the Judicial District of the Pomarón River, a District that extends to the limits of the Colony on the Venezuelan or Western side, to notify you that the Barima River is in the county of Essequibo and Colony of British Guiana and is part of the Judicial District over which I exercise jurisdiction. No establishment of any kind, whether for commercial or other purposes, can be formed within the limits of the colony except in accordance with its existing laws, whose obedience will be required of those who live there.

“I would like to draw attention to the notices posted on the trees of the Amacuro, Barima and Waini rivers, of which they tell me that you have one. I include a handwritten copy of it. These notices were placed where they are by order of the Exmo. Mr. Governor”

In another letter of the same date, Mr. McTurk said to Mr. Kelly himself: “I have the honor to inform you that you are now within the limits of the colony of British Guiana and those of my District as one of the magistrates’ special forces and superintendent of Crown lands and forests for that colony, and consequently outside his jurisdiction as an employee of the Government of Venezuela. Any notifications that you make to the inhabitants will be void, and all individuals residing in this or any other part of this colony or visiting it, will have to behave in accordance with its laws. I must also draw your attention to the notices posted on the trees of this river and also of the Wairú and Barima rivers. These notices have been posted where they are ordered by the Governor of British Guiana.”

On October 15, 1884, the Acting Secretary of the Government of British Guiana wrote to Mr. Fitzgerald the following: “Secretary of the Government of British Guiana.-Georgetown, Demerara, October 25, 1884.- The Hon. Mr. Governor of British Guiana has ordered me to notify you of receipt of your three letters noted in the margin regarding the company of Manoa and the concession made by the Government of Venezuela, and to thank you on behalf of His Excellency for the reports and documents that you have given him. supplied. Regarding the limits of British Guiana, Your Excellency orders me to inform you that the colonial Government exercises authority and jurisdiction within the limits indicated on the attached map starting from the right bank of the Amacuro River, and that within those limits the Government colonial enforces the laws of British Guiana. I must further inform you that any person who fails to comply with the laws of British Guiana or acts in contravention of them within these limits will be subject to proceedings in accordance with the laws of the Colony. The entire territory, between the Amacuro and Barima rivers, is part of British Guiana, and the colonial Government will maintain jurisdiction over this territory and will prevent the rights of His Majesty or the inhabitants of the Colony from being infringed in any way.

I have quoted these passages verbatim, so that you can see the determination with which the British authorities claim jurisdiction in those places in Venezuela, thus adding words to facts.

On the other hand, in the note from the British Legation in Caracas to the Ministry of Foreign Affairs of Venezuela, dated January 8, 1885, the following is read:

“In a letter dated November 28 in London, His Majesty's Government ordered me to draw the attention of the Government of Venezuela to the procedures of the Manoa Company in certain districts whose sovereignty the Government of His Majesty and that of Venezuela equally claim.

"Mr. Count Granville also instructs me to ask the Government of Venezuela to take measures to prevent the agents of the Manoa Company, or of Mr. H. Gordon, who also has a concession from the Government of Venezuela to colonize, from claiming or impregnating any part of the territory claimed by Great Britain.

“His Majesty's Government, in the event of Venezuela's refusal to move in this matter, to its great regret, would find it necessary to adopt measures to prevent the usurpation of the Manoa Company, and the Governor of British Guiana would even be authorized to employ adequate police force to prevent such usurpation and maintain order.

“Lord Granville nevertheless goes ahead and informs me that the Governor of British Guiana will not take any action while this reference to the Government of Venezuela is pending.

“I hardly need to remind Your Excellency that the question of the limits of British Guiana is of ancient date, and that His Majesty's Government and the Minister of Venezuela in London are communicating on the matter, and so it is all the more important that it be prevent incidents capable of causing great inconvenience. Without taking into account the territories disputed between Venezuela and Great Britain, the territories granted to the Manoa Company are of enormous extension; Furthermore, without going into that part of the matter, I am certain that the Hon. Mr. President of the Republic will duly appreciate the immense importance of avoiding the possibility of any collision between the agents of the Company and the British authorities in the territories whose sovereignty is still a disputed issue.

On the 26th of the same month of January, Mr. Mansfield again wrote to the Government to inform them that orders had been transmitted to the Governor of British Guiana to send Mr. Turk, a stipendiary magistrate, accompanied by a force of police adequate to instruct in the District of the eastern bank of the Amacuro River an inquiry into the proceedings of the Manoa Company, and more especially into the conduct of Mr. Robert Wells and others, who were accused of having tortured persons by hanging them for a long time by the ankles, etc. The Legation further expressed that Mr. McTurk would act in accordance with the laws in force in the other parts of British Guiana, remembering that the words of the contract with the Manoa company strictly say "until British Guiana," and observing for this reason that in the report of the territorial concession of the Great Orinoco Delta to the Manoa company, Mr. Fitzgerald says that “about ten miles southwest of Punta Barima is the entrance of the Amacuro River, which in 1800 formed the limit between British Guiana and Venezuela; ” from which it would appear that the place whose incidents have been noted is not even claimed by the “Manoa” company. Lately Mr. Mansfield mentioned that the Governor of British Guiana had informed London that the posts placed by order of the Government of that colony had been removed, as was presumed, by order of the government of Venezuela, and sent to Ciudad Bolívar. On October 11 on the eastern bank of the Amacuro River, and in other places against the usurpers, as the British crown claimed the territory, observing that this incident could lead to correspondence of an unsatisfactory character, if not to serious inconveniences in a future date.

From the copied passages and the facts presented, the definitive affirmation appears that the British authorities have exercised the most solemn acts of jurisdiction in places that at the same time declare to be in dispute with Venezuela; that is, they have violated and continue to violate Her Britannic Majesty's proposed agreement not to “occupy or usurp the disputed territory.” The infraction is all the more serious as the use of violence has been carried out as if it were parties over whose control there had never been the slightest controversy. So the London Cabinet has not taken into account the rights of Venezuela at all, but has alone decided the superiority of those it alleges, and consequently proceeded to violent acts.

Another notable circumstance is that the prior step of presenting to the Government of the Republic, not even through this Legation, the reasons for complaint on which the resort to force was going to be based was not taken. This procedure belies the friendship cultivated by Venezuela with such care, which in order to make it more and more perfect it had accredited a first-class representative in London; and it is also contrary to the practice of nations that, always before resorting to reprisals, use the procedures of conciliation and good intelligence as required by the considerations they owe to each other.

Mr. Mansfield expressed in a letter dated January 8 that the Governor of British Guiana would not take any action while the request then addressed to the Government of Venezuela to prevent the agents of the Manoa company or Mr. H. Gordon from claiming or impregnate some part of the territory claimed by Great Britain. This friendly step would not have failed to produce convenient results, if by the date on which it was taken the measures decided by the British Government had not been completed. A few days later, on January 24, Mr. Mansfield reported that since October 11, 1884, by order of the Governor of British Guiana, posts had been placed on the eastern bank of the Amacuro River and in other places. On January 31, the Governor of the Delta Territory informed the Executive that a commission of Englishmen had entered the mouth of the Amacuro and taken (sic) prisoner the civil commissioner established there by the government of said territory, leaving a police guard in place.

Mr. Fitzgerald's assertion that in 1880 the boundary between Venezuela and Great Britain was about ten miles southwest of the Amacuro River is completely untenable. To be convinced of this it is enough to remember that in that year Great Britain had not acquired any right to the part of Guiana that Holland ceded to it in 1814; and that with respect to this and the Spanish possessions the limit was on the Essequibo River, as had always been affirmed by Venezuela. So Mr. Fitzgerald's error cannot prejudice the rights of the Republic.

And it is important to never lose sight of the fact that the concession to said gentleman does not determine specific limits, but rather makes use of the expression "up to British Guiana" as repeated by Mr. Mansfield in one of the aforementioned passages of his correspondence. However, the procedures of the Manoa company have been taken as a pretext for actions that depress the rights of Venezuela.

That the posts placed by order of the Government of British Guiana on the eastern bank of the Amacuro River and in other places have been removed would only mean a protest against the precautions of Great Britain, well, if she believes herself to be the mistress of such places , the Republic is certain that these are its own; and allowing these signs to remain would be equivalent to recognizing the intention with which they have been placed, and would be alleged tomorrow as proof of Venezuela's acquiescence to the arrogation of British dominion. With such signs the occupation of a territory that Her Majesty has undertaken “not to occupy or usurp” would be demonstrated by a spontaneous act of Her Government presented with determination for the acceptance of Venezuela. In the denied case that the latter, on its part, had violated the same duty that it contracted in turn, it was appropriate that friendly representations be initiated against it aimed at repairing the fault, instead of taking unilateral and coercive measures capable of hurting the dignity of a sovereign State, which sees the integrity of its territory threatened more than ever in a very important part, namely, the great Orinoco River that leads to the ocean the waters that in great numbers bathe its soil and that of neighboring countries, and form the main means of communication not only between its populations, but also between foreign regions, promising the most promising future with the natural progress of the new nationalities of America.

In the last proposal of accommodation made by the British Government to Venezuela, it was told that, as the capital point for it was the possession of the Orinoco, a line was presented that would begin about twenty-nine miles east of the right bank of the Barima River; line not accepted by Venezuela, which claims that of Essequibo.

The Government of the Republic, in its answers to Mr. Mansfield, assured him in accordance with the words of the contract "up to British Guiana" that the limits of the aforementioned contracts did not extend beyond those of the territory in dispute, and promised with all sincerity take measures to clarify the facts, since the Manoa Company was accused of having exceeded those lira. Note that on October 18, 1884, an English war steamer entered the mouth of the Orinoco, and arriving at the Pontón Faro, it asked for pilots to go up the river, and they were denied for not heading to authorized ports, in accordance with the law. That despite such opposition, he continued his course to Amacuro, leaving the next day for Guaima through Barima, after having established apostes at all points of his journey with declaration forms of ownership; facts that had very actively attracted the attention of the Government, which even doubted them, given the extraordinary nature of the event.

In a second note, the His Excellency Minister of Foreign Affairs expressed to Mr. Mansfield the deep surprise with which the Federal Executive had heard the report of his letter of January

26, both in relation to the facts attributed to Mr. Roberto Wells, as well as to the orders given to the Governor of British Guiana, to send, with an adequate force of police, Mr. McTurk to investigate the procedures of the Company on the Eastern side of the Amacuro River, although it was operating in territory indisputably belonging to Venezuela. “This surprise from the Government, Your Excellency,” the Minister continues, “has risen to a higher level when reading yesterday a telegram from the Governor of the Delta Territory in which he announced that an armed force, sent by the Excellency Governor of the English Guiana entered Venezuelan territory, and using violence reduced the Commissioner of the mouth of the Amacuro to prison, whom he took away, leaving a police force established. In addition to all the other events that Your Excellency is already aware of, this single event is enough for Venezuela to feel attacked in its sacred rights of dominion, and for it to urgently call Your Excellency's attention in order to dictate the measures that the case requires that these procedures be corrected and things return to the state they had, in accordance with the current status quo, and that determines that neither of the two nations exercises jurisdiction in any part of the disputed territory. This becomes all the more essential when negotiations are in progress between Venezuela and Great Britain, with the aim of putting an end to the long boundary dispute that they sustain. The Plenipotentiary of the Republic has received orders to activate the negotiations, and undoubtedly these would soon reach the terrain of the desired conciliation, if inadequate procedures were avoided that have all the appearance of de facto avenues, which are in complete disagreement with respect for "the principles of territorial dominion and those of justice that should characterize the relations between civilized countries."

In accordance with the orders of my Government, and in merit of the foregoing, attaching a copy of the agreement consented by it at the request of Mr. Wilson, Chargé d'Affaires of Great Britain in Caracas, I respectfully request:

1° Removal of all signs of sovereignty placed by order of the Governor of English Guiana in the disputed territories.

2° Withdrawal of employees and public forces that have been placed in them.

3° Satisfactory explanations for the lack of compliance with the proposed agreement with Venezuela on the part of Great Britain, and the violation of the laws of the Republic regarding ports not open to foreign ships.

4 ° Annulment of the process brought against Mr. Roberto Wells, his freedom and compensation for the damages caused to him with his capture and imprisonment and submission to trial and punishment for accusation of a crime in Venezuelan territory.

5° Complete restoration of things to the state they had in 1850, date of the aforementioned agreement, and strict orders to the Governor of British Guiana to observe it scrupulously, while the two Governments settle the question of their limits.

I renew to Your Excellency the protests of my highest consideration.

Guzmán Blanco.

Hon. Lord Count Rosebery, Principal Secretary of State to H.M.B. in the Office of Foreign Affairs, etc., etc., etc

COMPLAINT ABOUT THE ATTITUDE OF THE BRITISH COMMISSIONER IN AMACURO AND ABOUT THE EXTRACTION OF GOLD IN VENEZUELAN TERRITORY. DEMAND FOR GREAT BRITAIN'S DARE TO TAKE JURISDICTION OVER THE ORINOCO. RECAPITULATION OF NEGOTIATIONS SINCE 1840. DEMAND FOR ARBITRAMENT OR SUSPENSION OF RELATIONSHIPS.

AHMPPRE, Old Archive, Country: Great Britain, Period 1886-1887, Vol. 148, Exp. 12. Folios 83-119. 1887.

Appointment of interest

Caracas: January 26, 1887

Your Excellency sir.

In accordance with what was communicated to Your Excellency by this Ministry on December 7, the President of the Republic sent Commissioners to Barima and other points, with the objects already indicated, Engineer Doctor Jesús Muñoz Tebar and General Santiago Rodil.

The Head of the Commission has just returned here, and has brought its results to the attention of the Government.

Unfortunately, the serious news that motivated this measure has been confirmed.

First, the Commissioners found in the neighborhood of the right bank of the Amacuro River two Commissioners, Messrs. Francis Stephen Neame and G.B. Jeffry. They presented their despatches of Rural Constables (sic) issued by Mr. Michael Mc Turk, who is titled Her Majesty's Stipendiary Magistrate, in and for the Colony of British Guiana, on March 1, 1885 and September 6, 1886 , respectively. In responding to a communication from the Commissioners, the Commissioners assured them that they had not received instructions to oppose the Venezuelan authorities of the left who lowered the Amacuro; but that they did have authorization to prevent any Venezuelan ship from selling rum or spirituous liquors in British territories, and added that anyone who sold rum without the competent license, given by their Government (that of Demerara) could be arrested at any time.

In the same hamlet of Amacuro, the commission took sworn statements from the Venezuelan commissioner, Mr. Roberto Wells, and from Mr. Aniceto Ramones and Alfonso Figueredo. His depositions corroborated the capture and abduction of the former in that same place, his taking to Georgetown and confinement in jail there for two months, his trial and sentence to a fine of twenty-five pesos; and they also established the fact of the existence of a wooden house with a thatched roof that serves as a public office, displays the English flag, was built by order and at the expense of the Colonial Government and has been seen by the Commissioners. It was also proven in the same way that an English coast guard named Transfer has made trips to Amacuro several times accompanied by a British Magistrate and armed police officers, for the purpose of hearing, judging and deciding criminal and police cases; and that both in Amacuro and in Barima, the vessels legally dispatched from Ciudad Bolívar are registered and they are prohibited from selling the merchandise, and from following the Barima branch, unless it is a burden, requiring them to obtain a license in Georgetown in order to negotiate.

The Commissioners moved to the right bank of the Amacuro, where they were in written and verbal communication with the aforementioned Commissioners. They then went to the neighborhood of Aruca, where they were told that there was a Commissioner named Harrington, who was absent at the time, and that a justice of the peace had been there three months ago on the occasion of the murder of a coolie, and whose perpetrator was accused. He arrested him and took him to Georgetown to judge him. He was sentenced to five years in prison. In Cuabana, a hamlet located on the right bank of the Guaima River, they found a caney that serves as a Protestant church and public school, built under the direction of the missionary Walter Heard. In the marriage registry kept there it states that the place belongs to the county of Essequibo. No Commissioner was found at the site; Furthermore, according to a report from the school teacher, Mr. Jacobus Ingles, the Colonial Government has one in the town of Guaramuri, on the coast of the Moroco River.

Likewise, the Commission made sure that the English authority was benefiting from gold mines in our territory located between the Cuyuni, Mazaruni and Puruni rivers, and that a large quantity of that mineral had already been exported (sic) by the English Customs.

Finally, the Commission headed to Georgetown, and, through the Consulate of Venezuela in that city, informed the Governor of Demerara of the objects of its commission, what it had done by virtue of it and the violations of Venezuelan territory that it had committed. had found out. The Secretary of said British employee limited himself to responding on the sixth of this month that he referred to the notice published in the London Gazette on October 21, 1886, of which he attached a copy, and stated that the districts to which the note referred official of the Commission were included in the boundaries established by the terms of the notice and are part of the Colony of British Guiana.

In the notice it is proclaimed and notified that since the limits of British Guiana, Her Majesty's colony, and the Republic of Venezuela are in dispute between Her Majesty's Government and the Government of Venezuela, and since it has become known of His Majesty's Government that the Government of Venezuela has made or proposes to make concessions of land within the territory claimed by His Majesty's Government, such titles will not be admitted or recognized, and he will be judged as a violator of property according to the laws of the colony to any person who takes possession of those lands or exercises any right in them under the pretext of such titles. In conclusion, it is said that a map indicating the limits between British Guiana and Venezuela, claimed by Her Majesty's Government, can be seen in the library of the colonial office, Downing Street, or in the Government Secretariat in Georgetown, British Guiana.

It is not understood why those limits are not specified in the notice itself, but have been left for a map that is separate from the notification to which they are linked.

Now, apparently there is no longer the slightest doubt that an extensive territory of Venezuela, and the great artery to the north of the continent of South America, the Orinoco, are in fact under the authority of the British Government, with the despicable grounds that there is a boundary dispute between the Republic and Her British Majesty. The logical conclusion of the existence of a dispute over ownership of land and water should be, at most, the convenience of neutralizing the places of dispute by mutual agreement, pending its decision. But resolving one of the contenders alone and with disregard for the rights of the other, the appropriation of the controversial thing, is in the light of all jurisprudence an unjustifiable violation of the most sacred right of nations, it is a mortal wound to Sovereignty. of the Republic. In a similar case, Great Britain has condemned the very act it is carrying out today with Venezuela.

According to the Decree issued by the King of Spain in 1768, the province of Guayana bordered the Amazon to the South and the Atlantic to the East. So the acquisitions of other powers within those limits were not valid except insofar as they were legitimized by the subsequent consent of that monarchy. Regarding the Netherlands, to whose rights Great Britain has succeeded, the only thing that was left in its possession, of the aforementioned Region, were the establishments of Essequibo, Demerara, Berbice and Suriname, which the Dutch had taken over during the long war with its former metropolis, which ended with the treaty of Munster of 1648. That the Dutch (sic) did not then possess any other colonies than those mentioned, is confirmed by the extradition agreement celebrated in Aranjuez between Spain and the Netherlands for the purposes from the 18th century, on June 23, 1791, in which only those are listed. And it is noteworthy that the Dutch could not continue advancing on the Spanish possessions, because Article 6 of the Treaty of Munster prohibited them from sailing to them and trafficking with them. Despite this, they continued to advance; but, far from consenting to new usurpations, Spain used arms to repel them. Lord Aberdeen himself recalled in his note of March 30, 1844, to Mr. Fortique, that in 1797 she attacked the fort of New Zealand, regardless of nothing his success unfavorable. What we are trying to prove is not the superiority of her forces over the Dutch garrison, but the opposition to their advances. Consequently, everything that passed through Essequibo was outside the jurisdiction of Holland, which on the other hand only ceded to Great Britain in 1814 the settlements of Essequibo, Demerara and Berbice.

In 1844 Lord Aberdeen proposed the Moroco as the limit.

In 1881 Lord Granville presented to Venezuela a line that began 29 miles east of the eastern bank of the Barima.

IN 1886 Lord Rosebery asked for a border that started from the sea coast towards (sic) the west of the Guaima River.

In 1868 the Governor of Demerara, in a decree on the division of records, did not establish another one further north than that of Pomarón.

It was on November 6, 1886 when, upon repealing that decree by order of the Government of Her Majesty, he established new divisions that reached the shore of the Amacuro.

It was also in 1885 and 18886 when he appointed Commissioners for Amacuro.

In 1841 the engineer Schomburgk capriciously pointed out the limits that His Majesty's Government today claims and put up posts and other signs.

Alarmed by the Republic with such a fact, the Government sent two Commissioners to Demerara to demand explanations, and ordered its Minister in London to demand that the marks be removed.

The Governor of Demerara told the Commissioners that, as the limits were really indefinite and in question, Mr. Schomburgk's operation had not been and could not have been carried out with the intention of taking possession, but as a simple marking of the line presumed on the part of British Guiana, and that therefore, while the limits were indeterminate, the Government of Venezuela had to trust that no fort would be built on the land in question, nor would any troops or force be sent to it.

For his part, Lord Aberdeen replied that the marks placed by Mr. Schomburgk in some parts of the country which he had explored were only a preliminary step subject to future discussion between the two Governments; that they were the only tangible means of preparing to discuss the question of limits with the Government of Venezuela; that they were established with that express purpose, and not, as the Government of Venezuela feared, with the intention of indicating dominion and empire on the part of Great Britain. He added that he was glad to learn from Mr. Fortique's note that the two Commissioners sent by this Government to English Guiana could have ascertained from the reports of the Governor of that Colony that Punta Barima had not been occupied by English authorities. This was written on December 11, 1841

Shortly after, on January 31, 1842, Lord Aberdeen ordered the removal of the marks, in order to put an end to the bad intelligence that reigned in Venezuela in order to obtain the recognition of Mr. Schomburgk, and to attend to the renewed representations of Mr. Fortique.

Reconciling the procedure then, which made it clear that during the controversy the territory could not be taken, and the fact now, by which the British Government has assumed control of what it says it claims, is beyond intelligence. from Venezuela.

And I must here state that she has never understood that the ownership of the places located further from the mouth of the Pomarón was disputed, but only of those that are between that river and the Essequibo; and it is very clear from the proposal of Lord Aberdeen, who was satisfied with the mouth of the Moroco as the western limit of the British possessions.

But, even if it were admitted by way of argument that the disputed land was larger, Great Britain would not have had the right to occupy it, not only because of the thing itself, but also because it contracted the obligation not to occupy the territory in dispute.

I refer to the Convention concluded in November, 1850, by exchange of notes with Mr. Wilson, Chargé d'Affaires of Great Britain, at his request and in force of strict instructions from his Government. He declared first of all that the rumors then widespread here that Great Britain wanted to claim Venezuelan Guiana were unfounded and the reverse of the truth; He immediately declared that Great Britain would not occupy or usurp the disputed territory, nor would it order such occupations or usurpations, nor would it sanction them by its authorities; and he requested and obtained similar statements from Venezuela.

Then, it is clear that Great Britain has violated that agreement, its own work, by entering Venezuela through prohibited places, visiting the Guaima, Morajuana, Amacuro and Barima arm rivers; planting notice of their laws being in force there, in the trees of the riverbank; appointing commissioners; seizing a Venezuelan commissioner under the pretext of having mistreated a Portuguese, although in the jurisdiction of the Republic, taking him to Georgetown, imprisoning him, trying him and imposing a penalty of twenty pesos; establishing public office in Amacuro; covering the space between it and the Barima by means of the coast guard schooner Transfer, including those regions in the Governor's District of Demerara; sending a Magistrate to them to hear and decide police and criminal cases; authorizing the exploitation of mines in Venezuelan territory, and finally, appropriating it because he says the boundary dispute is pending.

As Minister of the Republic, General Guzmán Blanco demanded from the British Government, in a note dated July 28, the satisfaction that such events demand; and the response has been to

proclaim and notify, with a notice published on October 21, 1886 in the London Gazette, that what is included in the demarcation of the engineer Schomburgk is his.

That is to say, that the Government of Great Britain by itself and before itself, with the exclusion of Venezuela, has resolved that it owns the property of the mouth of the Orinoco, the most important river of the Republic, and of which the Barima and Morajuana, and even Punta Barima, which its Chargé d'Affaires Sir Robert Porter spontaneously recognized on May 26, 1836 as being under the sovereignty of Venezuela.

Many times he has proposed that the issue be submitted to the ruling of a legal arbitrator, and His Majesty's Government has refused on the basis of not being able to apply that method to boundary controversies. He has persisted in his refusal, despite having been reminded that by agreements of 1827 and 1871 he referred to an arbitrator boundary disputes with the United States, one regarding possessions in North America, and another regarding the Haro Canal, with the circumstance that in the last case the proposition emanated from himself up to six times.

Venezuela remains willing to end the controversy by resorting to arbitration, the only method compatible with its current Constitution.

In light of the above, the President of the Republic claims from H.M.B. the evacuation of the Venezuelan territory, from the mouths of the Orinoco to the Pomarón, which she has improperly occupied; with the understanding that, if by next February 20, the time of the meeting of Congress, to whom the Government must report everything, there has not been a response or a negative response has been made, from then on diplomatic relations between the two countries.

I renew to Your Excellency the protests of my high consideration.
(SIGNED).- DIEGO B. URBANEJA.

Hon. Mr. F. R. Saint John, Resident Minister of His Majesty, etc. etc.

REQUEST FROM SIR ROBERT KER PORTE, PLACEMENT OF A LIGHTHOUSE IN PUNTA BARIMA. IGNORANCE OF SIR KER'S AUTHORITY BY G. B. GREAT BRITAIN CLAIMS RIGHTS OVER PUNTA BARIMA. PUNTA BARIMA IS THE EXCLUSIVE PROPERTY OF VENEZUELA. NONE OF THE PROPOSALS BY LORD ABERDEEN, LORD GRANVILLE AND LORD ROSEBERY INCLUDE BARIMA ISLAND.

AHMPPRE, Ancient Archive, Country: Great Britain, Vol. 148, Exp. 12, Folios 129-141. 1887.

Minister of Foreign Affairs.
Caracas: January 31, 1887.
Your Excellency sir.

I have given the President of the Republic an account of the note that Your Excellency gave me this morning, and in which he states that the British Consul's request for the erection of a lighthouse in Punta Barima in 1836 was neither known nor authorized by the British Government of so; and that the attempt to erect such a lighthouse without the consent of Her Majesty's Government would be a deviation from the reciprocal commitment made by the Governments of Venezuela and England in 1850 not to occupy or usurp the territory in dispute between the two countries; that His Majesty's Government would be justified in resisting such a procedure as an act of aggression on the part of Venezuela; that as the lighthouse at Barima would make the navigation of the Orinoco River safer, and would thus result in the undoubted benefit of commerce in general, His Majesty's Government does not wish to insist unduly on its rights, and consequently, consents to the erection of the lighthouse in Barima under the condition that an agreement be concluded between the two Governments as to the amount of lands that can be occupied for the purpose, and that the Government of Venezuela gives in writing the assurance that the placement of the lighthouse will not be considered in any way. as prejudicial to the British claim to the disputed territory, of which Punta Barima forms a part, nor will it henceforth be interpreted as proof of any right of Venezuela to it, nor as acquiescence of Great Britain to such a supposition.

The President of the Republic, far from finding in the extracted note a path to the solution of the existing difficulties, judges that it aggravates them more and more, as will be seen.
He does not admit that today, fifty years and eight months after Sir Robert Ker Porter passed away, it is said that he was not known or authorized by the British Government of the time, and that he is called Consul as to weaken the force of his word.

He was Consul at first; but since the treaty of 1834 was exchanged between the two countries, he was appointed Chargé d'Affaires, and he had such a character when on May 26, 1836 he urged the establishment of the lighthouse at Punta Barima.

Venezuela does not admit now, nor has it admitted before, nor will it ever admit, that Punta Barima has ever been an issue, as Barima Island is not, nor was it, nor will it be; which, as well as Pedernales, are islands located physically and politically with many others, in the Great Orinoco Delta, exclusive property of Venezuela. Homeland of which all of them are an integral part.

Without a doubt respecting that sacred and invulnerable patriotic right, none of the successive proposals of Lord Aberdeen, Lord Granville and Lord Rosebery include Barima Island.

He invokes the Government of His Majesty B, the agreement of 1850 to deny Venezuela the right to establish a lighthouse in Barima. With this he justifies more and more the complaints and claims of the Republic, because it is without this same agreement that he has been taking over the vast territory included between the Pomaron, Barima and the right bank of the Amacuro, making any accommodation impossible.

I have already told Your Excellency, and I repeat, that Venezuela has never considered the territory between the Pomaron and the Amacuro as controversial, but rather the one located between the Pomaron and the Essequibo; but that, even if the first space in dispute had been included, Great Britain would not have been able to occupy or retain it, because it should have been prevented from doing so by the existence of the pact that it is currently using against the Republic, and which it has violated for its own benefit.

The President does not submit, for the construction of the lighthouse in Punta Barima, to the conditions presented to him, because that would be to consent to the advances of Great Britain, which do not recognize any foundation, and to make declarations harmful to the incontestable rights of the Republic.

And the most important. This is the first occasion in which His Majesty's Government reveals its claims to the Orinoco River, and speaks of its rights in this regard, and establishes that Punta Barima is part of the disputed territory, and intends to take ownership of it and establish conditions. for the use of some lands where the lighthouse is placed. Before now everything had been limited to facts of a single party, foreign to the knowledge of the other; But today it is notified of what is being executed, and it is hoped to obtain its approval of acts and claims contrary to its rights.

Consequently, the President of the Republic has ordered me to formally renew the demand contained in my note of the 26th of this month, regarding the evacuation of all the territory occupied and detained by Great Britain, without any right and in violation of the rights of Venezuela, from Amacuro to Pomarón, for February 20 when Congress meets.

And I must add that, if this is not done by then, and if it is not accompanied by unemployment, the acceptance of arbitration as a means of deciding the pending boundary dispute, the diplomatic relations of the two Governments will be severed, and the a protest that safeguards for all time the rights of Venezuela against actions, which should not be expected from a power with which it has always strived to cultivate the most friendly intelligence and frank treatment. I take advantage of this opportunity to renew to Your Excellency the assurances of my high consideration.

(SIGNED). DIEGO B. URBANEJA.

Hon. Mr. F. R. Saint John, Resident Minister of H. M. B. etc, etc etc,

VENEZUELA'S PROTEST AGAINST THE USURPATION OF ITS TERRITORY AND THE DECREE OF THE GOVERNOR OF DEMERARA, CHARLES BRUCE, WHICH DECLARES BARIMA AN ENGLISH COLONIAL PORT, IN ADDITION TO CREATING A POLICE STATION. VENEZUELA PROTESTS AGAINST THE ACT OF JURISDICTION THAT THE BRITISH COLONY INTENDED TO EXERCISE OVER THE LAND OF VENEZUELA.

AHMPPRE, Country: USA, File 471, Piece 4, Folios 82-83. 1889.

Law Department
Outdoor Public
Caracas December 16, 1889

In the newspaper "The Dayly Chronicle", of Demerara, British Guiana, the Government of Venezuela has seen a decree of the Governor of the Colony, Sir Charles Bruce, dated the 4th of this same month and year, in which Barima is declared, that is, the Great Mouth of the Orinoco, an English colonial port, assigning its limits to those of the line drawn by M. R Schomburgk. Now, according to a statement from Lord Aberdeen to the Minister of the Republic in London, Mr. Fortique, that engineer was authorized to occupy any part of our territory, not even that inhabited by independent tribes; and the signs that it had left in its wake were nothing more than a purely preliminary act of the delineation that would be the subject of discussion between the Governments of both nations, and that it was not known that a sentry box, fort or military post had been built in which it was hoisted. the british flag. This happened in 1841, and the Government of Venezuela later managed to remove the marks placed by M.R. Schomburgk in the places he had traveled.

But now the Governor of Demerara, following the system of usurpation of his predecessors, has not hesitated to declare Barima a Colonial port, create a police station there, and seize the territory of a neighboring country, without regard or consideration of any kind and with ridicule of the principles that govern the international treatment of cultured countries, of morality and justice. For these reasons, the Government of the United States of Venezuela sees itself in the case of protesting, and formally protests against the act of the Governor of Demerara that declares Barima a colonial port, in the same manner and in the same manner expressed in the protests of February 24, 1884, June 15 and October 29, 1888 against previous usurpations of Venezuelan territory.

It also protests against the act of jurisdiction that the same Colony has recently attempted to exercise over Venezuelan land, authorizing the construction of a road that puts Demerara in communication with the Yuruary federal territory, as soon as it enters the soil of the Republic, which only It is subject to its own jurisdiction and in no way to that of said colony, since, even if it were, as it is not, a matter of dispute between Venezuela and Great Britain, the latter could not occupy it by virtue of the agreement that it itself proposed to this Government in 1850, through its Chargé d'Affaires in Caracas, Mr. Belford.

Hinton Wilson.
[Signed] Fr. Casamova

ON VENEZUELA'S RIGHT TO TERRITORY AND THE SUPPORT OF THE VENEZUELAN GOVERNMENT FOR THE GERMAN SUBJECT FAULL, WHO WAS AUTHORIZED TO BUILD A HOUSE AND FARMLAND ON THE RIGHT BANK OF CUYUNI. IT MENTIONS THE COMPLAINT OF THE GERMAN, WHO COMPLAINED TO THE VENEZUELAN AUTHORITY ABOUT THE PRESENCE OF ARMED MEN (ENGLISH) WHO PREVENTED HIM FROM CONTINUING WITH HIS WORK, FACING THE COMPLAINT, POLICE WERE SENT IN THE FACE OF ANY AGGRESSION.

AHMPPRE, Old Archive, Country: Great Britain, Volume 164, Folio 328-329. 1894.

Copy
El Dorado, October 24, 1894
Mr. D.D. Barnes
Cuyuni
My Lord.

Your letters indicate under what aspect you consider the matter that motivates them. It is my duty, therefore, to express to you, once again, my way of seeing in this regard:

In use of the right of the Republic over a territory that unquestionably belongs to it, I have granted permission to the German subject, Mr. Guillermo Faul, to make a house and farm on that bank of the Cuyuni, where you live with the pleasure of all of us who understand the convenience of populate this fertile and hospitable soil.

Yesterday Mr. Faull complained to this General Commissioner that there were in the part that has been dismantled, some armed men from your department who prevented him from continuing his work.

With this virtue and my purpose being to make effective the guarantees offered by our laws in every person who lives in the territory of the Republic, yesterday I sent a Police Commissioner with some unarmed men to enforce the rights legitimately acquired by Mr. Faull. And since today the same contempt for authority has been repeated again, I have once again sent my armed police, thus prepared against any aggression.

The colony of Demerara has no right over the part of the indisputably Venezuelan territory. Placed under my command; Therefore, I reject the phrase violation of British territory, by your Employee, because in any case, since you attribute an official character that I am unaware of, those who have crossed the Esequivo are the ones who have violated Venezuelan territory. You probably don't ignore that.

I subscribe to you atte. S.S and friend
GIVES. Siphons

REPORT ON THE EVENTS THAT OCCURRED ON THE BANKS OF THE CUYUNI. DEFENDS THE RIGHTS OF VENEZUELA OVER THE TERRITORY AND THE EVOLUTION OF THE SETTLEMENT OF THE TERRITORY BY VENEZUELANS. IT NOTES THAT BEFORE 1890 THERE WERE PROPERTIES BELONGING TO VENEZUELANS. IT ALSO DENOUNCES THE ENGLISH OCCUPATION AND THE CONFLICTS GENERATED BETWEEN 1894-1895.

AHMPPRE, Old Archive, Country: Great Britain, Volume 164, Folio 201-220. 1895.

U.S.A. of Venezuela
National Commissioner
Del Cuyuni and its tributaries
Caracas April 16, 1895
Citizen Minister of Internal Affairs
Present

I have the honour to present to that Ministry a report on the events that occurred on the banks of the Cuyuni on January 2 of the current year, on the occasion of the occupation of the right bank of said river, the object for which I was called by your Office in telegram of the 11th of the same month.

In order to provide the Government with the greatest amount of data, and for the better, clarification of the international matter that is being aired, I am forced to go back to the state in which they were in March 1894, the date of my arrival in that region, honoured by the Government with the appointment of the National Commissioner of Cuyuni and its Tributaries. By then, there were 9 houses on both banks: 6 on the left and 3 on the right. Of the latter, two, with their respective farms, were founded in 1870 by José Francisco and Loreto Lira, Miguel Gonzalez and Lorenzo Rivas; and the other, built in 1890 by a British subject named Mac Turk, in front of the mouth of the Yuruan, and in which six individuals of the same nationality resided, busy working on a small farm and, since April or May 1894 under the orders of the titled Inspector D.D Barnes.

When I visited him, few but cordial relations of friendship existed between us.

The primary object of my mission being the promotion of colonization in that section of the Republic, placed under my jurisdiction, I proceeded to verify considerable clearings on the banks of the Yuruan el Cuyuni. On the right bank of the latter 30 leagues downstream, and at the mouth of the Coroco River, a tributary of the right, the citizen Pedro Ravelo built a house and promoted farming of small fruits. This place is the same old position in which, as a Venezuelan authority appointed by the Government of the extinct Yuruary Federal Territory, the late General Felipe Parra resided years before 1890, in the company of several other Venezuelans. Also on the same bank and in front of “El Dorado”, the name given to the town that stands on the left, Mr. Guillermo Faull, of German nationality, authorized by me, proceeded to build a house.

Despite the good relations maintained with Mr. Barnes, he tried to disturb Faull in his work, making him withdraw, along with his laborers, from the place he occupied. Faull filed his complaint with the National Commissioner and was authorized by her to bring a greater number of laborers with their corresponding work machetes. The Englishman, seeing them in greater

numbers, retired to his house. The next morning Faull was once again rejected. Annoyed by such inexplicable tenacity and hateful pretension, I ordered eight armed men to be placed under Faull's command, also as his attackers were. The same as the day before, the English retired to their house, without having received any damage; only if they were notified not to attempt a repetition of that intrusion.

This incident in no way altered my good relations with Mr. Barnes, who for his fine treatment always deserved my personal esteem.

From that date I left a guard of seven policemen at the aforementioned point, determined as I was to properly watch the river, to prevent at all costs the trafficking of contraband, to which some neighbours and several other people had previously indulged, according to the English themselves. of the previous national authorities.

By the last days of December 1894, there were already 23 houses, some completed and others under construction. The guard on the right bank of the Cuyuni frequently went to the main police post on the left to practice ordinary exercises. On January 2, the English took advantage of the circumstance of momentarily only finding the post on the right, for the reason previously mentioned, and rushing down to the river, armed with rifles, they docked at said post, lowered the Venezuelan flag and raised the flag. English. The citizens of "El Dorado" were exasperated at the outrage inflicted on the national insignia and there was no shortage of people who tried to fire on the invaders, in order to repair the grievance. Captain Andrés Avelino Dominguez, hastily crossing the river with part of the police force, takes the English prisoners and, keeping the greatest considerations for them, he leads them to the house that serves as the Office of the National Commissioner. He immediately gave me express notice; Because on that day I was at a distance of 23 leagues, not yet recovered from the serious illness that in the last days of November made me abandon Cuyuni. Before moving to "El Dorado" I informed the Government what was happening.

Such are the facts, Citizen Minister, that I found consummated upon my arrival at Cuyuni on the afternoon of January 8.

Forced to make a decision, I hastened to prepare the legal summary, for which purpose I brought a lawyer, understanding the seriousness of the conflict. The statements were answered, among them, that of Inspector Barnes himself, put in his own handwriting, and in which he confessed that he was solely responsible for the attack committed.

Once the file was finished, on January 12, Barnes and his companions were dispatched, with all kinds of considerations, all travel expenses being paid for by the Commissioner, at the order of the citizen Minister of Interior Relations.

In my capacity as National Commissioner, I could not proceed otherwise. Disapprove of what Captain Dominguez did; disavow him for having saved his national honour; It would have been cowardice on my part, which I did not want to commit.

Days later I learned that the English had been released on the journey, and that the file addressed to the citizen minister had been opened by the interim Commissioner Mr. César Urdaneta, who was on his way to replace me, who strongly urged the English to occupy their position, also offering them all kinds of guarantees.

Two circumstances should be noted in this report. In one of them, Barnes told me that upon his arrest on January 2, the Venezuelan soldiers, together with some individuals from the town, had caused damage to the English establishment, a damage for which I immediately rushed to pay him. . I attach the receipt that he gave me for this purpose.

Mr. Barnes also demanded that I allow him to go through the Cuyuni to Demerara, to which I did not agree, because having committed a punishable attack, I did not want to incur such a serious responsibility towards my Government through weakness.

By occupying, Citizen Minister, the right bank of the Cuyuni, only 10 leagues away from the Municipalities of Tumeremo and Nueva Providencia, I did so by virtue of our incontrovertible rights and the very nature of my appointment: “National Commissioner of the Cuyuni and its Tributaries” - Also in compliance with strict instructions from my Superior_

I thus fulfill my official duty towards that Ministry.

God and Federation
D. A Sifonos

Annex 30

Letter from Chas Bruce to Manuel L. R. Andrade, Consul of Venezuela in Georgetown, 6 January 1887.

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 595, p. 254)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 595.

Letter from Charles Bruce to Manuel L. R. Andrade, Consul of Venezuela in Georgetown, January 6, 1887.

[Reprinted from Blue Book, No. 1, pp. 382-383.]

I am directed by his Excellency the Governor to acknowledge the receipt of your letter of the 5th instant, reporting the arrival here on the 31st ultimo, of the Venezuelan gun-boat "Centenario," having on board Señores Dr. Jesus Muñoz Tebar and Santiago Rodil. Your letter embodies an official note in which those gentlemen have communicated to you the object of their visit to British Guiana.

I am desired, in reply, to refer you to the Notice dated the 21st October, 1886, published in the "London Gazette" by authority of Her Majesty's Government, of which a copy is herewith inclosed, and to state that the districts referred to in the official note inclosed in your letter are included within the limits as defined by the terms of that Notice, and form part of the Colony of British Guiana.

No. 596.

Letter from Governor Sir Henry T. Irving, to Mr. Stanhope, January 7, 1887.

[Reprinted from Blue Book, No. 1, p. 383.]

In continuation of my despatch of this date on the subject of the visit of the Venezuelan gunboat "Centenario," I have the honour to transmit to you the reply which I have received from the Acting Consul for Venezuela to my answer to his communication embodying the official note of the two gentlemen representing themselves to be Commissioners of the Venezuelan Government.

I also inclose a written statement which has been handed to the Government Secretary by Rural Constable Neames to the effect that Constables or Commissioners have been appointed by Venezuelan authority in these districts.

In reference to Neames' statement, I have to add to it that he states verbally that such Constables or Commissioners have instructions not to act on their commissions without further orders.

Annex 31

Letter from Diego B. Urbaneja, Minister in Venezuela, to F. R. St. John in Caracas, 26 January 1887

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 597, p. 255-260)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 597.

Letter from Diego B. Urbaneja, Minister in Venezuela, to F. R. St. John in Caracas, January 26, 1887.

[Reprinted from Blue Book, No. 1, pp. 389-393.]

In accordance with what was communicated to you by this Department on the 7th December last, the President of the Republic sent as Commissioners to Barima and other spots, with the object already explained, Engineer Dr. Jesus Muñoz Tebar and General Santiago Rodil.

The Head of the Commission has just returned here, and has informed the Government of its result.

Unfortunately, the grave reports which caused that step are confirmed.

Firstly, the Commission found in the neighbourhood of the right bank of the River Amacura two Commissaries, Messrs. Francis Stephen Neame and J. B. Jeffry.

These produced their warrants as rural constables, sent by Mr. Michael McTurk, who styles himself Her Majesty's Stipendiary Magistrate in and for the Colony of British Guiana. The warrants are dated the 1st March, 1885, and 6th September, 1886, respectively.

In replying to a communication from the Commissioners, the Commissaries stated that they had not received instructions to prevent the Venezuelan authorities of the left bank from descending the Amacura, but that they were authorized to prevent any Venezuelan vessel from selling rum or spirituous liquors on British territory, and they added that any one selling rum without a licence to that effect issued by the Government (of Demerara) could be arrested at any time.

In the said village of Amacura the Commission took declarations on oath from the Venezuelan Commissary, Mr. Robert Wells, and Messrs. Aniceto Ramuñez and Alfonso Figueredo.

Their depositions corroborated the capture and arrest of the first in that same place, his conveyance to Georgetown and confinement in the prison of that place for two months, his trial, and sentence to a fine of 20 dollars, and, moreover, established the fact of the existence of a wooden house with a tiled roof, which serves as a public office, flies the British flag, was built by order and at the expense of the Colonial Government, and was seen by the Commissioners. It was in the same manner also proved that an English revenue-cutter, named "Transfer," had on various occasions made voyages to the Amacura, conveying the British Magistrate and armed police functionaries, with the object of inquiring into, judging, and deciding criminal and police cases; and that vessels legally dispatched from Ciudad Bolivar are registered in Amacura as well as in Barima, and are prohibited from selling their goods and continuing their course on the Barima unless in ballast, requir-

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ing them, in order to trade, that they obtain permission in Georgetown.

The Commissioners proceeded to the right bank of the Amacura, where they put themselves in communication, written and verbal, with the said Commissaries. From thence they proceeded to the neighbourhood of Acura, where they were told there was a Commissary, named Harrington, who was at that time absent, and that a Judge of the Peace was there until three months previously on account of the assassination of a coolie, and that the culprit was arrested and conveyed to Georgetown for trial. He was sentenced to five years' imprisonment.

In Cuabana, a village situated on the right bank of the River Guainia, they found a shed which serves for a Protestant church and public school, built under the superintendence of the missionary, Walter Heard, In the register of marriages found there it is stated that the place pertains to the county of Essequibo. No Commissary was found in the place.

Moreover, according to information obtained from the schoolmaster, Mr. Jacob Inglis, the Colonial Government keeps one in the village of Guaramuri, on the bank of the River Moruca. The Commission also ascertained that gold-mines are worked under English authority in our territory situated between the Rivers Cuyuni, Mazaruni, and Puruni, and that a great quantity of that mineral has been already exported through the English Custom-house.

Lastly, the Commission proceeded to Georgetown, and, through the Venezuelan Consulate in that town, made the Governor of Demerara acquainted with the duty with which they were charged, what, by virtue of it, they had done, and with (the fact of the) proved violation of Venezuelan territory.

The Secretary of said British functionary confined himself to replying on the 6th day of this month that he inclosed a Notice published in the "London Gazette" on the 21st October, 1886, of which he sent a copy, and he declared that the districts referred to in the official note of the Commission are within the limits indicated by the terms of the Notice, and form a part of the Colony of British Guiana.

In the Notice it is proclaimed and notified that the limits of British Guiana being in dispute between the Government of Her Majesty and that of Venezuela, and it having come to the knowledge of Her Majesty that the Government of Venezuela has granted, and intends to grant, concessions of land within the territory claimed by the Government of Her Majesty, such titles will not be admitted nor recognized, and that all persons taking possession of such lands, or exercising in them any right on the strength of such titles, will be tried as trespassers.

In conclusion, it is stated that in the Library of the Colonial Office, Downing Street, or in the Secretariat of the Government in Georgetown,

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British Guiana, may be seen a map which indicates the limits between British Guiana and Venezuela as claimed by Her Majesty's Government.

It is incomprehensible why in the said Notice these limits are not specified, and why they are left in a map separated from the Notice to which they relate.

Well, then by what is seen there remains not the slightest doubt that an extensive territory in Venezuela and the great artery on the north of the Continent of South America, the Orinoco, are practically under the authority of Great Britain, on the specious ground that there exists a dispute of limits between the Republic and Her Britannic Majesty.

The logical conclusion from the existence of a difference respecting the proprietorship of land and water should be all the more reason for neutralizing by common accord the places in dispute, pending a decision of the same. But for one of the litigants to determine by himself, and without consideration of the rights of the other, upon the appropriation of the object in dispute, is by the light of all jurisprudence an unjustifiable violation of the most sacred law of nations, and is a mortal wound (inflicted) on the sovereignty of the Republic.

Great Britain has herself, in an analogous case, condemned the very act which she has now committed against Venezuela.

According to the Decree issued by the King of Spain in 1768 the Province of Guiana was bordered on the south by the Amazon and on the east by the Atlantic.

So that the acquisitions of other Powers within these limits were unlawful, except such as were afterwards recognized by that Monarchy. As regards the Netherlands, to whose rights Great Britain succeeded, all that was left in their power of the said territory were the establishments of Essequibo, Demerara, Berbice, and Surinam, of which the Dutch had taken possession during their long war with their former Suzerain, which ended with the Treaty of Munster of 1648.

That the Dutch then possessed no other Colonies than those mentioned is proved by the Convention of Extradition concluded in Aranjuez between Spain and the Netherlands at the end of the eighteenth century, on the 23d June, 1791, in which only these are named.

And it is to be observed that the Dutch could not encroach upon the Spanish possessions, because Article VI of the Treaty of Munster forbade them to navigate and trade thither; notwithstanding this they continued to advance; but Spain, far from consenting to fresh usurpations, recalled them by force.

Lord Aberdeen himself mentions in his note of the 30th March, 1844, to M. Fortique, that in 1797 the attack by Spain of the fort of New Zealand, without attaching importance to its unfavourable result [*sic*].

What it is endeavoured to prove is not the superiority of her forces

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over the Dutch garrison, but the opposition made to the latter's advances. Therefore, all beyond the Essequibo was outside the jurisdiction of Holland, who, on her side, only ceded to Great Britain in 1814, the establishments of Essequibo, Demerara and Berbice.

In 1844 Lord Aberdeen proposed as limit the Moroco.

In 1851 Lord Granville suggested to Venezuela a line commencing 29 miles east of the eastern bank of the Barima.

In 1886 Lord Rosebery suggested a frontier which should start from the sea-shore to the west of the River Guainia.

In 1868 the Governor of Demerara, in a Decree on land survey, fixed none more northerly than the Pomaroon.

It was on the 6th November, 1886, when on the repeal of that Decree, by order of Her Majesty's Government, that he ordered new surveys reaching the eastern bank of the Amacura.

It was also in 1885 and 1886 that he named Commissaries for the Amacura.

In 1841 the Engineer Schomburgk capriciously fixed the frontier claimed to-day by Her Majesty, placing posts and other marks.

The Republic, being alarmed by such acts, sent two Commissioners to Demerara to demand explanations, and ordered their Minister in London to request that the marks be removed.

The Governor of Demerara stated to the Commissioners that, as the frontier was undefined and a matter of question, the work of Mr. Schomburgk was not and could not have been made with the idea of taking possession of the line, but as a simple indication of the line presumed on the part of British Guiana, and that in the meantime, while the frontier remained undetermined, the Government of Venezuela might rest assured that no fort should be ordered to be built on the territory referred to, nor should any troops or forces be sent there.

On his part Lord Aberdeen replied that the marks placed by Mr. Schomburgk, in various parts of the country which he had explored, were only a preliminary step subject to future discussion by the two Governments; that they were the only practicable means of preparing oneself for the discussion of the question of the frontier with the Government of Venezuela; and they were placed with this express object, and not, as stated by the Venezuelan Government, with the intention of establishing the dominion and rule of Great Britain.

He added that he was pleased to learn, by a note from Señor Fortique, that the two Commissioners sent by this Government to British Guiana were able to convince themselves, from the statements of the Governor of that Colony, that Barima Point had not been occupied by British functionaries. This was written on the 11th December, 1841.

Soon after, on the 31st January, 1842, Lord Aberdeen ordered the

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marks to be removed, in order to put an end to the ill-feeling which existed in Venezuela in consequence of the proceedings of Mr. Schomburgk, and in compliance with the renewed representations of Señor Fortique; how to reconcile, therefore, this proceeding, at a time when it was held that during dispute it was impossible to take possession of the territory, with the act of to-day, by which the British Government has arrogated to itself the dominion of that which it professes to claim, exceeds the understanding of Venezuela.

And I must here remark that the latter never understood that the proprietorship of the places situated on this side of the mouth of the Pomaroon was ever in dispute, but only those to be found between this river and the Essequibo, and it very clearly follows from the proposal of Lord Aberdeen that it was agreed that the mouth of the Moroco should constitute the western limit of the British possessions.

However, even admitting, by way of argument, that the territory in dispute was more extended, this would not have authorized Great Britain in occupying it, not only for the reason of the thing in itself, but because she bound herself not to do so.

I refer to the Convention concluded in November 1850 by exchange of notes with Mr. Wilson, Chargé d' Affaires of Great Britain, at his request, and in pursuance of clear instructions from his Government. He declared the rumours then bruited about here, that Great Britain desired to claim Venezuelan Guiana, to be without foundation and the reverse of true. He followed up this statement by declaring that Great Britain would neither occupy nor usurp the territory in dispute, nor order such occupations or usurpations, nor authorize them on the part of her authorities, and she requested and obtained from Venezuela simliar assurances.

Hence it is clear that Great Britain has violated this agreement, which was her work; that she has penetrated into forbidden places, visited the Rivers Guainia, Morazuana, and Amacura, and Barima Creek, affixing notices on the trees on the river banks that her laws were there enforced; that she named Commissaries; carrying off a Venezuelan Commissary on pretext that he had maltreated a Portuguese, even though within jurisdiction of the Republic, conveying him to Georgetown, imprisoning him, trying him, and inflicting on him the fine of 20 dollars; that she established in Amacura a public office, traversing the space lying between it and the Barima by means of the coastguard schooner "Transfer;" that she included those places within the district of the Governor of Demerara, sending thither a Magistrate in order to inquire into and decide police and criminal cases; that she authorized the working of mines on Venezuelan territory, and finally appropriated it on the ground, as alleged, that the dispute of limits was pending.

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As Minister of the Republic, General Guzman Blanco claimed from the British Government, in a note of the 28th July last, the explanation which such acts demanded, and the reply has been to proclaim and publish, by a Notice in the "London Gazette," of the 1st October, 1886, that what is included in the delimitation of the Engineer Schomburgk belongs to her; that is to say, that Great Britain, by herself and for herself, with exclusion of Venezuela, has decided as hers the mouth of the Orinoco, the most important river of the Republic, of which the Barima and Morazuana are branches, and including Barima Point, which her Chargé d'Affaires, Sir Robert Porter, spontaneously surrendered on the 26th May, 1836, as being under the sovereignty of Venezuela. Many times has the latter proposed that the question be submitted to the decision of an arbitrator of rights, and the Government of Her Majesty has declined, on the ground of being unable to apply such a method in a dispute of limits. She has persisted in her refusal, notwithstanding that by Conventions in 1827 and 1871 she referred to arbitration boundary disputes with the United States, the one respecting possessions in North America, and the other respecting the Haro Canal, with the circumstance that in the last case the proposal emanated as many as six times from herself.

Venezuela continues to be disposed to end the controversy by recourse to arbitration, which is the only way compatible with her existing Constitution.

On the grounds of what has been explained, the President of the Republic demands from Her Majesty the evacuation of Venezuelan territory from the mouth of the Orinoco to that of the Pomaroon, which she (Great Britain) has unjustly occupied with the understanding that if by the 20th February next, at the meeting of Congress, to whom the Government is bound to render an account of everything, no reply should be received, or should be negative, the diplomatic relations between the two countries shall be broken off.

No. 598.

Letter from Diego B. Urbaaneja, Minister in Venezuela, to F. R. St. John, in Caricas, January 31, 1887.

[Reprinted from Blue Book, No. 1, pp. 394-395.]

I have submitted to the President of the Republic the note which you delivered to me this morning, and in which you inform me that the request of the British Consul regarding the erection of a lighthouse on Barima Point in 1836 was neither known to nor authorized by the British Government of the time; that the attempt to erect such a lighthouse

Annex 32

Letter from F. R. St. John in Caracas to Diego B. Urbaneja, Minister in Venezuela, 7 February 1887

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 601, p. 265)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 601.

Letter from F. R. St. John, in Caracas, to Diego B. Urbaneja, Minister in Venezuela, February 7, 1887.

[Reprinted from Blue Book, No. 1, pp. 395–396.]

I have to acknowledge the receipt of two notes on the Guiana frontier question which your Excellency did me the honour to address to me, one dated the 26th and the other the 31st ultimo, and I must express my astonishment that, despite the positive assurance I gave—which was afterwards confirmed by Her Majesty's Government – namely, that Sir Robert Porter's request in 1836 for the placing of a light at Barima Point had been made without the authority or even the knowledge of Her Majesty's Government, the Government of Venezuela should doubt the statement and persist in regarding the circumstance as a justification of their claim to the spot. As well might it on the other side be argued that the merchants of Ciudad Bolivar (or Angostura as it was then called) presumably, from their proximity, better acquainted with the locality than Sir Robert, having petitioned the British Agent at Carácas instead of the Venezuelan local authorities for the means of safer navigation, that the circumstance proved that the merchants looked upon Barima Point as British and not Venezuelan territory.

With equal surprise do I observe that, notwithstanding your Excellency's allusion in your first note to the several instances, namely, in 1844, 1850 and 1886, in which Her Majesty's Government have, from a friendly feeling to Venezuela, offered to cede the lower right bank of the Orinoco, your Excellency should affirm in your second note that the Venezuelan Government now for the first time learn (by my note of the 31st ultimo) that the territory claimed by Great Britain extends to the Orinoco.

I have only to add that your Excellency's first note was transmitted a few days ago to Her Majesty's Government, and that your second note will be forwarded by the next opportunity.

No. 602.

Letter from F. R. St. John, in Caracas, to Diego B. Urbaneja, Minister in Venezuela, February 11, 1887.

[Reprinted from Blue Book, No. 1, p. 397.]

Having telegraphed to Her Majesty's Government the substance of your Excellency's note to me of the 26th ultimo, I have this moment received, by telegraph, instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, to state to you, in reply, that the Government of Her Majesty, while still prepared to enter into friendly negotiations with the object of settling the Guiana boundary question, are unable to

Annex 33

British Memorandum in reply to Mr. Pulido's Memorandum
(Translation)

Ministerio de Relaciones Exteriores, (1981), Arbitramiento sobre los Límites entre Venezuela y la Guayana Británica: alegato y contra-alegato, Colección "fronteras" 6, Caracas, pp. 187-189.

Available at: https://kamuru.mppre.gob.ve/index.php/s/XSLfiiQbn2mtAF4

Mr. Pulido's Memorandum of the 24th ultimo has received the careful consideration of Her Majesty's Government, who have been desirous of examining in the most friendly and impartial spirit any proposals which the Venezuelan Government may wish to offer for the resumption of diplomatic relations and the settlement of pending differences.

In Mr. Pulido's opinion the only matter which presents real difficulties is the question of the frontier between Venezuela and British Guiana, upon which he states that the public opinion in Venezuela is greatly excited. He thinks that it is materially impossible to settle this question in a short time, but as a step towards its final solution he proposes a preliminary agreement to the following effect:

Venezuela to recognize the title of British Guiana to the exclusive possession of the River Essequibo, with its banks and the lands covering it, while Her Majesty's Government would similarly recognize the title of Venezuela to the exclusive possession of the River Orinoco, its banks, and the lands covering it. A Mixed Commission of Engineers appointed by the two Governments to survey in the course of a year, the country to the west and northwest of the Essequibo River and the two Governments then to proceed, with the information thus obtained, to lay down a frontier between their respective territories, giving the preference to a natural boundary. In case of their being unable to agree on a line, the decision of the boundary to be referred to two arbitrators to be appointed one by each Government, and if they should disagree, to a third arbitrator to be chosen by the other two. Pending these discussions, both Governments to withdraw all posts and signs of presumptive possession or dominion from the territory in dispute.

Her Majesty's Government regret that this proposal is not such as they would feel justified in accepting.

The proposed declaration, if it be correctly understood, would recognize the right of Great Britain to the main stream only of the Essequibo and the land immediately upon its banks, without including its tributaries, in exchange for a similar recognition of the right of Venezuela to the main stream of the Orinoco and the lands upon its banks and in the neighborhood of its mouth, including Point Barima and the adjacent district, while the whole intervening country

would remain subject to discussion and in last resort to arbitration. Such a transaction is clearly inadmissible. For in this manner Venezuela would maintain her full claim, surrendering nothing to which she can hope to show any legitimate title, while Great Britain would not only admit the discussion of claims upon the part of Venezuela, for which she has constantly maintained that there is no serious foundation, but would at once and unconditionally abandon a considerable portion of territory of which she is in actual occupation.

That territory, and by far the greater portion of the large tract of country which the Venezuelan Government seeks to put in question, accrued to the Netherlands under the Treaty of Munster of 1648 by right of previous occupation. It was constantly held and claimed by the States-General in succeeding years. It was publicly and effectively occupied by Great Britain during the wars at the close of the last century, and the formal transfer of the country so occupied was effected by the Treaty of Peace with the Netherlands of August 13th, 1814, and was in no way questioned by Spain in the conclusion of peace with her in the same year.

Her Majesty's Government would have no object in joining in such a survey, as is proposed by Mr. Pulido, of country which is already sufficiently well known to them and which has been scientifically surveyed by British Engineers. For many years past British administration has been familiar with the greater part of the districts watered by the Cuyuni and Massaruni Rivers. There is, therefore, already at the disposal of the two Governments ample information for the purpose of settling a general line of frontier, although the decision of any minor points of detail might be properly left to a mixed commission of delimitation.

Her Majesty's Government have indicated in previous statements the extent of the full territorial claim which they believe themselves entitled to make. They have also defined the line within which they consider the British title to be unquestionable. In offering that certain portions of their claim beyond that line should be submitted to arbitration they expressed their willingness to exclude from the proposed reference those valuable districts in the neighborhood of Guasipati, which although falling within their claim, have for some time been in Venezuelan occupation, and in regard to which an arbitral decision adverse to Venezuela might have caused her considerable embarrassment and would have involved heavy pecuniary claims on the part of Great Britain on account of revenue received in past years.

They regret to see that this offer on their part does not appear to have been appreciated or to have met with any response on the part of Venezuela. Her Majesty's Government would not object to receive for examination and possible discussion any suggestion for modification of their proposal in points where the Government of Venezuela consider that the interests of the Republic are seriously involved, but they are unable to depart from the general principle on which those proposals are based, or to accept an eventual reference to arbitration of a character so extensive as the method of procedure suggested by Mr. Pulido would not improbably involve.

Her Majesty's Government have more than once explained that they cannot consent to submit to arbitration what they regard as their indisputable title to districts in the possession of the British Colony.

Every fresh investigation tends only to enforce and enlarge that title, and to make it more incumbent on them to maintain it as an act of justice to the rights and interests of the Colony.

Annex 34

Notes sent to Mr. Saint John, 13 February 1890
(Translation)

Remarks in relation to the Pro Memoria that Sir. Th. Sanderson, by order of Lord Salisbury, has addressed to me in reference to the conditions that Her British Majesty's Government deem necessary for the satisfactory settlement of the pending questions between Venezuela and Great Britain.

I. Venezuela possesses titles, historical data, Spanish and English plans, and all kinds of precedents proving that Venezuelan Guiana extends as far as the Essequibo, the natural limit of British Guiana, and in regard to Point Barima, Her British Majesty's Government has acknowledged that said Point and its island are both Venezuelan territory and property; the Government of Venezuela cannot, therefore, accept, even in one single point, the arbitrary and capricious line made by Schomburgk in 1841, which Her Majesty's Government has declared as inefficient or null, neither is it possible for Venezuela to accept arbitration of any territory lying to the west of said line.

Venezuela, notwithstanding her unquestionable rights, has proposed and still proposes arbitration, embracing all the territory from the Essequibo and the evacuation of those districts invaded from the Pomaron to the Orinoco.

In regard to this, documents give evidence that the British Government had proposed through the Right Honorable Sir Andrew Clark, Lieutenant-General, and the Right Honorable Captain Lowther, to evacuate the invaded territory, and to submit the decision of this question to the arbitration of a friendly power, provided that the Government of Venezuela should declare the diplomatic relations between the two countries restored.

The Government of Venezuela acting upon this spirit, has been pleased to appoint a confidential agent to negotiate a preliminary agreement restoring the diplomatic relations with Her British Majesty's Government. Therefore, the Venezuelan Government has been grieved to see that the conditions demanded by Lord Salisbury, in the Pro Memoria, to which reference is made, are more unfavorable to Venezuela, whose President, Doctor Rojas Paúl, desires peace and seeks the relations of Great Britain, that the propositions made to the former confidential agent who, when he was President of Venezuela in 1887, severed the diplomatic relations with Great Britain, whom, it appears, has cause of complaint against the magistrate who acted as stated.

The present Government of Venezuela, a constitutional, prudent, and pacific Government which has given no cause of complaint to Great Britain, but, on the contrary, is desirous of renewing the diplomatic relations with Her British Majesty, was in hopes that the conditions imposed by Her British Majesty's Government with this object would be less severe for Venezuela than those formerly demanded of the Government representative, who in 1887, interrupted the diplomatic relations with Her British Majesty's Government, and of whom Her British Majesty's Government may have cause of complaint.

It therefore becomes necessary to repeat that the present Pro Memoria of Lord Salisbury is much more unfavorable to Venezuela than the propositions made to my predecessor by the Right Honorable Gentlemen, Clark and Lowther.

II. On the matter of the differential duty collected on the imports made from the English Colonies, as well as from the Colonies of other nations, the fact may be brought to mind that Venezuela has constantly and for years complained against the protection given by the authorities in Demerara to the introduction into Venezuela of smuggled merchandise. But in no case can this differential duty be construed as a violation of article 4 of the Treaty of Commerce of 1825.

This difficultv could be completely settled in the new Treaty of Commerce to be agreed upon between Great Britain and Venezuela, because taking into consideration the progress made in the world by civilization and commerce and the increase of transactions of all kinds between the two countries, Great Britain and Venezuela, the treaty of 1825 could be considered as having fallen into caducity.

III. The manner to settle the claims of each of the two nations, Great Britain and Venezuela, against each other, presents no difficulty, as Great Britain, who may be considered as one of the nation's founders of the universal principles of modern laws of nations, could have no difficulty in applying them to Venezuela in order to stipulate, as other nations have done already, that said claims be made in accordance with the principles of the law of nations, which principles are well known at present in the civilized world.

With the highest respect and reiterating the wishes that the diplomatic relations between Great Britain and Venezuela be reestablished, these remarks are presented on Pro Memoria transmitted by Sir Thomas Sanderson by order of Lord Salisbury, for the renewal of the diplomatic relations between the two mentioned nations.

It is to be hoped that the Government of Her British Majesty, guided by her own sentiments of justice, should modify the conditions of the Pro Memoria, so that they be compatible with the sovereignty and the rights of Venezuela, with the respect due to enlightened public opinion, and with the duties imposed by the desire to maintain the interior peace of the Republic and her pleasant relations with the Government of Her British Majesty.

Paris, February 13, 1890

Annex 35

Letter from Lord Rosebery to Dr. Michelena in response to the Pro-Memoria, 3 July 1893

(Venezuela-British Guiana boundary arbitration. The case of the United States of Venezuela before the Tribunal of arbitration to convene at Paris under the Provisions of the Treaty between the United States of Venezuela and Her Britannic Majesty Signed at Washington February 2, 1897, vol. 3, appendix parts 3, 4, 5, 6, 7 and 8. Annex n. 617, p. 287-289)

Available at: https://archive.org/details/venezuelabritis03venegoog/page/n304/mode/2up

No. 616.

claims the same territory as being the heir of Spain; both Governments being inspired by friendly intentions, and being desirous of putting an end to the differences which have arisen on this matter, and both Governments wishing to pay all deference to the titles alleged by either to prove its jurisdiction and proprietary rights over the territory in question, they agree and stipulate that as soon as official relations shall have been re-established between the two countries, and after the ratification of the present Preliminary Convention by both Governments, one or more Delegates shall be named by each Party with full power to conclude a Frontier Treaty founded on a conscientious and complete examination by the said Delegates of the documents, titles, and data supporting the claims of either Party, it being agreed that the decision of doubtful points and the laying down of a frontier on the line of which the Delegates may be unable to agree shall be submitted to the final decision, from which there shall be no appeal, of a Judicial Arbiter, to be appointed, should the case arise, by common agreement between the two Governments.

* * * * * * *

4. It shall be recorded in the Preliminary Convention that both Her Britannic Majesty's Government and that of Venezuela acknowledge and declare that the *status quo* of the boundary question is that which existed in 1850, when Sir — Wilson, English Chargé d'Affaires at Carácas, formally declared, in the name of, and under express instructions from, Her Britannic Majesty's Government, that no portion of the territory in dispute should be occupied, and demanded and obtained a corresponding declaration from the Government of Venezuela. The *status quo* shall be maintained pending the conclusion of the Frontier Treaty mentioned in 1.

5. The Convention drawn on the bases now proposed will be signed by the Confidential Agent of Venezuela in virtue of the powers conferred on him, and by the person duly authorized thereto by Her Britannic Majesty's Government, and shall be immediately submitted to the direct ratification of both Governments; on the exchange of the ratifications, diplomatic relations between the two countries shall, *ipso facto*, be re-established.

No. 617.

Letter from Earl Rosebery to Tomás Michelena, Confidential Agent of Venezuela in Great Britain, with Inclosure, July 3, 1893.

[Reprinted from Blue Book, No. 1, pp. 431–433.]

Her Majesty's Government have carefully examined the proposals set forth in your *pro-memoriâ* of the 26th May for the settlement of the various questions which are at issue between the Government of Venezuela and that of Her Majesty.

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The most important of those questions, in the opinion of Her Majesty's Government, is that of the boundary between Venezuela and the Colony of British Guiana, and it will, I think, tend to simplify the discussion if in this note I confine myself to that point, and refrain from offering for the present any observations on the proposals contained in clauses 2, 3 and 5 of the *pro-memoriâ*. I must in the first place point out that, although the present proposal of the Venezuelan Government admits the possibility of settling the question of boundary by Treaty, the fact that it also involves reference to arbitration in case of difference between the Delegates of the two Governments charged with the negotiation of that Treaty practically reduces it to the form which has repeatedly been declined by Her Majesty's Government, viz., the reference to arbitration of a claim advanced by Venezuela to a great portion of a long-established British Colony.

Her Majesty's Government therefore consider that clause 1 of the *pro-memoriâ* can only be accepted by them under the conditions specified in the Memorandum communicated in Sir T. Sanderson's note to Señor Urbaneja of the 19th March, 1890. They would propose that the first clause of your *pro-memoriâ* should be amended in the manner indicated by the additions marked in red ink in the copy inclosed herewith.

With regard to clause 4 of the *pro-memoriâ*, in which it is proposed that both Her Majesty's Government and that of Venezuela shall acknowledge and declare that the *status quo* of the boundary question is that which existed in 1850, Her Majesty's Government consider that it is quite impossible that they should consent to revert to the *status quo* of 1850, and evacuate what has for some years constituted an integral portion of British Guiana. They regret, therefore, that they cannot entertain this proposition.

The Declaration made to the Venezulean Government in the year 1850 by Sir Belford Wilson, the British Chargé d'Affaires, was as follows: That "whilst on the one hand Great Britain had no intention to occupy or encroach on the disputed territory, it would not on the other hand view with indifference aggressions in that territory by Venezuela." The arrangement on this basis was disturbed by Venezuela on several successive occasions prior to any attempt on the part of Her Majesty's Government to exercise jurisdiction in the districts in question. In the same year (1850) in which the Declaration was made, the Venezuelan Government began to establish new positions to the east of Tumeremo, and in 1858 they founded the town of Nueva Providencia, on the south side of the River Yuruari. Again, in 1876, licences were granted by the Government of Venezuela to trade and cut wood in the district of Barima, and to the eastward of that district. In 1881, the Venezuelan Government made a grant of great part of the disputed territory to General Pulgar, and in 1884 it made concessions to the Manoa Company and others, which were followed by actual attempts to settle the territory.

In contrast to this action, the attitude of the British Government was marked by great forbearance and a strong desire to execute the arrange-

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ment in good faith. In proof of this disposition, it may be instanced that when applied to in 1881 to grant a Concession in the disputed territory to certain applicants they distinctly declined to entertain the proposal, on the ground that negotiations were proceeding with Venezuela, and it was not until the encroachments of the Manoa Company began to interfere seriously with the peace and good order of the Colony that Her Majesty's Government decided that an effective occupation of the territory could no longer be deferred, and steps were taken for publicly asserting what they believe to be the incontestable rights of Great Britain.

Those rights they are unable now to abandon, and they could not consent that any *status quo* except that now existing should remain in force during the progress of the negotiations.

I shall be glad to learn that you are able to accept these modifications of your proposals, as it would be a subject of sincere satisfaction to Her Majesty's Government to find that there is a prospect of a speedy re-establishment of diplomatic relations between the two countries.

[Inclosure, in above letter.]

Amended Article 1.

[Whereas] The Government of Great Britain claims certain territory in Guayana as successor in title of the Netherlands and [by right of conquest as against Spain, and whereas] the Government of Venezuela claims the same territory as being the heir of Spain; both Governments being inspired by friendly intentions, and being desirous of putting an end to the differences which have arisen on this matter, and both Governments wishing to pay all deference to the titles alleged by either to prove its jurisdiction and proprietary rights over the territory in question, they agree and stipulate that, as soon as official relations shall have been re-established between the two countries, and after the ratification of the present preliminary Convention by both Governments, one or more Delegates shall be named by each party with full power to conclude a frontier Treaty founded on a conscientious and complete examination of the said Delegates of the documents, titles, and passed events supporting the claims of either party, it being agreed [that the said territory in dispute lies to the west of the line laid down in the Map communicated to the Government of Venezuela on the 19th March, 1890, and to the east of a line to be marked on the same Map running from the source of the River Cumano down that stream and up the Aima, and so along the Sierra Usapamo and] that the decision of doubtful points and the laying down of a frontier on the line of which the Delegates may be unable to agree shall be submitted to the final decision, from which there shall be no appeal, of a Judicial Arbiter, to be appointed, should the case arise, by common agreement between the two Governments.

Annex 36

Letter from Dr. Michelena to Lord Rosebery, 31 July 1893

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available at: https://www.loc.gov/item/04010002/

that stream and up the Aima and so along the Sierra Usapamo,[a] and that the decision of doubtful points and the laying down of a frontier on the line of which the Delegates may be unable to agree shall be submitted to the final descision, from which there shall be no appeal, of a Judicial Arbitrator, to be appointed, should the case arise, by common agreement between the two Governments.

July 3, 1893.

Dr. Michelena to Lord Rosebery.

[Translation.]

CONFIDENTIAL AGENCY OF VENEZUELA IN GREAT BRITAIN.

LONDON, July 31, 1893.

My Lord:

After duly considering the statements in your Excellency's communication of the 31st instant made in reply to the proposed basis of agreement submitted by me on the 26th of May last, the Confidential Agent of the Republic of Venezuela, sufficiently authorized thereto, begs to offer some remarks suggested by the conclusive declarations in that communication, and to reply to that part of it which bears the character of charges against the conduct of Venezuela, in the question of limits between the Colony of Demerara and the territory of the Republic.

Your Excellency commences by declaring "that the most important of the questions pending between Great Britain and Venezuela is, in the opinion of Her Britannic Majesty's Government, that of boundary between both countries." In order to simplify the discussion, your Excellency refers, in the aforesaid note, solely to said question, refraining for the present from making any remarks upon the propositions contained in clauses 2, 3, and 5 of the memorandum of 26th of May last.

[a] The words in italics are written in red ink in the original MS., and constitute the modification referred to by Lord Rosebery.

This declaration would seem to imply that in case that the remarks referring to boundary could be admitted, the other clauses mentioned would be left unconsidered. Since, however, those referring to limits so completely destroy the basis of the agreement, it really seems useless to consider the character and tendency of said clauses. In this manner the discussion is not made easy, but on the contrary tends to break it off entirely.

It was with friendly intention and a sincere desire to arrive at an amicable settlement of all the points in controversy, that the undersigned, seeking the mutual convenience of both countries, put aside the discussion of abstract rights over territories. He sought to avoid the interminable form which has been hitherto adopted and followed up in the discussion of this matter. With this purpose in view, he was led to hope there might be a possibility of adjusting the question of boundary by means of a treaty involving reference to an arbitrator in case of differences and doubts arising in the minds of the Delegates appointed to mark out the frontier lines.

Your Excellency meets this proposition in the following terms: "The reference to arbitration of the claim advanced by Venezuela to a great portion of a long *established British Colony*," etc.

Your Excellency will permit me to express my surprise at such a statement. It is far from historical truth, and from the character of the controversy which has existed since 1841 until now. What Venezuela desires is a just and natural demarcation of frontiers, about which nothing definite has been hitherto settled by law; and, to that end, she asks that the titles of both parties be submitted to an arbitrator. As to the alleged rights of Great Britain, namely, that the disputed territory is an "integral part" of one of her Colonies, that has never been admitted by Venezuela. The mere fact that the Government of Great Britain may believe it has dominion over territories which, from times past, have been an integral part of the Republic of Venezuela (for which reason the latter disputes them with her), is not a sufficient reason to refuse the intervention

of a Juridical Arbiter, who should judge and decide, in conformity with the titles and antecedents, as to the rights of each nation over the territories situated north and west of the Moroco, Pomaron, and Essequibo rivers, and therefore, without arbitrary restrictions on account of the unjust claims of one of the parties. Venezuela might also, with equal reason, demand that the decision of the Arbitrator be restricted in a contrary direction. But she does not do this. She makes no restrictions whatever. She aks for nothing unjustly and retains no territory through arbitrary occupation. On the contrary, she proposes to submit her titles to an expert Juriscon-sult for examination, and engages to abide by the decision that may be given. That decision would legally determine what pertains to each country—to the one as the heir of Spain and to the other as the successor of the Netherlands.

The conditions made by Your Excellency in modification of the first clause specified in the Memorandum communicated by Sir Th. Sanderson's note to Señor Urbaneja on the 19th of March, 1890, cannot be admitted under any consideration, since they imply the recognition by Venezuela of the claims of Great Brtain over a large portion of territory which has for many years past been the subject of controversy, and is precisely the foundation of the contention regarding the legitimacy of the rights of each party. Nor can the determinate modification now submitted by the Earl of Rosebery be accepted for reasons already stated. His Lordship says: "I would propose that the first clause of your Memorandum be altered in the manner indicated by the additions in red ink in the copy which I inclose, which additions are as follows: *that the disputed territory is situated west of the line marked in the map sent to the Government of Venezuela on the 19th of March, 1890, aud east of a line which shall be marked in said map, starting from the sources of the Cumano River following the current of the same downwards and up the Aima along the Usupamo chain.* This proposed modification does nothing in fact but materially alter "the extreme claim" of Her Majesty's Government made by Sir Th. Sanderson on behalf of Lord Salisbury. It ex-

tends the capricious line drawn by the explorer Schomburgk all in absolute opposition to another demarcation proposed by the Earl of Rosebery himself in 1886, which reduced the "extreme claims" of Great Britain to much narrower limits.

Then the Foreign Office, considering the fourth clause of my Memorandum, goes on to impugn the idea of the *status quo* of 1850, declaring that "it is impossible for Her Majesty's Government to consent to revert to the *status quo* of 1850, and evacuate what has for some years constituted an integral part of British Guiana." Your Lordship regrets to be unable to accept said proposition. The undersigned also regrets it. For, by *returning* to that *modus vivendi*, Great Britain would have given a brilliant proof of her love of justice, of her respect for the fulfillment of an international agreement, and of her desire for conciliation in order to resume the political relations between both countries, and to bring all pending matters to a definite adjustment. Your Lordship alleges, in support of this lamentable decision, reasons that cannot be admitted. They are based upon what seems to me to be a legal sophism, and cannot be applied to a territory which was declared to be neutral in 1850. On considering, and in acknowledging the declaration made by Her Majesty's Government through Sir Belford Wilson, British Chargé d'Affaires at Caracas, Your Excellency adds, "that the arrangement on that basis was disturbed by Venezuela on several successive occasions, prior to any attempt on the part of Her Majesty's Government to exercise jurisdiction in the districts in question; that in the same year 1850 in which the declaration was made, the Venezuelan Government began to establish new positions to the east of Taneremo, and in 1850 they founded the Town of Nueva Providencia on the south side of the River Yuruary; that again in 1876 licenses were granted by the Government of Venezuela to trade and cut wood in the District of Barima, and to the eastward of that District; that in 1881 the Venezuelan Government made a grant *of a great part of the disputed territory* to General Pulgar; and that in 1884 it made concessions to the Manoa Company and others," etc.

These antecedents are alleged as an excuse by the British Government for its occupancy of a large extent of territory, which Venezuela maintains to be hers, and in justification of its conduct during the latter years. An it now declares that said territory belongs to the Colony of Demerara, for which reason it cannot evacuate it, nor submit the titles of its rights to the judgment and decision of a judicial arbiter.

What then was the territory that was declared to be neutral and in dispute by the convention of 1850? Was it perchance that which is inclosed within the capricious line drawn by the explorer, Schomburgk? Was it perchance that comprised within the arbitrary line drawn by the Marquis of Salisbury? Does it perchance comprehend quite all that is now called the British "*extreme claim*"? Most of those lines appeared much later. It is most natural to suppose that the one which was proposed by Lord Aberdeen in 1841 was the one contemplated by the agreement of nine years later. And this supposition is the more natural since, later on, in 1886, the Earl of Rosebery suggested another line, which differs from that of Lord Aberdeen only in that it advances somewhat further north. Neither the former nor the latter line comprise the Yuruary and its southern banks, where the city of Nueva Providencia was founded, nor the District of Barima, in which licenses were granted to trade in and cut wood as Your Excellency states. As to the concessions or privileges granted to General Pulgar and to the Manoa and other companies, they were of non-effect. Nor were they ever granted in other territories other than those belonging to the Republic. The rights of the Colony of Demerara were duly respected; consequently, the neutrality agreed upon in 1850 on a portion of lands over which Venezuela has refrained from exercising any jurisdiction.

Your Excellency says in an apparently conclusive manner, that *those rights*, that is, those which Great Britain claims to have over the territories she has occupied, both those corresponding to the *modus vivendi* of 1850 and the others north and west of said portion, *cannot be abandoned*, and that Her

Britannic Majesty's Government will not consent that any other *status quo* than the one now existing shall remain in force during the course of negotiations.

I must believe that the theory that consummated facts have the strength of law cannot be applied to diplomatic negotiations designed to bring about a cordial and friendly settlement between two nations that have been bound to each other by the ties of friendship and community of commercial interests. That theory cannot prevail. It cannot be imposed when the object is to avoid serious dangers in the future; when the aim is to perfect and guarantee the important financial interests which Great Britain has in Venezuela, and when the mercantile affairs between both countries being nearly at a standstill, it is sought to be replaced on the same satisfactory footing on which they were some years ago, and thus to avoid serious conflicts which the prolongation of the present state of the political relations between both countries may bring about. Aside from the fact that the political institutions of Venezuela absolutely prohibit her Governments from consenting to a tacit recognition by means of treaties the rights of other nations over territories considered as integral parts of her own, such action would not be in conformity with international law and precedent. Nor would it conform to the dignity of both nations, which is at stake. It would dishonor Venezuela by giving way to imposition, and it would dishonor Great Britain by unjustly imposing herself merely because she is the stronger power.

In view of the above reasons, the undersigned takes the liberty of once more requesting Your Excellency to agree to a settlement upon bases so just and liberal as to admit of no refusal. Inspired by this desire, I again beg to urge the consideration of the bases for a preliminary agreement, that will preclude any discussion of the adverse claims of territorial rights, leaving that important matter entirely to the decision of a judicial arbitrator, in case the Commission of Delegates should not be able to agree upon all points in settling a frontier line.

The undersigned therefore ventures to hope that the Secre-

tary of State will modify his idea in conformity with the declarations made before Parliament by Mr. Gladstone in behalf of Her Majesty's Government in regard to arbitration, and in such a manner as to definitely adjust the questions pending with Venezuela, to which end Your Excellency may assuredly count upon the good will and co-operation of the undersigned.

I am with feelings of highest consideration, your Excellency's most obedient servant, TOMÁS MICHELENA,

Previtali Hotel, Arundel St., Piccadilly Circus.

To the Right Honorable the Earl of Rosebery, Secretary of State, etc.

Dr. Rojas to Dr. Michelena.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS, No. 1039,

CARACAS, August 4, 1893.

Sir:

The newspapers of the British Colonies, notably of the Island of Trinidad, have during the last few days spoken of new acts of jurisdiction on the part of the authorities of Demerara over the territories in Guiana which Venezuela looks upon as comprised within her limits. This occurs at a moment when the Republic, acting upon its desire to adjust, in a manner conformable to the laws of international decorum, the difficulties which separate her from Great Britain, has sent to London an agent who is instructed to arrange with the Foreign Office the means of re-establishing political relations between both countries. The Executive has therefore learned with great surprise of the statements made by some of the organs of the Colonial press, and deems it convenient that you should call the attention of Her British Majesty's Secretary of State to these facts.

The *Port of Spain Gazette* of the 25th of July, after speaking of the excellent conditions of what the English now call the "Northwestern District," which extends as far as the mouth of the Orinoco, and the proprietorship of which Venc-

Annex 37

Letter from Dr. Rojas to Dr. Michelena, 4 August 1893

Letter from Dr. Michelena to Dr. Rojas, 30 August 1893

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available at: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

OF THE

DISCUSSION BETWEEN VENEZUELA AND GREAT BRITAIN

ON THEIR

GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

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The *Port of Spain Gazette* of the 25th of July, after speaking of the excellent conditions of what the English now call the "Northwestern District," which extends as far as the mouth of the Orinoco, and the proprietorship of which Vene-

zuela has always claimed and maintained with legal arguments since the time of Lord Aberdeen, announces vast prospects of exploitation on said territory, to be carried out with capitals and by companies from the colony. It is therein said that a sloop was fitted out a short time ago under the direction of Dr. Chittenden, Secretary of the Board of Agriculture of Trinidad, with the object of conveying twenty-nine expeditions to Upper Barima, and of hastening the work of the Dixon Company.

Acts of this nature, which are altogether in opposition to the success of the negotiations that have been commenced neither can nor must be ignored. It is therefore absolutely necessary that the government of Great Britain should know the feelings with which the Executive of Venezuela regards the tendency of the Colony of Demerara to impede by such acts the understanding which is solicited for the settlement of the pending question.

I am your obedient servant, P. EZEQUIEL ROJAS.

To Señor Tomás Michelena, Confidential Agent of Venezuela in Great Britain, London.

Dr. Michelena to Dr. Rojas.

[Translation.]

CONFIDENTIAL AGENCY OF VENEZUELA IN GREAT BRITAIN,
PARIS, August 30, 1893.

Number 28.

Sir:

I have the honor to acknowledge receipt of your dispatch dated the 4th of the current month, No. 1039, referring to new acts of jurisdiction on the part of the Authorities of Demerara on territory of Venezuelan Guiana, which are altogether in opposition to the success of the negotiations which have been commenced with Her British Majesty's Government, for which reason the Government of Venezuela considers it absolutely necessary that that of Great Britain should be in-

formed of the feelings with which the Executive of the Republic regards the tendency of the Colony of Demerara to impede by such acts the negotiation for the settlement of the pending question.

I have addressed a communication to the Earl of Rosebery in which I have transcribed the dispatch above referred to, and should I receive a reply from said Official, I shall hasten to communicate it to your Department.

I am your obedient servant,

TOMÁS MICHELENA.

To Dr. Pedro Ezequiel Rojas, Secretary for Foreign Affairs, Caracas.

Lord Rosebery to Dr. Michelena.

[Copy.]

FOREIGN RELATIONS, September 12th, 1893.

Sir:

Her Majesty's Government have carefully examined the arguments contained in your note of the 31st of last July, concerning the settlement of the boundary question between the Republic of Venezuela and the Colony of British Guiana.

I regret to inform you that it does not appear to Her Majesty's Government that the contents of your note open the way to any agreement that they can accept concerning this question.

They are still desirous, however, to come to an understanding in regard to the frontier between the possessions of the two countries, and they are disposed to give their best attention to any practicable proposals that might be offered then to that effect.

I have the honor to be, Sir, your most obedient humble servant,

ROSEBERY.

Señor Michelena, etc., etc., etc.

Annex 38

Letter from Dr. Michelena to Lord Rosebery, 29 September 1893

Letter from Dr. Michelena to Lord Rosebery, 6 October 1893

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available at: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

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ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

Same to Same.

[Copy.]

FOREIGN OFFICE, September 22d, 1893.

Sir:

With reference to my note of the 2d instant, I have the honor to inform you that Her Majesty's Government have given their careful attention to the representations contained in your note of the 26th ultimo, complaining of acts on the part of the authorities of British Guiana which are considered by the Venezuelan Minister for Foreign Affairs to be in contravention of the rights of Venezuela.

Her Majesty's Government are desirous of showing all proper respect for the recognized rights of Venezuela, but the acts of jurisdiction to which you refer in your note do not appear to them to constitute any infraction of or encroachment upon those rights. They are in fact no more than part of the necessary administration of a territory which Her Majesty's Government consider to be indisputably a portion of the Colony of British Guiana and to which, as it has been their duty to state more than once, they can admit no claim on the part of Venezuela.

I have the honor to be, Sir, your most obedient humble servant,

ROSEBERY.

Señor Michelena.

Dr. Michelena to Lord Rosebery.

[Translation.]

HOTEL DE BADE, BOULEVARD DES ITALIENS,
PARIS, September 29th, 1893.

My Lord:

I have had the honor to receive Your Excellency's note of the 12th inst., in which I am informed that Her Britannic Majesty's Government, after carefully considering the contents of my note of the 31st of July last proposing adjustment of

the boundary question between Venezuela and British Guiana, regrets that said note does not offer any basis of agreement that can be accepted. Your Excellency closes by stating, however, that Her Britannic Majesty's Government still desire to come to a friendly settlement of the question of boundary, and are disposed to take into consideration any practicable proposition looking to that end.

The terms in which Your Excellency has been pleased to reply to my note of July 31st ult., weaken, if indeed they do not wholly destroy, the confidence which the closing words might otherwise inspire. Your Excellency totally disregards the proposal made in my note of the 26th May last, and reiterated and simplified in my note of July 31st, to submit the whole question of boundary to a Commission of Delegates duly empowered to trace a boundary line between the British Colony of Guiana and the Republic of Venezuela; and, as a last resource, to submit to the decision of *arbiters juris* any differences that said Delegates might not be able to settle between themselves. Not only this; Her Majesty's Government ignores the reasons presented in support of the most just refusal by the Venezuelan Government to accept as indisputable the line proposed in Your Excellency's note of July 3d last, and which embraces a vast extent of territory beyond the limits of that hitherto in dispute, and which Venezuela maintains is hers by indisputable title. Nevertheless, Her Britannic Majesty's Government still professes a desire to come to a friendly settlement of the question of the boundaries, and says it is disposed to take into consideration "any practicable proposition" leading to this object.

It was faith in this same promise, made by Your Excellency's predecessor to Doctor Lucio Pulido, former Agent of the Venezuelan Government, and the well founded hope that the present British Cabinet, and that Your Excellency in particular, who had conducted the negotiations in 1886 in a more conciliatory spirit than that shown by Lord Salisbury, would receive without restrictions, and in lieu of a most indecorous and unjustifiable submission on the part of the Government of Venezuela,

the propositions for an adjustment based upon a conscientious study of the question by persons fully authorized by each Government with powers to fix the boundary line in accordance with the titles produced by each party to the dispute; and that, in an extreme case, whatever said Commission could not solve by mutual agreement, should be submitted to the final decision of a Tribunal of *arbiters juris*. It was, I repeat, with this hope that the Government of Venezuela hastened to renew the negotiations which were interrupted in 1890, and entrusted to me the commission of continuing them, presenting as I have already done to Your Excellency, the propositions with which Your Excellency is already acquainted. This hope was strengthened by Your Excellency's reply to the London Chamber of Commerce, and to an Association for Peace and Arbitration which asked for a settlement of the Venezuelan question.

The proposal to which I referred in my note of the 26th May last to Your Excellency is the only one by which the historical truth and legitimate rights of both parties can be made clear; the only one which promises a solution without humiliation to either party; the only one that would respect the contentions and equities of both; and is the more worthy to be entertained in that it would quiet fears that the stronger power might impose upon the rights of the weaker. It is the only procedure which can be held to be an easy and practicable solution of this long-standing and vexed question. The numerous plans for settlement hitherto proposed had given rise to radical disagreements, and the great diversity of frontier lines, more and more advantageous to Venezuela which had been proposed at various times by the Government of Her Britannic Majesty, had already given just cause for the remark by an eminent statesman, Secretary of Foreign Affairs of the Republic of the United States, in 1888, in an official note to the Minister Plenipotentiary of the same Republic in London, that "if indeed it should appear that there is no fixed limit to the British boundary claim, their good disposition to aid in a

settlement might not only be defeated, but be obliged to give place to a feeling of great concern."

This controversy, which has so unfortunately interrupted the long-established and cordial diplomatic relations between Great Britain and Venezuela, and upon which all the Governments of America have already formed an opinion by reason of the widespread publication of all its incidents, has caused the Government of Venezuela to receive the offers of several of those Cabinets to bring their friendly influence to bear upon the Government of Her Britannic Majesty in order to arrive at a decorous settlement; circumstances which have produced a profound conviction that, should Venezuela confide without any restriction, its final solution to the efficacy of the arbitration recognized by all civilized nations and recently proclaimed by the Prime Secretary, Mr. Gladstone, in a solemn and highly applauded speech before Parliament, there could exist no doubt of her desire to arrange the condition of affairs lately created by acts which otherwise can result in nothing but disorder, contention, and violence.

Although the brevity of Your Excellency's note contrasts strongly with the length of the present one, I am compelled to be lengthy on account of the necessity of demonstrating, as far as possible, that the refusal of Her Britannic Majesty's Government to consider acceptable and practicable the proposition to submit the question of limits to a Commission of Delegates and, as a last resource, to the judgment of *arbiters juris*, without restrictions, would entirely frustrate the desire, which Your Excellency assures me is cherished by Her Britannic Majesty's Government to arrive at an amicable settlement, and to consider any practicable proposition to that end. I must be allowed to say that the rejection of the offer made, and the last declared purpose to consider any practicable proposition for a settlement, seem to me to be wholly incompatible. Permit me to briefly review the divers phases which have been successively presented in this question of limits, in order that the pretensions that have been made known by Her Britannic Majesty's Government in these later years, with reference to

the limits of the Colony of British Guiana, may be clearly understood. They are so divergent from those manifested in the first few years of this question, that should the Government of Venezuela now submit unconditionally to them, as Her British Majesty's Government wishes, far from being an amicable settlement between the two countries, they would simply convert the Venezuelan Nation into a country still subject to conquest.

The first frontier line proposed by Lord Aberdeen dates from 1841, at which period Doctor Alejo Fortique came to London as Minister from Venezuela. The frontier line then proposed by Great Britain commenced on the borders of the river Moroco, and extended into the interior of the territory which Venezuela considers as hers. It left as British possessions all the river Cuyuni on its left bank. The premature death of Doctor Fortique interrupted these negotiations, which doubtless would have been concluded in a manner satisfactory to both Governments, since that of Her Britannic Majesty gave hopes of reducing the limits of the claims, and the Government of Venezuela, with the approval of the Council of Government, proposed an intermediate line.

As a result of these negotiations, the Government of Her Britannic Majesty in 1850, at the solicitation of the Government of Venezuela, and through the medium of Sir Belford Wilson, at that time British Chargé d'Affaires in Caracas, made a solemn and official declaration that both countries should hold as entirely neutral the belt of land in dispute until the conclusion of a definite treaty of boundaries. Now this belt was none other than that comprised within the line proposed by the Earl of Aberdeen, which line commenced on the banks of the river Moroco, and extended into the interior, following the left bank of the Cuyuni, and that contended for by Venezuela, namely, the banks of the Essequibo river.

That declaration, made at the instance of Venezuela, was caused by certain arbitrary acts of the engineer R. Schomburgk, who, as an explorer, penetrated into the interior of Venezuela and there planted posts and put up marks following

an entirely new line according to his pleasure, which posts and marks Her Britannic Majesty'a Government ordered to be removed on the express solicitations of Doctor Fortique as Minister of Venezuela, the British Foreign Office declaring that such posts and marks did not mean *rights* but only *aspirations*. This "Schomburgk line," so appropriately named by the English Government, has nevertheless now come to be the "war horse" of the Foreign Office. It no longer includes lands "aspired" to, but territory claimed and occupied as a "*right*"; and it is now gravely contended that this *de facto* occupancy and extended claim should be recognized by Venezuela as a legitimate title of possession, first, in virtue of the fact that it is within the line of dispute, and second, by reason of the *ex parte* Decree of October, 1886, by British authority.

In a note dated September 15, 1881, Lord Granville proposed to Señor José Maria Rojas, then Minister of Venezuela to Her Britannic Majesty's Government, a dividing line which should start from the coast at 29 miles longitude east of the left bank of the river Barima, and unite, in the interior, with that proposed by the Earl of Aberdeen, both extending to the river Cuyuni on its left bank. Dr. Rojas had proposed that the border line should begin from the coast, one mile north of the mouth of the Moroco (the nearest point of departure to the line of Lord Aberdeen), and that from said point should be traced one meridian of latitude to the point of crossing with 60° Greenwich longitude, and that from there the frontier should continue southward by said meridian to the confines of both territories.

Five years later Your Excellency, being then, as now, in charge of the Prime Secretaryship of Foreign Affairs, proposed that it should be considered as disputed territory all situated between the line proposed by Señor Rojas on the 21st of February of 1881, and that proposed by Lord Granville on the 15th of September of the same year, both lines being specified as above, and that *a dividing line should be traced within the limits of this territory, either by arbitration or by a Mixed Commission, in order to divide it equally between both parties, taking into due con-*

sideration its natural limits. Your Excellency added that your Government *gave special importance to the possession of the river Guaima and cherished the desire to stipulate that* the line should start from the seacoast to the west of said river, offering to make "due compensation" in some other part of *the disputed territory on account of this departure from the principle of equality in the division.* Your Excellency also offered to consider in connection with the limits the surrender to Venezuela of the Island of Patos, asking, at the same time, for complete freedom of commerce and navigation on the Orinoco.

I feel it my duty, on this occasion, to dwell particularly upon the significance of these bases of settlement proposed by Your Excellency in 1886, since they vary so widely from the position which Her Britannic Majesty's Government now assumes, when so important a subject as the re-establishment of friendly relations between the two countries is up for discussion.

By these proposals of settlement Your Excellency limited the extreme pretension of Lord Granville, offering to divide the disputed territory in half, with all due regard to its natural limits. Moreover, Your Excellency suggested the appointment of a Mixed Commission (or of an Arbitration) to determine the frontier line; thus recognizing the undeniable efficacy of that method of adjustment of all questions of boundary. Your Excellency presented as *an aspiration* of Her Britannic Majesty's Government, *as a most important desire,* that it should be stipulated that the line start from the seacoast towards the west of the river Guaima, promising to make due compensation in the disputed district for this deviation from the principle of equality. Your Excellency will perceive how very widely these proposed bases of settlement vary from the unconditional and extreme proposition now made in Your Excellency's note of the 3d of July last. In the note last named it is pretended that Venezuela should accept "as indisputable" the capricious "Schomburgk line," excluding from arbitration all the territory within that line, and which Great Britain claimed not as a right, but only as a matter of *convenience* in the discussion of boundary. That territory is now claimed as a right, and

British jurisdiction extended to and over the rivers Cuyuni and Barima, Point Barima, and over the territories adjacent to said streams, from their source to their debouchure into the great mouth of the Orinoco. This means that Venezuela should give up an area of her territory far larger than that marked out by Lord Aberdeen in 1841, and larger than that proposed by Lord Granville in 1881; twice as large as that proposed by Your Excellency yourself in 1886, and still more important than the one desired by Sir Th. Sanderson in conference with Dr. Lucio Pulido on July 31, 1890, when he promised that England would abandon her pretensions to the mouth of the Orinoco, and agree to fix a limit on that side "by means of a line, which, starting from Point Mocomoco, between Point Barima and the river Guaima, should reach the river Amacuro on the southwest."

Your Excellency repeats in the note of July 3d last, in answer to the proposals of settlement presented by me with memorandum of May 26th, the demand that Venezuela recognize, as indisputable, the line proposed by Sir Th. Sanderson, in his note of March 19, 1890, addressed to Doctor Modesto Urbaneja, which was enclosed with a map, in which the course of said line was seen, and which far overreaches the original "Schomburgk line," not to mention its excess of the two lines proposed by Lords Aberdeen and Granville. Your Excellency consents only to the arbitration of that portion of territory which lies on the left bank of the river Cuyuni up to the point where that stream intersects the "Schomburgk line," near the debouchure of the Acarabisi. That is to say, arbitration is consented for in regard to territory which at no former time has been a matter of dispute, and which the Republic of Venezuela has quietly and peacefully held in possession since the time of its Independence; a possession founded upon indisputable and hitherto undisputed historical and juridical titles.

Your Excellency can hardly fail to perceive the insurmountable difficulties presented by these various frontier lines claimed or proposed by Her Britannic Majesty's Government in 1841, 1881, 1886, 1890, and at the present time; and likewise

the unvarying tendency shown to extend the limits of the Colony of British Guiana at the expense of the Venezuelan territory, and the manifest discordance which the propositions of Your Excellency in 1886 show, with the present request that Venezuela accept, without any compensation whatsoever, the enlarged "Schomburgk line," which dispossesses her, not only of the river Guaima (an *important desire* of the Foreign Office in 1886), but also deprives the Republic of the river Barima and the cape of that name, together with its adjacent territories.

The question naturally suggests itself: What is the nature of the titles and of the documents upon which the present enlarged and extended British claim is supposed to rest; a claim so diverse and elastic, and so foreign to antecedents, to unity and precision? If any titles at all exist, and they be as conclusive as the British Foreign Office now assumes them to be, why not submit them to examination by an impartial tribunal? Could any solution of the controversy be more "practical?" Could any be found more in accordance with justice and the practice of civilized nations? This is all that Venezuela asks. She is willing to confide her case to the judgment of a Mixed Commission, or to a tribunal of arbitration, to abide their decision, and thus end a vexatious controversy of fifty years' standing.

The only document quoted by Sir Th. Sanderson, in his reply to the Memorandum sent by Doctor Lucio Pulido in 1890 to the Foreign Office, was the treaty of Münster of 1648, according to which Sir Th. Sanderson maintains that the territory in dispute belonged to Holland by right of previous occupation; that its occupation by Great Britain during the wars at the close of the Eighteenth Century was publicly and effectively made, and that the formal transfer of the country thus occupied took place by the Treaty of Peace with the Netherlands on the 13th of August, 1814, and was not disputed by Spain on signing the Treaty of Peace with her in the same year. Sir Th. Sanderson omitted to say that the Treaty of Münster did not specify the territory recognized by Spain as belonging to the Dutch; that the Spaniards remained in possession of all the land which extends from the Orinoco to the Essequibo, in the

vicinity of which they had established missions, as well as posts on the Cuyuni; that Spain's efforts were unceasing to drive the Dutch away from the Orinoco, which latter people were forbidden by the Treaty of Münster to even communicate with the Spanish settlements, and that the English, when they took the Dutch Colonies by force were also subject to the same prohibition; that all the hostile acts committed by the Dutch, or by the Dutch and English together, or by these latter alone, in open opposition to said Treaty and not ultimately made lawful by the consent of Spain, constitute no title whatever to dominion; that the treaty of the 13th of August, 1814, by which the Netherlands ceded to England the "settlements of Essequibo, Berbice, and Demerara," merely designated them by their names without expressing the limits of any one of them.

In the history of the Colonies of Essequibo, Demerara and Berbice, published in 1888 by the Dutch Captain, P. N. Nestcher, compiled from documents in the official archives of his own country, it can be seen that, in his opinion, the dividing line traced in one of his maps, commences from the Moroco and follows a southwesterly course to the crossing of the Cuyuni, and thence descending directly south as far as the Sierras of Roraima and Pacaraima. Moreover, the only document which gives direct information of the limits between the Spanish Colonies and those of Dutch Guiana, namely the Treaty for the Extradition of fugitive slaves and deserters in 1791, locates the Spanish Colonies at the Orinoco and the Dutch at the Essequibo, Demerara, Berbice and Surinam. Consequently Spain did not believe that the Dutch had any possession whatsoever at the north or at the northwest of the Essequibo. The Treaty with Great Britain in 1814 (not of peace, as Sir Th. Sanderson says, but of Alliance, since peace existed between them since 1802 and their forces acted jointly in the Spanish Peninsula to repel the French invasion) would have had no motive for complaint on account of the greater extension given to Holland's settlements with consequent detriment to those of Spain. Lastly, Sir Th. Sanderson omitted to state that the English Government, in the list they published in 1877 of their British Colonies, carried the frontier of

Guiana almost to the south of the mouth of the Amacuro as far as the junction of the rivers Cotinga and Takutu, and that in the list published in 1887 it makes the line follow an extensive turn towardthe south following the Yuruary.

From what has been stated it will be perceived that, throughout the whole period of this controversy, Great Britain has never once produced any historical or other lawful title to show with any degree of certainty the true and legitimate origin of any one of the many lines which she pretends that Venezuela ought to accept as "indisputable." Lacking these lawful titles, and violating all that was stipulated and promised by Sir Bedford Wilson in 1850, to wit, that both countries should hold as neutral the then disputed territory until the conclusion of a Definite Treaty of boundary, Great Britain has proceeded to occupy *de facto* the area comprised within the "Schomburgk line" which was once formally disclaimed by the British Government.

In contrast with these pretensions, and with proceedings so little conducive to the maintenance of harmony between the two countries, Venezuela, in order to arrive at a just and honorable final settlement of the question in dispute, proposes to submit to the verdict of a Commission of persons duly authorized by both parties, who shall analyze all antecedents, examine all titles, scrutinize all historical documents and vouchers, and sift all evidence upon which each country predicates its claim, and thence fix a corresponding boundary line—the Commissioners submitting to the decision of *arbiters juris* all questions on which they may not be able to agree.

It cannot but be recognized, therefore, that the conduct of Venezuela's Government offers the most palpable proof of its love of justice and of its earnest desire to do its part, as far as may be compatible with its legal obligations, to preserve and defend its territory, to bring about a settlement, and the restoration of diplomatic relations.

Greater proofs of intelligent comprehension of the question, greater independence and impartiality could not be desired than those of that High Tribunal of arbitration, whose decision shall be unappealable. How is it possible that Her Britannic

Majesty's Government can consider as impracticable or unacceptable an arbitral decision to settle the question of limits with Venezuela when other nations have had recourse to it in similar cases, and quite recently Great Britain herself in the case of the Behring Sea controversy with the Republic of the United States?

It is with the sincerest regret that I shall inform my Government of the contents of Your Excellency's note of the 12th inst., in which the propositions formulated by me have been ignored; propositions made in fulfillment of my instructions, and inspired by an earnest desire to bring to a decorous and lawful termination this so long-standing question of boundaries, and by such means arrive at the re-establishment of the diplomatic relations between both countries.

It only remains, however, for me to most solemnly declare in the name of my Government, that it is with deep regret that it finds itself compelled to leave the present situation (the outcome of the events that have taken place on the disputed territory during the last few years) subject to the grave disturbances which the *de facto* proceedings can hardly fail to give; and also to state that at no time will Venezuela consent that such proceedings be recognized as titles in support of an occupancy which is contrary to her rights to territorial jurisdiction.

I take advantage of this opportunity to renew to Your Excellency the sentiments of my highest consideration, and I have the pleasure to subscribe myself

Your Excellency's obedient servant,

TOMÁS MICHELENA.

To the Earl of Rosebery, Prime Secretary of Foreign Affairs of Her Britannic Majesty's Government, London.

Dr. Michelena to Lord Rosebery.

[Translation.]

CONFIDENTIAL AGENCY OF VENEZUELA IN GREAT BRITAIN.

PARIS, October 6th, 1893.

My Lord:

I have the honor to acknowledge the receipt of Your Ex-

cellency's communication of the 22d of September ulto., informing me that Her Britannic Majesty's Government, having taken into consideration the representations contained in my note of August last, voicing the complaint of the Venezuelan Government on account of certain acts performed by the authorities of British Guiana in violation of the territorial rights of the Republic, does not consider that the acts referred to in my note constitute a violation of the above mentioned rights, as in reality such acts, Your Lordship adds, are nothing but part of the necessary administration of a territory that the Government of Her Britannic Majesty considers unquestionably as a portion of the Colony of British Guiana, and upon which territory (as it has been the duty of Her Britannic Majesty's Government to declare more than once) no claim whatever could be admitted on the part of Venezuela.

I shall report Your Excellency's communication to my Government, which will doubtless cause a deep feeling of regret, since Her Majesty's Government ignores the legitimate rights Venezuela has to oppose certain acts of the authorities of the Colony of British Guiana, performed upon a territory Venezuela considers exclusively her own, which she has possessed perfectly and undisturbed until within a few years past, when the British Colony invaded them performing acts of jurisdiction which have given rise to repeated and energetic protests on the part of the Government of the Republic.

Her Britannic Majesty's Government will in vain consider this territory as an unquestionable portion of the Colony of British Guiana, when against such declaration stands as an incontestable testimony of which public opinion is fully aware the history of this boundary question for the last fifty years. This history plainly shows the questionable nature of the pretended rights of the Colony of British Guiana; and before the High Tribunal of public opinion one single stroke of the pen of Her Britannic Majesty's Government can never suffice to efface the verdict condemning acts of force as unduly performed as they are useless.

It is my duty to again protest most solemnly in the name of

the Venezuelan Government against the acts of the Colony of British Guiana which constitute an invasion upon the territory of the Republic; and I also protest against the declaration in Your Excellency's communication, that Her Britannic Majesty's Government consider that portion of the territory as forming part of British Guiana, and that no claim whatever from Venezuela upon the same can be admitted. In support of this protest, I hereby confirm all the arguments contained in my communication to Your Excellency bearing date of the 29th of September ultimo, and also all the facts presented by the Government of Venezuela in the several occasions in which it has been obliged to make this same protest.

I will close by casting upon Her Britannic Majesty's Government all the responsibility of the acts that may take place in the future, owing to the necessity in which Venezuela is placed to oppose by all possible means the spoliation of any portion of her territory, since the refusal to put an end to this violent situation by means of arbitration is a disavowal of all her rights that places her in the painful position which she is forced to assume to provide for the legitimate defense of her rights.

I have the honor to remain Your Lordship's obedient humble servant,

TOMÁS MICHELENA.

To His Lordship the Earl of Rosebery, Her Britannic Majesty's Secretary of State.

Annex 39

Memorandum relating to the Question of Limits between Venezuela and British Giuana, presented to the Honorable W. Q. Gresham, Secretary of State, by José Andrade, 31 March 1894

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available at: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

OF THE

DISCUSSION BETWEEN VENEZUELA AND GREAT BRITAIN

ON THEIR

GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

deavors to establish as a regular and ordinary means of preventing war.

Conformably to their custom of seeking and obtaining the help of the United States for the better adjustment of this same conflict, the Government of Venezuela have instructed me to ascertain the mind of the Government of this Republic as to their present disposition to tender their aid in the peaceful design of procuring the final acceptance by England of the civilized recourse proposed by Venezuela for the honorable settlement of the question.

The United States has asserted as a principle in which it considers its own rights and interest to be involved, that the nations of the American Continent, after having acquired the liberty and independence which they enjoy and maintain, are not subject to colonization by any European power; and the Government of the undersigned entertain the hope that in the aforesaid declaration, and in the judicial guardianship of international law, which, to a certain extent, the United States assumed on this continent in virtue of that declaration, and which it has actually exercised hitherto, the Government of Your Excellency will find sufficient reasons of political convenience, and, perhaps, even of moral obligation, to allow them to adopt such a tone in their new representations as may convince Great Britain, without affecting her inviolableness or that of anything lawfully pertaining to her, of the necessity of granting to Venezuela what Venezuela has an undeniable right to demand of her.

I beg to offer to Your Excellency the renewed assurance of my highest consideration. JOSÉ ANDRADE.

To His Excellency W. Q. Gresham, Secretary of State.

[Inclosure—Translation.]

Memorandum on the Boundary Question between Venezuela and British Guiana, Communicated to the Honorable W. Q. Gresham, Secretary of State.

Venezuela's rights over the territory in dispute are, as it is known, derived from Spain, whose sovereignty, titles and ac-

tions, which she inherited by the event of her independence, were afterwards ratified by virtue of the treaty of recognition, peace, and amity concluded between the two nations on the 30th of March, 1845.

The sovereignty, titles, and actions which, in this solemn instrument, were renounced by His Catholic Majesty, in his name and in that of his heirs and successors, are the same which the Spanish Sovereign possessed until 1810 over the country formerly known as Captaincy-General of Venezuela. This being subsequently constituted as an independent Republic, included thirteen provinces, that of Guiana among them.

By that time the Captaincy-General of Venezuela had the following geographical boundaries: on the north the Caribbean sea and Atlantic ocean beyond the eastern bank of the Essequibo; on the south, the Marañon or Amazon river; on the west, the Vice-royalty of Santa Fé, and on the east, Dutch Guiana which, by the convention of August 13th, 1814, signed in London by His British Majesty and the United Provinces of the Netherlands, came to be the British Guiana of the present time. Such, at least, had been the allegation of the Spanish Governments ever since 1648, and such the position which they considered themselves entitled to maintain, founded on treaties of peace and friendship, and of boundaries with Portugal, Holland and England; and the fact is furthermore attested by countless schedules, ordinances, instructions and other official deeds of the King of Spain, together with no smaller a number of historians, travelers, geographers and hydrographers that it is not within my scope to specify here. Apart from the limits referred to, the territory lying west and south as far as the Portuguese possessions of Brazil, belonged in its entirety to the Crown of Spain in 1810, notwithstanding any transitory or not well asserted occupancy of some spot on the seashore on or about the Orinoco river, or along the rivers in the interior, with posts, barracks, forts, stores or other settlements of the West Indies Company not legally authorized, or of the Dutch smugglers who, from an early date had often infested Spanish Guiana. The regions thus occupied had their lawful

owner, who had never relinquished them, and without whose consent they could not be appropriated for any use, he having at all times looked on the settlers as usurpers of his dominions from which he would expel them even by force of arms.

Venezuela, furthermore, has never confirmed such usurpations by any consent, law, treaty, cession or act whatever of voluntary abandonment. Out of moderation and prudence, however, she has contented herself with claiming the Essequibo line as that dividing Venezuelan Guiana from British Guiana. Starting from the mouth of said river, this line runs southward up-stream as far as 4° 12′ north latitude, half way between the mouths of the Sibarona and Rupumuni; thence eastward across the Essequibo, and one-fourth to the southeast over the Tumucuraque mountains, and finally bends to the southeast until it reaches 2° 10′ south latitude and 56° 4′ west longitude, where it meets the mountains of Acaray, inhabited by the Chiriguana Indians.

As regards her right of possession, as heiress to Spain, over the territory inclosed within the aforesaid bounds, she has never entertained the least doubt; she considers such right to be clear, historically evident, and easily demonstrable. In her opinion, the vast tract of land occupied by the settlers from Demerara and Berbice has been unquestionably usurped, but the necessity of devoting herself, as she naturally did, to the supreme struggle for her independence first, and afterwards to the absorbing work of her internal organization when she separated from the old Republic of Colombia, thus neglecting all questions not essential to her existence, prevented her from seeking a definitive adjustment of the matter with England.

Great Britain, on the other hand, had herself shown no interest in discussing it, apparently satisfied with possessing *de facto* the Pomaron district, which the force of events had allowed her to retain. For the first time in 1840 she evinced greater pretensions. At the latter part of said year she commissioned Sir R. H. Schomburgk, without the knowledge or acquiescence of Venezuela, to examine and lay down the boundaries of British Guiana, and directed the Governor of this

Colony to withstand all aggressions on the territories adjoining the frontier, until then inhabited by independent tribes. The Venezuelan Department of Foreign Relations was kept ignorant of such measures until informed by Her Majesty's Consul at Caracas, when they had already been, or were unavoidably to be, carried out. Thus the English engineer was enabled to reach the mouths of the Barima and Amacuro on the Orinoco, where he erected a sentry-box, hoisted his nation's flag and set up royal monograms and other emblems. He then proceeded to the interior of the country, made surveys, delineated metes and bounds, and drew out maps. Such was the origin of the so-called Schomburgk line.

Venezuela, however, did not tolerate the action taken by the British Government, for she immediately complained and remonstrated, until due satisfaction was obtained. According to explanations given by the Government of Demerara, the Commission intrusted to Schomburgk was only a part of a project which Lord Palmerston had recommended to the Secretary of State at the Colonial Office of the United Kingdom, to the effect that a map of British Guiana should be figured in accordance with the bounds described by the aforesaid engineer, to which was to be appended a report illustrative of the natural features defining and constituting them; that a copy of both the map and report should be sent to the Governments of Venezuela, Brazil, and the Netherlands, as a statement of the British claims, and that, meanwhile, commissioners should be dispatched for the purpose of establishing posts on the land, intended to represent permanent marks of the boundaries to which Great Britain pretended; which being done, and after each of the three Governments interested had offered their objections, stating the arguments in support of their assertions, the British Government would present the reasons they deemed proper and just. Consequently, Schomburgk's marks were to be regarded as a measure conformable to Lord Palmerston's purpose, not as symbols of possession capable of becoming, later on, titles of sovereignty for any of the four States, exclusive of all other nations that could lay claim to

the region thus bounded. And, as though to dispel all doubts regarding the real intention of Her Britannic Majesty's Governnment, Lord Aberdeen added to the above explanation an order, which was actually executed, to remove all the marks.

Considering the occasion favorable for the full and decisive establishment, by treaty, of the boundaries between the two Guianas, the Venezuelan Government had resolved to profit by it, and to authorize to that effect their Diplomatic Minister at London, Señor Fortique, who unfortunately died before he had succeeded in securing to his country the fruit of the negotiation with which he had been intrusted. He had time, however, to induce Great Britain to admit the supremacy of the Venezuelan titles over the territory between the rivers Moroco and Orinoco, as it appears by the line lastly proposed by Lord Aberdeen, viz.:

"Beginning on the east coast at the mouth of the river Moroco, it runs straight to a point where the river Barama joins the Guaima; from there up the Barima as far as the Aunama, which it follows upward to the place where this creek reaches its shortest distance from the Acaribisi; then it descends the said Acaribisi as far as its confluence with the Cuyuni, following afterwards the latter river up-stream until it reaches the high lands in the immediate neighborhood of Mount Roraima, which divides the waters flowing to the Essequibo from those running into the river Branco."

"Great Britain" (finally said Lord Aberdeen) "is disposed to cede to Venezuela the whole of the territory situated between the line mentioned and the Amacuro river and the chain of mountains where it takes its source, on condition that the Government of the Republic shall bind themselves not to alienate any portion of said territory to any foreign power, and also that the Indian tribes at present residing in it shall be protected against ill-treatment and oppression."

This was simply a resumption of her position in 1836, when the British Legation at Caracas admitted that the Venezuelan Government had legal power to pass decision in matters relating to the construction of lighthouses at Punta Barima and

the setting of beacons at the large mouth of the Orinoco, and of 1838, when the Governor of Demerara expressed his opinion, in official dispatch, dated the 1st of September (Parliamentary Papers) that the Pomaron river, west of the Essequibo, could be accepted as the limit of the English colony.

As, however, the delineation proposed dispossessed Venezuela of the territory comprised between the rivers Pomaron and Essequibo which she claimed to be her dominion, she did not esteem convenient to admit it without certain modifications, which she sent to London, but which were never submitted to Her Majesty's Government, owing to the discontinuance of the negotiations consequent to the decease of the Venezuelan Minister. In her opinion, however, Lord Aberdeen's proposal has lost nothing of its import as a proof that she never accepted Schomburgk's line, and that Great Britain herself had formally desisted, not only from upholding said line, but from Lord Palmerston's design, and, after a renewed and more conscientious consideration of her titles, had renounced all dominion over the land between the Moroco and Amacuro. Such was the state of affairs about the middle of 1844.

A few years later, in 1850, a rumor spread that Great Britain intended to take possession of the Venezuelan province of Guiana. This gave rise to a public feeling of indignation, which manifested itself in the organization of patriotic societies all over the country for the purpose of opposing and repulsing the aggression. The Government directed the authorities of the province especially menaced to prepare it for defense and to repair and fit out all the forts, until then dismantled and abandoned, and a bill was introduced in the House of Representatives authorizing the Executive to have a fortress immediately erected on the spot held to be the boundary between Venezuela and British Guiana, without indicating it.

The intense excitement of the public feeling already referred to did not fail to attract the notice of the English Government, who, foreseeing the possibility of hostile acts on the part of the Venezuelan authorities of Guiana, anticipated

them by communicating to the Lord's Commissioners of the Admiralty the instructions they deemed convenient to transmit to the Vice-admiral of Her Majesty's naval forces in the West Indies, to be carried out in case the aforesaid authorities should insist upon fortifying the territory in dispute between Great Britain and Venezuela. On the other hand, they authorized their Chargé d'Affaires at Caracas to deny the popular report attributing to Her Majesty's Government certain intentions, in every respect unfounded and contrary to the truth, and likewise to declare that, while his Government did not intend to occupy or encroach upon the territory in dispute, nor would order or sanction at any time such occupancy or encroachment by British authorities, they could not see with indifference the aggressions of Venezuela upon that territory. They accordingly expected that the Venezuelan Government would make a similar declaration and would consent to send their agents in Guiana positive orders to refrain from taking any steps that might justly be regarded as aggressive by the English authorities.

In reply, Venezuela likewise manifested that she entertained no intention whatever to encroach upon or occupy any portion of the territory the possession of which was controverted by the two States; neither would she look with indifference upon a contrary proceeding on the part of Great Britain, and that, moreover, she would enjoin her authorities in Guiana to take no steps that might violate the obligation which that agreement imposed upon the Government.

Such was the *status quo* of the question in 1850.

In 1848 and 1849 Venezuela had just started on the path of internal disturbances and armed revolutions, which afflicted her during more than a quarter of a century, and prevented her from attending to the boundary question with Great Britain, no action either having been urged by the latter country during that period.

It was scarcely on two occasions, and perhaps only in a dissembling way, that Great Britain was seen to take any steps in regard to Venezuelan Guiana. I allude to the steps she took

in 1857, through her Chargé d'Affaires at Caracas, intended to obtain a permission of the Executive, by virtue of which scientific expeditions composed of British subjects might visit the mining region of Venezuela, with the purpose of not infringing her rights, but simply of ascertaining the situation and prospect of the gold deposits, and report about them. The Government replied that they would admit without objection the announced expeditions, and would treat them with the benevolence due to their object, provided they entered through the capital of the province of Guiana. The other occasion occurred in 1874, when the English subject, Thomas Garret, suspected of homicide, was captured in Venezuelan territory by agents proceeding from Demerara. Venezuela demanded his delivery and obtained the suspension of the trial, though later on the case was taken up again by order of Her Britannic Majesty's Government, on the ground that, as asserted by the British Resident Minister at Caracas, the arrest had been made in places claimed by both countries, and that it was improper that such places should serve as a refuge for criminals of either nationality, under protection of the agreement of 1850, since nothing was more distant from the mind of His Government than to sanction any violation of the territorial rights of the Republic.

In 1876, new indications of a decided purpose to carry onward the discussion were evinced by the Venezuelan Foreign Department. Such may be considered the note, dated November of the same year, which it addressed to the British Foreign Office, and which was subsequently communicated in form of memorandum bearing the same date, to the Hon. Mr. Fish, for the information of the Government of the United States ; the appointment of Dr. José Maria Rojas as Resident Minister in London, and, finally, the President's Message to Congress in 1877.

Though Señor Rojas acted diligently from the outset to the effect of promoting the issue of the negotiations interrupted in 1844 by the death of Señor Fortique, he did not succeed any better than his predecessor.

The ground of strict right having been abandoned by mutual accord, Señor Rojas entered upon that of compromises and suggested that Venezuela would willingly accept the Moroco line, which had been spontaneously offered by Lord Aberdeen thirty-seven years before. Lord Granville this time refused to concede it, without stating any reason for his refusal, and, after rejecting another line devised by the Venezuelan negotiator, proposed the following, which, in his opinion, was not very different:

The starting-point will be a spot on the seashore, exactly twenty-nine miles longitude east of the right bank of the Barima river, whence the line would be carried south over the Mountain or Hill of Yarikita to the 8° parallel of latitude; thence westerly along this parallel till it crossed the boundary line drawn by Schomburgk; then to the Acaribisi and along this river until it entered the Cuyuni; along the left bank of the latter river up to its sources, and thence, in a southeastern direction, to Schomburgk's line, as far as the Essequibo and Corentyn rivers. That indicated by Mr. Rojas, referred to at the commencement of this paragraph, was to start from the coast, one mile north of the mouth of the Moroco, where a post would be planted; then run directly southward as far as the boundaries of both countries, along a vertical line beginning at the aforesaid post and extending between the 59° and 60° meridians, west of Greenwich[1].

Lord Granville, consequently, stood considerably apart from the Minister of Venezuela, still more from Lord Aberdeen, his predecessor in 1844, and still more even from Señor Fortique, the opponent of Lord Aberdeen, who had advocated the historical line of the Essequibo river. Moreover, he made reference in various points to Schomburgk's uncertain and capricious demarcation; he did not comprehend in his proposal the whole extent of the frontier to be designated, and, above all, he conferred upon Great Britain, without any valuable reason, a vast tract in regard to which she appeared to have renounced her vague intentions through Lord Aberdeen. In consequence thereof the Government of Venezuela deter-

[1] By some inadvertance the 'Rojas Line' is here described erroneously. For correct description, see Dr. Rojas' note to Lord Granville, dated February 21, 1881; also map herewith.

mined to refuse their assent to the proposal and to discontinue the interchange of projects of adjustment which, so far, had only succeeded in convincing them how difficult it was to conciliate the rights and interests of the antagonistic parties through direct negotiations between them. Four years, from 1841 to 1844, had been wasted away by the Republic in fruitless attempts to bring about an understanding with her neighbor, while Dr. Rojas's mission, equally unsuccessful, had already lasted a longer period, from 1877 to 1881. The Colony of Demerara, profiting by the interval between this mission and the previous one, had silently advanced its settlements on the Orinoco and Caroni, projected the opening of roads into Venezuela, sent expeditionists to the mining regions of the country, etc. And, finally, at the close of 1880, while Dr. Rojas was still negotiating in London, the press of Ciudad, Bolivar, the capital city of the State of Guiana, had reported the appearance of a man-of-war and merchant vessel, both British, at the mouth of the river Orinoco, provided with posts, wire, and other telegraphic articles.

Notice of the occurrence was given to the Government of the United States by Señor Simón Camacho, Resident Minister of Venezuela at Washington, in his note dated the 21st of December of the same year, 1880, to which the Hon. Mr. William M. Evarts returned the following answer on the 31st of January, 1881:

"In reply, I have to inform you that in view of the deep interest which the Government of the United States takes in all transactions tending to attempted encroachments of foreign powers upon the territory of any of the republics of this continent, this Government could not look with indifference to the forcible acquisition of such territory by England, if the mission of the vessels now at the mouth of the Orinoco should be found to be for that end. This Government awaits, therefore, with natural concern the more particular statement promised by the Government of Venezuela, which it hopes will not be long delayed."

On the 28th of February, 1881, when he was on the point to retire from office the Hon. Mr. Evarts wrote:

"Referring to your note of the 21st of December last, touching the operations of certain British war vessels in and near the mouth of the Orinoco river, and to my reply thereto of the 31st ultimo, as well as to the recent occasions in which the subject has been mentioned in our conferences concerning the business of your mission, I take it to be fitting now, at the close of my incumbency of the office I hold, to advert to the interest with which the Government of the United States cannot fail to regard any such purpose with respect to the control of American territory as is stated to be contemplated by the Government of Great Britain, and to express my regret that the further information promised in your note with regard to such designs had not reached me in season to receive the attention which, notwithstanding the severe pressure of public business at the end of an administrative term, I should have taken pleasure in bestowing upon it. I doubt not, however, that your representations in fulfillment of the awaited additional orders of your Government, will have like earnest and solicitous consideration at the hands of my successor."

The information announced by Mr. Camacho did not reach the department until November, 1882, at which time Mr. Frederick F. Frelinghuysen was already Secretary of State. It contained, besides other documents, a copy of a "memorandum" by Mr. Seijas on the boundary question with British Guiana; a copy of the note, dated September 15th, 1881, wherein Lord Granville communicated to Mr. Rojas his proposal above mentioned, and of the memorandum subjoined to it; and a copy of the minute of the negative response the Venezuelan Government intended to give to that note, resorting to arbitration as the only resource available in future for the satisfactory arrangement of the difference. The President of the Republic thus submitted the matter to the Government at Washington, "hoping that it would give him their opinion and advice, and soliciting such support as they esteemed possible to offer Venezuela in order that justice should

be made to her." I beg to present an extract of Mr. Frelinghuysen's reply, as set forth in his dispatch dated January 31st, 1883, to Mr. Jehu Baker, who was then the United States diplomatic representative at Caracas:

"This Government has already expressed its view that arbitration of such disputes is a convenient resort in the case of failure to come to a mutual understanding, and intimated its willingness, if Venezuela should so desire, to propose to Great Britain such a mode of settlement. It is felt that the tender of good offices would not be so profitable if the United States were to approach Great Britain as the advocate of any prejudged solution in favor of Venezuela. So far as the United States can counsel and assist Venezuela, it believes it best to confine its reply to the renewal of the suggestion of arbitration and the offer of all its good offices in that direction. This suggestion is the more easily made, since it appears from the instruction sent by Señor Seijas to the Venezuelan Minister in London on the same 15th of July, 1882, that the President of Venezuela proposed to the British Government the submission of the dispute to arbitration by a third power.

"You will take an early occasion to present the foregoing consideration to Señor Seijas, saying to him that, while trusting that the direct proposal for arbitration already made to Great Britain may bear good fruit (if, indeed, it has not already done so by its acceptance in principle) the Government of the United States will cheerfully lend any needful aid to press upon Great Britain, in a friendly way, the proposition so made, and at the same time you will say to Señor Seijas (in personal conference and not with the formality of a written communication) that the United States, while advocating strongly the recourse of arbitration for the adjustment of international disputes affecting the States of America, does not seek to put itself forward as their arbiter; that, viewing all such questions impartially and with no intent or desire to prejudge their merits, the United States will not refuse its arbitration if asked by both parties, and that, regarding all such questions as essentially and distinctively American, the United States would

always prefer to see such contentions adjusted through the arbitrament of an American rather than a European power."

The response of Venezuela to Lord Granville's proposal, adverted to by the Hon. Mr. Frelinghuysen, had not been yet sent to its destination, nor could it be sent after the opinion of the United States was communicated, as Dr. José Maria Rojas had meanwhile retired from his post by resignation, and no one had been as yet nominated in his place. This, however, did not prevent the questions pending between Great Britain and Venezuela from becoming soon again the subjects of candid discussion, through the initiative of Great Britain. These questions were three, relating severally to boundaries, discriminating duties on merchandise imported from the West Indies, and pecuniary claims. Great Britain solicited that they should be treated and resolved conjointly, and thus brought on a long and amicable correspondence between her representative at Caracas and the Department of Foreign Affairs, which was in proper time communicated to the Government of the United States, as also the appointment of General Guzmán Blanco, Ex-President of the Republic, as Envoy Extraordinary and Minister Plenipotentiary near Her Britannic Majesty's Government.

The new Diplomatic Agent of Venezuela visited this city on his way to England, and held several conferences relating to the various objects of his mission with the Honorable Secretary of State, by whom he was recommended to Mr. Lowell in a confidential note, dated July 7, 1884, the two last paragraphs of which read as follows:

"It will necessarily be somewhat within your discretion how far your good offices may be profitably employed with Her Majesty's Government to these ends, and at any rate you may take proper occasion to let Lord Granville know that we are not without concern as to whatever may affect the interests of a sister Republic of the American Continent and its position in the family of nations.

"If General Guzmán should apply to you for advice or assistance in realizing the purposes of his mission, you will show

him proper consideration, and without committing the United States to any determinate political solution, you will endeavor to carry out the views of this instruction."

This time Venezuela could for a moment cherish the belief that she had reached the desired close of her boundary dispute, for, in spite of the adverseness of Great Britain to arbitration, as manifested beforehand by her Resident Minister at Caracas, and now steadily maintained in London by Lord Granville, General Guzmán Blanco had succeeded in obtaining his assent to sign a treaty of amity, commerce, and navigation, substituting that of 1825, wherein an article (XV.) was admitted in the following terms:

"If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any difference which cannot be adjusted by the usual means of friendly negotiation, the two contracting parties agree to submit the decision of all such differences to the arbitration of a third power, or of several powers in amity with both, without resorting to war, and that the result of such arbitration shall be binding upon both Governments.

"The arbitrating power or powers shall be selected by the two Governments by common consent, failing which, each of the parties shall nominate an arbitrating power, and the arbitrators thus appointed shall be requested to select another power to act as umpire.

"The procedure of the arbitration shall in each case be determined by the contracting parties, failing which, the arbitrating power or powers shall be themselves entitled to determine it beforehand."

Lord Granville's acceptance, as given in his note to General Guzmán, dated 15th of May, 1885, reads thus:

"M. LE MINISTRE: I have the honor to acknowledge the receipt, on the 12th instant, of your note dated the 6th instant, respecting the proposed new treaty between Great Britain and Venezuela.

"In reply, I have the honor to inform you that Her Majesty's Government agree to the substitution of the phrase

'power' to be chosen by the high contracting parties, instead of 'arbitrators,' in the article respecting arbitration, and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the high contracting parties, and not those only which arise on the interpretation of the treaty."

And in a subsequent note, dated June 18, 1885, he said:

"M. LE MINISTRE: I have the honor to acknowledge the receipt of your note of the 8th instant, forwarding the draft of a new treaty of friendship, commerce, and navigation between Great Britain and Venezuela, to replace the treaties of 1825 and 1834, founded on the text of the treaty recently concluded between Great Britain and Paraguay, and on correspondence that has passed between us. . . .

"The clause in *italics* at the end of Article XV. would seem to render that article more explicit and to be useful for this purpose."

To which General Guzmán replied, on the 22d of June, 1885:

"MY LORD: I have had the honor of receiving Your Excellency's dispatch of the 18th, accompanying a copy in print of a draft treaty of friendship, commerce, and navigation between the United States of Venezuela and Great Britain, with certain corrections to which Your Excellency asks me to express my consent in order to avoid any misapprehension.

"I proceed accordingly to reply, that I see no objection to adding to Article XV. 'the award of the arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date.'"

Shortly after, a change occurred in Her Britannic Majesty's Government, by virtue of which Lord Salisbury entered upon the duties of Chief Secretary of State at the Foreign Office, and so it was incumbent on him to finish the negotiation that Lord Granville had left close to its conclusion.

On the 27th of July Lord Salisbury addressed a note to General Guzmán stating, in regard to the clause on arbitration, which had already been accepted by Lord Granville, that—

"Her Majesty's Government are unable to concur in the

assent given by their predecessors in office to the General Arbitration Article proposed by Venezuela, and they are unable to agree to the inclusion in it of matters other than those arising out of the interpretation or alleged violation of this particular treaty. To engage to refer to arbitration all disputes and controversies whatsoever would be without precedent in the treaties made by Great Britain. Questions might arise, such as those involving the title of the British Crown to territory or other sovereign rights, which Her Majesty's Government could not pledge themselves beforehand to refer to arbitration."

He accordingly inclosed a printed copy of the draft treaty, wherein the said clause of Article XV. appeared thus amended:

"If, as it is to be deprecated, there shall arise between the United States of Venezuela and Great Britain any controversies respecting the interpretation or the execution of the present treaty, or the consequence of any violation thereof, the two contracting parties agree——"

The Venezuelan negotiator gave the following response, which proved to be wholly ineffectual:

"With respect to arbitration, it appears to me that the new Cabinet could not, by itself alone, repeal the article to which its predecessor had given formal assent, and thereby placed it beyond its competence, and still less so after Your Lordship's declaration in the House of Lords that an engagement of the previous Government would be respected. I should be pained to think that this declaration did not include Venezuela.

"I think that boundary questions are of the number of those which it is most expedient to submit to the award of an impartial third party. As is shown in practice, other nations are also of this opinion, and that the same view is also shared by Great Britain I think may be inferred from her action during 1829 and during 1872, in agreeing to submit two controversies respecting territory to the decision of the King of Holland and of the Emperor of Germany, respectively. In the last case it proposed the arbitration no less than six times to the

United States, as they allege, and it was only the seventh time that they accepted this means of deciding whether or not the line should pass by the Haro Canal. It appears from the correspondence of the Venezuelan Plenipotentiary, Señor Fortique, that the same proposal was made to him orally for the termination of the dispute respecting Guiana.

"In fine, arbitration, in addition to having been employed on various occasions by Great Britain, has been so favorably entertained in her Parliament, and by her statesmen, and in the public opinion of the United Kingdom, that its general adoption could not fail to merit applause. Moreover, I proceeded in this matter conformably with the Constitution of Venezuela, which requires the Executive to stipulate for arbitration in comprehensive terms and without any restriction."

Lord Salisbury confined his answer to an expression of regret that the instructions communicated to General Guzmán did not allow him to agree to the restricted form of the article on arbitration, requesting at the same time that the points on which differences had arisen should be referred for modification to the Government of the Republic. General Guzmán had done so more than a month previously, and the Government in reply confirmed his original instructions and approved his action in the fulfillment of the same. He addressed himself again to Lord Salisbury and invoked the arguments he had repeatedly presented before, proving that the clause on arbitration applicable to all kinds of disagreements was already a right acquired by Venezuela, which Great Britain was bound to respect. His representations, however, were utterly fruitless.

On the 19th of July, 1886, the day of his return to Venezuela being then near, he ventured to write again to Lord Rosebery, Lord Salisbury's successor, manifesting his natural desire not to quit the country without settling the questions he had been negotiating ever since his arrival in London, by the middle of 1884. On the 20th of the same month, Lord Rosebery replied :

"I am anxious to profit by your permanence in Europe for the purpose of making every effort to come to an understand-

ing with you about the questions which are matter of dispute between our respective countries, and in conformity with the offer I made in my note of the 23d of last month. I send you now a memorandum of the bases according to which I should be disposed to enter into negotiations."

"I. BOUNDARY.

"It is proposed that the two Governments shall agree upon considering as territory disputed between the two countries the land situated between the two boundary lines indicated, respectively, in the eighth paragraph of Senor Rojas's note of February 21st, 1881, and Lord Gransville's note of September 15th, 1881, and to draw a dividing line within the limits of this territory, either by arbitration or by a mixed commission, on the principle of equal division of said territory, and in due regard to natural boundaries. The Government of Her Majesty give especial importance to the possession of the River Guaima by British Guiana, and wish, therefore, to make the stipulation that the boundary line is to begin at the coast point, and a proper compensation to be found in any other part of the disputed territory for this deviation from the principle of equal division. In connection with the boundary there shall be considered the cession of the Island of Patos to Venezuela.

"The River Orinoco shall be entirely free to commerce and navigation.

"II. TREATY OF COMMERCE.

. . . . . .

"It will likewise be convenient to add in the treaty the clause 'by arbitration' proposed by Venezuela, limited to those differences that may arise after the treaty is signed, with exclusion of the questions of the boundary and the Island of Patos, which the Government of Her Majesty is ready to consider separately in the manner indicated before.

"III. DIFFERENTIAL DUTIES."

. . . . . .

The distribution of the bases set forth in the foregoing

memorandum shows that Lord Rosebery again considered separately the three parts of the negotiation, in order to apply to each a different method, and that as regards arbitration, he only accepted it on condition that it was restricted, in the treaty of commerce, to the ordinary prescriptions of such treaties, and, in the controversy on boundaries, to the new division of the territory in dispute proposed by himself. He thus rather lessened the probability of soon reaching the longed-for end of the question, since, according to the constitution of Venezuela, the clause on general arbitration was a necesssry provision embracing all treaties of amity, commerce, and navigation, as well as the settlement of the boundary question ; and so it was explained at length by General Guzman in the memorandum which, in turn, he sent to Lord Rosebery, in conjunction with his communication of July 29th, 1886. And if it be stated that the present proposal was more unfavorable than others already rejected by Venezuela, it will be acknowledged that she was justified in disregarding it, as she did. Thus ended the third negotiation so eagerly solicited by Great Britain and willingly met by Venezuela.

Furthermore, when the two Governments sought in London to adjust their contention in peace and amity, British officers, both civil and naval, commissioned by the Governor of British Guiana, appeared at the mouth of the Orinoco river, on board the steamship "Lady Langden." They sailed up stream without a pilot, the Venezuelan authorities having declined to give them one ; they made incursions into places that had always belonged to Venezuela ; they planted posts, fixed placards, declaring British laws in vigor, appointed officers of their own nationality as substitutes for those of the Republic or endeavored to allure them into their service, and finally took one of them away under pretext that he had illtreated a Portuguese subject, and caused him to be tried and punished by a court of justice at Demerara.

The placards read thus :

"GOVERNMENT NOTICE.

"Notice is hereby given that any persons infringing the

right of Her Majesty, or acting in contravention of the laws of British Guiana, will be prosecuted according to law.

"By command,

"FRANCIS VILLIERS,
"Acting Government Secretary.

"Georgetown, Demerara, &c."

One Mr. Michael McTurk, entitling himself acting special Magistrate and Superintendent of the Crown-lands and forests in the Pomaron district, had been at Amacuro, Barima, Morajuana, and Guaima. He had posted similar announcements, in English, at the principal places along these rivers, which he had revisited on different occasions, in performance of his duties as Magistrate in charge of the District whereof they were parts.

In September, 1883, the Executive of Venezuela had concluded a treaty, approved by Congress in May, 1884, granting to Mr. Cyrinius C. Fitzgerald (Manoa Company) the exclusive right to colonize with such national lands as were included within a tract which, on the side of the Orinoco river, extended as far as the boundary line with British Guiana, along the mountains of Imataca, and there to develop agriculture and cattle-breeding as well as any resource contained in the soil. Now, the acting Governor Secretary of Demerara had written to Mr. Fitzgerald, on the 25th of October, 1884, what I here transcribe:

"I am directed by His Excellency, the Governor of British Guiana, to acknowledge receipt of your three letters noted in the margin with reference and transmitting documents respecting the Manoa Company and the concession made by the Venezuelan Government, and to convey to you the expression of His Excellency's thanks for the information and the documents supplied.

"With regard to the British Guiana boundary, I am directed by His Excellency to intimate to you that the Colonial Government exercises authority and jurisdiction within the limits laid down in the accompanying map, starting from the right bank of the Amacuro river, and that within these limits

the Colonial Government enforce the law of British Guiana.

"I am further to intimate to you that any person disregarding or acting in contravention of the laws of British Guiana within these limits will be liable to be prosecuted according to the laws of the Colony.

"The whole of the territory therefore between the Amacuro and Moruca rivers is part of the Colony of British Guiana, and the Colonial Government will maintain jurisdiction over this territory and prevent the rights of Her Majesty or of the inhabitants of the Colony being in any way infringed."

And in two letters, dated November 22d, 1884, the aforesaid Mr. McTurk had declared to Señor Tomas A. Kelly, Administrator and President of the Manoa Company, who purposed to set up a sawing-machine at the mouth of the Barima river:

"I deem it my duty as the officer now in charge of the Pomeroon river judicial district, and which district extends to the limits of the Colony on its Venezuelan or western side, to notify you that the Barima river is in the county of Essequibo and Colony of British Guiana, and forms parts of the judicial district, over which I exercise jurisdiction.

"No settlements of any kind, whether for the purpose of trade or any other purposes, can be made within the limits of the Colony unless in accordance with its existing laws, and those that may become resident therein will be required to obey them."

. . . . . .

"I have the honor to inform you that you are now within the limits of the Colony of British Guiana and those of the district under my jurisdiction, as one of the special magistrates and Superintendent of Crown-lands and forests of this Colony, and therefore you are outside your jurisdiction as a functionary of Venezuela. . . . Whatever notification you should make to the inhabitants will be void, and all persons residing in this or any part of this Colony, or visiting it, will have to conduct themselves in accordance with its laws. I must likewise call your attention to the notifications put upon trees on

the banks of this river, as also on the Rivers Waini and Barima. These notifications were fixed where they are by order of the Government of British Guiana."

The British Legation at Caracas had, on its part, made similar warnings with regard to the Manoa Company. They were, however, more deferent to the rights of Venezuela, as shown in the note it addressed to the Department of Foreign Affairs on the 8th of January, 1885:

"In a dispatch dated London the 28th of November, I am directed by Her Majesty's Government to attract the attention of that of Venezuela to the proceedings of the agents of the Manoa Company in certain districts, the sovereignty of which is equally claimed by Her Majesty's Government and that of Venezuela.

"Earl Granville further instructed me to request the Venezuelan Government to take steps to prevent the agents of the Manoa Company or of Mr. H. Gordon, who has also a concession for colonization from the Venezuelan Government, from asserting claims to or interfering with any of the territory claimed by Great Britain.

"Her Majesty's Government, in the event of that of Venezuela declining to move in this matter, would, to their great regret, feel themselves under the necessity of adopting measures for preventing the encroachment of the Manoa Company, and the Governor of British Guiana would even be instructed to employ an adequate police force for the prevention of such encroachment and maintenance of order.

"Lord Granville goes on to inform me, however, that no steps will be taken by the Governor of British Guiana pending this reference to the Venezuelan Government.

"I need hardly remind Your Excellency that the question of the boundary of British Guiana is one of long standing, and that communications upon the subject are at the present moment taking place between Her Majesty's Government and the Venezuelan Minister in London, and it is therefore all the more important that incidents calculated to cause grave inconvenience should be prevented. The territories, irrespective

of those disputed by Venezuela and Great Britain, conceded to the Manoa Company are enormous in extent; but without entering into that portion of the question, I feel certain that his Excellency, the President of the Republic, will duly appreciate the immense importance of obviating the possibility of any collision between the agents of that company and the British authorities in the territories the sovereignty of which is still a disputed question."

Posts had been set up along the eastern bank of the Amacuro river and on other spots as far back as the 11th of October, 1884, in pursuance of orders issued by the Governor of British Guiana, but Her Majesty's Minister did not give any notice of the fact to the Minister of Foreign Relations until the 26th of January, 1885, when the Venezuelan authorities in Guiana had already ordered their removal in evidence that Venezuela did not acquiesce to their significance of British dominion.

A like occurrence had taken place in regard to the pledge he gave in his note of January 8th, 1885, that the Governor of British Guiana would take no action against the proceedings of the Manoa Company or of Mr. W. Gordon's agents, so long as the petition he addressed to the Venezuelan Government in the same note remain undecided. Indeed, when he offered the above assurance, the measures of the British Government to which he adverted had been already executed.

The British Legation had also notified the Government, on the 26th of the same month, that the Governor of British Guiana had been instructed to send Mr. McTurk, Stipendiary Magistrate, to the eastern bank of the Amacuro river, with the purpose of investigating the conduct of the Manoa Company and especially that of Mr. Roberto Wells, Civil Commissary of Delta Territory, and others. Coincident with this advice, a Commission of English officers had entered the Amacuro and had carried away the Venezuelan Commissary under arrest.

The Department of Foreign Affairs of Venezuela had maintained that, according to the contract with the Manoa Com-

pany, the words "as far as British Guiana," did not purport that the bounds of the concession reached beyond the territory in dispute. It had expressed to the Minister of Great Britain its deep surprise on receiving intelligence of the events of Amacuro, and had finally urged the adoption of such measures as might retrieve those proceedings and bring matters back to the extant *status quo*, according to which neither nation could exercise jurisdiction over any portion of the territory in contest.

In the note he addressed in London to Lord Rosebery, dated the 28th of July, 1886, General Guzmaz Blanco earnestly propounded, in the name of his Government, the just complaints of the Republic for the successive recent violations of the national territory and acts against Venezuelan jurisdiction that had been committed. He closed his note with the following demands:

1. Removal of all the marks of sovereignty that had been placed on the disputed lands by direction of the Governor of British Guiana.

2. Recall of the officers and public forces that might have been posted on those lands.

3. Satisfactory explanations concerning the non-fulfillment of the convention proposed to Venezuela by Great Britain and concerning the violation of the laws of the Republic in regard to ports not open to foreign vessels.

4. Annulment of the action brought against Mr. Roberto Wells, his liberty and indemnification for the damages that had been caused him by his arrest, imprisonment, trial, and punishment for imputation of an offence committed in Venezuelan territory.

5. Complete restoration of affairs to their State in 1850, date of the aforesaid agreement, and strict orders to the Governor of British Guiana, enjoining the careful observance of it pending the settlement of the boundary question by the two Governments.

Great Britain not having done anything towards giving satisfaction to Venezuela, the Minister of Foreign Affairs wrote

to Mr. F. R. Saint John, Her Britannic Majesty's Resident Minister, a note dated at Caracas, the 7th of December, 1886, to the following tenor:

"In accordance with the order of the President of the Republic, as the result of the Conference we held with him yesterday, I have the honor of addressing Your Excellency and stating in substance what he then expressed.

" He said that his attention had been seriously called to the grave character of the intelligence received as to occurrences taking place, it is affirmed, in Guiana in regard to its boundary with British Guiana. He remembered the agreement concluded in 1850 by an interchange of notes between the two Governments on a spontaneous proposal of the British Government, and upon the ground of information sent from Ciudad Bolivar by Vice-Consul Mathison to Mr. Wilson, Chargé d'Affaires at Caracas, respecting the transmission of orders to the authorities of the province of Guiana to put the same in a state of defence and to repair and arm the dismantled forts, and the language used by Governor José Tomás Machado as to the erection of a fort at the Barima Point; and on account also of a rumor spread to the effect that Great Britain intended to claim the province of Venezuelan Guiana. Besides giving it the lie by affirming that not only was it destitute of any foundation, but also that it was precisely the reverse of the truth, Mr. Wilson declared, in the name of his Government, that the latter had no intention to occupy or encroach upon the territory in dispute, and that they would not ordain or sanction such occupation or encroachments on the part of British authorities. At the same time he requested and obtained from the Government of the Republic analogous declarations. She has kept such an agreement by preserving the *status quo*, while Great Britain has infringed it since. Besides the acts of jurisdiction consummated from 1884, it has been ascertained that she has just now in the channels formed by the rivers Amacuro and Barima, about which there has been no question before, a commissary provided with two vessels containing arms and policemen, who levies taxes and pro-

hibits persons going there on mercantile business from carrying out their operations; that she has had built a Government house on which the British flag has been and is constantly hoisted; that a church and school-houses are being constructed; that in October last a small war steamer was there; that a revenue-cutter often runs on the track between Amacuro and Barima, and that they have begun to form on the same spot an agricultural Colony.

"Even in the denied assumption that those places were a part of the disputed territory, Great Britain might not have occupied them without violating the above compact. And if, in spite of everything, she occupies them, with still greater reason they should be reoccupied by Venezuela, relieved as she is from any obligation on the ground of its infraction by the other contracting party, and being, as she is, fully conscious of her undebatable right of property.

"The President said likewise that the concessions to the Manoa Company could not have given to Great Britain a just ground of complaint as, according to their unequivocal terms, they only extended as far as 'British Guiana'; that is to say, as far as points not contentious, and, moreover, that the contract on the subject had expired.

"On the above statement, and on the strength of an application made by the British Legation, with the utmost instancy, in an official note to this ministry, on May 26th, 1836, for the erection of a beacon at the Barima Point, thus recognizing *motu proprio* the incontestable sovereignty of Venezuela over the same, the President added that he was going to send there an engineer instructed to erect the beacon, and new officers to exercise authority for the Republic in said place and in those lying between the rivers Barima and Amacuro, and to notify to the foreign occupants their withdrawal from them. And he ended by saying that if the Government of Her Britannic Majesty would occupy such a point as Barima, the possession of which would render them joint proprietors of the Orinoco, and decide in this manner by themselves and in their favor this, for Venezuela, the most grave question, wresting from

her by force the exclusive domain of that river and presenting thus to her an indubitable *casus belli*, he should be compelled, by the requirements of patriotism and by his high duties as the guardian of the territorial integrity of Venezuela, to break up the relations between the two countries.

"The President has instructed me to write this note in order that Your Excellency may communicate to me the information and antecedents you may know of in regard to so unheard of and almost incredible occurrences.

Mr. Saint John replied that, since the President, before resorting to the occupancy of a portion of the disputed territory, had refused to await the result of the notification of his purpose to the British Government, he did not see what could be gained by assenting to his petition or by persevering in the discussion. In order to avoid error, however, he would remark in connection with two of the points treated in the communication of the Minister of Foreign Relations, that, in the first place, the territory between the Barima and Amacuro rivers, which, according to the assertion contained in that communication, was only now claimed by Her British Majesty's Government, had been already mentioned in Lord Aberdeen's note to Mr. Fortique, dated the 30th of May, 1844, as a part of British Guiana; secondly, that the petition addressed to the Venezuelan Government on the 26th of May, 1836, by the British Agent at Caracas, respecting the erection of a light-house at Punta Barima, had been made without the knowledge or authorization of the British Government, to whom the Agent did not even notify such petition; and ultimately, that the doctrine assuming that every act or word of a diplomatic agent binds his Government is utterly incompatible with international law, it being perfectly recognized that not even a formal treaty concluded and signed by a plenipotentiary is valid unless it be duly ratified by his Government."

In reference to the two points in question the minister of Foreign Relations replied, on the 8th of January, 1887, in this manner:

"Venezuela has never admitted, neither will she ever ad-

mit, that Dutch Guiana bounds upon the Orinoco; and this is proved by the text of the note with which Señor Fortique opened the negotiation on limits, by the previous ones in which he demanded the removal of the flags, posts, and marks placed at Barima and other places by Engineer Schomburgk in 1841, and by the conferences he held on the subject with their Excellencies, the Ministers of Foreign Affairs and of the Colonies. It was precisely the placing of these marks of foreign dominion at the places mentioned, to which Great Britain had no right, that created such a sensation in Venezuela, and caused the sending of Messrs. Lic. José Santiago Rodriguez and Juan José Romero to Demerara, in the character of commissioners, to demand an explanation of those surprising facts. In a note dated the 11th of December, 1841, Lord Aberdeen wrote to Señor Fortique that the marks had been placed as a means of preparation by his Government for the discussion of the boundary question with the Government of Venezuela; that they were placed precisely with this object and not, as Venezuela seemed to fear, with the intention of indicating dominion or empire on the part of Great Britain. Lord Aberdeen added that he had learned with pleasure that the two commissioners sent by the Republic had been able to ascertain, through the information given them by the Governor of said Colony, that Point Barima had not been occupied by the English authorities.

"The usurpations which Spain made legal by the Münster Treaty were those concerning the Colonies of Essequibo, Demerara, Berbice, and Surinam, and were afterwards confirmed by the extradition treaty made at Aranjuez, in which your Excellency may see that the Dutch Colonies of Essequibo, Demerara, Berbice, and Surinam, together with Curaçoa, and Saint Eustace, are mentioned in juxtaposition with the Spanish Colonies of the Orinoco, Coro, and Porto Rico. Of these Colonies the Netherlands transferred to His Britannic Majesty by the London Treaty of the 13th of August, 1814, those of Essequibo, Demerara, and Berbice. Whence comes, then, the right of England over the Spanish Colonies of the Orinoco?

"The second remark made by your Excellency is to the effect that the British agent in Caracas, that is, Sir Robert Ker Porter, who in 1836, was the Chargé d'Affaires in this Republic, requested from this Government the erection of a lighthouse at Point Barima, without the knowledge or the consent of his Government; and your Excellency adds, quoting a note from the British Legation to this department, dated on the 26th of September, 1851, that the doctrine that all acts or words of a diplomatic agent bind his Government, is incompatible with international law, it being a well known fact that not even a treaty made by a plenipotentiary is valid unless ratified by his Government.

"On these points the President has instructed me to state that the Government of Venezuela cannot admit that after the long period of fifty years has elapsed since the date of Sir Robert's communication, the British Government having been informed by him or his successors of the step he took, should not have apprised that of Venezuela of the lack of authorization which your Excellency, on account of what has happened, communicates to-day for the first time, after fifty years have elapsed, and which nothing could make this Government presume upon."

The correspondence passed between the Minister of Foreign Affairs and the British Legation at Caracas, of which the preceding extracts have been offered, was sent to the Department of State by Sr. J. A. Olavvaria, in two pamphlets printed in English, along with his notes of May 4th and 21st, 1887. It closed with the rupture of diplomatic relations between Venezuela and Great Britain, on the 20th of February of the same year.

The report of the Commission sent to the Orinoco in 1886, by the Venezuelan Government, had confirmed all the previous advices regarding the extensive occupation of territory and acts of sovereignty that Great Britain had accomplished in Guiana in detriment of the rights of Venezuela, while the two nations were negotiating in Europe a treaty of amity, in-

cluding a clause of arbitration, for the settlement of their boundary controversy.

In reply to the note of January 5th, 1887, to which the Venezuelan Consul at Demerara annexed another from the members of the aforesaid Commission, stating the object of their visit to British Guiana, the Government of the Colony had referred to the notice published in the *London Gazette*, under date of 21st of October, 1886, and had manifested that the Districts mentioned in the official communication of the Venezuelan Commissioners were comprised within the bounds which that notice established, and formed part of the Colony of British Guiana. In fact, the notice, which Mr. Charles Bruce, Secretary of the Government of Demerara, certified to have been copied from the *London Gazette* of October 21, 1886, runs thus:

"COLONIAL OFFICE, DOWNING STREET.
October 21, 1886.

"WHEREAS, The boundary line between Her Majesty's Colony of British Guiana and the Republic of Venezuela is in dispute between Her Majesty's Government and the Government of Venezuela; and whereas, it has come to the knowledge of Her Majesty's Government that grants of land within the territory claimed by Her Majesty's Government, as part of the said colony, have been made or purport to have been made, by or in the name of the Government of Venezuela, notice is hereby given that no title to land, or to any right in or over or affecting any land, within the terrritory claimed by Her Majesty's Government as forming part of the colony of British Guiana, purporting to be derived from or through the Government of Venezuela, or any office or person authorized by that Government, will be admitted or recognized by Her Majesty or by the Government of British Guiana, and that any person taking possession of or exercising any right over any such land under color of any such title or pretended title will be liable to be treated as a trespasser under the laws of the said colony.

"A map showing the boundary between British Guiana and Venezuela, claimed by Her Majesty's Government, can-

be seen in the library of the Colonial Office, Downing Street, or at the office of the Government Secretary, Georgetown, British Guiana."

Of course the boundary laid down in that map was not the Essequibo river, which Venezuela, supported by the treaties of Münster (1648), Aranjuez (1791), London (1814), and Madrid (1845), had always claimed to be the eastern line dividing her from British Guiana.

Neither was it the Pomeron River, which Great Britain had adopted *motu proprio* until 1844;

Nor the Moroco, proposed by Lord Aberdeen in 1844;

Nor Lord Granville's line, in 1881, which started 29 miles east of the eastern bank of the Barima River;

Nor Lord Rosebery's, in 1886, beginning on the coast, west of the Guaima river.

It was nothing short of the limit capriciously indicated by Engineer Schomburgk, in 1841, which Lord Aberdeen had then considered to be exaggerated and of mere convenience so far as the Cuyuni river was concerned, its marks having been removed by order of Her Britannic Majesty's Government by way of satisfaction to the complaints of Venezuela.

The same limit that Great Britain and Venezuela, by the agreement of 1850, had mutually engaged not to occupy or encroach upon, nor to allow it to be occupied or encroached upon by their respective authorities.

The same referred to in the Report No. 2 of the Department of Agriculture of the United States for the year 1892 (Report on the Agriculture of South America, with maps and latest statistics of trade), in the following terms:

"It ought to be noted, perhaps, that the British authority, known as The Statesman's Year Book for 1885, gives the area of British Guiana, bounding Venezuela on the east, as 76,000, and that the same annual for 1886 gives the area as 109,000 square miles, an increase during the year of 33,000 square miles to European possessions in America, and an equal loss to the Republic of Venezuela, so far unaccounted for by treaty or recognized conquest, and claimed by the latter

country to be against her hitherto unbroken and undisputed right of possession acknowledged in the treaty of Münster, 1648, the definitive treaty of Aranjuez, 1791, and the treaty of London, 1814, which conferred what is now British Guiana upon Great Britain with the Essequibo as its permanent western boundary."

With a view to include that increase of 33,000 square miles within the bounds of British Guiana, the *Court of Policy* had sanctioned a new territorial division, in July, 1886, reforming that of 1868 in vigor until then. The act reads thus:

"Registration division No. 1, to compromise the settlements on the Moruca, Waini, and Barima rivers, and their tributaries, the right bank of the Amacuro river and its tributaries on that bank, and all the country lying between the above-named rivers and as far back as the limits of the colony extend."

According to the ordinance of 1868, the legal boundary of the Colony, ever since the beginning of the controversy in 1841, did not extend beyond the Pomaron river.

The country inclosed between the Pomaron and Barima rivers and Punta Barima was the principal object of the dispute between the two States. Neither could take possession of it or occupy it so long as the difficulty subsisted, especially so Great Britain, after the agreement of 1850, which she had proposed herself. Nevertheless, she had gradually occupied the whole territory and had subjected it to her exclusive domain, by reason of its being under litigation, at the same time that in London she baffled the expectations of Venezuela and her exertions to bring about the final arrangement of the question by arbitration. She had twice declined to evacuate the land and retire back to the Pomaron.

Offended at the double refusal of Great Britain to submit the difference to arbitrament, Venezuela, deprived by her material weakness of every immediate and efficient means of obtaining justice, determined, as before said, to suspend her diplomatic relations with Great Britain and "to protest before Her British Majesty's Government, before all civilized

nations, and before the world in general, against the acts of spoliation committed to her detriment by the Government of Great Britain, which she at no time and on no account will recognize as capable of altering in the least the rights which she has inherited from Spain, and respecting which she will ever be willing to submit to the decision of a third power."

General Guzmán Blanco, the last negotiator for the Republic in England, had been again elected to the Presidency of Venezuela. In order to close this period of the controversy. I present here the account of General Guzmán's mission and of the subsequent acts of the Government he headed, until the relations with Great Britain were severed, as given in his Message to Congress in 1887:

"The Guiana boundary question has taken so grave a turn that it is with deep regret that I must speak to you about our relations with Great Britain.

"While in London in the character of Minister of Venezuela, I discussed our three questions with Her British Majesty's Government, namely, diplomatic claims, differential duties relating to the British Antilles and the Guiana boundaries.

"It may be said that the first one was finally settled; as for the other two, they were included in a project of a new treaty in substitution for the present one, which has been extant 58 years, because of the inconceivable interpretation of perpetuity imposed upon us by England, under color that no date was established in it for its expiration.

"After a year's discussion, the project of a new treaty was agreed upon with Lord Granville, then Minister of Foreign Affairs. The taxes on the British West Indies were made equal to those of the metropolis; arbitration was accepted by both parties as the only means of settling such questions as could not be adjusted by common accord, and a period of ten years was fixed, after which it would rest with each of the parties to denounce the treaty.

"This, however, was not signed, as the clause of the most favored nation was required from us in an absolute way, and Venezuela could enter into no engagement with other ends or

on other terms than those stipulated with the other friendly Nations.

"This difference might have been easily surmounted, for England maintained the same pretension respecting the United States of America, and finally withdrew it because the latter Nation alleged the same reasons that we have alleged."

"So, then, the Treaty with Great Britain was well-nigh being signed, when Lord Salisbury's Ministry came into office and categorically declined to conclude the negotiation on the same terms on which it had been conducted by his predecessor, notwithstanding my remark that in the question between Afghanistan and Russia the agreement negotiated by his predecessor had been signed, and that the Marquis of Salisbury himself had just said in Parliament that he had signed it because it was unworthy of a serious Government to retract their word when once given; which afforded me the opportunity to maintain that, the case with the negotiation of Venezuela being the same as that of Russia. we had a right to be treated in the same way, unless Great Britain applied one jurisprudence to Russia and a different one to Venezuela, of which I should much regret to notify my Government.

"The last month of my delay in Europe was due to the circumstance that the Minister, Lord Rosebery, requested a last effort on my part in order to settle in two or three more weeks this important negotiation. The time having expired without any fruit, because the Minister did not accept the arbitrament and demanded the Guaima river, tributary to the Orinoco, I took my leave in a note, wherein it was stated, in substance, that Venezuela had accredited me with the most ample powers to bring the three questions at issue to a definitive end; that the question concerning the course to be followed for the payment of the diplomatic claims being almost settled, the other two were comprehended in the new Treaty intended to replace the present one, no longer possible after fifty-eight years of existence, in which the period of its duration was not determined, according to the same treaty; that unfortunately during the two years elapsed no adjustment could be reached

in regard to the treaty solving the difficulty of the differential duties on the British West Indies and that of the Guiana boundaries, the latter to be decided by arbitration, the only available means for Venezuela, since our Constitution prohibits the alienation of territory and establishes our limit on the Essequibo river, which was the one held by Spain, whose territorial rights Venezuela inherited; and that, it being necessary to entrust the discussion of the question to a man thoroughly familiar with the voluminous archives embracing it, the study of which requires a long time, and it having been agreed moreover, that the three questions at issue should be resolved, it was urgent to suspend for the present time the negotiations which had occupied our attention.

"Instead of replying to this note, the British Government, doubtlessly because they were told that our boundary reached as far as the Essequibo, has discontinued the discussion and, by decree, has taken possession of and occupied the territory, not only along the Pomaron, but as far as Punta Barima and Amacuro, thus dispossessing us of the exclusive dominion over the Orinoco, the great artery on the north of the Continent, the Mississippi river of South America.

"In view of this condition of affairs, what could I do? Could I inform the Congress of my country that a foreign power had occupied part of our territory, without adding that I had protested in the name of the Nation and severed diplomatic relations with a Government that acts in such a way towards us?

"On the 26th of January of the present year, I demanded the evacuation of the territory as far as the Pomaron river.

"On the 31st of January, Her Britannic Majesty's Minister sent his reply confirming the occupancy to a certain extent.

"I answered him under the same date, that contrary to the agreement of the 18th of November, 1850, establishing that neither Venezuela nor Great Britain should exercise jurisdiction over the country lying west of the Pomaron river, England had occupied the said territory and its rivers as far as the mouth of the Orinoco, thus infringing the agreement and com-

pleting the despoliation; and that, in consequence thereof, Venezuela would discontinue her diplomatic relations with Great Britain and raise a most solemn protest against so grievous a despoliation, if the state of affairs was not brought back to what it was in 1850, before the date for the constitutional meeting of Congress, or if the submission to arbitration of the Guiana boundary question was not assented to, in accordance with our Constitution, and with the sound criterion of civilized people.

"This was done on the 21st of last month, at 4 o'clock P. M., but Her Britannic Majesty's Minister has not yet asked for his passport.

"At any rate, honor is at stake and its fate will be that of the Nation."

Anticipating the impending rupture between Venezuela and Great Britain, the Hon. Mr. Bayard, desirous to avert it, had offered the British Government in December, 1886, the co-operation of the United States as arbiters for the adjustment of the difference.

"It does not appear," said the Honorable Secretary of State on that occasion, "that at any time heretofore the good offices of this Government have been actually tendered to avert a rupture between Great Britain and Venezuela. As intimated in my No. 58, our inaction in this regard would seem to be due to the reluctance of Venezuela to have the Government of the United States take any steps having relation to the action of the British Government which might, in appearance even, prejudice the resort to our arbitration or mediation, which Venezuela desired. Nevertheless, the records abundantly testify our friendly concern in the adjustment of the dispute; and the intelligence now received warrants me in tendering, through you, to Her Majesty's Government, the good offices of the United States to promote an amicable settlement of the respective claims of Great Britain and Venezuela in the premises. As proof of the impartiality with which we view the question, we offer our arbitration, if acceptable, to both

countries. We do this with the less hesitancy as the dispute turns upon simple and readily ascertainable historical facts.

"Her Majesty's Government will readily understand that this attitude of friendly neutrality and entire impartiality touching the merits of the controversy, consisting wholly in a difference of facts between our friends and neighbors, is entirely consistent and compatible with the sense of responsibility that rests upon the United States in relation to the South American Republics. The doctrines we announced two generations ago, at the instance and with the cordial support and approval of the British Government, have lost none of their force or importance in the progress of time, and the Governments of Great Britain and the United States are equally interested in conserving a status the wisdom of which has been demonstrated by the experience of more than half a century.

"It is proper, therefore, that you should convey to Lord Iddesleigh, in such sufficiently guarded terms as your discretion may dictate, the satisfaction that would be felt by the Government of the United States in perceiving that its wishes in this regard were permitted to have influence with Her Majesty's Government." (The Hon. Mr. Bayard to Mr. Phelps. Confidential. 30th of December, 1886.)

England declined the offer on the following grounds:

"Her Majesty's Government fully appreciates the friendly feelings which have prompted your Government to offer their mediation in this matter.

"The attitude, however, which General Guzmán Blanco has now taken up in regard to the questions at issue precludes Her Majesty's Government from submitting those questions at the present moment to the arbitration of any third power.

"An offer to mediate in the questions at issue between this country and Venezuela has already been received by Her Majesty's Government from another quarter, and has been declined on the same grounds.

"I beg that you will convey to the Secretary of State the cordial thanks of the Queen's Government for your communi-

cation, and that you will inform him that they have not yet abandoned all hope of a settlement by direct diplomatic negotiations with Venezuela." (Lord Salisbury to Mr. Phelps. 22d of February, 1887.)

On the 11th of March the *Times* of London published an abstract of the *Report of Parliamentary Papers* of the preceding day, relating to the suspension of relations with Venezuela. It said:

"Mr. Stavely Hill asked the Under Secretary of State for Foreign Affairs whether, considering the increasing importance of the subject and the breach of diplomatic relations between this country and Venezuela, Her Majesty's Government would consider the advisability of sending a commission to settle the boundary between British Guiana and Venezuela.

"Sir J. Fergusson: Her Majesty s Government have every wish to arrive at a settlement of the boundary question, but no such steps as that suggested can be taken so long as the Venezuelan Government maintains the suspension of diplomatic relations with this country."

His mission in Venezuela being now at an end, the British Minister sailed, with his family, from La Guayra for Trinidad, on the 14th of March. Great Britain remained in possession of the contested territory as far as the mouth of the Orinoco River. She had declined the mediation of the United States and that of another power, and the offices of the former, as arbiters, for the settlement of the controversy, when she still held amicable relations with Venezuela, and now she refused to take the steps pursuant to an agreement because of the cessation of those relations by the action of Venezuela.

Certain British men-of-war, which, since the latter part of February, had been permanently seen in the Gulf of Paria, withdrew also from the Venezuelan coast in the subsequent month of June, while the Governor of Demerara declared before the Colonial Assembly that England would not guarantee any protection or compensation in case the boundary question should be decided in favor of Venezuela. This, together with the news in circulation that one Mr. Hill would soon arrive at

Caracas, in the capacity of a Commissioner, for the purpose of discussing the matter, created the belief that Great Britain had quitted her former position, and that the ties between the two countries were likely to be soon re-established. But the belief proved to be a vain one ; it lasted only a moment.

After a short while Great Britain was seen to prosecute with renewed activity the process of her invasions, her claims including this time the rich territory of Yuruari, the great mining district of Venezuela. On the 29th of November a motion was introduced in the Legislature of Demerara authorizing the construction of a railroad extending to the boundaries of the Colony, across the Mazaruni and Cuyuni rivers, within which boundaries, as alleged by the Queen's Attorney, the said District of Yuruari was comprised. And a month later the Governor issued the following proclamation:

"BRITISH GUIANA.

"By his Excellency, Charles Bruce, esquire, companion of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor and Commander-in-Chief in and over the Colony of British Guiana, Vice-Admiral and Ordinary of the same, etc.

"Whereas, It has come to the knowledge of the Government of British Guiana that certain concessions have been granted by the President and by and with the sanction of the Government of the United States of Venezuela, purporting to give and grant certain rights and privileges for constructing a railway to Guacipati, and in and over certain territories and lands within and forming part of the Colony of British Guiana;

"Now, therefore, I do hereby intimate to all whom it may concern that no alleged rights purporting to be claimed under any such concession will be recognized within the said Colony of British Guiana, and that all persons found trespassing on or occupying the lands of the Colony without the authority of the Government of this Colony will be dealt with as the law directs.

"Given under my hand and the public seal of the Colony, Georgetown, Demerara, this 31st day of December, 1887, and in the fifty-first year of Her Majesty's reign. God save the Queen.

"By His Excellency's command.

"GEORGE MELVILLE,
"Acting Government Secretary.

It was to this new and exorbitant pretension that the Hon. Mr. Bayard adverted in the note from which the following passages are quoted:

"The claim now stated to have been put forth by the authorities of British Guiana necessarily gives rise to grave disquietude, and creates an apprehension that the territorial claim does not follow historical traditions or evidence, but is apparently indefinite. At no time hitherto does it appear that the district, of which Guacipati is the center, has been claimed as British territory or that such jurisdiction has ever been asserted over its inhabitants, and if the reported decree of the Governor of British Guiana be indeed genuine, it is not apparent how any line of railway from Ciudad Bolivar to Guacipati could enter or traverse territory within the control of Great Britain.

"It is true that the line claimed by Great Britain as the western boundary of British Guiana is uncertain and vague. It is only necessary to examine the British Colonial office list for a few years back to perceive this. In the issue for 1877, for instance, the line runs nearly southwardly from the mouth of the Amacuro to the junction of the Cotinga and Takutu rivers. In the issue for 1887, ten years later, it makes a wide detour to the westward, following the Yuruari. Guacipati lies considerably to the westward of the line officially claimed in 1887; and it may perhaps be instructive to compare with it the map which doubtless will be found in the colonial office list for the present year.

"It may be well for you to express anew to Lord Salisbury the great gratification it would afford this Government to see

the Venezuelan dispute amicably and honorably settled by arbitration or otherwise, and our readiness to do anything we properly can to assist in that end.

"In course of your conversation you may refer to the publication in the London *Financier* of January 24th (a copy of which you can procure and exhibit to Lord Salisbury), and express apprehension lest the widening pretensions of British Guiana to possess territory over which Venezuelan jurisdiction has never heretofore been disputed may not diminish the chances for a practical settlement.

"If, indeed, it should appear that there is no fixed limit to the British boundary claim, our good disposition to aid in a settlement might not only be defeated, but be obliged to give place to a feeling of grave concern." (Mr. Bayard to Mr. Phelps, 17th of February, 1888.)

Subsequently to the proclamation of the Governor of Demerara a force was sent off to take possession of the new territories and lands, and several projects were presented for the construction of a road to Yuruari, which was never executed, and of railway and telegraphic communications with the mines.

In June, 1888, while the Republic, through her Representative in Europe, was negotiating in a confidential way the preliminaries to the reinstallment of the question on a diplomatic ground and to the re-establishment of harmony with Great Britain, the Government of British Guiana decreed the creation of one more colonial district, under the name of Northeast District, within the compass of which was included the Venezuelan territory of Barima. Officers were also appointed for its permanent occupancy and the collection of taxes, and the sum of $10,000 was appropriated for administration expenses, etc.

The report of the Department of Agriculture of the United States, previously mentioned, shows that the acquisitions of land in Guiana in detriment of the Venezuelan territory amounted to an area of 33,000 square miles only in the year of 1885 and 1886. The increase of English possessions can

be estimated in view of the extent of the appropriations from 1884 to 1885, and of those effected after 1886, previously to the last decree of the Governor of Demerara, and at a later period. It will suffice to remember that reliable geographers situated the English Colony between the Corawin and Essequibo rivers at the first quarter of this century; that several of them assigned to it a surface of 50,000 to 60,000 square kilometers, while others considered it to be 65 leagues long by 30 wide, bounded on the Atlantic coast by the mouth of the Corentyn and Cape Nassau; that, according to the allegation of Venezuela, British Guiana, as succeeding Dutch Guiana, possesses only such extent of territory as is limited to the west by the Essequibo river (58° 30′ longitude west of Greenwich) and by the 4° 2′ and 6° 50′ parallels north latitude, and that, as it appears from the Map of the *Foreign Office List* for 1892, it has now been stretched out to the 62° meridian west longitude, and to the 1° and 9° parallels north latitude.

Venezuela protested against the grievances committed in June, 1888, by the authority and settlers of Demerara, with or without the consent of the British Cabinet, as she had previously done against similar proceedings in 1887; and renewed her protest in October of the same year, 1888, when the advice reached the Department of Foreign Relations that the English had two schooners in Barima, which relieved each other every fortnight; that they prevented the cutting of wood, did not allow the pontoon lighthouse of the Republic to anchor less than a half mile away from the land, and also continued to occupy Amacuro. The Department of State is acquainted with all these formal declarations of Venezuela in defence of her territorial rights ignored by Great Britain.

Great Britain took no heed to such declarations. On the contrary, scarcely had a year elapsed since the last was made, the Government of Demerara took formal possession (proclamation of December 4th, 1889) of the main mouth of the Orinoco, declared the city of Barima to be a British part of the Colony, and established there a police station, thus calling

forth a new protest on the part of Venezuela, on the 16th of December, 1889, which was also communicated in proper time to the Government of the United States, through its Legation at Caracas.

The Department of State was not indifferent to the above mentioned communication; on the contrary, it hastened to authorize Mr. White to confer with Lord Salisbury respecting the re-establishment of diplomatic relations between Great Britain and Venezuela, on the basis of a temporary return to the *status quo*, as suggested by the Venezuelan Minister. (Mr. Blaine to Mr. White, telegram of December 30th, 1889.) And in another telegraphic dispatch of a posterior date it carries still further the offer of its friendly co-operation:

"Mr. Lincoln is instructed to use his good offices with Lord Salisbury to bring about the resumption of diplomatic intercourse between Great Britain and Venezuela as a preliminary step toward the settlement of the boundary dispute by arbitration. The joint proposals of Great Britain and the United States toward Portugal, which have just been brought about, would seem to make the present time propitious for submitting this question to an international arbitration. He is requested to propose to Lord Salisbury, with a view to an accommodation, that informal conference be had in Washington or in London of representatives of the three Powers. In such conference the position of the United States is one solely of impartial friendship toward both litigants." (Mr. Blaine to Mr. Lincoln. Telegram 1st of May, 1890.)

The instruction contained in the foregoing telegram was confirmed and amplified in a subsequent note, where, after briefly considering the obstruction which the abrupt rupture of diplomatic intercourse with England opposed to the renewal of negotiations on the basis of the *status quo*, and the surrender of the entire question to arbitration, the Honorable Secretary of State goes on to say:

"It is nevertheless desired that you shall do all you can consistently with our attitude of impartial friendliness to induce some accord between the contestants by which the merits of

the controversy may be fairly ascertained and the rights of each party justly confirmed. The neutral position of this Government does not comport with any expression of opinion on the part of this Department as to what these rights are, but it is evident that the shifting footing on which the British boundary question has rested for several years past is an obstacle to such a correct appreciation of the nature and grounds of her claim as would alone warrant the foundation of any opinion. (Mr. Blaine to Mr. Lincoln. 6th of May, 1890.)

The following considerations, among others, were offered by the Marquis of Salisbury:

"Her Majesty's Government are very sensible of the friendly feelings which have prompted this offer on the part of the United States Government. They are, however, at the present moment in communication with the Venezuelan Minister in Paris, who has been authorized to express the desire of his Government for the renewal of diplomatic relations and to discuss the conditions on which it may be effected.

"The rupture of relations was, as your Government is aware, the act of Venezuela, and Her Majesty's Government had undoubtedly reason to complain of the manner in which it was effected. But they are quite willing to put this part of the question aside, and their only desire is that the renewal of friendly intercourse should be accompanied by arrangements for the settlement of the several questions at issue.

"I have stated to Señor Urbaneja the terms on which Her Majesty's Government consider that such a settlement might be made, and am now awaiting the reply of the Venezuelan Government, to whom he has doubtless communicated my proposal.

"Her Majesty's Government would wish to have the opportunity of examining that reply, and ascertaining what prospect it would afford of an adjustment of existing differences, before considering the expediency of having recourse to the good offices of a third party.

"I may mention that, in so far as regards the frontier between British Guiana and Venezuela, I have informed Señor

Urbaneja of the willingness of Her Majesty's Government to abandon certain portions of the claim which they believe themselves entitled in strict right to make and to submit other portions to arbitration, reserving only that territory as to which they believe their rights admit of no reasonable doubt. If this offer is met by the Venezuelan Government in a corresponding spirit, there should be no insuperable difficulty in arriving at a solution. But public opinion is, unfortunately, much excited on the subject in Venezuela, and the facts of the case are strangely misunderstood." (The Marquis of Salisbury to Mr. Lincoln. 26th of May, 1890.)

Lord Salisbury had, indeed, communicated two memoranda to Señor Urbaneja, one on the 10th of February, and the other on the 19th of March, 1890.

In both it is categorically stated that "Her Majesty's Government cannot accept as satisfactory any arrangement not admitting as English property the territory included within the line laid down by Sir R. Schomburgk."

And in the second of them he further says: "That in order to facilitate an arrangement and in evidence of good-will towards Venezuela, Her Majesty's Government are disposed to relinquish a part of a certain pretension, and that, in regard to the portion of territory not comprised between Schomburgk's line and England's extreme pretensions, they are disposed to submit to the arbitration of a third power."

This last begins at the Mountains of Imataca, opposite to the source of the river bearing the same name, and of the Aquire. It bends to the southwest and extends along the Yuruari river down to the point where Lord Granville's line joins that of Schomburgk, now altered; thence it continues westward until it reaches the confluence of the Yuruari with the Cuyuni; then turns northward along the course of the Yuruari to a certain distance above the town of Nueva Providencia, which it encircles; and embracing the whole of the Avechica river and of the Sierra of Usupamo as far as the spot where the latter runs together with that of Carapo, it skirts the Mountains of Rinocoto up to the source of the Caco

river. To this line a portion of land is to be added, thus bounded: From the spot previously mentioned, opposite to the Aquire and Imataca rivers, it spreads southeasterly to a certain nameless river (perhaps the Paraguayaira); thence to the southwest towards the Cuyuni, the left bank of which it follows as far as the source of the Camarate river, from which it now turns away in a curved direction to reach the origin of the above mentioned Caco river. The part of pretension which she abandoned was that limited by the line which, starting from the vicinity of the mouth of the Amacuro, descends to the southwest as far as the origin of the Yariquita Mountains, proceeds along the ridge of Imataca, to the town of Upata, intersects the Usupamo and Carapo at the place where they flow into the Caroni, and extends along the Carapo and Rinocoto Mountains till it blends with the original line of Schomburgk.

In fine, of the three sections into which Lord Salisbury divided this time the territory in dispute, that which Her Majesty's Government held in possession as exempt from all discussion regarding titles was no other than the portion including Barima, one of the mouths of the Orinoco, precisely the knot of the controversy; the same that had been explored by Sir R. Schomburgk and constantly rejected by Venezuela since 1840, which now appeared considerably altered to the benefit of Great Britain, as it can be seen by comparison with the original line of the same English engineer as figured in the map showing the various boundaries proposed by Venezuela and England until 1890. A copy of this map is in the possession of the Department of State.

Before the reply of Venezuela to the proposals of Lord Salisbury had reached Doctor Urbaneja, Doctor Lucio Pulido arrived at London as his substitute, with the powers of a Plenipotentiary *ad hoc* and Envoy Extraordinary and Minister Plenipotentiary of the Republic. The main object of this diplomatic mission was the resumption of relations with Great Britain, through the good offices of the Minister of the United States, a condition *sine qua non* of such resumption being the

pre-establishment of cardinal points—among them the settlements of the conflict by arbitration—intended to govern the discussion concerning any definite agreement.

Sir Th. Sanderson, Under-Secretary at the *Foreign Office*, with whom Dr. Pulido negotiated, proposed to him a line which, commencing at Punta Mocomoco, between Punta Barima and the Guaima river, was to border upon the Amacuro river on the west, in compensation for which the boundary line was to follow the course of the Uruan or Yuruari river, up from its junction with the Cuyuni, and could be stretched as far as the Mountains of Usupamo and Rinocoto. He promised, moreover, according to Dr. Pulido's official report, that Her Majesty's Government, being willing to negotiate directly with that of Venezuela for the purpose of establishing a frontier of mutual convenience between the two Guianas, approaching as far as possible the natural limits, would lengthen Sir Th. Sanderson's line from Cape Mocomoco towards the southeast, and would renounce any claim or compensation whatever for the abandonment or, to speak more properly, for the restitution of the mouths of the Orinoco and the adjoining territories.

It cannot be observed that, by this proposition, Great Britain again admitted discussion concerning her right over the territory explored by Schomburgk, a right formerly asserted to be unquestionable, and even promised to withdraw all claims to the Orinoco and the neighboring country. The proposition was thus rendered more advantageous than the one which had been made to Senor Urbaneja in the previous month of March ; but since Venezuela's aim had been not to propose the adjustment of the difference at once, but to promote a renewal of diplomatic intercourse on condition that the English Government should agree to submit the question to international arbitration, a purpose which had not been realized, Señor Pulido returned to Caracas in September of the same year, 1890, leaving the boundary dispute in the state above described, and the good understanding between the two Nations interrupted as before.

As a testimony of her sincere desire to re-establish her relations and facilitate by that means the removal of all the difficulties, Venezuela finally appointed Señor Tomas Michelena, Confidential Agent of the Republic, to resume negotiations with Her Majesty's Government in pursuance of that purpose. I offer here an excerpt of the clauses presented by him at the outset of his proceedings :

First. After the renewal of the official relations between the two counties, subsequently to the ratification of this preliminary agreement by the respective Governments, each of them shall appoint one or more delegates invested with full powers, to sign a treaty on boundaries, founded on a conscientious and thorough examination of the documents, titles and antecedents supporting their claims ; it being moreover agreed that the decision of the doubtful points, or the delineation of a divisional line, concerning which no accord may be reached by the delegates, shall be submitted to the final and unappealable decision of an *arbiter juris* who, the case occurring, shall be nominated by mutual concert between the two Governments.

Second. In order that the re-establishment of relations with Her Majesty's Government may be accomplished on a footing of the greatest cordiality, the Government of Venezuela will proceed to the conclusion of a new treaty of commerce, revoking the 30 per cent. additional duty, and substituting in its place one of limited duration, such as that proposed by Lord Granville in 1884.

Third. The claims which Her British Majesty's subjects and the citizens of the Republic of Venezuela may have a right to produce against each other's Government, shall be investigated by a Commission appointed *ad hoc*, Venezuela agreeing to such a proceeding so far only as this special case is concerned, since, by a decree of the Republic, the judgment and decision on foreign claims are committed to the Supreme Federal Court, and it shall consequently be declared that, as regards future claims, Great Britain accepts the foregoing regulation.

Fourth. It shall be stated in the preliminary agreement that both Her Majesty's Government and the Government of Ven-

ezuela acknowledge and declare the *status quo* of the boundary question to be that which existed in 1850, when the Hon. Sir B. Wilson, Chargé d'Affaires of England at Caracas, formally manifested, in the name and by express order of Her British Majesty's Government, that no portion of the disputed territory would be occupied, and solicited and obtained a similar declaration on the part of the Venezuelan Government. This *status quo* shall be maintained until the treaty on boundaries adverted to in clause 1 shall have been concluded.

Fifth. The agreement to be made on the preceding bases, signed by the Confidential Agent of Venezuela in exercise of the powers with which he is invested, and the person duly authorized to that effect by Great Britain, shall be forthwith submitted to ratification by both Governments, and, after exchange, the diplomatic relations between the two countries shall be considered re-established *ipso facto*.

London, the 26th of May, 1893.

Lord Rosebery replied on the 3d of the following July. He offered no immediate remark concerning the propositions contained in clauses 2, 3 and 5 presented by Señor Michelena; but, referring only to clauses 1 and 4 on the boundary question between Venezuela and British Guiana, which in his opinion, was the most important of all the questions to be considered, he pointed out that, although the present proposal of the Venezuelan Government admitted the possibility of settling the boundary controversy by treaty, the fact that it also involved reference to arbitration, in case of difference between the delegates of the two Governments intrusted with the negotiation of that treaty, practically reduced it to the form which has repeatedly been declined by Her Majesty's Government, namely, the reference to arbitration of a claim advanced by Venezuela to a great portion of a long established British Colony.

Her Majesty's Government, therefore, considered that the clause 1 of the *Pro Memoria* could only be accepted by them under the conditions specified in the memorandum communicated in Sir Th. Sanderson's note to Señor Urbaneja, dated

the 19th of March, 1890. They would propose the amendment of clause 1 of the *Pro Memoria* in the manner indicated by the additions marked with red ink in the copy therein inclosed.

With regard to clause 4 of the *Pro Memoria* in which it is proposed that both Her Majesty's Government and the Government of Venezuela shall acknowledge and declare that the *status quo* of the boundary controversy is that which existed in 1850, Her Majesty's Government considered it quite impossible that they should consent to revert to the state of affairs in 1850, and to evacuate what had for some years constituted an integrant portion of British Guiana. They regretted, therefore, that they could not entertain that proposition. Great Britain believed herself entitled to incontestable rights over the territory now occupied by her. Those rights she was unable now to abandon, and she could not consent that any *status quo*, except that now existing, should remain in force during the progress of the negotiations.

The alteration of clauses 1 and 4, as proposed by Lord Rosebery, reads textually as follows, the words which are in italic being those which appear in red ink in the original:

"Whereas, the Government of Great Britain claims certain territory in Guiana, as successor in title of the Netherlands, and the Government of Venezuela claims the same territory as being the heir of Spain, both Governments being inspired by friendly intentions, and being desirous of putting an end to the differences which have arisen in this matter, and both Governments wishing to pay all deference to the titles alleged by either to prove its jurisdiction and proprietary rights over the territory in question, they agree and stipulate that, as soon as the official relations shall have been re-established between the two countries, and after the ratification of the present preliminary convention by both Governments, one or more delegates shall be named by each party, with full powers to conclude a frontier treaty, founded on a conscientious and complete examination, by said delegates, of the documents, titles, and past events supporting the claims of either party; it being

agreed *that the said territory in dispute lies to the west of the line laid down in the map communicated to the Government of Venezuela on the 19th of March*, 1890, *and to the east of a line to be marked on the same map running from the source of the river Cumano down that stream and up the Aima, and so along the Sierra of Usupamo*, and that the decision of doubtful points and the laying down of a frontier on the line of which the delegates may be unable to agree, shall be submitted to the final decision, from which there shall be no appeal, of a Juridical Arbiter, to be appointed, should the case arise, by common agreement between the two Governments."

This frontier impairs the right of Venezuela, if compared with that proposed in 1886 by Lord Rosebery himself to General Guzmán Blanco, and also to a greater extent, with the line described on the map sent by Lord Salisbury to Señor Urbaneja on the 19th of March, 1890, through Sir Th. Sanderson, since the aforesaid limit intended to be drawn to the west of the latter necessarily and finally confers on Great Britain the proprietorship, actually and by right, of a greater portion of territory not subject to the decision of the delegates and of the Juridical Arbiter.

Venezuela had declined the first and second lines, and so had stronger reasons not to accept the third. Señor Michelena communicated forthwith her refusal, reiterating at the same time her desire that the British Government should consent to resume the discussion of the preliminary treaty, inspiring themselves in the declarations which, in their name, had been recently made by Mr. Gladstone before the Parliament in behalf of arbitration.

On the 12th of September, Lord Rosebery replied :

"Her Majesty's Government have carefully examined the arguments contained in your note of the 31st of last July, concerning the settlement of the boundary question between the Republic of Venezuela and the Colony of British Guiana.

"I regret to inform you that it does not appear to Her Majesty's Government that the contents of your note open the

way to an agreement that they can accept concerning this question.

"They are still desirous, however, to come to an understanding in regard to the frontier between the possessions of the two countries, and they are disposed to give their best attention to any practicable proposals that might be offered them to that effect."

Señor Michelena analyzed this note in a communication to the Foreign Office, dated the 29th of the same month of September, 1893, wherein he briefly sketches the history of the controversy from Señor Fortique's mission in 1840 up to his in 1893, and expresses his regret that he must acquaint the Government of the Republic with the last reply given by that of Great Britain. He closes with the following protest:

"It now remains for me to declare in the most solemn manner, in the name of the Government of Venezuela, that they deeply regret that the condition of affairs created by the events, which occurred during the late years in the disputed territory, must remain subject to the serious disturbances which *de facto* proceedings cannot fail to produce, and that in no time will Venezuela consent that such proceedings be adduced as valid titles to legitimize an occupancy interfering with her territorial jurisdiction."

Under the direction of Dr. Chittenden, Secretary of the Board of Agriculture of Trinidad, a sloop had been fitted out some days before for the purpose of carrying twenty-nine expeditionists to High Barima, who were to further the works of the Dixon Company. Together with this news the *Port-of-Spain Gazette* of the 25th of July announced vast schemes of enterprise to be carried out, with the aid of companies and capitalists from the Colony, in the territory now called Northwest District by the English, extending as far as the mouth of the Orinoco. The Executive of Venezuela considered this occurrence and the said schemes no less of a nature to embarrass the agreement in furtherance of the settlement of the boundary question than contrary to the good cause of the negotiations commenced at London, inasmuch as the Republic had always

defended as her property the territory of that District. The Executive accordingly instructed its Confidential Agent to make them known to Her Majesty's Government, which the Agent did.

Lord Rosebery replied on the 22d of September:

"With reference to my note of the 2d instant, I have the honor to inform you that Her Majesty's Government have given their careful attention to the representations contained in your note of the 26th ultimo, complaining of acts on the part of the Authorities of British Guiana, which are considered by the Venezuelan Minister for Foreign Affairs to be in contravention of the rights of Venezuela.

"Her Majesty's Government are desirous of showing all proper respect for the recognized rights of Venezuela, but the acts of jurisdiction to which you refer in your note do not appear to them to constitute any infraction of or encroachment upon those rights. They are in fact no more than part of the necessary administration of a territory, which Her Majesty's Government consider to be indisputably a portion of the Colony of British Guiana, and to which, as it has been their duty to state more than once, they can admit no claim on the part of Venezuela."

And Mr. Michelena closed the discussion with his reply of the 6th of October, the last two paragraphs whereof I may conveniently insert here, as they include the last declaration of Venezuela against the illegal and grievous proceedings of Great Britain:

"I perform a most strict duty in raising again, in the name of the Government of Venezuela, a most solemn protest against the proceedings of the Colony of British Guiana, constituting encroachments upon the territory of the Republic, and against the declaration contained in Your Excellency's communication, that Her Britannic Majesty's Government consider that part of the territory as pertaining to British Guiana, and admit no claim to it on the part of Venezuela. In support of this protest, I reproduce all the arguments presented to Your Excellency in my note of 29th of last Sep-

tember and those which have been exhibited by the Government of Venezuela on the various occasions they have raised this same protest.

"I lay on Her British Majesty's Government the entire responsibility of the incidents that may arise in future from the necessity to which Venezuela has been driven to oppose by all possible means the disposition of a part of her territory, for by disregarding her just representation to put an end to this violent state of affairs through the decision of arbiters, Her Majesty's Government ignores her rights and imposes upon her the painful though peremptory duty of providing for her own legitimate defence."

Thus ended the sixth and last negotiation promoted by Venezuela for the adjustment of the present dispute.

The circumstances which gave rise to this dispute was the commission entrusted to Sir R. H. Schomburgk by Her British Majesty's Government in 1840, so that the difference has lasted more than half a century.

The right claimed by Venezuela to the territory lying between the rivers Essequibo and Orinoco is founded on the following titles:

I. Those acquired from Spain by virtue of independence, belonging to the Captaincy-General of Venezuela, and afterwards transferred to the Republic by the treaty of peace and recognition of the 30th of March, 1845, namely: (a) Treaty of Münster, 1648; (b) Note of the Governor of Cumaná, to the Council of the same city, 1st of February, 1742; (c) Treaty of 1750 between the Portuguese and Spaniards; (d) Reply of the Governor of Cumaná, through the Commander of Guiana, to the note of the Director-General of the Dutch Colony of Essequibo, dated September 30th, 1758; (e) Royal Schedules of 1768, two in number; (f) Declaration of the Spanish Ministry in 1769, rejecting certain pretensions of the Dutch to the right of fishing in the mouth of the Orinoco river; (g) Instructions of the intendancy for peopling the eastern part of Guiana, 1779; (h) Royal order of 1780, directing Don Felipe de Inciarte to found the town of San Carlos; (i) Report of Don

Antonio Lopez de la Puente, who had been commissioned to explore the Cuyuni river, February 26th, 1788; (j) Treaty of the 23d of June, 1791, between Spain and Holland for the extradition of fugitives and deserters from either Guiana; (k) Communication of the Secretary of the Dutch Company of the West Indies to the Minister of the Spanish Government in Holland, 8th of January, 1794.

II. Those corresponding to the time of the Republic: (l) Petition of Her British Majesty's Chargé d'Affaires near the Government of Venezuela for the construction of light-houses and other signals at Punta Barima, and for the establishment of beacons in the main mouth of the Orinoco, 26th of May, 1836; (m) Dispatch of the Governor of Demerara; (Parliamentary Papers), 1st of September, 1838; (n) Note from the Venezuelan Governor of Guiana to the Government, August 23d, 1841, on the acknowledgment of Venezuelan jurisdiction over Caño Moruco by a court of Demerara; (o) A similar act of virtual recognition of Venezuelan jurisdiction in 1874, on account of the homicide committed by the English subject, Thomas Garrett.

The right of Venezuela has been contested by Great Britain on the following grounds:

1. The forts of New Zealand and New Middleburgh erected by the Dutch in 1657 on the Pomarón and Moroco.

2. The concessions granted by the Dutch Company, successor in 1674 to the West Indies Company, for trading with the colonies of Essequibo and Pomarón, the latter extending, according to Great Britain, as far as the Orinoco.

3. The combat at Fort New Zealand in 1797, between Dutch and Spaniards, in which the latter were defeated and driven away.

4. The treaty of London, dated August 13th, 1814, by which Holland ceded Great Britain to Colonies of Demerara, Essequibo and Berbice.

Venezuela has sought to bring about the adjustment of the controversy by the various diplomatic means known in in-

ternational law, direct negotiations, and the good offices and mediation of States friendly to both parties.

Great Britain has not listened to the Powers which have been good enough to offer the interposition of their good offices, neither has she accepted their mediation. And as for direct discussion,she has not admitted it as an expedient means of clearing the reasons in support of the pretensions of either party, but to render less possible their conciliation by her ever-growing claims.

Venezuela has always believed that she can rightfully establish the limit between herself and British Guiana along the Essequibo river, for this has been no reason to prevent her from showing her readiness to reduce her claim for the sake of an amicable adjustment, as she has twice done when her National Constitution has permitted.

Great Britain had not advanced beyond the Pomaron river in 1840. All at once, in the same year, she made an attempt to extend her dominion as far as Barima, where she fixed the starting point of the frontier line between the two Guianas—Schomburgk's line ; she retrograded in 1844, and proposed that the line should commence at the River Moroco, between the Pomarón and Punta Barima—Aberdeen's line ; in 1881 she removed the starting-point to a distance of 29 miles from the Moroco, in the direction of Punta Barima—Granville's line ; thence, in 1886, to a place on the coast west of the Guaima river, between the former spot and the Punta Barima —Rosebery's line ; in 1890, she set it in the mouth of the Amacuro, west of Punta Barima, on the Orinoco—Salisbury's line ; and finally, in 1893, constantly advancing west and south in the interior of the country, she carried the boundary from a point to the west of the Amacuro as far as the source of the Cumano river and the Sierra of Usupamo—Rosebery's new line.

Venezuela has always abode by the convention of 1850, by which both parties engaged not to occupy the territory in dispute so long as the question remained unsettled.

Great Britain has violated that convention without any con-

sideration whatever of the other party. She has gradually occupied the disputed territory, has incorporated it with British Guiana, has submitted it to her absolute dominion and administers it at her own will.

Venezuela has demanded a just reparation for this offence. Great Britain has refused it.

The diplomatic recourses having proved fruitless, Venezuela has esteemed it her duty since 1883 to resort to juridical means, and to propose the submission of the difference to the decision of a court of arbitration.

Great Britain has declined this agreement.

Out of dignity, Venezuela has suspended friendly relations with her opponent.

Great Britain has considered this act a lawful motive for adopting more violent and offensive measures.

Venezuela has been ready to adhere to the conciliatory counsel of the United States, that a conference consisting of their own representatives and those of the two parties, should meet at Washington or London for the purpose of preparing an honorable re-establishment of harmony between the litigants.

Great Britain has disregarded the equitable proposition of the United States.

Venezuela has carried her spirit of peace and conciliation so far as even to appoint three diplomatic representatives with a private character from 1890 up to this time, with the view of promoting the renewal of friendship through a prior engagement to submit the question to arbitration.

In response Great Britain has insisted on treating Venezuela as a minor State to which she can dictate the sacrifice of its right and territory, while deciding of her own accord what right and territory belong to herself unquestionably and without further discussion.

Venezuela has not been able to obtain respect for her juridical equality. She has met each violation with a representation and a formal protest.

Such is the summary account of this long and vexing contest from its outset to the present time.

(Signed) José Andrade.

Washington, D. C., March 31st, 1894.

Dr. Rojas to Cardinal Rampolla.

[Translation.]

United States of Venezuela.
Department of Foreign Relations,
Direction of Foreign Public Law.—No. 734.
Caracas, June 19, 1894.

His Excellency:

For some time General Joaquin Crespo, President of the Republic, has been considering the idea of soliciting the interposition of the Holy Father to bring to a peaceful, just, and decorous end the grave question yet existing between Venezuela and England regarding the limits of Guiana. And because the presence here of a Representative of the Holy See facilitates and makes this occasion still more propitious to bring about that purpose, the Chief Magistrate has conferred upon me the duty of communicating his ideas to His Excellency, Señor Tonti, to whom I have already spoken, in the confidence that the case demanded, of the opinion of the Chief of the Government in respect to the importance and efficacy of that mediation.

The voyage to Rome of the Representative of the High Pontiff offers still greater facilities for the attainment of the object, since thus, His Excellency Señor Tonti will be enabled to treat in the most direct manner possible and with the knowledge already possessed on the matter, as to the efficacious and practical means of giving the Holy See, in so delicate and transcendental a subject, the beneficial mediation which the Venezuelan Government so much desires.

The Government trusts that His Holiness will be inclined to consider this solicitation with the same fatherly interest which he has always shown in all that pertains to the welfare of the Republic.

Annex 40

Letter from Mr. Gresham to Mr. Bayard, 13 July 1894

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available from: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

OF THE

DISCUSSION BETWEEN VENEZUELA AND GREAT BRITAIN

ON THEIR

GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

As an expression of that gratitude, Your Excellency inclosed therein two letters, so that I send them to their destination, one from His Excellency General Crespo, President of the Republic, for the Holy Father, and another of yours for His Eminence Cardinal Rampolla, Secretary of State of His Holiness.

On assuring you, Mr. Minister, that at the first occasion I shall send them to Rome, I make haste to express my entire satisfaction for the noble sentiments by which the two mentioned letters, worthy of a Catholic nation, are inspired.

The flattering expressions in Your Excellency's note, concerning me personally, impressed me much, and therefore it is my special duty, Mr. Minister, to attest to you and to His Excellency the President, not less than to the members of the Government, my highest gratitude for them.

I shall feel very happy, whenever within the limits of my power, I may lend any service to the Republic of Venezuela, which Government and citizens have not ceased in giving me, since my arrival, undoubted proofs of their affectionate sympathy.

Be pleased to accept, Mr. Minister, the expressions of my most high consideration.

JULIO,
Apostolic Delegate and Envoy Extraordinary
of the Holy See.

To His Excellency Señor Don P. Ezequiel Rojas, Minister of Foreign Relations.

Mr. Gresham to Mr. Bayard.

DEPARTMENT OF STATE,
WASHINGTON, July 13, 1894.

No. 442.

Sir:

During your incumbency of the office of Secretary of State you became acquainted with a long-pending controversy between Great Britain and Venezuela concerning the boundary between that Republic and British Guiana.

The recourse to arbitration, first proposed in 1881, having been supported by your predecessors, was in turn advocated by you in a spirit of friendly regard for the two nations involved. In the meantime, successive advances of British settlers in the region admittedly in dispute were followed by similar advances of British colonial administration, contesting and supplanting Venezuelan claims to exercise authority therein.

Toward the end of 1887 the British territorial claim, which had, as it would seem, been silently increased by some 33,000 square miles between 1885 and 1886, took another comprehensive sweep westward to embrace the rich mining district of the Yuruari as far as Guacipati; and this called forth your instruction to Mr. Phelps of February 17, 1888, respecting the "widening pretensions of British Guiana to possess territory over which Venezuelan jurisdiction" had never theretofore been disputed.

Since then repeated efforts have been made by Venezuela as a directly interested party, and by the United States as the impartial friend of both countries, to bring about a resumption of diplomatic relations, which had been suspended in consequence of the dispute now under consideration. The proposition to resume such relations has, however, been intimately bound up with the ultimate question of arbitration. Until recently Venezuela has insisted upon joining to the agreement to arbitrate a stipulation for the restoration of the *status quo* of 1850 pending the proposed arbitration; but it seems that this condition is now abandoned. On the other hand, Great Britain has on several occasions demanded, as a preliminary to an understanding touching arbitration, that Venezuela shall definitely abandon all claim to a large part of the territory in dispute and limit the eventual arbitration to that portion only to which Great Britain has more recently laid claim.

In May, 1890, replying to a note of Mr. Lincoln, tendering the good offices of this Government to bring about a resumption of relations, by means of a conference of representatives of the three powers, or in any friendly way, Lord Salisbury

offered to submit to arbitration any questions in respect to territory west of Schomburgk's line of 1840, but insisted on admission of the British claim to all parts to the east of that line.

The Venezuelan Government has on three occasions since the rupture sent accredited agents to London to negotiate for a restoration of diplomatic intercourse. Dr. Urbaneja having failed, Señor Pulido succeeded him, and insisted, as his predecessor had done, upon a preliminary agreement for unreserved arbitration, but he was met by a counter proposal for a conventional boundary line, which was somewhat more favorable to Venezuela than that formerly insisted upon, in that it departed importantly from the Schomburgk line and relinquished claim to the Barima district, on the main branch of the Orinoco. Not reaching an accord, Señor Pulido returned to Caracas in September, 1890, and the matter rested for a time.

In 1893 Señor Michelena was sent to London as a confidential agent, bearing a modified proposal to resume diplomatic relations on the basis of the *status quo* of 1850, and to appoint commissioners to determine a conventional boundary, leaving to arbitration any question as to which they might fail to agree. Lord Rosebery, replying July 3, 1893, treated this proposal as a substantial renewal of Venezuela's claim for unconditional arbitration, and in effect declared that the proposed settlement of the boundary by a commission could only be entered upon after Venezuela should have relinquished all claim to any territory eastward of the line laid down on a map submitted to Venezuela 19th March, 1890. This line appears to substantially follow Schomburgk's, with some modification.

Señor Michelena declined this proposition and advanced a counter proposition July 31, 1893, to which Lord Rosebery replied, September 12, that it did not appear to Her Majesty's Government that Señor Michelena's note opened the way to any agreement that they could accept concerning this question, but that they were "still desirous to come to an under-

standing in regard to the frontier between the possessions of the two countries," and were "disposed to give their best attention to any practicable proposals that might be offered them to that effect."

A discussion soon followed touching a scheme for the British occupation of High Barima and the region to the northwest as far as the Orinoco, which elicited from Lord Rosebery, September 22, 1893, the declaration that the acts of jurisdiction complained of did not encroach upon Venezuela's rights, but were, "in fact, no more than part of the necessary administration of a territory which Her Majesty's Government consider to be indisputably a portion of the colony of British Guiana, and to which, as it has been their duty to state more than once, they can admit no claim on the part of Venezuela." Against this declaration Señor Michelena protested October 6, 1893; and there the matter now rests.

The President is inspired by a desire for a peaceable and honorable adjustment of the existing difficulties between an American State and a powerful trans-Atlantic nation, and would be glad to see the re-establishment of such diplomatic relations between them as would promote that end.

I can discern but two equitable solutions to the present controversy. One is the arbitral determination of the rights of the disputants as the respective successors to the historical rights of Holland and Spain over the region in question. The other is to create a new boundary line in accordance with the dictates of mutual expediency and consideration. The two Governments having so far been unable to agree on a conventional line, the consistent and conspicuous advocacy by the United States and England of the principle of arbitration, and their recourse thereto in settlement of important questions arising between them, make such a mode of adjustment especially appropriate in the present instance, and this Government will gladly do what it can to further a determination in that sense.

With these considerations I commit the matter to your hands, leaving it to you to avail yourself of any convenient

opportunity to advance the adjustment of the dispute in question.

I append for your convenient perusal copy of a memorandum[1] on the controversy, which has recently been handed to me by the Venezuelan minister at this capital.

I am, etc.,

W. Q. GRESHAM.

Foreign Relations of the United States, 1894.

[Urgent.]

The German Chargé d'Affaires at Caracas to Dr. Rojas.

IMPERIAL LEGATION OF GERMANY IN VENEZUELA.

CARACAS, November 12th, 1894.

Mr. Minister:

Last Thursday, by virtue of a telegraphic communication from my Government, I had the honor, in my character of being charged with the protection of British interests in Venezuela, to present a claim, in the name of the Royal Cabinet of Great Britain, against a violation of the frontier of British Guiana, perpetrated by Venezuelan soldiers on the Cuyuni river. At the same time I expressed the desire of the English Government that the officer who commands the Venezuelan troops of the Cuyuni river should receive orders to prohibit his soldiers from crossing the river, as well as from cutting trees on its right bank.

His Excellency had the kindness to offer me an answer, after having consulted the Council of Ministers. Wishing a solution of the matter satisfactory to the parties interested, I would be very grateful to His Excellency if a reply were given to me as soon as possible.

I also take advantage of this opportunity to renew, Mr. Minister, the assurances of my most distinguished consideration.

BODMAN.

To His Excellency the Minister of Foreign Relations of the United States of Venezuela, Mr. P. Ezequiel Rojas.

[1]Not printed.

Annex 41

Letter from Lord Rosebery to Dr. Michelena, 22 September 1893

Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company

Available at: https://www.loc.gov/item/04010002/

OFFICIAL HISTORY

OF THE

DISCUSSION BETWEEN VENEZUELA AND GREAT BRITAIN

ON THEIR

GUIANA BOUNDARIES.

ATLANTA, GA.:
Franklin Printing & Publishing Company,
GEO. W. HARRISON, Manager.
1896.

Same to Same.

[Copy.]

FOREIGN OFFICE, September 22d, 1893.

Sir:

With reference to my note of the 2d instant, I have the honor to inform you that Her Majesty's Government have given their careful attention to the representations contained in your note of the 26th ultimo, complaining of acts on the part of the authorities of British Guiana which are considered by the Venezuelan Minister for Foreign Affairs to be in contravention of the rights of Venezuela.

Her Majesty's Government are desirous of showing all proper respect for the recognized rights of Venezuela, but the acts of jurisdiction to which you refer in your note do not appear to them to constitute any infraction of or encroachment upon those rights. They are in fact no more than part of the necessary administration of a territory which Her Majesty's Government consider to be indisputably a portion of the Colony of British Guiana and to which, as it has been their duty to state more than once, they can admit no claim on the part of Venezuela.

I have the honor to be, Sir, your most obedient humble servant,

ROSEBERY.

Señor Michelena.

Dr. Michelena to Lord Rosebery.

[Translation.]

HOTEL DE BADE, BOULEVARD DES ITALIENS,
PARIS, September 29th, 1893.

My Lord:

I have had the honor to receive Your Excellency's note of the 12th inst., in which I am informed that Her Britannic Majesty's Government, after carefully considering the contents of my note of the 31st of July last proposing adjustment of

OFFICIAL STATEMENTS AND DECLARATIONS

Annex 42

Joint Communiqué, 10 December 1965

(Excerpt)

Government of the United Kingdom, *Record of Discussions between the Foreign Secretary, the Venezuelan Minister for Foreign Affairs and the Premier of British Guiana at the Foreign Office on 9 December, 1965*, No. AV 1081/326 (9 Dec. 1965), Guyana Memorial, vol. II Annex 28.

ANNEX

JOINT COMMUNIQUE

In accordance with what had been agreed in the joint communiqué of 7 November, 1963, talks took place in London on 9 and 10 December between the Minister of Foreign Affairs of Venezuela on the one side and the Foreign Secretary of the United Kingdom and the Premier of British Guiana on the other on the basis of the following agenda:

Agenda for the continuation at Ministerial level of governmental conversations concerning the controversy between Venezuela and the United Kingdom *over the frontier* with British Guiana, in accordance with the joint communiqué of 7 November, 1963

(i) Exchange of views on the experts' report on the examination of documents and discussions of the consequences resulting therefrom. Necessity of resolving the dispute.

(ii) To seek satisfactory solutions for the practical settlement of the controversy which has arisen as a result of the Venezuelan contention that the 1899 Award is null and void.

(iii) Concrete plans for collaboration in the development of British Guiana.

(iv) Determination of time limits for the fulfilment of whatever may be agreed with reference to points 1, 2 and 3 above.

(v) Joint communiqué on the present talks.

2. In addition to considering the experts' reports on the documentary material relating to the Arbitration Award of 1899, the Ministers considered ways and means of putting an end to the controversy which threatens to damage the traditionally cordial relations between Venezuela on the one hand and the United Kingdom and British Guiana on the other.

3. Ideas and proposals for a practical settlement of the controversy were exchanged. It was agreed that some of these should receive further consideration and that the Ministers should continue the present discussions in the week starting 13 February, 1966, at Geneva in order to consider those proposals as well as others that might be suggested under the above agenda. Neither side having been able to accept the conclusions of the experts appointed by the other side, Item I will therefore not be considered. It was further agreed that preparatory talks between officials should start at an early date.

4. The text of this communiqué will be made available to the Secretary-General of the United Nations.

Foreign Office, London, S.W. 1,
10 December, 1965.

Annex 43

Letter of 16 December 1965 to the Secretary General from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland, and Venezuela before the United Nations, 18 December 1965

United Nations, Twentieth session, Theme 23 of the program, A/6205, Aplicación de la declaración sobre la concesión de la independencia a los países y pueblos coloniales.

Available at: https://digitallibrary.un.org/record/847252?ln=es&v=pdf

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/6205
18 December 1965
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Twentieth session
Agenda item 23

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 16 December 1965 from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and Venezuela to the United Nations addressed to the Secretary-General

We have the honour to transmit with this letter a copy of the joint communiqué issued in London on 10 December 1965 after the talks on the Venezuelan frontier with British Guiana between the Minister of Foreign Affairs of Venezuela on the one side and the Foreign Secretary of the United Kingdom and the Premier of British Guiana on the other.

We request Your Excellency to arrange for this letter and the text of the joint communiqué to be circulated as documents of the General Assembly.

(Signed) Carlos SOSA-RODRIGUEZ
(Signed) CARADON

65-33822

/...

Joint Communiqué

1. In accordance with what had been agreed in the joint communiqué of 7 November 1963, talks took place in London on 9 and 10 December between the Minister of Foreign Affairs of Venezuela on the one side and the Foreign Secretary of the United Kingdom and the Premier of British Guiana on the other on the basis of the following agenda:

AGENDA FOR THE CONTINUATION AT MINISTERIAL LEVEL OF GOVERNMENTAL CONVERSATIONS CONCERNING THE CONTROVERSY BETWEEN VENEZUELA AND THE UNITED KINGDOM OVER THE FRONTIER WITH BRITISH GUIANA IN ACCORDANCE WITH THE JOINT COMMUNIQUE OF 7 NOVEMBER 1963

1. Exchange of views on the experts' report on the examination of documents and discussion of the consequences resulting therefrom. Necessity of resolving the dispute.
2. To seek satisfactory solution for the practical settlement of the controversy which has arisen as a result of the Venezuelan contention that the 1899 Award is null and void.
3. Concrete plans for collaboration in the development of British Guiana.
4. Determination of time-limits for the fulfilment of whatever may be agreed with reference to points one, two and three above.
5. Joint communiqué on the present talks.

2. In addition to considering the experts' report on the documentary material relating to the arbitration award of 1899, the Ministers considered ways and means of putting an end to the controversy which threatens to damage the traditionally cordial relations between Venezuela on the one hand and the United Kingdom and British Guiana on the other.

3. Ideas and proposals for a practical settlement of the controversy were exchanged. It was agreed that some of these should receive further consideration and the Ministers should continue the present discussions in the week starting 13 February 1966, at Geneva in order to consider these proposals as well as others that might be suggested under the said agenda. Neither side having been able to accept the conclusions of the experts appointed by the other side, item one will therefore not be considered. It was further agreed that preparatory talks between officials should start at an early date.

4. The text of this communiqué will be made available to the Secretary-General of the United Nations.

London, 10 December 1965

Annex 44

Statement read by Sir Donald Jackson on behalf of the Guyanese Delegation in the Mixed Commission on the 2nd April 1968

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Declaración del honorable Sir Donald Jackson, 1968, Box: E-01.

APPENDIX "D"

Statement read by Sir Donald Jackson on behalf of the Guyanese Delegation in the Mixed Commission on the 2nd. April, 1968.

The history of international negotiations is no doubt littered with recriminatory statements, but it is difficult to imagine any of a more self-serving character than that read in the Mixed Commission on Saturday, 30th March, 1968, by the Hon. Dr. Loreto in the name of the Venezuelan delegation. Recrimination never helps in matters of this kind, and for this reason it might perhaps have been wise to let the Venezuelan statement pass unanswered, but as the statement sought to put on record all sorts of unfounded accusations against Guyana with respect to the work of her representatives both in the Mixed Commission and in the Sub-Commission of Experts, the Guyanese delegation are regretgully constrained to reply.

It has been suggested that Guyana has been intransigent in her attitude from the very beginning of the work of the Mixed Commission. Why? Beacuse her delegation did not approve in its entirety the draft rules of procedure submitted by Venezuela at the first meeting of the Commission in Caracas. But, what was the true position? To begin with, the first meeting was hurriedly arranged soon after the independence of Guyana. Venezuela knew how inconvenient it was for Guyana to meet at that time. Yet Guyana exerted herself to demonstrate her willingness to meet and speak, regardless of the inconvenience to herself. Venezuela, for her part, had given out the impression that the meeting would be merely in the nature of a first get-together. Nevertheless, Guyana did not object when Venezuela, exceeding this expectation, sought to have rules of procedure fortwith made. Most of the rules were in fact approved at the first meeting, and the remainder were approved at the second. As Guyana pointed out, the rules were of considerable importance since they were intended to regulate the substantive work of the Mixed Commission. It cannot be denied that both sides raised many material points relating to the Venezuelan draft which in the course of debate was amended by agreement in several vital respects. In these circumstances to say that the failure of the Guyanese delegation to approve the Venezuelan draft in its entirety at the first meeting indicated an intransigent attitude on the part of the Guyanese delegation, is itself an alarming indication of the overbearing attitude of the Venezuelan delegation by which the work of the Mixed Commission and of the Sub-Commission has been continously afflicted, impeded and delayed.

From the second meeting onwards, the parties have been devided on the question whether any territorial issues could be examined without the Mixed Commission first dealing with the fundamental Venezuelan contention that the arbitral award was null and void. The controversy referred to in the Geneva Agreement relates to this contention. The Mixed Commission is to find satisfactory solutions for the practical settlement of the controversy relating tothis contention. How is this to be done unless the contention is first examined? It is idle to repeat the full arguments advanced

by each side on this issue. They are to be found in the records of the Mixed Commission. Each side continues to adhere to its own position on the issue, but what is distressing is that while the Venezuelan delegation make bold to assert the indisputability of their position, they make the astonishing statement that the Guyana position has been taken with the intention of nullifying the effects of the charge flowing from the Geneva Agreement. This surely attacks the good faith of the Guyanese delegation, and in our submission it does not help to make the difficult task of the Commission any easier.

The Honourable Representatives of Venezuela referred to provocative acts against the dignity of the Venezuelan representatives in Guyana and attacks against Venezuelan consulate and its flag, but forget the violation by Venezuela of the existing boundary, her strong armed accupation of the Guyanese part of the Island of Ankoko and consequential violation of the Geneva Agreement. They omit to refer to various provocative Venezuelan statements accompanying these outrageous acts. They omit to mention that on the other hand not one word of penitence or apology has been heard from Venezuela for her own acts and statements which led to the acts to which they find it convenient to refer. They also omit to make reference to the possibility damaging effects of these and other Venezuelan acts and state - ments on the work of the Mixed Commission.

The Honourable Representatives of Venezuela referred to their proposal for the joint development of the area to the west of the Essequibo River. They omitted to refer to the fact that it was agreed that any proposals relating to development would be submitted without prejudice to the basic position adopted by each party on the interpretation of the Geneva Agreement. The Guyana delegation pointed out ad nauseam that joint development necessarily preju - diced their country's position onthis issue because such development would constitute an erosion of Guyana's sovereignty over the area and that no such erosion could be permitted without first dealing with the Venezuelan conten - tion that the arbitral award, under which Guyana holds the land, was a nullity.

It is astonishing that the Venezuelan delegation should say that the Fourth Meeting the Guyanese delegation offered to give a reply at the Fifth Meeting on the Venezuela proposal for joint development. This is completely inaccurate and the inaccuracy has been pointed out before, as the records would show. The records show that at the Fourth Meeting each party undertook to seek the views of its Government and in the light thereof to resume discussion on development at the Fifth Meeting. This is precisely what the Guyanese delegation did. The discussion was duly resumed at the Fifthe Meeting, and further particulars asked for so as to bring out the full implications of the Venezuelan proposal and thereby aid the discussion. Why this should be a ground for complaint passes all understanding.

The Venezuelan delegation complain that when they submitted their elaborated plan at the Sixth Meeting the Guyanese delegation sought to bring the discussion to marginal points, to small and insignificant details of it, and wished to bring back the negotiations to the stage reached at the Second Meeting. The Venezuelan draft plan consisted of 29 pages and it was surely

reasonable to hold discussions to clarify points arising from it. Or was Guyana to accept it lock, stock and barrel without query or comment ? This is another sad example of the dictatorial attitude of the Venezuelan delegation. The allegation that the Guyanese delegation sought to bring back the discussions to the stage reached at the Second Meeting is presumably a reference to the delegation's observation that the plan violated the basic position taken by Guyana at that meeting, which position Venezuela has undertaken to respect in submitting any proposals for development. The Guyanese delegation could not fairly be expected to allow this position to be taken by the back door. If Venezuela wishes to move Guyana away from this position she is welcome to do so by engaging in a full discussion of her contention of nullity. This, however, she resolutely refuses to do. Instead of doing so she has sought to apply pressure in various ways, some of which have been already mentioned.

At the international level she has sought to put forward her claims, in spite of the Geneva Agreement, at conferences as far divorced in subject matter from territorial claims as meetings of the F. A. O. and the Pan American Road Conference, and through the issue of stamps and other literature in international circulation. At the regional level she has sought to exclude Guyana from participation in regional arrangements such as O. A. S. and the Treaty of Denuclearisation. She has even indulged in unwarranted interference in Guyana's domestic affairs, in particular, with respect to a conference of Amerindian Chiefs at Kaba Kaburi, Guyana, which was organised by a member of the Venezuelan Embassy and to which objection has already been taken by Guyana both in and out of the Mixed Commission. Venezuelan attempts to apply pressure have been made in the Mixed Commission itself, as witness the various threats and belligerent statements made by her delegation from time to time and high-handed walk-out from the Sixth Meeting.

The Venezuelan delegation say that the Guyanese delegation communicated with them by cable to say that they were prepared to enter into the substance of the question, and that the Venezuelans then returned to resume the Sixth Meeting. The suggestion here is that Guyana was indicating a change of attitude. There was no such change. The cable read:

> *"The Guyana Commissioners have the honour to address the Venezuela Representatives on the Mixed Commission and to convey their regret that the Venezuela Commissioners left the Meeting of the Mixed Commission in progress in Georgetown on Monday, November 6, without affording the Guyana Commissioners an apportunity of having translated into English the statement made by the Venezuela Commissioners inmediately before their withdrawal.*
>
> *The Guyana Commissioners wish also to convey their disappointment that the Venezuela Commissioners withdrew from the Meeting before affording the Guyana Commissioners an opportunity of conveying to them their further views on the proposals then before the Meeting of the Commission, more particularly since the Commission had adjourned its deliberations over the previous week-end at the*

request of the Venezuela Representatives to provide an opportunity for further consideration by both sides of these proposals and a further exchange of views upon them on the resumption of the Commission on Monday, November 6.

In the circumstances, the Guyana Commissioners wish to place on record their continued readiness to discuss all substantive aspects of the proposals before the Commission and await the views of the Venezuela Commissioners as to the date and place at which the proceedings of the Commission say be resumed.

Guyana has at all material times been willing to discuss all substantial issues involved, but these issues involve matters which the Venezuelan delegation should be accepted without question. The Venezuelan attitude does not help.

The Honourable Representatives of Venezuela say that the Venezuelan members of the Sub-Commission have disagreed with the report. This statement is not understood as it is observed that the report has been signed without reservation by all members of the Sub-Commission, Venezuelan as well as Guyanese.

This fact is in no way affected by the letter written by the Venezuelan members of the Sub-Commission have disagreed with the report. This statement is not understood as it is observed that the report has been signed without reservation by all members of the Sub-Commission, Venezuelan as well as Guyanese.

This fact is in no way affected by the letter written by the Venezuelan members of the Sub-Commission to their Guyanese counterparts and in which they said that they were not satisfied with the result obtained Two of the three Venezuelan members had signed the report before the letter was written and after it was written the third member signed. There after the report was duly submitted by Venezuela to the Mixed Commission. As so submitted it appears to be a unanimous report containing no dissent or reservation whatsoever.

The Venezuelan delegation ask, "what is the practical solution for Venezuela?", and they answer: "that the territory of which she has been despoiled should be restored to her". The Guyanese delegation say, very respectfully, that they are surprised that the question-begging character of this statement should be dignified by being described by the Venezuelan delegation as a practical solution. For the statement imperiously assumes not only that the arbitral award was null and void, but that the evidence led before the tribunal was clearly in favour of Venezuela, and in favour of her as to the whole of the region claimed! So ample and admission begs all relevant question before the Mixed Commission and renders the existence of the Commission absolutely without point.

The Venezuelan delegation then ask what is the practical solution proposed by Guyana for the settlement of the controversy. Guyana has from the beginning pointed out that no solution could be satisfactory or could result in a practical settlement of the controversy relating to the Venezuelan contention that the arbitral award was a nullity, within the meaning of the Geneva Agreement, unless it first dealt with the contention of nullity itself, since this contention was central to the whole controversy. But for the refusal of the Venezuelan delegation to grapple with this question, the question itself might well have been solved by now and the way made clear for the finding of a satisfactory solution for tne practical settlement of the controversy.

Instead of dealing with this question the Venezuelan delegation have made certain proposals for development, there stated object that the area under consideration should not stagnate pending the search for a satisfactory solution for the practical settlement of the controversy. They have expressly said that their proposal for development is not intended to be such a solution. Apart from the question-begging statement "that the territory of which she has been despoiled should be restored to her", Venezuela herself has never presented any such solution. While this is so, she nevertheless refuses to go with Guyana along the only sensible road leading to a practical solution, namely, the examination of her contention that the arbitral award is a nullity. Guyana is therefore at a loss to understand the question as to what is the practical solution proposed by Guyana for Venezuela

The Sixth Meeting was the longest ever held. At the resumed half it was understood that the discussions would relate to the principle of establishing a Sub-Commission. After a great deal of effort agreement was reached in principle that a Sub-Commission of Experts should be established. This naturally concluded the work of the Sixth Meeting. It was impossible for detailed matters relating to the precise composition and workings of the Sub-Commission to be dealt with, for, as Guyana explained, these matters could not be dealt with until it was ascertained how many experts the Government of Guyana could afford to release and for how long. This explanation was accepted by the Honourable Representatives of Venezuela and it was agreed that the other matters should be dealt with at the Seventh Meeting. These matters were then duly dealt with at the Seventh Meeting. It is therefore difficult to appreciate the Venezuelan complaint that the Guyanese delegation refused to allow these matters to be discussed at the Sixth Meeting, or why this alleged refusal should be regarded as proof of Guyana's supposed intransigence and obstruction.

The Venezuelan delegation also complains of the attitude of the Guyanese experts in the Sub-Commission. There was no decision whatsoever by the Mixed Commission that advisers should attend members of the Sub-Commission. The Guyanese members of the Sub-Commission were clearly right in objecting to the presence of advisers to the Venezuelan members as the attendance of advisers without authority of the Mixed Commission inevitably constituted a violation of the secrecy of the work of the Commission. Even so, the Guyanese members merely objected to their attendance at the formal sessions. Why this should be made a cause of complaint is a-

gain difficult to understand. In the view of the Guyanese delegation the only error made by the Guyanese members of the Sub-Commission was in allowing the presence of such advisers at the informal sessions of the Sub-Commission, as such attendance violated the secrecy of the work of the Commission as much as in respect of the formal sessions.

The Venezuelan delegation also complains of the refusal of the Guyanese members of the Sub-Commission to admit as a working paper the Venezuelan plan, which, they say, had been requested by the Guyanese delegation on the Mixed Commission itself. In the first place, it is completely misleading to suggest that the Guyanese delegation requested the plan. The Venezuelan delegation had put forward a bare proposal for joint development, which the Guyanese delegation said they could not fully appreciate until it was elaborated. The plan was then submitted by way of elaboration. In the second place, the plan became the subject of dead-lock in the Mixed Commission. The object of appointing the Sub-Commission was to make an entirety fresh start in exploring possible areas of cooperation, and therefore, in objecting to the admissibility of the plan as a working paper, the Guyanese members of the Sub-Commission were acting within the true intent of the decision of the Mixed Commission to appoint the Sub-Commission.

The Venezuelan allegation that the Guyanese members of the Sub-Commission wished that Venezuela should grant Guyana loans to pay her debts in untrue. Guyana is not an international mendicant and does not seek to benefit from the largest of nations even richer than the Republic of Venezuela.

It is a complete misrepresentation of events in the Sub-Commission to say that the Guyanese representatives adopted an attitude of obstruction and dilatoriness. At every session of the Sub-Commission while the Guyanese delegation remained in the Conference room ready to work the Venezuelan delegation were on the 31st January, half an hour late, on the 1st February, one and one-half hours late, on 2nd February two and one-half hours late and on 3rd February three hours late.

It is inaccurate too to suggest, as the Honourable Representatives of Venezuela have done, that the question of construction relating to the expression "economic development" in the terms of reference of the Sub-Commission was raised by the Guyanese members of the Sub-Commission, or that it was discussed by Guyana for the purpose of stalling for time. Stalling for time for what? The matter was raised by the Venezuelan members themselves. For her part, Guyana took the position that the expression was clear in that it involved social development insofar as this was relevant to economic development. The Venezuelan members wished the Sub-Commission to amend its terms of reference so that the expression "economic development" should read "economic and social development". The Guyanese members rightly pointed out that only the Mixed Commission was competent to do this. This is why the question has been presented by the Sub-Comission for the ruling of the Mixed Commission. The Guyanese delegation has accordingly invited the Honourable Representatives of Venezuela to join with them in examination of this and other issues raised in the Sub-Commission's report. This Venezuela has however refused to do, being content to rest

upon her general condemnation of the report which she has totally rejected notwithstanding that it is in respect of a preliminary meeting of the Sub-Commission.

Despite the consistent disregard by the Venezuelan delegation of the fundamental requirements of the Geneva Agreement and their unwilling ness to deal with the central issue of the controversy so that practical solutions of it may be considred and agreed upon, the Guyanese delegation will continue to observe and pursue the procedures for discussion laid down by the Agreement. The Guyanese delegation recognise and invite the Venezuelan delegation to acknowledge that the Geneva Agreement itself proceeded on the footing that solutions to the controversy might not necessarily be found within the first two years of the life of the Commission. It was im - plicit in the Agreement that the search for such solutions should continue throughout the life of the Commission and, indeed, if necessary beyond it in accordance with the terms of the Agreement. The Guyanese delegation are prepared to adhere to the Geneva Agreement and to continue to engage in the search for solutions.

The Commission itself has already established a Sub-Commission charged with the responsability of examining possible areas of cooperation between Venezuela and Guyana for the financing and carrying out by them of plans of economic development and inter-cultural exchange. The Guyanese delegation consider that that the establishment of the Sub-Commission re - presented a substantial step forward in the work of the Commission. It believes that the Sub-Commission should be permitted and assisted by the Commission to continue its work and with this view the Guyana delegation propose that the Commission should clarify the point of abiguity in the Sub-Commission's terms of reference on which the Sub-Commission has sought directions from the Mixed Commission. In this regard the Guyana delegation propose that the Commission should formally agree that the expression "economic development" as used in the Sub-Commission's terms of reference includes social development in so far as it is relevant to what might otherwise be considered strictly economic development.

This clarification by the Commission itself will materially advance the work of the Sub-Commission and define its field of examination and the Guyana delegation trust that the Venezuela delegation will not decline to thus promote the work of the Sub-Commission in this way through an unreasonable refusal to consider the matters specifically raised in the unanimous report of the Sub-Commission.

The Guyana delegation do not wish to prejudge or anticipate the work of the Sub-Commission but they have avery reason to believe that with these questions of interpretation clarified and the preliminary meeting of the Sub-Commission concluded the technical examinations contemplated in the establishment of the Sub-Commission will now be embarked upon. Pro - ceeding on the assumption that the Mixed Commission would deal with the various matters raised in the report of its preliminary meeting, the Guyanese Members of the Sub-Commissiona have prepared for consideration be the Sub-Commission at its subsequent meetings specific proposals for co-operation in economic development. It is the wish of the Guyanese delegation that the Sub-Commission should have an apportunity of considering

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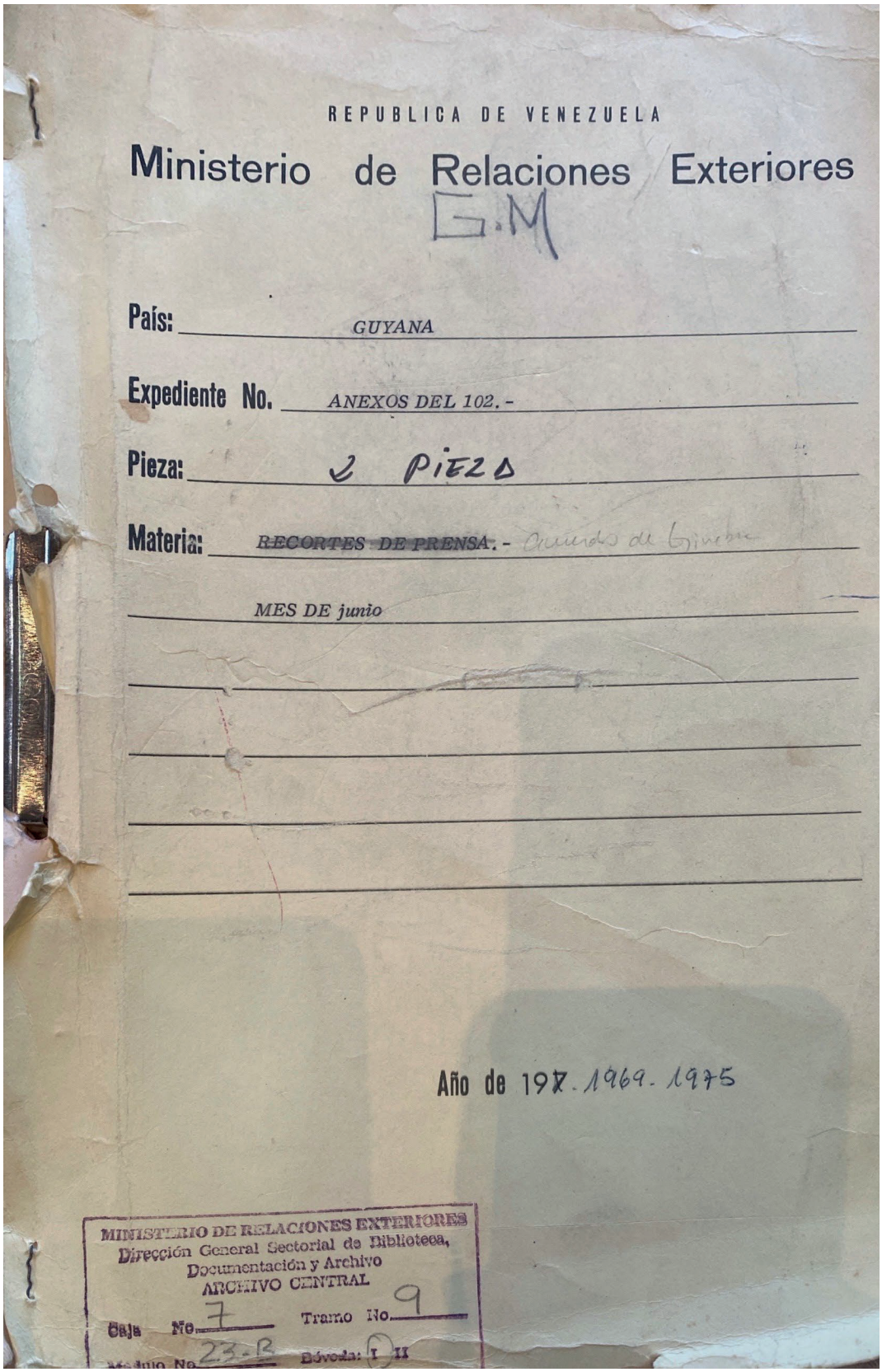
these proposals and that therefore a date for the meeting of the Sub-Commission be now fixed by the Mixed Commission. The Guyanese delegation repeat and reaffirm their readiness to adhere to the terms of the Geneva Agreement and to be guided in their work on this Commission and any of its agencies by the spirit no less than the letter of the Agreement.

Annex 45

Statement by the Prime Minister, Hon. L. F. S. Burnham in the National Assembly, Georgetown, 18 June 1970

Ministerio de Relaciones Exteriores, Archivos, Bibliotecas y Divulgación Casa Amarilla, país Guyana, expediente: anexos del 102, pieza: 2, materia: Acuerdo de Ginebra, año 1969-1975.



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STATEMENT BY THE PRIME MINISTER, HON. L.F.S. BURNHAM, IN THE NATIONAL ASSEMBLY, GEORGETOWN.

THURSDAY, JUNE 18, 1970.

Mr. Speaker,

At 10.00 a.m. today the Hon. Attorney General and Minister of State, on behalf of the Government of Guyana, signed in Port-of-Spain, Trinidad, a Protocol to the Geneva Agreement of 1966.

2. The signing of the Protocol came at the conclusion of discussions between the Hon. Minister and the Foreign Minister of Venezuela, Dr. Aristedes Calvani. Also signing the Protocol was the High Commissioner for the United Kingdom of Great Britain and Northern Ireland, Mr. Roland Hunte, acting on behalf of the British Government. The Government of the United Kingdom, it will be recalled, were parties to the Geneva Agreement and remained parties after Guyana became independent.

3. Immediately prior to the Ministerial discussions, the Mixed Commission established under the Geneva Agreement had submitted to the Governments concerned their Final Report in which they formally notified the Governments of their failure to find a solution to the controversy referred to them under the Agreement. The Ministerial discussions were primarily concerned with the steps to be taken consequent on the submission of that Report.

12. What we have done today is to bring an immediate end to tension and spiralling discord between our countries. What lies ahead is to build on this foundation of accord so that all differences between us may be resolved by peaceful means.

13. The Protocol, of course, will not transform our relations overnight. Much patient effort will be needed to overtake 5 years of strained relations and to secure that harmony which the Protocol now makes possible.

14. Outstanding problems, having their origins in policies of the last 5 years could further increase these difficulties. Thus the continued occupation by Venezuela of the eastern half of Ankoko Island will make all our tasks more difficult. We must continue to work for its termination, even as we explore the possibilities of better understanding in other areas.

15. The conclusion of the Protocol and the arrangements associated with it represent a new period of mutual respect and of patient search for understanding. These principles must guide us in the years ahead. If they do, the Protocol will have served well, not only Guyana and Venezuela, but the Hemisphere itself - AND THERE WOULD BE NO REASON THEN WHY THE REGIME OF PEACE WHICH THE PROTOCOL ESTABLISHES SHOULD EVER END.

18 June, 1970.

Annex 46

Intervention by the Minister of Foreign Affairs of Guyana, Rashleigh Jackson during the 37th General Assembly, 11 October 1982

(Excerpt)

United Nations, General Assembly, Thirty-seven session, 26th Plenary Meeting, October 11, 1982.

the principles and purposes of the Charter. We have thus noted that the Security Council and the General Assembly have not always made the same assessment of situations that threatened international peace and security. The Security Council itself has to some extent distorted its role by using procedures of informal consultations among its members, instead of concerning itself, as it ought to, with handling matters falling directly within its jurisdiction and finding adequate solutions for them.

175. My country saw a good example of that when we submitted to that body our petition opposing the admission of Belize to the United Nations. The Security Council, in open violation of the principles of the Charter, refused to be seized of the matter. It did so without any reason, forgetting that there had been an open controversy to be resolved within the principles of the Charter.

176. It is necessary to establish a solid basis of equity and justice for the development of international relations. My delegation believes that we must return to the sources that gave birth to this Organization. The light which then shone at San Francisco, when the Organization was created, should become a beacon for present and future generations; one which will light our way and enable us to build a better and more balanced world, one founded on the pillars of fraternity and solidarity, where peace, social justice, freedom and dignity to which all human beings without exception are entitled will prevail.

177. Mr. JACKSON (Guyana): My first and pleasant duty is to extend warm felicitations and congratulations to the President, a distinguished son of Hungary, upon his unanimous election. I and the other members of my delegation pledge our full co-operation with him in his efforts to make this session of the Assembly a successful one. May I at the same time pay a tribute to Mr. Kittani of Iraq who, with patience, tact and wisdom, guided the Assembly through the various and bewildering demands of the last year. We owe him a debt of gratitude. May I also reiterate my congratulations to the Secretary-General, Mr. Javier Pérez de Cuéllar of Peru, on his election to this most important office at this most critical period. I have personally had the pleasure and good fortune of working with him in earlier years when he gave dedicated and unstinting service to his country and to the Organization. The seriousness and forthrightness which characterize the approach of the Secretary-General to the challenges facing the Organization and its Member States have won praise and well-deserved recognition within the Organization as well as outside it. We wish him every success.

178. The Secretary-General aptly observed in his frank and perceptive report on the work of the Organization "we are perilously near to a new international anarchy" [*A/37/1, p. 1*]. Guyana shares that assessment. The world economic crisis deepens even as political relations are beset by tension and turbulence. Within recent years there has been an intensification of global crises, political and economic, and a manifest trend towards the exacerbation of existing situations and the creation of new ones, of so-called local and regional conflicts, some of them with devastating effect. Turbulence is pervasive. No region, indeed no country, has escaped unscathed. More than ever before States need in their bilateral relations to be conscious of the impact of their national policies on others and to take the appropriate and necessary steps to avoid conflict, preserve pluralism and promote security and the economic and social development of peoples throughout the world.

179. Underlying current global tensions is the heightening of the contestation between social systems. Nowhere is that more clearly reflected than in the increase in expenditure on, and the sophistication of, armaments and weapons systems, fuelling the movement towards conflict and global conflagration. The language of co-operation has been superseded by that of confrontation and the relations among the great Powers are now dangerously adversarial. Thus military and political rivalries have reached a new level, creating in their wake deep fissures in international relations and the frustration of the process of democratization of those relations.

180. Our global political preoccupations are matched by economic preoccupations; equitable international economic relations are necessary prerequisites to political stability. The present international economic system is undoubtedly in disarray and its debilitating effect on all States, especially on the small and the weak, is manifest.

181. The solution to that state of affairs demands collective, reasoned efforts. But the global community has not responded in that manner often enough. Instead of a greater surge towards multilateralism in international economic relations, there is today a retreat from it, resulting in frustration and impasse. Meanwhile, efforts to fashion solutions upon partisan, bilateral criteria are being renewed. Indeed, the retreat from multilateralism that threatens economic relations among States has been finding expression in a reassertion of the dominance of single-minded ideological approaches to economic development, in essence a return to economic determinism. In the retreat from multilateralism, in this return to economic determinism, we are faced today with a dual strategy. There is a steadfast refusal to remodel existing international institutions in a way that would render them more responsive to the serious problems which imperil us all and, more particularly, the developing countries. Simultaneously, we witness a tendency to deny those multilateral institutions the resources required for their normal operations. In that regard, the position of UNDP demands our special attention and we must urge a genuine commitment to meaningful resource allocation to allow that agency to continue its useful work in an effective manner.

182. The disturbing trend towards a bilateral resolution of global economic woes is demonstrated in other ways. We cannot ignore the evidence of three years of continued stalemate in the effort to launch the global round of negotiations. There have been periodic signs during the process which indicated movement but, just as rapidly, there has been another impasse. The failure to agree on that launching has seriously weakened the much-needed resolve

to undertake collective solutions. The consequence is a growing indication that the global manifestation of the economic woes can be set aside until the national endeavours at a solution have been pursued. Thus the absence of global negotiations to help to resolve global problems of a structural nature has resulted in almost a total dearth of measures to address the immediate issues which beset the global community. The individual, partisan adjustment measures are being forged with an increasing incidence of the attendant burdens, costs and pains of that adjustment being borne by the developing countries.

183. The problems of depressed prices for commodities, the prevalence of inflation and high interest rates, the barriers to trade expansion and the chaos that characterizes the international financial system have been repeatedly assessed, examined and analysed from this rostrum over the last few days. Those analyses notwithstanding, we in the developing countries are acutely aware of the limits to growth we now face as a result of those problems. Nowhere are those limits more manifest than in our efforts at debt management. The problems posed by our spiralling debt burdens present us with tremendous difficulty. Efforts at adjustment to inflation in the developed world have had a very grave effect on its economies. All of these problems —high rates of interest, mounting debt burdens and the very nature of the international financial system—demand that we seek collective redress. It is our most compelling concern and one that necessitates urgent and immediate consideration.

184. For our part, we in the developing world have been willing to seek ways and means to contribute collectively to the solution of the global problems, as evidenced in the Caracas Programme of Action[6] on economic co-operation among developing countries. Our attempts to pool our individual strengths and resource bases and thus promote our collective self-reliance are noteworthy and offer promise for the future. But, as has been noted on repeated occasions, economic co-operation among developing countries, South-South co-operation, is but one part of the whole. It is not a substitute for genuine progress in North-South relations. The quest for solutions based on multilateral and collective methods should be pursued unceasingly.

185. Guyana notes with satisfaction the successful conclusion of the negotiating sessions of the Third United Nations Conference on the Law of the Sea and the emergence of a final text which truly reflects the concerns of many who have laboured long and hard to establish an international legal régime for the ocean space. It is Guyana's hope that when we meet in Jamaica to sign the Final Act and Convention, the number of signatories to the Convention will be a source of great satisfaction to those whose primary motivation over the past several years has been the promulgation of just and equitable arrangements for the most effective use of the sea and the utilization of its resources for the benefit of all mankind, without discrimination.

186. It is, not unnaturally, a source of profound concern that some States should have seen fit to stand aside from this historic effort. It is also a matter for regret that a few developed States have moreover chosen instead to conclude between them a mini-multilateral treaty in defiance of the wishes of the overwhelming majority of the world's States.

187. If I now turn to international political relations, it is to say that these have deteriorated markedly over the past few years. The diagnoses of the malaise afflicting international relations are many and varied. They range from the crisis in the multilateral approach in international affairs to the proliferation of armaments with the concomitant incentive and urge to utilize them; the collapse of co-operative endeavours evolved in the aftermath of the Second World War—so called; an increasing disregard for the fundamental norms and principles of international law; and a widespread tendency —too widespread—to resort to lawless conduct based on confrontation, threats and violence and, unhappily, intervention.

188. These negative manifestations have both encouraged and facilitated behaviour antagonistic to full respect for the sovereignty and independence of States—small States in particular.

189. Interventionist behaviour is undoubtedly on the increase. It is at once cause and effect of the crisis in international relations, a distinguishing feature of many conflicts. The extant cases are numerous—in the Middle East, in Europe, in Africa and in Latin America.

190. Non-intervention in the affairs of other States has served as one of the main pillars and guiding principles of a system of stable international relations. The proscribing of intervention is at the core of several international instruments adopted by this world body over the years. The most recent of these is the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, adopted at the thirty-sixth session [*resolution 36/103, annex*]. This Declaration represents a comprehensive instrument codifying the rights and duties of States that inhere in the principle of non-intervention.

191. Yet, despite its existence as a well-established and fundamental principle of international relations, non-intervention has increasingly been respected more in the breach. The whole gamut of interventionist techniques, ranging from overt military action to the more insidious and subtle forms of indirect pressures and destabilization tactics, has been brought into play in recent years.

192. The motivation for intervention varies from case to case. Yet certain broad patterns are clearly discernible. Some manipulate local situations of controversy and exploit international conflicts to serve perceived broader geo-strategic interests. Further, intervention is oftimes designed to frustrate national liberation and the struggle against colonialism. No less problematic is interventionist behaviour undertaken in pursuit of expansionist ambitions—territorial, ideological and economic.

193. Some of our countries possess enough human and material resources to ensure for their people an adequate and satisfying standard of living. Yet some of these very countries, in what can only be seen as

a fit of greed, seek to covet the territory and resources of their neighbours. In pursuit of their expansionist claims, such countries disregard hallowed principles and norms of an international legal edifice painstakingly constructed over the years.

194. But even as we resolve to banish intervention as an instrument of policy in relations among States, it becomes imperative to strengthen and advance the process of collective security and disarmament. The second special session devoted to disarmament, held here last June, did not realize the high hopes of our peoples for a world free from the spectre of the catastrophic uses of the destructive weapons at man's disposal. This happens at a time in which we witness the proliferation and perfection of a plethora of weapons systems possessing mass destructive capability.

195. It is indeed a sad commentary on the position of some major Powers that in the face of a clear demonstration of the public throughout the world in favour of disarmament, these Powers have not exercised the necessary political judgement to facilitate agreement on the various disarmament issues and the preparation of a comprehensive programme on disarmament.

196. The recent horrors which accompanied the ruthless Israeli invasion of Lebanon and senseless slaughter of innocent men, women and children in west Beirut heighten the necessity for a comprehensive, just and lasting solution to the Middle East situation and the Palestinian question. There has undeniably been a quickening of the conscience of peoples to the urgent need to terminate the Palestinian diaspora and to bring about the creation of a homeland for the Palestinians in Palestine, as envisaged by early resolutions of the Assembly.

197. Let me repeat the position of Guyana: the acquisition of territory by force cannot be condoned; the Palestinian people, led by their authentic representative, the PLO, must have their national rights restored; and all States in the region should be enabled to live in peace and security.

198. We must be equally firm in dealing with the racist entity in Pretoria. The independence of Namibia must be achieved in conformity with Security Council resolution 435 (1978) and there must be no question of further conditionalities. South Africa must be made to vacate Namibia and to do so quickly. At the same time, South Africa must show full respect for the sovereignty and territorial integrity of neighbouring independent African States. Within South Africa itself, the systems of *apartheid* and bantustanization must be condemned. The members of the international community individually and collectively must desist from giving the racists in South Africa succour to maintain their oppressive policies.

199. Unhappily, the tragedy of a divided Cyprus remains, despite the fact that the Assembly in its resolution 3212 (XXIX) set an adequate framework for the withdrawal of foreign troops and the reconciliation of the communities in the territory. Guyana gives every encouragement to the Secretary-General to continue unceasingly in his search for an urgent solution. We also support the proposals made by the President of Cyprus before the Assembly [*21st meeting*].

200. Likewise the people of Korea deserve our support for the peaceful reunification of their territory without outside interference. Guyana continues to urge the implementation of the provisions of the 4 July 1972 joint communiqué[7] and the more recent constructive proposals advanced by the Democratic People's Republic of Korea.

201. We are particularly concerned about the continuing war between Iraq and the Islamic Republic of Iran. We call for strict implementation of the relevant resolutions of the Security Council relating to this matter, in particular resolutions 514 (1982) and 522 (1982).

202. Central America and the Caribbean—indeed, Latin America—is in a state of ferment. Already this state has culminated in a full-fledged war that took a heavy toll of young lives and continues to do so. Threats of destabilization and armed intervention are made in relation to Central America and the Caribbean. Indigenous impulses for change are being violently confronted by a tandem force of local interests and their external supporters. Deliberate policies of pressure and intimidation are implemented, policies aiming at ideological conformity. Guyana firmly believes that a system of peaceful and stable relations in the Latin American and Caribbean region must of necessity be premised on an end to all types of economic pressures and political interference and on respect for ideological pluralism. The Caribbean must be made a zone of peace.

203. In his statement to the Assembly at the 5th meeting, the Foreign Minister of Venezuela adverted at length to the relations between our two countries. Unfortunately that presentation contained egregious distortions; it was contumacious, and it bordered on calumny. It was tendentious and selective in its account of history.

204. Last year, in addressing the Assembly my Prime Minister, Mr. Ptolemy A. Reid, laid bare the history of our relations with Venezuela. The nature of those relations has been profoundly affected by a Venezuelan desire to redraw the boundary between our two countries, a boundary which was settled by Treaty in 1899 and demarcated on the ground between 1901 and 1905.

205. The Foreign Minister of Venezuela stated that Venezuela's claim is based neither on territorial ambition nor on covetousness of the wealth of others but on the need to correct an historical wrong perpetrated against it. And this Venezuela asserts as the successor to Spanish colonial imperialism. He also asserted that Guyana refuses to understand the need for this correction because it wishes to enjoy the fruits of British colonial imperialism.

206. Guyana hardly needs to reject these pejorative Venezuelan asseverations. Moreover, our reputation as an anti-imperialist nation is well known. The anti-imperialist policies my country pursues are in accordance with the tenets of the non-aligned movement, of which it is a full member.

207. The Foreign Minister of Venezuela, in disavowing any motive of covetousness and expansionism, and in persisting in his country's territorial claim, asserts that no exploitable mineral resources have been discovered in the Essequibo region, which Venezuela claims. On the contrary, to give but a few examples, oil has recently been discovered there; our long-established gold and diamond mines are developing as centres of economic activity; and there has been an intensification in the evaluation of our uranium potential. And Venezuela knows this.

208. With these activities and the potential which exists, can we accept Venezuela's portrayal of the Essequibo as a land without exploitable mineral resources? And are we to understand that its claim to this land, whose people are moreover of a different culture, is motivated simply by a desire to redress an historical wrong? We are convinced that the Venezuelan territorial claim is an unjustified attempt to satiate a thirst for the land and resources of others.

209. The Venezuelan Foreign Minister also asserted that there has been no aggression by Venezuela against Guyana. I cannot permit that statement to go unchallenged. Indeed it must be categorically rejected. Let the record speak.

210. Can Venezuela deny that its troops are still in occupation of Guyanese territory that it violently seized in 1966? Can Venezuela honestly—and I stress the word "honestly"—deny that there have been numerous violations of our air and land space by Venezuelan aircraft and armed forces? And what of Venezuela's actions against us in the economic field? Can Venezuela deny that it has been endeavouring to dissuade Governments and organizations both in the developed and in the developing world from participating in Guyana's economic development, especially in that part of our territory that it claims? Does Venezuela deny that in June last year, as we were preparing for a global conference on new and renewable sources of energy, its Foreign Minister wrote to the President of the World Bank opposing the construction of a hydroelectric facility in the Upper Mazuruni region of Guyana on the political ground that the proposed dam was to be located in the area claimed by Venezuela and that it was not economically important to Guyana? And can it deny that such action was taken after the World Bank had itself assessed the project as being economically and technically feasible? Is that not economic aggression?

211. There are several international treaties and legal instruments that relate to the border between Guyana and Venezuela. The most important one is the Arbitral Award of 1899, which all parties, including Venezuela, had by an earlier treaty agreed to accept as a "full, final and perfect settlement". Pursuant to that Award, as I stated earlier, the boundary was demarcated on the ground and registered in a separate Agreement in 1905. There is also the Geneva Agreement of 1966,[8] which has as its purpose the solution of the controversy which "has arisen as a result of the Venezuelan contention that the Arbitral Award of 1899 is null and void".

212. Under the Agreement Guyana and Venezuela were required to choose one of the means provided in Article 33 of the Charter of the United Nations for the settlement of the controversy. Venezuela proposed negotiation; we proposed judicial settlement, and recommended the International Court of Justice. Unfortunately, Venezuela not only challenged our competence to suggest the International Court of Justice but persistently refused to consider our proposal for a judicial settlement. As a consequence our two countries are now, in strict accordance with the provisions of the Geneva Agreement, required to consider the selection of an appropriate international organ to choose the means of settlement.

213. From the inception of the Geneva Agreement in 1966 there have been repeated violations of it by Venezuela. I have already alluded to some of them. Notwithstanding those provocations, Guyana remains willing, in keeping with its policy of respect for legally binding treaties and peace and good-neighbourliness, to continue to honour the Geneva Agreement and to fulfil its obligations under it. On Friday last Guyana proposed to Venezuela that our two countries, in fulfilment of that Agreement, seek to agree on an appropriate international organ to choose a means of pacific settlement.

214. There are a number of organs of a regional nature, some of which may not be acceptable to Venezuela and others which may not be acceptable to us. However, there are three organs of such a wide international character that in our opinion any of them should be acceptable to both parties. These organs are: the International Court of Justice, the Security Council and the General Assembly of the United Nations.

215. We are therefore now suggesting for the consideration of the Government of Venezuela recourse to one of those organs. It is Guyana's belief that their international character recommends them as suitable. We put our confidence in them. We trust that Venezuela would be prepared to do likewise.

216. Let me repeat what my Prime Minister said at the thirty-sixth session of the Assembly:

> "We have no other wish than that of establishing a régime of peace, harmony and friendship with the people of Venezuela, with whom we share aspirations for a just and satisfying life and with whom we can together make a contribution to our development and that of our region and our continent". [*12th meeting, para. 64.*]

To that goal Guyana remains committed.

217. In the complexities which beset the international community the non-aligned movement continues to play an influential and beneficial role. As we speak out against intervention and interference, the non-aligned are aware that external efforts to divide and subvert us will continue. But we must stick resolutely and uncompromisingly to our principles and our policies.

218. Despite its imperfections, the United Nations system still offers mankind the best hope for a régime of international relations based on the rule of law.

219. In his courageous report on the work of the Organization the Secretary-General not only has analysed the weaknesses of that system but has also made constructive proposals for the improvement of its vitality and the enhancement of its effectiveness. The decline in its authority and the credibility dilemma facing the United Nations are as much functions and consequences of certain deficiencies of the system as of the growing propensity of an increasing number of nations to marginalize the Organization or to ignore its decisions.

220. We owe it to ourselves and to the Secretary-General to ponder seriously his assessment of the international situation, his views on the crisis of confidence facing the United Nations and the various ideas he has submitted for reinvigorating the process of multilateral diplomacy. We believe that the opportunity to do so which this session provides should be fully utilized. Guyana supports his proposals. We are particularly interested in his argument for a role for the Security Council which emphasizes a preventive, rather than a reactive, orientation.

221. As my President said in a statement on 5 October 1982 in Brasilia:

> "I believe the time is ripe for us to examine once again the possibility of establishing a United Nations security force with sufficient authority and strength to forestall aggression and prevent disputes from degenerating into armed conflicts."

222. Man's impulse is to survive and to live in peace with his fellow man. Our task as representatives of Governments is to give effect to this impulse. The pursuit of this task requires us to undertake serious dialogue, to act in concert, to adhere to the norms of international law and to make a reality of peaceful coexistence. History, I suggest, would indeed be unkind to us if we did not seek to build a world that is safer and in which justice prevails.

223. Mr. MASHINGAIDZE (Zimbabwe): It is my privilege to deliver the statement of the Republic of Zimbabwe to the Assembly on behalf of my Minister for Foreign Affairs, who has had to go home on urgent business. The following is his statement.

224. The Government and people of the Republic of Zimbabwe warmly greet the Secretary-General and all delegations and wish the session success. I should like to take this opportunity to congratulate Mr. Hollai on his election to the presidency of the thirty-seventh session of the General Assembly. He has my best wishes and those of my delegation in the very important responsibility which the Assembly has placed on his shoulders. He can certainly count on my delegation's co-operation with him in his work. May I also join other speakers who have paid a thoroughly deserved tribute to Mr. Kittani of Iraq, for the way in which he presided over the thirty-sixth session of the General Assembly, as well as the special sessions.

225. As this is the first opportunity for me to offer my personal congratulations to Mr. Pérez de Cuéllar, on his election to the highest office in the Organization, I wish to do so now. This is, of course, in addition to the messages of felicitation and good wishes which the Government of Zimbabwe communicated to the Secretary-General through the normal channels soon after his election and also during the recent special session of the General Assembly devoted to disarmament. The Government of the Republic of Zimbabwe is particularly satisfied at his election for several reasons, the most important of which are his outstanding qualities both as a person and as a diplomat, which are well known to all in this Assembly, and, equally important, the great honour which his election represents to his country, Peru, to the non-aligned movement and to the third world.

226. There can be no denying the fact that the thirty-seventh session of the General Assembly is taking place against the background of a critically deteriorating international situation. I wish to refer to some of the things which contribute to this atmosphere of fear, tension and insecurity in our world. In so doing it is my sincere hope that when we conclude this session we shall all, as individuals and nations, rededicate and recommit ourselves to the high principles of the Charter and to world peace.

227. The current vicious arms race, especially the nuclear arms race, if it is not quickly and effectively checked, could lead only to a nuclear conflict, resulting in the complete destruction of this planet; and, as the Secretary-General has already warned in his report on the work of the Organization, nothing worth-while will survive a nuclear holocaust if one comes. Let us remind ourselves, therefore, that what is at stake here is the survival of the human race. If so far, however, we have been spared this 'no-victor, no-vanquished' war, it is perhaps because the world has not yet been so unfortunate as to produce persons sufficiently crazy and foolish to wish to inscribe their own names on the pages of history which no one will ever survive to recount.

228. It has already been observed by speakers before me that another serious threat to world peace and security is the production and stockpiling of more sophisticated conventional weapons. Although they know full well the destructive capacities of such inhuman weapons, some of the nations possessing them seem most eager to employ them in the pursuit of so-called national interests and objectives, the achievement of which does not seem beyond means that are more acceptable under civilized international law. In fact, those who possess these dangerous weapons of death and destruction often assume postures and positions which render ineffectual the mediatory and peace-keeping efforts of the United Nations and other international bodies concerned with seeking peaceful solutions to conflicts. Such has been the common frustration of the Security Council, the OAU, the non-aligned movement and other international and regional organizations. In most conflicts threatening regional or international stability, peace and security, such as, for instance, those in the Middle East, the Persian Gulf, the South Atlantic recently, Afghanistan, South-East Asia or southern Africa—to mention some of the current areas of tension and conflict—resolutions and decisions of those organizations are met more with defiance and violation than with compliance.

Annex 47

Press Release, Ministry of Foreign Affairs of Guyana, 30 March 1983

Ministerio de Relaciones Exteriores, Archivos de Fronteras, Box: E-04.

PRESS RELEASE

The Government of Guyana has agreed to refer the decision as to the means of settlement of the controversy with Venezuela to the Secretary-General of the United Nations.

On Monday, March 28, 1983, Venezuela's Ambassador to Guyana received a letter from Foreign Minister Rashleigh Jackson to the Minister of Foreign Affairs of Venezuela, Dr. Jose Alberto Zambrano Velasco, conveying Guyana's position.

The task of the Secretary-General, as envisaged in the Geneva Agreement, is to select a means of peaceful settlement and not to pronounce on the substance of the issue. His involvement represents a recourse to the final of the three stages detailed in the Geneva Agreement for such selection.

According to Article IV (2), the Governments of Guyana and Venezuela were first required to seek agreement between themselves on the choice of a means of settlement within a three month period. This proved impossible. Venezuela proposed negotiation as her choice, while Guyana opted for judicial settlement. The second stage required both Governments to agree on an appropriate international organ to make the selection. Guyana proposed three alternative bodies - The International Court of Justice, the General Assembly of the United Nations or the Security Council. Venezuela, for her part sought to bypass this second stage. On September 19, 1982, Foreign Minister Zambrano stated his Government's preference for the immediate involvement of the Secretary-General of the U.N., and on October 15, 1982 she repeated her preference after a summary dismissal of the proposals which Guyana made at the United Nations on October 11, 1982.

Annex 48

Communiqué issued at the conclusion of the 14th Meeting of the Conference of Heads of Governments of the Caribbean Community, 5-8 July 1993, Nassau, The Bahamas.

The Caribbean Community.

COMMUNIQUES PRESS RELEASES

COMMUNIQUE ISSUED AT THE CONCLUSION OF THE FOURTEENTH MEETING OF THE CONFERENCE OF HEADS OF GOVERNMENT OF THE CARIBBEAN COMMUNITY, 5-8 JULY 1993, NASSAU, THE BAHAMAS

• JULY 9, 1993 496 18 MINUTES READ

The Fourteenth Meeting of the Conference of Heads of Government of the Caribbean Community was held in Nassau, The Bahamas, 5-8 July 1993. It marked the Twentieth Anniversary of the signing of the Treaty of Chaguaramas which led to the establishment of the Caribbean Community and the formation of a Caribbean Common Market.

Heads of Government in attendance were:

The Rt. Hon. Erskine Sandiford, Prime Minister and Minister of Finance and Economic Affairs, Barbados; The Hon. Hubert A. Ingraham, Prime Minister of The Bahamas; The Rt. Hon. Manuel Esquivel, Prime Minister of Belize; The Rt. Hon.

development in Guyana-Venezuela relations. They took note of the contribution of the official visit by President Cheddi Jagan to Venezuela to that process and the fruitful exchanges which have taken place in both the public and private sectors since then.

Heads of Government welcomed the decision of the Governments of Guyana and Venezuela to pursue actively the search for a peaceful resolution to the controversy over the border under the auspices of the United Nations Secretary-General through the Good Offices of Sir Alister Mc Intyre. They expressed the hope that discussions within the Good Offices procedure would continue to be valuable.

Heads of Government reaffirmed support for the sovereignty and territorial integrity of Guyana.

Request for Observer Status in the Community

Heads of Government agreed to the establishment of a Joint Technical Group as the mechanism for pursuing co-operation with the French overseas Departments in the Caribbean particularly in the areas of Agriculture, Trade, Transportation, Education and Culture, Environment, Health, Industry and Tourism.

They agreed that in light of current activities towards the establishment of an Association of Caribbean States, of which Costa Rica is a potential member, relations with that country be further developed within that context.

CARICOM/UN Relations

Heads of Government welcomed the development of relations between the Community and the United Nations through the implementation of programmes of co-operation

Annex 49

Joint Communiqué issued on the occasion of the State visit to Venezuela to the President of the Cooperative Republic of Guyana, H. E. Mrs. Janet Jagan, Caracas, 23 July 1998 (Translation)

AHMPPRE. Archivo Histórico. Relaciones Bilaterales Venezuela-Guyana. Unidad Especial de Guyana. Proceso de Buenos Oficios. 1991-1999.

JOINT COMMUNIQUÉ ISSUED ON THE OCCASION OF THE STATE VISIT TO VENEZUELA OF THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF GUYANA, H.E. MRS JANET JAGAN

Caracas, 23 July 1998

Upon the invitation of the President of the Republic of Venezuela, Dr. Rafael Caldera, the President of the Cooperative Republic of Guyana, H.E. Mrs Janet Jagan, accompanied by a high-level Delegation, paid a State Visit to Venezuela, from 21 to 23 July 1998.

During her visit, the President of the Cooperative Republic of Guyana laid a floral tribute at the sarcophagus that preserves the remains of the Liberator Simón Bolívar in the National Pantheon.

The Guyanese President was declared Distinguished Guest of the city of Caracas and was presented with the keys of the city by the Mayor.

President Caldera bestowed on the President of the Cooperative Republic of Guyana the Collar Order of the Liberator.

The Guyanese Head of State was welcomed by the Congress of the Republic of Venezuela in Joint Session of the Houses.

During her stay in Venezuela, President Jagan had talks with President Caldera, with whom she reviewed issues of bilateral, regional, and international interest. In turn, the other members of the Official Delegation accompanying the President held various working meetings with their Venezuelan counterparts.

The Presidents noted that year 1998 marked the anniversary of the signature of the Amazon Cooperation Treaty. They expressed their satisfaction with the progress achieved to institutionalise the Pro Tempore Secretariat. They renewed their commitment with the principles and objectives of the Treaty.

As neighbouring countries, located in the same Amazonian and South American geographical context, both Presidents reiterated the need of further consolidating their efforts to ensure the progress of their peoples and, at the same time, ensuring a balanced human and social development and the perpetuation of democratic government principles in the region.

Both presidents reiterated the firm commitment of their countries to the preservation of democracy and respect to human rights. They underscored their firm adherence to the principles of sovereign equality of the States, respect to the self-determination of peoples and non-intervention enshrined in the Charter of the United Nations.

The Presidents highlighted the open cordiality and friendship atmosphere that has characterised relations between the two countries and the direct dialogue they have had as a result of presidential meetings held over the last ten years.

Furthermore, they expressed their satisfaction with the progress achieved in bilateral relations, emphasising that this is the result of the dynamic contact made by different personalities at the highest political, economic, and commercial levels of both nations. In this respect, both Presidents expressed their desire to further expand and deepen these relations.

The Presidents evaluated the progress of the process for a mutually satisfactory solution to the territorial controversy between Venezuela and Guyana, and they reiterated their firm commitment to resolve it peacefully. In this sense, they expressed their satisfaction with the efforts made by Sir Alister McIntyre, Personal Representative

of the United Nations Secretary-General, and reaffirmed their decision to continue supporting the McIntyre Process towards achieving a definitive settlement, as provided by the Geneva Agreement of 1966.

Aware of the extreme importance of sustainable environmental management for economic and social development, both Presidents agreed that, under the aegis of the McIntyre Process, Venezuela and Guyana shall initiate negotiations towards an Agreement on environmental issues.

For the purposes of deepening and providing a more dynamic content to bilateral relations, both Presidents agreed to take a comprehensive and global approach to the common agenda, having therefore decided the following scheme:

-A Binational High-Level Commission, regularly chaired by the Ministers of Foreign Affairs, shall supervise the work of sub-commissions in the following areas:
Politics
Environment
Commercial exchange and economic integration
Consular matters
Culture
Health
Agriculture, livestock and agro-industry
Transport

A meeting of officers shall be convened within forty-five (45) days, using the diplomatic channels, to finalise the terms of reference and the work programme. The date and venue shall be agreed through diplomatic channels.

In recognising the relevance of rational development and exploitation of marine living resources, both Presidents agreed on designating, through diplomatic channels, within thirty days, the respective work teams aimed at identifying the specific

cooperation areas in the field of exploration and exploitation of marine living resources. This encompasses the establishment of joint ventures for the processing and commercialisation of said resources.

Concerned by the threat posed by the unlawful traffic of narcotic substances and related crimes, the Presidents acknowledged the need to collaborate in this area under the Anti-Drug Strategy in the Hemisphere. They agreed to treat as urgent the meeting of the Joint Commission Venezuela/Guyana for the Prevention, Control and Suppression of the Unlawful Consumption and Traffic of Narcotic and Psychotropic Substances.

They called for further effort to pursue cooperation on health matters and encouraged competent bodies to continue joint efforts under the programme agreed by the two countries, particularly concerning malaria and the vector control of other illnesses.

Both Presidents agreed that, at bilateral level, they should promote measures to improve cooperation and exchange between the Armed Forces of both countries.

Both Heads of State expressed the opinion that the fight against crime requires joint action by the Parties and that increased collaboration between police authorities of both countries shall provide protection and greater peacefulness to the respective communities.

During the visit, President Jagan met with authorities of the Venezuelan Investment Fund, with whom she exchanged viewpoints concerning the continuity of Economic Cooperation Agreements and to identify other sources of funding for development programmes. Likewise, she had an interview with the President of the Foreign Trade Bank. The talks included the possibility of granting a line of credit to fund exports of Venezuelan non-traditional goods. A meeting was also held with the Board of Directors of Petróleos de Venezuela S.A. (PDVSA). Representatives of the Guyanese private sector attended these meetings.

The Guyanese President met with Venezuelan and Guyanese entrepreneurs, convened under the auspices of FEDECÁMARAS. A Binational Business Committee was created following this meeting.

President Caldera expressed his satisfaction with the presence of the private sector Delegation accompanying President Jagan during her visit to Venezuela. The talks with their Venezuelan counterparts were a good omen to enhance economic and commercial relations between the two countries, particularly in promoting trade, investment and strengthening their institutional liaisons.

Aware of the importance for both countries of education and cultural ties, both Presidents agreed on highlighting the work of the Venezuelan Institute for Culture and Cooperation, based in Georgetown, for the teaching of the Spanish language and other cultural activities.

Both Heads of State deemed it favourable for bilateral relations to further promote cultural activities that may benefit both communities. They encouraged the promotion of youth exchange between the two countries, including the Venezuela's National System of Youth Orchestras.

Both Presidents reiterated their satisfaction with the decision adopted by the Heads of State and Government at the 2nd Summit of the Americas, held in April this year in Santiago de Chile, of initiating negotiations for the establishment of a Free Trade Area of the Americas (FTAA.) They expressed their strong desire that special attention is accorded to the needs and particularities of both small vulnerable economies and the economies of intermediate-development countries to allow their effective participation in the free-trade process. Against this background, President Jagan indicated that the establishment of a Regional Integration fund may help alleviate the condition of the smallest and more vulnerable economies.

They recognised the role played by the Organisation of American States (OAS) in the Summit of the Americas process. In their exchange of views on the issue of the Inter-American Convention against Corruption, the Presidents expressed their satisfaction with the progress achieved and expressed their hope that it could be signed and ratified by all the countries of the Hemisphere.

In recognising the need for increased ties between the two countries within the Caribbean Basin, the Presidents expressed their commitment towards supporting the activities of the Association of Caribbean States. In this respect, both Heads of State were of the opinion that a Summit of the A.C.S. should be convened early next year to add impetus to the work developed by the Association.

President Jagan thanked President Caldera for attending the 19th Meeting of Heads of Government of the Caribbean Community (CARICOM), held in Saint Lucia, from 30 June to 4 July 1998.

The Presidents noted the progress made by the CARICOM countries for the creation of a single economy and market, which would facilitate the remotion of barriers to free trade among the countries of the Community and would contribute to further strengthening the integration process in the sub-regions.

Both Presidents also expressed their interest in identifying different ways to contribute to the economic growth in the region, through the expansion of bilateral and multilateral trade. In this respect, they supported facilitating the negotiation of a Free Trade Agreement between CARICOM and Venezuela.

They expressed their satisfaction with the ongoing approach between the Andean Community and the Caribbean Community, aimed at initiating negotiations for the establishment of a free trade area between the two sub-regions.

They reaffirmed their commitment with the eradication of poverty and unemployment. President Jagan seized the occasion to renew the call for a new Human Global Order for the universal improvement of economic, social and political conditions.

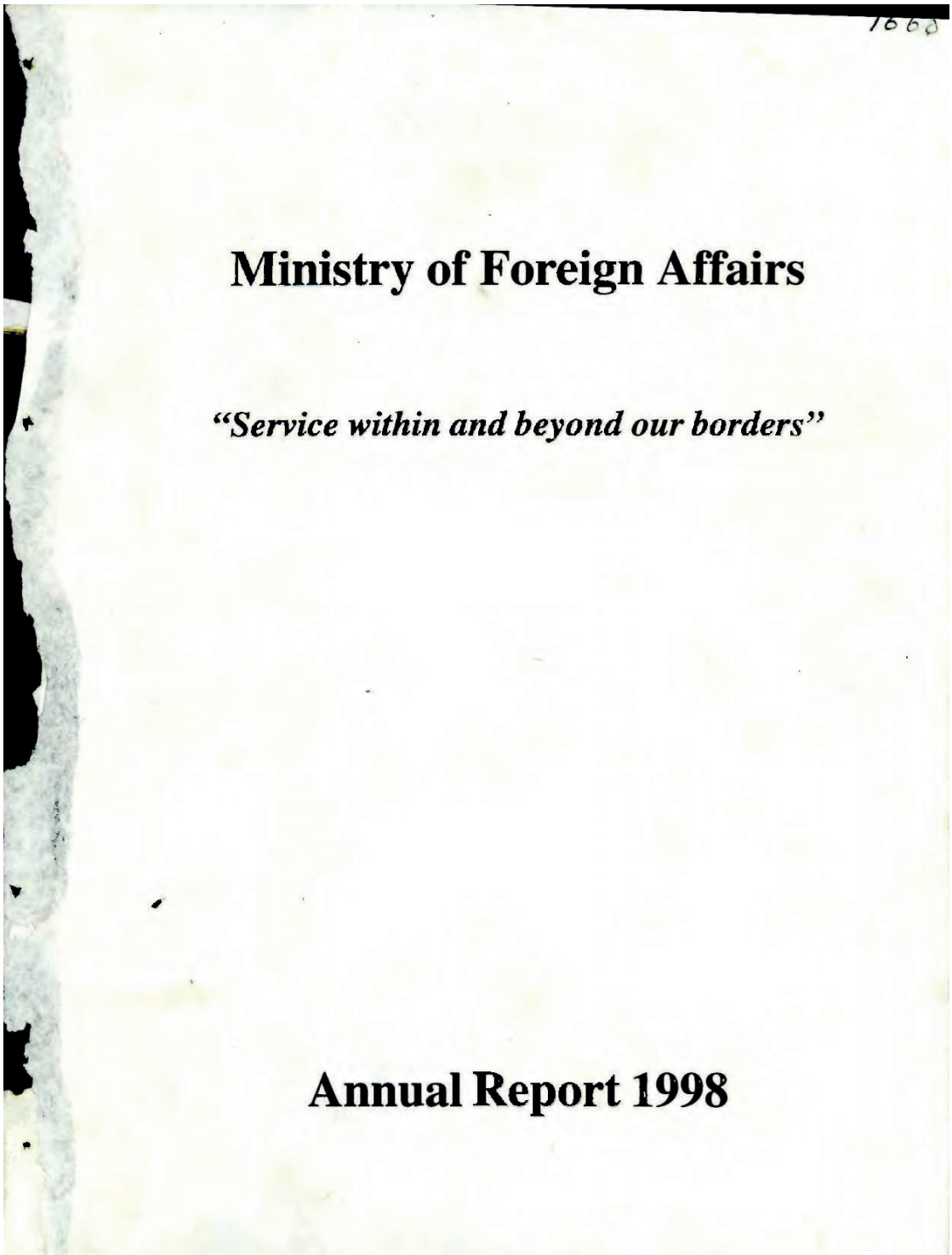
During her visit, President Jagan took the opportunity to meet with Guyanese nationals living in Venezuela.

The President of the Cooperative Republic of Guyana was most grateful for the warm hospitality she and her delegation received from the Government and People of Venezuela during their stay in the country.

Annex 50

Ministry of Foreign Affairs, Service within and Beyond our Borders, Annual Report, 1998 (Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación
Casa Amarilla.



Ministry of Foreign Affairs

"Service within and beyond our borders"

Annual Report 1998

CARACAS

EMBASSY OF GUYANA

INTRODUCTION

A number of events combined to give stimulus to the relations between Guyana and Venezuela in 1998. The Embassy simultaneously managed all aspects of Guyana/Venezuela bilateral relations including political, commercial and trade relations; Consular affairs and Guyana's relations with 16 other countries in what turned out to be an inordinately busy year.

The following report sets out the main highlights of the work of the Embassy in 1998.

BILATERAL RELATIONS

The year 1998, the last of Rafael Caldera's presidency of Venezuela, was marked by a significant milestone in the Guyana-Venezuela bilateral relationship following a period of relative sluggishness. The trajection in the relationship was provided by President Janet Jagan's state visit to Venezuela in July of that year which featured a meeting between herself and President Caldera, several meetings among business leaders of the two countries as well as a meeting of President Jagan and her delegation with Guyanese nationals resident in Caracas.

The principal result of the state visit was an agreement on the part of the two leaders to establish a High Level Bilateral Commission between the two countries. In October the same year officials of the respective Foreign Ministries finalised the terms of reference and work programme of the High Level Bilateral Commission at a meeting in Georgetown. The Commission is composed of sub-committees tasked with promoting bilateral cooperation in the following areas: Consular Matters; Health; Agriculture & Livestock; Trade and Economic Cooperation; Political Consultations; Culture; Transportation; the Environment; Marine Resources and Prevention, Control and Suppression of the Unlawful Consumption and Traffic in Narcotic and Psychotropic Substances. The agreements arrived at, were embodied in a

joint communiqué which was issued at the conclusion of the state visit.

Given that Venezuela's general elections were scheduled for December 1998, the outgoing Caldera administration elected to provide the incoming government the opportunity of approaching the work programme of the Commission with a disposition of its own, with the result that the Commission held no further meetings for that year.

President Jagan was accompanied on her state visit by reportedly the largest business delegation to have left Guyana up to that time. Deliberations between national and business leaders of the two countries were upbeat and fruitful. They yielded an agreement to establish a Joint Business Council which was foreseen as the precursor to a bi-national Chamber of Commerce. Other aspects of trade and commerce with Venezuela are set out in the commercial section of this report.

THE TERRITORIAL CONTROVERSY

During the state visit, the two Presidents reaffirmed the will of their respective countries to continue the search for a peaceful solution within the framework of the United Nations' Good Officer process as provided for in the 1966 Geneva Agreement.

Nonetheless, the Joint Communiqué which was issued at the end of the visit indicated that the two countries would initiate negotiations to arrive at an agreement on environmental issues. Venezuela stirred a controversy over this issue with a statement by its Foreign Minister to the effect that the proposed environmental agreement would relate only to Essequibo. Guyana consistently reiterated its position that the proposed agreement was to be based solely on multilateral treaty obligations entered into by Guyana and Venezuela and must therefore relate to all the national territory of each country. Sir Alister McIntyre expressed an opinion on the issue which was perceived to be favourable to Guyana and which led some in Venezuela to call for his substitution as the United Nation's Good Officer. At the end of 1998 this matter was still in abeyance.

In November, President Caldera surprised his Brazilian hosts by using the occasion of the inauguration of the Santa Elena de Uairen - Manaus Highway to reaffirm Venezuela's

claim to Essequibo. The Venezuelan President pointed out that "Venezuela has rights in that area" upon seeing a Brazilian map which excluded a depiction of the "zona en reclamación".

During a seminar on Venezuela's borders in early February, however, the Venezuelan Foreign Minister Miguel Angel Burelli Rivas remarked that "it seems difficult, at this point, that Venezuela can recover the entire 159,500 square kilometres of Essequibo". He added that this was because Guyana was in possession of the territory and was small and weak compared to Venezuela. The Venezuelan Foreign Minister probably did not expect his remarks to have been published. This was one of the scarce occasions in the evolution of the controversy when Venezuela publicly qualified its goal of acquiring all of Guyana's territory west of the Essequibo river.

During the Venezuelan electoral campaign of 1998, the controversy, unexpectedly, was not an issue on the front burner. Remarks attributed to the eventual winner of the elections, Lieutenant-Colonel Hugo Chavez, evinced a disposition on his part during the campaign to be patient and flexible on the issue, even though he was forthright in his conviction that all of Essequibo belonged exclusively to Venezuela.

However, in December, immediately after Venezuela's elections were over and President Chavez was declared the winner, Guyana's territorial integrity was violated by a Venezuelan army aircraft which swooped close to a Guyanese military outpost near the western border. Guyana protested the incident. Venezuela's explained unconvincingly that the incident was part of an annual salute to border garrisons and that no hostile intention lay behind the manoeuvre.

President Chavez won the elections on promises to eliminate corruption, raise the standard of living of Venezuela's lower classes, stimulate economic development and guarantee human rights. In foreign affairs he undertook to strengthen cooperation and integration with the countries of the Caribbean and South America based on the visionary pan-americanist outlook of Simon Bolivar. As the year came to a close there was much to look forward to.

Annex 51

Joint Communiqué issued at the end of the State visit to Guyana of H. E. Hugo Chávez Frías, President of the Bolivarian Republic of Venezuela, 19-20 February 2004 (Translation)

AHMPPRE. Archivo Histórico. Política Internacional: Relaciones Bilaterales Venezuela-Guyana. Proceso Buenos Oficios. 2000-2007.

Translation

JOINT COMMUNIQUÉ ISSUED ON THE CONCLUSION OF THE STATE VISIT TO GUYANA BY HIS EXCELLENCY HUGO CHÁVEZ FRÍAS, PRESIDENT OF THE BOLIVARIAN REPUBLIC OF VENEZUELA

Georgetown, February 19-20, 2004

At the invitation of His Excellency Bharrat Jagdeo, President of the Republic of Guyana, His Excellency Hugo Chávez Frías, President of the Bolivarian Republic of Venezuela, paid a State Visit to Guyana on February 19-20, 2004.

2. During his State Visit, President Chávez held official talks with President Bharrat Jagdeo and members of the cabinet of Guyana. He received courtesy calls from the Honorable Hari Narayen Ramkarran, Speaker of the National Assembly, the Honorable Robert Corbin, M.P., leader of the opposition, and His Excellency Dr. Edwin Carrington, Secretary General of the Caribbean Community.

3. His Excellency President Hugo Chávez Frías addressed a gathering of parliamentarians and civil leaders.

4. In their review of the relations between Guyana and Venezuela, their Excellencies Presidents Bharrat Jagdeo and Hugo Chávez Frías took note of the steady progress which was being made in strengthening the bonds of friendship, cooperation and understanding between their two countries. They noted, in particular, that a spirit of cordiality had permeated the approach to the dialogue between the two sides under the auspices of the United Nations Good Offices Process in the search for a peaceful and practical settlement of the controversy in accordance with the Geneva Agreement of 1966.

5. The Heads of State reiterated their countries' commitment to the Good Offices Process ad expressed their appreciation for the work of Mr. Oliver Jackman, the Personal Representative of the United Nations Secretary General.

6. The Presidents exchanged ideas on their national programs for poverty alleviation, social justice and the deepening of their national democratic processes. They reaffirmed their commitment to the fight against poverty, which constitutes the main threat to international peace and development.

7. They therefore expressed their governments' continuing support to the United Nations Millenium Development Goals aimed at reducing poverty by fifty percent by the year 2015. They however noted if international donor assistance to developing countries does not increase appreciably, the goal of reducing poverty will not be realized.

8. The Presidents decided that the bilateral cooperation programs should be linked with the poverty alleviation strategies and plans of both states.

9. The Presidents noted that both the New Global Human Order and the International Humanitarian Fund, initiatives that have been promoted by Guyana and Venezuela, respectively, have similar objectives and could make significant contributions towards the realization of the strategies to eradicate poverty globally. They therefore agreed to coordinate their efforts and

activities aimed at achieving international acceptance and support for the objectives of the two proposals. In this respect they recognized the efforts being made through the Latin American Economic System (SELA) and the Adean Cooperation Fund (CAF) to support the feasibility studies for the establishment of the International Humanitarian Fund.

10. The Heads of State reviewed the efforts aimed at the implementation of programs for the intensification of cooperation between their two countries. They directed that strategies be developed for the acceleration of the rate of implementation of the cooperation activities of the various Subcommittees and Working Groups established under the Guyana-Venezuela High Level Bilateral Commission. They requested their respective Foreign Ministers to conduct a thorough review of the cooperation programs and to monitor their further execution.

11. President Bharrat Jagdeo briefed President Hugo Chávez on Guyana's recent qualification for assistance under the Highly Indebted Poor Countries (HIPC) initiative and the positive impact which this assistance could have on the poverty alleviation and social sector programs in Guyana.

12. It was noted that because of its HIPC conditions, Guyana will not be able to access the benefits of the Caracas Energy Cooperation Agreement. At the request of His Excellency the president of Guyana, President Chávez agreed that Venezuela would favorably consider adjusting the terms and conditions of the agreement so that it can be made compatible with Guyana's HIPC obligations. It was agreed that the relevant technical officials would meet before the end of March 2004 to resolve this issue.

13. The president of Venezuela agreed to a cancellation of the debt owed by Guyana to Venezuela. A technical working group would be established to give effect to this decision.

14. The presidents emphasized the importance of constitutional reforms, the rule of law, citizens' participation, and the consolidation of democratic governance to social and economic stability. In this context, they exchanged views on the initiatives taken by their governments to build consensus and consultation across the political spectrum in their countries.

15. President Jagdeo briefed President Chávez on the developments in the integration process within the Caribbean Community (CARICOM) and highlighted in particular the progress being made towards the establishment of the CARICOM Single Market and Economy. President Jagdeo observed that the integration arrangements would establish a solid basis for the development of the Region and allow for closer foreign policy coordination to address regional and international developments.

16. Both presidents emphasized the importance of trade to regional development and requested the early resumption of negotiations aimed at strengthening the trade agreement between Venezuela and CARICOM.

17. The Presidents reviewed the achievements of the Association of Caribbean States (ACS) since the third Summit in Margarita, Venezuela, in 2001. They took note of the fact that significant progress was made towards greater integration in the areas of air transport and tourism. They emphasized the importance of the ACS Summit of Heads of State and Government as the appropriate forum for strengthening the Association and for guiding it towards the new challenges and objectives.

18. They placed on record their appreciation for the services of the outgoing Secretary General, Dr. Norman Girvan, and expressed their support for the newly elected Secretary General, Mr. Rubén Arturo Silié.

19. The Presidents of Guyana and Venezuela discussed the Integration of Regional Infrastructure of South America (IIRSA) Initiative and reiterated their commitment to the realization of its objectives. In this regard they endorsed the proposal for a Guyana-Venezuela road link and agreed to jointly seek international resources to conduct the feasibility studies needed to implement this proposed project.

20. In this context the Presidents noted the importance of creating an environment to allow for the realization of the economic potential of the areas that would be opened up as a result of the proposed road link. Both Presidents therefore agreed to adopt policies and measures that would encourage economic activities to ensure the viability of the proposed road link.

21. The Presidents reaffirmed their commitment to continue to play active roles in the Amazonian Cooperation Treaty Organization to develop, consolidate and coordinate national strategies for the preservation of their environmental heritage and the sustainable development of their countries.

22. The Presidents took note of the decisions adopted at the Special Summit of the Americas held in Monterrey, Mexico. They agreed that the interests of the smaller economies of the hemisphere must be safeguarded in any project of economic integration.

23. The two Heads of State praised the role of the Organization of American States (OAS) as a key regional organization concerned with the preservation of peace and the promotion of development in the Americas. In this regard they recognized the need to strengthen the OAS mechanisms for combating poverty and agreed to jointly work with the organization to hasten the consideration of the proposed Inter-American Social Charter.

24. The Presidents agreed to closer collaboration in the context of the Rio Group and the Latin American-Caribbean and European Union Summit. They noted that these groupings offered welcome opportunities for extended political dialogue and wider economic and social partnerships.

25. Presidents Bharrat Jagdeo and Hugo Chávez Frías discussed the current international trading system, and the efforts being made through the World Trade Organization to ensure the development of a balanced, fair and equitable trading system that is based on internationally acceptable rules for all nations. They underscored the fact that international trade, investment and economic cooperation are critical to the welfare of all states, especially those with small and vulnerable economies.

26. They called on the international community to guarantee, in an increasingly challenging international environment, characterized by trade liberalization and the erosion of trade preferences, special and differential treatment that takes into account the structural differences and special needs of developing countries.

27. The Presidents reaffirmed their commitment to multilateralism as a guiding principle in international relations and expressed their support for the initiatives aimed at the reform and

restructuring of the United Nations given the continuing relevance of this organization to the maintenance of international peace and security; the strengthening of international cooperation, the promotion of social and economic development and respect for international law. In this framework, they agreed to promote initiatives, with special emphasis on the social programs carried out by the United Nations.

28. Their Excellencies Presidents Bharrat Jagdeo and Hugo Chávez Frías recognized the threats to the security of states posed by international terrorism and other trans-boundary crimes, such as drugs and arms trafficking and money laundering. They noted the heavy toll which the HIV/AIDS pandemic continues to take on the region's health. They stressed the importance of a coordinated and integrated approach within regional fora to respond effectively to these challenges.

29. In concluding their discussions both Presidents expressed their satisfaction with the results of their dialogue and welcomed its promise for the further enhancement of relations between Guyana and Venezuela. They were convinced that their meeting would give added impetus to cooperation in regional and international matters.

30. His Excellency President Hugo Chávez Frías expressed his gratitude to the government and people of Guyana for the hospitality afforded him and his delegation during his State Visit and extended an invitation to His Excellency President Bharrat Jagdeo to pay a state visit to Venezuela at a mutually convenient time.

[Illegible signature]

Hugo Chávez Frías
President of the
Bolivarian Republic of Venezuela

[Illegible signature]

Bharrat Jagdeo
President of the
Republic of Guyana

BOLIVARIAN REPUBLIC OF VENEZUELA

[COAT OF ARMS]
MINISTRY OF FOREIGN AFFAIRS

Annex 52

Joint Statement of Presidents Hugo Chávez Frías and Bharrat Jagdeo on the occasion of the official visit of the President of the Cooperative Republic of Guyana to the Bolivarian Republic of Venezuela, 21 July 2010
(Translation)

AHMPPRE. Archivo Histórico. Relaciones Bilaterales Venezuela-Guyana. Unidad Especial de Guyana. Proceso de Buenos Oficios. 2008, 2010, 2011, 2012, 2013, 2014.

Translation

JOINT STATEMENT OF PRESIDENTS HUGO CHAVEZ FRÍAS AND BHARRAT JAGDEO ON THE OCCASION OF THE OFFICIAL VISIT OF THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF GUYANA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

Caracas, July 21, 2010.

The President of the Bolivarian Republic of Venezuela, Hugo Chávez Frías, and the President of the Cooperative Republic of Guyana, Bharrat Jagdeo, meeting on the historical occasion of the first official visit of President Jagdeo to Venezuela, expressed their satisfaction over the current status of the relations between Guyana and Venezuela which were founded on the principles of solidarity, cooperation and complementarities. They discussed issues of mutual interest on the global and regional agenda and reviewed the bilateral program of cooperation.

President Hugo Chávez Frías and President Bharrat Jagdeo:

1. Verified the good level at which relations are developing between the two countries, which consolidate and fortify on the basis of the principles of solidarity, cooperation and complementarities.
2. Mandated their respective Foreign Ministries to work on the convening of the Fifth High-Level Binational Commission Meeting (COBAN) to be held in Caracas.
3. Expressed their determination to advance the necessary arrangements to execute the Feasibility Study and the Environmental Impact Study of the Venezuela-Guyana Road Link (Tumeremo to Georgetown), as a necessary undertaking for development and integration between both countries, in particular putting in place the process in the Caribbean Development Bank (CDB) for the selection of Consultants. In that context, they agreed to instruct the Guyana-Venezuela Joint Technical Working Group on the proposed Guyana-Venezuela Road Link to immediately commence discussions with the

Caribbean Development Bank with a view to having that institution act as the conduit for the resources for the conduct of the pre- and feasibility studies of the Road Link.

4. Expressed their satisfaction over the effective functioning of the petroleum cooperation program under the PETROCARIBE Scheme. Likewise, they welcomed the progress of the social project financed through the Alba-Caribe Fund, concerning the construction of the Centre for Rehabilitation and Reintegration for Homeless Persons.
5. President Jagdeo expressed his appreciation at the timely decision of the Venezuelan Government to purchase Guyanese rice, which has brought benefit to the small farmers of the rice industry, highlighting the values of fair trade.
6. Noted the progress of the Project for the Improvement of the Cold Chain for Non-Traditional Agricultural and Dairy Products, from which small Guyanese producers would benefit by having access to markets further afield.
7. The Venezuelan President informed his Guyanese counterpart of the recent approval of the necessary resources for carrying out the exercise of updating the hydrographical data of the Mahaica, Mahaicony and Abary rivers in Guyana, needed to execute the dredging works in cooperation with Venezuela.
8. Recognized the help that regional and subregional organizations can offer for the peaceful resolution of local controversies, and for preventive diplomacy. In this sense, they highlighted the value and importance of the Union of South American Nations (UNASUR) as a mechanism for consensus and an effective political space to solve our differences in South America, reinforcing their commitment for their development and consolidation. The Venezuelan President congratulated his Guyanese counterpart for the recent appointment of his country to assume the Pro Tempore Chairmanship of this regional organization and confirmed his participation in the next Summit to be held in Georgetown in August this year.

9. President Jagdeo announced his Government's willingness to purchase 100 VENIRAN tractors, in a demonstration of the commitment to intensify the commercial links between both countries.
10. Expressed their satisfaction over the signing of the following Bilateral Agreements, which would pave the way for enhanced cooperation between their two countries in different fields: (a) Letter of Commitment between the Ministry of the People's Power for Food of the Bolivarian Republic of Venezuela and the Ministry of Agriculture of the Cooperative Republic of Guyana; (b) Memorandum of Understanding between the Ministry of the People's Power for Energy and Petroleum of the Bolivarian Republic of Venezuela and the Ministry of Foreign Affairs of the Cooperative Republic of Guyana for the Supply of Urea; c) Memorandum of Understanding between the Ministry of People's Power for Energy and Petroleum of the Bolivarian Republic of Venezuela and the Ministry of Foreign Affairs of the Cooperative Republic of Guyana for the Supply of Jet A I; and d) Memorandum of Understanding between the Government of the Bolivarian Republic of Venezuela and the Government of the Cooperative Republic of Guyana for the Creation of a Committee for the Prevention, Investigation and Settlement of Fishing Incidents.
11. Finally, they reaffirmed their confidence in the Good Offices Process as a mechanism that would assist the Parties to advance towards a practical and satisfactory solution for the border controversy, without affecting good bilateral and regional relations. In this sense, both Presidents welcomed the appointment of and expressed their confidence in the work of Professor Norman Girvan as the Personal Representative of the United Nations Secretary General responsible for the Good Offices Process. President Chávez announced the designation of Ambassador Roy Chaderton as the Facilitator for Venezuela. President Jagdeo announced the designation of the Honorable Ralph Ramkarran as Guyana’s Facilitator.

President Bharrat Jagdeo expressed his sincere gratitude to President Hugo Chávez and the Venezuelan people, on his own behalf and on behalf of his delegation for the kindness and hospitality received during his visit to the Bolivarian Republic of Venezuela.

Signed in Caracas on July 21, 2010.

[Illegible signature]

Hugo Chávez Frías

President of the Bolivarian Republic of Venezuela

[Illegible signature]

Bharrat Jagdeo

President of the Cooperative Republic of Guyana

4

Annex 53

Joint Declaration issued on the conclusion of the State visit to Guyana by H. E. Nicolás Maduro Moros, President of the Bolivarian Republic of Venezuela, 31 August 2013

AHMPPRE. Archivo Histórico.Comisión Bilateral de alto nivel Venezuela-Guyana (COBAN). 2011, 2012, 2013, 2014.

JOINT DECLARATION ISSUED ON THE CONCLUSION OF THE STATE VISIT TO GUYANA BY HIS EXCELLENCY NICOLÁS MADURO MOROS, PRESIDENT OF THE BOLIVARIAN REPUBLIC OF VENEZUELA

GEORGETOWN, AUGUST 31, 2013

1. At the invitation of His Excellency Donald Ramotar, President of the Cooperative Republic of Guyana, His Excellency Nicolás Maduro Moros, President of the Bolivarian Republic of Venezuela, paid a one day visit to Guyana on August 31, 2013.

2. In their review of the relations between Guyana and Venezuela, Their Excellencies Presidents Donald Ramotar and Nicolás Maduro Moros noted the accelerated progress which was being made to enhance the bonds of cooperation, friendship, and understanding between their two countries.

3. They noted, in particular, that greater impetus was given to the United Nations Good Offices Process since the appointment of the current Personal Representative of the United Nations Secretary General, Professor Norman Girvan and recommitted that the search for a peaceful and practical settlement of the controversy in accordance with the Geneva Agreement of 1966, was one that should be pursued under the Good Offices Process. In this regard, they agreed to pursue with the United Nations Secretary General the reappointment of Professor Girvan for a further term.

4. The Heads of State received the report of the 5th Meeting of the Guyana/ Venezuela High Level Bilateral Commission which was held on Friday, August 30, 2013, under the areas of Political Consultation; Food and Agriculture; Air, Land and Sea Transportation; Energy; and Education and Culture.

5. Arising out of these discussions, the Presidents noted with satisfaction the continuity of the exports of rice and paddy to Venezuela and the supply of petroleum to Guyana. Also, they acknowledged the potential cooperation under the Petrocaribe mechanism and the new cooperation initiatives proposed, which include the bilateral drugs agreement, furtherance of the proposals for cultural cooperation and capacity building in the area of Spanish language training for Guyanese and English language training for Venezuelans.

6. They agreed to start a direct air link between the two countries through CONVIASA airline, with two flights weekly and a capacity of 70 passengers. In this sense, in order to realize the complementarity in this sector, the Bolivarian Republic of Venezuela offered to the Government of Guyana technical training through an exchange of air inspectors.

7. They directed that strategies be developed to hasten the rate of implementation of the outstanding and the new cooperation initiatives under the Guyana/ Venezuela High Level Bilateral Commission. They requested their respective Foreign Ministers to closely monitor the further execution of these activities.

8. Both Presidents emphasized the importance of trade to regional development and recalled the views expressed by His Excellency Nicolás Maduro Moros, at the recently concluded 34th Regular Meeting of the Conference of Heads of Government of the Caribbean Community regarding the strengthening of the trade relations between Venezuela and CARICOM. They noted also the proposals for cooperation between CARICOM and Venezuela including areas such as security, air and sea transportation, energy and the development of a social and cultural plan.

9. Both Presidents expressed optimism for the potential that exists for an enhanced relationship between CARICOM and Venezuela that would redound to the benefit of their peoples.

10. The Presidents reviewed the achievements of the Petrocaribe mechanism. President Ramotar congratulated President Maduro on the initiative by Venezuelan to establish the Petrocaribe Economic Zone (PEZ), which has been created to safeguard and manage the resources in the region. The Presidents express their commitment to build up emphasized the importance of the Petrocaribe Summit of Heads of State and Government as the appropriate forum for strengthening the initiative and guiding it towards the new challenges and objectives that are imminent.

11. They acknowledged the roles of UNASUR and CELAC in bringing the Latin American and Caribbean region closer together and in providing a voice for the region on international fora to address issues of interest and concern to the region, including peace and security, climate change and sustainable development.

12. President Nicolás Maduro Moros commended Guyana on attaining the Associate Membership status of MERCOSUR. Within this context, the two Presidents emphasized the importance of MERCOSUR not only

with respect to integration in the area of trade, but also in the development of cooperation in many sectors.

13. His Excellency President Nicolás Maduro Moros and His Excellency President Donald Ramotar addressed a gathering of several groups from civil society and social movements. They underscored the importance of the participation of all groups in the democratic process. Their Excellencies engaged in meaningful exchanges with participants from the agriculture sector, trade unions, the various ethnic organizations, women's movements, the religious community, youth and others.

14. In concluding their discussions, both Presidents expressed their satisfaction with the results of their dialogue and welcomed its promise for the further enhancement of relations between Guyana and Venezuela. They were convinced that their meeting would give added impetus to cooperation in bilateral, regional and international matters.

15. His Excellency President Nicolás Maduro Moros expressed his gratitude to the Government and People of Guyana for the hospitality afforded him and his delegation during his State visit and extended an invitation to His Excellency President Donald Ramotar to pay a visit to Venezuela at a mutually convenient time.

Done and signed on this 31th day of August, 2013, in Georgetown, in the English and Spanish languages, both texts being equally authentic.

Donald Ramotar
President of the Cooperative
Republic of Guyana

Nicolás Maduro Moros
President of the President of the
Bolivarian Republic of Venezuela

Annex 54

Statement attributable to the Spokesperson for the Secretary General, on Guyana and Venezuela, 9 November 2023

United Nations, Secretary-General Statement attributable to the Spokesperson for the Secretary-General - on Guyana and Venezuela, 9 November 2023, Stéphanie Dujarric, Spokesman for the Secretary-General.

https://www.un.org/sg/en/content/sg/statement/2023-11-09/statement-attributable-the-spokesperson-for-the-secretary-general-guyana-and-venezuela%C2%A0scroll-down-for-spanish

09 November 2023 — New York

Statement attributable to the Spokesperson for the Secretary-General - on Guyana and Venezuela [scroll down for Spanish]

Stéphane Dujarric, Spokesman for the Secretary-General

The Secretary-General is following with concern the recent escalation of tension between Guyana and Venezuela over the border controversy between the two countries. He trusts that both parties will demonstrate good faith and avoid any action that would aggravate or extend the controversy.

In January 2018, after carefully analyzing developments in the good offices process that had taken place over the preceding years, the Secretary-General, in the exercise of the power and responsibility conferred on him by the 1966 Geneva Agreement, chose the International Court of Justice as the means that was next to be used for the solution of the border controversy between the two countries. The controversy is now before the International Court of Justice. The Secretary-General does not express a view on matters that are the subject of ongoing judicial proceedings.

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El Secretario General sigue con preocupación la reciente escalada de tensión entre Guyana y Venezuela por la controversia fronteriza entre ambos países. Confía en la buena fe de ambas partes para impedir cualquier acción que agrave o prolongue la controversia.

En enero de 2018, después de analizar cuidadosamente la evolución del proceso de buenos oficios que había tenido lugar durante los años anteriores, el Secretario General, en el ejercicio del poder y la responsabilidad que le confiere el Acuerdo de Ginebra de 1966, eligió la Corte Internacional de Justicia como el siguiente medio a ser empleado para la solución de la controversia fronteriza entre los dos países. La controversia está ahora ante la Corte Internacional de Justicia. El Secretario General no expresa opinión sobre asuntos que son objeto de procedimientos judiciales en curso.

Statements

Latest Statements

Statements on 09 November 2023

- Secretary-General's video message to the Theophano Foundation
- Secretary-General's video message to the International Humanitarian Conference for the Civilian Population in Gaza

DIPLOMATIC CORRESPONDENCE, OTHER COMMUNICATIONS

Annex 55

Translation of the Cipher Telegram relating to a letter that Olney sent to Bayard, American Ambassador in London, 14 January 1986

Telegram from Richard Olney to Thomas Bayard, 14th de January 1896, Library of Congress, Washington D.C., Richard Olney Papers, Box 43-44, Reel 16, Jan 14, 1896- Feb 11, 1896, NDI 203, pp. 9-13.

2/572

Translation of cipher telegram received at the Embassy at 11.30 p.m., January 14, 1896:--

Bayard, American Ambassador, London.

Suggestions coming through Lord Playfair highly appreciated, and desire for speedy, as well as rightful, adjustment of Venezuelan boundary controversy fully reciprocated. But the United States is content with existing status of Monroe doctrine which, as well as its application to said controversy, it regards as completely and satisfactorily accepted by the people of the Western Continents. It does not favor therefore proposed Conference of Powers. Solution it suggests is this: Let appropriate clause be added to Behring Sea Convention, or if deemed wisest, let there be an independent Convention, which shall provide for settlement by arbitration of all controversies between the two countries, including Venezuelan boundary, and which, as to that controversy, shall explicitly provide that long-continued occupation of territory by Venezuelans or by British subjects, shall, with all the attending circumstances, be considered by Tribunal of Arbitration, and be given all the weight belonging to it in reason and justice, or by the principles of international law. Tribunal to consist of two members present American Commission, of two persons chosen by Great Britain, and of a fifth agreed upon by the two Governments or, in case of failure to agree, nominated by

Olney.

7484

No. 577.

Confidential.

Embassy of the United States,
London, January 18, 1896.

Sir,

Having reference to my No. 572, of the 15th instant, I have now the honour to acknowledge your telegrams received since then, in relation to proposition for an adjustment, by friendly arbitration, of the boundary of Venezuela and British Guiana.

I also enclose herewith copies (decyphered) of the sundry telegrams, which I have since received from you.

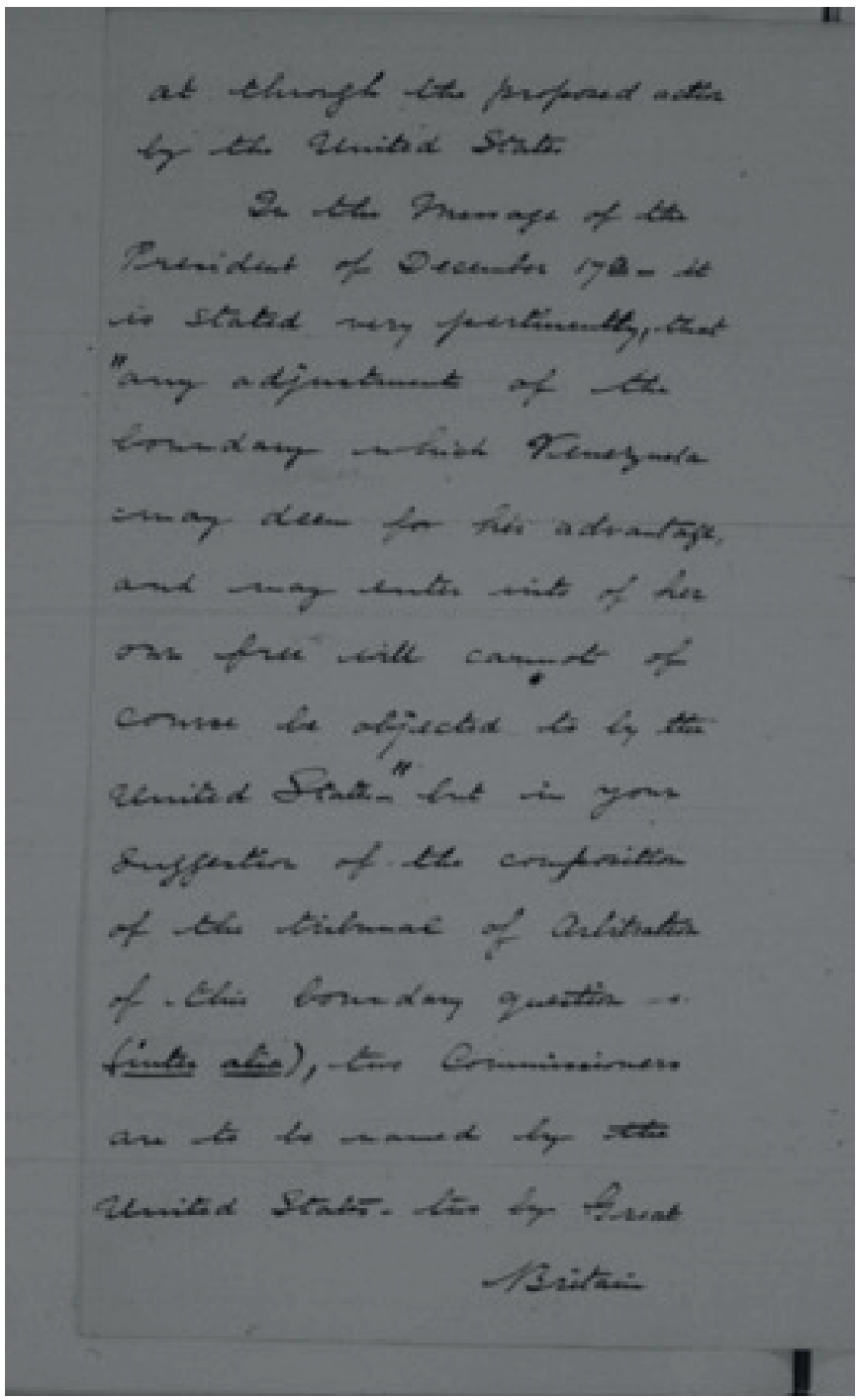
The Honourable
Richard Olney,
Secretary of State.

754

Annex 56

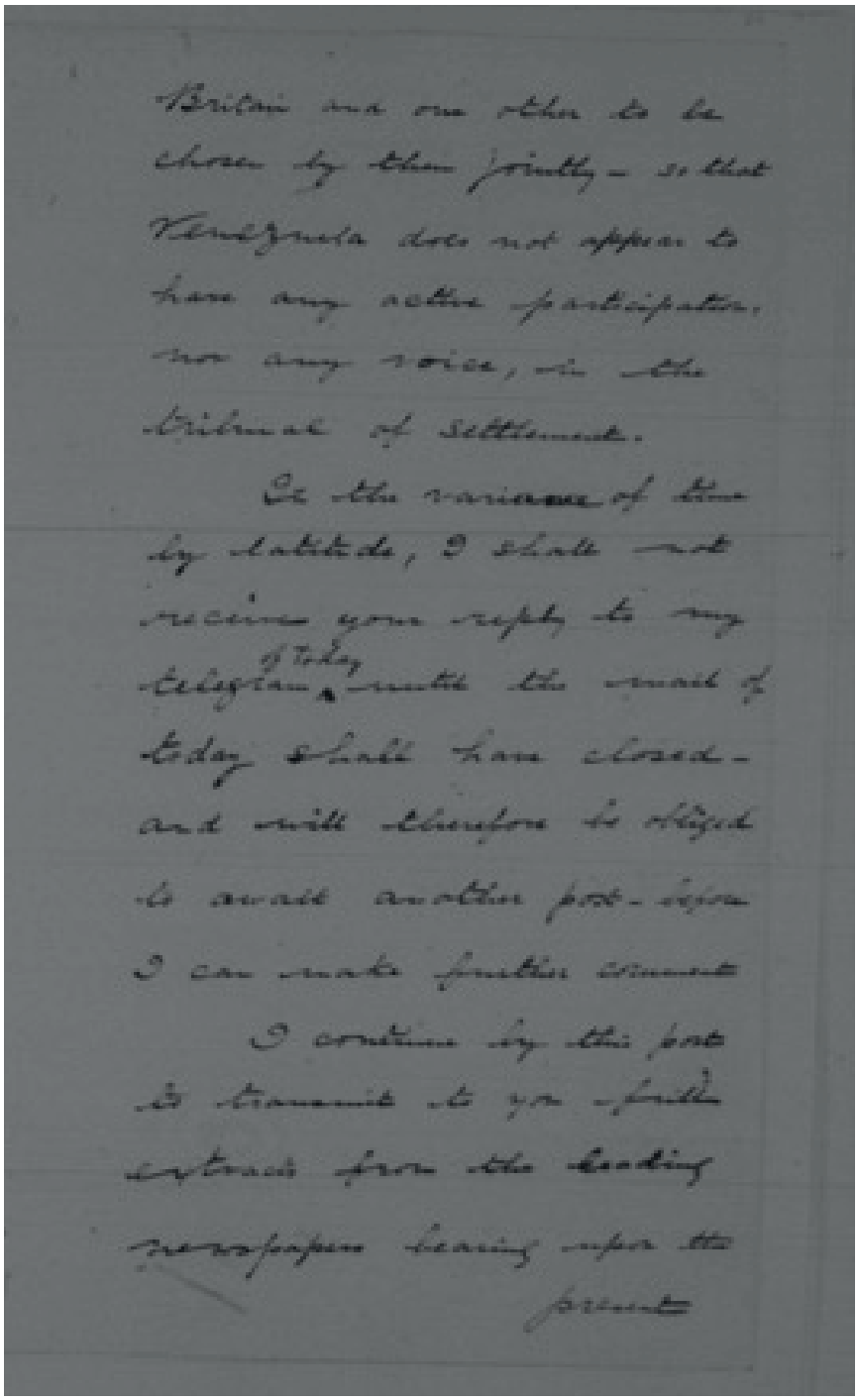
Letter from Thomas Bayard to Richard Olney, 15 January 1896
(Excerpt)

Library of Congress, Washington D.C., Richard Olney Papers, Box 43-44, Reel 16, Jan 14, 1896-Feb 11, 1896, NDI 203, pp. 50-62.



at through the proposed action
by the United States

In the Message of the
President of December 1792 – it
is stated very pertinently, that
"any adjustment of the
boundary which Venezuela
may deem for her advantage,
and may enter into of her
own free will cannot of
course be objected to by the
United States" but in your
suggestion of the composition
of the tribunal of Arbitration
of this boundary question –
(inter alia), two Commissioners
are to be named by the
United States – two by Great
Britain



Britain and one other to be chosen by them jointly – so that Venezuela does not appear to have any active participation, nor any voice, in the tribunal of settlement.

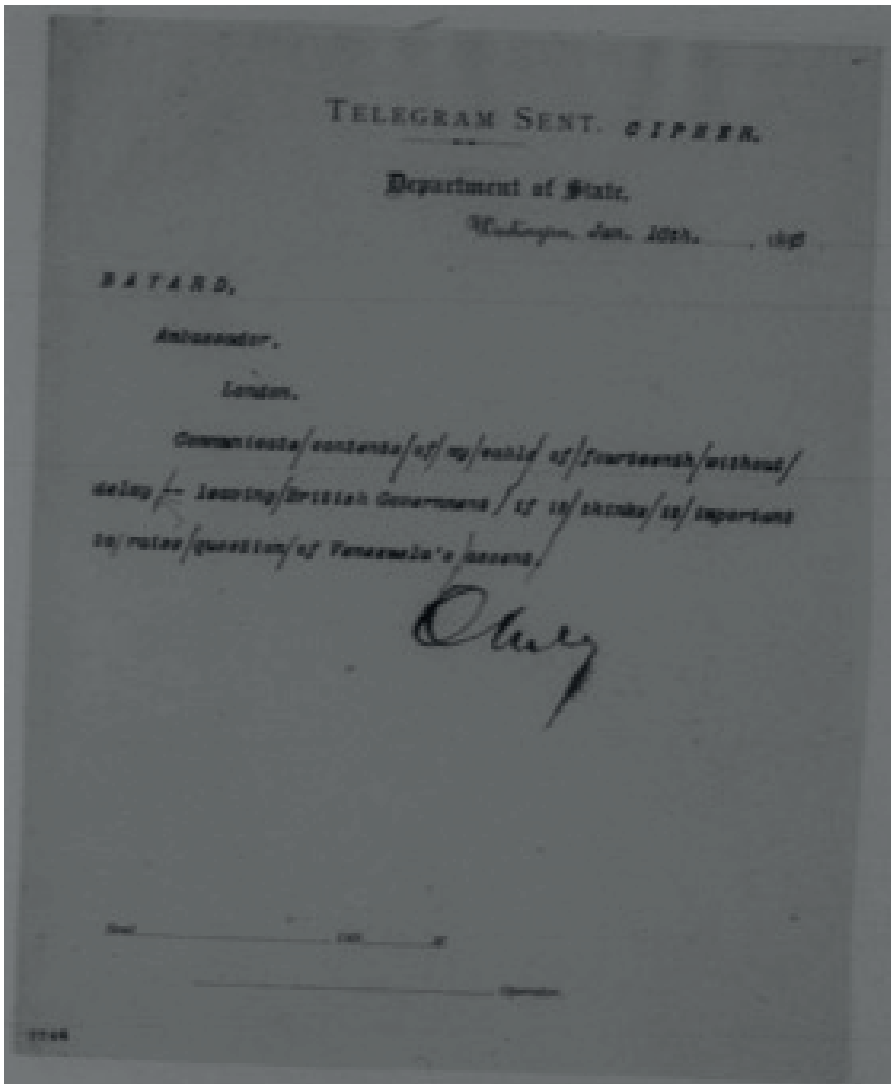
As the variance of time by latitude, I shall not receive your reply to my telegram of today until the mail of today shall have closed – and will therefore be obliged to await another post – before I can make further comment.

I continue by this post to transmit to you full extracts from the leading newspapers bearing upon the present

Annex 57

Telegram from Olney, Department of State of the United States, to Bayard, Ambassador to London, 16 January 1896

Manuscript Division, Library of Congress, Washington, D.C. Richard Olney Papers, Box 43-44, Reel 16, Jan 14, 1896 - Feb 11, 1896 NDI 203, p. 93



TELEGRAM SENT. CIPHER.

Department of State.

Washington, Jan. 10th, 1896

BAYARD,

Ambassador,

London.

Communicate contents of my cable of fourteenth without delay -- leaving British Government if it thinks it important to raise question of Venezuela's assent.

Olney

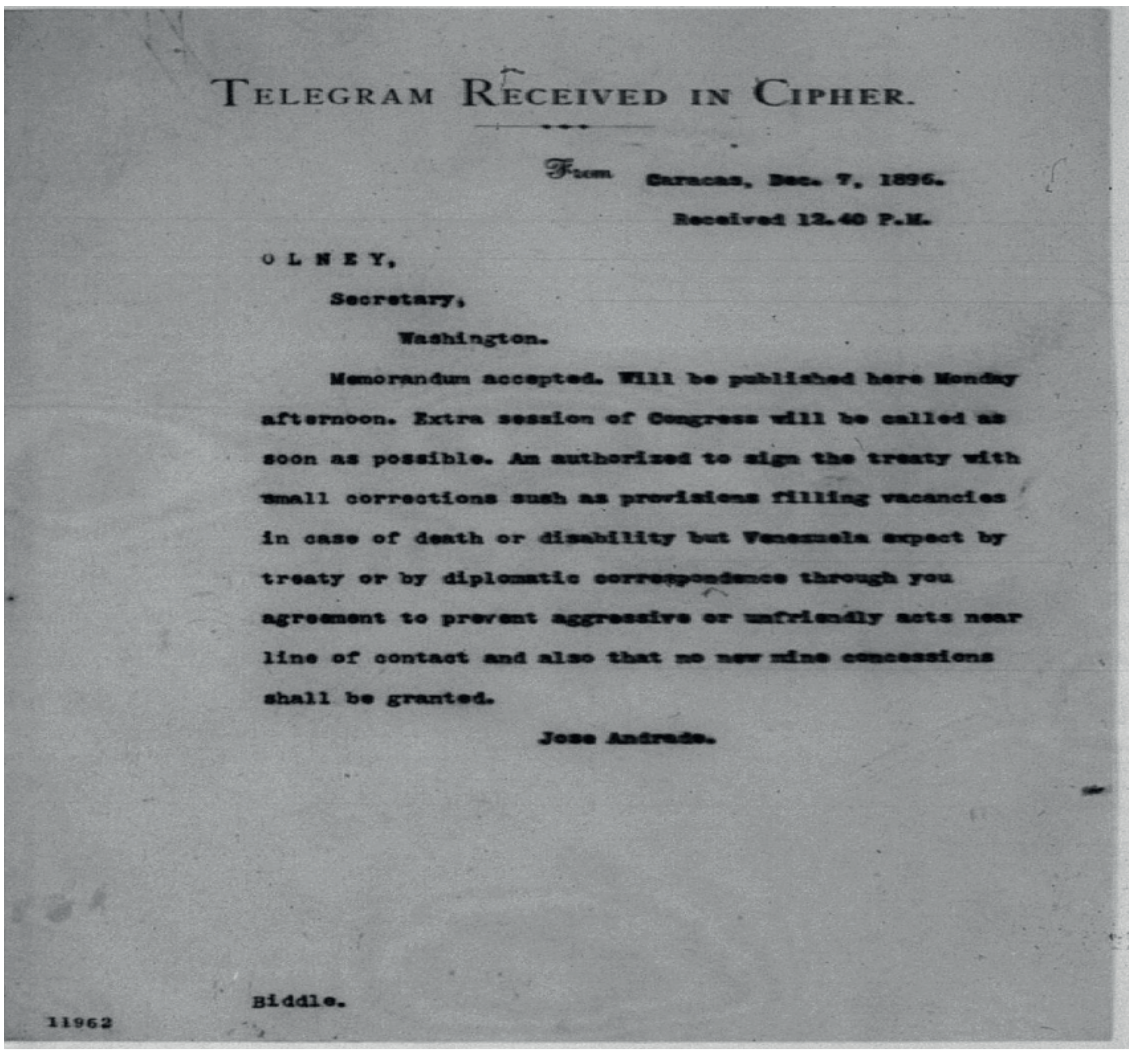
Sent _____ 1896 _____ M

_____ Operator

Annex 58

Telegram received in Cipher from José Andrade to Olney, 7 December 1896

Manuscript Division, Library of Congress, Washington, D.C.; Richard Olney Papers General Correspondence and Related Material, 1830-1925 (BOX, BOX 66-68, REEL 24), (1896: Nov 11 - Dic 26) p. 404-406.



TELEGRAM RECEIVED IN CIPHER.

From Caracas, Dec. 7, 1896.

Received 12.40 P.M.

OLNEY,

Secretary,

Washington.

Memorandum accepted. Will be published here Monday afternoon. Extra session of Congress will be called as soon as possible. Am authorized to sign the treaty with small corrections such as provisions filling vacancies in case of death or disability but Venezuela expect by treaty or by diplomatic correspondence through you agreement to prevent aggressive or unfriendly acts near line of contact and also that no new mine concessions shall be granted.

Jose Andrade.

Biddle.

11962

Annex 59

Letter from Ezequiel Rojas to José Andrade, 9 December 1896
(Translation-Excerpt)

Ministerio de Relaciones Exteriores, Estados Unidos de Venezuela, Gran Bretaña, Límites de Guayana, bases propuestas por los Estados Unidos, 1896-1897, folio 303.

UNITED STATES OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

GREAT BRITAIN

BOUNDARIES OF GUAYANA

GROUNDS PROPOSED BY THE UNITED STATES

1896 to 1897

FOLIOS 303

Caracas, 9 December 1896

[…]

The third addition is as follows:

"The High Contracting Parties confirm the agreement concluded between them on 18 November and 20 December 1850, by which they declared that they had no intention of occupying any part of the territory in dispute and that they would refrain from taking any measures which might justly be considered as aggressive".

...

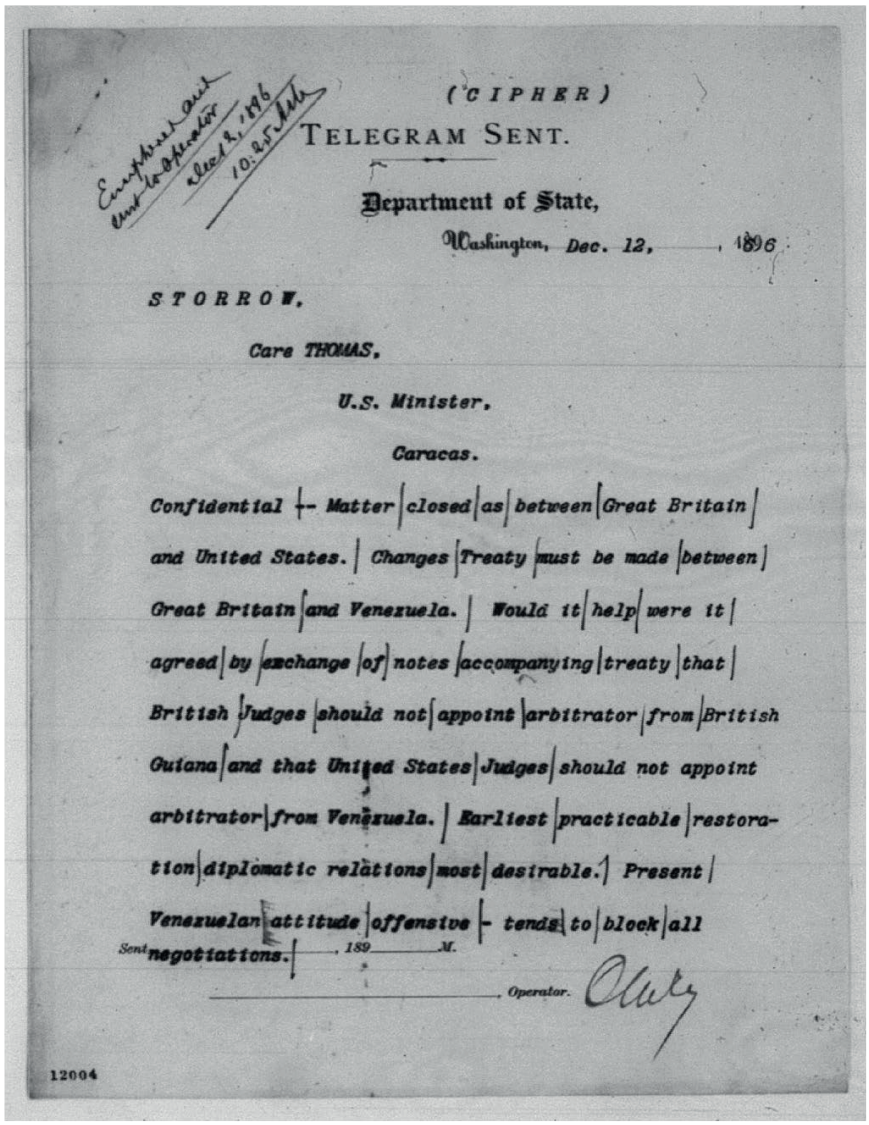
Although the project [of treaty] raises serious difficulties, the Government, taking into consideration, on the one hand, what it owes to the United States of America, and on the other, the dangerous consequences of the abandonment in which the refusal would place Venezuela, has decided to accept, not simply and flatly, but with certain modifications, the proposed articles, in whose preparation, unfortunately, it was not included

p.37

Annex 60

Telegram from Olney to Storrow, 12 December 1896

Manuscript Division, Library of Congress, Washington, D.C.; Richard Olney Papers General Correspondence and Related Material, 1830-1925 (BOX 66-68, REEL 24), (1896: Nov 11 - Dic 26), p. 458



(CIPHER)

TELEGRAM SENT.

Department of State,

Washington, Dec. 12, 1896

STORROW,

Care THOMAS,

U.S. Minister,

Caracas.

Confidential -- Matter closed as between Great Britain and United States. Changes Treaty must be made between Great Britain and Venezuela. Would it help were it agreed by exchange of notes accompanying treaty that British Judges should not appoint arbitrator from British Guiana and that United States Judges should not appoint arbitrator from Venezuela. Earliest practicable restoration diplomatic relations most desirable. Present Venezuelan attitude offensive - tends to block all negotiations.

Sent ____, 189__ M.

_____, Operator.

12004

Annex 61

Letter from Calcaño to José Andrade, 23 March 1899
(Translation-Excerpt)

Ministerio de Relaciones Exteriores, Controversia en la interpretación del arbitramiento entre Venezuela y Gran Bretaña sobre los límites de Guayana, vol. 170, país: Estados Unidos de América, 1898, bóveda I, módulo 2, tramo 15, caja 385.

Translation

BOLIVARIAN REPUBLIC OF VENEZUELA

Ministry of Foreign Affairs

Country: UNITED STATES OF AMERICA

File Nº 170

Item Nº

Matter:

CONTROVERSY IN THE INTERPRETATION OF THE ARBITRATION BETWEEN VENEZUELA AND GREAT BRITAIN ON THE BOUNDARIES OF GUAYANA

Year: 1898

Vaul I
Module Nº 2
Nº 15
Number of folios: 7

Box Nº 385
Side A (B)

To Mr. José Andrade, Envoy Extraordinary and Minister Plenipotentiary of Venezuela to the United States. Washington DC.

[…]

Caracas, 23 March 1899

Dear Sir:

I have had the honour to receive your letter, number 75, and the papers to which it refers, except one of the most important, namely the letter from Mr. Mallet-Prevost, which is the reason thereof. A strange claim has been raised by Mr Richard E. Webster, Attorney General and one of the Lawyers for Great Britain in the boundary question of Guayana, denying to those of Venezuela the right to argue that Rules A and B of Article 4 of the Arbitration Treaty concluded between the two nations on 2 February 1897, for the settlement of the dispute, do not apply to the period after 1814. It is believed that such an argument is contrary to the understanding on which Lord Salisbury and Mr Olney negotiated on behalf of Venezuela; and it is announced that, if the allegation is not withdrawn, it will serve as the grounds for a formal protest by the British Lawyers before the Arbitrators.

The Government of Venezuela cannot understand by what authority the British Lawyers demand the Lawyers of Venezuela to retract the points of our defence. The latter may have been right or wrong in their opinions, but that is of little consequence to the outcome of the case. If Great Britain interprets the Treaty in another sense, Venezuela understands it, as its defenders, in the opposite sense. Neither party being able to impose its opinion on the other, it is for the Arbitrators to enforce the pact according to the dictates of their impartiality and wisdom. Here there is no reason to raise protests or to do anything to hinder the course of the trial. Should Venezuela or his sponsors have erred, the difficulty would be obviated if only the British could prove it to the Arbitrators.

Annex 62

Letter from Calcaño to José Andrade, 7 April 1899
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Controversia en la interpretación del arbitramiento entre Venezuela y Gran Bretaña sobre los límites de Guayana, vol. 170, país: Estados Unidos de América, 1898, bóveda I, módulo 2, tramo 15, caja 385.

Translation

BOLIVARIAN REPUBLIC OF VENEZUELA

Ministry of Foreign Affairs

Country: UNITED STATES OF AMERICA

File Nº 170

Item Nº

Matter:

CONTROVERSY IN THE INTERPRETATION OF THE ARBITRATION BETWEEN VENEZUELA AND GREAT BRITAIN ON THE BOUNDARIES OF GUAYANA

Year: 1898

Vault I
Module Nº 2
Section Nº 15
Number of folios: 7

Box Nº 385
Side A (B)

Caracas, 7 April 1899

[…]

In my preceding reply on this matter, I communicated to you the Government's views, namely: not to withdraw the contention in any way, but to insist that it is for the Tribunal to rule on the dissent between the parties as to the meaning of the Treaty; and not to oppose to the British Lawyers submitting those heretofore unknown documents, except for one, and let the Arbitrators decide which of the parties is right.

Annex 63

Letter from Sir Richard Webster to Lord Salisbury, 19 July 1899

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Memorandum de Sir. E. Herslet, Bibliotecario del Foreign Office, 1886, Box: E-04

Christ Church College, Oxford
Cecil Papers
Special Correspondence
Box: Webster

Palace Hotel
Champs Elysees
Paris
19 July 99

Dear Lord Salisbury,

I have just received Mr. Barrington's letter. In reply I only send a line to assure you that I am fully alive to the importance of obtaining Point Barima for Great Britain if it is possible to do so. I had no intention of making any suggestion in the contrary sense. I was however anxious to obtain the guidance and approval of yourself and Mr. Chamberlain in the event of questions being put to me by members of the Tribunal. I do not propose to make any concession. If I have any reason to believe the Tribunal is against me on this part of the case I shall endeavour to let the British Arbitrators know our view of the position.

I am faithfully yours

Richard E. Webster

The Most Noble
The Marquis of Salisbury, K.G.

3.3.13.6

Annex 64

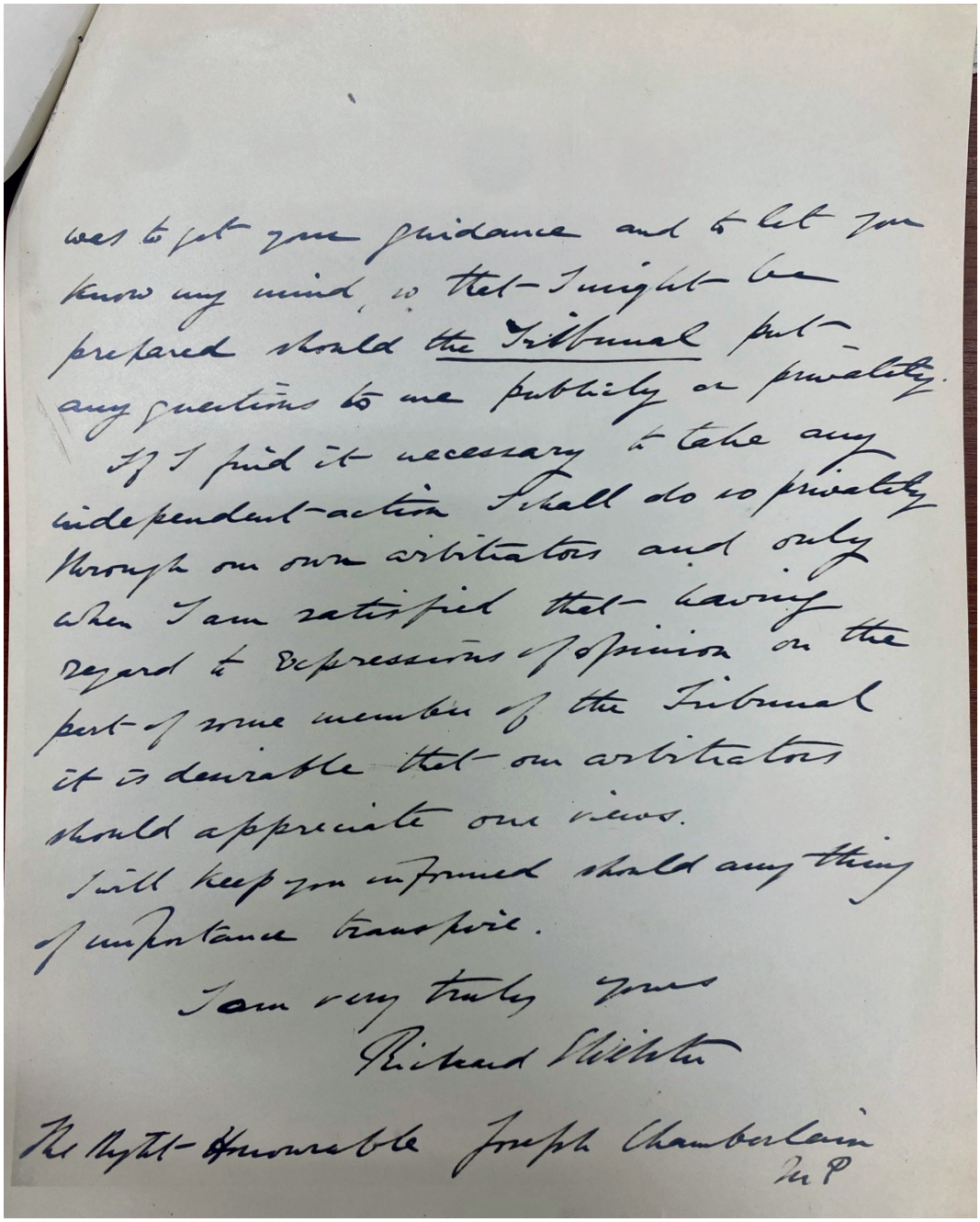
Letter from Sir Richard Webster to Joseph Chamberlain, 19 July 1899

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Memorandum de Sir. E. Herslet, Bibliotecario del Foreign Office, 1886, Box: E-04

Palace Hotel
Champs Elysées
19 July 1899

Dear Chamberlain

I am very much obliged to you for writing me so fully. Your letter expresses exactly the line which I proposed to adopt. I ought to have stated in my last letter that I never had any intention of making any offer to the other side. I entirely agree with you, and it has been my view throughout, that any offer by us would be misconstrued and I know American Lawyers too well to trust them in such a matter. My object in writing



was to get your guidance and to let you know my mind, so that I might be prepared should the Tribunal put any questions to me publicly or privately.

If I find it necessary to take any independent action I shall do so privately through our own arbitrators and only when I am satisfied that having regard to expressions of opinion on the part of some members of the Tribunal it is desirable that our arbitrators should appreciate our views.

I will keep you informed should anything of importance transpire.

I am very truly yours

Richard Olney

The Right Honorable Joseph Chamberlain
M.P.

Annex 65

Letter from Rojas to the Foreign Officer Minister of Venezuela, 4 October 1899 (Translation)

Ministerio de Relaciones Exteriores de los Estad Unidos de Venezuela, Gran Bretaña, Límites de Guayana, Instalación del Tribunal de Arbitramento, 1899-1900, folios 366, vol. 187.

Translation

UNITED STATES OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

GREAT BRITAIN
-
BORDERS OF GUYANA
-
INSTALLATION OF THE ARBITRAL COURT
-

1899 to 1900
-

Folios 366

Volume 187

49
Paris, 4 October 1899

No. 84

Mr. Minister:

The sessions of the Court concluded yesterday at noon, and it has passed judgement, a copy of which is attached, as I consider it inconvenient to put the original at risk, which remains in the archives.

The judgement, as you will see, gives Venezuela absolute possession of de Orinoco Delta, and England will have to leave Punta Barima, but it sets a completely biased demarcation line in favour of England.

(To Mr. Minister
of Foreign Affairs of the United States of Venezuela.
Caracas).

Things happened this way. The English arbitrators claimed the Schomburg line. Mr. de Martens, against all hope, expressed he was ready to adhere the extraordinary British aspiration. The American Arbitrators, after they heard the news on the Chief Justice's Resolution, resolutely opposed it and decided to protest publicly against such decision. There was a large discussion among justices and Mr. de Martens proposed to the American justices, as a transaction, that he will consent to modify the line on the coast, thus that the Orinoco Delta would exclusively correspond to Venezuela if they accepted the rest, to which they agreed as a conscience duty as, given the seriousness of the case, it would have been worse to consent, under protest, the dispossession of the Orinoco.

This is the unanimity Mr. de Martens has boasted about in his speech.

I find Mr. de Martens' conduct inexplicable surprise and, as I am not used to qualify other people's actions without evidence, in line with my belief, I refrain myself from qualifying that of him. Besides, what happened between said Mr. de Martens and the American Arbitrators did not happen in my presence, but I learned about it through truthful channels. What we may never know is Mr. de Martens' motive for proceeding in this way. Perhaps the revolutionary situation of our country has contributed in some way to this.

Having completed the mission that the government was kind enough to entrust me with, I should be grateful to you, Mr. Minister, if you would kindly tell me whether I should send to Caracas the archive of this Agency or deliver it over by inventory to Mr. Andrade, Plenipotentiary Ministry of the Republic in London.

I remain your most attentive and reliable servant.
D. José M. Rojas

Copy. 51

. . . . . .

. . . . . .

. . . And Whereas the said Treaty was duly ratified and the ratifications were duly exchanged in Washington on the 14th day of June 1897 in conformity with the said Treaty;

And Whereas, since the date of the said Treaty and before the Arbitration thereby contemplated had been entered upon, the said Right — Honourable Baron Herschell departed this life;

And Whereas the Right Honourable — Charles Baron Russell of Killowen, Lord Chief Justice of England, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, has conformably to the terms of the said Treaty been duly nominated by the Members of the Judicial Committee of Her Majesty's Privy Council

to act under the said Treaty in the place and stead of the said late Baron Herschell;

And Whereas the said four Arbitrators, namely, the said Right Honourable Lord Russell of Killowen, the Right Honourable Sir Richard Henn Collins, the Honourable Melville Weston Fuller and the Honourable David Josiah Brewer have conformably to the terms of the said Treaty selected His Excellency Frederic de Martens, Privy Councillor, Permanent Member of the Council of the Ministry of Foreign Affairs in Russia, LL.D. of the Universities of Cambridge and Edinburgh, to be the fifth Arbitrator;

And Whereas the said Arbitrators have duly entered upon the said Arbitration and have duly heard and considered the oral and written arguments of the Counsel representing respectively the United States of Venezuela and Her Majesty the Queen and have impartially

and carefully examined the questions laid before them and have investigated and ascertained the extent of the territories belonging to or that might lawfully be claimed by the United Netherlands – or by the Kingdom of Spain respectively at the time of the acquisition by Great Britain of the Colony of British Guiana.

Now we the undersigned Arbitrators – Do hereby make and publish our decision – determination and award of upon and concerning the questions submitted to us by the said Treaty of Arbitration and Do hereby conformably to the said Treaty of Arbitration finally decide award and determine that the Boundary line – between the Colony of British Guiana and the United States of Venezuela is as follows:–

Starting from the coast at Point Playa the line of Boundary shall run in a straight line to the River Barima at its junction

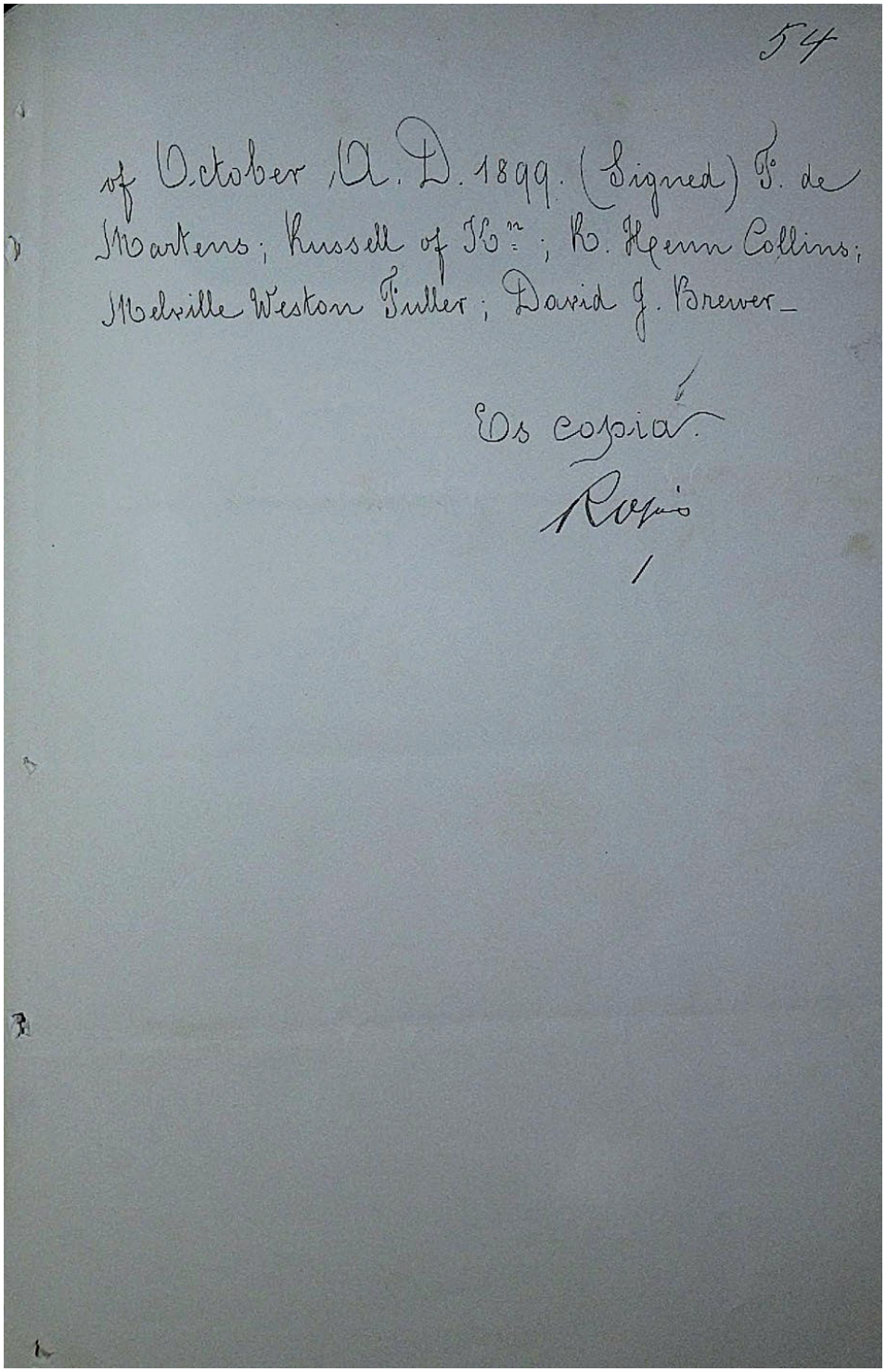
with the River Mowuruma and thence along the mid-stream of the latter river to its source and from that point to the junction of the River Kpaiowa with the Amakuru and thence along the mid-stream of the Amakuru to its source in the Imatakka Ridge and thence in a South Westerly direction along the highest ridge of the spur of the Imatakka Mountains to the highest point of the main range of such Imatakka Mountains opposite to the source of the Barima and thence along the summit of the main ridge in a South Easterly direction of the Imatakka Mountains to the source of the Acarabisi and thence along the mid-stream of the Acarabisi to the Cuyuni and thence along the Northern bank of the River Cuyuni Westward to its junction with the Wenamu and thence following the mid-stream of the Wenamu to its western-most source and thence in a direct line to the

summit of Mount Roraima and from Mount Roraima to the source of the Cotinga and along the mid-stream of that river to its junction with the Takutu and thence along the mid-stream of the Takutu to its source. thence in a straight line to the westernmost point of the Akarai Mountains and thence along the ridge of the Akarai Mountains to the source of the Corentin called the Cutari River. Provided always that the line of delimitation fixed by this Award shall be subject and without prejudice to any question now existing or which may arise to be determined between the Government of Her Britannic Majesty and the Republic of Brazil or between the latter Republic and the United States of Venezuela.

In fixing the above delimitation the Arbitrators consider and decide that in times of peace the Rivers Amakuru and Barima

shall be open to navigation by the merchant ships of all nations subject to all just regulations and to the payment of light or other like dues. Provided that the dues charged by the Republic of Venezuela and the Government of the Colony of British Guiana in respect of the passage of vessels along the portions of such rivers respectively owned by them shall be charged at the same rates upon the vessels of Venezuela and Great Britain, such rates being no higher than those charged to any other nation. Provided also that no customs duties shall be chargeable either by the Republic of Venezuela or by the Colony of British Guiana in respect of goods carried on board ships vessels or boats passing along the said rivers but customs duties shall only be chargeable in respect of goods landed in the territory of Venezuela or Great Britain respectively.

Executed and published in duplicate by us in Paris this 3rd day



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of October A. D. 1899. (Signed) F. de Martens; Russell of Kn.; R. Henn Collins; Melville Weston Fuller; David J. Brewer –

Es copia.

Rojas

Annex 66

Letter from Buchanan, 5 October 1899

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Carta de Buchanan, 1899, Box: E-04

ram from Mr. Buchanan, Paris 11.15 a.m. Oct 3 1899

Clair

26717
Recd. & Recd 3 OCT 99

Venezuela Boundary Award delivered this morning. Line starts from Point Playa on coast and runs in a southwesterly direction to junction of Haiowa creek with Amakura below first bend in latter river. It then follows Schomburgk line to Cuyuni, goes along north bank of that river to Wenamu and proceeds up Wenamu to Mount Roraima where it rejoins Schomburgk line. Navigation of Barima and Amakura declared free.

Annex 67

Letter from Lord Russell to Lord Salisbury, 7 October 1899

J. Gillis, Wetter (1979) The International Arbitral Process: Public and Private, Volume III, New York: Oceana Publications Inc, pp. 126-129

4. Previously Unpublished Testimony by One of the British Arbitrators, Lord Russell, Reporting to Lord Salisbury

Letter of Lord Russell to Lord Salisbury, dated 7 October 1899. Hatfield House, Herts., Papers of 3rd Marquess of Salisbury, Vol. A/94, Doc. No. 2. Accuracy of Transcription Verified by Mr. R.H. Harcourt Williams, Librarian and Archivist to the Marquess of Salisbury.

Dear Lord Salisbury,

This letter does not call for any immediate notice. I know many serious concerns must at present engross your attention; but, as I think that you will desire to hear from me as to the conduct, course and result of the Venezuelan arbitration, I judge it best to write now when my recollection and impressions are fresh and vivid.

It is due to the British Counsel to say nothing could exceed their zeal and assiduity. Sir R. Webster was naturally anxious, and occupied a very considerable time in an elaborate discussion of the facts and history of the case - a course which enabled Sir R. Reid and Mr. Askwith to devote themselves to the legal aspects of the question - with which they very effectively dealt. It must be admitted that the speeches (with hardly an exception) were unnecessarily long, but in this regard the American Counsel were by far the greater offenders. The arbitrators did not feel warranted in taking any strong measures and were obliged to content themselves with occasional suggestions. In this course I think we were right. We felt we ought to do nothing which would make it possible for either side to say hereafter that it had not been fully heard.

As to the course of discussion: - the fundamental question was - had Spain acquired the right to Guiana by discovery followed by possession of such a kind and extent as to give her a complete title. If this were established the result would be that Great Britain could only succeed as to such territory as the Dutch and Great Britain actually possessed - acquired by conquest or by adverse possession from Spain.

There were not wanting plausible grounds for urging this view, and, it must be admitted that the official correspondence during the Dutch period and much of the diplomatic correspondence since, did read as if the Dutch claims extended to little more than the pedis - possessio and as if all the "beyond" were Spanish.

However in view especially of the Treaties of 1648 (Munster) and of 1714 (Utrecht) and of the conduct of both the Powers subsequent to those Treaties we (Collins, L.J. and I) thought this view untenable.

Fuller C.J. to the end adhered to the Venezuelan contention but it must be admitted he subsequently assented to a delimitation which ignored it. Mr. Justice Brewer on the other hand while refusing assent to the Spanish view

yet in fact worked out a line of delimitation in the first instance, which I think could only have been justified by the substantial adoption of that view.

After long debate, the 5th Arbitrator (Mr. de Martens) endorsed the British view.

This important position determined I confess I thought that the concession of the Schomburg line, substantially, would have followed as a matter of course. Not at all! The Venezuelan arbitrators claimed the control of the waterways of the Amakura and the Barima down to the Waini and including the Morawheri, in the first instance, and that a line should be drawn from the latter point to about the Junction of the Essequibo, Cuyuni and Mazaruni. This view was subsequently materially modified and after such weary and wearing discussion the Award line was unanimously agreed to - the Venezuelan Arbitrators coming in very reluctantly.

I must say here that in one very important respect L.J. Collins and I were grievously disappointed by the attitude assumed by Mr. de Martens. He had up to this, shown that he had a good grasp of the legal questions involved and of the facts, but having expressed his opinion on the governing principle in favour of the British contention, he, instead of applying that principle rigidly and fearlessly, seemed to cast about for lines of compromise and to think that it was his duty, above all else, to secure, if he could, a unanimous award. I am sorry to be obliged further to say that he intimated to L.J. Collins, in a private interview, while urging a reduction of the British claims, that if we did not reduce them he might be obliged in order to secure the adhesion of the Venezuelan Arbitrators to agree to a line which might not be just to Great Britain. I have no doubt he spoke in an opposite sense to the Venezuelan arbitrators, and fear of possibly a much worse line was the inducement to them to assent to the Award in its present shape. However this may be I need not say the revelation of Mr. de Martens state of mind was most disquieting.

I will not weary you with a discussion of details.

I think the Award gives Her Majesty no territory or advantage to which she is not justly entitled and I think it does give to her substantially all to which she is entitled.

The result may be described thus: - Venezuela gets much less than Lord Aberdeen's offer would have given her 50 years ago: much less than Lord Rosebery's offer would have given her a few years /ago/ and about the same amount of territory as Lord Granville's offer would have given in '80. But Lord Granville's offer did not stipulate for that which is, by the Award, secured by Great Britain, viz: - the free navigation of the Barima and the Amakura as approaches to and exits from the Orinoco. Nor did Lord Granville's offer secure, as the Award does, both banks of the Cuyuni to Great Britain along the Frontier line.

The result is a signal vindication of Schomburg's ability and fairness. In two points only is there any departure from his line.

The 1st difference is as to Barima point. As you know successive British Ministers have offered to give up what I conceive to have been a very doubtful claim to this point. The British case explicitly admitted that the Orinoco was Venezuelan, and, seeing (what the British case did not admit) that (we thought) both the Amakura and the Barima were in fact tributaries of the Orinoco for they clearly fall inter fauces terrae -we thought it just to concur in giving the control of the mouth wholly to Venezuela. Nor were reasons wanting in point of Law which I think pointed to the same result.

I learn that Mr. Im Thurn attaches no importance to the possession by Venezuela of the Land between Point Playa and Barima Point so long as Great Britain holds the Waini and the Morawheri passage. The intervening land is described as principally low lying swamp - largely covered by the sea at High Tide.

The 2nd and only other departure from the Schomburg line is that the Wenamu and not the Southward bend of the Cuyuni is adopted as a Western boundary. As to this it is to be noted, that the Wenamu was named by Schomburg himself, as an alternative boundary, and, it is, indeed, the only one of these two boundaries of which he knew anything. He had never in fact been down this part of the Cuyuni at all and he had been down the Wenamu and knew its course and direction. Moreover this part of the Cuyuni and its neighbourhood has never even been surveyed and little apparently is known about it.

If the Award is to be judged from the standpoint of Venezuelan claims the result would seem to be disastrous to Venezuelans. They claimed the whole coastline from the Orinoco to the Essequibo and in fact admitted a legal footing for Great Britain at and in the immediate neighbourhood of Kykoveral only. Even in argument, the Counsel for Venezuela were prepared to concede to Great Britain only a narrow strip from the Moruka to the junction of the three Rivers.

However these are matters of no concern to the arbitrators: as one of them I am glad to think that consistently with justice the result has been to demonstrate that the political conduct of the Ministers of the Queen afforded no justification for the violent action of the Politicians of U.S. of America in 1893.

To one incidental matter I must call attention since it may affect the course of events in the future. When the discussion in detail arose as to what the line ought to be, a use, which we considered unfair, was made of the various diplomatic offers to compromise. In private litigation all reference of this kind would be forbidden if and so far as the correspondence was expressly or implicitly written without prejudice in the course of an attempt to settle a dispute. The suggestion which naturally arises is that in any like case in the future, it will be well to preface the correspondence with the stipulation that if the proposed arrangement fall through the Correspondence is not thereafter to be used or referred to in any future stage of the controversy.

I cannot conclude without saying how great was my satisfaction in having as my able and loyal colleague my friend L.J. Collins. On no single point of moment did we differ.

So much for the Arbitration of which I must confess I am heartily sick.

May I, as I am writing, mention a point pressed upon my attention by the incidents of the Dreyfus case?

It is this: - Is it right that British Military attaches should any longer be in any way engaged in the business of spying? I am not alluding to their duty to keep their ears and eyes open and to report what they hear and see -as at manoeuvres, etc. to which they are invited. But is it right, for example, Col. Douglas Dawson - received courteously and on terms of equality in clubs and private Houses, should yet, as a matter of duty, be on the look out for men, who, for money, will betray their masters and their country? The attaché may to-night be dining with M. de Gallifét and tomorrow night may be negotiating with M. de Gallifét's secretary for the purchase of an important document fetched from his master's Bureau! If such services are required ought they not to be rendered by persons created ad hoc and not by gallant officers? I understand that France does not allow any military attaché to be in any way concerned with their spy system in Foreign Capitals.

Finally before I close I take the liberty of mentioning one other matter:- I have spoken of the zeal of the British Counsel but I ought not to omit mention, in this connection, of the British Agent, Mr. George Buchanan. Nothing could exceed the courtesy tact and dignity with which he discharged his duties. It incidentally came to my knowledge, but not from him, that he is very anxious to be moved from Darmstadt. He has been at Darmstadt, I believe for a considerable time and is tired of having nothing to do. Being a man of energy and I think of ability he is anxious to be placed where there really is work to be done. You will admit that this is a laudable ambition in a public servant. I hope I may be forgiven this reference to Mr. Buchanan: my excuse for making it is, in part, that he is the nephew of an old friend of mine, the late Lord Justice Mellish, and, that his Brother was a member of my old Circuit - the Northern.

With apologies for the length of this Letter, I am, Dear Lord Salisbury, with much respect.

Faithfully

RUSSELL OF KILLOWEN

Annex 68

Letter from José Andrade to General J. Calcaño, Minister of Foreign Affairs of Venezuela, 7 October 1899
(Translation)

Ministerio de Relaciones Exteriores de los Estad Unidos de Venezuela, Gran Bretaña, Límites de Guayana, Instalación del Tribunal de Arbitramento, 1899-1900, folios 366, vol. 187.

Translation

UNITED STATES OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

GREAT BRITAIN

BOUNDARIES OF GUAYANA

CONSTITUTION OF THE ARBITRAL TRIBUNAL

1899 to 1900

FOLIOS 366

Vol 187

63

Paris, 7 October 1899

Honourable Minister,

The Arbitral Tribunal , to which the boundary dispute between Venezuela and British Guiana was submitted via the Treaty of Washington of 2 February 1899, rendered its decision pertaining to the case on February 3, 1897.

Without further ado, Mr. José M. Rojas

To Honourable General J. Calcaño Mathieu
Minister of Foreign Affairs
No. 66 Caracas

Agent of the Government before the Arbitral Tribunal, Dr. José M. Rojas, and I sent to you in a telegram the Award that I insert hereto reading as follows:

Decision of the Tribunal: England gives up Punta Barima and the coast until Punta Playa, from hence the line goes until Schomburgk's line, which it follows until the junction of the Cuyuni and Wenamu. This gives us five thousand square miles east of the Schomburgk line. Arbiters and Counsel for Venezuela were brilliant. Important details ....

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Important details by French mail.

The Minister will find the complete determination of the boundary in the copy of the award that Doctor Rojas sends to you herein. Without knowing clearly the geographical position of Punta Playa, which is marked on very few maps, it is difficult to estimate the extension of territory that has been awarded to Venezuela in the Barima - Amacuro region: Mr. Mallet Prevost, upon exploring it on the map of British Guiana, first in the English atlas, considers that it is more than one thousand square miles; but it may be larger once it is marked on the land. The same gentleman notices that the piece of land awarded to Venezuela is approximately four thousand square miles, to the east of the Schomburgk line on the Cuyuni River from its confluence with the Wenamu river to Mount Roraima.

Whatever the area may be, the right of Venezuela to a great part of the territory which has been left under the dominion of Great Britain was

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-2-

absolutely clear, as was demonstrated to satiety by its Counsel before the Tribunal. The award does not appear to be based on reason and justice, as Mr. de Martens affirmed in his closing speech, and

the Venezuelan arbiters only gave their adhesion in order to avoid an even greater flouting of the essential attributes of any faultless judgment.

But, however, unjust, the award nevertheless proves that Venezuela did well in forcing England to submit the question to arbitration in 1897.

In 1890 the English government had already taken possession of Punta Barima and declared in its memorandum of that date that the grounds on which Great Britain relied to claim the whole part of the Cuyuni and Yumari basin was solid, and that the greater part of that District had been separated for three centuries by establishments of the Dutch and the English, their successors: That His Majesty's Government had constantly stated that it held

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strict right to the territory comprised within the line described in Lord Salisbury's letter to Mister Rojas of January 10, 1880, in other words, until the heights of Upata, but until the Orinoco itself, and that any Venezuelan establishment in the east of that line was an usurpation of the rights of Great Britain, and finally that Great Britain could not admit any doubt raised about its right to the territory located within the line explored by Sir Robert Schomburgk in 1841.
Well now, within the Schomburgk

line of 1841 are contained the four or five thousand square of miles which have awarded to the Republic on the coast and in the interior: within this same line are situated the police stations which England must now give up on the Amacuro and the Cuyuni Rivers and within it are the Punta Barima and the mouth of the Orinoco which the arbitration hands back to us at the same time as it assures to us, once and forever, the possession of the all valley of the Yuruari to which the English extended their claim in 1890. To this extent,

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-3-

if for us the sentence is hardly satisfactory as regards that to which our right was clear, for them (Britain) it has been to a certain extent a costly defeat. For my part in view of the impression made by the chaotic condition of the country (Venezuela) on the minds of those concerned with the result of the verdict I had thought that our cause was completely lost. Greatly indeed did justice shine forth when in the determination of the frontier we were given the exclusive dominion over the Orinoco which was the principal aim we sought to achieve through arbitration. I consider as well employed the humble efforts which, in order to achieve this, I dedicated during the last six years of my official life.

I will say nothing concerning the final clause which declares open to free navigation by merchant ships of all nations, the Barima and Amacuro rivers in their English section as in the Venezuelan. Therein is seen an application of a theory of international law which, wherever it has been put in practice, has

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greatly contributed to the prosperity of States. Venezuela herself has at times applied it to the navigation of the Orinoco.

Yours truly
José Andrade

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París, 7 October 1899

Honourable Minister

I take advantage of the departure of the mail to forward to the Minister the clippings of the newspapers of England and some newspapers of this capital, which have articles on the award issued by the Guaya boundary tribunal.
I also have the honour to forward to the Honourable Minister of Foreign Affairs

And to you volume No. 8 of the corrected minutes of the Arbitral Tribunal.

Truly yours,

José Andrade
No. 67

Caracas

Annex 69

Note Verbale from the Foreign Secretary of the United Kingdom to the U.K. Ambassador to Venezuela, 25 February 1966

Case concerning Arbitral Award of 3 october 1899, Co-operative Republic of Guyana v. Bolivarian Republic of Venezuela, Memorial of Guyana, vol. III, November 19, 2008, annex 32.
https://www.icj-cij.org/sites/default/files/case-related/171/171-20181119-WRI-01-01-EN.pdf

CONFIDENTIAL

No. 12
(AV 1081/116)

FOREIGN OFFICE, S.W.1.

25 February 1966.

Sir,

You will have seen a copy of the text of the Agreement signed by the Venezuelan Foreign Minister, the Prime Minister of British Guiana and myself in Geneva on the 17th of February, regarding the controversy over the validity of the Arbitral Award of 1899 which determined the frontier between British Guiana and Venezuela. The signing of this Agreement, shortly before midnight, was the outcome of two days' continuous discussion. Technically, the Geneva meeting constituted the second round of the talks adjourned in London on the 10th of December, 1965, which in turn stemmed fr the Joint Communiqué issued on the 7th of November, 1963 at the conclusion of talks between the then Venezuelan Foreign Minister, Dr. Marcos Falcón Briceño, and Mr. Butler.

2. The meetings in December and February differed markedly. At the first, much time was spent discussing the mutually contradict reports prepared by the experts appointed by the three Government to study the documentary material relating to the 1899 Award. Neither side having been able to accept the conclusions of the other, this item was excluded from the agenda at the Geneva meet In London all meetings were formal and every word had to be tran lated by an interpreter: in Geneva, except for the opening and closing sessions, all meetings were informal and conducted in English. Whereas in December the Venezuela delegation consis of officials and had little latitude for negotiation, at Geneva

/include

His Excellency,
Sir Anthony Lincoln, K.C.M.G., C.V.O.,
etc., etc., etc.,
CARACAS.

CONFIDENTIAL

included members of all parties represented in the Venezuelan Congress. Although their presence made proceedings cumbersome, it had the advantage that the Minister of Foreign Affairs was able to inform and consult them at every stage. Finally, it became clear at an early stage that the Foreign Minister had instructions to work for an agreement of some kind.

3. The difficulties remained formidable. Neither side could afford to yield an inch on its legal position. The essential question, therefore, was whether a basis of agreement could be found which would satisfy Venezuelan opinion without committing the United Kingdom and British Guiana to a concession of substance. The best way of squaring the circle seemed to be to include in the Agreement provisions similar to those used in Article IV of the 1959 Antarctic Treaty, whereby the legal position as to territorial rights and claims was frozen for thirty years.

4. At the opening plenary meeting, the Minister of Foreign Affairs began by restating his case at some length and then asked me whether I had considered comments to offer on the proposals which he had put forward in London or any new proposals for solving the controversy. As he refused to show his hand further, I circulated to the meeting the text of the United Kingdom draft agreement (Annex 3 to the delegation's brief, a copy of which was sent to Your Excellency on the 14th of February), incorporating an article freezing rights and claims. The plenary session ended after Mr. Burnham had restated the Guianese case, recalling the circumstances of the 1897 Treaty, the 1899 Award and the demarcation of the frontier in 1905, and illustrated his points with contemporary quotations.

/5.

5. At the informal meetings which followed discussion centred on the idea of a Mixed Commission first put forward by Dr. Iribarren in London last December. The Venezuelans wished to use this Commission as an avenue leading ultimately to settlement of the controversy either by a fresh arbitration or by mediation. Towards the end of the day we seemed to be heading for deadlock. As a way out I suggested to Mr. Burnham that there should be agreement to refer the controversy, after a period of years, to the International Court of Justice, but he argued vigorously against this. By the time we adjourned for dinner, therefore, we had reached the point where it seemed inevitable that we should again suggest to the Venezuelans that the matter should be referred back to the United Nations. This would have created a most serious situation. Admittedly, the Venezuelans would have been gravely embarrassed as the Afro-Asian majority in the General Assembly is well disposed towards Mr. Burnham. On the other hand, the Venezuelans were in a position to do great harm to the very important British Commercial interests in their country. After rapid lobbying of the Venezuelan Ambassador and consultation with my Guianese colleagues, I decided to modify the proposed recourse to the United Nations by suggesting that if the Mixed Commission could not settle the controversy, in the first instance the two Governments should seek to agree among themselves which of the means of settling disputes peacefully under Article 33 of the United Nations Charter should be applied to this controversy, and, failing agreement, the United Nations should be asked to choose a means for them. (By good fortune, it had been the Venezuelans themselves who had introduced the idea of Article 33 into one of the drafts which they had put

/forward

forward during the afternoon). When I put the Article 33 proposal to the Venezuelan Foreign Minister at our session after dinner, he asked to consider it overnight before giving me his reply. That evening the Venezuelan Government was asked for fresh instructions. This was the turning point of the meeting.

6. The 17th of February was spent in discussing formulae based on my proposal. The first problem was to decide to whom the Governments of Venezuela and British Guiana were to refer if they themselves were unable to decide which of the methods provided in Article 33 they should adopt. In the formula finally agreed in Article IV of the Agreement ("an appropriate international organ", or, failing that, the Secretary General of the United Nations) we suggested the first and the Venezuelans the second alternative. My suggested term for the Mixed Commission the previous evening had been ten years: this was reduced by bargaining to four, during which no claim of any kind may be asserted by any party to the Agreement except within the Commission itself. The Venezuelans were anxious to avoid any freezing clause which followed closely the wording of Article IV of the Antarctic Treaty. In the end, however, Article V of the Geneva Agreement, while superficially different, is the same in substance. The Venezuelans also tried hard to get the preamble to the Agreement to reflect their fundamental position: first, that we were discussing the substantive issue of the frontier and not merely the validity of the 1899 Award, and secondly, that this had been the basis for our talks both in London and in Geneva. With some difficulty I persuaded the Venezuelan Foreign Minister to accept a compromise wording which reflected the known positions of both sides.

/7.

CONFIDENTIAL

7. At the end of the final meeting the Venezuelan Foreign Minister, Mr. Burnham and I each expressed our satisfaction with the Agreement. Dr. Iribarren drew attention at the end of his concluding statement to the presence in his delegation of representatives of every political grouping, including independents, and stressed their support of the Agreement. I note that this statement was subsequently handed out to the press and reproduced in Venezuelan newspapers of the 18th or February.

8. Legally, the Geneva Agreement has not prejudiced the position of either side: we and the Guyanese continue to regard the 1899 Award as valid, while in Venezuelan eyes it is null and void. Politically, it is an honourable compromise. Venezuela can now look forward to a definitive settlement of the controversy some time in the 1970s. British Guiana is not committed to any particular means of settlement provided for under Article 33; and meanwhile the threat to some two-thirds of her territory posed by the Venezuelan claim has been dispelled. I hope that the Mixed Commission will not simply be a time-wasting device and that it will carry out constructive work, not necessarily confined to the political field. If it does, the Agreement will have paved the way for a friendly and lasting relationship between Venezuela and independent Guyana. As for the United Kingdom, I trust that the Agreement will have averted the grave damage to which our large interests in Venezuela would have been exposed if the Geneva meeting had ended in deadlock.

9. I should be grateful if the Governor of British Guiana would be good enough to convey to Mr. Burnham and Mr. Ramphal my thanks for their help, which played an important part in concluding this Agreement. On the Venezuelan side special mention must be made of

/Dr.

CONFIDENTIAL

Dr. Hector Santaella, Ambassador in London, a skilful negotiator who worked hard for agreement throughout.

10. I am sending a copy of this despatch to Her Majesty's Ambassador in Washington, the Permanent Representative at the United Nations and to the Governor of British Guiana.

I am, with great truth and respect,
Sir,
Your Excellency's obedient Servant,
(For the Secretary of State)

CONFIDENTIAL

FROM FOREIGN OFFICE TO CARACAS

Cypher/OTP and By Bag — DEPARTMENTAL DISTRIBUTION

No. 61 — D. 16.08 7 February, 1966
7 February, 1966

IMMEDIATE
CONFIDENTIAL

Addressed to Caracas telegram No. 61 of 7 February.
Repeated for information to: Governor British Guiana
And Saving to: Washington No. 470

Your telegrams Nos. 38 and 39 [of 4 February: British Guiana frontier].

In your written reply to the Venezuelan aide-mémoire you should inform the Foreign Minister as follows: Lord Walston has been mis-reported. Neither he nor any representative of Her Majesty's Government has made the statement quoted in the first paragraph of the aide-mémoire. So far as Her Majesty's Government are concerned, the agenda for the meeting remains exactly as agreed in the joint communiqué of 10 December 1965.

2. You should add orally that I am looking forward to meeting Dr. Iribarren and the Prime Minister of British Guiana next week as arranged. At your discretion you may also draw the Foreign Minister's attention to the mis-quotation in paragraph 4 of his aide-mémoire.

3. Please do not deliver reply to M.F.A. until we can confirm that British Guiana Government have no comments. Governor has been asked to reply by 09.00 hours London time 8 February.

4. You may make the terms of your reply public.

DISTRIBUTED TO:
F.O.
American Dept.
U.N. Dept.
J.I.P.G.D.
News Dept.
C.R.O.
Atlantic Dept.

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CONFIDENTIAL

Annex 70

Note GM-210 from the Minister of Foreign Affairs of Venezuela, Dr. José Alberto Zambrano Velasco, to the Minister of Foreign Affairs of the Cooperative Republic of Guyana, 19 September 1982
(Translation)

Note GM-212 from the Minister of Foreign Affairs of Venezuela, Dr. José Alberto Zambrano Velasco, to the Secretary of State for Foreign Affairs of the United Kingdom of Great Britain and Northern Ireland, Mr. Francis Pym, 19 September 1982
(Translation)

Note GM-214 from the Minister of Foreign Affairs of Venezuela, Dr. José Alberto Zambrano Velasco, to the Secretary General of the United Nations, Mr. Javier Cuéllar, 19 September 1982
(Translation)

República de Venezuela, Ministerio de Relaciones Exteriores, Dirección General Sectorial de Fronteras, 1988, *El reclamo a la Guayana Esequiba,* Caracas.

Translation

YELLOW BOOK

OF THE

REPUBLIC OF VENEZUELA
SUBMITTED TO THE
NATIONAL CONGRESS
AT ITS 1983 REGULAR SESSIONS

BY THE
MINISTER OF FOREIGN AFFAIRS

(Coat-of-Arms of the Republic of Venezuela)

GRÁFICAS FRANCO, S.R.L. - CARACAS 1983

GM 210

Caracas, September 19, **1982**

Dear Mr. Minister:

I have the honor to address Your Excellency on this opportunity to refer to compliance with the procedures established by the Geneva Agreement of February 17, 1966.

Since the three-month period provided for in Article IV, 2) of the Geneva Agreement has elapsed without it having been possible to reach agreement on one of the means of peaceful settlement of disputes referred to in Article 33 of the Charter of the United Nations, it is necessary to apply the other provisions of the same paragraph.

The Government of Venezuela is convinced that the most appropriate international body to propose a solution is the Secretary-General of the United Nations, who assumed this responsibility in the note of April 4, 1966, signed by U Thant, and whose action was expressly agreed upon by the parties in the text of the Geneva Agreement itself.

Consequently, the Government of Venezuela intends to bring the matter to the attention of the Secretary General and would be pleased if the Government of Guyana would make a similar request.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

José Alberto Zambrano Velasco
Minister of Foreign Affairs
of Venezuela

To His Excellency
Rashleigh Jackson
Minister of Foreign Affairs of
the Republic of Guiana
Georgetown

GM 212

Caracas, September 19, 1982

Your Excellency:

I have the honor to transmit to Your Excellency a copy of note number GM-210 dated September 19, 1982, addressed by me to His Excellency Mr. Rashleigh E. Jackson, Minister of Foreign Affairs of the Cooperative Republic of Guyana, regarding compliance with the procedures established by the Geneva Agreement of February 17, 1966.

The Government of Venezuela wishes to bring to the attention of Her Britannic Majesty's Government, by virtue of its status as a party to the Geneva Agreement, the contents of the said communication.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

José Alberto Zambrano Velasco
Minister of Foreign Affairs
of Venezuela

To His Excellency
Francis Pym
Minister of Foreign Affairs of the
United Kingdom of Great Britain and
Northern Ireland
London

Attached: As indicated

NOTE No. GM 214 FROM THE MINISTER OF FOREIGN AFFAIRS OF VENEZUELA, MR. JOSÉ ALBERTO ZAMBRANO VELASCO, TO THE SECRETARY GENERAL OF THE UNITED NATIONS, MR. JAVIER PÉREZ DE CUELLAR, IN WHICH HE REPORTS ON THE NOTE TO THE GOVERNMENT OF GUIANA ON THE EXPIRATION OF THE THREE-MONTH PERIOD PROVIDED FOR IN ARTICLE IV.2 OF THE GENEVA AGREEMENT, CARACAS, SEPTEMBER 19, 1982.

GM 214

Caracas, September 19, 1982

Dear Mr. Secretary General:

I have the honor to transmit to you, for your information, a copy of note number GM-210, dated September 19, 1982, addressed by me to His Excellency Mr. Rashleigh E. Jackson, Minister of Foreign Affairs of the Cooperative Republic of Guiana, regarding compliance with the procedures established by the Geneva Agreement of February 17, 1966.

The contents of this communication have also been brought to the attention of the Government of the United Kingdom of Great Britain and Northern Ireland.

Accept, Sir, the assurances of my highest consideration and esteem.

José Alberto Zambrano Velasco
Minister of Foreign Affairs of Venezuela

To His Excellency
Javier Pérez de Cuéllar
Secretary General of the
United Nations
New York

Annex 71

Note GM-251, from the Minister of Foreign Affairs of Venezuela, José Alberto Zambrano Velasco, 15 October 1982
(Translation)

República de Venezuela, Ministerio de Relaciones Exteriores, Dirección General Sectorial de Fronteras, 1988, *El reclamo a la Guayana Esequiba,* Caracas.

Translation

YELLOW BOOK

OF THE

REPUBLIC OF VENEZUELA
SUBMITTED TO THE
NATIONAL CONGRESS
AT ITS 1983 REGULAR SESSIONS

BY THE
MINISTER OF FOREIGN AFFAIRS

(Coat-of-Arms of the Republic of Venezuela)

GRÁFICAS FRANCO, S.R.L. - CARACAS 1983

GM- 251

Caracas, October 15, 1982

Dear Mr. Minister:

I have the honor to address Your Excellency on the occasion of your note of October 8, 1982, as well as the proposals you formulated in the speech you delivered on the 11th of the same month and year before the General Assembly of the United Nations, of which we had no knowledge through ordinary diplomatic channels. With this note, the Government of Venezuela reiterates its desire to maintain communication between the parties in order to deal with this matter at the level of bilateral relations.

As I stated to Your Excellency in my note dated September 19, 1982, the Government of Venezuela is convinced that, in order to comply with the provisions of Article IV.2 of the Geneva Agreement, the most appropriate international body is the Secretary General of the United Nations.

The Government of Venezuela has taken note of the position of the Government of Guiana, both as expressed in its communication of October 8, 1982, and as regards the propositions contained in its address to the General Assembly. Your Excellency has proposed three alternatives for the selection of an appropriate international body to indicate one of the means of peaceful settlement of disputes in accordance with Article IV.2 of the Geneva Agreement, which according to your proposal would be the International Court of Justice, the General Assembly or the United Nations Security Council.

After a careful analysis of these alternatives, the Government of Venezuela reiterates its conviction that the most practical and appropriate option is to entrust the signaling of the medium directly to the Secretary General of the United Nations.

Since it is obvious that there is no agreement between the parties on the choice of an international body to carry out the function provided for in Article IV.2, it is obvious that it will be entrusted to the Secretary General of the United Nations.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

José Alberto Zambrano Velasco
Minister of Foreign Affairs
of Venezuela

Annex 72

Letter from Forbes Burnham to Carlos Andrés Pérez, 3 November 1976

Ministerio de Relaciones Exteriores, Archivos, Bibliotecas y Divulgación Casa Amarilla, Dirección de Política Internacional, asuntos bilaterales, pieza: 1-A-77, Guyana, Proyecto Hidroeléctrico del Alto Mazaruni, año 1977.

4/30/4B/1/2/9/22/B/I

Gobierno Bolivariano de Venezuela | Ministerio del Poder Popular para Relaciones Exteriores

Venezuela AHORA ES DE TODOS

Dirección de Política Internacional

Asuntos Bilaterales

CODIGO: [ ][ ][ ] SECCION [ ][ ][ ][ ][ ][ ][ ][ ][ ] SERIE

NUMERO DE EXPEDIENTE:

PIEZA: 1-A-77

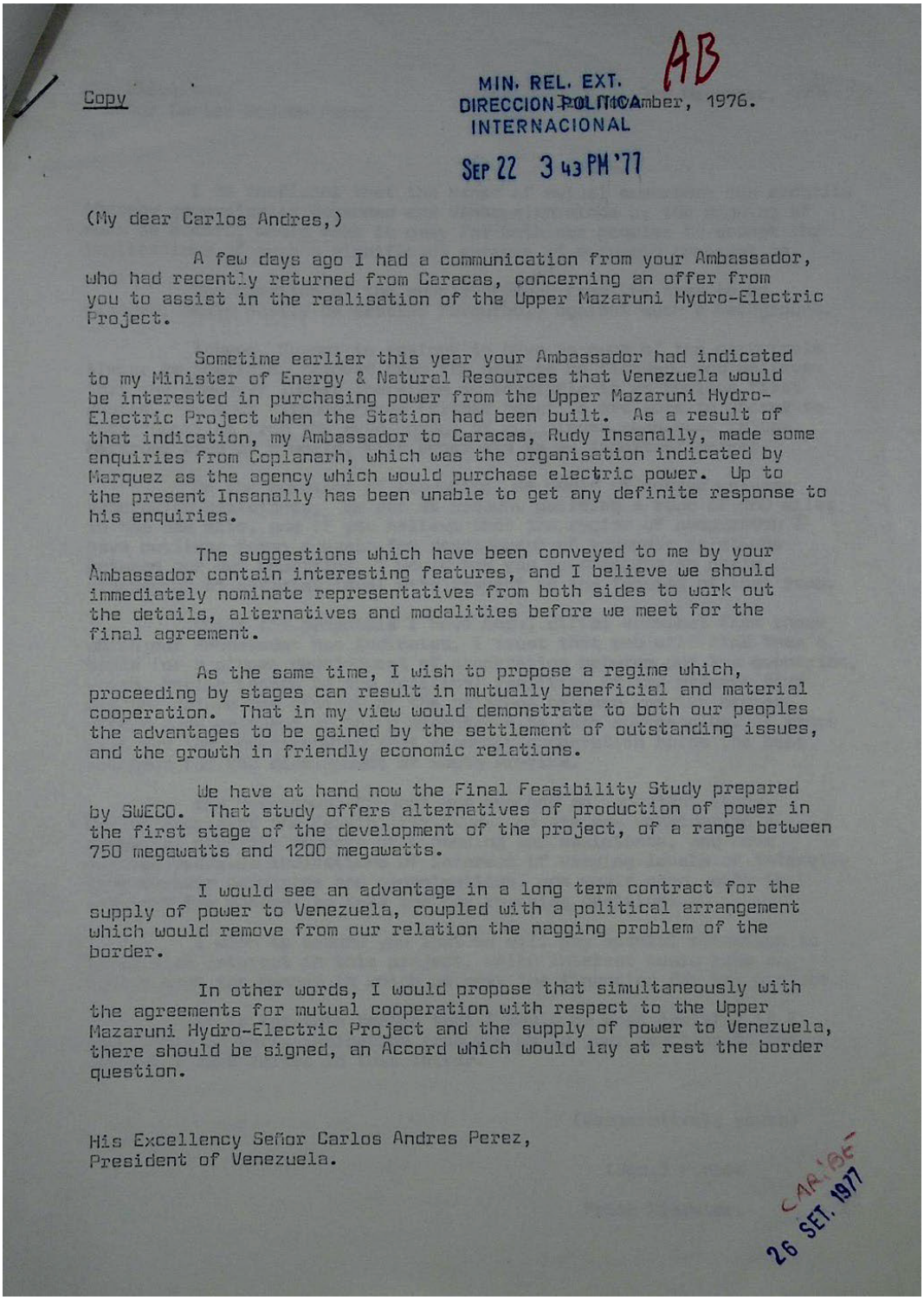
DESCRIPTOR GEOGRAFICO: Guyana

DESCRIPTOR TEMÁTICO: Proyecto Hidroeléctrico del Alto Mazaruni

AÑO (S): 1977

SELLO DE LA DIRECCIÓN

MPPRE/SGE/DAB/008



Copy

MIN. REL. EXT.
DIRECCION POLITICA
INTERNACIONAL
SEP 22 3 43 PM '77

AB

September, 1976.

(My dear Carlos Andres,)

A few days ago I had a communication from your Ambassador, who had recently returned from Caracas, concerning an offer from you to assist in the realisation of the Upper Mazaruni Hydro-Electric Project.

Sometime earlier this year your Ambassador had indicated to my Minister of Energy & Natural Resources that Venezuela would be interested in purchasing power from the Upper Mazaruni Hydro-Electric Project when the Station had been built. As a result of that indication, my Ambassador to Caracas, Rudy Insanally, made some enquiries from Coplanarh, which was the organisation indicated by Marquez as the agency which would purchase electric power. Up to the present Insanally has been unable to get any definite response to his enquiries.

The suggestions which have been conveyed to me by your Ambassador contain interesting features, and I believe we should immediately nominate representatives from both sides to work out the details, alternatives and modalities before we meet for the final agreement.

As the same time, I wish to propose a regime which, proceeding by stages can result in mutually beneficial and material cooperation. That in my view would demonstrate to both our peoples the advantages to be gained by the settlement of outstanding issues, and the growth in friendly economic relations.

We have at hand now the Final Feasibility Study prepared by SWECO. That study offers alternatives of production of power in the first stage of the development of the project, of a range between 750 megawatts and 1200 megawatts.

I would see an advantage in a long term contract for the supply of power to Venezuela, coupled with a political arrangement which would remove from our relation the nagging problem of the border.

In other words, I would propose that simultaneously with the agreements for mutual cooperation with respect to the Upper Mazaruni Hydro-Electric Project and the supply of power to Venezuela, there should be signed, an Accord which would lay at rest the border question.

His Excellency Señor Carlos Andres Perez,
President of Venezuela.

CARACAS
26 SET. 1977

His Excellency
Señor Carlos Andres Perez

3rd November, 1976

I am confident that the sense of mutual assurance and security thereby generated in Guyanese and Venezuelansminds by the signing of such an Accord, would make it easy for both our peoples to accept the implications of such a significant example of economic cooperation.

The question of the supply of wood from the area to be flooded, could easily be settled favourably against such a background.

Indeed, Guyana is anxious to have as much of the marketable timber as possible, removed from the area to be flooded, and believes that the supply of lumber therefrom to Venezuela is an obvious first choice. In such circumstances further benefits are sure to accrue to both countries from the development of our timber resources in the Mazaruni area as a whole, with Venezuela as an important market.

On the question of financing, we would of course welcome Venezuelan assistance. We are at present building a road of 180 miles to the dam site, and if you believe that the regime of cooperation I have outlined forms a basis for development of economic relations between our two countries, I would ask you to consider an early discussion at official level with respect to the funding of that road.

While the proposals I have made, differ somewhat from those which your Ambassador has indicated, I trust that you will find them a basis for a staged development of cooperation between our two countries, which, having regard to the political realities of the present time and the nature and history of the relations between our two states, offers good prospect of being acceptable to both our peoples. I share with you the understanding that economic cooperation holds the best prospect for the development of South America.

The Hydropower Project has reached an important stage. Having completed the Feasibility Study, we are now considering a number of possible sources of financing and assistance, and have already received indications of interest of varying levels of intensity from certain countries and organisations, and would need, with in the next few months, to take the far reaching decisions.

I wish to assure you that we will pay special attention to Venezuelan interest in this project, which interest could have an effect upon the manner in which we seek the financing for the project.

It is for this reason that I would be most grateful if I could have an early indication from you as to your reaction to the matters I have raised in this letter.

(Cooperatively yours)

(Sgd.) Forbes

Prime Minister.

Annex 73

Telefax from the Embassy of Venezuela in Guyana to the General Direction, to the Sectorial Director of Frontiers, to the Sectorial Director General of International Policy and to the Sectorial Director or International Cooperation, 3 March 1994
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Telefax de la Embajada de Venezuela en Guyana. Información sobre programa de exploración geofísica en el área de la región Esequiba, 1994, Box: E-10.

BOLIVARIAN GOVERNMENT
OF VENEZUELA | PEOPLE'S MINISTRY FOR FOREIGN AFFAIRS
BORDER OFFICE
DOCUMENTATION AREA

FILE NUMBER: 70

ITEM:

GEOGRAPHIC DESCRIPTOR: VENEZUELA

THEMATIC DESCRIPTOR: TELEFAX FROM THE VENEZUELAN EMBASSY IN GUAINA. INFORMATION REGARDING THE GEOPHYSICAL EXPLORATION PROGRAM IN THE ESSEQUIBO AREA

YEAR(S): 1994

I AM PLEASED TO INFORM YOU THAT I HAVE MET WITH ENGINEER HILBERT N. SHIELDS, VICE-PRESIDENT AND GENERAL MANAGER FOR GUIANA AND VENEZUELA OF GOLDEN STAR RESOURCES, LTD., WHO INFORMED ME THAT THEY WILL SOON BEGIN AN AERIAL EXPLORATION PROGRAMME TO SEARCH FOR GOLD AND DIAMONDS IN THE CONCESSIONS LOCATED IN THE ESSEQUIBO TERRITORY GRANTED TO THE COMPANY BY THE GOVERNMENT OF GUIANA, ONE OF WHICH CONCESSIONS BORDERS THE CURRENT BOUNDARY BETWEEN THE TWO COUNTRIES .....

AS THIS MISSION HAS REPORTED ON OTHER OCCASIONS, THE ESSEQUIBO TERRITORY HAS BEEN PARCELLED OUT AND HANDED OVER TO TRANSNATIONAL COMPANIES WITH THE SERIOUS RISK THAT, REGARDLESS OF THE TERRITORIAL CLAIM, SUCH COMPANIES MAY CAUSE IRREVERSIBLE DAMAGE TO THE AREA.

Annex 74

Telegram received from the Embassy of Venezuela in Guyana to the Minister's Cabinet, about Concessions in the Essequibo, 14 February 1995 (Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Informes, 1995, Box: E-25.

EMBASSY OF VENEZUELA TO GUYANA
296 THOMAS STREET, GEORGETOWN
DATE: 02-14-95
TELEFAX
TO: MINISTER'S CABINET
FROM: EMBASSY OF VENEZUELA TO GUYANA
SUBJECT: IN THE TEXT
Embajada de Venezuela en Guyana

AMBASSADOR JONES ASKED ME IF THIS MEANT THAT VENEZUELA WAS OPPOSED TO THE GRANTING OF CONCESSIONS IN THE ESSEQUIBO. I REPLIED THAT VENEZUELA'S POSITION ON THIS MATTER WAS VERY CLEAR AND HAD BEEN ESTABLISHED MANY YEARS AGO, THAT OUR CURRENT CONCERN WAS DUE TO THE PROLIFERATION OF CONCESSIONS BEING GRANTED IN THE REGION, WHOSE IRRATIONAL MANAGEMENT COULD ALTER THE ECOLOGICAL BALANCE WITH SERIOUS REPERCUSSIONS IN VENEZUELA AND ON THE CONTINENT. THAT OUR CONCERN IS ALSO BASED ON THE VERY SCARCE RESOURCES, BOTH HUMAN AND TECHNICAL, THAT GUYANA HAS TO SUPERVISE THE MANAGEMENT OF THE AREAS GRANTED.

Annex 75

Letter from the Ambassador of Venezuela in Guyana to the Minister's Cabinet, about the Amendments to the Forestry Law if Guyana, 14 August 1997
(Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Oficio para el Gabinete del Ministro, de Héctor Azócar, Embajador, enmienda a la Ley Forestal de Guyana, 1997, Box: E-09.

II 2.G12.E1.F.60.3/384

[Rubber stamp]

"MINISTRY OF FOREIGN AFFAIRS
MINISTER'S OFFICE
COMMUNICATIONS DEPARTMENT
16 SEP 1997
OFFICE OF BORDER AFFAIRS – 166
RECORDED"

"MINISTRY OF FOREIGN AFFAIRS
16 SEPT 1997
[Illegible] 06
Dated 15/08/97"

[Rubber stamp]

34997

Georgetown, 14 August 1994

SUBJECT: Amendments to Guyana's Forestry Act.

TO: Minister's Office DGSPI/DA, DGSECI/DCCA, DGSF/ Legal Department.

Mr. Minister:

I have the pleasure to forward to you a photocopy of the English text of the amendments to the Forestry Act of Guyana, which were passed by the National Assembly in July 1997.

This legal instrument, which will be cited or titled as the Forestry Act of 1997 (Exploration Permits) (Amendments), closes a legal gap regarding the exploration permits that the Guyanese government, through Memoranda of Understanding, has been signing with foreign companies — mainly from Malaysia and Canada— to carry out exploration activities both in the area under reclamation and in the regions near Berbice River.

Based on the content of the amendment, it can be inferred that what the Guyanese government is seeking, in addition to providing a legal framework for what it has already agreed with the companies Berjaya, Kwitaro Investment and Solid Timbers, is to back up the work carried out by the Forestry Commission, established under the Forestry Act of 1996. Note that the bill was submitted to the National Assembly by Satyadeow Sawh, Minister in the Ministry of Agriculture and former Ambassador of Guyana to Venezuela. The opposition parties represented in Parliament criticized the government's forestry policy and voted against it, arguing that the bill was not sufficiently consulted with the organizations representing the Amerindian populations and the communities that will be affected by the exploration activities, and eventually by the exploitation activities, should they be carried out.

In this regard, during the 5th Congress of Indigenous Organizations of the Amazon Basin (COICA) held in this city last May, a resolution was approved (the Spanish and English versions

of which are also herewith attached) on the Land Rights of Indigenous People in Guyana. The resolution called on the Guyanese government to suspend the passage of the Forest Exploration Act by Parliament, to grant land titles and to resolve pending land claims, to put the Environmental Protection Agency into operation, and to review the Amerindian Peoples Act in accordance with current international standards in this matter.

Minister Sawh informed the undersigned that the exploration contracts Guyana has signed and intends to sign do not mean that these areas will automatically be commercially exploited. He added that the idea is to know concretely what the country's true potential is in terms of forest resources.

Sincerely yours,
Héctor Azócar
Ambassador
[Signed illegible]

[Round rubber stamp bearing Coat of Arms]

"REPUBLIC OF VENEZUELA – Embassy to Guyana"

Annex 76

Fax from the Ambassador of Venezuela in Guyana to the Minister's Cabinet about the Environmental Agreement, Relations Venezuela/Guyana, 31 August 1998 (Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Expediente n. 107 Acuerdo Ambiental entre Venezuela y Guyana, reunión técnica sobre el programa de cooperación en materia ambiental, 1998, Box: E-09.

Fax No. (592-2) 53241
No. II.2.G12.E1.A.40.3/ 309

TELECOPY

TO:	Ministry of Foreign Affairs Caracas Minister's Office DGSPI
FROM:	Venezuelan Embassy to Georgetown
SUBJECT:	Environmental Agreement, Venezuela/Guyana Relations
DATE:	31/08/1998
Nº of pages:	2

In follow-up to the draft Environmental Agreement between Venezuela and Guyana, it has come to the attention of this Mission that Guyanese government sources stated last week that the draft agreement is still pending consideration by President Jagan's Executive Cabinet. Differences have emerged between the two countries over the scope of the treaty, which is a commitment provided for in the Joint Communiqué issued on the occasion of the Guyanese President's official visit to Venezuela.

In this regard, unofficial sources said that Foreign Minister Rohee himself had invited the opposition political parties represented in Parliament to be briefed on the current status of Venezuela/Guyana relations, in the light of the events related to the above-mentioned Environmental Agreement. In this connection, both the PNC, the main opposition party, and the TUF have reportedly accepted the invitation for next week. The attendance of the WPA has yet to be confirmed.

Meanwhile, the PNC Secretary General described the meeting as very important, and said the issue of Venezuela/Guyana relations is above any partisan interest, adding that the current Government should take advantage of all the experience and knowledge that comes from experts in the field, regardless of their political affiliation.

Annex 77

Telefax from the Embassy of Venezuela in Guyana to the Cabinet of the foreign Minister in Caracas, about Explorations made by the Company Barama Co., Ltd, 10 March 1999 (Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Telecopia para el MRE, de la Embajada de Venezuela en Guyana, exploraciones mineras por parte de la empresa Barama LTD, 1999, Box: E-08.

EMBASSY OF VENEZUELA IN GUYANA
FAX Nr (592-2) 53241
II.2.G12.E1.F.60.3 / 065

GENERAL DIRECTION
Office of the General Director
PREPARE ACCOUNT: _____
FOR INFORMATION: _____
COORDINATE WITH: _____

TELECOPY
GENERAL DIRECTION

TO: FOREIGN AFFAIRS – CARACAS
ATTENTION: MINISTER´S OFFICE
D.G.S.P.I.
D.G.S.F.
D.G.S.E.C.I.

FROM: EMBAVENEZ GUYANA

SUBJECT: MINING EXPLORATIONS BY THE COMPANY BARAMA CO. LTD.

DATE: 03/10/99

NR PAGES: 2

According to information provided by the Executive Director of the firm Barama Company Ltd. (a Korean-Malaysian timber concessionaire company), Mr. S. K. Loong, said enterprise would have signed an agreement with Golden Star Resources Ltd. (a Canadian operator of the mine OMAI in the zone under reclamation) to start exploratory works to search for precious metals in the area where the former operates under concession in the Northwest District of the country (zone under reclamation).

The agreement, signed on 21 January with a validity of two years, foresees a geophysical and geological survey to be carried out on ground and air over an area of one million acres at an approximate cost of between 300.000 and one million US dollars, depending on the dimensions of the exploratory works. In accordance with the results stemming from the studies to be conducted, the firm Barama Company Ltd. would have the first option for a joint venture with Golden Star Resources Ltd. for the prospection of minerals. The Executive Director of Barama also pointed out that the licence fees were reportedly paid to the Guyanese government and that the studies would be carried out in an environmentally favourable manner and would not affect the company's forestry operations.

This information has raised concerns among some small and medium-sized miners who wonder whether foreign companies that are concessionaires of the Timber Sale Agreement

(Barama Co. Ltd. and Caribbean Resources Ltd.) are also authorized to carry out exploratory works in the field of mining.

Barama has been actively trying to promote the development of an African palm project, for which it has organized and financed visits by the Ministry in charge of Forestry Affairs (Satyadeow Sawh, former Ambassador to Venezuela) to Malaysia, as well as experts of that nation to Guyana, in order to identify the most favourable areas to develop such plantations, having already recommended an area located to the south of the current concession held by Barama, all of which are in the zone under reclamation. According to information obtained by high-level officials of the Forestry Commission of Guyana, the plans or intentions of Barama are to take advantage of the deforestations that would be derived by the African palm project for its timber processing plant without apparently obtaining new concessions.

Sincerely,
(illegible signature)
Héctor Azócar
Ambassador

(There appears a seal of the Embassy of Guyana of the Republic of Venezuela).

Annex 78

Report of Projects and Developments, and other Physical and Socio-Economic Aspects of the Essequibo's Territory, 10 June 1999
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Remisión de informe sobre proyectos y desarrollos, así como aspectos físicos y socioeconómicos del territorio Esequibo, 1995, Box: E-09.

Translation

REPORT ON PROJECTS AND DEVELOPMENTS, AS WELL AS OTHER PHYSICAL AND SOCIOECONOMIC ASPECTS OF THE TERRITORY

…

I) Mining and Oil:

…

The investment made in this mining project, which is considered the largest and most important in this country, exceeds US$ 250 million, with gold production in 1998 amounting to 327,546 ounces. It should be recalled that in 1995 Omai was responsible for the accidental spill of cyanide waste into one of the tributaries of Essequibo River, which affected the ecosystem of the area. On that opportunity, the Venezuelan Ministry of the Environment and Natural Resources sent a team of experts to assess damage and provide advice.

…

It is worth remembering that in July 1997, the Guyanese Parliament approved an amendment to the Guyana Forestry Act, known as the Forestry Exploration Act, which allows the Government of Guyana to grant three-year exploration permits in the forestry sector as a precondition for the possible execution of timber harvesting and processing agreements with foreign companies. Under the Act, applicant companies must comply with a series of specific requirements and carry out a series of environmental impact studies before obtaining the corresponding license.

…

3) Rocket Launch Site Project: U.S. firm Beal Aerospace Technologies, Inc., based in Dallas, Texas, sent a team of executives in May this year to start talks with the Guyanese Government regarding the possible establishment in this country of a launch base for commercial satellite-carrying rockets.

…

V) Socio-economic Exchange with Venezuela

The socio-economic exchange between the regions located in the Essequibo and Venezuela could be defined as "informal" in nature. This means that many of the goods purchased in Venezuela, such as canned food, detergents, flour, cookies, liquor, plastic products and in some cases fuel and lubricants, are brought to Guyana by people engaged in informal trade.

…

Annex 79

Telefax from the Embassy of Venezuela in Guyana to the Cabinet of the Minister of Foreign Affairs in Caracas, 18 June 1999
(Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Cartas, Telecopia para el MRE, de la embajada de Venezuela en Guyana, Georgetown, concesión forestal, Box: E-08.

ON FILE

EMBASSY OF VENEZUELA
IN GUYANA
FAX NO. (592-2) 53241

NO. II.2.G12.E1.F.60.3.2/ 194

TELECOPY

TO: FOREIGN AFFAIRS, CARACAS
CABINET OF THE MINISTER
DGSPI/DA
DGSF

FROM: EMBAVENEZ GEORGETOWN

SUBJECT: FOREST CONCESSION

DATE: JUNE 18, 99

No. of pages: 1

Journalistic sources reported that the Dutch-owned "Guiana Forest Fund NV", based in Curaçao, has reportedly concluded a 20-year agreement with the Government of Guiana for the processing of timber in a concession covering an area of approximately 330,000 acres in the Region 1Barima-Waini. This company would be in partnership with the firm "Buckingham Forest Enterprises Inc." which has been registered in that country by a group of foreign investors, also of Dutch nationality. It should be noted that details of this concession are included in the Political-Economic Report of this Mission for the period January to April of this year, as well as in the Report on the Essequibo Projects and Developments.

According to spokesmen for the Buckingham company, the Guiana Forest Fund's forestry operations are expected to start next year, without specifying a precise date. The latter company is also in the process of preparing a management work plan to be submitted to the Guiana Forestry Commission, which would include, among other things, the corresponding environmental impact studies.

The objective of the Guiana Forest Fund's operations would be to market timber products processed in Guiana in the Netherlands.

Sincerely,
(Signed)
Héctor Azócar

Note by translator: There are two lineal stamps from the Foreign Affairs Ministry acknowledging receipt of the information dated June 21, 1999.

Annex 80

Suit brought to the High Court of the Supreme Court by Mr. Frank Beckles and other Members of the Organization "Guyana is First" and Mr. Ashton Simon on behalf of the Amerindians and People of the Country against the President of Guyana, Prime Minister, Minister of Finance, Attorney General and the Beal Guyana Launch Services, L.L.C., 31 May 2000

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Punto de cuenta al Presidente sobre solicitud de concesión aurífera en la Guayana Esequiba ante la comisión de minas de Guyana por la compañía "King David Enterprises Guyana Ltd", 1991, Box: E-21.

2000 No. 1071 DEMERARA.

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CONSTITUTIONAL JURISDICTION

In the matter of the Constitution of the Co-operative Republic of Guyana.

BETWEEN:

1. Dr. FRANK BECKLES, in his own behalf and on behalf of each and every one of the members of the public interested in the maintenance of the sovereignty of the people of Guyana and the supremacy of the Constitution of the Co-operative Republic of Guyana.
2. Dr. FRANK BECKLES, in his own behalf and on behalf of each and every one of the members of Guyana is First.
3. Sherwood Kendall, in his personal capacity and as a member of Guyana is First
4. Johnathan Adams, in his personal capacity and as a member of Guyana is First
5. ASHTON SIMON, in his own behalf and on behalf of the Amerindians in Guyana.
6. ASHTON SIMON, in his own behalf and on behalf of the the hinterland people of Guyana.
7. KATHLEEN RAJKUMAR.

Plaintiffs.

And

1. The President of the Co-operative Republic of Guyana, Mr. Bharrat Jagdeo, in his official capacity as President of Guyana.
2. The Prime Minister of the Co-operative Republic of Guyana, Mr. Samuel Hinds.
3. The Minister of Finance.
4. The Attorney General of Guyana.
5. Beal Guyana Launch Services, L.L.C.

Defendants, jointly and severally.

ORIGINATING NOTICE OF MOTION

Take Notice that this Court will be moved on Monday the 12th day of June, 2000, or such other day and hour of which you shall be informed by the Registrar, by Messrs. Stephen G.N. Fraser, C.A. Nigel Hughes and Teni Housty of Counsel on the part of the Plaintiffs for the following relief, that is to say:

(a) A declaration on that the agreement of the 19th day of May, 2000, purportedly signed between 'Guyana' and the fifth named defendant is illegal, null and void.

(b) A conservatory order prohibiting and/or restraining the 1st, 2nd, 3rd, 4th and 5th named defendants, and each and every one of the from taking any or any further steps in the implementation of the aforesaid agreement until after the hearing and determination of this motion.

(c) A conservatory order prohibiting and/or restraining the the 5th named defendants, their servants and/or agents and each and every one of the from draining the Waini location and its surroundings, identified for the spaceport under aforesaid agreement, until after the hearing and determination of this motion.

(d) A declaration that those clauses of the agreement purporting to oust access to the spaceport facility by the police and army compromise the sovereignty and the national security of the people of Guyana and Guyana.

(e) A declaration that the purported 99 year tax holiday under the aforesaid agreement is unconstitutional, unlawful ultra vires, null and void.

(f) A declaration that the purported decision to sell the lan in the area identified under the agreement at the US$3.0 sale price without any proper or any consultation and/c without providing and opportunity for the people affecte by such decision to be heard, constitutes an arbitrar exercise of executive authority on the part of th Government and is therefore ultra vires, null and void.

(g) A declaration that the aforesaid agreement purported allows for the creation of an American state subject

within the constitutionally delimited boundaries of Guyana, and constitutes a ceding of territory to a foreign entity.

(h) A declaration that such purported ceding of territory is unconstitutional, null and void.

(i) A declaration that the government of Guyana is not constitutionally entitled to sign the aforesaid agreement, a private interhational agreement, on behalf of the State of Guyana.

(j) A declaration that it is unconstitutional for the Government of Guyana to sign the aforesaid agreement, a private international agreement, purporting to be binding on the Legislative and Judicial arms of the state.

(k) A declaration that the government of Guyana has purportedly attempted to usurp and/or to circumvent the constitutional functions and authority of the Parliament and the Judiciary.

(l) A declaration that the aforesaid usurpation and/or circumvention is unconstitutional.

(m) A declaration that the government of Guyana has by various terms contained in the aforesaid agreement offended against the principal of separation of powers and accordingly the aforesaid agreement is null and/or void at least insofar as it offends that principle.

(n) A declaration that the purported undertakings to relocate or remove the inhabitants from the Waini area, the area identified for the spaceport, are unconstitutional and are ultra vires articles 40 and 142 142 of the Constitution of the Co-operative Republic of Guyana.

(o) A declaration that the ancient rights enjoyed by the Amerindians to the Waini area are rights in property

are protected by the Constitution of the Co-operativ
Republic of Guyana from compulsory acquisition.

(p) A declaration that Amerindians are entitled to continue t
exercise their ancient rights in the Waini area withou
interference from the defendants or any of them.

(q) A declaration that any bill or other legislative instrume
purporting to carry out or implement the terms of t
aforesaid agreement is inconsistent with the Constitutio
null and void ab initio and, therefore, cannot be present
to Parliament by the government of the day.

(r) A declaration that article 9 of the Constitution of
Cooperative Republic of Guyana is enforceable.

(s) A declaration that the government of Guyana has by vari
terms contained in the aforesaid agreem
unconstitutionally derogated from the sovereignty vested
the people of Guyana by virtue article 9 of
Constitution of the Co-operative Republic of Guyana.

(t) A Declaration that article 9 of the Constitution of
Cooperative Republic of Guyana is not affected by
amendment purportedly made by Act No. 1 or 1988, which
amendment purported, inter alia, to make the afore
article 9 unenforceable.

(u) A declaration that the purported agreement
unconstitutionally fettered the discretion of the Presi
of Guyana.

(v) A declaration that the right to the enjoyment
protection of eminent domain is an inalienable right of
state and a necessary incident of sovereignty and tha
government can fetter or surrender same.

(w) A declaration that the or any derogation from the aforesaid inalienable right to eminent domain as purported by the aforesaid agreement is unconstitutional, null and void.

(x) A declaration

(y) A declaration that the right to sovereignty and the right to the protection of the principal of separation of powers are constitutional rights enjoyed by each and every person in Guyana.

(z) A declaration that the government of Guyana by virtue of the terms of the aforesaid agreement have acted in derogation of the rule of law.

(aa) Such further or other relief as to the Court is just.

(bb) Costs.

AND THE GROUNDS FOR THE APPLICATION ARE AS FOLLOWS:

1. The plaintiffs bring these proceedings in their own behalf and on behalf of numerous persons having the same interest in the matters herein, respectively.

2. Guyana is First is a non-Government public interest organisation having its offices at 302 Church Street, Queenstown, Georgetown, Demerara, Guyana.

3. ASHTON SIMON am an Amerindian.

4. The first named defendant is sued in his official capacity and not in his personal capacity.

5. The first named defendant is the Commander-in-Chief of the military forces in Guyana.

6. The first named defendant is purportedly bound by the hereinafter-mentioned agreement to grant tax waivers/remittances to the fifth named defendant.

7. The third named defendant, like the first named defendant is contractually bound by the hereinafter mentioned agreement to grant tax waivers/remittances.

8. The said fifth named defendant, claims to be a limited liability company formed under the laws of the State of Texas, United States of America.

9. The fourth named defendant is sued in his official capacity as the Government representative.

10. It does not appear that the fifth named defendant has an address for service in Guyana.

11. On Friday the 19th day of May, 2000, a Commercial Space Launch Facility Agreement was purportedly signed by the Prime Minister, Mr. Samuel Hinds, on behalf of the Co-operative Republic of Guyana between, Guyana, and the Beal Guyana Launch Services, L.L.C. the fifth named defendant.

12. The area identified for the siting of the spaceport contemplated by the agreement is important not only to the Amerindians residing in the area but to all Amerindians in Guyana since it is the area to which most Amerindians have resorted to since ancient times for traditional inputs into the maintenance of their heritage and their life ways and to ensure their continued existence as a people.

13. The Waini area comprises part of the ancestral lands of the Amerindian people.

14. In order to continue enjoying those lands allocated to Amerindians by successive governments our ancient rights of passage to the Waini and other areas are necessary.

15. The preservation of Amerindian heritage and culture is an imperative and all Amerindian peoples affected by the proposed spaceport are entitled as of right to be heard before their previously unhindered ancient rights to the area, which they enjoyed for centuries, is truncated,

16. Many Amerindians live in the swamp area of the Waini and have lived there for several centuries.

17. The bones of the Amerindians' forefathers have been entombed in the Waini region.

18. To allow the proposed establishment of the spaceport in the Waini region would disturb both ancient and traditional Amerindian gravesites.

19. Amerindians believe that the remains of their ancestors are the source of the spiritual linkages essential to the continuum of their cultural and religious beliefs.

20. Further, the ancestral lands are an essential part of the identity of the Amerindian in his community. Their ancestral lands are as vital to the Amerindians as names are to individuals in western cultures.

21. The Amerindians believe that their communal ancestral lands are their birthright.

22. The communal ancestral lands have been used by the Amerindians for centuries and it us upon these lands that they nurture their culture.

23. Further the Amerindians are hunters and gatherers and live off of the land.

24. The Amerindians enjoy ancient routes of communication in the Waini area.

25. Further, the exclusion of the Amerindians from the Waini area would constitute a devastating impediment to the use and enjoyment of their tradition routes of communication used to maintain their culture.

26. Some of the Amerindians who live in the area are swamp people who live in homes suspended above, but, in the midst of the swamps.

27. It is a fundamental belief of the Amerindians that their

break such relationship of interdependence with nature will result in endless suffering and destruction.

28. Amerindians have been seeking the extension of government recognition of their ancestral land. Accordingly, the Amerindians have a legitimate expectation to be involved in the decision-making process regarding the use or disposal of the Waini area.

29. Further the government did not consult or give the Amerindian people an opportunity to be heard before agreeing to sell the aforesaid designated spaceport area to the fifth named defendant.

30. Further, the area identified for the siting of the spaceport contemplated by the agreement is important not only to the Amerindians residing in the area but to all hinterland people in Guyana since it is the area to which many hinterland people resort for traditional sources of food and shelter.

31. The plaintiffs are advised by their Attorneys-at-Law, Mr. Stephen G.N. Fraser, Mr. C.A. Nigel Hughes and Mr. Teni Housty, and verily believe that the aforesaid agreement is unconstitutional in several respects, unenforceable and violates the sovereignty of the people of Guyana.

32. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that the state of Guyana comprises of the Executive, the Legislature, and the Judiciary.

33. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that the Government of Guyana is not entitled to enter into a private agreement on behalf of the three composite elements of the state of Guyana. The aforesaid agreement can only properly be entered into by or on behalf of the Government of Guyana. Accordingly, therefore

is ultra vires the executive power conferred on the Government of Guyana.

34. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that significant portions of the content of the agreement purport to compromise the functions of the Legislature and the Judiciary and subvert or violate existing legislation and the Constitution and is therefore illegal, null and void, and/or unenforceable.

35. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that by virtue of the provisions of article 8 of the Constitution of the Co-operative Republic of Guyana that the Constitution is the supreme law of Guyana and that any agreement inconsistent with the provisions thereof or inconsistent with the fundamental principles of Constitutional law, including eminent domain, the rule of law and separation of powers is void ab initio.

36. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that by virtue of the provisions of article 9 of the Constitution of the Co-operative Republic of Guyana, sovereignty belongs to us, the people of Guyana.

37. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that the said article 9 is enforceable and capable of enforcement and has not been effectively amended by Act No. 1 of 1988 since the said article 9 can only be validly amended by referendum.

38. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that the government cannot derogate from our rights of

39. The plaintiffs and each and every one of them is advised by their aforesaid Attorneys-at-law and verily believe that by virtue of article 40 of the Constitution of the Cooperative Republic of Guyana each and every citizen of Guyana is guaranteed the protection of the law.

40. That we are further advised by our aforesaid attorneys at law and verily believe that the following clauses are unlawful and/or unconstitutional for, inter alia the reasons given therefor:

ARTICLE 2. DUTY OF GOOD FAITH AND FAIR DEALING.

Guyana and Beal recognize that this Agreement is entered into in good faith and that the success of Beal's proposed space launch facility is dependent on the co-operation of both Parties. Each party agrees to treat the other and to act in good faith and with fair dealing in all aspects of its relationship with and obligations to the other, including those created by this Agreement. Guyana pledges its utmost co-operation with Beal in the implementation and enforcement of U.S. controls overloads technology, and technical data used at the Facility. Each parties shall sign any additional documents, grant any additional authorizations, licenses and approvals, and take such other and further executive, administrative, or legislative actions as may be necessary to give full and complete effect to the provisions and purpose of this Agreement. This article is intended by the Parties to create legally enforceable obligations and duties, and its importance is highlighted by its placement near the beginning of this Agreement. Wherever this Agreement requires the consent, permission, or approval of a Party, such consent, permission, or approval shall not be unreasonably withheld.

The plaintiffs are advised as aforesaid and verily believe that:

The government is incompetent to bind Parliament to make the contemplated or any legislative

violation of the most fundamental constitutional principle of separation of powers.

ARTICLE 5. IDENTIFICATION AND TRANSFER OF LAND BY GUYANA TO BEAL.

5.2 Conveyances by Absolute Grant. At Closing, Guyana shall convey the Primary Site and the Remote Site to Beal, absolutely and forever, by absolute grant. Guyana shall ensure that all persons occupying any portion of the Primary Site and Remote Site have vacated it or have been relocated from it no later than by sixty (60) days after Beal delivers written notice to Guyana requesting such relocation. Guyana shall allow Beal free and complete access to and from the Primary Site and the Remote Site.

The plaintiffs are advised as aforesaid and verily believe that:

This clause does not contemplate the rights of the Amerindians to the area. No opportunity to be heard was accorded the Amerindians before the decision was made to sell the area and exclude the Amerindians.

This clause contravenes the procedure prescribed and contemplated by the State Lands Act and the regulations thereunder.

The grant can only be made on application and the President must exercise his discretion in accordance with the Act. A pre-existing binding agreement ousts the exercise of discretion contemplated by the Act.

A prior binding undertaking and the exercise of discretion are mutually exclusive.

Guyanese cannot be deprived of the legal right to apply for or to enjoy the use of state lands except in accordance with existing law. Article 40 of the Constitution of the Co-operative Republic of Guyana guarantees the fundamental right to protection of the law.

5.2.2.2.1 Guyana shall also retain a right of first refusal to re-purchase from Beal the Primary and Remote Sites. If Beal receives a bona fide offer from a third party (other than from an Affiliated Company) for the purchase of all or any part of the Primary or Remote Sites, which offer Beal is willing to accept, Beal shall deliver written notice of the offer to Guyana, and shall deliver to Guyana a copy of the proposed contract of sale to such third party. Guyana shall have the right for ninety (90) days after the receipt of such notice to enter into a contract for the sale of the specified portions of the Primary or Remote Sites at the same price and upon the same terms as contained in the proposed contract of sale to the third party, which right of Guyana shall be paramount to the rights of the third party. Guyana shall exercise its right by providing written notice thereof to Beal. If Guyana fails to exercise any such right within the time specified, and if Guyana has not asserted a reasonable objection to the proposed Purchaser pursuant to paragraph 5.2.2.1, then Beal shall be at liberty to enter into and fulfill a contract for the sale of all or part of the Primary and/or Remote Sites with the third party at the same price and on the same terms as contained in the proposed contract of sale delivered to Guyana. The time periods for Guyana to either object to a proposed purchaser, or to exercise its right-of-first-refusal, may run concurrently.

The plaintiffs are advised as aforesaid and verily believe that:

This clause offers no [illegible]

the sale of shares in the company and not of the actual property itself. All of the concessions purportedly granted to Beal by 'Guyana' can be sold by Beal to the Venezuelans or to any other person or county without reference to any Guyanese institution. This clause, therefore, seriously derogates from our rights of sovereignty.

5.3 Additional Buffer Area. Guyana shall grant to Beal a safety buffer in the form of an easement covering the Additional Buffer Area. The purpose of the safety buffer easement is to provide safety, to prevent encroachment upon the Facility, to prevent future complaints from individuals who may move near to the Facility, and to prevent any need for restrictions to be placed upon Beal's use of the Facility. The easement shall prohibit all construction, buildings, or human occupation or habitation within the Additional Buffer Area during the Term of the Agreement. Guyana shall ensure that all construction, buildings, or human occupation or habitation within the Additional Buffer have vacated it, have been relocated, or have been removed no later than one (1) year after Closing. However, Guyana may utilize the Additional Buffer Area for fishing and hunting by its citizens, and temporary structures and habitation for such purposes shall be allowed. Beal shall not have any liability for, or any responsibility for ensuring, the safety, protection, health or well-being of any person using, or for any temporary structure or habitation built within, the Additional Buffer Area.

The plaintiffs are advised as aforesaid and verily believe that:

There is no constitutional provision for relocation or removal or forced vacation of homes. That neither this clause nor the agreement contemplates articles 40 and 142 of the Constitution of

citizens from compulsory acquisition of property. Article 142 (1) provides, inter alia, as follows:

142(1) No property of any description shall be compulsorily taking possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by our under the authority of a written law: (a) providing for compensation for the property or any interest in or right over property so possessed or acquired and specifying the principles on which the compensation is to be determined and given; and (b) giving to any person claiming such compensation or right of access, either directly or by way of appeal, for the determination of his interest in or right over the property and the amount of compensation, to the High Court.

ARTICLE 6. CONSIDERATION PAYABLE BY BEAL TO GUYANA.

As full and complete consideration for this Agreement and all of the rights and privileges granted to Beal herein, and as consideration for the ***waiver of Taxes****, duties or tariffs on exports and imports, fees, and other payments by Beal to Guyana, as set forth herein, Beal shall make the following payments to Guyana and undertake the performance specified below:*

6.1 Payment for Land. Beal shall pay to Guyana a one-time payment of Three U.S. Dollars (US$3.00) per acre, based upon the acreage determined by the survey, as full and complete consideration for the Primary Site and the Remote Site. The Parties estimate that the Primary Site and Remote Site contain approximately 25,010 acres. Based upon that estimate, Beal shall deliver the sum of US$75,030.00 to Guyana within thirty (30) days after the date of this Agreement. At Closing, however, Guyana shall reimburse any overpayment to Beal, and Beal shall pay any shortfall in payment to Guyana.

6.2 Payment for Easement. Beal shall pay to Guyana an annual payment of One U.S. Dollar (US$1.00) per acre, based upon the acreage determined by the survey, as full and complete consideration for the Additional Buffer Area Easement. Such annual payment shall be made to Guyana on February 28 of each year, commencing on the first February 28 following Closing

6.3 Compensation for Administrative Expenses and Fees. On February 28 of each year, commencing on the first February 28 following Closing, Beal shall pay the following sums to Guyana as full and complete consideration for all administrative expenses and fees incurred or chargeable by the Government in connection with the Project during that calendar year, including, but not limited to, the cost of stationing and housing customs and administrative officers at the Facility:

6.3.1 One Hundred Thousand U.S. Dollars (US$100,000); and

6.3.2 A graduated sum determined by the number of Successful Launches Beal has conducted during the previous calendar year. The sum shall be calculated as follows:

a. If Beal has no more than six (6) Successful Launches in a calendar year - US$25,000 per Successful Launch.

b. If Beal has more than six (6) but no more than twelve (12) Successful Launches in a calendar year - US$50,000 per Successful Launch.

c. If Beal has more than twelve (12) but no more than eighteen (18) Successful Launches in a calendar year - US$75,000 per Successful Launch.

d. If Beal has nineteen or more Successful Launches in a calendar year - US$100,000 per Successful Launch.

e. Notwithstanding anything in this paragraph 6.3.2 or in the Agreement to the contrary, Beal's obligation to pay Guyana for a

contract amount between Beal and its Customer for any such launch.

The plaintiffs are advised as aforesaid and verily believe that:

The waiver of taxes contemplated by this article has been bought and paid for. None of the Tax acts contemplated a taxpayer purchasing a tax waiver. The limited discretions of the President and the Minister of Finance have been excluded by this clause. The parties have hereby sought to circumvent the Legislature by private agreement.

This clause is discriminatory, and ultra vires. Guyanese investors have been agitating for tax waivers and incentives for years. In addition to income and corporation taxes, Guyanese companies have to pay a 2% turnover tax.

ARTICLE 9. GUYANA GOVERNMENTAL APPROVALS.

Subject to, and with the exception of an EIA and any other necessary environmental approvals required by Law, Guyana hereby agrees to grant to, obtain for, and deliver to Beal all licenses, permits, waivers and approvals necessary for Beal to implement the Project and to exercise fully the rights granted to Beal under the Agreement, including this Article and Article 4 of the Agreement, including those required by Law from regional or municipal authorities. No right, license, permit, waiver or approval granted herein or otherwise by Guyana to Beal shall be revoked, canceled or modified by Guyana or by any public authority in Guyana during the Term of this Agreement. The promise to grant, obtain, deliver, and not cancel any or all such rights, licenses, permits, waivers and approvals is a material inducement for Beal to enter into and execute this Agreement. Except as specifically

rights under the Agreement, this Article and Article 4 of this Agreement are hereby deemed granted to Beal.

The plaintiffs are advised as aforesaid and verily believe that:

The grant of licences etc. and the undertaking/ agreement not to revoke cancel or modify them are ultravires the express discretions and authorities conferred or reserved by the respective Acts.

9.3 Customs, Customs Duties, Tariffs, and Immigration.

9.3.1 Guyana may place a customs and/or immigration officer(s) at the Facility as soon as Beal provides Notice to Guyana that it intends to import goods or bring non-citizens of Guyana to the Facility. Such officer(s) shall remain at the Facility for so long as necessary, after which they shall be removed.

9.3.2 In light of the material adverse business impact that would result to Beal and its Customers if goods are delayed in customs, Guyana agrees that all Legal Goods shall be cleared through customs expeditiously. Therefore, Legal Goods entering Guyana shall be cleared through customs within twelve (12) hours of arrival at the Facility. If any Legal Goods have not been cleared through customs within twelve (12) hours of arrival at the Facility because of a Force Majeure event or any reason outside of the control of Beal, then such goods shall be deemed cleared. In such case, Beal shall maintain a record of all such goods that are deemed cleared through customs and shall provide a copy of such record to Guyana's customs office at the Facility at the earliest reasonable opportunity. Payloads shall be cleared through Customs immediately upon arrival within Guyana. **No customs inspection shall be permitted of any technical items or data if such inspection is objected to or prohibited by the U.S. Government.**

9.3.3 Any goods that Beal brings into Guyana through a customs office other than at the Facility shall be cleared in the normal times and procedures applicable at such customs office.

9.3.4 All Beal Associates may enter Guyana at the dock or airstrip at the Facility, which Guyana hereby officially designates as a Port of Entry. If Guyana desires for such persons to pass through immigration, then Guyana shall place an immigration officer at the Facility. Any Associate not allowed through immigration within two (2) hours shall be deemed admitted into Guyana.

The plaintiffs are advised as aforesaid and verily believe that:

The government has subjugated itself to and surrendered our sovereignty to the U.S. government. Essential border control functions have been surrendered by virtue of this clause.

9.5 Responsibility for Ensuring Clear Guyana Airspace, Waters and Ground.

9.5.1 Beal shall deliver a Notice to the Minister and publish a notice to mariners and to airmen at least seventy-two (72) hours before the launch of any space Launch Vehicle from the Facility. It shall be the duty and responsibility of Guyana to ensure that Guyana airspace, waters and grounds around and downrange of the Facility are cleared, free from interference, and safe to conduct launches, in accordance with FAA requirements. If Guyana fails or is unable to fulfill its duty and responsibility, then Beal may take such actions as it deems appropriate to ensure that airspace, waters and grounds are clear, free from interference, and safe to conduct launches in accordance with FAA requirements.

The plaintiffs are advised as aforesaid and verily believe that:

This clause empowers the fifth named defendant to take any steps without reference to existing laws or legal limitations. The

the executive authority of the government. The constitutional rights of the Guyanese public are hereby seriously compromised.

9.5.2 It shall be the duty and responsibility of Guyana to take such steps and actions as might be necessary to make the Facility a restricted area and off-limits to all persons except those authorized by Beal. Beal may take such actions as it deems appropriate to ensure that no unauthorized persons enter the Facility.

The plaintiffs are advised as aforesaid and verily believe that:

Beal has, purportedly, been empowered to chose who it shall authorise to enter the facility. There is no limit on the class a person who may be excluded and accordingly the police and army in the context of the agreement fall to be excluded.

9.6 Work and Residence Permits. Guyana shall grant work and residence permits and visas (if necessary), promptly following the delivery to Guyana of the normal applications and other paperwork, for Beal's Associates. Such work and residence permits and visas shall be deemed granted seven (7) days after the delivery of applications therefore to Guyana. In the event of emergencies, Guyana shall process work permit applications within twenty-four (24) hours after delivery of the applications to it. Guyana shall not impose or require any limitation in the numbers, percentages or categories (or in any other manner whatsoever) of foreign Associates at the Facility or at any Beal location within Guyana. Guyana hereby exempts Beal and its Associates from any requirements for work permits or visas for any Associate who enters Guyana for less than forty-five (45) consecutive days. Guyana shall charge Beal its standard fee [illegible] any such

This clause waives the statutory discretion in respect of work and residence permits and visas.

9.7 Access into Guyana. Beal shall have ingress and egress rights, dock rights and landing rights at all ports of entry and all airports within Guyana. Beal shall have the sole and exclusive right of control and access to any dock or airport which it might construct or operate in, on, or, in the case of a dock, adjacent to, the Facility.

The plaintiffs are advised as aforesaid and verily believe that:

This clause unlawfully waives the statutory discretion in respect of port control.

9.9 Other Land. Beal may acquire by deed or lease, and may operate, offices, residences, lodgings, storage facilities, apartments, maintenance facilities and any other land in any location in Guyana that Beal may require subject to Law and to the same extent as any Guyanese corporation. Guyana shall grant to Beal any license that is required by Law in order for Beal to own or hold such land. Beal may sell, lease or otherwise dispose of any land that it might acquire.

The plaintiffs are advised as aforesaid and verily believe that:

This clause unlawfully waives the statutory discretion in respect of the licences contemplated herein.

9.10 Professional Licenses. Beal may hire, retain, and employ expatriate professionals exclusively for its own use. If such professionals are duly licensed to practice their professions in another country, the

Guyana, but shall register with the appropriate private professional organizations, if required by Law.

The plaintiffs are advised as aforesaid and verily believe that:

This is an unconstitutional executive attempt to circumvent the legislature.

9.11 All Other Approvals. With the exception of approval of an EIA and any other necessary environmental approvals required by Law, all other necessary or required licenses, permits, waivers, approvals or grants relating to or connected to the Project and not otherwise specified herein are hereby granted by Guyana to Beal. Beal shall not be required to obtain any further governmental approvals in order to operate, construct or dispose of any aspect of the Project or the Facility.

The plaintiffs are advised as aforesaid and verily believe that:

This clause unlawfully waives the statutory discretion in respect of the licenses, permits, waivers, approvals or grants contemplated herein..

ARTICLE 10. U.S. GOVERNMENT APPROVALS.

10.3 Guyana's Access to the Facility. Guyana recognizes and acknowledges that its access to the Facility, and to any goods, technology, or technical data used at the Facility, shall be limited or restricted in order for Beal to comply with the Export Regulations and other applicable U.S. laws and regulations. Guyana agrees to abide by any restrictions or requirements imposed by the U.S. Government, and any of its agencies, departments or other authorities, regarding the Facility and/or Beal's use thereof, including but not limited to restrictions

in the possession of Beal or Beal's Associates. Subject to the foregoing, the Government shall have access to the Facility at all reasonable times to exercise its legitimate governmental powers authorized by Law. Guyana agrees that it shall not exercise its right of access or powers of inspection in a manner that will interfere with Beal's business or operations at the Facility, or in violation of restrictions imposed on Beal by the U.S. Government.

The plaintiffs are advised as aforesaid and verily believe that:

This is in effect a suspension of Guyana laws and a reception of United States laws provision. The content of United States laws incorporated hereby is unknown. This clause violates the fundamental constitutional principle of Separation of Powers and seriously compromises the sovereignty of people in respect of the facility. The sovereignty of the people can only be compromised or modified by referendum.

Further, Guyana purportedly surrenders its right for the army and the police to enter the Beal facility. This is a signal indication of the purported surrender of sovereignty.

ARTICLE 12. NO NATIONALIZATION OR CONDEMNATION OF THE FACILITY.

12.1 Nationalization or Condemnation. Guyana agrees that it shall not take, nationalize, expropriate, confiscate, condemn, or acquire through eminent domain or by governmental or judicial action any of Beal's property, including immovable, personal, tangible, and intangible property at or related to the Facility or the Project.

The plaintiffs are advised as aforesaid and verily believe that:

Eminent domain is one of the fundamentals of a sovereign state governed by a written constitution. Sovereignty lies in the

The government of the day is incompetent to compromise the sovereignty of people.

This clause purports to be binding on Parliament, and on the Judiciary. This constitutes a serious violation of the fundamental constitutional principle of Separation of Powers.

12.2 Effect of Arbitral Decision. If any court or arbitral tribunal, whether constituted pursuant to the arbitration provisions of this Agreement or otherwise, ever determines or issues an award that (a) Guyana did take, nationalize, expropriate, confiscate, condemn, or acquire through eminent domain or by any executive, legislative, or judicial action all or any portion of Beal's property, including immovable, personal, tangible, and intangible property, or that (b) any of the rights or interests of Beal, including rights and interests granted, authorized, or provided for under this Agreement, have been altered, modified, or otherwise taken, then such court or arbitral tribunal shall award full, fair and prompt compensation for any such loss which shall include both actual damages and lost profits.

The plaintiffs are advised as aforesaid and verily believe that:

By this clause the parties have agreed to compromise the independence of the judiciary. The fundamental constitutional principles of Separation of Powers and Eminent Domain have been violated.

ARTICLE 14. TAXES.

14.1 Tax Exemption. Guyana acknowledges and agrees that it accepts the covenants and obligations made by Beal in this Agreement in lieu of, and as payment in full of, all taxes and

Companies, and its Customers, during the term of this Agreement. During the Term of this Agreement, Beal, its Affiliated Companies, and its Customers shall not pay any Tax to or charge by Guyana, except as expressly stated in this Agreement. Such taxes include but are not limited to corporation, income, capital gains, property, and withholding taxes. At Closing, Guyana shall issue and deliver to Beal the following two letters:

The plaintiffs are advised as aforesaid and verily believe that:

Income taxes are to be used for public purposes. No government can waive the collection of income taxes except in accordance with the law, that is by appropriate legislation. To waive income taxes by private agreement is not only unlawful it is discriminatory in favor of a foreign individual investor as opposed to local investors and other members of the public and, therefore, unconstitutional.

14.1.1 a letter signed by the President of Guyana remitting the taxes under Section 105 of the Guyana Income Tax Act, Chapter 81:01. Such letter shall be in the form of the letter which is attached hereto as Attachment A and which is incorporated in this Agreement fully by reference; and

The plaintiffs are advised as aforesaid and verily believe that:

The section referred to in this clause does not empower the President to remit taxes in the manner in which this agreement purports to remit taxes.

Further the legal obligation undertaken in the agreement to remit taxes unlawfully excludes the statutory discretion of the President.

14.1.2 a letter signed by the Minister of Finance of Guyana

Audit Act, and all other applicable laws of Guyana, remitting all of the aforementioned taxes, except taxes remitted under Section 105 of the Income Tax Act, Chapter 81:01. Such letter shall be in the form of the letter which is attached hereto as Attachment B and which is incorporated in this Agreement fully by reference.

14.2 Duties and Tariffs. During the Term of this Agreement, Guyana shall not impose upon Beal or upon Beal's Associates, and **Beal and its Associates shall be exempt from and shall not be required to pay, any consumption tax, duty or tariff on goods or services**, including household goods, with the sole exception of duties and consumption taxes upon food and other Day-to-Day Consumables. All such duties, consumption taxes, and tariffs are hereby remitted. With regard to food and other Day-to-Day Consumables, Beal and its Associates shall pay the lowest duties, consumption taxes, or tariffs charged in Guyana to any Guyanese individual or business entity, or to any non-Guyanese individual or business entity doing business in Guyana.

14.3 No Taxes on Launch Service Agreements or Launch Services. Subject to Article 6.3.2, but notwithstanding anything else in this Agreement to the contrary, Guyana shall **not impose upon or charge Beal, its Associates, its Affiliated Companies, or its Customers, any Tax upon any Launch Related Activities, any Launch Service Agreement between Beal and any of its Customers, or any launch service rendered by Beal or received by any of its Customers. All such taxes are hereby remitted.**

14.6 Irrevocable Commitments. Guyana's covenants, commitments, and obligations under this Article 14, including all subparts, are irrevocable and shall remain in full force and effect for the duration of the Agreement, including the exercise of any remedies under the Agreement by Beal.

The plaintiffs are advised as aforesaid and verily believe that:

Taxes cannot be waived by agreement. Further such agreement cannot bind Parliament.

ARTICLE 15. *REPRESENTATIONS AND WARRANTIES BY THE PARTIES.*

The Parties make the following express representations and warranties to each other, which supplement and add to any representations and warranties contained elsewhere in this Agreement:

15.2 Guyana Representations and Warranties. Guyana hereby represents and warrants to Beal and acknowledges that Beal is relying upon such representations and warranties:

. . . .

15.2.8 that it will relocate all families and households from the Primary Site and the Remote Site no later than by sixty (60) days after Beal delivers written notice to Guyana requesting such relocation; and

15.2.9 that it will relocate and remove all construction, buildings, or human occupation or habitation within the Additional Buffer Area no later than one (1) year after Closing pursuant to the terms of Article 5.3.

The plaintiffs are advised as aforesaid and verily believe that:

There is no constitutional provision for relocation. That neither this clause nor the agreement contemplates articles 40 and 142 of the Constitution of the Cooperative Republic of Guyana protecting citizens from compulsory acquisition of property.

The Government has no legal basis for the making of the warranties herein.

15.3 Covenants of Guyana. Guyana hereby covenants to Beal:

[illegible] by law for the

15.3.1 that Guyana will ensure that Beal's rights under this Agreement are not affected by any action of Guyana (including, without limitation, the passage of any new Law or regulation) which would (i) materially diminish the value of, or materially impair or adversely affect the operation of the Project in a manner or to an extent which is materially different than the effect of such action on other businesses generally in Guyana, or (ii) annul, amend, revoke or modify the provisions of, or prevent, hinder or interfere with the due and effective performance of the terms of this Agreement;

The plaintiffs are advised as aforesaid and verily believe that:

The government has no constitutional or other power to limit or restrict Parliament.

ARTICLE 19. REMEDIES IN THE EVENT OF DEFAULT.

19.1 Notice. Upon a default of this Agreement by either Party, the non-defaulting Party shall provide the defaulting Party with written Notice of such default and the opportunity to cure or remedy the default.

19.2 Remedies.

19.2.1 If a default by Beal occurs, then Guyana's sole remedies shall be either to seek specific performance of this Agreement or damages from Beal through an arbitration proceeding as set forth in Article 24 herein.

19.2.2 If a default by Guyana occurs, then Beal shall be entitled to seek specific performance of this Agreement, to seek damages, or to terminate this Agreement by sending a Notice of termination to Guyana. In the case of termination, the termination shall be effective sixty (60) days from the delivery of such written Notice of termination.

The State Liabilities and Proceedings Act is purportedly circumvented by this clause. This is not constitutionally permissible. It is discriminatory since Beal is accorded privileges which are not accorded to Guyanese citizens.

ARTICLE 22. CHOICE OF LAW.

Subject to Article 24 (Arbitration), this Agreement shall be governed by and construed in accordance with the laws of Guyana that are not inconsistent with the terms of this Agreement or with international law, and are in effect as of the date of this Agreement without reference to subsequent amendments or changes, including amendments to Guyana's Constitution or adoption of a new Constitution.

The plaintiffs are advised as aforesaid and verily believe that:

The government and a private individual cannot contract out of the Constitution and laws of Guyana. The Agreement is unlawfully declared to supersede the constitutional and laws of Guyana.

ARTICLE 24. ARBITRATION.

24.4 Application of Laws of Guyana. Any Arbitral Tribunal constituted pursuant to this Agreement, or any court or other adjudicative body interpreting this Agreement or resolving a dispute between the Parties, shall in all circumstances apply the Constitution and laws of Guyana relating to substantive matters, other than the laws of Guyana relating to arbitration, except to the extent that said Constitution or laws may materially breach, materially deny, or materially diminish:

24.4.1 the obligations of Guyana under this Agreement, including without limitation the covenants of Guyana pursuant to Article 15.3 hereof;

24.4.2 the rights of Beal under this Agreement (including, but

24.4.3 any of the terms of this Agreement; or

24.4.4 any generally accepted principle of international law, including those which have been applied by international tribunals.

The plaintiffs are advised as aforesaid and verily believe that:

The government and a private individual cannot contract out of the Constitution and laws of Guyana.

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*24.5 Authority of Tribunal Any Arbitral Tribunal constituted pursuant to this Agreement shall not have the authority, power or right to alter, change, amend, modify, add, or subtract from any provision of this Agreement. Subject to the limitations on remedies contained elsewhere in this Agreement, the Arbitral Tribunal shall also have the power to award any remedy to which either Party might be entitled, including but not limited to declaratory orders; damages; **specific performance**; interim procedural, provisional, and other orders and awards as provided for in Article 24.6; attorney's fees; costs; and expenses.*

The plaintiffs are advised as aforesaid and verily believe that:

This clause is discriminatory. Ordinary members of the public cannot obtain the remedy of specific performance or other coercive order against the state.

24.9 Sovereign Immunity. Guyana hereby expressly and irrevocably waives the right to any claim for sovereign immunity against jurisdiction, enforcement and execution of any provisional or final arbitral award or order, or any judgment thereon entered in any court having jurisdiction.

The plaintiffs are advised as aforesaid and verily believe that:

Article 9 of the Constitution of the Cooperative Republic of Guyana provides that sovereignty belongs people of Guyana. The government does not have the power to waive sovereign [illegible]

the very existence of Guyana and renders the assets of Guyana liable to be taken in execution by Beal or its affiliates.

24.15 *Enforcement. Judgment on the arbitration award may be entered in any court having proper jurisdiction, and application may be made in such court for a judicial acceptance of the award and an order of enforcement.*

The plaintiffs are advised as aforesaid and verily believe that:

This clause compromises the very existence of Guyana and renders the assets of Guyana liable to be taken in execution by Beal or its affiliates. Further, this clause is discriminatory. Ordinary members of the public cannot obtain the remedy of specific performance or other coercive order against the state..

Dated the 31st day of May, 2000

Stephen G.N. Fraser

C.A. Nigel Hughes

Teni Housty

Attorneys at law for the

CERTIFIED A TRUE COPY:

ASSISTANT SWORN CLERK

An affidavit in support accompanies.

This notice of motion was prepared by Stephen G. N. Fraser, C.A. Nigel Hughes, and Teni Housty, Attorneys at law for the Plaintiffs of 62 Hadfield on Cross Streets, Werk-en-Rust, Georgetown, Demerara, Guyana.

2000. No. 1074 DEMERARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CONSTITUTIONAL JURISDICTION

In the matter of the Constitution of the Co-operative Republic of Guyana.

BETWEEN:

1. Dr. FRANK BECKLES, in his own behalf and on behalf of each and every one of the members of the public interested in the maintenance of the sovereignty of the people of Guyana and the supremacy of the Constitution of the Co-operative Republic of Guyana.
2. Dr. FRANK BECKLES, in his own behalf and on behalf of each and every one of the members of Guyana is First.
3. Sherwood Kendall, in his personal capacity and as a member of Guyana is First
4. Johnathan Adams, in his personal capacity and as a member of Guyana is First.
5. ASHTON SIMON, in his own behalf and on behalf of the Amerindians in Guyana who will be adversely affected by to sale of the land in the Waini area to the 5th defendant.
6. ASHTON SIMON, in his own behalf and on behalf of the hinterland people of Guyana who will be adversely affected by to sale of the land in the Waini area to the 5th defendant.
7. KATHLEEN RAJKUMAR.

Plaintiffs.

And

1. The President of the Co-operative Republic of Guyana, Mr. Bharrat Jagdeo, in his official capacity as President of Guyana.
2. The Prime Minister of the Co-operative Republic of Guyana, Mr. Samuel Hinds.
3. The Minister of Finance.
4. The Attorney General of Guyana.
5. Beal Guyana Launch Services, L.L.C.

Defendants, jointly and severally.

AFFIDAVIT IN SUPPORT OF MOTION

MR. STEPHEN G. N. FRASER,
Attorney-at-Law,
62 Hadfield and Cross Streets,
Werk-en-Rust, Georgetown, Demerara,
Guyana.

Annex 81

Note Verbale DM No. 000930 of 24 July 2020 from Venezuela's Minister of Foreign Affairs, Jorge Arreaza, to the then President of the Court, H.E. Abdulqawi Ahmed Yusuf.

El Ministro del Poder Popular para
Relaciones Exteriores
de la República Bolivariana de Venezuela

DM N° 000930

Caracas, July 24, 2020

Your Excellency
Abdulqawi Ahmed Yusuf
President of the International Court of Justice
The Hague,

Excellency,

In its Order dated 19 June 2018, the International Court of Justice decided, "pursuant to Article 79, paragraph 2, of its Rules, that, in the circumstances of the case, it must resolve first of all the question of the Court's jurisdiction, and that this question should accordingly be separately determined before any proceedings on the merits". Since, as Venezuela informed the Court, the Court manifestly lacks jurisdiction (hence the decision of Venezuela not to take part in the proceedings), there is indeed no need to address issues other than jurisdiction (be it admissibility or merits) in relation to Guyana's Application submitted to the Court in March 2018.

In the framework of the assistance that Venezuela has offered to provide to the Court in the performance of its duty set forth in Article 53.2 of its Statute, Venezuela wishes to inform the Court that it does not find in the transcript of the hearing held remotely by the Court with the representatives of Guyana on June 30, 2020, concerning the Jurisdiction of the Court to hear the case, any argument that requires Venezuela to reconsider what has been expressed in its Memorandum of November 29, 2019 and the Annex of the same date. Guyana's presentation appears to Venezuela to have been nothing but a repetition of the arguments in its Memorial. The objections by Venezuela to the jurisdiction of the Court remain wholly valid, effective and relevant and should lead the Court to declare that it does not have jurisdiction to entertain Guyana's Application.

This conclusion is confirmed by the following considerations.

1. The nature of the controversy and the purpose of the Agreement of February 17, 1966, are reflected in the very title of the instrument: "Agreement to resolve the controversy... over the frontier...". It deals with the settlement of a territorial controversy. That controversy, according to the preamble, should be "amicably resolved in a manner acceptable to both parties". This spirit must prevail in the interpretation of the articles. The parties have maintained contradictory positions as to the validity of the Award of October 3, 1899, and **instead of agreeing to an arbitral or judicial settlement of this issue, to which they did not devote a single word in Geneva, they agreed to overcome them, thus establishing a mechanism enabling them to reach a practical and**

mutually satisfactory settlement of the territorial controversy. Those words are hardly compatible with a judicial or arbitral settlement of the controversy.

2. Guyana's assertion that the only subject of the negotiation of the agreement was the validity of the 1899 Award stands in marked contrast with the fact that during the negotiations of the Agreement in London and Geneva, the United Kingdom and Guyana fiercely resisted the juridical means of the settlement, including the recourse to the Court, proposed as a last resort by Mr. Iribarren Borges, who was then Foreign Minister of Venezuela. **What Venezuela was proposing and was finally signed by the parties has been a detailed negotiation leading to an agreement that would supersede 1899 Award.**

3. The preparatory works of the Geneva Agreement are instructive in several ways. They demonstrate that:

3.1 Venezuela desired to reach a settlement of the territorial contention with the United Kingdom (and Guyana) on the borders with British Guiana as soon as possible.

3.2 **It was Venezuela that, for the purpose of reaching that solution, suggested arbitration and judicial settlement of the territorial controversy as a last resort, and that it was the United Kingdom and Guyana that objected the inclusion of any direct reference to such means of settlement** – an attitude that would have been inexplicable if what was at stake really was deciding upon the validity of the 1899 Award, rather than settling the border and more sensitive matters that might arise for resolution notwithstanding that Award;

3.3 The Venezuelan Minister understood that, should the political means of political negotiation provided for in Article 33 of the Charter of the United Nations be eventually exhausted in a successive, gradual and progressive manner, **the procedures of arbitration or judicial settlement could not operate in a mechanical or a unilateral manner, but needed to be subject to an express and specific agreement negotiated between the Parties which would make equity a fundamental source of the decision to be reached, under an imperative of substantial justice**. Historical justice, morality and equitable rectification were the foundations of Venezuela's proposals in London and Geneva. In his March 17, 1966 presentation on the Geneva Agreement signed on 17 February 1966, before the Congress of the Republic of Venezuela, former Foreign Minister Iribarren Borges concluded his address, asserting as follows.

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Evidently, the Geneva Agreement does not constitute the ideal solution to the problem, which is nothing else but to return back to Venezuela its territory. We did not go to the city of Lac Léman to dictate the terms of surrender of the adversary, placing on the scale of the dispute the sword of a warlike victory. We went there to find a satisfactory solution to the arduous territorial issue. As a fruit of the diplomatic dialogue, and not of the monologue of victors, the Geneva Agreement leads the extreme positions of those who demand the return back of the usurped territory under a null and void Award to a new situation and those who argued that harbouring no doubt of its sovereignty over the territory were not willing to take the case to any court.

4. Within the provisions of the Geneva Agreement, Article IV.2 put "the choice of the means of settlement" into the hands of the United Nations Secretary-General, providing that "if the means so chosen do not lead to a solution of the controversy", the Secretary-General "shall choose another of the means stipulated in Article 33 of the Charter of the United Nations, and so on until the controversy has been resolved or until all the means of peaceful settlement here contemplated have been exhausted". The characteristic features of that provision are graduality progressiveness, and the condition that the choice of a further means may not be made unless the previous "means so chosen do not lead to a solution of the controversy".

5. The fact that, in his letter of January 30. 2018 choosing the Court, the UN Secretary-General also referred to negotiations and to its good offices confirms that political means for the settlement of the controversy were and still are certainly not exhausted.

6. In purportedly choosing the Court as a means of settlement, after deeming that the Good Offices have failed, the Secretary-General has acted contrary to both the letter and the spirit of Article IV.2, which contemplated the use of other political means (such as mediation), as a genuine assistance to the parties in the negotiation of a practical, acceptable and mutually-satisfactory settlement, which is the purpose of the procedure set forth in that provision. Choosing the Court without verifying the exhaustion of the political means of settlement not yet attempted is a leap that is not consistent with the procedure agreed and equally is clearly not the most suitable way to achieve the purpose and the objective of the Geneva Agreement.

7. In addition, **it should be noted that the Secretary-General made his choices and the successive appointments for Good Offices always and in all cases after obtaining the agreement of both parties**. By contrast, in choosing the Court, the Secretary-General has departed from the principle of equilibrium of the parties, which had been followed until that moment, thus aligning with one of them, which is not compatible with the letter and spirit and the object and purpose of the Geneva Agreement.

8. Above all, Article IV.2 of the Geneva Agreement does not constitute the certain and unequivocal expression of the consent of Venezuela to accept the jurisdiction of the Court regarding Guyana's Application, which is required by international law. To guarantee, as the Geneva Agreement seeks to do, that the controversy is "amicably resolved in a manner acceptable to both parties", both parties must progressively use the political negotiation means provided in Article 33 of the Charter of the United Nations, and should they fail to reach a mutually acceptable and satisfactory settlement through these mechanisms, both parties could conclude that the political means have been developed and exhausted, and only then, they should not only voluntarily accept the jurisdiction of the Court but also proceed, in a consensual manner, to negotiate a special agreement, which is indispensable to establish the role of the Court, the subject-matter of the controversy, and the sources of law and elements of equity that have to be taken into account to settle the controversy in conformity with the Geneva Agreement. Such a compromising agreement could include provisions on procedural aspects, as well as on the language in which the case would be heard to safeguard the equality of the parties. **Absent any such special agreement, it is not possible to seise the Court.**

9. In short, **Article 33 of the United Nations Charter already obliges Guyana and Venezuela to resort to one or more of the pacific means of settlement listed there and, consequently, ultimately to resolve their controversy by one or more of those means.** But **it is indisputable that Article 33 is not a "specific provision" conferring jurisdiction on the Court.** The mere fact that the UN Secretary-General has a duty to choose from that same list of means of settlement cannot transform it into a provision validly conferring jurisdiction on the Court.

10. In the same vein, the choice made in January 2018 by the UN Secretary-General could not be self-executing in that regard, because it does not specify any of the elements mentioned above that are indispensable to settle the controversy before the Court in accordance with the Geneva Agreement.

11. The fact that the nomination of the Court by the UN Secretary-General as a means of settling the controversy is not self-executing and requires an additional agreement is confirmed by Guyana's oral pleadings. **Guyana has been unable to define the exact subject-matter of the controversy it sought to submit to the Court. To the contrary, its counsels elaborated on contradictory views on this point**. According to Professor Akhavan, the controversy would be only on the validity of the Award.[1] By contrast, according to Professor Pellet, the controversy is a "wider one" (*"plus vaste"*): it is a "territorial dispute", which requires the Court to "delimit the boundary between the two countries" (*"définiſir] la frontière entre les deux pays"*), and to decide on the validity of the Award only as a "preliminary issue" (*"à titre préliminaire"*).[2] This contradiction in the definition of the controversy in the Applicant's own pleadings confirms that a special agreement is needed before resorting to the Court.

Excellency,

To conclude, may I be permitted to recall some of the paragraphs with which the November 29, 2019 Memorandum closed:

Should the Court assert its jurisdiction over Guyana's claims, Guyana's application would be breaching the Geneva Agreement, thus preventing it from satisfying its subject matter and purpose that motivated its conclusion: namely, the achievement of a practical, acceptable and satisfactory settlement of the territorial controversy. Deciding on the validity of the 1899 Award alone will not serve this purpose: on the contrary, it will make its settlement more difficult, and will involve the Court in a process that is in breach of the Geneva Agreement.

Conversely, should the Court decide, as Venezuela believes, that it lacks jurisdiction over the unilateral application made by Guyana, it will reinvigorate the Geneva Agreement, allowing direct negotiations and enabling political means to regain their role in assisting the search for a practical, acceptable and satisfactory settlement for the benefit of both Parties. The controversy over the Essequibo, in any of its dimensions, should be settled through reciprocal concessions and resort to cooperation mechanisms.

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[1] See CR 2020/5, p. 20, para. 2: "The history of the controversy demonstrates that the dispute between the Parties was, and remains, about the legal validity and binding force of the 1899 Arbitral Award. (...) The Parties held "clearly opposite views" on the validity of the 1899 Award, and that was the dispute dividing them".
[2] CR 2020/5, pp. 67-69, paras. 31-35.

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Venezuela will not resort to force, not only because it is prohibited by the current international law, but also, and specially, because of its own regional policy of peace, integration, and solidarity. Venezuela once again invites Guyana to the negotiating table, in the fraternal and supportive spirit that has always animated its policy of good neighbourliness and integration. The treatment of the territorial controversy by Venezuela will always be in accordance with the principles of the UN Charter and the maintenance of peace.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Jorge Arreaza
Minister

REPÚBLICA BOLIVARIANA DE VENEZUELA
DESPACHO DEL MINISTRO

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Annex 82

Letter from the Minister of Foreign Affairs and International Cooperation Hugh Hilton Todd to H.E. Minister of People's Power for Foreign Relations of the Bolivarian Republic of Venezuela, Mr. Yvan Gil, 2 October 2023.

Ministry of Foreign Affairs and International Cooperation

254 South Road & Shiv Chanderpaul Dr.,
Georgetown, Guyana.
Telephone: 592-226-9080.
Email: minister@minfor.gov.gy
Website: www.minfor.gov.gy

October 2, 2023

His Excellency Yván Gil
Minister of People's Power for Foreign Relations
Of the Bolivarian Republic of Venezuela
Minister of People's Power for Foreign Relations
Of the Bolivarian Republic of Venezuela
Caracas.

Dear Minister Gil,

I acknowledge receipt of your letter dated 26th September 2023. Your communication is noted for its cordial tone, a development we view positively.

The ongoing controversy surrounding territorial claims, as you are well aware, is currently under the purview of the International Court of Justice (ICJ). This judicial process, initiated and sanctioned under the Geneva Agreement, represents a mutually agreed mechanism for a peaceful, just, binding and permanent settlement of the controversy over the validity of the 1899 Arbitral Award and the course of the land boundary between Guyana and Venezuela.

Guyana is irrevocably committed to the settlement process prescribed in the Geneva Agreement, which is binding on both Guyana and Venezuela.

Article IV(2) of the Geneva Agreement details the obligatory stages of the settlement process. After the parties failed to settle the controversy by diplomatic negotiation, they were required to refer to the Secretary-General of the United Nations to choose a means of settlement, and to accept his decision on said means. The Secretary-General initially chose mediation under his good offices, and Guyana and Venezuela duly participated in that process for more than two decades, without achieving a settlement.

In January 2018, the Secretary-General decided that the good offices/mediation process had failed to achieve any significant progress toward a settlement of the controversy, and that a new means of settlement was required. Acting pursuant to the authority delegated to him by the parties under Article IV(2) of the Geneva Agreement, he chose the International Court of Justice as the next means of settlement. Under Article IV(2), the parties were bound to accept his decision.

Accordingly, in March 2018, acting pursuant to the Secretary-General's decision and Article IV(2) of the Geneva Agreement, Guyana instituted proceedings in the ICJ to resolve the controversy over the validity of the 1899 Arbitral Award and the course of the land boundary. On two occasions, in response to objections filed by Venezuela, the Court confirmed its jurisdiction to resolve the controversy based on the Secretary-General's January 2018 decision and Article IV(2) of the Geneva Agreement. Guyana will not deviate from this path of law and justice, as prescribed by the Geneva Agreement, to which both our countries are bound. Indeed, we regard this settlement by the process of law on which both our countries agreed in 1966 - and the international community through the UN Secretary General has endorsed - as a new starting point of improved relations between our two Republics.

In light of the foregoing, Guyana must respectfully decline the invitation extended by His Excellency Nicolas Maduro, President of the Bolivarian Republic of Venezuela, to His Excellency Dr. Mohamed Irfaan Ali, President of the Cooperative Republic of Guyana, to engage in a bilateral dialogue under the auspices of the Geneva Agreement in regard to the 1899 Arbitral Award and the course of the land boundary, since these are the very subjects that, under Article IV(2) of that Agreement and the decision of the UN Secretary-General, our countries are bound to resolve by recourse to the ICJ – and by no other means.

Guyana is pleased that Venezuela has participated in both written and oral proceedings in the case before the ICJ, and that it has retained a team of highly experienced and talented international lawyers who appeared before the Court in connection with Venezuela's last preliminary objection. Guyana urges its sister Republic to remain engaged in the case, plead its case on the merits to the Court, and accept the Court's final Judgment, whatever it may be, as a final and binding settlement of this long-standing controversy. The Geneva Agreement and the United Nations Charter require no less.

Should his Excellency President Maduro desire to meet with His Excellency President Ali on any subject of interest to our two countries – other than the controversy over the 1899 Arbitral Award and the course of the land boundary, which awaits settlement by the ICJ – Guyana would look favourably on such an encounter.

I extend my sincerest wishes for a harmonious relationship between our nations, fortified by the principles of justice and international law. We envision a future characterized by mutual respect, cooperation, and shared prosperity following the resolution of the present matter at hand.

With the assurances of my highest consideration.

Hugh Hilton Todd
Minister of Foreign Affairs and International Cooperation

Annex 83

Diplomatic Note from the Ministry of Foreign Affairs of Venezuela to the Ministry of Foreign Affairs and International Cooperation of Guyana, I.DGD No. 000027, 17 January 2024

República Bolivariana de Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Dirección del Despacho, Nota N.000027, 17 de Enero de 2024.

República Bolivariana de Venezuela
Ministerio del Poder Popular para
Relaciones Exteriores
Dirección del Despacho

I.DGD N° 000027

EL MINISTERIO DEL PODER POPULAR PARA RELACIONES EXTERIORES DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA saluda atentamente al Ministerio de Relaciones Exteriores y Cooperación Internacional de la República Cooperativa de Guyana, con motivo de los recientes acontecimientos relativos a la promoción por parte de Guyana de un proyecto hidroeléctrico en el territorio de Guayana Esequiba.

El Gobierno de la República Bolivariana de Venezuela eleva formalmente su protesta por la decisión ilegal de la República Cooperativa de Guyana de convocar, el 28 de noviembre de 2023, una licitación y el establecimiento de un cronograma de trabajo para el "*Proyecto Hidroeléctrico de las Cataratas de Amaila*", mediante el cual el Gobierno de Guyana planea construir dos represas en los ríos Kuribrong y Amaila, ambos ubicados en el territorio de Guayana Esequiba, que es objeto de una controversia de larga data entre ambos países. De acuerdo con esta convocatoria, el 29 de diciembre de 2023, la Administración Nacional de Licitaciones y Adquisiciones de Guyana anunció la recepción de numerosas ofertas, confirmando su intención de llevar a cabo este proyecto.

El Gobierno de Guyana no puede realizar licitaciones y ofertas contractuales de largo alcance con respecto a la explotación de los recursos naturales de territorios reclamados por ambos países y sobre los cuales Guyana sólo tiene un poder limitado de administración. Venezuela recuerda que este territorio está sujeto a un régimen especial debidamente acordado por ambos Estados en virtud del Acuerdo de Ginebra de 1966, en particular su artículo V. También recuerda que, en virtud de la Declaración de Argyle, "ambos Estados se abstendrán, ya sea de palabra o de hecho, de intensificar cualquier conflicto o desacuerdo derivado de cualquier controversia entre ellos."

El Gobierno de Venezuela también observa con gran preocupación y protesta enérgicamente contra las intenciones del Gobierno de Guyana de realizar y promover este tipo de proyectos, que sin duda tendrán un impacto irreversible sobre los cursos de agua, alterará el equilibrio ecológico de los ríos y el medio ambiente circundante, y resultará en una modificación significativa y permanente del carácter físico del territorio actualmente en disputa entre nuestras dos naciones. La preocupación del Gobierno

República Bolivariana de Venezuela
Ministerio del Poder Popular para
Relaciones Exteriores
Dirección del Despacho

también se ve aumentada por las dramáticas consecuencias que se producirían como resultado de dichos impactos para la población de Guayana Esequiba.

El Gobierno de la República Bolivariana de Venezuela se opone así, a cualquier actividad que pueda resultar en un perjuicio irreparable de sus derechos en el territorio de la Guayana Esequiba y en una violación del derecho internacional. Como tal, exige la abstención de continuar con el referido proceso de licitación en virtud de las obligaciones y compromisos internacionales que recaen sobre la República Cooperativa de Guyana, en particular los contenidos en el Acuerdo de Ginebra de 1966, la reciente Declaración de Argyle, y otros compromisos internacionales relevantes.

EL MINISTERIO DEL PODER POPULAR PARA RELACIONES EXTERIORES DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA aprovecha esta oportunidad para reiterar al Ministerio de Relaciones Exteriores y Cooperación Internacional de la República Cooperativa de Guyana las seguridades de su más alta consideración.

REPUBLICA BOLIVARIANA DE VENEZUELA
DIRECCIÓN DE DESPACHO
MINISTERIO DEL PODER POPULAR
RELACIONES EXTERIORES

A.C.F

Caracas, 17 de enero de 2024

Al Honorable
Ministerio de Relaciones Exteriores y Cooperación Internacional
República Cooperativa de Guyana
Georgetown.-

Courtesy translation

THE PEOPLE'S MINISTRY OF FOREIGN AFFAIRS OF THE BOLIVARIAN REPUBLIC OF VENEZUELA presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Cooperative Republic of Guyana on the occasion of the recent developments concerning the promotion by Guyana of a hydroelectric project in the territory of Guayana Esequiba.

The Government of the Bolivarian Republic of Venezuela formally raises its protests for the Co-operative Republic of Guyana's unlawful decision to issue, on 28 November 2023, a call for bids and the establishment of a work schedule for the "Amaila Falls Hydropower Project", by which the Government of Guyana plans to build two dams on the Kuribrong and Amaila rivers, both located in the territory of Guayana Esequiba, that is the subject of a long-standing controversy between the two countries. Pursuant to this call, on 29 December 2023, the National Tender & Procurement Administration of Guyana announced the receipt of numerous bids, thus confirming its intention to carry out this project.

The Government of Guyana cannot issue calls for tenders and long-standing contractual offers with respect to the exploitation of natural resources of territories claimed by both countries and over which Guyana only has a limited power of administration. Venezuela recalls that this territory is subject to a special regime duly agreed by both States under the Geneva Agreement of 1966, in particular its Article V. It also recalls that, under the Argyle Declaration, "both States will refrain, whether by words or deeds, from escalating any conflict or disagreement arising from any controversy between them".

The Government of Venezuela also notes with great concern and strongly protests against the intentions of the Government of Guyana to carry out and promote this type of project, which will undoubtedly have an irreversible impact on watercourses, disrupt the ecological balance of the rivers and surrounding environment, and result in a significant and permanent modification of the physical character of the territory currently in dispute between our two nations. The Government's concern is also heightened by the dramatic consequences that would result from such impacts on the population of Guayana Esequiba.

The Government of the Bolivarian Republic of Venezuela thus opposes any activity that could result in the irreparable prejudice of its rights in the territory of Guyana Esequiba and a breach of international law. It thus demands the abstention from continuing with the aforementioned tendering process by virtue of the international obligations and commitments that fall upon the Cooperative Republic of Guyana, in particular those contained in the Geneva Agreement of 1966, the recent Argyle Declaration, and other relevant international commitments.

THE PEOPLE'S MINISTRY OF FOREIGN AFFAIRS OF THE BOLIVARIAN REPUBLIC OF VENEZUELA avails itself of this opportunity to renew to the Ministry of Foreign Affairs and International Cooperation of the Cooperative Republic of Guyana the assurances of its highest consideration.

Caracas, 17 January 2024

MINUTES OF MEETINGS AND VISITS

Annex 84

Government of the United Kingdom, Record of Discussions between the Foreign Secretary, the Venezuelan Minister for Foreign Affairs and the Premier of British Guiana at the Foreign Office, 9 December 1965

Case concerning Arbitral Award of 3 October 1899, Co-operative Republic of Guyana v. Bolivarian Republic of Venezuela, Memorial of Guyana, vol. III, November 19, 2008, annex 28.

Available at: https://www.icj-cij.org/sites/default/files/case-related/171/171-20181119-WRI-01-01-EN.pdf

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AV 1081/326

Foreign Office and Whitehall Distribution

VENEZUELA
9 December, 1965
Section 1

(1)

RECORD OF DISCUSSIONS BETWEEN THE FOREIGN SECRETARY, THE VENEZUELAN MINISTER FOR FOREIGN AFFAIRS AND THE PREMIER OF BRITISH GUIANA AT THE FOREIGN OFFICE ON 9 DECEMBER, 1965

Present:

The Right Hon. Michael Stewart, M.P.
Mr. Forbes Burnham
The Right Hon. The Lord Walston
Mr. S. S. Ramphal
Mr. L. A. Luckhoo
Sir Geoffrey Meade
Mr. W. I. J. Wallace
Mr. J. O. Rennie
Mr. R. W. Piper
Mr. R. M. K. Slater
Mr. R. H. G. Edmonds
Mr. A. D. Watts
Mr. S. W Martin
Interpreter

Dr. Ignacio Iribarren Borges
The Venezuelan Ambassador
Dr. German Nava-Carillo
Dr. Adolfo Taylhardat
Dr. Leonardo Diaz-Gonzalez
General Marcos A. Morin
Father Pablo Ojer
Father Herman Gonzalez
Dr. Demetrio Broesner
Interpreter

The Venezuela-British Guiana frontier

Mr. Stewart welcomed the Venezuelan Foreign Minister, recalled that the Venezuelan complaint was aimed at the validity of the 1899 Award, and summarised the circumstances in which we had offered in 1962 an examination of documents concerning this problem. He enquired, in relation to Item 1 of the Agenda, whether the examination of documents had served its purposes in satisfying the Venezuelan Government that there was no substance in their allegations concerning the Award's validity.

Dr. Iribarren read a prepared statement. The Venezuelan Government had examined carefully the British experts' report and reached the firm conviction that its conclusions were completely unacceptable. Britain had promised to place at Venezuela's disposal documents to show that there was no justification for reopening the frontier question, but the British experts had confined themselves to a few observations on the Venezuelans' preliminary exposition. The report's form and substance had surprised the Venezuelan Government: its defects fully justified the observation in Foreign Office Note No. AV 1081/75 of 3 August, 1965, that the report did not necessarily represent the considered opinion of Her Majesty's Government on any of the matters discussed. He did not wish to enter into a long examination of the British experts' report, but would confine himself to a few comments to illustrate why Venezuela could not accept the conclusions:

(*a*) The report did not deal satisfactorily with the question of alteration of maps submitted by Britain to the Tribunal: it contained the extraordinary assertion that this was not relevant. The British experts had confused two entirely different matters, the falsification of original maps and the simple question of publishers' errors.

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(*b*) Correspondence between Sir Richad Webster, Lord Salisbury and Mr. Joseph Chamberlain of July to October 1899 and other documents proving that the British Government gave instructions for the imposition of a line prepared three months previously in the Colonial Office had been ignored.

(*c*) No reply had been given to the Venezuelan point that the statement by the Government of Grand Colombia regarding its frontier at the River Essequibo had never been disputed.

(*d*) The British experts had quoted unfounded opinions in an attempt to refute Venezuelan arguments about the 1897 Treaty. The facts were:

(i) Correspondence from September to November 1896 (the decisive period in the negotiation of the Treaty) had been hidden from Venezuela until 1899.

(ii) Richard Olney had assured Venezuela that the 1850 Agreement was in force, while agreeing with Britain that this question would be left to the discretion of the Tribunal.

(iii) On the prescription clause, Britain had said that title should be decided according to international law while agreeing privately with the United States that title should be established by occupation after 1850 by settlers later disowned by the British Government.

(iv) Olney and Pauncefote had agreed that no Venezuelan should be a member of the Tribunal. Moreover, Venezuela had acted under duress, being twice threatened by the United States that she would be left alone to face British power if she did not sign the Treaty. The British experts had failed to realise that Venezuela, whose independence had been recognised by Britain for over 70 years, was given treatment worse than that accorded to-day to a colony.

(*e*) Venezuela did not accept the experts' frivolous reply to her important point that the Tribunal did not give a decision in law. They had been unable to deny the reference in Block's Diary to a deal which gave Britain victory. C. A. Harris, on 4 November, 1899, had referred to the Award as a "farce". Nor could doubt be cast on the validity of Mallet-Prevost's Memorandum because of the time which had elapsed before it was written or because of its posthumous publication. In a letter dated 26 October, 1899, to Lincoln Byrd, Mallet-Prevost had referred to a decision forced on the Venezuelan Arbitrators and to the possibility of Russian intervention.

(*f*) The improper pressure exerted by the President of the Tribunal on the Venezuelan Arbitrators could not be disguised by the euphemism "strove hard to obtain a unanimous verdict". The argument that such behaviour was typical of arbitrations of that time carried no conviction.

It was precisely to make good the serious damages suffered by Venezuela in the past that her Representatives had come to the conference table. The Venezuelan Government remained convinced of the rightness of their position, and the only satisfactory solution of the frontier problem with British Guiana lay in the return of the territory which by right belonged to her. A legal frontier should now be established between Venezuela and British Guiana.

Mr. Stewart recalled the experts' narrow terms of reference, *i.e.*, whether documentary evidence established that the procedure of the Tribunal was improper or its Award invalid, and refuted the allegation that Sir Geoffrey Meade's report was frivolous. The Foreign Minister had referred to maps: these were inevitably inaccurate, and in any case maps did not figure in the Tribunal's terms of reference nor in the Award. As for Venezuelan representation, it was clear from the evidence that the United States were at that time hostile to Britain, and so far from Venezuela being coerced, it was Britain who was obliged to go to arbitration, when Cleveland threatened to determine the frontier unilaterally. He also referred to the extreme gravity of the charge that the British Arbitrators had tried to suborn the President of the Tribunal. Such a serious charge would need very clear proof, if it was to be made good. The experts had failed to find this proof. The legal frontier had already been duly determined by a procedure agreed by both parties and it had been accepted. It was impossible to shake this position.

Dr. Iribarren replied that Venezuela's point on the maps was that they had been falsified; the Venezuelan experts had duly proved this. He also differed on the question of Venezuela's representation at the Tribunal. As for the deal, Venezuela had always maintained that such a political deal existed, and that this deal had given victory to Great Britain. It was not a question of a mere allegation or a supposition, but a fact mentioned by Mallet-Prevost and in other sources. He re-emphasised that Venezuela had come to the conference table, not to discuss positions already established and known to each other, but with good will and in full consciousness of the necessity to resolve the dispute. The prolongation of this controversy could only bring damage and serious inconvenience to all parties concerned.

Mr. Burnham said that after a thorough study of the various reports including that prepared by Sir Geoffrey Meade, his Government were convinced that the boundary was finally determined in 1905, in accordance with the Award of 1899 and the Treaty of 1897. The existence of a political deal was a mere assertion. No evidence to support it had been produced, nor was there any information as to its nature. He asked Dr. Iribarren to explain what the deal consisted of; until this was known, there could be no question of a problem nor of finding a solution to it.

Dr. Iribarren said he thought that Mr. Burnham had not fully understood what he had said about the political deal. After elaborating on this, he recalled that British Guiana had been represented at all stages in the examination of documents and in the subsequent conversations. Venezuela had insisted on British Guiana representation. When the dates for the present meeting were agreed, the need for Mr. Burnham's presence had been taken into account; he reaffirmed his Government's desire to maintain friendly relations with British Guiana.

Mr. Stewart turning to Item 2 on the Agenda, emphasised that the phrase " to seek satisfactory solutions for the practical settlement of the controversy " could only be interpreted in the narrow context of the controversy over the validity of the 1899 Award. He also referred to the dangers which could result if, by pressing their claim, the Venezuelans were to create political difficulties for Mr. Burnham.

Mr. Burnham then referred to statements by his predecessor in 1962, alleging pressure on Venezuela by the United States and Great Britain. He mentioned this as an illustration of the sort of argument which those now in opposition could use and said it was inconceivable that his Government could be a party to any proposals implying that he was acting under pressure from Venezuela. He had to carry the entire people of Guyana with him.

Dr. Iribarren referred to the demands of public opinion in his own country, and denied categorically that Venezuela had been subjected to pressure by Britain or the United States. He offered Venezuelan collaboration and assistance in any way possible, and reaffirmed the duty of his Government to continue to try, in the friendliest manner and by all the means of diplomacy, to reach a solution of the territorial problem. He challenged Mr. Stewart's interpretation of the terms of Item 2 of the Agenda and emphasised the need for a practical settlement. When asked what he had in mind, he repeated his earlier proposal for the return of the territory which belonged to Venezuela by right.

Mr. Burnham rejected this proposal and quoted the terms of the offer to examine documents made by Mr. Crowe in his statement in the Special Political Committee on 13 November, 1962. Any consideration of the substantive question of the frontier was out of the question.

Mr. Stewart agreed that the proposal was wholly unacceptable: it involved a rejection of the 1899 Award, for which there was no justification. Asked for a counter-proposal he said that at first sight there appeared to be no alternative but to refer back to the United Nations in accordance with the earlier undertaking, unless of course Venezuela were to renounce the claim or at least to hold it in abeyance. This would be an act of great statesmanship on her part, for which she would receive due credit. *Mr. Burnham* endorsed this proposal and expressed surprise that Dr. Iribarren should profess such friendship while at the same time demanding the cession of five-eighths of British Guiana's territory.

Dr. Iribarren said that his Government rejected the British proposal for renouncing the claim for the same reasons that Britain had rejected his proposal. He wished now to propose a solution which would respect the positions of both countries.

He suggested that the parties should agree to a joint administration of the territory in dispute for a period of, say 10 years, with both countries undertaking, perhaps in a greater proportion for Venezuela, to provide the necessary means for the joint development of this area. Also, Venezuela would agree to collaborate in the development of British Guiana itself. Venezuela would be prepared to negotiate such an agreement which would acknowledge Venezuelan sovereignty over the area in dispute. This was not the same proposal as before, as it involved obligations for Venezuela, who would be able to develop the area in conjunction with her own development programme.

Mr. Burnham said that he could not accept the proposal as it appeared to involve the surrender of sovereignty.

Mr. Stewart while praising the idea of economic collaboration, could not see why this should be linked to a political question. He suggested that Venezuela should set aside her territorial claim, so that joint development could go ahead. We had already made two proposals for the solution of the political question; first, to refer back to the United Nations; secondly, that Venezuela should renounce her claim or at least leave it in abeyance. He underlined the importance which Her Majesty's Government attached to the peace and prosperity of former colonial territories, *e.g.*, in Africa: this was more important than questions of territorial extension.

Dr. Iribarren said that no parallel could be drawn with an African country; the Essequibo territory formed part of the Venezuelan national heritage and was incorporated in another country; it was as if the county of Gloucester were occupied by a foreign Power.

Mr. Burnham recalled that the Essequibo district is under the sovereignty of Guyana and is so recognised under international law. If Venezuela challenged that position, they must provide evidence to justify their stand. This they had failed to do. It was a source of great concern that a friendly neighbour should appear to have expansionist aims. The Venezuelan Government could not deny that they were a party to the drawing up of the frontier in 1905. He thanked Dr. Iribarren for his offer of development assistance, but recalled that Guyana too had her honour and would not yield sovereignty as the price for buying economic development.

Dr. Iribarren expressed his Government's sincere and honest desire to find a solution to the problem which undeniably exists, and which if unresolved could bring to both countries and to the whole of Latin America serious problems. This was not a threat, but merely a grasping of reality.

Dr. Iribarren then put forward another proposal. A mixed commission should be set up to solve the territorial controversy, to formulate plans for collaboration in the development of Essequiban Guyana and British Guiana, and to carry out these plans. If the commission could not reach agreement, they were to refer within three months to one or more mediators and if they failed to reach a satisfactory solution, within a prescribed time limit, they were to have recourse to international arbitration. The Treaty setting up the basis for this arbitration would have to be concluded within 18 months from 1 January, 1966. *Mr. Stewart* promised to look at this proposal and closed the meeting.

(2)

RECORD OF DISCUSSIONS BETWEEN THE FOREIGN SECRETARY, THE VENEZUELAN MINISTER FOR FOREIGN AFFAIRS AND THE PREMIER OF BRITISH GUIANA AT THE FOREIGN OFFICE ON 10 DECEMBER, 1965

Present:

The Right Hon. Michael Stewart, M.P.
Mr. Forbes Burnham
The Right Hon. The Lord Walston
Mr. S. S. Ramphal
Mr. L. A. Luckhoo
Sir Geoffrey Meade
Mr. W. I. J. Wallace
Mr. J. O. Rennie
Mr. R. W. Piper
Mr. R. M. K. Slater
Mr. R. H. G. Edmonds
Mr. A. D. Watts
Mr. S. W. Martin
Interpreter

Dr. Ignacio Iribarren Borges
The Venezuelan Ambassador
Dr. German Nava-Carillo
Dr. Adolfo Taylhardat
Dr. Leonardo Diaz-Gonzalez
General Marcos A. Morin
Father Pablo Ojer
Father Herman Gonzalez
Dr. Demetrio Broesner
Interpreter

Mr. Ramphal opened the meeting by recalling the circumstances leading up to the present talks. The Agenda in particular ruled out the question of discussion on the substantive issue of the frontier, and the first question under discussion was the validity of the 1899 Award. Discussion under Item 2 of the Agenda was confined to this question. British Guiana could not accept the Venezuelan contention that the 1899 Award was invalid and the proposal put forward by Dr. Iribarren on the preceding evening was unacceptable, as it envisaged that a mixed commission should concern itself with the substantive issues which had been specifically excluded from the scope of the present discussions arising from the 1962 offer to examine documents.

Mr. Stewart recalled that the two sides had been unable to agree on the question of the 1899 Award's validity. Venezuela had insisted that her position was right, and Her Majesty's Government had stuck to theirs. He wished to look at more constructive ideas under Items 2 and 3 of the Agenda. A mixed commission to stimulate economic development was a good idea, but such development should not be confined to one side of the frontier. It would be better for Venezuela to leave the argument about the Award in abeyance, and allow the parties concerned to concentrate on the task of economic development. He recalled that in Antarctica, a number of nations with conflicting territorial claims had agreed that these should be frozen so that scientific work could go ahead freely and unhampered by political disputes. He read out the terms of Article IV of the Antarctic Treaty. This Treaty had received wide acceptance from a number of countries, among them, Argentina and Chile. They had felt it consistent with their national honour and dignity to leave their territorial claims aside for the time being and agree that these would not be prejudiced in any way by scientific activities. Our suggestion was, therefore, to take the constructive part of the Venezuelan proposal concerning economic development, and to join it with the idea of putting the political problem in suspense. Furthermore, this would preclude Guiana from preferring a claim to the territory which the 1899 Award had given to Venezuela. Clearly it would not be possible to reach final agreement at once, and he therefore suggested that both Venezuela's proposal and his own should be considered, and that discussions should be continued when Lord Walston visited Caracas in January.

After a short break for private discussion *Dr. Iribarren* recalled that Venezuela had come to the conference table to try to find a solution to the

territorial problem between Venezuela and the United Kingdom over British Guiana's frontier. It was absurd to claim that at the present discussions the parties should merely consider their respective positions, which were already fully known. Secondly, he considered that recourse to the United Nations would be inappropriate. The present conversations had arisen from the United Nations, and it would be no use going back to them again, since they had no powers of decision. It would be more positive to continue conversations and to seek genuine solutions. Thirdly, with reference to the proposal for an Antarctic-type agreement, he could see no connection between Antarctica and the British Guiana frontier problem. Antarctica was not a part of any nation's sovereign territory, while Venezuela's problem with the United Kingdom and British Guiana related to a part of her territory wrongfully occupied by another Power. This could lead to serious frictions between Venezuela, British Guiana and Britain if no satisfactory solution were found. He was surprised that Mr. Stewart should have suggested leaving the political problem aside and giving attention only to the question of development. Venezuela had shown goodwill in entering the discussions: this had been sufficiently demonstrated by the proposals which he had put forward. But goodwill was not to be confused with weakness or doubt. Venezuela would continue to press her claim. Any proposal which did not recognise that Venezuela extended to the River Essequibo would be unacceptable. Lord Walston would be received in Caracas as a welcome guest, but he saw no case for continuing discussions during his visit. His own proposal for a mixed commission provided for finding solutions by a series of conciliatory stages, and if necessary by recourse to arbitration by an impartial international body. Venezuela's willingness to submit to an arbitration tribunal represented a great concession on her part.

Mr. Stewart pointed out that the proposal for a mixed commission differed from his own in that the former envisaged the complete acceptance of the Venezuelan view on the Award's validity, whereas his proposal merely froze claims on both sides, and did not require Venezuela to abandon her position. If the Venezuelan case were accepted it would destroy faith generally in international awards and procedures. What faith could there be in these procedures, if awards could be set aside because of unproven allegations raised many years afterwards? The Antarctic Treaty was relevant, since there, as in British Guiana, a practical job of work had to be done. Collaboration in remedying economic backwardness in British Guiana was in everybody's interest. He regretted that his proposal had been turned down so promptly and without further consideration in Caracas. But if that was the position, we would have to inform the United Nations, in accordance with our obligations, that we had sought solutions in vain. Further discussion there might throw up ideas which would make it easier for us afterwards to resume our search for a satisfactory solution. The serious frictions to which Dr. Iribarren had alluded were an additional reason for keeping the United Nations informed.

Mr. Burnham said it had never been his understanding that the territorial claim would be discussed unless the invalidity of the 1899 Award had first been established. If Venezuela thought that the United Nations were not competent to consider the question, why did she take it there in the first place? He was grateful for the offer of economic help, but he found this inconsistent with the demand for the surrender of five-eighths of British Guiana. There could be no peaceful relations between Venezuela and British Guiana in these circumstances. If talks were to be continued, he would find both London and Caracas unacceptable places.

Dr. Iribarren argued that some arbitral awards could be defective, and the declaration of invalidity of one such award would not undermine the validity of others. Nor was it right to say that Venezuela had doubts about the usefulness of the United Nations. But the United Nations were not a court, and they had no power of decision. The dispute had already gone beyond that stage. He argued the value of his proposal for a mixed commission.

After a further interval, it was decided that the present discussions should be continued in Geneva in the week beginning 13 February, 1966, at Ministerial level. They would continue on the basis of the existing Agenda, but without Item 1 which had already been disposed of. The proposed time and place were accepted by Mr. Burnham. It was also agreed that other proposals, beside those put forward at these meetings, would also be presented and discussed.

The rest of the meeting was devoted to discussion of the joint communiqué (at Annex).

ANNEX

JOINT COMMUNIQUE

In accordance with what had been agreed in the joint communiqué of 7 November, 1963, talks took place in London on 9 and 10 December between the Minister of Foreign Affairs of Venezuela on the one side and the Foreign Secretary of the United Kingdom and the Premier of British Guiana on the other on the basis of the following agenda:

Agenda for the continuation at Ministerial level of governmental conversations concerning the controversy between Venezuela and the United Kingdom over the frontier with British Guiana, in accordance with the joint communiqué of 7 November, 1963

(i) Exchange of views on the experts' report on the examination of documents and discussions of the consequences resulting therefrom. Necessity of resolving the dispute.

(ii) To seek satisfactory solutions for the practical settlement of the controversy which has arisen as a result of the Venezuelan contention that the 1899 Award is null and void.

(iii) Concrete plans for collaboration in the development of British Guiana.

(iv) Determination of time limits for the fulfilment of whatever may be agreed with reference to points 1, 2 and 3 above.

(v) Joint communiqué on the present talks.

2. In addition to considering the experts' reports on the documentary material relating to the Arbitration Award of 1899, the Ministers considered ways and means of putting an end to the controversy which threatens to damage the traditionally cordial relations between Venezuela on the one hand and the United Kingdom and British Guiana on the other.

3. Ideas and proposals for a practical settlement of the controversy were exchanged. It was agreed that some of these should receive further consideration and that the Ministers should continue the present discussions in the week starting 13 February, 1966, at Geneva in order to consider those proposals as well as others that might be suggested under the above agenda. Neither side having been able to accept the conclusions of the experts appointed by the other side, Item I will therefore not be considered. It was further agreed that preparatory talks between officials should start at an early date.

4. The text of this communiqué will be made available to the Secretary-General of the United Nations.

Foreign Office, London, S.W. 1,
10 December, 1965.

Annex 85

Minutes of London Preliminaries to the Geneva Agreement, 9 December 1965 (Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Minuta sobre las conversaciones sostenidas en el Foreign Office de Londres sobre la disputa fronteriza entre Venezuela y Guyana, 65 hojas, 9-10-dic-65, Box: E-20.

Folder 02 d1 *9/10 December 1965*

Minutes

PRELIMINARIES TO THE GENEVA AGREEMENT

LONDON MINUTES

1965

Doc.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

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No. _____

CONVERSATIONS HELD AT THE LONDON FOREIGN OFFICE ON THE BORDER DISPUTE BETWEEN VENEZUELA AND BRITISH GUIANA DECEMBER 9 AND 10, 1965

(Linear stamp)
MINISTRY
OF FOREIGN AFFAIRS
BORDER MANAGEMENT
(ILLEGIBLE)
Control Number G 267
Shelf 10, Section 2

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

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No. _____

DECEMBER 9, 1965
Time: 3 p.m.

EXCHANGE OF GREETINGS AND REFERENCE TO THE AGENDA BY THE TWO FOREIGN MINISTERS

Mr. Stewart: I accept that this is the agreed Agenda and that we can move forward on this basis.

If we take the first paragraph: Exchange of views on the reports of the Experts on the examination of documents and discussion of the consequences arising therefrom and the need to resolve the dispute. Now, is the Venezuelan Government satisfied that there is no basis for disputing the validity of the 1899 Award?

Mr. Iribarren: First of all, I would like to thank Mr. Stewart for his kind words of welcome, and again we regret that he was unable to come to Caracas in response to our invitation to hold these talks in the capital of Venezuela.

In connection with the Agenda, I would like to note that the Agenda in full with its title reads as follows: "Agenda for the continuation at ministerial level of the governmental talks concerning the controversy between Venezuela and the United Kingdom on the border with British Guiana in accordance with the Joint Communiqué of November 7, 1963". The first point reads: Exchange of views on the reports of the experts on the examination of documents and discussion of the consequences arising therefrom. Need to resolve the dispute.

The second point: To seek satisfactory solutions for the practical settlement of the controversy which has arisen as a result of the Venezuelan contention that the 1899 Award is null and void. The other points, I agree with Mr. Stewart's reading.

The Government of Venezuela has carefully examined

.../...

a political deal is a mere allegation and it is significant that His Excellency the Minister of Foreign Affairs has virtually said that "a deal could have been made". There is no evidence in the documents that there was a deal or of the nature of the deal. I would like to draw attention to the fact that he who alleges has to prove. The fact is that there was an Award and whoever alleges a fraud or a deal must, as a matter of courtesy, amplify and detail clearly and exactly what it consisted

of. Until that is done, we do not know what solutions we will be able to find to that problem or controversy.

Mr. Stewart: Let's interrupt now.

II

Mr. Stewart: I wasn't sure, Mr. Iribarren, if you wanted to comment on what Mr. Burnham said.

Mr. Iribarren: When I referred earlier to the presentation, I also mentioned the position of British Guiana, which is also known to us because it has been expressed on several occasions by high officials of the Government of Guiana, among them Mr. Burnham himself. Before concluding, I would like to say very kindly to Mr. Burnham that perhaps, due to the difficulty of the conversation in two languages, he did not understand well what I said about the famous "political deal". What I said is that for Venezuela there was a "political deal"; and for us that is duly proven, as I said before. Now, in relation to the courtesy that he claims in relation to British Guiana for being a party, also involved in this problem, we Venezuelans frankly have no sin to accuse ourselves of in this matter. British Guiana has been represented at all times in these talks, from the beginning; it participated in them at the expert level and through its representative had access to and knowledge of all the documents and evidence produced by the Venezuelan experts. Not only that, but we have always insisted - also from the beginning - that British Guiana be represented, not only in these talks but also at the United Nations in all the opportunities in which Venezuela has brought to this international Organization our problem with British Guiana. Likewise, in the conversations held in London by the Ambassador of Venezuela, here present at my side, to reach an agreement, as was happily reached to agree on an Agenda for these conversations, British Guiana was also represented - and the Ambassador also on that occasion insisted on that representation. Likewise, the setting of this date for the talks was made taking into account the arrival of Mr. Burnham. I apologize for this long exposition in relation to the presence and consideration that British Guiana deserves, because we, as well as the President of the Republic and Head of the Venezuelan State and its Foreign Minister here present and the one who speaks to you, have repeatedly and publicly said and proclaimed our deep desire to maintain the best relations with our neighbor British Guiana.

Mr. Stewart: Mr. Iribarren, I think we agree that we could now consider item 2 of the Agenda and I would like to elaborate on a point made earlier by Mr. Burnham. This phrase "To seek a satisfactory solution, etc.... " was a suggestion made by Venezuela for the wording of this item. For our part, we feel that it should be strictly construed, since the point between us which we refer to by the term "dispute" is simply the validity of the 1899 Award and I do not see what is meant by the words "satisfactory solutions", since in our view the case against the Award has not been proved.

There is another point to be remembered at length in another discussion, and it is this. I am sure you will agree, you know that you have in Mr. Burnham's Government a good neighbor and that, if because of the urgency of this matter you were to create difficulties for him, the course of

events would not be favorable to your country. You know a great deal about the situation in British Guiana, but who knows more is Mr. Burnham and I would ask him if he would comment anything about this matter.

Mr. Burnham: I would like to draw the Minister's attention to the fact that in 1962 our predecessor in my office agreed that a report would be made after examination of the documents and, more importantly, my predecessor, who is now in the opposition, said that everything concerning the border was raised under pressure from Venezuela, Britain and the United States. In these circumstances, it is inconceivable that my government could take part in any action that would give the impression that we are acting or have acted under pressure from Venezuela. In any case, if we were to be so indiscreet, and it would be unnatural, it would only give the opposition a great deal of capital. I cannot and will not say more.

Mr. Iribarren: Mr. Burnham in his speech raised a political aspect involved in this controversy and referred to the internal situation in his country. I must also mention the internal situation in my country. I think Mr. Burnham knows that there is a unanimous consensus in my country that this old matter should be satisfactorily settled. With regard to the statements made by your predecessor in the high office which he holds, we totally and absolutely deny, in the most categorical manner that can be expressed in words, that what he said, that we have dealt or are dealing with this problem under pressure from Great Britain and the United States, is absolutely untrue. I am not going to refer here - because it would take too long - to all the statements, declarations, claims that my country has made since the Award on its validity, and I must further say, also categorically, that Venezuela is a sovereign country and that, in defense of its high interests, it does not tolerate or accept pressure from any other country. As I have said, Mr. Burnham has a friend in the Venezuelan Government, and Venezuela is willing to cooperate with him and to give him the assistance - if I may say so - that he may request from us and that we are in a position to provide. But I must make it clear that in a matter so transcendental for my country, in which a Territory that belongs to it is not currently included in its Territory, it is the duty of the Government and of the country to continue, as they have been doing, to try to reach a solution in the most amicable way, using all diplomatic channels.

Now, referring to the presentation made by His Excellency, the Secretary of State of Great Britain, in accordance with item 2 of the Agenda, its title and all the other mentions it contains, Venezuela has come to this Conference table to seek amicably a solution to the problem, and it is not conceivable to me that the terms of this Agenda can be interpreted only in the sense that we have gathered before this Conference table, after long and difficult talks, for each of the parties to express again its own position, which is already sufficiently well known. I believe that we have come to this conference table to seek a solution to the problem and not for each party to let the other know its known position.

Mr. Stewart: In view of that, Mr. Iribarren, could you tell us what, from your point of view, could be “satisfactory solutions” in the terms of item 2 of the Agenda?

Mr. Iribarren: At the end of my previous presentation, I expressed the first solution that Venezuela saw, that is, the return of the territory that rightfully belongs to it. Now, naturally, we are willing

to discuss exhaustively, if necessary, any other solution that may be proposed to achieve the goal expressed in item 2 of the Agenda.

Mr. Burnham: First of all, I would like to say that my government does not believe that Venezuela's sovereignty is under pressure from abroad. I was merely repeating what has been said by the opposition in British Guiana, and that it can be believed. The Honorable Minister is sufficiently familiar with these matters to recognize that what is believed, even if it is not factual, can have an important influence on the events that are taking place.

I am interested to know that the position of the Government of Venezuela has been, first of all, that the territory in question should be returned to Venezuela, and I want to say without equivocation that such a question is inconceivable to the Government and people of British Guiana.

I would now like to refer to the statement made by Mr. Crowe to the United Nations Special Committee on November 30, 1962, and I quote: "Experts of my Government have carried out a thorough examination of records available to them and are satisfied that there is no justification for reopening this boundary question. We are also satisfied that a thorough examination of those cannot lead to any other conclusion. Therefore, my Government, with the concurrence of the Government of British Guiana, are prepared to discuss with Venezuela, through diplomatic channels, arrangements for a tripartite examination of the voluminous material relevant to this question. On our part, we will naturally look forward to examining the Venezuelan records or documents. In making this offer, I must clearly state that it is not an offer to engage in substantive talks about a border review. We cannot do that because we believe there is no justification for it. This offer simply reflects our consideration of our friendship with Venezuela, to dispel doubts that the Government of Venezuela may still have about the validity of the Arbitral Award."

This offer was accepted by the representative of Venezuela at the time and on the date indicated above. I would like to cite that the position of my Government is exactly the same as that of the Government of British Guiana at that time, and I see no reason to depart from that position. I understand that there was, in addition, a further agreement to inform the Special Committee of the findings arising from the examination of the documents referred to in Mr. Crowe's statement.

Mr. Stewart: I think you will agree that your proposal is not a real solution to the problem, because what you propose includes a total rejection of the 1899 Award and I do not see a valid reason to reject it, and furthermore it includes, what you might say, making a different Award, naturally in favor of Venezuela. I do not think it could be seen as a satisfactory solution. I wonder if you could tell us, Mr. Iribarren, what other ideas the Venezuelan Government has in mind that could be seen as satisfactory solutions.

Mr. Iribarren: Well, I have already put on the table a proposal from the Venezuelan Government and I would like to know what is the solution proposed by the British Government as a satisfactory solution to the problem.

Mr. Stewart: Well, it seems to me in the light of the discussions that, first of all, there seems to be no alternative but to return the matter to the United Nations in accordance with our commitment, but I think we should come to that conclusion with pain. There is an alternative in that we would call upon Venezuela to do an act of great statesmanship and courage, and that might also be to renounce the claim, or at least to withhold it until British Guiana is firmly established as an independent country, and see the next item on our Agenda to help British Guiana find its way as an independent country.

If you ask me what does the British Government feel by "satisfactory solution," I would recommend the second alternative. In the absence of this, I don't know what we could do; only resort to the U.N. Would Mr. Burnham like to add to this now?

Mr. Burnham: I have already said that, if we are to be consistent, the next stage would be to report to the Special Committee of the United Nations. I might add that I am grateful for the description by the distinguished Minister of myself and my Government as friends and I wonder whether it is reasonable, at the same time as we make protestations of friendship, to leave our territory with about 5/8 of what we have known it at the beginning; we are a young people and the beginning, for us, is the beginning of the twentieth century.

Mr. Iribarren: I am obliged to reject the proposal or suggestion of my colleague the Secretary of State of Great Britain for the same reasons that he has given for rejecting our first proposal for a satisfactory solution, that is to say, that he has said that the first solution proposed by Venezuela would be a satisfactory solution for Venezuela alone. I can present the same reasons for rejecting the proposal of the Secretary of State, in the sense that Venezuela should withdraw its claim to the territory it has claimed. Now, I do believe that there can be satisfactory solutions for both, solutions involving a practical settlement of the problem which none of us can deny exists. Why do we not try to seek at this conference table - as stated in item 2 of the Agenda - a satisfactory solution for the practical settlement of the controversy? A solution which contemplates the interests, the problem of both countries, of Venezuela and of British Guiana, and which instead of meaning for Mr. Burnham as Prime Minister a problem with his Opposition, may mean a new triumph for him, that is, the settlement of this problem with his neighbor, and which at the same time brings him some benefit for his country.

Mr. Burnham: My only comment is that I would be very interested to know what kind of proposals Mr. Iribarren has under item 2 of the Agenda, since it should be noted that under the 1899 Award the existing line was established assuming, but not admitting, that there is a problem in the boundary demarcation that was fixed by mutual consent.

As far as my Government is concerned, we know our borders and we say that the series of international exercises which occurred between 1895 and 1905 established those borders. If the distinguished Minister has propositions which are within the scope of item 2 of the Agenda, my colleagues and I will be anxious and pleased to know and study such propositions.

Mr. Iribarren: At the invitation of Mr. Burnham, I shall make a second proposal, which would be as follows: that we agree to a joint administration of the disputed territory for a period to be discussed - let us say ten years - with obligations established for both countries, although perhaps in a greater proportion for my country, to provide the necessary means for this joint development, and also, with the agreement of my country, to cooperate in the development of British Guiana itself. Such an agreement, with such details as may be agreed upon after discussion, Venezuela would naturally be willing to enter into, recognizing the sovereignty of my country over the disputed territory.

Mr. Stewart. When you speak of a ten-year period and that Guiana will be a sovereign country within a few months, it is clear that we want to hear Mr. Burnham's opinion.

Mr. Burnham: I would like to know where we can read the proposition again. (The proposition is read.) I have to assume that this proposition does not involve any surrender of sovereignty on the part of British Guiana at this time. I would like to hear Mr. Iribarren's comments on this.

Mr. Iribarren: The proposition has been explained: recognizing my country's sovereignty over the disputed area.

Mr. Burnham: The answer is no.

Mr. Stewart: This is your original proposition with only the administration added. It includes acceptance of the Venezuelan claim challenging the 1899 Award.

Mr. Iribarren: I must repeat to Mr. Stewart - if I may - that Venezuela has already declared on repeated occasions that it does not recognize or accept the *1899* Award. And I must also add that this is not the same original proposition, since it involves obligations for Venezuela, as I clearly expressed it when I submitted my proposal.

Mr. Burnham: As a matter of interest, why would Venezuela be interested in developing this area before completing the development of the area that belongs to Venezuela?

Mr. Iribarren: I repeat to Mr. Burnham: as he knows, Venezuela is developing a large industrial, agricultural and many other complexes within its territory. Therefore, it would be in a position to develop this task, immediately, with the precise purpose of helping or collaborating with British Guiana, and at the same time, trying to find a solution to the territorial problem.

Mr. Stewart: I can see that the development of this territory would be of great value to both countries. The development of an underdeveloped area is an advantage to mankind. If this was proposed, for the common interest of both countries, to examine the possibilities of development of that area, very well, but why has it had to be tied up with a political proposition, the relationship of which is not justified?

I do not know if, in view of the next item on the agenda, you are considering practical plans for development, leaving aside for the moment this demand for sovereignty, on which we cannot agree, while on the issue of development we could reach an agreement for assistance from both countries.

I would like to add something about development, but it would be a matter for the countries concerned, to give them the opportunity to do something useful in a field where they both agree.

Mr. Iribarren: I reply to the Secretary of State that the development proposition also includes the political problem to which he refers, because it is precisely the undeniable existence of this political problem which has brought us to this conference table. The purpose of this meeting is to try to solve this very political problem that the British Foreign Secretary has referred to. Now, I would like to invite both the British Government and the Government of British Guiana, whose Prime Minister is present here, to make a proposition to us.

Mr. Stewart: Well, I have two propositions - one, that we should refer the matter to the United Nations to examine the expert reports and consider the possibility of practical solutions, since, unfortunately, we do not agree. That is one proposition.

The other is that Venezuela should renounce the claim, or if it believes that this is impossible, it should agree to let the matter rest until Guiana has found its way as an independent country and they can see to what extent they can cooperate in the development of their territory.

I thought I understood that you did not like the second proposition. What alternative is left if not to report back to the United Nations?

I could add something more about development and sovereignty in general. There was a time in our history when we were interested in having our flag flying and waving in many places. But we find ourselves now in this century, and see advantageous for us that our former possessions have become prosperous and peaceful countries.

For a country on the verge of national independence like Guiana, the question of territory and sovereignty must be of great importance, but perhaps Venezuela will find, as we have found, that for a country with more years, that its interests lie not in the expansion of its own territory, but in the peace and prosperity of its neighbors.

Mr. Iribarren: On this point, I must reply to the Secretary of State that the case is not the same for us. It would be the case for Great Britain if one of its counties were incorporated into another country; this is how we Venezuelans firmly consider the case of Essequibo Guiana: it is a territory that is part of a National Territory incorporated into another country. It is not the case of possessions in other continents overseas, but a part of the territory itself, as if we were to say that the county of Gloucester was occupied by another country.

Mr. Burnham: I would say that whatever the difference in concept between the Essequibo, in relation to Venezuela, on the one hand, and African territories and Great Britain on the other, the fact is that, at the present time, this county of the Essequibo is under the sovereignty of British Guiana and is so recognized in international law. If another country says that such area belongs to it, it must prove it. We must have details. It is a source of concern to us that a friendly country seems, to the children of our country, to have expansionist ideas.

I would also like to add that it seems to me impossible to have friendly relations if a nation that at the moment only comprises square miles is going to ask you to cede 5/8 of its territory to another nation that comprises more than 300,000 square miles. There will never be peace. We want to be grateful for the offer of development from that part of South America but, although poor, we are not without honor and will not buy development at the cost of voluntarily ceding sovereignty.

Mr. Stewart: We are facing the need to inform the United Nations of the position we have reached.

Mr. Iribarren: I believe that the way is always open; and we would like to exhaust these conversations first, because we hope to find a solution, as has been indicated by means of a commitment in the Agenda.

Referring to what Mr. Burnham has said, I beg him not to interpret my words in that way, because there has not been the slightest intention in them, not even to think about it - to buy, as he has put it so crudely and directly, any settlement. We are sincerely and honestly trying to seek a solution, we are presenting solutions to try to reach an agreement to solve the undeniable problem that exists, and which, if not solved - and in this I am not even thinking of any threat but only observing reality - if not solved, I repeat, can bring for our two countries, and I dare say, for the American Continent, serious problems. I repeat that this is not a threat in any way but only a grasp of reality. The problem exists and we must try to solve it. Mr. Burnham has no proposition to make?

Mr. Burnham: I have no proposition other than the above. I would remind the Venezuelan delegation, however, that a poor country like Liberia had, in recent times, a claim on New Guinea, which it has not pursued in the interest of African unity. Why can't Venezuela make the same gesture that Liberia did for New Guinea? One would think that this would be in the tradition of that great patriot, Simon Bolivar, whose tomb I had the honor to visit.

Mr. Stewart: Do you think we will come up with anything more tonight or would it be convenient to continue discussions tomorrow morning?

Mr. Iribarren: Before the end of this session, despite all the difficulties, I would like to be allowed to make another proposition, which I consider useful, a conciliatory proposition to try always and with the same effort to find a solution to our problem. Before presenting it, I would like to thank Mr. Burnham, from the bottom of my heart, for the reference he made to Simon Bolivar, our Liberator. The proposition is as follows: "Creation of a Commission to settle the controversy

between Venezuela and the United Kingdom on the territorial question between Venezuela and British Guiana...(he continued reading the proposition)....

I believe that with this proposal Venezuela has demonstrated its desire to reach a solution to the problem.

Mr. Steward: If this is agreeable to Mr. Burnham, could you leave the copies of the proposition for us to study and recommence discussions tomorrow morning?

Mr. Iribarren: The copy I have in my hands is in Spanish, perhaps the interpreters and stenographers already have an English translation.

Mr. Burnham: In order to prevent something from being forgotten, would it not be possible, Mr. Iribarren, to give the translator a copy of the document in Spanish?

Mr. Iribarren: I will send you copies in Spanish this afternoon.

THE MEETING WAS ADJOURNED AT 7:00 P.M.

Annex 86

Record of Conversations held at the Foreign Office in London on the Border Dispute between Venezuela and British Guiana, 10 December 1965 (Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Minuta sobre las conversaciones sostenidas en el Foreign Office de Londres sobre la disputa fronteriza entre Venezuela y Guyana, 65 hojas, 9-10-dic-65, Box: E-20.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

N° _____

-3-

Day 10th of December 1965

Time: 10 a.m.

There is a parallel to this in the Treaty made by a number of parties on different claims over the Antarctic. Without carrying this comparison too far, there is an important similarity between the Antarctic position and the problem we are studying here. A number of nations have conflicting claims over the Antarctic. They determined that the more these claims are challenged and remain unresolved, the valuable scientific work would have come to a halt, and they agreed on a cooperative action in the scientific field, along with the freezing of all claims during the implementation of the Treaty. This means that no one was asked to give up their claim, but simply not to put further pressure on them and not to file new claims during the effect of the Treaty for a period of 30 years.

Annex 87

Minutes of London Preliminaries to the Geneva Agreement, 10 December 1965 (Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Minuta sobre las conversaciones sostenidas en el Foreign Office de Londres sobre la disputa fronteriza entre Venezuela y Guyana, 65 hojas, 9-10-dic-65, Box: E-20.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

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*No.*_____

DECEMBER 10, 1965

Time: 10 a.m.

Mr. Stewart: Thank you for sending copies of the proposition. It is a very detailed and complicated proposition, but we have had the opportunity to study it and I would like Mr. Ramphal to express his opinion.

Mr. Ramphal (Solicitor General of British Guiana): Our approach must be considered against the background of the proposition that Mr. Burnham put forward yesterday, in accordance with our obligations to the United Nations. The first and most logical step should be a report to the United Nations with the results of the examination of the documents.

Our first problem in relation to the contrary propositions is the ambiguity that exists in the first point of the terms of reference proposed to the Commission that is to resolve the territorial problem or controversy. We are not sure what that means. The only possible problem that can arise in item 2 of the Agenda is the problem of the invalidity of the 1899 Award, We have excluded, in the long discussions on the items of this Agenda, any question that refers to **a** territorial dispute.

Since this initial question of the invalidity of the Award presented by Venezuela is under item 2 of the Agenda, we are inclined to assume that it is reduced to a much more limited issue, but we are obliged to say that its terms suggest that the Commission would be expected to find a way to resolve this technical problem and deal with the question

.../...

Possibility raised by the Secretary of State of continuing these talks with him in Caracas, I must say that Lord Walston will be a welcome guest in my country, but we see no point in continuing talks with him. I sincerely believe that it is now that we must try to find solutions. I believe, as I said before, that the good will of Venezuela, as well as the certainty of its position, has been demonstrated in the proposition that I made at the end of yesterday afternoon's meeting, which is a conciliatory proposition that takes into account the continuation of the talks and the continuation of our efforts to find solutions. It foresees in it several conciliatory stages (namely) the Commission, which will continue in this task; the presence of the mediator or mediators to try to conciliate and seek solutions; and, finally, a final decision to be submitted to a totally neutral entity with the power to

decide. Furthermore, the proposition fully demonstrates the Venezuelan desire to cooperate and collaborate in the development of our neighbor, British Guiana. Moreover, it is a "fair proposition" that allows the intervention of the United Kingdom in all the steps of the proposed Commission, the selection of the mediator or mediators, as well as in the conclusion or discussion and decision on the bases, conditions and rules of the arbitration foreseen. The consideration of this arbitration as a final procedure is a demonstration by Venezuela of the certainty of its position, since it is willing to submit to the final decision of an arbitral tribunal. Finally, I would like to invite the Secretary of State to propose something in relation to our proposition. We are willing to discuss and consider the points he may submits to us.

.../...

unilaterally the Award on certain oil concessions in that country, and Great Britain and the United States have agreed to negotiate a settlement. Venezuela does not have the slightest doubt about the Nations, and considers it not only useful but a necessity for the whole world. This is what I said on behalf of my country in my speech to the United Nations General Assembly last October 6. Venezuela too - as Mr. Burnham has rightly pointed out - took this case to the United Nations in the first instance. And I repeat, we are in these talks in accordance with what was agreed in that initial procedure. Now, the United Nations is not a court, it has no power of decision; that stage has been passed in relation to this dispute, and I repeat, we are here as a result of that. At no time has Venezuela intended to offend British Guiana, nor has it thought of using the procedure of the Greeks to which Mr. Burnham alluded with the Latin verse; on the contrary, Venezuela ardently desires to solve this political problem, and at the same time to cooperate with its neighbor. What is happening is that none of us around this table can deny that there is a problem, and that this problem must be solved. Our proposition is not - as Mr. Stewart stated - a decision in favor of the Venezuelan claim; it seems to me quite the contrary. Venezuela, in accordance with this proposition, is willing that the problem be resolved in accordance with an international procedure. Venezuela has not ruled on this, it has not ruled in its favor by presenting this proposition; on the contrary, Venezuela is willing for the dispute or controversy to be resolved in a neutral manner, through the intervention of an arbitration tribunal. Furthermore - I must repeat what I said before - it is the last instance contained in the proposition. Before that, procedures will be established to continue the talks, to continue trying to find solutions, so I honestly believe, that is, I do not see how this proposition can be criticized in this or any other aspect. Precisely in this proposition and in its procedure, the continuation of talks and the power of each of the parties to discuss their points of view are clearly established; finally, and without this being the "gift of the Greeks", since it is not my intention to offend, but only to define a simple procedure to establish plans and begin their execution, that is to say, in this aspect, as in the case of Antarctica cited by Mr. Stewart, these plans for cooperation and development would begin immediately.

Mr. Stewart: I have explained before our difficulty about this proposition, as it involves the acceptance that the Award of 1899 was invalid. Mr. Iribarren says that Venezuela wants to settle the problem in accordance with international procedures, but he does not accept our view that this matter was settled by international procedures in 1899. I think we have to accept the fact that we have not reached an agreement. We believe, for our part, that we should report to the United Nations, because we are under an obligation to do so. I am sorry, but it seems to me that this is so.

Mr. Iribarren: Excuse me, but I would like to add something in relation to the continuation of the talks. I have to say, on behalf of Venezuela, that we are always willing to continue talking, and what I said in relation to Lord Walston's visit is that I do not think it is an appropriate opportunity to do so.

.../...

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

*No.*_____

DECEMBER 10, 1965

Time: 4 p.m.

Mr. Stewart: When we left the talks this morning, we were considering the possibility of restarting these discussions. You had said that it would not be right to use Lord Walston's visit for this purpose. Now I don't know, if we could get Mr. Burnham's agreement, but, concerning this, we thought it would be in the first 15 days of February, and since both London and Caracas do not seem to be acceptable to him, it might be in Geneva. We would be prepared to recommence discussions even without an Agenda, or on the basis of the already existing one, except point I, which we have already discussed and which we will not discuss any further, as it has no object.

Now, for our part, we would like to look more broadly at the idea of a Joint Commission, but subject to the very important point that we and our colleagues from British Guiana made this morning about the terms of reference.

Now, we would hope that you could look again at our suggestion for a solution comparable to the Antarctic solution. Some preliminary discussions would be very helpful, and we would suggest that they should be held and then resumed, as I have already suggested. Perhaps Mr. Burnham would like to comment.

Mr. Burnham: In general, the Government of British Guiana is prepared to accept these propositions, but I am concerned as to why the conference already proposed cannot be held in the tropics. Speaking for myself, I feel that the climate in the temperate zones is quite strong at the present time, and I am sure that a place like Antigua or Barbados, in

the Caribbean, would meet with no objection, provided we could obtain the consent of the government concerned.

Mr. Stewart: What do you think?

Mr. Iribarren: Allow me to summarize what is proposed: It is proposed to continue these talks in February in Geneva without item I of the Agenda. I consider Mr. Stewart's proposition to be useful, because I believe that due to the short time of this meeting, the analysis that has been made of the propositions has been insufficient. I propose to adjourn this Conference and that it be resumed at a date in January. With regard to the location, I must very kindly remind you that Venezuela has come to London twice and that it would be a pleasure for it to be held elsewhere, for example in Caracas, although I know that this morning Mr. Burnham spoke out against holding it in Caracas or in London.

Mr. Stewart: Well , now we have January, February, Geneva, Antigua and Caracas in the proposition.

We at least seem to agree to continue the talks on the basis of the existing Agenda, without item I.

Well, we could, of course, adjourn this meeting leaving the time and location to the continuation, to be arranged by later agreement, but I see no difficulty in agreeing now on the time and location.

Mr. Burnham: In January it is impossible, in February it is difficult.

Mr. Stewart: You would prefer later.

Mr. Burnham: Yes, I have been away from my country for a long time and I have numerous things there that I want to be involved in that relate to

.../...

JOINT STATEMENT

1.- In accordance with the Joint Communiqué of November 7, 1963, talks have been held in London on December 9 and 10, 1963, between the Minister of Foreign Affairs of Venezuela, on the one hand, and the Secretary of State for Foreign Affairs of the United Kingdom and the Prime Minister of British Guiana, on the other hand, on the basis of the following Agenda:

Agenda for the continuation at ministerial level of the governmental talks concerning the dispute between Venezuela and the United Kingdom on the border with British Guiana, in accordance with the Joint Communiqué of November 7, 1963.

1) Exchange of views on the reports of the Experts on the review of documents and discussion of the consequences arising therefrom. Need to resolve the dispute.

2) Seeking satisfactory solutions for the practical settlement of the dispute that has

arisen as a result of the Venezuelan contention that the 1899 Award is null and void.

3) Concrete plans for cooperation in the development of British Guiana.

4) Determination of deadlines for the fulfillment of what is agreed with respect to points 1, 2 and 3 above.

5) Joint Communiqué on the present talks.

2.- In addition to considering the reports of the experts on the documentary material relating to the Arbitral Award of 1899, the Ministers discussed ways and procedures to put an end to the controversy that threatens to break the traditionally cordial relations between Venezuela, on the one hand, and the United Kingdom and British Guiana, on the other.

3.- Ideas and propositions for a practical settlement of the dispute were exchanged. It was agreed that some of these should be submitted for further consideration and that the Ministers should continue the present discussions during the week beginning February 13, 1966, in Geneva, in order to consider these propositions, as well as others which might be suggested in accordance with the above Agenda. Since neither party was able to accept the conclusions of the experts appointed by the other party, item one will not be considered. It was further agreed that officials of the governments concerned will shortly begin preparatory talks.

The text of this communiqué shall be brought to the attention of the Secretary General of the United Nations.

London, December 10, 1965.

Annex 88

Meeting at Ministerial level between the Venezuelan and British Foreign Secretaries on the Controversy over the Frontier with British Guiana, United Nations, Geneva, 16 February 1966

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Reunión a nivel ministerial entre los Cancilleres Venezolano y Británico en torno a la controversia sobre la frotnera con la Guayana Británica, 1966, Box: E-11.

UNITED NATIONS, GENEVA, 16TH FEBRUARY 1966,
10 a.m.

MEETING AT MINISTERIAL LEVEL BETWEEN THE VENEZUELAN AND BRITISH FOREIGN SECRETARIES ON THE CONTROVERSY OVER THE FRONTIER WITH BRITISH GUIANA

Dr. Iribarren Apertura.

Mr. Stewart Mr. Burnham and I thank you for your welcome and I trust that we shall be able to make progress.

You have explained the strength of your conviction, representing so many aspects of your national life, the conviction you have about your claim, but you will remember that in London we found that none of us, of the three parties concerned, were able ~~tam~~ to accept the views of the experts of the other party on the validity of the 1899 Award, and we did not find ourselves able to accept the proposition that it was invalid.

It seems that to justify such an allegation a very conclusive evidence will be necessary, and I must state that as plainly as you have.

However, Venezuela and Guyana, as it will soon be, are neighbours, and they both want to live on good terms.

We, on our part, have a long record of friendly relations between the United Kingdom and Venezuela and want them to continue and, in that frame, search for a solution.

Now, in London you put forward from your side a proposal for a Mixed Commission of Guyana and Venezuela to pursue this matter. We found the difficulty about that Commission dealing with the territorial controversy, and considered there were many matters of mutual concern, such as economical development, trade, cultural relations, etc., with which the Mixed Commission could usefully deal.

Now, you will remember that we put furward a proposal which

linked the idea with the Antarctic solution, setting aside, for the time being, all territorial claims. I wonder if you had given further thought to this idea and whether you had any further suggestions in that field, or whether you had thought of others by which the controversy might be dealt with. I would ask you if you could tell us first if you had any further thought for the proposal of a Mixed Commission, or whether you could suggest other ways in which the controversy might be dealt with.

Dr. Iribarren

Mr. Stewart Well, then. I will put forward what I trust you will regard a proposal.

I will say a few words describing the general contents and we could then let your Delegation have copies of it.

It does take the idea of a joint body, which was in your proposal, but sets it out as follows:that it should be a Mixed Commission to be appointed at an early date to examine the relations between British Guiana and Venezuela; that the membership of the Commission should be two representatives from Veneyuela and two from British Guiana, and they should be appointed within two months of the agreement on these lines. It would be possible for the representatives to decide to add expert advicers to their number.

I think your proposal envisaged the United Kingdom being there as well. That, I think, is something which could be considered.

Now, the Commission, as proposed, would start working within two months of our agreeing to it, and it would examine a wide range of matters, as the collaboration between Guyana and Veneguela for the development of both countries. It would examine the possibilities of extending the contacts between the two countries, diplomatic, trade, educational contacts, etc.,

and then in order to facilitate the work of the Commission the Agreement setting it up should state that nothing in the Agreement implies the renunciation by either side of any territorial claims and that nothing done under the agreement should become basis for either denying or asserting territorial claims. This question should be set aside without prejudicing the claims by either side while the Commission gets on with its work. That is the essence of our proposal. I think its advantages are it is not prejudiced and it does not prevent co-operation while the territorial ~~xkaim~~ argument still remains unsolved. It is comparable to the Antarctic solution, in which Latin American countries took part and gained in international reputation. Perhaps if we could distribute copies of this proposal you might like to look at it.

(Copies are being distributed)

Dr. Iribarren propone suspender reunion.

Mr. Stewart Certainly.

11.45 horas

Dr. Iribarren

Mr. Stewart I take note of what you have said. I think we ought to try to consider further whether we could reach a measure of agreement, possibly if we adjourned the session formally and consider the matter less formally? But, could I suggest, I think Mr. Burnham, who has not yet spoken, should have the opportunity to say a few words about his country's position. Then I suggest we might consider the possibilities of further progress.

Mr. Burnham As far as British Guiana is concerned, we are most anxious that the outcome of the talks should be a happy one. That outcome has to be, from our point of view, with honour and must remove all doubt. After consulting with my colleagues, I think it necessary that the British Guiana's attitude and stand be firm in the circumstances of the Venezuelan Delegation being larger and more nationally represented than it was in December of last year.

In the first place, the British Guiana Government accepts the validity of the Award in the terms of the 1897 Treaty, as a full and final ~~xxxxx~~ settlement. We feel also assured in our position by the fact that the situation was arrived at by agreement between the Venezuelan and British Governments, and that the agreement was signed by the parties in Georgetown on 10th January 1905. The Venezuelan Foreign Minister, in 1941, admitted to the British representative in Caracas that the frontier had been finally defined. It must be remembered that the President of the United States at the time and his predecessor were very kindly disposed towards Venezuela and the decision appeared to be satisfactory to both sides.

It is difficult for us to agree to the yielding of any territory, but are aware of the fact that in international relations two positions may appear to be exclusive. However, with good will on both sides we may be able to arrive at a mutually acceptable solution, where honour is preserved.

We are anxious to have the very best relations with Venezuela, but we are also very anxious that none of our soil goes to anyone. We are a small nation, Venezuela is four times our size, and we doubt the possibility of friendship if we are forced to yield 5/8 of our country's territory to a nation much larger than us.

We accept Venezuela's asseverations of friendship and hope that they will be translated into a reality of co-operation.

~~Dr. Iribarren~~ Dr. Iribarren

Mr. Stewart Thank you. Shall we then adjourn the formal meeting? Ought we not to decide when to meet formally again?

Dr. Iribarren

Mr. Stewart Very well.

11.55 horas. Las conversaciones continúan con carácter informal.

17 de Febrero de 1966, Sala de Conferencias,
2.45 horas

(Conversaciones comenzadas cuando llegué por tener que haber ido a buscar a varios miembros de la Delegación Venezolana).

Discussion of the Agreement

Mr. Stewart I am sorry I haven't quite understood that. I drew your attention particularly to the end of point 2, which is the only change.

Dr. Iribarren

Mr. Stewart No claims shall be submitted except to the Commission. You will be able to show us this in writing, but it seems to me it shows what we want.

What happens to the rest of the clause, to b) and c)? Do you propose what you have read out? We would like to see it in writing. Subject to our seeing in in writing, it seems to me to be satisfactory.

Written version is handed to him.

Mr. Stewart Dr. Iribarren, now that we have got this closely, I would like to ask you the following questions.

The draft you propose covers the ground of 1a) in the original draft, but it leaves out 1b) and 1c). Have you any objection to what it is contained in b) and c)?

My other question: Article 2 of earlier draft does contain the provision that"any acts or activities while the Agreement is in force shall constitute basis for ....." That seems to us also important. We want to be sure that while the Commission is doing its work there are not only no propaganda arguments going on, but no acts or activities either which might prejudice there work.

Dr. Iribarren

Mr. Stewart I think not. I think there are matters of substance in 1b) and 1c) and the first part of article 2. 1b) is concerned with renunciation or diminution of claims to territorial sovereignty, and 1c) contains the important provision that neither of us must be regarded by having

signed the Agreement here as accepting the validity of the arguments of the ~~xx~~ other side, and still more important is the first sentence of article 2. Our common object is to ensure that propaganda activities shall not go on outside the Commission while it's sitting, to ensure that real action and activities which might prejudice the work of the Commission shall not go on. ~~Xx~~ Have you any real objection to keeping 1b) and 1c) and the first part of article 2 in the draft which add something of substance which is not present in your draft?

Dr. Iribarren

Mr. Stewart Dr. Iribarren, does that cover the point of the first sentence of paragraph 2 that "acts or ~~xxxxxxx~~ activities, etc., etc."?

Dr. Iribarren

Mr. Stewart ~~Xxxx~~ I am not quite clear if you want to include in your draft the substance of paragraph 2. It is in existing draft. What is your objection to the existing draft as modified in the new wording of 1a)?

Dr. Iribarren

Mr. Stewart I see. Well, could I put it like this? If it is understood that we are both agreed that whatever wording is used, the substance of 1b) and 1c) and the first sentence of paragraph 2 should be included not in the wording they now are, if we are agreed on that I wonder if it would be agreeable to yourself and Mr. Burnham that perhaps Mr. Watts and Mr. Ramphal and whoever you wish from your side should have a look at the wording of these and see if they can reach agreement. To do it across the table could be rather difficult.

Dr. Iribarren

(Appointed members of both Delegations leave the Conference Room to try and reach agreement on the above)

Mr. Stewart ~~Xxxxx~~ Should we continue with the other points we are still discussing?

Dr. Iribarren

Mr. Stewart There was the first question of the wording of the Preamble.

Dr. Iribarren

Mr. Stewart I can understand that but, have you any real objection to what we proposed? We felt that if mention was to be made of Government conversations, it should be made clear that they were in accordance with the Joint Communiqué of November 1963. It makes more complete and accurate the historical record of what it really occurred. Have you any objection ~~mt~~ to this?

Dr. Iribarren

Mr. Stewart Dr. Iribarren, you are proposing to put ~~in~~ in the Preamble a reference to the title of the Agenda of the London talks, and the actual title is "Governmental conversations concerning the controversy between Venezuela and the United Kingdom over the frontier with British Guiana in accordance with the Joint Communiqué of November 1963". In the title of the Agenda that is all in one sentence. Therefore, if we are going to put the title of the Agenda into the Preamble of the Agreement we should put it in as it stands.

Dr. Iribarren

Mr. Stewart I think, looking at your draft, that I would like to make these two points. First, if one looks closely the sentence is not really complete: "have reached the following Agreement in order to resolve", and then you have got to ask: resolve what? The word "controversy" is fitted in the phrase "ministerial meeting regarding the controversy". The word "resolve" is left without object.

Secondly, the ministerial meeting was in accordance with the Joint Communiqué of November 1963. We might meet both these points if we took what you have proposed and modified it as follows: "have reached the following agreement in order to resolve the present controversy in accordance with the Agenda of the ministerial meeting begun on 9th December 1965 in accordance with the Joint Communiqué of November 1963 and concluded in Geneva, etc., etc.

Dr. Iribarren

Mr. Stewart In that case, if one places the whole thing in inverted commas that strengthens the arguments for putting

the words "in accordance withe Joint Communiqué of 7th November 1963" after the words "9th December 1965". Your quotation will then be complete.

Dr. Iribarren

Mr. Stewart After the words "9th December 1965", can we add the words "in accordance withe Joint Communiqué of 7th November 1963"? The Ministerial meeting was begun in London in accordance with that Communiqué.

Dr. Iribarren

Mr. Stewart Yes, yes. We shall see the Spanish text but this is clear, I think. You gave us the Spanish text. If we could have the text of your draft again?

Dr. Iribarren

Mr. Stewart The text the drafting committee are engaged on?

Dr. Iribarren

Mr. Stewart I wonder if meanwhile we could have the Spanish text of what we were just discussing. That would help.

Dr. Iribarren

Mr. Stewart Dr. Iribarren, perhaps we could return to the Preamble when ~~xxx~~ our legal advisers are present. Meanwhile if we are able to meet agreement - there are one or two uncontentious clauses in it.

Dr. Iribarren

Mr. Stewart Well, for example, article 1: "a Mixed Commission shall be appointed at an early date to examine ..... in accordance with article 3 of this Agreement."

Dr. Iribarren

Mr. Stewart Article one, the very first after the Preamble. This was our first draft, article 1 of our first draft.

Dr. Iribarren

Mr. Stewart Oh yes. That was what you submitted to us recently. Yes, I'm sorry. I beg your pardon. We find no difficulties about that article 1, but if you would be kind enough to look at the original draft we gave you, it contained an article 2 which is simply the mechanics of the matter. I thought we could possibly agree on that subject to agreement on larger matters to be reached.

Dr. Iribarren

Mr. Stewart For the Government of British Guiana.

Dr. Iribarren

Mr. Stewart It would be able to appoint representatives nonetheless.

Dr. Iribarren

Mr. Stewart I find, Dr. Iribarren, no reason in the British constitution why we should not give the Government of British Guiana the power to appoint representatives. What we both want is representatives of British Guiana and of Venezuela, and I am informed there is no constitutional difficulty to it.

Dr. Iribarren

Mr. Stewart Yes, provided, of course, the British Government agrees which, by signing this Agreement, it would in fact do.

Dr. Iribarren

Mr. Stewart Yes, yes, thank you, and I think the rest of article 2 does not present any difficulty.

Dr. Iribarren

Mr. Stewart I see. You would like it really to say that this would require the concurrence of the Governments.

Dr. Iribarren

Mr. Stewart I see, yes.

Dr. Iribarren

Mr. Stewart Yes, I think that's right. What this paragraph does is to say that if an expert is actually to be co-opted to the Commission, that requires the agreement of both sides' but it would not prevent the representatives of the Mixed Commission to consult by themselves with whoever they thought fit.

Dr. Iribarren

Mr. Stewart Article 3, of course, well that involved major matters we have still to consider. Article 4 is non-contentious, "the Mixed Commission shall hold its first meeting, etc., etc."

Dr. Iribarren

Mr. Stewart Then the next article is the one our drafting committee is now considering. That leaves us with article 6: "this Agreement shall enter into force, etc., etc." This will, I think, have to be redrafted.

Dr. Iribarren

Mr. Stewart I have not considered that for the moment because that xxxxxxxx is a major point.

Dr. Iribarren

Mr. Stewart Yes indeed. Yes. Well, then, I think your next article was about the proposed limit of three years. We thought four years would be better. I wonder if we could leave the argument for the moment and also the point about the Secretary General of the United Nations. If we could leave these for the moment and look at the last article of the Agreement. That will require more redrafting.

Dr. Iribarren

Mr. Burnham Both the United Kingdom and British Guiana Governments feel that no difficulty arises.

Dr. Iribarren

Mr. Stewart Yes, indeed.

Ambassador Santaella We are awaiting for it. It is being typed. It will be here shortly.

(Typed copies are being studied by both Delegations).

Mr. Stewart Am I right in thinking we are now agreed on the Preamble?

Dr. Iribarren

Mr. Stewart I think Mr. Ramphal and Dr. Santaella have been discussing the Preamble and I think you do agree, do you not?

Mr. Ramphal We did propose a wording to meet both points of view and which would take the following frame: after the first four paragraphs of it it would read: "have reached the following agreement in pursuance of the Agenda

for the continuation ~~of the talks~~ at ministerial level ....."

Dr. Iribarren

Mr. Ramphal That, Dr. Iribarren, is what I believe you had proposed.

Dr. Iribarren

Mr. Stewart I had reserved my position on this point.

Dr. Iribarren

Mr. Stewart That was not so, Dr. Iribarren. I had reserved my position on that but I think we can now reach agreement. I think this wording would meet us both. After the Preamble it is "have reached the following agreement in pursuance of the Agenda for the continuation at ministerial level of Governmental conversations concerning the controversy between Venezuela and the United Kingdom ..... in accordance with the Joint Communiqué of 7th November 1963". That, I think, brings in the reference in which you are interested, the words "controversy between Venezuela and the United Kingdom over the frontier with British Guiana", and brings them in in the operative part rather than in the Preamble. Does that not cover all the essential points?

Mr. Burnham Propone incluir la Agenda completa.

Dr. Iribarren

Mr. Stewart It is not what I suggested. If we adopt Mr. Burnham's suggestion the title of the Agenda would also be there.

Dr. Iribarren

Mr. Burnham All doubt will then be removed.

Ambassador Santaella

Mr. Burnham The point really is: what is the objection to the most recent draft we are proposing?

Mr. Stewart It says"in pursuance of the Agenda" and then it spells out the title and goes word for word setting out the whole title of the Agenda.

Dr. Iribarren

Mr. Stewart Yes.

Dr. Iribarren

Mr. Stewart My recollection is I said I xm would like to see the text of that. But I did say I wanted to see the text of it and we are now suggesting something where we could both agree on. That we should have the opening paragraphs of the Preamble and then "we have reached the following agreement in xxxxxxxxxxxxxxxxxxxxxxxx conformity ....." and then spell out the whole title of the Agenda. Is there anything of substance there you find objection to?

Dr. Iribarren

Mr. Stewart My recollection is that I reserved my position on that, but is there any objection to what I am now suggesting?

Mr. Burnham My recollection is that the position was reserved and we were awaiting the return of the team.

Dr. Iribarren

Mr. Stewart That is agreeable to us. Well, I think, then, the first article of the Agreement will be the one on your draft on which we are agreed. I think that is agreed between us.

Dr. Iribarren

Mr. Stewart Yes, as in your draft.

Dr. Iribarren

Mr. Stewart Very well. Certainly.

(Whole text of the Agreement is now to be read).

Mr. Stewart There is one matter we are not agreed. The period after which the Commission is to report if it has not agreed. You have proposed a term of three years. We would ask you to consider a period of four years.

Dr. Iribarren

Mr. Stewart Yes.

Dr. Iribarren

Mr. Stewart I did understand you said that you had agreed to 4 years? Thank you.

There is a very small point: the last article concerning the enter into force of the Agreement. In view of what is now in the Agreement, there is, I think, no need to say how long the Agreement remains in force for.

One would only need to say "the Agreement will enter into force on the date of its signature."

(Observación hecha por miembro Delegación Venezolana).

Mr. Stewart One correction on that. When mentioned Guiana the second time,it will of course be Guyana and not British Guiana. "Upon obtaining of independence of British Guiana, the Government of Guyana ....."

Dr. Iribarren

(Texto completo del Acuerdo es leído por el Senador Roncajolo)

Mr. Burnham You want a word for "thereupon" or "thereafter" and not "immediately". "Immediately" is inconsistent with the text, and, therefore, the word should not be the Spanish equivalent of "immediately", but of "thereupon".

Ambassador Santaella

Mr. Stewart I think there is an English phrase which would be ~~xhx~~ agreeable: "without delay".

(Accepted by all).

(Spanish text of Agreement is continued to be read by Senador Roncajolo).

Mr. Burnham Renunciation or diminution?

(Ambassador Santaella examines translation of Agreement. Spanish text is read by him).

Mr. Burnham Asserted.

Mr. Stewart Correct English is "rights previously asserted?

Ambassador Santaella That's right.

Mr. Burnham One moment. What is the Spanish for "prejudicing"?

Ambassador Santaella

Mr. Burnham How do you translate "any ~~xxx~~ claim whatsoever"? You cannot get in Spanish the flavour of the word "whatsoever".

Ambassador Santaella

Mr. Stewart Our English text: "nor shall any claim whatsoever be asserted otherwise than in the Mixed Commission".

Mr. Robert Edmonds With due respect, Ambassador, we have in the English first paragraph of that article and in the second the word "asserted". If I understood it right, this word was differently translated in both occasions. It was translated as "hacer valer" and then "establecer".

Ambassador Santaella En ambas ocasiones debemos decir "hacer valer". ¿Podemos continuar la lectura?

Yes.

Dr. Iribarren Is there anything further you have?

Mr. Stewart Yes indeed. Just a point about the text. It will be necessary for our legal advisers to compare the texts to be sure the languages correspond. I think we should issue a Joint Communiqué.

Dr. Iribarren

Mr. Stewart Certainly.

Dr. Iribarren

Mr. Stewart It is now 6.20. By when it will be practical to sign the Agreement? I think if we said 10 o'clock, would that be suitable?

Dr. Iribarren

Mr. Stewart I must express my appreciation of your determination and good will to reach agreement, and express the same feelings of Mr. Burnham, my colleague.

Dr. Iribarren

Mr. Stewart You have expressed more eloquently than I can my what we both feel about the success of these negotiations. I note that you firmly maintain your arguments, and Mr. Burnham and I have an equal solidarity. Through these long and very laborious hours we have been sustained by the thought that we were not merely drawing a legal document but a basis for good will between two countries in the American Continent with one of whom we have a special Commonwealth tie. We trust both will always be able to preserve that.

Mr. Burnham May I, on behalf of the Government and people of British Guiana, express the gratitude we feel at the solution of this controversy which has set our

relations. May I say that with the advent of our Independence we are supported by your good wishes, and we feel quite confident we shall be able to co-operate with our Latin American neighbour.

I xxx want to say I appreciated your patience and I appreciated very highly the kindness and understanding which have been shown time after time.

We are a small country, we cannot invite all of you to our Independence celebrations, but I expect to see some of your faces then.

6.45 horas.

Versión taquigráfica de T. de la Mare.

Annex 89

Minutes of the 6th Session, 9th Meeting of the Mixed Commission, 4 July 1968 (Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Minutas de la 6ta Sesión, 9a Reunión de la Comisión Mixta, 1968, Box: E-01.

…Dr GONZALO GARCÍA BUSTILLOS referred to the conviction of Venezuela's position that the area situated to the west of the Essequibo River had priority in the development plans that, together with Venezuela, were to be carried out in Guyana, and pointed out that this did not mean that no attention would be paid to the area situated to the east of that river, but that in any case, the Essequibo area was a priority because it was the area that was under reclamation and the subject of the dispute….

Annex 90

Report on the courtesy visit of Ambassador R. Collins of Guyana, to Brigadier General (AV) Ramón Enrique Mendoza Ibarra, Director General of Frontiers (Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, expediente 53, Venezuela, Punto de información confidencial de la Guayana Esequiba. Propuestas de Miguel A. Capriles. Opiniones de distintos sectores nacionales e internacionales sobre la zona en reclamación. Informe sobre la visita del Embajador Collins de Guyana, 1894, expediente 27. Box: E-11.

Bolivarian
Government
of Venezuela

People's Power Ministry
of **Foreign Affairs**

OFFICE OF BORDER AFFAIRS
DOCUMENTATION DIVISION

CODE:

SECTION SERIES

FILE NUMBER:
27
ITEM:
GEOGRAPHICAL DESCRIPTOR:
VENEZUELA
DIRECTORATE OF FOREIGN AFFAIRS: INFORMATION ITEM.
TOPIC DESCRIPTOR: CONFIDENTIAL INFORMATION REGARDING THE CLAIM OVER THE ESSEQUIBO. PROPOSALS MADE BY MIGUEL A. CAPRILES. OPINIONS FROM DIFFERENT DOMESTIC AND FOREIGN SECTORS CONCERNING THE ZONE IN RECLAMATION. REPORT ON THE VISIT OF GUYANA AMBASSADOR COLLINS.

YEAR(S): 1984

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CONFIDENTIAL

Courtesy visit paid by Guyana Ambassador R. Collins to Aviation Brigadier General Ramón Enrique Mendoza Ibarra, Sectoral Director General of Border Affairs

AMBASSADOR COLLINS:

He said that the fact that he had been received for the first time by General Mendoza Ibarra showed the mood of relations up to the present.

He added that his presence at the Directorate showed that more than just a courtesy visit, it was in fact the beginning of a new situation that would possibly lead us to a definitive solution to the problem of the dispute.

GENERAL MENDOZA:

He welcomed Ambassador Collins.

We are going to try to have a closer relationship between the two States and to start this relationship with a firm step and vigour, always within the framework of the national interests of both countries.

AMBASSADOR COLLINS:

I do not know where to start and I do not think it would be good to systematically go over our old differences.

There are several ways of addressing the problem. Some are out of our hands and others are our responsibility.

1º There is the process that is currently under way, which involves waiting for the UN Secretary General's determination. Even so, when the Secretary-General makes a decision, the matter should then be taken up again by us and we should negotiate at the political level.

2º Secondly, we should look for mechanisms for contact. Previously, there was a climate of suspicion; now we must find common ground and create a climate of trust to remove barriers. A very important aspect is to prepare Venezuelan and Guyanese public opinion. A very illustrative example is the dispute with Colombia, in which the officials of both governments worked hard and in good faith, but they failed to prepare public opinion, which derailed the efforts made.

An example of the positive change in the climate of relations is that the Foreign Minister not only made private statements, but also public statements, in particular in relation to the public statement to the press by the official of the Supreme Electoral Council. Additionally, it is significant that after the Foreign Minister's clarification, there were no further negative reactions in the press, which shows that public opinion can be shaped.

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There is already a climate of willingness to seek a solution. However, it should be noted that there are issues that are perhaps complementary in some way, but in fact are mutually exclusive: the issue of cooperation between the two countries is perhaps complementary in some way to that of the territorial claim, but it should not really be linked to the search for a definitive solution to the territorial problem.

Based on his contacts with many Venezuelans, Ambassador Collins believes that there is a feeling in Venezuela that it will not be possible to foster economic cooperation with Guyana the territorial issue has been settled, as there is a connection between these two issues (cooperation and the territorial problem).

GENERAL MENDOZA:

The presence of the Ambassador here in the Directorate for Border Issues is very important, but the important thing is to start here the dialogue for the common solution of this problem without having to take into account only the opinion of the United Nations Secretary-General for the definitive solution of the dispute. This will be an arduous task, but it must be undertaken jointly by Venezuela and Guyana and at the same time we must try to shape the public opinion. We must realise that there are divergences on the part of some minority groups, but the Government itself has a clearly defined approach to manage the problem

The best way to handle the problem would be to develop mutually beneficial procedures for both countries. And dealing properly with public opinion is very important.

This should not be approached only from the angle of the territorial dispute. Economic cooperation is also very important. There is a third factor to be taken into consideration, namely the delimitation of marine and submarine areas. Everything must be seen as a big package so as to be able to manage public opinion in the country and even include the points of view that are of interest for the internal politics of our States.

The fact that I am in the military and that I am here at the forefront of the talks suggests that things can be looked at not only in terms of purely and merely settling a border dispute, but that this issue can be seen by the international community as an example of a cooperative agreement between brotherly countries and that the solution is viable as stipulated under the Geneva Agreement for both countries.

AMBASSADOR COLLINS:

I can but fully share your words, because five years ago I said exactly the same thing to President Herrera Campíns, when he was President Elect, and I told him that it was necessary to set an example for other countries on how two States can solve a territorial problem and provide a good example of cooperation.

There is also a concrete problem to which we should look for a solution. I have had the opportunity in the past to mention that there is a great difference between the border situation of Venezuela and Colombia, that of Venezuela and Brazil and that of Venezuela and Guyana. If an incident occurs on the Venezuelan-Colombian border, it is regarded as an incident. If an incident takes place on the Venezuelan-Brazilian border it is also considered as an incident, but if an incident occurs on the Venezuelan-Guyanese border, this incident immediately becomes a national issue that requires a formal declaration at the presidential level.

For this reason, I suggest that a "localizing group" be formed, whose function would be to identify

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the circumstances of the incidents and which would serve as a border body to which incidents would be referred in order to prevent them from becoming national issues that would require a presidential statement.

GENERAL MENDOZA:

He agrees with the above approach and points out that, within the Venezuelan administrative framework, the body that plays this role is the Sectoral Directorate General for Border Issues, reporting to the head of this Office. This is the means to deal with incidents that may occur between Venezuela and Brazil, but in the case of Guyana, what happens is that the highest level of the National Executive wants to be able to control the situation. This is the case in both countries.

It must be shown that there are indeed mechanisms to control public opinion and to support the criteria of good neighbourliness and spontaneity for the flow of information and the exchange of information in an expeditious manner. For example, in the case of the fishermen, six months ago, the Sectoral Directorate General for Border Issues took charge of the case and did everything necessary, and as this was considered a domestic matter, it was not given international resonance, but was resolved amicably.

I hope that a similar body in Guyana will be able to manage these issues jointly with our Ambassador in Georgetown.

The issue provides an opportunity for anything that can help relations between the two countries, for example in the areas of education, health, culture and even defence.

AMBASSADOR COLLINS:

I would like to voice a personal sentiment. I do not doubt that there was good will on the part of both governments, but I do not see that there are concrete mechanisms in place to allow real progress and that at the end of each day a visible sign of progress can be seen.

GENERAL MENDOZA:

How can this be measured? A first way would be to organise a visit by the Foreign Minister to Guyana. A second way would be to convene a Joint Commission to examine how to move forward in cooperation, economically, legally and politically.

The Venezuelan government is looking forward to seeing an opening for all possible initiatives.

The public must see the official sector as taking concrete steps, to see that something positive is being done.

As a military man I want to see openings for progress.

DR PULVENIS:

The Ambassador spoke about concrete mechanisms. I would like to know if he has any suggestions on this.

AMBASSADOR COLLINS:

He stressed the need to proceed with great caution. He specified that he was speaking in a personal capacity, but that he could of course pass on certain proposals to his government.

However, I realise that despite the informal nature of this meeting you seem to be speaking on behalf of your government and in any case your point of view is fully in line with what I know of

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your government's position. For this reason, I can tell you that although I am speaking in a personal capacity, you can imagine that everything I say reflects the position of my government.

Speaking of concrete proposals, firstly, I think the Foreign Minister's visit to Guyana is quite timely.

Also, in the near future, he will visit you and I will give him concrete suggestions as to how to make progress on the other aspects. For the time being, no commitments have been made by either country, but we can see the background against which progress can be made in the future.

GENERAL MENDOZA:

All of us in the Ministry are very pleased. Naturally, we will support, in every possible way, efforts to find a solution to the problem that divides us. There are indeed mechanisms to avoid division. The Minister of Foreign Affairs will be very pleased when I explain to him what we have talked about and he will see that there is interest in establishing this openness that we have been promoting. And although minority groups may have antagonistic positions, the vast majority of the people want to have brotherly relations and show their respect for sovereign States and for all the systems that each State has as a sovereign State. We must be able to act as one, united. The problems facing the continent are very difficult and, if we are disunited, we cannot present a united front. We must defend our continent and seek the unity and integrity of our populations; although there is a language difference between the two countries, we must think alike ideologically and be united.

Ambassador Collins, I have sought this meeting, because if there is no communication and exchange on this matter, we will not be able to solve the many problems that each State has on its border. Let us not miss the opportunity, when we can, to talk to each other. I am very happy to know that there is a willingness to make progress towards a solution to the problem and that there is a spirit of trust in this solution.

(This was followed by an informal exchange on the presence of a Guyanese crewed vessel in the Las Aves archipelago, as well as other minor issues).

Annex 91

Memorandum, Notes taken during the First Session of Negotiations with the Government of Guyana, Georgetown, 20 December 1977 (Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación
Casa Amarilla, Guyana 8-A-97.

Guyana 8-A-98

REPUBLIC OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

Office of International Relations

PI-AI

MEMORANDUM

To:	Doctor Isidro Morales Paúl
From:	Mrs. Myriam Feil
Subject:	Notes taken at the first session of negotiations with the Government of Guyana, Georgetown 12-20-77.

[…]

The Venezuelan side replied that the initiative to discuss border issues came from Prime Minister Burnham, and that the Venezuelans' trip to Georgetown was agreed upon on that basis, and based on the map with the territorial settlement that Minister Wills himself had submitted to President Pérez when they met in his office during the Official Visit to Caracas a few days earlier.

Caracas, January 1978

MF: tns
Please find attached.

Annex 92

Minutes of the Work-Meeting chaired by the Heads of States of Venezuela and Guyana in the Palace of Miraflores, 18-26 February 1993 (Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Minutas de la reunión de trabajo presidida por los Jefes de Estado de Venezuela Carlos Andrés Pérez y Guyana Jagan en Miraflores, 1993, Box: E-10.

BOLIVARIAN GOVERNMENT
OF VENEZUELA | PEOPLE'S MINISTRY FOR FOREIGN AFFAIRS
BORDER OFFICE
DOCUMENTATION AREA

FILE NUMBER: 65

ITEM:

GEOGRAPHICAL DESCRIPTOR: VENEZUELA

THEMATIC DESCRIPTOR: MINUTES OF THE WORKING MEETING PRESIDED OVER BY THE HEADS OF STATE OF VENEZUELA CARLOS ANDRES PÉREZ AND GUIANA JAGAN, IN MIRAFLORES.

YEAR(S): 1993

Foreign Debt

He informed that the economic situation of his country is in critical conditions. The gap between the rich and the poor has increased, despite the fact that Guiana has enormous resources and a small population, but due to internal and external processes it has the lowest per capita income in the continent. In this sense, he presented some tables on the deficit situation of the budget of this country due to the payments that had to be made to cancel the foreign debt.

He also informed that international loans are being requested to cover the aforementioned deficit, which manifests itself in the lack of money to pay the salaries of the public administration, the deterioration of the social and physical infrastructure, the lack of a regular electricity service, as well as housing for the low-income population. In this regard, they will soon renegotiate their debt with the Paris Club.

Agricultural cooperation

He added that the population of Guiana is predominantly agricultural. In this sense, he offered his lands as a source of supply for the Venezuelan market, in which the complementation would be given by the offer that Venezuela can make of fertilizers, raw materials and equipment for the agricultural development of his country, stimulating the integration with the Venezuelan Guayana. If the latter project is implemented, the problem of marijuana cultivation will be counteracted.

Cooperation in the health sector

He also presented the Minister of Health, Mrs. Gail Texeira, as a very active person who recently faced a serious crisis with the closure of hospital wards, a situation that was resolved with the contribution of the private sector and the help of friendly governments such as Korea, from which millions of dollars in supplies were purchased due to the critical situation of the health sector in his country, one of the areas that require cooperation from Venezuela.

Land transportation

Guyana has asked Venezuela for $1 million to half a million dollars to complete the road that connects that country to ours from the north.

Electrical interconnection

Among the alternatives that the Government of Guiana is considering to solve the serious electricity crisis, is the electric interconnection project through the Guri.

President Perez suggested that since the viability of this project depends on a loan from the IDB, it will be analysed in Puerto Ordaz within the framework of the visit to be made to that region by President Jagan.

WILLIAM LARRALDE:

I would like to point out some aspects related to financial cooperation (...) there is an open line of credit for US$ 15 million, the balance of which was US$ 600 thousand for last year (he next reads his notes).

Then we have the energy issue. First there is the oil agreement (...) we will continue it (...), then [there is the] energy crisis [in Guiana]. How can we face it? What can we do about it? [We have to talk] with CADAFE, [there is the] electrical interconnection project from Guri (...) We would have to resort to the IDB (if we decide to continue the project).

Annex 93

Ministers of Foreign Affairs of Guyana and Venezuela held their First Meeting of the Joint Commission in Brasilia, Brazil, 26 January 2024

Ministry of Foreign Affairs and International Cooperation Cooperative Republic of Guyana, January 26, 2024

Available at: https://www.minfor.gov.gy/newsroom/ministers-foreign-affairs-guyana-and-venezuela-held-their-first-meeting-joint-commission

Ministers of Foreign Affairs of Guyana and Venezuela held their first meeting of the Joint Commission in Brasilia, Brazil





Publish Date: 26 Jan 2024

Press Release

On January 25, 2024, the Ministers of Foreign Affairs of Guyana and Venezuela held their first meeting of the Joint Commission in Brasilia, Brazil. This meeting was in line with the Joint Declaration of Argyle for Dialogue and Peace that was agreed upon after the meeting of the Presidents of Guyana and Venezuela on December 14, 2023.

According to Paragraph 7 of the Declaration, the two states agreed to immediately establish a joint commission comprising of the Foreign Ministers and technical persons from both countries. The commission was to address matters that were mutually agreed upon, and an update was to be submitted to the Presidents of Guyana and Venezuela within three months.

At the meeting, Guyana proposed an agenda, and Minister Hugh Todd, who was the head of Guyana's delegation, explained that Guyana's position regarding the land boundary between Guyana and Venezuela had not changed. Guyana maintained that the settlement of this controversy was properly before the International Court of Justice in accordance with the Geneva Agreement. Therefore, it must remain there until the Court gives its final ruling on the merits of the case, which will be fully respected by Guyana. Guyana will not undermine the judicial process or the Geneva Agreement by participating in any other means of settlement of the controversy as long as it is pending before the Court.

Minister Todd suggested that regional and hemispheric statements on peace and security could be a means of moving forward in the discussions. He also offered a number of areas that the two countries could discuss, including agreements already entered into between them on drugs, Jet A1 Fuel, and matters relating to food security.

Guyana reaffirmed its commitment to the principles of the Argyle Declaration, particularly the maintenance of peace in Latin America and the Caribbean. The country looked forward to the next meeting to advance the relationship between Guyana and Venezuela.

Finally, Minister Todd expressed his sincere appreciation to the Foreign Minister of Brazil, HE Mauro Vieira, for facilitating the discussions. He also thanked the representatives of CELAC and the United Nations for attending as observers.

January 25, 2024

Category: General News