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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Annex 94

Joint Communiqué on the Ministerial Talks held in Geneva on 16 and 17 February 1966, between Dr. Ignacio Iribarren Borges, Minister of Foreign Affairs of Venezuela the Hon. Michael Stewart, UK Minister for Foreign Affairs and the Hon. Forbes Burnham, Prime Minister of British Guiana, 17 February 1966

(Translation)

República de Venezuela, Ministerio de Relaciones Exteriores, Reclamación de la Guayana Esequiba, Documentos 1962-1981, Caracas (1892).

Translation

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

CLAIM TO GUAYANA ESEQUIBA

DOCUMENTS
1962 -1981

CARACAS, 1981

JOINT COMMUNIQUÉ ON THE MINISTERIAL TALKS HELD IN GENEVA ON 16 AND 17 FEBRUARY 1966, BETWEEN MR. IGNACIO IRIBARREN BORGES, MINISTER FOR FOREIGN AFFAIRS OF VENEZUELA, THE HON. MICHAEL STEWART, MINISTER FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM, AND THE HON. L. FORBES S. BURNHAM, PRIME MINISTER OF BRITISH GUIANA

As agreed in the Joint Communiqué of 10 December 1965, talks have been held at the Palais des Nations, Geneva, on 16 and 17 February 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, to continue at ministerial level the governmental discussions on the relations between Venezuela and British Guiana.

An exchange of ideas and proposals for the practical settlement of the pending issues took place. These discussions were conducted in the spirit of cordiality and understanding that characterizes the relations between the governments participating in them.

As a result of the discussions, an agreement was signed, the stipulations of which will provide a definitive solution to these issues.

The Governments have agreed to bring the text of this agreement to the attention of the Secretary General of the United Nations.

The agreement has been welcomed by the Ministers of the three governments as it provides a means of resolving a dispute that threatened to damage relations between two neighbours and contains the basis of goodwill for future cooperation between Venezuela and Guyana.

Geneva, 17 February 1966.

Annex 95

First Interim Report Minutes of the 4th Meeting, 1st Session of the Mixed Commission, 4 July 1966

Ministerio de Poder Popular para Relaciones Exteriores, Minutas de la cuarta reunión de la Comisión Mixta, Primer Reporte Preliminar. Archivo de Fronteras, Box: E-20.

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Minutes of the 4th. Meeting, 1st. Session of the Mixed Commission. -

Caracas, July 4, 1966
4 p.m.

The Commission met at 4 p.m., in the presence of the Honourable Representatives of Guyana, Sir Donald Jackson and Mohamed Shahabuddeen, and the Honourable Representatives of the Government of Venezuela, Doctors Luis Loreto and Gonzalo García Bustillos.

Mr. SHAHABUDDEEN referred to article 14 of the draft rules of procedure and pointed out that its present wording seemed to indicate that article 5 of the Geneva Agreement made some reference to draft agreements. Since that was not the case, he proposed in order to correct that erroneous impression, the following wording: "With regard to the agreement referred to in article 5 of the Geneva Agreement, the Representatives of either country shall be at liberty to submit to the Mixed Commission any relevant proposal". He stated that he thought the last sentence of draft article 14 could stand unamended.

Dr. GARCIA BUSTILLOS pointed out that the wording proposed by Mr. Shahabuddeen gave the impression that article 5 of the Geneva Agreement referred to only one agreement, whereas there could in fact be any number of them. He consequently proposed the following wording: 'A motion to approve any agreement of the kind referred to in article 5, paragraph 2 of the Geneva Agreement, may be submitted to the Commission by any Representative".

Mr. SHAHABUDDEEN accepted this wording. Regarding articles 15 to 19, he stated that they tended to create a permanent infrastructure

that he thought was not to be desired, since it would diminish the flexibility of the Commission and would unnecessarily augment its expenses. He expressed the opinion that draft article 7, already approved, covered all that was necessary for the working of the Commission, and that the present Session of the Commission was proof that no permanent staff was required, since its work had proceeded well without it. As to article 16, he stated that only that part of it should be retained that provided for the drawing up of the Minutes.

Dr. GARCIA BUSTILLOS accepted Mr. Shahabuddeen's proposal, but expressed the opinion that there should be a provision for the appointment of secretaries who would draw up the Minutes.

Mr. SHAHABUDDEEN stated that he did not think it necessary that permanent secretaries be appointed, since the legal value of the minutes depended, not on the persons who drafted them, but on the approval given them by the Representatives.

Dr. GARCIA BUSTILLOS proposed the following wording for article 16: "The Secretariat shall draw up the Minutes in the official languages and submit them to the Mixed Commission for its approval".

Mr. SHAHABUDDEEN accepted this proposal. He proposed the following wording for article 20: "The salaries of the experts that the Mixed Commission might appoint shall be paid, in equal parts, by both Governments".

Dr. GARCIA BUSTILLOS accepted this wording.

Mr. SHAHABUDDEEN stated that article 21 was entirely acceptable. He proposed the inclusion before article 21 of a new article worded as

follows: "The meetings of the Mixed Commission shall be private and confidential". He pointed out that this article would conform to prudence and to the spirit of the Geneva Agreement, and would also facilitate the work of the Commission by allowing the Representatives greater freedom in the expression of their points of view.

Dr. GARCIA BUSTILLOS accepted this proposal, and proposed in turn to add the following words to the new article: "unless, in any particular case, the Commission agrees to hold a public meeting or to issue a communiqué relating to its proceedings".

Mr. SHAHABUDDEEN accepted the addition proposed by Dr. García.

Dr. LORETO proposed that the following words be added to article 21: "and decide any matter not foreseen in them".

SIR DONALD JACKSON stated that, although he thought it unnecessary to refer to the Commission's power to decide any matters relating to its own procedure, since such power was understood, he had no objection to the inclusion of the wording proposed by Dr. Loreto.

Dr. GARCIA BUSTILLOS suggested a recess in order to discuss informally the points relating to the rules of procedure that had not yet been agreed upon.

Mr. SHAHABUDDEEN accepted this suggestion.

The Commission met again after a recess of 30 minutes, in the presence of the honourable Representatives of Guyana, Sir Donald Jackson and Mohamed Shahabuddeen, and the honourable Representative of Venezuela Dr. Gonzalo García Bustillos.

Mr. SHAHABUDDEEN referred to articles 4 and 5 and stated that

he did not feel authorized at the moment to decide definitively the date, place or agenda of the next session, but that he felt that, once his Government had made known to them its general policy directives in the matter, Sir Donald Jackson and himself would be able to adopt such decisions regarding future sessions. He stated that, in consequence, it had been agreed during the recess to adopt the following wording: "The date, place and agenda of each meeting shall be fixed at the preceding meeting or as soon as possible thereafter", in the understanding that, in accordance with article 21, the Representatives of Venezuela would be at liberty to propose the revision of the article at the next session.

Dr. GARCIA BUSTILLOS stated "As Mr. Shahabuddeen has stated, the Representatives of Venezuela have accepted that modification provisionally -I refer to the wording that modifies articles 4 and 5 of the draft under discussion- on the understanding that this provisional wording is to be a subject of discussion at the next session of the Mixed Commission. In other words, Venezuela's acceptance of that wording is a provisional acceptance. As Mr. Shahabuddeen has said, in accordance with the power given us by what is now article 21 -but which will have a different number in the final Rules of Procedure- we, the Representatives of Venezuela, shall propose as a point of the agenda the renewed discussion of this wording, since at the next opportunity the Representatives of Guyana will have received the necessary instructions to enable them to discuss the problem of periodicity put forward in article 4 of the Venezuelan draft. It was also understood in the informal discussions that the Representatives of Guyana kindly promised, and we fully appreciate their kindness, that regarding

the date of the next meeting, they would endeavor to obtain, after discussing the matter with their Government, that it be held in the coming month of August, if possible in the first fortnight. We also know that they will transmit with interest the Venezuelan proposal that, apart from the matter already referred to, the agenda of the next meeting include the agreements referred to in the second paragraph of article 5 of the Geneva Agreement. On that understanding, we have accepted the provisional wording proposed by Mr. Shahabuddeen".

Mr. SHAHABUDDEEN stated that the Representatives of Guyana would indeed pass on to their Government the points of view of the Representatives of Venezuela regarding the date and agenda of the next session. He indicated, however, for the purpose of the record, that they were in no position at the moment to enter into any agreement concerning those matters. He further stated: "Passing now to article 7, we return to the difficulties which we expressed on Saturday regarding the inclusion of the words 'or in the territory in dispute'. We explained our very real desire to preserve the cordiality and amicable tone of our conversations and referred to the fear that the inclusion of these words might fasten too much attention on the area of the matter which to our minds is not now opened for discussion, having regard to the way in which the problem has been entrusted for the consideration of the Commission of the Geneva Agreement. We are not insensible to the real nature of the claim being put forward by Venezuela, but we do consider it to be our duty to strive to ensure that the conversations held in this Commission do conform to the way the problem has been presented to us for consideration by the Geneva Agreement.

In our conversation during the interval, I referred to the fact that

article 1 of that Agreement charged us with the responsability of seeking satisfactory solutions for the practical settlement of the controversy which has arisen on account of the contention by Venezuela that the Arbitral Award of 1899 was null and void. This we consider to be the principal task of the Commission. Until this is tackled, we do not think it porper to draw too much attention to any other claims which could be presented after the solution of that main problem. For these reasons we agreed to the retention of article 7, subject to deletion of the words in question, namely, ' or in the territory in dispute'. The Honourable Representative of Venezuela, Dr. García, proposed a reformulation of that clause so as to provide for the case of a meeting of the Commission being held in what was described as the territory in dispute. The position we took was that we would agree to article 7 without the words in question and that the Representatives for Venezuela were free to formulate a fresh provision relating to the words in question and that that formulation would stand deferred for consideration at the next session.

Dr. GARCIA BUSTILLOS stated: "As Mr. Shahabuddeen has said, article 7 would be worded as follows: "The Government in whose territory the session is held shall provide the installation and materials necessary for the holding of that session", incorporating the first amendment proposed by Mr. Shahabuddeen on Saturday. It would continue as follows: "If the Mixed Commission meets outside of the territories of the two Governments, the expenses shall be equally shared by both Governments". The additional wording, as stated by Mr. Shahabuddeen, referred to the possibility that the Mixed Commission should meet in the territory in dispute. In private

conversation and in the wish to preserve the climate of understanding and cordiality of this Mixed Commission, we accepted the suggestion that this matter be deferred for discussion at the next session either as a new article or as an addition to the last part of article 7.

I wish to state in the name of Venezuela that the interpretation of article 1 of the Geneva Agreement refers to the quest, by this Mixed Commission, of practical solutions to a controversy. That controversy arises as a result of the contention on the part of Venezuela that the Paris Arbitral Award of 1899 is null and void. And when Venezuela describes that Award as being null and void, it is then clear that the controversy refers, unquestionably, to a territorial dispute, that is to say, that there is a territory to which our country has sufficient and valid legal title. That is precisely the cause of this controversy; that was the cause of the Geneva Agreement; and that is the cause of the existence of this Mixed Commission. And I would like this to be perfectly clear. We are, of course, and it could not be otherwise, discussing in this first session our installation and subsequent work, and the procedures that we are to follow, but we, necessarily shall have to dedicate ourselves in succeeding sessions to seek practical solutions. I wish to express our Government's conviction that the quest for those practical solutions must be carried out in a spirit of great cordiality and understanding, for it is evident that the work that this Mixed Commission can accomplish can insure a future of great friendship and understanding between the new State of Guyana and the Venezuelan State. We, the Members of this Mixed Commission have in our hands a great task. Our task consists not only in seeking that practical solution, but also in insuring that, by the way we carry out that task, the

best relations of friendship and cordiality be established between both States. Venezuela believes that this spirit of cordiality will always reign, and that the good relations between neighbors to which Sir Donald Jackson referred to this morning will be effective and prosperous relations which will benefit both our countries.

I think that after having approved article 7 in the way in which it has been read, leaving the second part to be included in the agenda of the next meeting, we can proceed to revise the numbers of the articles. I think this is easy work. I offer to do it myself, in order to facilitate the work of the Secretariat, that has to draw up the documents in English and Spanish tomorrow, in the way in which they have been approved by this Mixed Commission".

Mr. SHAHABUDDEEN accepted Dr. García Bustillos' offer to revise the numbering of the articles of the Rules of Procedure in accordance with the modifications adopted by the Commission. He stated that he noticed, in the light of Dr. García Bustillos' words, that there existed a problem of interpretation regarding the first paragraph of article 1 of the Geneva Agreement; that he thought that meeting did not offer adequate opportunity to discuss the matter, but that, for the purpose of the record he wished to point out the existence of that difference of opinion in order to preclude his silence from being interpreted as a tacit acceptance of the interpretation of that article as expressed by Dr. García Bustillos.

SIR DONALD JACKSON expressed his satisfaction for the cordiality that has existed in the work of the Commission, and the way the Representatives of Guyana had been received by their Venezuelan colleagues. He expressed his thanks and his congratulations to the secretarial staff

and the interpreters for the way in which they had helped the Commission carry out its work.

Dr. GARCIA BUSTILLOS also expressed his satisfaction for the climate of friendship that had existed in the Commission and said it had been truly a great pleasure for the Venezuelan Representatives to have had the opportunity of working together with the representatives of Guyana.

The meeting and the session adjourned at 8 p. m.

Donald Jackson

Annex 96

The First Conference of Amerindians Chiefs and Captains of Guyana, held at Cabacaburi Mission, Pomeroon River, under the auspices of the Amerindian Association of Guyana, 7-14 April 1967

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Primera Conferencia de los Jefes y Capitanes Amerindios de Guyana, llevada a cabo en la misión Cabacaburi, en el río Pomeron auspiciada por la Asociación Amerindio de Guyana, 1967, Box: E-12.

THE FIRST CONFERENCE OF AMERINDIAN CHIEFS AND CAPTAINS OF GUYANA. HELD AT CABACABURI MISSION, POMEROON RIVER, UNDER THE AUSPICES OF THE AMERINDIAN ASSOCIATION OF GUYANA.

Exp/3 - D2

April 7th to April 14th 1967.

CONSIDERING:

1. That the country extending beyond the coastal belt and commonly known as "The Interior" is in a deplorable state of underdevelopment.

2. That this underdevelopment has been mainly due to the lack of interest and attention from past and present Guyanese and British Governments, because no serious effort has ever been made to develope the giant agricultural and mineral potential of the area.

3. That the Government of Guyana's neighbouring brother country, Venezuela, has proposed to the Guyanese Government a plan for the joint development of the area.

4. That the people and Government of Venezuela have a claim over the area West of the Essequibo River, which claim dates back for over one hundred and fifty years. The said claim being under negotiation at the present time between ~~the~~ Guyana, Britain and Venezuela.

5. That the aforementioned proposed joint development plan and the Venezuelan claim have been rejected in different opportunities by the British and Guyanese Governments, without first consulting or considering the People who will be affected to the highest degree by whatever decisions are made regarding the Venezuelan claim; that is: the Amerindian Peoples.

6. That the speedy development of the interior is of vital necessity to the future welfare of the Amerindian Peoples.

HEREBY RESOLVES:

1. To support, by all possible and peaceful ways and means, both the Venezuelan proposal for joint development of, and the Venezuelan Claim to the region West of the Essequibo River, and

/continued.....

RESOLUTION OF THE FIRST CONFERENCE OF AMERINDIAN CHIEFS
Continued.

2. To request the Government of Guyana to endeavour to arrive as soon as possible to a just and fair solution of the border issue, and to an agreement with the Venezuelan Government to secure their co-operation in the development of the country.

Given and signed at Cabacaburi Mission, on this ninth (9th) day of April, nineteen hundred and sixty seven.-

Samuel Poggett	Marcellus Dennis
[illegible]	Edward Williams
John Williams	[illegible] Williams
Mario Moses	Alexander Gordon
T. E. Pearson	[illegible]
Francis Williams	[illegible]
[illegible]	Linton John
King George	Ernest Richard
[illegible]	Tony Robert
Richard Lewis	Philip Harold
Kenneth Williams	[illegible]
[illegible]	[illegible]
Joseph Isaac	Franklin Sabadie
Emmanuel Bernard	Stephen Richards
Walton Brown	Cecil Frederick
[illegible]	Francis Rodrigues
Peter Stanislaus	Eugene Rose
Patrick Thomas	Thomas Jacobs

Names of Persons who signed Resolution.

1. James Pigott (Chief) Wismar, Demerara River.
2. Arnold Jacobus. President, Amerindian Association.
3. John Williams (Chief) Kaibaro, Pakaraimas.
4. Francis Williams (Chief) Paramakatei, Pakaraimas.
5. Thomas Pearson, Chief) Mainstay, Essequibo.
6. Malakai Lewsi (Chief) St. Monica, Pomeroon.
7. King George, (Chief) Chinewing, Mazaruni.
8. Rudy Hunter (Chief) Jawalla, Kamarang (Mazaruni).
9. Richard Lewis (Chief) Phillipai Kamarang.
10. Kenneth Williams (Chief) Kamarang.
11. G. McKrammer. (Chief) Kako, Kamarang.
12. Joseph Isaac. (Chief) Waramadong.
13. Emanuel Bernard (Chief) St. Cuthberts, Mahaica.
14. Walton Brown (Chief) Annai, Rupununi.
15. Pedro Stanislaus. (Chief) Monkey Mountain. Pakaraimas.
16. Frederick Thomas. (Chief) Kato, Pakaraimas.
17. Marcelle Dennis. (Chief) Kurukubaru, Rup.
18. Abel Doric. (Chief) Tupikari, Rup.
19. Edward Williams (Chief) Kamana, Pakaraimas.
20. C.R. Williams. (Chief) Cabacaburi, Pomeron.
21. Alexander Gordon. (Chief) Capee Lake, Essequibo.
22. Kenneth Fredericks (Arapiako Representative).
23. Emsee Limon (Councillor) Phillipai, Kamarang.
24. Philip Harold (Councillor) " "
25. Robert Tonny (Councillor) " "
26. Ned Hope (Councillor) St. Cuthberts, Mahaica.
27. J.K. Thomas (Interpreter) Waramadong, Kamarang.
28. Clifford Williams (Councillor) Kamarang.
29. Linton John. (Councillor) Chinewing, Kamarang.
30. Franklin Schadde (Councillor) Cabacaburi.
31. Theophelis Richards (Observer) "
32. Cecil Fredericks. " Arapiako.
33. Francis Rodrigues. (Councillor) Capee Lake.
34. Eugene Rose (Observer) Cabcaburi
35. Thomas Jacobus. " "

36 Neville Calistro (Observer) Cabacaburi.

37 Sammuel Anthony (Chief) Waipa. Rup.

Annex 97

Third interim Report, 7th Session of the Mixed Commission, 29 December 1967

Ministerio de Poder Popular para Relaciones Exteriores, Séptima sesión de la Comisión Mixta, Tercer Reporte parcial. Archivo de Fronteras, Box: E-20.

THIRD INTERIM REPORT
OF THE
MIXED COMMISSION

Caracas, December 29th, 1.967

The undersigned, the Honourable Representatives of the Government of Venezuela, Dr. Luis Loreto and Dr. Gonzalo García Bustillos and the Honourable Representatives of the Government of Guyana, Sir Donald Jackson and Mr. Mohamed Shahabuddeen, members of the Mixed Commission created under the Geneva Agreement of February, 1966, submit to their respective Governments and to the Government of the United Kingdom of Great Britain and the Northern Ireland the following Third Interim Report under Article 3 of the said Agreement. The First, Second and part of the Third Sessions of the Commission have already been reported on in the First Interim Report and the conclusion of the Third Session, the Fourth and part of the Fifth Sessions have been included in the Second Interim Report.

FIFTH SESSION

The Fifth Session of the Mixed Commission was held in Caracas on the 3rd. and 4th. days of July, 1967, at the Ministry of Foreign Affairs of Venezuela. The Commission approved the minutes of the Fourth Session and drew up the Second Interim Report. Copies of those minutes were attached to that Report. The Guyanese Delegation read a statement on certain activities in the territory west of the Essequibo River, the text of which is attached to the minutes of the Fifth Session (marked Appendix A of those minutes), and stated that these activities directly affected the proposal made by Venezuela for joint development of the area located west of the Essequibo River in that the activities in question seriously prejudiced consideration of

this proposal.

This was followed by the reading of a copy of a formal note from the Hon. Mr. S. S. Ramphal, Attorney General and Minister of State of Guyana to His Excellency the Venezuelan Ambassador (marked Appendix B of the said minutes). The Guyanese Delegation also read the Resolution passed at the Conference of Amerindian Chiefs and Captains held at Kabakaburi from the 7th. to the 14th. of April (marked as Appendix C of the said minutes), and the statements of the Amerindians on the Meeting held on those days (marked Appendix D). The Guyanese Delegation said that they had made a statement and read the other documents as they thought this to be their duty in order that the meeting of the Mixed Commission should continue in the spirit of confidence and cordiality which had prevailed up to that time. The Venezuelan Delegation undertook that these matters raised by Sir Donald would be studied by the Government of Venezuela and they made a short formal statement rejecting the contents of the Guyanese statement (attached to Appendix E of the said minutes). The Session then drafted and approved the Second Interim Report and the date of the following meeting was fixed for the second half of October when, if there was no inconvinience, it would be held in Barbados, or Georgetown.

SIXTH SESSION

The Sixth Session was held in Georgetown on October 30, 31; November 2, 3, 4, 6, 28, 29, 30 and December 1st. The Commission adopted the minutes of the previous Session (Minutes (Appendices I, II, III) V-1, V-2, V-3). The Venezuelan Delegation presented a detailed plan (Attached as Appendix II of the minutes of the Sixth Session) for the development of the area situated west of the Essequibo River. This, they said, was merely an elaboration of a proposal for joint development

of the area which they had submitted to the Commission on the 17th. of March, 1967, and they now asked the Guyanese Delegation whether they and the Government of Guyana accepted in principle that proposal. The Guyanese Delegation asked for time to study the detailed plan in which the proposal was now elaborated. The Venezuelan Delegation said that they were requesting an answer to the original proposal made on March 17th. and not to the detailed plan, but the Guyanese Delegation insisted that they needed time to understand from the detailed plan the full import of the proposal. The Venezuelan Delegation said that the Guyanese Delegation were being intransigent and were using dilatory tactics, and withdrew from the conference table after reading a statement in Spanish (Marked Appendix I of those minutes) saying that they were giving the Guyanese Delegation and Government time to think over the serious consequences that might flow from their conduct, and that they would in the meanwhile remain in Caracas to return to Georgetown at the end of two weeks.

The Session resumed in November 28th. after the Venezuelan Commissioners had received from the Guyanese Commissioners a telegram expressing the continued readiness of the Guyanese Commissioners " to discuss all substantive aspects of the proposals before the Commission ".

The Guyanese Commissioners made a statement in which they said that the Venezuelan assertions of intransigence and dilatoriness and their warnings of the grave consequences thereof were based on a complete misunderstanding of the attitude of the Guyanese Commissioners in seeking time to consider the Venezuelan plan. The Guyanese Commissioners said that they rejected what the Venezuelan Commissioners had said and asserted that the Guyanese Commissioners remained ready to give an answer to the Venezuelan proposals which they would have done at the last meeting had they been given the opportunity.

The Guyanese Delegation presented the following formulation of their reaction to the idea of co-operation between Venezuela and Guyana: " The Guyanese Commissioners are prepared to accept the principle of co-operation between the Government of Guyana and the Government of Venezuela in relation to economic development provided that such co-operation is consistent with Guyana's sovereignty and with Guyana's current seven-year development programme ". The Venezuelan Delegation proposed informal sessions to exchange points of view on the matter.

The Delegations met in an informal session and as a result were able to report at the formal session on December 1st. an agreement on the advisability of setting up a sub-commission in the following terms: " In conformity with the terms and in the context of the Geneva Agreement it is agreed to set up a sub-commission of experts to study the possible areas of co-operation between Venezuela and Guyana for the financing and carrying out by them of plans of economic development and inter-cultural exchange ". It was however agreed that at the Seventh Session there would be discussed the composition and functioning of this sub-commission as well as the time limit for its procedural steps.

The Session was then adjourned and it was agreed that the Seventh Session would be held in Caracas between Christmas day and New Year's day.

SEVENTH SESSION

The Seventh Session was held in Maracay, Venezuela, on December 27th. and 28th. and at the Ministry of Foreign Affairs in Caracas on December 29th.

The Commission adopted the Minutes of the previous Session,

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(Appendices IV, V, VI, VII, VIII, IX, X, XI. - Minutes VI (I-XI) and drafted and signed the Third Interim Report of the Mixed Commission.

The Commission also discussed the appointment of a sub-commission of experts and agreement was reached in the following terms:

1). - That three experts should be named by each side within the first two weeks of January, 1968.

2). - That the experts should hold their first meeting by the end of January, 1968.

3). - That the experts should submit a report of the work done to the Mixed Commission by the 1st. March, 1968.

4). - That the terms of reference should be as in the agreement to appoint a sub-commission of experts: " to study possible areas of co-operation between Venezuela and Guyana for the financing and carrying out by them of plans of economic development and intercultural exchange ".

The Commission agreed that the 8th. Session should be held in Georgetown during the month of March 1968.

The Minutes of this Session shall be included in the Fourth Interim Report.

Donald Jackson

Annex 98

Project for the Joint Development of the Territory West of the Essequibo River 1968 (Translation- Excerpt)

Ministerio de Relaciones Exteriores, Archivo de Fronteras, Proyecto de Desarrollo Conjunto del territorio Situado al Oeste del Río Esequibo, año 68, 1968 Box: E-12.

Subject: Project for the joint development of the territory located to the west of the Essequibo River, year 1968.

In March of the current year, the representatives of Venezuela in the Mixed Commission created by virtue of the Geneva Agreement of February 17, 1966, presented to the distinguished Representatives of Guiana, at the Fourth Meeting held in Georgetown, a proposal whose text is as follows:

MIXED COMMISSION

Whereas,

PROPOSES:

That until a satisfactory solution to the controversy is found, and without affecting in any way the rights of the parties, the Governments of Guyana and Venezuela shall enter into a special agreement enabling both States to:

1) Increase the cultural exchange of the two countries; and

2) Jointly develop the territory east of the Essequibo River under special administrative arrangements to be agreed upon by the parties.

At the Fifth Meeting held in Caracas in July of this year, the Honourable Representatives of Guyana asked the Venezuelan Representation to elaborate on the proposal that was transcribed above.

Therefore, in the best spirit of understanding and cooperation, the Representatives of Venezuela submit for the consideration of the Honourable Representatives of Guyana, as an extension of the foregoing proposal, the following project.

PROJECT FOR THE JOINT DEVELOPMENT OF THE TERRITORY LOCATED WEST OF THE ESSEQUIBO RIVER

In order to accelerate the integral development of the territory west of the Essequibo River, it is proposed that a Sub-Commission of Experts be established to study the possibility of implementing a series of projects for the economic and social development of this region.

In addition, the present document outlines the different areas of technical assistance and training of individuals that can be offered as a preliminary step to the elaboration of a diagnosis and development program that, in accordance with Guyana's five-year plan, will contribute to the achievement of the aforementioned objectives.

A) DEVELOPMENT

I. Basic infrastructure works for development. In order to achieve the development of this area, it is necessary to build a series of infrastructure works that will allow the establishment of the basic means of production and the necessary services for the population.

The Venezuelan Government, through the Ministry of Public Works, can provide technical advice and construction of hydraulic works, flood control and defence, roads, geodesy, aerial photogrammetry and mapping.

Considering that one of the main needs of the area is the scarce road system, we offer the study, design and construction of a road connecting Georgetown to the Venezuelan road system.

In the area of hydraulic works, technical assistance can be provided in site studies, irrigation systems and land reclamation. In the area of rural development, technical assistance can be provided in planning, studies, projects and construction.

II. Agriculture and community development. Through the National Agrarian Institute, direct technical assistance will be provided by technical specialists in physical planning and agro-economics and credit, for a period not to exceed six (6) months. It is preferred that these specialists count at least with two local technicians. The cost of this assistance shall be borne in its entirety by the National Agrarian Institute. With the support of the Foundation for Training and Applied Research in Agrarian Reform (CIARA - Capacitación e Investigación Aplicada en Reforma Agraria), projects for the integrated development of agricultural settlements may be prepared.

Regarding agricultural-livestock research and extension, Venezuela through the Ministry of Agriculture and Livestock, offers the country's experience in research and extension, particularly in seed varieties, pest and disease control, and the formulation of audiovisual training programs.

In view of the importance of forestry and the existence of the Inter-American Forest Products Laboratory in Venezuela, it is proposed that a joint programme be drawn up to take advantage of this highly specialized laboratory for the identification and determination of forests.

In accordance with the great needs of the developing peoples, and given that the Venezuelan community program in this area has served as a standard for the establishment of similar programs among the countries of the continent, a team of Venezuelan technicians is offered to jointly design and implement programs for the self-construction of houses, schools, clinics, rural aqueducts, and all those infrastructural works that can be carried out by the community and which aim to improve the physical environment in which they live and work.

Through the National Training and Applied Research Centre for Community Development, advice can be given to institutions working in community development or training personnel in community development.

III. Industrial development. In order to achieve a balanced development of the area, it is necessary to promote a certain type of industrialization, and therefore it is proposed to form a commission of technicians from Venezuelan and Guyanese development agencies to study the possibilities of establishing industries in the area.

IV. Education. In the field of education, Venezuela can provide advice on the organization, programming, evaluation and development of special courses for professional improvement at the primary and secondary levels. In the area of adult education, programs and curriculum testing at the primary and secondary levels could be organized, as well as technical assistance programs

V. Health and nutrition. Through the Ministry of Health and Social Welfare of Venezuela, preventive and curative medical programs can be organized; in these two areas, environmental health campaigns can be highlighted, especially the fight against malaria and the vaccination against endemic diseases, and housing and rural aqueduct programs should be extended to the area, provided that adequate planning is carried out for the physical environment in which the work is to be carried out.

In the curative medicine programs, Venezuela can advise on the establishment of rural health centres and health clinics. It also offers available in the country.

Since malnutrition is one of the main problems of developing countries, the National Institute of Nutrition offers the following technical assistance: study of the nutritional value of the daily diet common in the region; study of the problems resulting from nutritional deficiencies and, based on this, planning of the fight against nutritional diseases; organization of specific educational campaigns aimed at solving the nutritional problem; and technical assistance for the organization of popular, industrial, school and other canteens.

a) Education: in terms of education, the Government of Venezuela can offer trainings in the following programmes:

levels in the following areas:

(a) Teaching staff

(b) Administrative staff as such

(c) Supervisory staff.

These programs would be carried out by the Institute for the Instituto de Mejoramiento Profesional del Magisterio (Institute of Professional Improvement of Teachers), within the framework of its regular program, by offering scholarships to professionals at the intermediate and higher levels who meet the minimum academic requirements required by the Institute, for them to carry out the regular courses of its program. In exceptional cases, special programs may be organized to meet other levels outside the regular academic requirements.

2. Adult education programs. This area could include a technical assistance program that would include scholarships for professionals who wish to be trained in the various units of the Adult Education Division, as well as technical advice at the expert level to help organize similar programs that could develop literacy campaigns or adult education in general, depending on the needs of the case. In this type of program, the academic level required of scholarship holders would be that of general basic culture in the case of simple training programmes for literacy teachers, and basic academic education in the case of specialized programmes for adult education programs for other levels of study

a) Schools in Boca del Venamo, Araguay and La Línea

Salaries	Monthly	Annual
3 Teachers	Bs. 2.000,00	Bs. 24.000,00
1 Expert	Bs. 1.200,00	Bs. 14.400,00
2 Workers	Bs. 400,00	Bs. 4.800,00
1 Cook	Bs. 400,00	Bs. 4.800,00
Food	Bs. 2.000,00	Bs. 24.000,00
Transport (oil, freight, etc)	Bs. 1.500,00	Bs. 16.000,00
Clothes (uniforms, shoes, etc).	Bs. 500,00	Bs. 6.000,00
School supplies	Bs. 200,00	Bs. 2.400,00
Incidentals	Bs. 400,00	Bs. 4.800,00
TOTAL by School	Bs. 8.600,00	Bs. 103.200,00
TOTAL for 3 Schools	Bs. 25.800,00	Bs. 309.600,00

2. Health projection plans

Scholarships for simplified medicine students	Bs.	21,600.oo
Travel and facilities	Bs.	1,400.oo
TOTAL:	Bs.	23,000.oo

D) MANAGEMENT AND ADMINISTRATION. -

The management and administration of the development of the zone situated West of the Essequibo River, in order to obtain greater efficiency in the work undertaken, would be entrusted to an International Venezuelan - Guyanese Organisation which would have sufficient authority to study, develop and organize the good use of the human and natural resources. Furthermore, it will promote and coordinate the farm and industrial development of the region, in the public as well as in the private sector.

It will also aprove, administrate and finance all the projects of the public sector, which may result or derive from this program, to be executed in the aforementioned zone.

The preparation of the constitutive document for this organism will be made by a Venezuelan-Guyanese Commission of Experts within a period of two months starting from the date of its creation.

Annex 99

Press release made by the Ministry of Foreign Affairs, declaring that Venezuela does not recognize alleged concessions in Guyana Esequiba, 15 May 1968 (Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Radiograma para el Director General, MRE, de Blas Pérez Ferrás, texto de comunicación de Cancillería, publicado por informaciones especiales procedentes del Departamento de Geología y Minas de gobierno de Guyana, 1968, Box: E-25.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS
Nr. _____

Caracas, 15 may 1968

Mr.
General Director
Present.-

I will leave with you, to give your orders for transmitting the following radiogram:

For your information, I transmit to you the text of Foreign Ministry Communiqué published in the press today (two points and open quotation marks) Communiqué (full stop) For official information (comma) from the Department of Geology and Mines (open parentheses) Minister of Forests (comma) Lands and Mines (close parentheses) of the Government of Guyana (comma) the Government of Venezuela has learned that with the help (comma) in equipment and personnel (comma) of the United Nations and the United States of America, mining exploration has recently been intensified in various regions of Guayana Esequiba (full stop) Since Guayana Esequiba is claimed by our country (comma) because it rightfully belongs to it (comma), the Venezuelan Foreign Ministry declares once again (comma) publicly and categorically (comma) that it does not recognizes any type of alleged concessions granted (coma) or that will be granted by the Government of Guyana (comma over the territory located west of the Essequibo River from its sources to its mouth (comma)

-2-

Mr.
General Director
I will commend you to give orders to transmit the following radiogram:
continued.…2…..
And in this regard, it reiterates the communiqué issued by the Office and published by the press on 25 May 1965 (comma) as well as the declaration on this matter contained in the address by the Minister of Foreign Affairs (comma) Dr. Ignacio Iribarren Borges (comma) on 16 September of this year (period) These and other reserves derived from Venezuela's undeclinable right over Guayana Esequiba (comma) were enshrined in the Geneva Agreement (open parentheses) Article V (close parentheses) of 17 February 1966 (period) Caracas (comma) 14 May, 1968 (close quotation mark and full stop)

IRIBARREN
By the Minister,
(illegible signature)
Blas Pérez Ferrás
Director.-

POC/gbb

Annex 100

Venezuelan presentation before the Mixed Commission, 11 June 1968 (Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Los indígenas y el territorio Esequibo, 1995, Box: E-16.

redemption of the capital and at interest rates well below those charged by international financing agencies to countries like ours, considered to be economically capable. This would provoke their reaction, wondering why Venezuela uses international credit on regular terms and at conventional interest and, on the contrary, lends its own funds on longer terms and at interest rates lower than those she pays herself.

The document presented by the Venezuelan representatives in the Mixed Commission at its Sixth Meeting, determines what might be a plan of cooperation between Venezuela and Guyana. The plan divides cooperation into two definite parts, to wit: 1) Technical assistance in the fields of education, health, culture, etc., on which we can help Guyana with our experience and thus try to accelerate its social and economic development, and 2) the infrastructure works which may be agreed on, with a reasonable priority, from an economic and social view point, to attain the development of man, especially in the area in controversy.

The document presented by Venezuela, deals specifically with the communications between Venezuela and Georgetown, particularly with a power transmission line from Guri Dam (now under construction), and other works that might benefit the area in controversy, and at the same time, contribute to the improvement of the area lying between the Essequibo and Corentin Rivers.

We should like to emphasize that as regards point one (technical assistance for economic and social development), we are willing to agree to the execution of practical programs, which might contribute to a better understanding between our two countries, thus bringing us closer to a satisfactory solution of our controversy.

As to the second point, and especially as regards highways. Roads

For the above reasons, and as done by the Guyanese Delegates in presenting two alternatives for agricultural development (multiple development of hydraulic resources): 1) the Canje River, and 2) the Mahaica-Mahaiconi-Abary Rivers, both of which seem to be high priority alternatives for the social and economic development of Guyana, as stated in the documents presented by you, we can only dwell on an alternative having priority within the zone in controversy, taking into account the difficulty in appraising projects in the agricultural sector.

We should like to reiterate once more the Venezuelan offer of technical assistance, within practical and simple terms, as offered by Venezuela in the program for joint development of the territory to the West of the Essequibo. We refer to the project presented by Venezuela at the Sixth Meeting of the Mixed Commission and which may well be considered as the origin of the Sub-Commission. This document, as you will remember, was used by us at our first meeting and believe it could be the basis for a progressive structuring of increasingly important programs, within the possibilities of both countries.

The plans contained in these projects can be executed immediately and would therefore have short-term effects in bringing us closer together, with is one of the objective of this Sub-Commission. We propose that we start to make an earnes study of this Venezuelan offer, and invite you to be practical and show willingness to undertake readily feasible plans that are likely to show good results within the immediate future.

We assume that the assigning of priority to Guyana, in the projects presented to us by the Guyanese technicians, was prompted by valid reasons; however, we must mutually reconcile our priorities. It follows that it would seem unjust for our country to divert considerable sums of money, as foreseen in the projects presented by you, and spend them on areas unques-

As you yourselves have pointed out, other countries have given technical and economic assistance to Guyana. Have you presented these projects to them?

This Sub-Commission, even though technical has an origin and a reference framework within which it is forced to act. The very terms of reference of its constitution are clear. This Sub-Commission was appointed "in conformity with the terms and the context of the Geneva Agreement". Our function is not to determine the scope and nature of this agreement, but, unquestionably, the relations between Venezuela and Guyana are different with respect to the zone localed to the West of the Essequibo River. This Sub-Commission can not ignore that one of its objectives is to study "the possible areas of cooperation" and that in so doing, it should go about it, at least primarily, within the context and terms of the Geneva Agreement; in other words, in the Essequibo region.

As a consequence of the foregoing, we propose the following:

As a previous step to any particular study or consideration of any proposal, we should define the following general terms for the study of projects presented either singly or jointly by our two countries.

A) Financing: The projects that are selected may be executed with either Venezuelan, mixed or international financing.

Venezuelan financing will be dedicated to projects involving health, education and personnel training programs, and any other type of technical assistance, as may be defined within these terms.

Mixed financing would be agreed on jointly by the Governments of Guyana and Venezuela. This financing would be the result of the participation of Guyanese and Venezuelan capitals, both public and private, and would be dedicated to

certain projects, the definition and nature of which is to be agreed on beforehand by both parts.

International financing would be for the execution of definite projects which, because of their characteristics, require this financing and are so presented by the Governments of Guyana and Venezuela, to be begotiated with international agencies.

B) Administration: For the administration of infrastructure projects, we propose creating a international Venezuelan-Guyanese agency, with authority to study and organize the development of human and natural resources. In addition, the Agency would promote and coordinate the industrial, agricultural and livestock development of the region to the West of the Essequibo.

C) Location Areas of the Projects: Preference would be given to those projects expected to have an immediate repercussion on the zone to the West of the Essequibo. Consideration would also be given to some projects outside of this area, provided their characteristics coincide with those outlined under A) above and the results of which may be extended to either side of the Essequibo.

Annex 101

Final Report of the Mixed Commission, Separate Memorandum by Guyana, 17 June 1970 (Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Reporte Final de la Comisión Mista. Archivo de Fronteras, Box: E-20.

TRANSLATION N° S/N

JOINT COMMISSION GUYANA/VENEZUELA
FINAL REPORT
Separate Memorandum from the Representatives of the Government of Guyana

The Representatives of the Government of Guyana also submitted a proposal on a special development programme for Guyana and Venezuela, particularly emphasising the fields whose development was more urgently needed, to be executed through multinational cooperation and in a manner consistent with the sovereignty of each country, such programme should be accepted as the solution to the substantive problem given Venezuela's refusal to enforce its fundamental allegation of nullity.

(SIGNED) DONALD JACKSON
(SIGNED) M. SHAHABUDDEEN

Port of Spain, Trinidad and Tobago: 17 June 1970

TRANSLATION

Caracas, 11 June 1980

Annex 102

Annual Report presented by the Ambassador of Venezuela to Guyana, No. G6/D/1515, 3 December 1975
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación
Casa Amarilla.

DIVISION OF INTERNATIONAL POLICY
BILATERAL ARCHIVE

EMBASSY IN GUYANA
REPORT 1975

DIVISION OF INTERNATIONAL POLICY
BILATERAL ARCHIVE

ANNUAL REPORT
SUBMITTED BY THE
VENEZUELAN AMBASSADOR
IN GUYANA

3. In the private conversations between President Pérez and Prime Minister Burnham, that lasted no less that nine hours, the border dispute between the two countries was almost exclusively addressed, with possible agreement formulas and practical solutions being outlined that would serve as a basis for future conversations. Meanwhile, it was agreed to continue discussing the problem at the same level through the respective Ambassadors.

Annex 103

Press release about the visit of Mr. Frederick Wills to Venezuela, about accord to secure efficient cooperation for the conversations about shared natural resources, 1977 (Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Casa Amarilla, Documentación de Archivo Central, Archivo Bilateral, país: Guyana, expediente: 8-A-77, Visita a Venezuela el señor Frederick Wills, Ministro de Relaciones Exteriores, Justicia y Comercio de Guyana, año 1977, caja n. 22, tramo 22, módulo 30-B, Bóveda I.

REPUBLIC OF VENEZUELA

Ministry of Foreign Affairs

FOREIGN POLICY DIRECTORATE
BILATERAL ARCHIVE

Country: GUYANA

File No.: 8 – A – 77

Item:

Subject: Visit to Venezuela by Mr. Frederick Wills, Minister of Foreign Affairs, Justice and Commerce of Guyana.

Ministry of Foreign Affairs
Directorate General of Library, Documentation and Archives
Central Archives
Box No. 22 Shelf No. 2

Module No. 30-B Volt: I

Year: 1977

PRESS RELEASE

They agreed that it is necessary to ensure effective cooperation among States by establishing appropriate international rules for the harmonious conservation of natural resources common to two or more States, so as not to prejudice any State in obtaining the equitable benefits to which it is entitled and to avoid damage to the ecology of the countries sharing them.

Annex 104

Visit to Venezuela of Mr. Frederick Wills, Minister of Foreign Affairs, Justice and Trade of Guyana, 16 November 1977

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Casa Amarilla, Documentación de Archivo Central, Archivo Bilateral, país: Guyana, expediente: 8-A-77, Visita a Venezuela el señor Frederick Wills, Ministro de Relaciones Exteriores, Justicia y Comercio de Guyana, año 1977, caja n. 22, tramo 22, módulo 30-B, Bóveda I.

REPUBLICA DE VENEZUELA

Ministerio de Relaciones Exteriores

DIRECCION DE POLITICA INTERNACIONAL
ARCHIVO BILATERAL

País: GUYANA

Expediente No. 8 - A - 77

Pieza:

Materia: VISITA A VENEZUELA EL SEÑOR FREDERICK WILLS, MINISTRO DE RELACIONES EXTERIORES, JUSTICIA Y COMERCIO DE GUYANA.

Año de 1977

Guyana

November 16, 1977.

My dear Colleague,

It is with pleasure that I accept your kind invitation contained in your letter of November 10, 1977 and conveyed to me by your special envoy, Mr. Francois Moanack.

Mr. Moanack will no doubt be reporting to you on his conversations with myself as well as with the Minister of Economic Development and Cooperatives and the Minister of Energy and Natural Resources. These discussions dealing primarily with possible areas of economic cooperation between Guyana and Venezuela covered such topics as:-

(i) Venezuelan (and OPEC) assistance in respect of Guyana's proposed Hydro-Electric Project;

(ii) sale of petroleum products to Guyana and a possible oil rebate scheme;

(iii) economic cooperation including a Venezuelan line of credit, sale of timber to Venezuela and possible areas of technical assistance;

(iv) the proposed consortium for assistance to the Commonwealth Caribbean;

(v) The New International Economic Order;

(vi) International political issues of mutual concern.

I would welcome the opportunity to discuss these and other matters with you in more detail during my visit.

I would like to propose that my visit should commence on November 30. In this connection I am requesting my Ambassador to Venezuela, Mr. S.R. Insanally, to discuss and conclude with the appropriate officials in your Ministry all the necessary arrangements.

I look forward to my meeting with you shortly and take this opportunity to renew to you the assurances of my highest consideration.

Yours cooperatively,

(F.R. Mills)
Minister of Foreign Affairs
and Justice.

His Excellency
Mr. Simon Alberto Consalvi,
Minister of External Affairs,
Caracas,
VENEZUELA.

Annex 105

Letter from the Ambassador François Moanack V., Special Advisor of the Institute of Foreign Trade of Venezuela to Simón Alberto Consalvi, Minister of Foreign Affairs, 22 November 1977
(Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Casa Amarilla, Documentación de Archivo Central, Archivo Bilateral, país: Guyana, expediente: 8-A-77, Visita a Venezuela el señor Frederick Wills, Ministro de Relaciones Exteriores, Justicia y Comercio de Guyana, año 1977, caja n. 22, tramo 22, módulo 30-B, Bóveda I.

REPUBLIC OF VENEZUELA

Ministry of Foreign Affairs

FOREIGN POLICY DIRECTORATE
BILATERAL ARCHIVE

Country: GUYANA

File No.: 8 – A – 77

Item:

Subject: Visit to Venezuela by Mr. Frederick Wills, Minister of Foreign Affairs, Justice and Commerce of Guyana.

Ministry of Foreign Affairs
Directorate General of Library, Documentation and Archives
Central Archives
Box No. 22 Shelf No. 2

Module No. 30-B Volt: I

Year: 1977

During the interview, which lasted about an hour and a quarter, Minister Wills spoke with great frankness about his country's economic situation, not hesitating to describe it as serious, adding that for Guyana, "help can only come from Venezuela".

...

During the interview with the Minister of Energy, he confirmed to me that his government is asking Venezuela to grant Guyana oil facilities similar to those granted to Jamaica and Central America, since the impact of the increase in the price of this product on his country's economy has been very serious.

...

He also reiterated his country's desire to receive Venezuelan financial assistance for the execution of the energy project, which has already been studied by the World Bank.

...

I offered to help the Minister of Programming with medical assistance in the modest program that Venezuela has with certain islands in the English-speaking Caribbean. He immediately accepted the offer and we agreed that a Venezuelan mission would visit this country in the near future to study the situation and design a program together. Our embassy has already offered to send a mission during the first week of December.

During my stay in Georgetown, the Embassy informed me of an offer made by the government of that country to Venezuela regarding rice. It is to sell to our country approximately 50,000 kilos of this product, under conditions that could be established between the parties. According to what the Embassy told me, this request was made almost as a plea, in view of the very serious situation that Guyana is going through, and to which Foreign Minister Wills referred in very precise terms.

Annex 106

Notes taken during the first session of negotiations with the Government of Guyana, Georgetown, 20 December 1977
(Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Casa Amarilla, Documentación de Archivo Central, Archivo Bilateral, país: Guyana, expediente: 8-A-77, Visita a Venezuela el señor Frederick Wills, Ministro de Relaciones Exteriores, Justicia y Comercio de Guyana, año 1977, caja n. 22, tramo 22, módulo 30-B, Bóveda I.

REPUBLIC OF VENEZUELA

Ministry of Foreign Affairs

FOREIGN POLICY DIRECTORATE
BILATERAL ARCHIVE

Country: GUYANA

File No.: 8 – A – 77

Item:

Subject: Visit to Venezuela by Mr. Frederick Wills, Minister of Foreign Affairs, Justice and Commerce of Guyana.

Ministry of Foreign Affairs
Directorate General of Library, Documentation and Archives
Central Archives
Box No. 22 Shelf No. 2

Module No. 30-B Volt: I

Year: 1977

In accordance with the agreement reached with the Foreign Minister of Guyana, Frederick Wills, during his official visit to Caracas from November 30 to December 3, 1977, the Venezuelan negotiating delegation traveled to Georgetown on the 20th of the same month to continue discussions on the possibilities of reaching an agreement on economic cooperation and border demarcation that would be beneficial to both countries.

…

b) On the other hand, Guyana requested Venezuela's good offices to benefit from the OPEC Special Fund.

It was agreed that Venezuela would be willing to grant credit facilities charged to Venezuelan financial institutions up to a volume of five thousand barrels per day. The remainder will have to be covered by the OPEC Fund; furthermore, Venezuela would be willing to cooperate in promoting the granting of funds from this Fund to Guyana. The matter will be brought to the attention of Minister Hurtado so that it can be raised at the next OPEC meeting.

…

3) LOAN OF US TEN MILLION DOLLARS (US$ 10,000,000.00):

The 10 million dollars (US$10,000,000.00) were transferred to the the Bank of Guyana, this was offered by Venezuela to help them balance their balance of payments (with a term of six months, extendable and 8% annually to be placed in same Bank).

The Guyanese side said that there are certain expectations from Guyana regarding this loan. They are very grateful for the loan, but 8% interest is not cheap. However, 8% in the long run is not serious and they want to extend the term for another six months. Guyana hopes that the loan will be extended for a longer term. Venezuela said that this matter has already been clarified in Caracas and that the intention is to agree on the extension.

Annex 107

Memorandum from the Sectoral Director General of International Policy to the Director General of International Cooperation, about the possibilities of cooperation with Guyana, 7 March 1978
(Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Casa Amarilla, Documentación de Archivo Central, Archivo Bilateral, país: Guyana, expediente: 8-A-77, Visita a Venezuela el señor Frederick Wills, Ministro de Relaciones Exteriores, Justicia y Comercio de Guyana, año 1977, caja n. 22, tramo 22, módulo 30-B, Bóveda I.

REPUBLIC OF VENEZUELA

Ministry of Foreign Affairs

FOREIGN POLICY DIRECTORATE
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Module No. 30-B Volt: I

Year: 1977

...

It is also reported that at the OPEC Special Fund, the President of the Venezuelan Investment Fund, Dr. Héctor Hurtado, expressed Venezuela's interest in the Special Fund's favorable consideration of two loan requests from Guyana for a total of TEN MILLION DOLLARS (US$10,000,000) to finance two agricultural development projects.

It should be recalled that last December the Venezuelan Central Bank deposited TEN MILLION DOLLARS (US$10,000,000) in the Bank of Guyana to help the country balance its balance of payments.

Caracas. March 7th 1978

Annex 108

Confidential Report by Morales Paúl, Delimitation Guyana-Venezuela, 1979 (Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación Casa Amarilla, número expediente 15, sección documentos históricos, unidad especial de Guyana. Acta que restablece límites en Punta Playa. Informe sobre delimitación Guyana-Venezuela. Límites con la Guayana Británica. Proposición Británicapara rectificar límites en la recta Roraima-Venamo.

BOLIVARIAN REPUBLIC OF VENEZUELA

Ministry of Foreign Affairs

File number: 15

Piece

Geographic Descriptor Historical document section special unit of Guyana

Subject descriptor: Act for the redefinition of the boundaries of Punta Playa. Report on the Guyana-Venezuela delimitation. Boundaries with British Guiana. British proposal for the revision of the boundaries in the Roraima - Veramo straight line.

Year: (S) _____

CONFIDENTIAL
DELIMITATION
GUYANA-VENEZUELA

HYPOTHESIS FOR NEGOTIATION

HYPOTHESIS N° 1:
Starting from the point whose approximate coordinates are Latitude 6°55' N. and Longitude 60°22'30" W., where the Acarabisi River flows into the Cuyuni River, following the course of this river until its mouth into the Essequibo River, whose approximate coordinates are Latitude 6°27' N. and Longitude 58°36' W.

HYPOTHESIS N° 2:
Starting from the point whose approximate coordinates are Latitude 6°55' N. and Longitude 60°22'30" W., follow the course of the Cuyuni River until finding the point whose approximate coordinates are of Latitude 60°44' N. and Longitude 59°02'05" W., following the fountain easternmost direction towards the North along the divide until you find the source of the Wallaba River, continue along this river until its mouth falls into the Supenaam River following the course until its mouth into the Essequibo River.

HYPOTHESIS N° 3:
Starting from the point whose approximate coordinates are Latitude 6°55' N. and Longitude 60°22'30" W., follow the course of the Cuyuni River until finding the point whose approximate coordinates are Latitude 6°50' N. and Longitude 59°16' W. and from there in a straight line heading 46° Northeast to the headwaters of the Arunamai River and along the course of the estuary until its mouth in the Pomeroon River and along the course of this river until reaching the Arapiaco River. We continue along the course of the Arapiaco River in an easterly direction until it meets the Tapakuma Dam and in a straight line towards the east until finding the point with approximate coordinates of Latitude 7°13' N. and Longitude 58°24'30" W.

HYPOTHESIS N°4:
Starting from the point whose approximate coordinates are Latitude 7°6' N. and Longitude 60°15' W., continuing in a straight line towards Northeast heading 32° until you find the Barama River. Following the course of this river to the town of Coquerito (Kokerite), from there following the road heading southeast until reaching the Arakabusa River, continuing along this river until its mouth in the Imotai River, from there until its mouth in the Waini River and this until you find the Mariguara River (Mariwaru). You continue along the bed of this river to its sources following a southeasterly direction until you come across the headwaters of the Kaboraina River, from there to its mouth in the Issororo River, continuing its course until its mouth in the Pomeroom River, and from there until you find the town of Charity, take the Cozier Canal to its mouth into the Atlantic Ocean.

HYPOTHESIS N° 5:
Starting from the point whose approximate coordinates are Latitude 7°6' N. and Longitude 60°15' W., continuing in a straight line towards the Northeast heading 32° until finding the Barama River. Following the course of this river to the town of Coquerito (Kokerite), from there following the road heading southeast until you find the Arakabusa River, continuing along this river until its mouth in the Imotai River, from there until its mouth in the Waini River and through it until you find the Mariguara River (Mariwaru). You follow the course of this river to its sources and from there in a straight line heading east of 79° until you meet the headwaters of the Wakapau River.

Following its course until its mouth at the Pomeroom River and from there in a straight line heading northeast of 45° until meeting with the Atlantic Ocean.

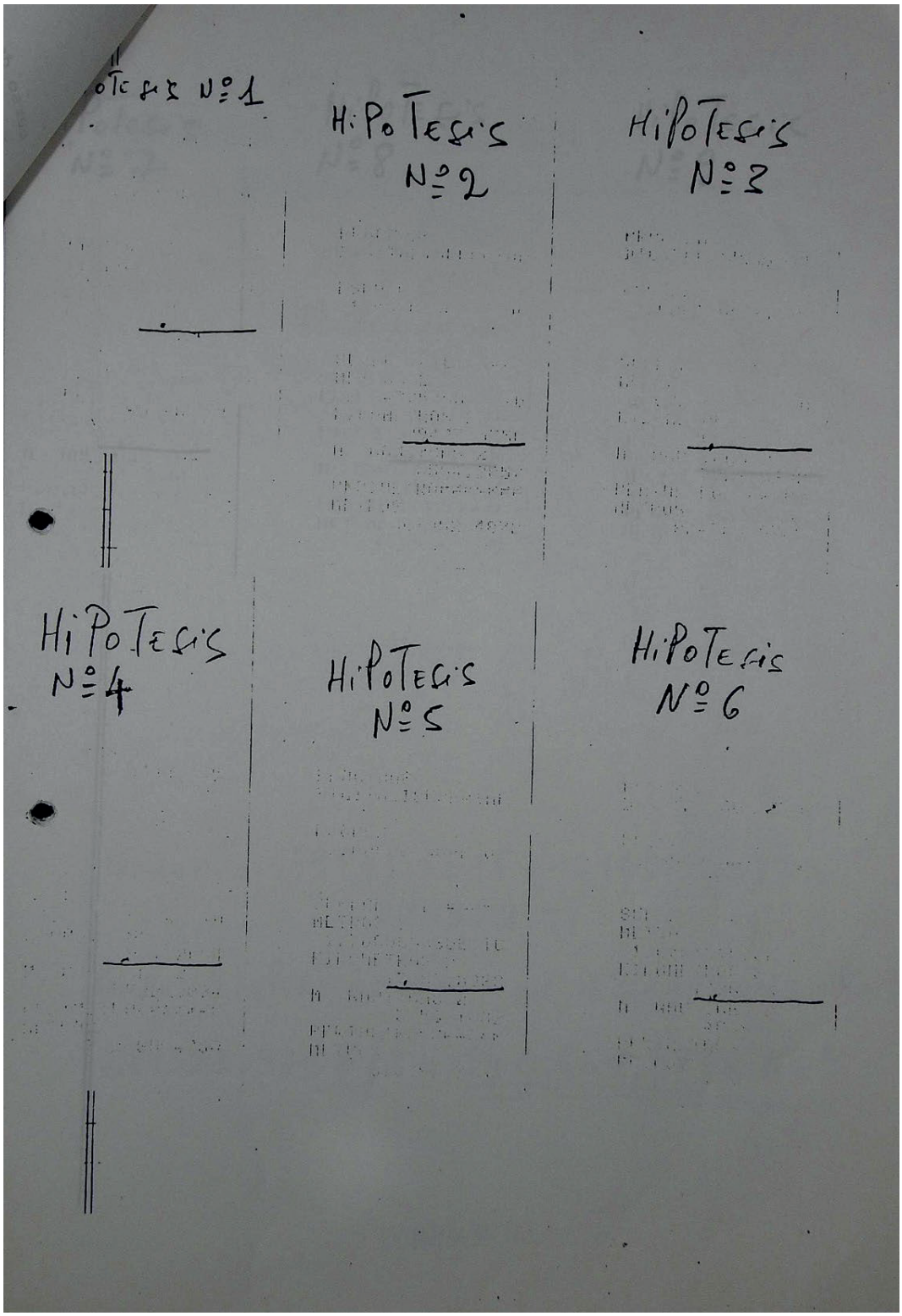
HYPOTHESIS N ° 6:
Starting from the point whose approximate coordinates are Latitude 7°6' N. and Longitude 60°15' W. continuing in a straight line towards the Northeast heading 32° until reaching the Barama River. Following the course of this river to the town of Coquerito (Kokerite), from there following the road heading southeast until you find the river Arakabusa continues along this river until its mouth in the river Imotai, from there to its mouth in the Waini River and through it until it meets the Kuraru River. You continue along the Kuraru River to its sources and from there along the divide until you find the source of the Manawarin River and follow this river until its mouth in the Moruka River and along it to its mouth into the Atlantic Ocean.

HYPOTHESIS N° 7:
Starting from the point whose approximate coordinates are Latitude 7°6' N. and Longitude 60°15' W. continuing in a straight line towards Northeast heading 32° until you find the Barama River. Next follow the course of this river to the town of Coquerito (Kokerite), from there following the road heading southeast until you find the river Arakabusa continues along this river until its mouth in the Imotai River, from there until its mouth in the Waini River we follow the course of this river until you find the Baramanni river and from there in a straight line heading northeast of 41° until meeting the Atlantic Ocean.

HYPOTHESIS N° 8:
Starting from the point whose approximate coordinates are Latitude 7°6' N. and Longitude 60°15' W. continuing in a straight line towards the Northeast with a heading of 32° until reaching the Barama River. Following the course of this river to the town of Coquerito (Kokerite), from there Following the road heading Southeast until you find the Arakabusa River, you continue along this river until its mouth into the river. Imotai, from there to its mouth at the Waini River. Follow the course of this river to the point whose approximate coordinates are Latitude 8°7' N. and Longitude 59°16' W. and from there in a straight line to Punta Cocali, on the shores of the Atlantic Ocean.

HYPOTHESIS N° 9:

Starting from the point whose approximate coordinates are Latitude 7°6' N. and Longitude 60°15' W., continuing in a straight line towards the Northeast with a heading of 32° until reaching the Barama River. Following the course of this river until you find the Huri River and from there until you find the town of Koriabo on the banks of the Barima River, you follow the course of this river until the point with approximate coordinates of Latitude 8°2'30" N. and Longitude 59°29' W. and from there in a straight line to Punta Cocali, on the shores of the Atlantic Ocean.


HiPoTesis
Nº 2
HiPoTesis
Nº 3
HiPoTesis
Nº 4
HiPoTesis
Nº 5
HiPoTesis
Nº 6

HIPOTESIS Nº 7

HIPOTESIS Nº 8

HIPOTESIS Nº 9

Surface given in the geographical encyclopedia 159,000 km².

SUPERFICIE DADA EN ENCICLOPEDIA GEOGRAFICA
159.000 KM².

CONFIDENCIAL

(B) SUPERFICIE CALCULADA CON LA MAQUINA =

(B) Surface calculated with the

ZONA EN RECLAMACION

ZONA EN RECLAMACION

Claimed zone

Claimed zone

Average

PROMEDIO 139845,5515 + 141478,4237 =
281323,9752

PROMEDIO SUPERFICIE ZONA EN RECLAMACION EN KM²

Average surface are under reclamation in Km2

281323.9752 / 2 = 140.661,9876 KM²

CONFIDENCIAL

Preliminary report on the claim relating to the former territory of Guyana Esequiba.

(1) The issue of Venezuela's claim to a territorial zone in the former British Guiana, now occupied by the Republic of Guyana, has become more complicated as time has passed. In effect, (1) the effective possession of the territory by Guyana, (2) the practical elimination of Great Britain as a subject of the claim, (3) the circumstance that the territorial claim affects a small country of little economic development, (4) the concomitant existence of other territorial problems involving Venezuela, among others; These are factors that have a negative impact on our country.- This whole set of circumstances tends to accentuate the need to search for a solution to the aforementioned problem, in the most rational, legal and politically acceptable way. –

(2) The evolution of the claim process.- An evaluation of the claims process that Venezuela has been carrying out reveals the following:

(a) The validity between the parties: Government of Venezuela and Government of the United Kingdom of Great Britain and Northern Ireland, in consultation with the Government of British Guiana of the Geneva Agreement of February 17, 1966, by virtue of which seek satisfactory solutions for the settlement of the controversy between Venezuela and the United Kingdom arising as a consequence of the Venezuelan contention that the Arbitration Award of 1899 on the border between Venezuela and British Guiana is null and void.

"The Geneva Agreement was approved by the National Congress on April 13, 1966.

(b) In compliance with the provisions of Article 1 of the Geneva Agreement, a mixed Boundary Commission was formed made up of two representatives of Venezuela, Drs. Luis Loreto Hernández and Gonzalo Bustillos and two by the Government of British Guiana: Mr. Donald Jackson and Mr. Mohamed Shahabudeen, which should try to achieve a practical settlement of the dispute within a period of four years. term of four years. The Joint Commission held seventeen (17) meetings and presented a Final Report dated June 18, 1970, according to which "after the expiration of its duration, the Commission records that during its deliberations it did not reach any agreement to "the solution of the controversy, therefore in compliance and in accordance with the provisions of the aforementioned article I V, refers to the Government of Venezuela and the Government of Guyana in its entirety, the solution of said controversy."

As an integral part of the aforementioned Final Report, the partial reports of the Joint Commission presented in their opportunity to the respective governments, such as the separate Reports of the Representatives of Venezuela and Guyana.

In its separate report, the Venezuelan Delegation stated that: "from the beginning of its work, the Joint Commission faced an insurmountable obstacle to fulfilling the mandate given to it by Article I of the Geneva Agreement of 1966. Indeed, according to the thesis

of the representatives of Guyana, the Joint Commission should address as a preliminary issue the determination of whether the Arbitration Award of 1899 was null and void. The representatives of Venezuela, for their part, they maintained that the prior examination of the legal question raised by the representatives of Guyana was beyond the competence of the Commission according to the sole and express mandate of the Geneva Agreement, in the sense of "searching for satisfactory solutions for the practical settlement of the dispute", that is, in other words, to negotiate directly, in a practical and open spirit, a solution acceptable to both parties."

The Venezuelan Delegation came to the conclusion that non-compliance with the Geneva Agreement does not consist in the fact that a satisfactory solution has not been found for the practical settlement of the controversy, but in that, despite Venezuela's efforts, not even tried to search for that solution."

(c) The Port of Spain Protocol.-

On the occasion of the expiration of the period stipulated in Article IV of the Geneva Agreement, the parties signed in Port of Spain Trinidad, the Port of Spain Protocol, June 18, 1970, by virtue of which the effects of article (IV) of the Geneva Agreement, according to which, after the four-year period had expired without the Joint Commission having reached an agreement complete for the settlement of the controversy, the Governments will choose without delay one of the means of peaceful settlement provided for in the Article 33 of the Charter of the United Nations. If within the following three months, the Governments had not reached an agreement regarding the choice of one of the aforementioned means of solution, will refer the decision on the means of solution to a body appropriate international agreement that both Governments agree upon, or, if no agreement is reached on this point, to the Secretary General of the United Nations".
The Protocol contemplates a period of validity of twelve years, renewable according to the mechanism contemplated in the instrument itself. Consequently, its period of validity ends on June 18, 1982.The Port of Spain Protocol has not been approved by the National Congress.-

(d) Negotiations in the 1974-79 Period

During the previous Presidential period, contacts were established with the Guyanese Government, in relation to issues of diverse nature, but closely linked. The contacts were initiated due to the Government of Guyana's project to establish a hydroelectric installation of 750MW-1200MW of installed capacity in Upper Mazaruni located within the claimed area.

Informal contacts were made between the Ministry of Natural Resources of Guyana with the former Venezuelan Ambassador Marquez, who suggested in 1876 the possible interest of Venezuela in the acquisition of energy from the Alto Mazaruni Hydroelectric project. In November 1976, countries exchanged notes on the possibility of assistance from Venezuela in carrying out the aforementioned Hydroelectric project.

On November 3, 1976, Prime Minister Forbes Berham addressed President Carlos Andrés Pérez, referring to the possibility of resolving in stages the various problems and possibilities of cooperation that exist throughout our country, culminating in the proposal to make agreements throughout our country, culminating in the proposal to make simultaneous agreements of mutual cooperation with respect to the Hydroelectric Project of the Alto Mazaruni and the supply of energy to Venezuela, signing at the same time an agreement that would solve the border problem.

On August 23, 1977, the Ambassador of Venezuela Mr. Antonio González received a reminder note from Minister Guyanese of Natural Resources, on the subject in question.

On 9-22-1976 the Minister of Foreign Affairs presented an account to the Citizen President of the Republic, under No. 55, issued by the Direction of Frontiers, a report on the Alto Mazruni Dam and Hydroelectric Power Plant Project, of the which follows:
(a) Among the various alternatives studied since 1972 by the Yugoslavian firm "Energo Projekt" and the Canadian "Montreal Enginering", chose the head dam that will be located at Sand Landing, upstream of the great curve of the Manzaruni.
(b) 200 square miles will be covered by water, affecting, among others, the indigenous peoples In-baimadai (2), Kamarang (3), Paruima (4), and Waramadong (5), an area that totals 4,500 Indians and 1,200 miners.
(c) The height of the dam will be 140 feet, and the length, in the upper part, 1,000 feet.
(d) The Hydroelectric Power Plant will be built under Mount "Maiwak" West of Kurupung River (6); the turbine room will be several hundreds of meters deep.
(e) The first stage of the project will be completed in 1982 with a generation capacity of 900 to 1,000 megawatts, sufficient to supply electrical energy for all of Guyana.
(b) The cost of the works is estimated at G$1,200 million.

At the end of 1976, the Minister of Foreign Affairs submitted for the consideration of the Advisory Commission on Foreign Relations on Guyanese Government project to build a Hydroelectric Power Plant in Alto Mazaruni.

On January 17 of the same year, The Advisory Commission, after having convened the then Presidents of the Venezuelan Corporation of Guyana, General Rafael Alfonso Ravard and later Dr. Argenis Gamboa, as well as Dr. Roberto Guanieri, Executive Director of the International Monetary Fund, reached the following conclusions. "In our opinion, if the Government of Guyana approaches us requesting our cooperation, we consider it advisable to propose to talk about the matter, but with two fundamental warnings:

(1)Make it very clear, for reasons of public opinion, that Venezuela, by negotiating the possibility of participation in the construction of the Hydroelectric Power Plant, located in the claimed territory, does not thereby renounce its claim in said territory.

(2) That the fact that Venezuela participates in the study of the Project and cooperates economically in its realization does not involve any commitment to finance the projected work. We found this

subject interesting because it could be a good opportunity to speak with the Guyanese Government at a high diplomatic level, about the possibility of a practical settlement of the pending issue between the two countries regarding our territorial claim.

It is clear that the optimal solution to this problem would be for Guyana to agree to return Venezuela the territory that we lost due to the Paris Arbitration Award in 1899, but since this solution does not seem easy and the path of a legal claim we cannot use it. For well-known reasons, perhaps it would be worth insist on the practical settlement of the issue, contemplated in the Geneva Agreement of 1966.

An arrangement for joint exploration and exploitation of the disputed territory between the two countries could be considered. This idea was suggested at some point and was not accepted by Guyana, but who knows if with the circumstances described in the reports of our Ambassador in Georgetown, something could be started, with less resistance from the other party."

It is worth highlighting some indisputable elements of judgment importance in relation to the construction project of the aforementioned Hydroelectric project.

(1) The World Bank considered that the size of the Power Plant Project exceeded Guyana's capacity, for the following reasons:

(a) The cost of the project amounts to three times the gross domestic product of Guyana.
(b) Its execution would absorb a very high proportion of the resources of the country's workforce, therefore affecting the development of other sectors.
(c) there is a high dependence on imported cement and a shortage of food sources at the project site, so these will have to be brought from the coast at a high cost.

Official visit of Chancellor Frederick Wills.-

A Guyanese Delegation, chaired by the then Foreign Minister F. Wills, officially visited Caracas from November 30 to December 3, 1977.

In various interviews with the Citizen President of the Republic, Chancellor Wills raised the difficult economic situation of his country, requesting, at the same time, more active cooperation on the part of our country. Outstanding importance given to the Dam Project Mazaruni River Hydroelectric.-

At the same time, it presented a regional map of the border area with Venezuela, proposing a final rectification of the border lines, specifically in Punta Playa. The modification consisted of modifying the Northwest orientation of the current border line, tracing it in a Northeast direction. This rectification would allow modifying the negative effect of that sector of the border, especially regarding its projection towards the Exclusive Economic Zone, in the border zone. with Trinidad, giving Venezuela a more adequate maritime projection than the current one. –“Alpha” Annex.

Now, although the aforementioned proposal was rejected as unsatisfactory, it is convenient to highlight that it represents the first factual evidence of Guyanese intention to try to reach a solution through bilateral negotiation. In order to examine the issues raised and deepen their treatment, it was agreed to appoint a working meeting in the city of Georgetown on December 20, 1977.

Meeting in Georgetown.-

For the Georgetown meeting, a Delegation was appointed chaired by Dr. Isidro Morales Paúl, Ambassador in Special Mission and composed of Rear Admiral Rafael Luces Morales, Director of Fronteras, D.I. Germán Nava Carrillo, Director of International Policy and Ms. Myriam Feil, Advisor in the International Policy Directorate.

The conversations were held, considering both economic-financial issues and the border issue. The following topics of economic cooperation were raised:

(1) Possibility of Guyana acquiring oil according to a system similar to that applied to Central American countries;
(2) Guyana requested the good offices of Venezuela to be able to benefit from the OPEC Special Fund.
(3) Possibility of Guyanese fishing vessels being supplied with fuel in Guiria, at the internal market price;
(4) Five lines were identified, with which Guyana could use the line of credit extended by Venezuela to Guyana in 1976.
(5) The possible purchase by Venezuela of Guyanese wood was examined.
(6) A loan of ten million dollars was agreed upon, for a term of six months, extendable, and at 8% annually.
(7) Guyana raised the possibility of extending the Maiquetía-Port of Spain to Georgetown. It was promised to study that possibility.
(8) Guyana reconsidered its proposition that Venezuela participated and somehow, in the Alto Mazaruni development plan, both in terms of financing the construction, and in the possible purchase of electricity that said company will produce.

The Venezuelan Delegation took note of the Guyanese approaches and exchanged points of view on the possibilities and difficulties of the proposals made. Regarding the Alto Mazaruni development plan, it was revealed that the aforementioned project is located in the Reclamation zone.

In the work session dedicated to the border issue, the Guyanese Delegation was chaired by the Attorney General Dr. Shahabudeen.

Attorney General Shahabudeen adopted an evidently evasive attitude, questioning the fate of the Port of Spain Protocol. He pointed that the talks should be based on the Minutes of the Joint Commission contemplated in the Geneva Agreement. - He finally pointed out that the Guyanese Delegation was not authorized to deal with border issues, much less territorial transfers.

The President of the Venezuelan Delegation responded in cordial but energetic terms, highlighting the following points:

(1) That the mission of the Venezuelan Delegation was to examine, jointly in the Delegation Guyanese, the possibility of achieving a practical solution, which would put a definitive end to the claim territorial that Venezuela maintains over the area in claim;
(2) That the Port of Spain Protocol had not been approved by the National Congress, and the Minutes of the Joint Commission did not reveal any element that could contribute to achieving the aforementioned solution;
(3) That although we are not inflexible in matters of procedure, we do not consider that a discussion on substantive legal issues can lead to a positive result;
(4) That the initiative to propose a practical solution came from Prime Minister Burham himself, and was specified in the Map presented by Chancellor Wills to President Pérez on his recent trip to Caracas.-

Attorney General Sahabudeen apologized for not being sufficiently prepared for the meeting and promised to accelerate the study of the case and its alternatives for a next meeting.-

The Visit of President Pérez and his entourage

During the presidential visit to Guyana, in October 1978, a meeting was held in which they participated; for Venezuela: President Carlos Andres Perez. Ministers of Foreign Affairs Simón Alberto Consalvi; Rear Admiral Luis R. Luces Morales and Dr. Isidro Morales Paúl, Guyana Prime Minister F .Burham, Minister of Foreign Affairs, Attorney General Sahabadeen and Dr. Jackson.

At the meeting, both leaders exchanged opinions regarding the need and convenience of a settlement of the border problem between both countries, President Pérez pointed out the need for a fair and equitable solution based on political, legal and strategic considerations and what this represented for the Venezuelan people.

Prime Minister Burham raised considerations regarding the territorial integrity of the Republic of Guyana and that any solution would not affect the possibilities of economic development of Guyana. There were considerations both in terms of bilateral relations between two countries, as well as the effect of said situation in relation to the other countries in the area.

Prime Minister Burham requested that a map be presented so locate geographically.

The Direction of Frontiers had prepared studies that consisted in nine (9) hypotheses based on the following:

(1) Global conception between the land area and the sea area, both as for the Exclusive Economic Zone, as at the outer edge of the continental shelf.

(2) Negotiation with Trinidad and Tobago.

(1) Regarding the global conception between the Land area and the Sea area, it was necessary to form a criterion that would ensure Venezuela a substantial portion of Land Territory, as well as a projection in the sea area.
(2) The consideration of the negotiations with Trinidad and Tobago, since this was the parameter that would allow a conception of what would correspond to a navigation channel wide enough for the exit to the Atlantic and particularly on a Continental Shelf. When Prime Minister Burham requested the presentation of the map, the Dr. Sahabudeen presented a map where what could be considered a modified Aberdeein line was marked. (Annex-Bravo) The Venezuelan Delegation highlighted the fact that it was necessary to carry out a global evaluation, both of the effects in the terrestrial sector, as well as its projection in the maritime areas of the Atlantic.

Dr. Sahabudeen asked for the opinion on that line and at the insistence of Prime Minister Burham, it was suggested, preliminarily and with a simple working hypothesis, a modified Aberdeen line, identified in the Annex. "Charlie" The territorial area indicated in the first annexed layout is approximately fourteen thousand six hundred and fifty-seven square kilometers (14,657 km2) and the second is nineteen one thousand eight hundred and fifteen square kilometers (19,815 km) Prime Minister Burham asked what it represented in kilometers and even though said layout was very similar to that of one of the nine (9) hypotheses studied, the response was that it was necessary to upload it to the computer. He was answered only that according to what was processed, the territory in claim is approximately one hundred and forty thousand six hundred and sixty-one square kilometers (140,661, km2). The indicated area is exactly 140,661.9876 km2, according to the computer Direction of Frontiers.

Once the line was drawn, Prime Minister Burham expressed that it would be very difficult for him to explain the new map of Guyana. Subsequently, proposals were made about the Sea and Venezuela's interest in ensuring a way out of the Atlantic. The Guyanese spokesperson pointed out that through a navigation treaty Venezuela could ensure this exit. Logically, there were many arguments presented to point out the need for this exit to be one of total Venezuelan sovereignty.

Some opinions expressed by both Judges Dr. Sahabudeen requested that the intended line be marked on the map in the Sea area and the line indicated in the annex was drawn.—"Delta" It should be noted that when the global conception was studied between the land and sea area, it was determined that in front of Guyana on the line of two hundred miles (200m), is one hundred and eighteen miles (118m), the line drawn would give Venezuela in the aforementioned line a sector of thirty-nine point three miles (39.3m). With the possible solution with Trinidad and Tobago, this would ensure Venezuela an average channel of approximately eighty-five miles (85m) wide by three hundred and fifty-one mile (351m) (Continental Shelf).

Evaluation.-

(1) Although this exchange of impressions cannot be described as a negotiation itself, it is unquestionable that it reveals a real possibility of achieving a practical solution to the problem Guyana.

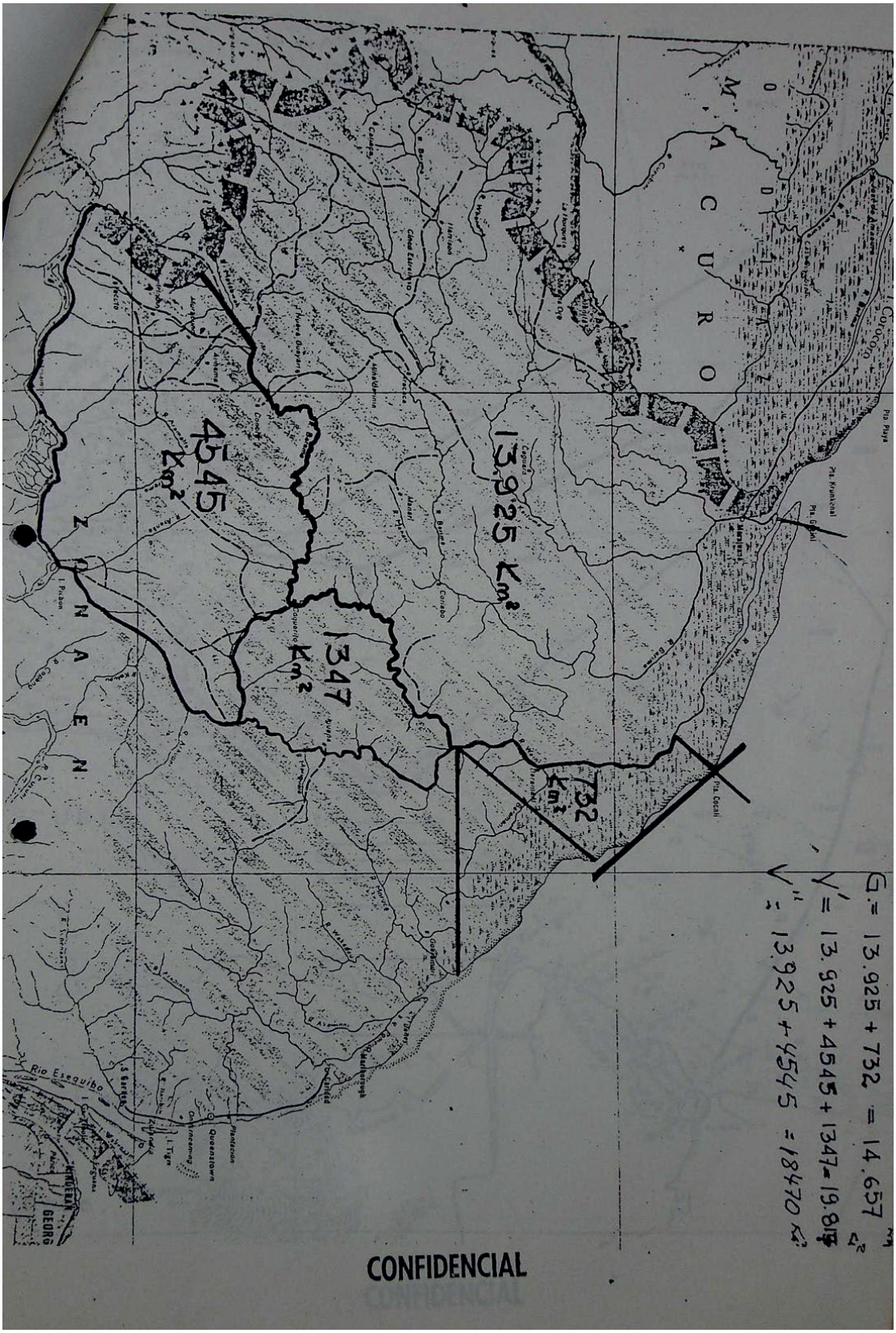
(2) A positive evolution can be seen in Guyana's position when moving from the small rectification of Punta Playa to the area covered by the Aberdeen line, even when rectified.
(3) The line raised by Guyana (a) regarding its terrestrial effect would imply for Venezuela a territorial recovery of approximately 14,657 kilometers, (b) in its maritime effect, would allow Venezuela to rectify the current orientation of the land boundary line in its last section, to obtain a projection more appropriate in the Northeast direction.
(4) The preliminary hypothesis raised by the Venezuelan Delegation, it would be even more favorable to the interests of our country. In effect, in terms of land area, it would imply a territorial recovery of approximately 19,815 square kilometers. In the maritime area the solution would allow a wide outlet towards the Atlantic that would respond to the country's strategic needs.

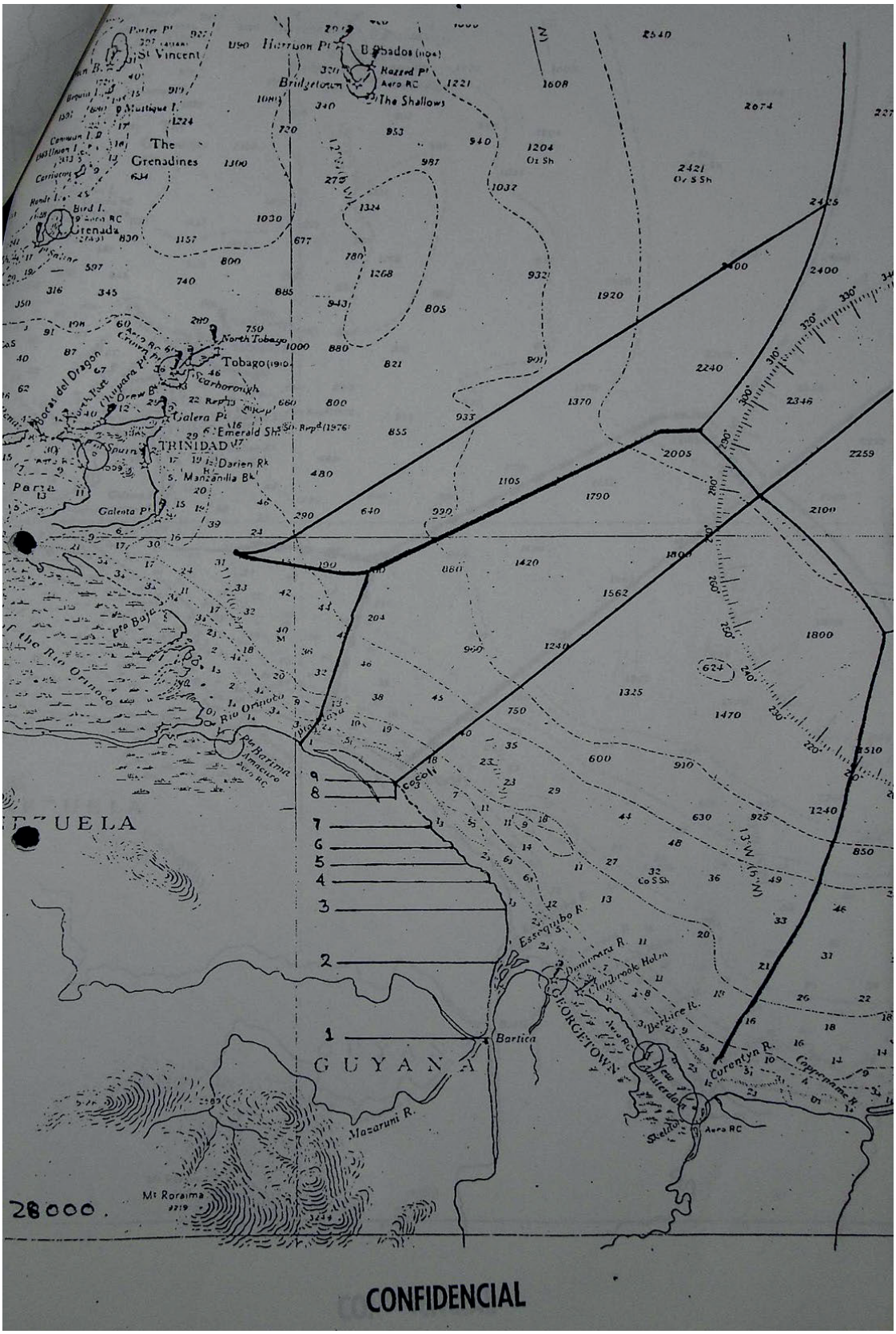
Jointly evaluated the different solution hypotheses both in the Trinidad case, as in the Guyana case, it is convenient to highlight that the strategic exit to the Atlantic could be achieved eventually reach some 85 nautical miles in width, wide corridor that would allow reaching the outer limit of the Continental Shelf, which in the area can reach up to 350 nautical miles.

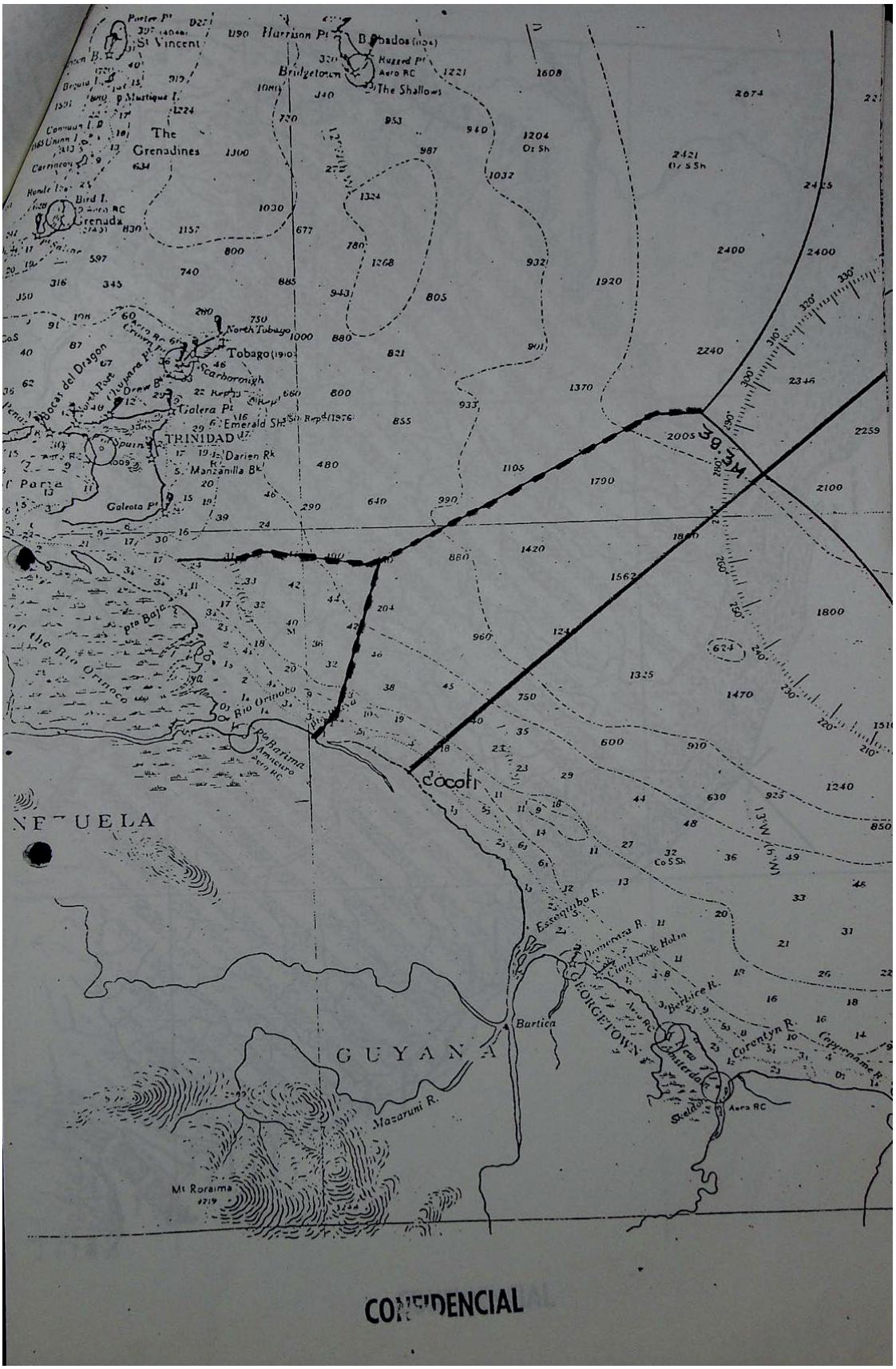
Rafael Luces Morales
(signed)

Dr. Isidro Morales Paúl
(signed)

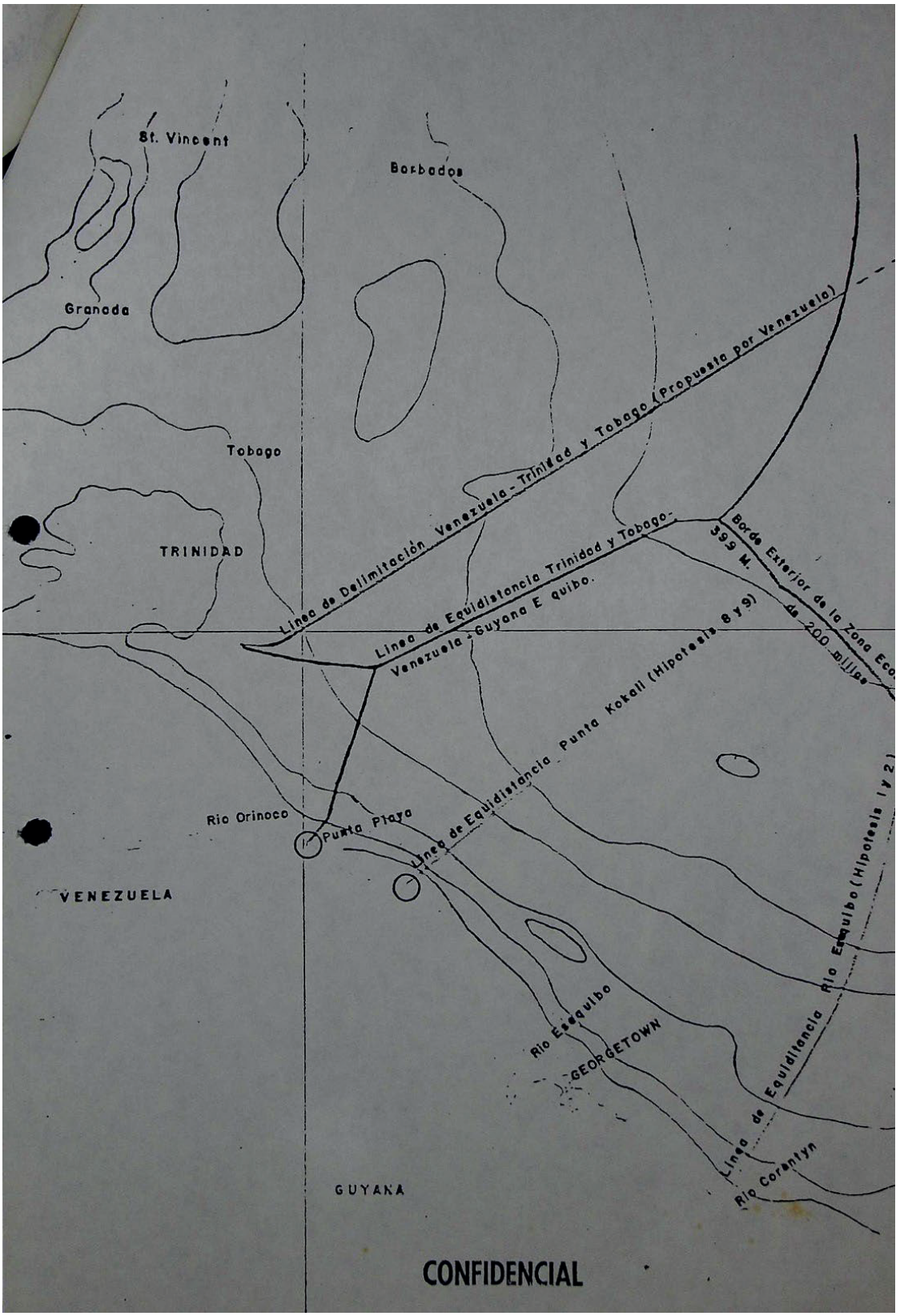
Caracas, 18th of September 1979.


13.925 Km²
732 Km²
1347 Km²
4545 Km²
G.= 13.925 + 732 = 14.657 Km²
V' = 13.925 + 4545 + 1347 = 19.817
V'' = 13.925 + 4545 = 18470 Km²
CONFIDENCIAL


St Vincent
Barbados
Bridgetown
The Shallows
The Grenadines
Grenada
Tobago
TRINIDAD
Darien Rk
Manzanilla Bk
Galera Pt
Galeota Pt
Emerald Sh
Cocoli
Bartica
GUYANA
GEORGETOWN
Essequibo R.
Demerara R.
Berbice R.
Corentyn R.
Mazaruni R.
Mt Roraima
28000.
CONFIDENCIAL


St Vincent
Harrison Pt
Barbados
Bridgetown
The Shallows
The Grenadines
Grenada
Bird I.
North Tobago
Tobago
Scarborough
Galera Pt
TRINIDAD
Darien Rk
S. Manzanilla Bk
Galeota Pt
Pto Bajo
Rio Orinoco
Rio Barima
Amacuro
Cocoti
NEZUELA
Essequibo R.
Bartica
GEORGETOWN
Berbice R.
Corentyn R.
Coppename R.
New Amsterdam
GUYANA
Mazaruni R.
Mt Roraima
CONFIDENCIAL


MACURO
ZONA EN
Pta. Krunkrunai
Pta. Guaihi
Pta. Gavali
Pichan
Rio Esequibo
Quebradona
Pindaima
L. Tigre
GEOI
CONFIDENCIAL


St. Vincent
Barbados
Granada
Tobago
TRINIDAD
Línea de Delimitación Venezuela - Trinidad y Tobago (Propuesta por Venezuela)
Línea de Equidistancia Trinidad y Tobago - Venezuela - Guyana Esequibo.
Borde Exterior de la Zona Eco
399 M.
de 200 millas
Línea de Equidistancia Punta Kokall (Hipotesis 8 y 9)
Rio Orinoco
Punta Playa
VENEZUELA
Línea de Equidistancia Rio Esequibo (Hipotesis 1 y 2)
Rio Esequibo
GEORGETOWN
Línea de Equidistancia
Rio Corentyn
GUYANA
CONFIDENCIAL

Annex 109

Ministry of Foreign Affairs, Account for the President of the Republic: Current Domestic Political Situation of Guyana, 31 July 1979
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras , 4 hojas.
3 sep -1975. Box: E-24.

Republic of Venezuela
MINISTRY OF FOREIGN AFFAIRS
ACCOUNT FOR THE PRESIDENT OF THE REPUBLIC
Directorate _____

POINT No._____
Date:

1) Subject **2) Relation** **3) Documents attached** **4) Solutions proposed to the President** **5) Result**	SUBJECT: - 82 -

2.1. Guyana's domestic political landscape has become more complicated of late. It is a country governed along purely racial lines. There is the People's National Congress, the all-black, left-leaning party in power; the People's Progressive Party, a Marxist-leaning opposition party with members of Indian origin, led by Dr Cheddi Jagan; The United Force party, consisting of a group of capitalists, whose leader is Peter D'Aguiar, while the centre-right Working People's Alliance (WPA), a political organisation that is gaining more followers every day, was formally established as a political party on the 25th day of this month.

2.2. Burnham came to power in 1964 with the support of Western powers, who saw him as the only alternative to the communism represented by Jagan.

During his first years in office, relations between Guyana and the socialist countries faded. It was not until the 1970s that a rapprochement towards these countries became apparent with the re-establishment of diplomatic relations with the USSR, the People's Republic of China, Cuba and other socialist countries. At present, Guyana's ties with these countries are deteriorating, as both the Soviet Union and Cuba have been pressing for the formation of a government of national unity that includes Dr Jagan and his people, and for Guyana's rapprochement with Brazil, especially because of the latter's financing of the construction of the road from the Brazilian border to the Atlantic, a fact interpreted by the socialists as an indirect link between Guyana and the United States.

2.3. The Embassy in Georgetown has repeatedly reported on internal events in Guyana whose importance and significance require special study by this Ministry of Foreign Affairs, as they could well be a manoeuvre by Prime Minister Burnham to suppress the opposition, now made up not only of Indians but also of elements of African origin disappointed by the bad government he has been leading in recent years.

2.4. It could be part of a process aimed at achieving the political annihilation of Prime Minister Burnham, possibly with external inspiration or links, and motivated by popular discontent, his protracted exercise of power, coupled with a strict and very inflexible regime in terms of political and individual freedoms. In addition to this, there is the chaotic economic situation and the government's inability to solve the serious socioeconomic problems facing the country, as well as administrative corruption, worker-employer strikes, the drop in world demand for bauxite, increasing criminal violence, rising unemployment, shortages and scarcity of mass consumer products, and the government's failure to obtain foreign financing for large development projects, particularly the Upper Mazaruni hydroelectric dam.

2.5. The following events have recently occurred in Guyana:

i. A criminal spree has emerged, involving highly aggressive and criminal groups. Comments suggest that members of the law enforcement agencies are not strangers to these activities. Some extremist political groups are involved in these actions and may become a serious factor for political destabilization.
ii. A batch of weapons seized in the Jonestown Commune and stored in the police armoury were removed by persons wearing police uniforms who turned out to be impostors. The weapons have not been recovered and rumour has it that they were sent to Grenada.
iii. On 10 June 1979, a fire in Georgetown destroyed the building housing the Ministry of National Development and the offices of the General Secretariat of the ruling People's National Congress party, as well as the main offices of the Guyana Sugar Corporation. There were initially three different theories circulating as to the real causes of said fire:
   1. A purely accidental origin, due to faulty electrical installations and the presence of domestic gas cylinders on the site.
   2. An arson attack that may have been orchestrated by the ruling party in order to encourage solidarity and sympathy among the population in the face of the strong opposition campaign by the (communist) People's Progressive Party and other opposition forces.
   3. The action was attributed to Mr Hamilton Green, the most powerful of Guyanese Ministers, the head of the Ministry of National Development, who had been asked by Prime Minister Burnham to resign and offered the position of Ambassador to Zambia. According to rumours, Minister Green, an active terrorist of the past years, refused to resign and had organised the attack to demonstrate his control over the party's Terrorist Operational Command.

2.6. It is worth recalling that in December 1977, it was reported that Mr Hamilton Green was to replace Mr Burnham as Prime Minister, and that the US Embassy in Georgetown had been exerting political pressure on Mr Burnham to step down and be replaced by Mr Green, by then Minister of Health, Labour and Housing.

At the time, reports were that the United States would deny economic aid to the Guyanese government to precipitate its downfall and was also supplying money to Green, who has always had an extremely anti-Venezuelan stance and is said to have personally burned several Amerindians with a flamethrower during the Rupununi events in 1966 and cruelly tortured those who survived.

As for the Brazilian Embassy to Guyana, it also viewed Green's possible ascension to power with sympathy, viewing him, like their US counterparts, as more pragmatic and in their best interests.

2.7. Subsequently, the Georgetown law enforcement authorities arrested 6 members of the centre-right Working People's Alliance (WPA) party in connection with the incident and held them responsible for the event, but in the absence of evidence to prove their involvement, they were released.

According to Guyanese public opinion, the Government made the arrests without any real evidence, in an attempt to present the country with someone responsible for the incident, which is blamed on the ruling party itself, and also to present this political group as a terrorist and anti-national organisation. The arrests sparked peaceful demonstrations against the illegal detention of the aforementioned persons. A gang of black outlaws broke out and brutally beat the demonstrators, resulting in the death of Jesuit priest Bernard Darke as a consequence of the blows and wounds he received. The terrorists are said to be members of the religious sect "The House of Israel", led by the so-called Rabbi Washington, a fugitive from US justice, who has received death threats from opposition groups and whose residence is heavily guarded by the Guyanese police. Although the events took place in the vicinity of Police Headquarters in Georgetown, the police did not intervene, suggesting that the current ruling party may be responsible for the actions provoked in order to create a climate conducive to declaring a state of emergency and destroying compromising documents, including some related to the Jonestown Commune.

2.8. In recent days, unrest among trade unions has intensified to such an extent that in solidarity with the strike by the bauxite workers, who are demanding payment of the established minimum wage (G$ 14 per day, equivalent to Bs. 23.52), the Association of Employees of the University of Guyana, the Clerical and Commercial Workers' Union, the Guyana Agricultural and General Workers' Union, and the National Association of Agricultural, Commercial and Industrial Employees issued a communiqué on 25 July in support of their demands and declared a one-day strike. The opposition trade unions, for their part, are considering a call for a general strike, which, while demanding adequate wage adjustments, is ultimately aimed at political pressure, motivated by a competition of forces to take advantage of the current socio-economic situation, to weaken the government and possibly force it to resign, ultimately.

Rumours are circulating that a Grenada-style coup d'état might not be ruled out once all peaceful means have been exhausted.

2.9. The Prime Minister took part in a rally of his party on 25 July in an attempt to counter the opposition's offensive. About three thousand people attended, and he confirmed that he is in control of the situation and that his policy is aimed at overcoming the difficult economic situation. He stated that rumours that his failure to attend the meeting in Lusaka was due to the internal situation were false, and said that his decision was due to the preparation and holding of the Party National Congress (PNC) in August. However, the possibility that his decision was due to the seriousness of the internal situation cannot be ruled out. It is worth

noting that in the opinion of the Venezuelan Ambassador in Georgetown, the opposition has organised an intelligently calculated strategy, and that there are serious fears that the Government will resort to violence if the situation worsens.

2.10. It should also be noted that: a) in relation to the dispute between Venezuela and Guyana, Prime Minister Burnham showed great interest in reaching a settlement that included broad Venezuelan cooperation with Guyana, and included a "territorial arrangement satisfactory to both peoples" (personal letter addressed to President Carlos Andrés Pérez on November 3, 1977). Following this communication, several meetings were held between negotiators from both countries, and when the then Guyanese Foreign Minister, Fred Wills, visited Venezuela, he even presented a map with the Guyanese proposal. These talks did not achieve concrete results, as other members of the Government expressed the intention, albeit discreetly, that Venezuela should abandon its territorial claim. Guyana is particularly interested in the Upper Mazaruni Hydroelectric Dam Project, located in the Reclamation Zone, for which it requires not only Venezuela's consent but extensive cooperation.

It was learned very confidentially that Prime Minister Burnham asked the Surinamese Prime Minister to intercede so that Venezuela would drop the claim. The Surinamese Prime Minister totally rejected this suggestion.

b) Prime Minister Burnham may not attend the Non-Aligned Summit Conference. Relations between Cuba and Guyana have cooled somewhat over the past 18 months, and Guyana has voiced concern over Cuba's strong support for Grenada's new Prime Minister.

2.11. In view of the above, the Venezuelan Embassy to Guyana notes that it does not consider it appropriate at the present time for Venezuelan officials to undertake high-level visits to Guyana.

The current events in Guyana could bring about radical changes in the existing internal political composition, and degenerate into a battleground of interests between the two world blocs.

The Office believes that it is not out of the question to think that there may be some connection between the internal events in Guyana, the changes taking place in some Caribbean countries, and the rise of Cuba in the region, especially if we take into account the importance for that country of chairing the VI Summit Conference of Non-Aligned Countries in Havana in September.

It is therefore respectfully suggested that the current staff of the Venezuelan Embassy in Georgetown be reinforced with an experienced intelligence officer to work closely with Ambassador Peinado Barrios.

DECISION:

Annex 110

Report on the Work of Emilio Figueredo in his capacity as facilitator within the envisaged Good Offices Mechanism aimed at achieving a practical settlement of the dispute between Venezuela and Guyana, 1983
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación
Casa Amarilla.

REPORT ON THE WORK CARRIED OUT BY EMILIO FIGUEREDO IN HIS CAPACITY AS FACILITATOR WITHIN THE ENVISAGED GOOD OFFICES MECHANISM AIMED AT ACHIEVING A PRACTICAL SETTLEMENT OF THE DISPUTE BETWEEN VENEZUELA AND GUYANA.

…

I. BACKGROUND

…

During this period, 1984-1985, the Foreign Ministers of Guyana and Venezuela agreed to establish a methodology for the application of the Good Offices mechanism. In this sense, they decided to establish contacts at three different levels of communication: first, at the level of the Secretary General of the United Nations (represented by Mr. Diego Cordovez); second, at the level of the Foreign Ministers of both governments; and third and finally, through informal talks.

The informal process, which translated into several conversations with Shridath Ramphal, aimed to evaluate the possible scope of a hypothesis that could allow a practical solution and to determine the meaning that this term had for Guiana, as well as to verify its real willingness to negotiate.

…

… Mr. Alister McIntyre as a representative of the Secretary General to exercise the functions of good offices between the two countries, whose task will be to define, in the most flexible and informal manner possible, the hypotheses for a practical solution which he will then communicate to the Parties.

THE WORK OF THE FACILITATORS UNDER THE GOOD OFFICES MECHANISM

…

Meetings of the facilitators:

New York, August 13, 1990
New York, October 29, 1990
London, January 26, 1991
New York, April 5, 1991.

First meeting:

...

In this first meeting it was pointed out that it would be convenient to break down the problem

into three large areas of general interest: a coastal area, a central area or the Mazaruni zone, and an area where a binational park or ecological reserve style solution could be visualized.

The Guyanese facilitator replied that he thought it would be interesting to approach the problem from the perspective of areas where it is possible to complement with cooperation formulas.

It was also agreed to maintain the informal and very low-profile status so that this type of talks could be conducted in the best way possible, without binding implications for any of the parties or public statements that could trigger a negative campaign of manipulation of public opinion.

…

Second meeting:

…It was also pointed out that the original proposition to study the possibility of establishing an ecological reserve zone could not be considered, since Guyana had recently designated a large area for this purpose (see note sent by the facilitator to Minister Figueredo on June 29, 1990 expressing concern about this fact).

An important point of his remarks was that he noted that the solution to be reached should not be entirely favourable to either party and, in this sense, he developed the idea of the possibility of a border adjustment in both countries or, better said, of returning to the situation that existed before the Award. In any case, neither the government of Venezuela nor that of Guiana would be willing to voluntarily give in to even a very small correction of the borders, and even if it were possible, the Constitutions of both countries prohibit it.

The Guyanese facilitator said he was aware that the greatest contribution Guyana could make to resolving the dispute was in the maritime area. He agreed to a corridor to the Atlantic, possibly accompanied by a small coastal strip.

The conclusion of this meeting is that there is a strong resistance on the part of Guyana to solutions that would significantly modify the cartographic aspect of the territory. In fact, it seems that Guyana is not willing to accept substantive modifications to its land border. The Guyanese are interested in Venezuela being clear that regardless of any negotiation on maritime or land territory, countries must maintain control over their natural resources.

…

Third meeting:

…

In this sense, the Guyanese facilitator stated that it was necessary to try to break with traditional schemes and look for novel formulas that would allow a solution to the impasse. He

then suggested that, as a sign of goodwill and progress in the process, Venezuela and Guyana should draw up a modus vivendi on fishing matters.

…

Fourth meeting:

…

In the meeting held with the Guyanese facilitator, Mr. Barton Scotland and in the presence of Alister McIntyre, the inconvenience of the Guyanese government carrying out unilateral acts, without the prior consent or knowledge of the Venezuelan government, affecting areas belonging to the Zone in Reclamation, was raised. Acts such as the decree of the Exclusive Economic Zone, especially when the maritime and submarine areas with Venezuela have not yet been delimited, and especially in view of the importance of the coastal zone for the negotiations tending to the solution or practical settlement of the controversy, as well as the granting of concessions for the exploration and exploitation of gold and oil, among other resources, or the decree granting an area of 900,000 acres (also within the official claim area) for an environmental protection project, as a result of a proposition by the Commonwealth. All these decrees and actions could be considered by the Venezuelan government as unfriendly acts and are decidedly detrimental to the cordial climate that has characterized the relations between both countries during this period.

Current situation

…

At this meeting, it was agreed to reactivate the good offices mechanism and to resume contacts between the facilitators, as well as to request an interview between the Foreign Ministers and the Secretary General to reaffirm the will of the Parties to seek a practical settlement of the dispute, in accordance with the provisions of the Geneva Agreement.

…

III. LEGAL ASPECTS OF THE BOUNDARY DISPUTE WITH GUYANA

…

From this study I conclude the following:

1. The Geneva Agreement, in its Article IV, merely refers the matter to the Secretary General for the purpose of indicating to the Parties the most appropriate method for the settlement of their dispute; obviously, there must be the consent of the Parties to accept the mechanism indicated by the Secretary General.

   …

Annex 111

Identification and Cedulation as Venezuelans by Birth of Amerindians and Natives of Guyana Esequiba, 28 February 1984
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Identificación y cedulación como venezolanos a ciudadanos autóctonos de la Guayana Esequiba, 1984, Box: E-11.

Bolivarian Government of Venezuela
Ministry of the People's Power for Foreign Affairs
Border Office
Documentation Unit

File Number: _____26_____

Item: _____

Geographic Descriptor: _____Venezuela_____

Subject Descriptor: Border Office. Border Directorate. Issuance of identification documents and identification cards as Venezuelans to native citizens of Guayana Esequiba.

Year(s): 1994

...

Consequently, and in strict application of the National Constitution, all citizens born in Guayana Esequiba are Venezuelans by birth, just like their fellow citizens born in other parts of the territory of the Republic. It is precisely for this reason that President Leoni did not have this constitutional status recognized. With regard to the Rupununi rebellion, he stated as follows:

"The Venezuelan government has not interfered in the slightest in these events but has considered it its duty to protect with Venezuelan nationality the persecuted who have sought refuge here, because they are natives of that vast portion of our territory that was stolen from us at the end of the last century by a venal award, tinged with the imperialist voracity that was then in vogue. To these Venezuelan refugees we offer not only moral support, but we promise them land, housing and tools, because they are hard-working people who do not want to be a burden on a country that has opened its fraternal arms to them". (...)

In this sense, the Amerindians and natives of Guayana Esequiba are automatically Venezuelan by birth, and it is an inescapable duty of the Venezuelan government to recognize their original Venezuelan nationality, without the need for any manifestation of will on their part to be recognized as such. Moreover, it would be inappropriate to require knowledge of Spanish and civic-patriotic skills, as opposed to what is required for naturalization, which are not - and cannot be - required of indigenous autochthonous communities, such as those of the Upper Orinoco, Amazonas, Perijá-Motilones, etc. Furthermore, it should be remembered that in Venezuela, in addition to the official language, 30 national languages are spoken; it should be pointed out that, for example, the Yanoama, Makiritares, Pemones, etc., are no less Venezuelan than their fellow citizens because they cannot express themselves in the official language or because they ignore some aspects of homeland history.

Annex 112

Figueredo Ramphal Confidential Talks, November 1984
(Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Conversaciones Figueredo Ramphal nov- 84, N. 53, año 1990. Box: E-10.

[Venezuelan Flag]
Bolivarian Government of Venezuela

People's Ministry of Foreign Affairs

OFFICE OF BORDER AFFAIRS
DOCUMENTATION DIVISION

CÓDE:

SECTION

SERIES

FILE NUMBER: *53*

ITEM:

GEOGRAPHICAL DESCRIPTOR: *VENEZUELA*

TOPIC DESCRIPTOR: *MINUTES OF THE MEETING BETWEEN CHANCELLORS CONSALVI AND JACKSON (ENGLISH AND SPANISH VERSIONS). FIGUEREDO RAMPHALL TALKS (1984). VARIOUS HYPOTHESES OF DELIMITATION OF THE BORDERS WITH THE ESSEQUIBO TERRITORY.*

YEAR (S): *1990*

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CONFIDENTIAL

FIGUEREDO RAMPHALL TALKS, NOVEMBER 1984

VENEZUELA	**GUYANA**
1° Considerations on the possibility that the Guyanese government has thought about accepting the Shahabuddeen line.	1° There is no Shahabuddeen line. He refuted the possibility of Venezuela accepting the Cocalí line.
2º Venezuela will not accept less than the line Shahabuddeen.	2° The areas of Mattews Ridge, kaituma and Morawa must remain in Guyanese territory.
3° Launches a hypothesis that considers obtaining sufficient territory to clear the mouth of the Orinoco river and widen the Atlantic exit. Seals the impossibility of accepting a point in western Cocalí (in the report it is pointed out that Guyana's proposal starts from another point but that the result is similar)	3° Receptivity to the possibility of extending a strip starting from a point west of Shell Beach, a meridian to the outer edge of the territorial sea (12 miles) or, alternatively 24 miles, and then a straight baseline from Punta Playa - Punta Galera in Trinidad-Tobago, or alternatively Ragged Point in Barbados.
4° On an exploratory basis, he launches the thesis of the Capriles Line (Cuyuní-Essequibo-Mazaruni) that would facilitate cooperation for the hydroelectric resources of the Mazaruni River.	4° The government considers the Cuyuní-Moruka line unacceptable. It would be simpler for Venezuela to accept a coastal strip. The result should not imply land sacrifices for Guyana. It is thinkable that a corridor to the Mazaruni might be possible, but has no instructions on the matter.
5° The solution must be equitable and guarantee a wide access to the Atlantic sea and the outer edge of the continental margin	5° It would be more feasible to rectify borders lengthwise than widthwise.
6° President Lusinchi's public performance demonstrates strictness, consistency and a sense of his international obligations.	6° There is concern about the lack of continuity in Venezuela's policies, the government of Guyana will include Brazil in its cooperation schemes as an additional guarantee of Venezuela's compliance.

EFP/mo

19 FEB 1990

Annex 113

Report prepared by Emilio Figueredo, 10 November 1984
(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.

REPORT

On 10 November 1984, at 10:00 a.m., I started informal talks with Mr Shridath Ramphal as instructed in order to determine “the scope of Guyana’s willingness to reach a practical and satisfactory settlement in connection with the territorial dispute between the two countries”.

The talks took place in a cordial and open atmosphere, and even though no hypotheses on delimitation were agreed upon, it was possible to define the fundamental parameters of the maritime issue for a possible settlement, in accordance with the instructions received. It was emphasised that the "hypothesis to be considered should include a coastal area that would clear the mouths of the Orinoco for Venezuela and extend its outlet to the Atlantic".

After an exchange in general terms about the highlights of the ongoing negotiation process and further clarified the conclusions of our last meeting in New York, and then Mr Ramphal suggested considering the matter based on cartographic representations.

We held honest and wide-ranging conversations in connection with the documents produced by both parties. In the light of this first substantive exchange, we decided we would later set the ground rules for our meetings.

CONSIDERATIONS BY MR SHRIDATH RAMPHAL:

1) He stated that, according to consultations carried out by him in Georgetown, the so-called Shahabuddeen formula did not exist and that it probably resulted from misappreciation by the Venezuelan delegation of the submission of maps with historical connotations which, in no way, should have been interpreted as an official or unofficial Guyanese proposal. He insisted that the Venezuelan delegation, for its part, had presented a formula that included the site known as Cocali Point as the point of arrival at the sea. Finally, he recalled President Burnham's negative reaction to the proposal made by Admiral Luces for a Cuyuní-Moruka line.

2) Mr Ramphal pointed out that the simplest solution would have been to limit the solution to a mere coastal strip. He underlined that the condition of coupling the maritime solution with the land solution causes strong resistance in Guyanese public opinion. He insisted on the fact that a symbolic result should not represent for Guyana a major sacrifice of its territory and that, in his opinion, it was indispensable to separate the two main aspects of the settlement, i.e., an equitable solution for the maritime zone and a practical solution for the land area.

3) With regard to the maritime area, Mr Ramphal presented a concrete proposal: starting from a point west of Shell Beach, a meridian to the outer edge of the territorial sea (12 miles) or alternatively to 24 miles and then a constant course line which would be the bisector of an angle formed by a straight base line drawn from Playa Point to the midline of the Essequibo and, on the other hand, a straight line from Playa Point to Galera Point (Trinidad) or alternatively Ragged Point (Barbados).

In this respect, the following remarks are in order:

- Mr. Ramphal proposed a starting point different from our minimum point (Cocali Point). However, the maritime projection of this point is not made according to the equidistance method, but by applying a combination of methods that allow us to achieve in practice a result similar to the one we are aiming for.

- This approach showed the Guyanese Government's apparent receptivity to the Venezuelan view that any solution must ensure an uninterrupted outlet to the Atlantic and to the outer edge of the continental margin.

- Incidentally, Mr Ramphal noted that a definitive settlement of the delimitations between Venezuela and Guyana and between Venezuela and Trinidad and Tobago could lead to novel formulas for trilateral cooperation for the exploitation and use of resources in the area.

In conclusion, in my view, this aspect of the talks can be regarded as positive. Although we have not yet defined what could be analysed as a definitive solution, we can nevertheless consider the formulas discussed as a feasible approach to an equitable settlement.

4) As far as the land border is concerned, the approach Mr. Ramphal has adopted can be summarised as follows:

- no concrete definition of a limit at all.

- identification of critical points for the feasibility of an agreement on the land border.

Mr Ramphal stated that a linear projection southwards into the hinterland, from any point on the coast taken as a reference, comes up against an obstacle: the Mathews Ridge area, which is considered vital to Guyana because of its importance as a manganese deposit. It is the provincial capital and where Burnham has a residence. In addition, there is a rail and river interconnecting infrastructure that allows the outflow of ore, as well as existing timber resources in the area, to the outside world (Mathews Ridge-Port Kaituma-Morawhana-Mora Passage). The Government of Guyana considers that these areas should remain within Guyanese territory.

5) Apart from these substantive considerations, Mr Ramphal also raised issues related to Guyana's concerns about the possible lack of continuity and consistency in the Venezuelan government's policy:

- in particular, he voiced concern about rumours circulating about a possible change in the composition of the Cabinet which could have direct consequences on the continuation of these talks.

- he also shared his concern about the continuity of the agreement that could be reached, prior to its [illegible], for example: if one Party rejects the proposed

solution, the other Party would not be bound by a formula contrary to its general understanding of the scope of the Geneva Agreement.

- Finally, he expressed concern about the durability of the global agreement, once it has been entered into, in terms of boundaries and economic commitments. He stressed that we in Venezuela need to understand that Guyana views us with apprehension, as we are seen as a potential danger to its territorial integrity and its social and economic development. Because of the above considerations, he has on several occasions expressed the desirability of Brazil's presence in economic cooperation programmes, as this would provide additional guarantees that Venezuela's commitments would be effectively fulfilled.

REPLY TO MR RAMPHAL'S CONSIDERATIONS:

First of all, with regard to Mr Ramphal's remarks on the "Shahabuddeen Line", I told him that I regretted having different information from the one he had given me, since it was the general conviction of the members of the Venezuelan delegation at that meeting that an illustrative map of this line had indeed been presented as a possible basis for discussion. I even explained to him that a cartographic analysis carried out on the basis of the maritime incidence of the Shahabuddeen point produced, on the basis of the application of the equidistance method, a division in half of the maritime area generated by the Essequibo coast, which demonstrates the non-accidental nature of the proposed line.

Secondly, while I listened with attention and interest to the proposals on maritime delimitation, I insisted that I could not consider any alternative starting from a point on the coast west of Cocali Point (the minimum point identified at the Georgetown meeting).

Thirdly, I reiterated that any solution should have historical and geopolitical connotations that could guarantee its acceptance by public opinion, and that, in my view, a viable solution could in no case mean less for Venezuela than the "Shahabuddeen Line".

Regarding maritime delimitation, I expressed my interest and said I would report in detail on the terms of their proposal for analysis, and recalled that the result of the delimitation should be equitable and guarantee Venezuela a broad outlet to the Atlantic and to the outer edge of its continental margin.

With regard to the land delimitation, I reserved my position on the Mathews Ridge-Morawhana critical points, since it was outside the scope of my instructions. However, I did present the so-called "Capriles Line" (Cuyuní-Esequibo-Mazaruni) on an exploratory basis, indicating that it reflected not the position of the Venezuelan Government, but that of a private individual with influence over a broad sector of national public opinion. This presentation was intended to open another territorial front to try to lay the groundwork for a viable scenario that would accommodate, in part, some of Guyana's interests in the Mathews Ridge area, without affecting Venezuela's legitimate interests in achieving a solution with effective content. This formula would also make Venezuela a co-riparian of the Mazaruni River, which could facilitate fruitful cooperation in the utilisation of the hydroelectric resources of the Mazaruni River.

As for Mr Ramphal's concerns about the continuity and consistency of Venezuelan foreign policy, I told him that the public position taken by President Lusinchi's Government had demonstrated, in all its manifestations, rigour, consistency and a sense of its international obligations.

MR RAMPHAL'S REACTIONS:

Mr Ramphal reacted non-negatively to the proposal to include in the analysis of the formulation of a viable scenario the Mazaruni area as an additional element to those already presented during the government of President Perez. He pointed out the possibility of contemplating a corridor up to the Mazaruni River to allow the joint exploitation of these resources (this point, however, being left ad referendum, as he did not seem to have specific instructions on this aspect of the zone in reclamation).

It is important to note his point that the border corrections, for the purposes of Guyanese public opinion, could not be entirely in Venezuela's favour and that therefore, along the line, corrections on our side would have to be considered, albeit symbolically.

I pointed out to him that, in my view, acceptance of such a compensation scheme would be highly unlikely, if not impossible.

Finally, he said that a rectification along the border might be more feasible than a solution along the width of the border. He did not, however, specify what the extensions would be in either case.

ORGANISATION OF WORK:

At the conclusion of these discussions, Ramphal told me that he would report personally to President Burnham on this matter and that he would do so on the occasion of a CARICOM meeting to be held in Barbados on 14-15 December. He added that he would be in New York from 16-18 December. We agreed to meet in New York on that date to exchange preliminary impressions and to set the date and place of the next substantive meeting.

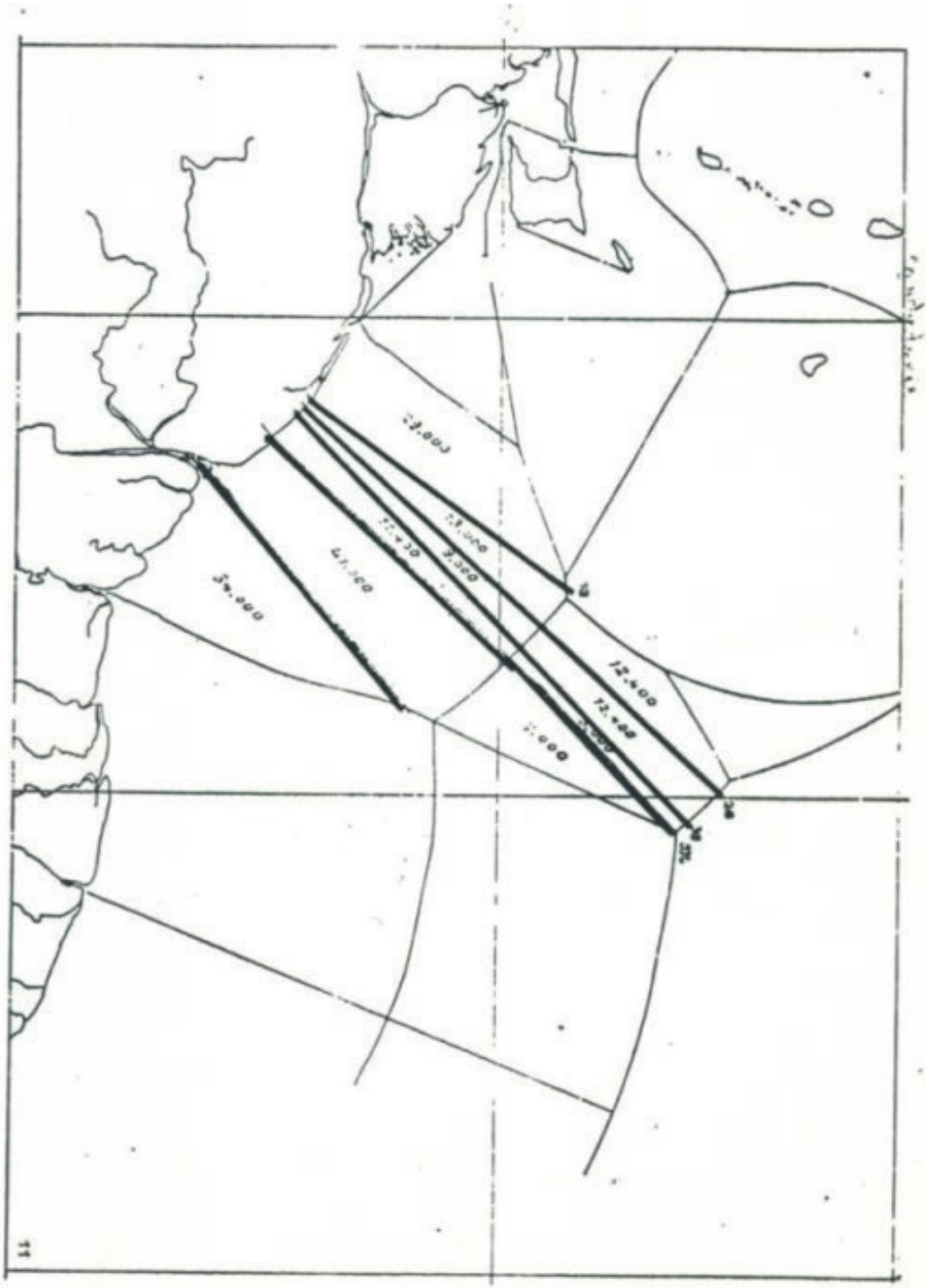
It is worth noting that Ramphal suggested the involvement of technicians if these talks are to develop positively.

Finally, he informed me that Burnham was continuing his treatment in Cuba and that his diabetes was under control. He also noted that Guyana's new Ambassador to Caracas would be less involved in the substantive political aspects than Collins.

In conclusion, I believe that the outcome of this first round of negotiations is not entirely negative, even though the openness has been less than what was reported in Georgetown. In my opinion, this first meeting was exploratory, and therefore the fact that we have secured a favourable approach to the maritime issue is, in itself, positive. We must also take into account the possibility of opening up the Mazaruni Front as something that deserves further consideration on our part. The most sensitive issue is the Mathews Ridge-Morawhana link. The nature of this first meeting

requires us to approach the matter with the greatest possible interest and to prepare for sustained negotiations on both the external and internal fronts. In this regard, I consider the establishment of a permanent informal working team to be indispensable if success in both directions is to be achieved.

E. F. P.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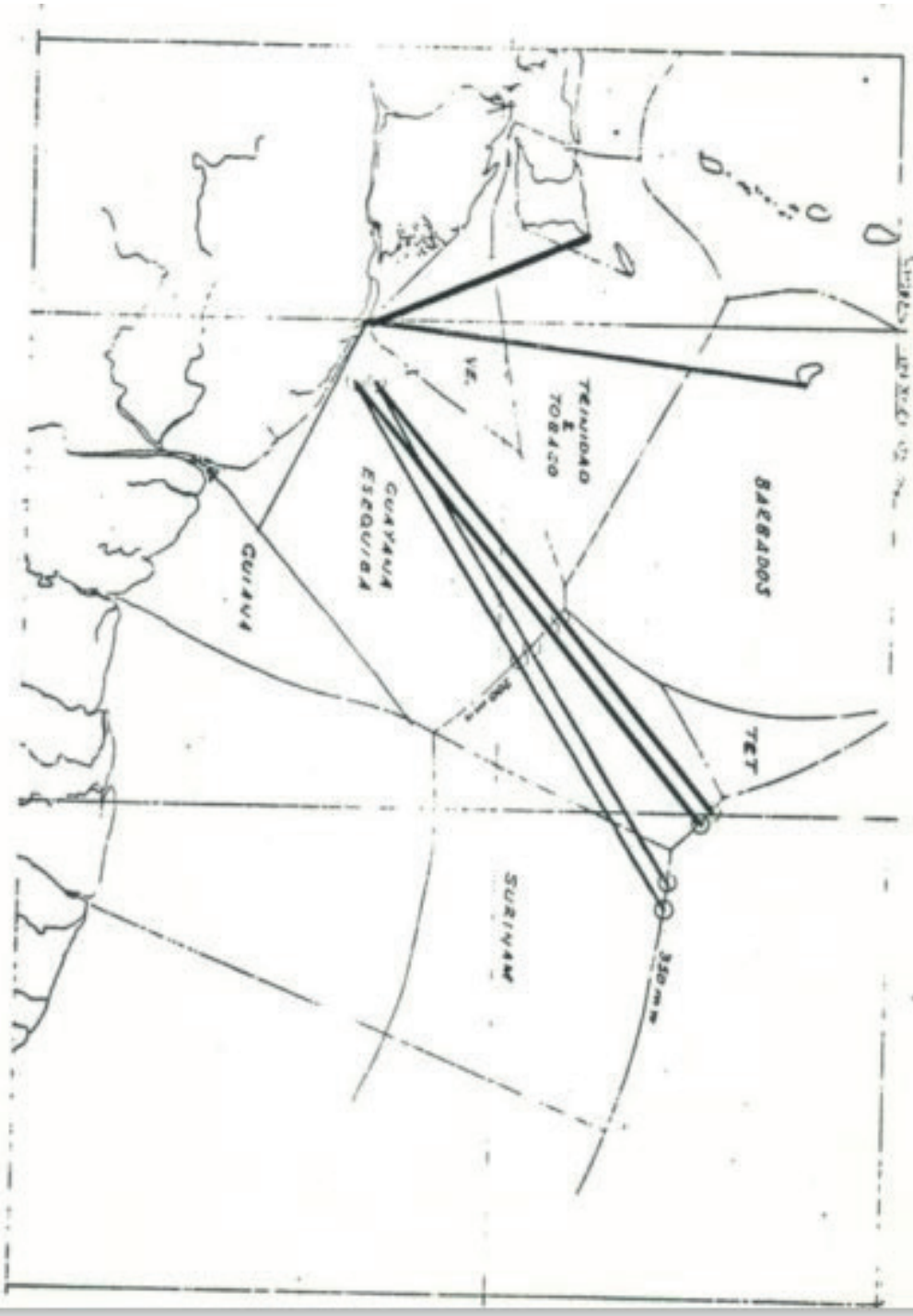
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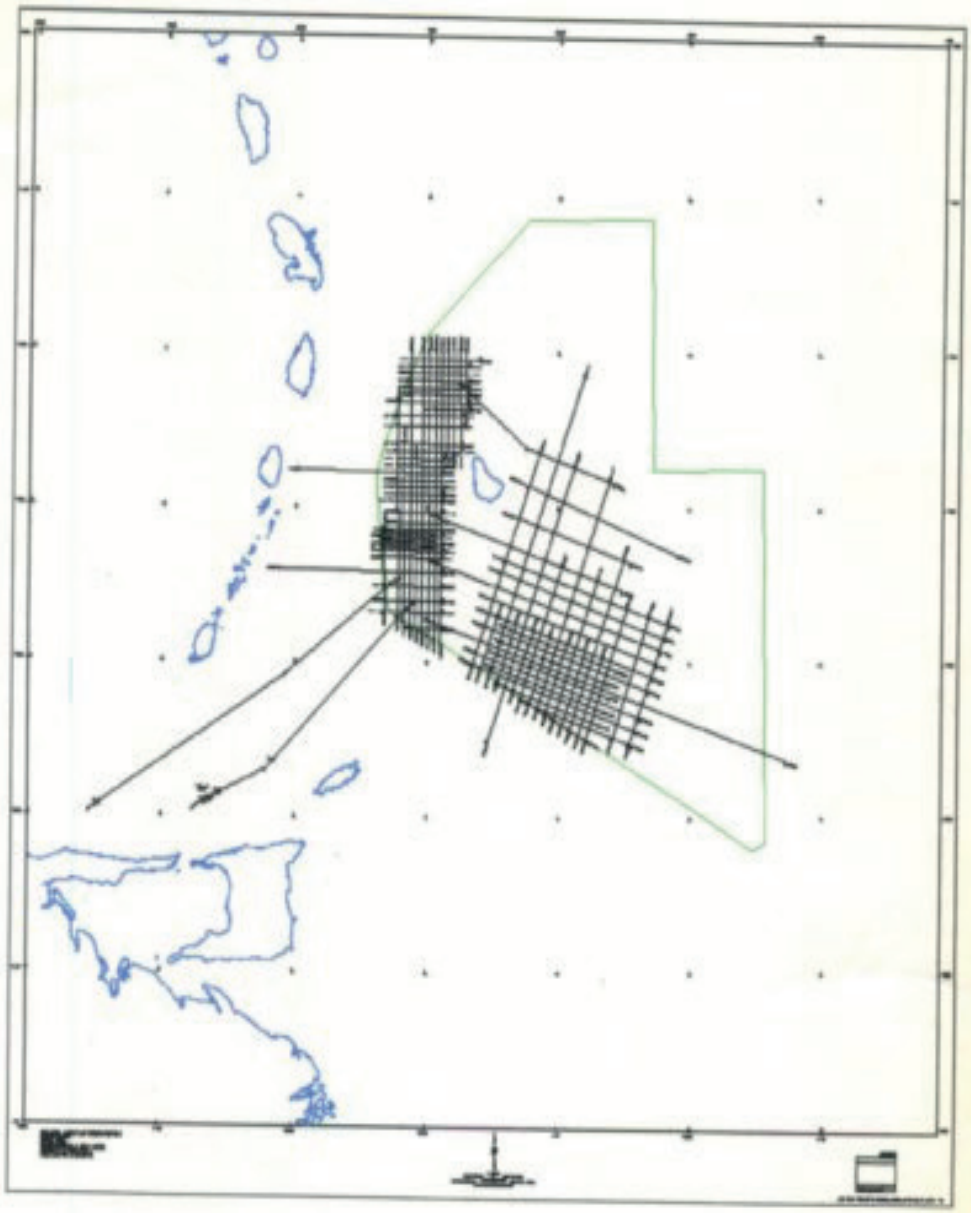


Annex 114

Conversation with S. Ramphal , 10 November 1984
(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.

SUBJECT: CONVERSATION WITH S. RAMPHAL

On 5 July, Dr Reinaldo Figueredo held a conversation with S. Ramphal at the Hotel du Rhône in Geneva, in order to exchange views on Ramphal's meeting with Minister of Foreign Affairs Isidro Morales Paul in New York in mid-June.

In that conversation, Ramphal said that the meeting with the Minister of Foreign Affairs had been very cordial. That they had not discussed the [illegible] of the territorial [illegible]. However, he felt that there was a degree of agreement on how to deal with the issue.

In a specific remark, he noted that he considered it easier to agree on the issue of the outlet to the Atlantic than on the territorial [illegible] itself.

He recalled that Guyana's orthodox thesis is that, with Venezuela, they are not discussing a territorial claim, but rather Venezuela's stand on an allegedly unjust arbitral award. This point was made in an emphatic manner and he insisted that the Venezuelan side should be as discreet as possible throughout this consultation process, which otherwise should not extend any further than necessary. He also noted that in the event that territorial formulas were explored that would lead to agreement between the parties, they should be put forward by a third party, i.e., the UN Secretary-General, as an approach of his that might suit both parties.

He was pleased to alternate discussions with the Minister of Foreign Affairs, with Ambassador Emilio Figueredo, whenever there was a need for technical clarification and to hold additional consultations between the regular meetings with both of them.

He also noted that there was concern on Guyana's side on the territorial issue and that he wished that [illegible] public knowledge. It was necessary to secure the support of the Venezuelan political parties and the Armed Forces for formulas that could [illegible].

A sensitive aspect of the problem, as Burham himself perceives it, is that linked to the economic cooperation resulting from the settlement that might be reached. This factor, singled out as an integral part of the settlement, is uncomfortable for Guyana. If on the one hand this aspect could be attractive and could be dealt with in the framework of consultations, it should not be singled out as a compensatory factor in a territorial cession arrangement.

Ramphal called for due consideration to be given to the sensitivities that exist in Guyana on this issue.

He reported that he would meet with Burham in Nassau on 17 July and report to him on his consultations with Minister of Foreign Affairs Morales Paul in New York. He will request instructions to continue the consultations, which he believes should be resumed in August in New York.

When informed that Ambassador Emilio Figueredo would be in Europe in the second half of July, he expressed his desire to meet with him in London, saying that on that occasion he would be able to communicate, through him, to Minister of Foreign Affairs Morales Paul some of the views he had exchanged with the Guyanese authorities. **E.F.P.**

Annex 115

Interests and Positions of Venezuela and Guyana, 1989
(Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Intereses y posiciones de Venezuela y Guyana. Informe y cronología de la situación actual con Guyana. Información publicada en prensa venezolana entorno a las negociaciones por el Esequibo, 1989, Box: E-11.

Translation

Bolivarian Government of Venezuela
Ministry of the People's Power for Foreign Affairs
Border Office
Documentation Unit

File Number: _____41_____

Item: _____

Geographic Descriptor: _____Venezuela_____

Subject Descriptor: Interests and Projects of Venezuela and Guyana. Report and chronology of the current situation with Guyana. Information published in the Venezuelan press regarding the negotiations for the Essequibo terrregionitory.

Year(s): 1989

INTERESTS AND POSITION OF VENEZUELA

1. Practical settlement of the dispute. An honorable solution. Although it all began with the denunciation of the 1899 award, which was declared null and void, today the emphasis is on the political rather than the judicial aspect and on the search for diplomatic rather than judicial solutions.

2. Historical Claim

3. Freeing the Orinoco estuaries

4. Protection of the Ethnic Groups (Amerindians)

5. Achieve the unity of the Cuyuní Basin

6. Extend the exit to the Atlantic

…

10. The reasonable cession of territory to Venezuela must complement the extension of the maritime border. Impossible to accept the point west of Cocalí. Shahabudeen Line.

INTEREST AND POSITION OF GUYANA

…

2.By signing the Geneva Agreement of 1966, Guyana accepts the existence of a dispute and its resolution through a practical agreement.
…

8. Officially, Guyana will not accept any revision of the borders or any measure that would mean sacrificing territory. Unofficially, however, the alternative has been presented that Venezuela could have access to the Mazzaruni in exchange for joint development.

…

11. A specific proposal: We offer the zone from the west point of Shell Beach, a meridian to the outer edge of the Territorial Sea (12 miles) or alternatively 24 miles and then a bisector of the angle formed by a straight baseline from Beach Point to the midline of the Essequibo and on the other hand a straight line from Beach Point to Galera Point (in Trinidad & Tobago) or alternatively Ragged Point in Barbados.

Annex 116

Interest and Position of Guyana
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, expediente 52, Venezuela, Documentos contenidos en la carpeta sobre Guyana, entregada al Ministro de Relaciones Exteriores. Observaciones sobre los temas durante entrevista entre los Cancilleres de Venezuela y Guyana, año 1990.

FILE Nº 52

EXTRACT

COUNTRY

MATTER

DOCUMENTS CONTAINED IN THE FOLDER ON GUYANA HANDED TO THE MINISTER OF FOREING AFFAIRS.
NOTES ON THE MATTERS ADDRESSED AT THE INTERVIEW BETWEEN THE MINISTERS OF FOREIGN AFFAIRS OF VENEZUELA AND GUYANA

YEAR: **1990**

[…]

7. Unofficially, they believe that they would agree on the extension of Venezuela's access to the Atlantic.

8. Officially, they will not agree on any border rectification or any measure that would result in sacrificing territory. However, unofficially the alternative of Venezuela having access to the Mazaruni in exchange for conducting joint developments has been presented.

Annex 117

Letter from Kenneth Fredericks on behalf of the Civil Association United Arawak Group to Archbishop of Venezuela, 19 April 1990
(Partial Translation)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Casa Amarilla, Unidad Especial de Guyana, sección: Migraciones, Cedulación de los refugiados de la Rebelión del Rupununi, número de expediente 5, año 1968.

Gobierno **Bolivariano** de Venezuela | Ministerio del Poder Popular para **Relaciones Exteriores**

NÚMERO DE EXPEDIENTE: 5

PIEZA:

DESCRIPTOR GEOGRÁFICO: Sección: Migraciones
Unidad Especial de Guyana

DESCRIPTOR TEMÁTICO:
Cedulación de los Refugiados de la Rebelión del Rupununi

AÑO (S): 1968

C

The Civil Association,
United Arawak Group,
San Flaviano,
K.M. 45, Via Sahta Elena
de Uairen,
Venezuela,
19.04.90.

His Grace,
Archbishop of Venezuela,
Caracas,
Venezuela.

Respectful member of the Society of Jesus,

Greetings in the name of Jesus come to your esteemed Highness. We your humble religous servants hereby beg you to intervene and represent us before Congress.

2) From the year 1969, when the Rupununi Uprising (Reclamation Area) started, there were two groups, one from the Rupununi Area and the other from the North West, Moruca-Pomeroon Area, all in the Reclamation which is in the County of Essequibo.

3) After the uprising failed the people in the Rupununi sought refuge in Venezuela and were ~~looked~~ hosted by the Venezuelan Government. Many were given jobs and such like and these people were happy with the hospitality offered them by the Venezuelan Government. Those of the Moruca-Pomeroon Area likewise had to flee to Venezuela with their family and leaving everything else behind. We are called the displaced persons and are now living in Venezuela. We were not so fortunate as those of the Rupununi refugees who enjoyed happiness in Venezuela so we had to link ourselves with one Mr. Kenneth Fredericks as our leader and who at that time had close relations with the Venezuelan Government, and who was supporting the Reclamation.

4) This letter would be given to you by Father Herman Gonsales S.J. together with our programme attached and which was never looked after. We now seek your assistance as the Archbishop of Venezuela and we have great confidence in you. We are all members of the Catholic Religion and have good relations with the Nuns at Las Claritas K.M. 85 - Via Santa Elena de Uairen. These nuns represent the Ministry of Foreign Affairs in the Frontier.

Yours in Christ,
Kenneth Fredericks
Kenneth Fredericks on behalf
of the Civil Association
United Arawak Group.

Page 2

Republic of Venezuela
Ministry of education
Indigenous matters
Regional Office
State of Bolívar

Ciudad Bolívar, 26 April 1993

I have the pleasure to address you on this opportunity and to introduce the indigenous citizen: KENNETH FREDERIKS, holder of the C.I.N° 4.982.216, who is an Arawaca indigenous commissioner, kilometer 72 of the road to Santa Elena de Uairén, jurisdiction of this Autonomous Municipality of Sifontes, who has raised the problem that some members of said Community, who are Venezuelans by birth, have not been able to obtain their identity cards because they are not registered as presented, according to the records issued by the Citizen Registrar of the Bolívar State.

I am very grateful for your valuable cooperation on this matter and I reiterate my consideration and respect.

Having no further issues to refer to, I remain yours faithfully.

Yours faithfully.

SOC RAMON QUIJADA
JEFFE DE LA O.R.A.I.-Bolívar

Page 3

Republic of Venezuela
Municipality of Sifontes
Tumeremo – State of Bolívar

Tumeremo, 13 April 1993

I am writing to inform you that the indigenous citizen KENNETH FREDERKS, holder of personal identity card No. 4,982,216, who is the representative of the Arawaca indigenous community, kilometer 72 of the road to Santa Elena de Uairén, jurisdiction of this Autonomous Municipality of Sifontes, presented himself before this office, raising the problem that some members of that community, who are Venezuelans by birth, have not been able to obtain their identity cards because they are not registered as presented, according to the records of the Principal Citizenship Registrar of the State of Bolívar.

Since these persons need to obtain this document, which is essential for their studies and other activities in civilian life, I shall be grateful for your good offices in this case with a view to a favourable outcome to this situation. I will ensure reciprocity in analogous cases.

Yours faithfully.

OMELIO CABEZA CARDOZO
MAYOR OF SIFONTES' MUNICIPALITY

Annex 118

Report of Cooperation with Guyana, 14 November 1990
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Cooperación Venezuela-Guyana III de la comisión mixta venezolano-guyanesa celebrada en Caracas, 1990, Box: E-10.

BOLIVARIAN GOVERNMENT
OF VENEZUELA | PEOPLE'S MINISTRY FOR FOREIGN AFFAIRS
BORDER OFFICE
DOCUMENTATION AREA

FILE NUMBER: 48

ITEM:

GEOGRAPHIC DESCRIPTOR: VENEZUELA

THEMATIC DESCRIPTOR: VENEZUELA-GUYANA COOPERATION.
III MEETING OF THE VENEZUELAN-GUYANESE MIXED COMMISSION HELD IN CARACAS

YEAR(S): 1990

COOPERATION WITH GUIANA

1) CONSTRUCTION OF THE MULTIPLE GYMNASIUM AND MEDICAL SCHOOL IN GEORGETOWN

In April 1990, the President of the Republic awarded the construction of the works to Empresa Edificaciones, C:A. by delegated administration.

Empresa Edificaciones, C:A. began work in Georgetown, encountering difficulties due to environmental conditions, the lack of construction materials in the local market and difficulties in importing materials and equipment. It is expected to be completed by July 1991.

2) ELECTRICAL INTERCONNECTION

In May, the potential for exporting electrical energy to Guyana for 1994 (50 MW) was calculated and a reconnaissance flight was made over the possible area where the transmission line could pass.

Guyana has expressed the need to expand its sub-transmission and distribution network, as well as to include in the financing project the necessary sub-transmission networks to carry energy from the receiving substation to the Georgetown and Linden substation. At the same time, the Guyanese government is negotiating with the U.S. company Leucadia for the sale of the Guyanese electric company.

The President of the IDB has indicated the Bank's interest in participating in the financing of this

binational cooperation project, although some financial aspects, the significance of Leucadia' participation and the ecological impact of the project, among others, remain to be determined The IDB will send an analysis mission to both countries, once the study of the feasibility report presented is completed.

7) ENVIRONMENT

Recently, Mr. Walter Chin, Director of the Guyanese Agency for Education in Medical Sciences, Environment and Food Policy, visited Venezuela to establish a Cooperation Program in environmental matters, which will begin soon.

Annex 119

Request for a Gold Concession in Guayana Esequiba (Tassawini Area, Barama River Basin), 20 September 1991 (Translation)

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-10.

BOLIVARIAN GOVERNMENT |
OF VENEZUELA |PEOPLE'S MINISTRY FOR FOREIGN AFFAIRS
BORDER OFFICE
DOCUMENTATION AREA

FILE NUMBER: 57

ITEM:

GEOGRAPHIC DESCRIPTOR: VENEZUELA

THEMATIC DESCRIPTOR: ITEM OF THE PRESIDENTIAL AGENDA ON THE APPLICATION TO THE GUYANA LAND COMMISSION BY THE COMPANY "KING DAVID ENTERPRISES GUYANA, LTD" FOR A GOLD CONCESSION IN THE GUAYANA ESEQUIBO

YEAR(S): 1991

Republic of Venezuela
MINISTRY OF FOREIGN AFFAIRS
ITEM OF THE AGENDA FOR THE PRESIDENT OF THE REPUBLIC

SUBJECT:

Application for a gold concession in Guayana Esequiba (Tassawini area, Barama River basin)

2. At the end of 1990, the Venezuelan Embassy in Guyana provided information regarding the company King David Enterprises Guyana LTD. having filed an application with the Geology and Mines Commission of Guiana to obtain a concession to exploit gold deposits in the Barama River basin in the northwestern part of the Essequibo Territory.

This fact is neither isolated nor new. For several years, similar information has been received regarding the granting of concessions to Guyanese or foreign companies for the exploration and exploitation of the resources in the Reclamation Area.

a) From a legal point of view, the position of the Government of Venezuela has been to consider that such events do not raise a legal problem that could negatively affect the solution of the Claim.

In effect, in all these cases, Venezuela's rights are protected by the terms of Article 5, paragraph 2 of the Geneva Agreement of February 17, 1966, setting forth;

> "2. No act or activity carried out while this Agreement is in force will constitute a basis for asserting, supporting or denying a claim of territorial sovereignty in the Territories of Venezuela or British Guiana,

> nor for creating rights of sovereignty in said Territories, except when such acts or activities are the result of an agreement reached by the Mixed Commission and accepted in writing by the Government of Venezuela and the Government of Guyana [..] "

For this reason, and in the interest of good relations between the two countries, the sending of formal protests to the Government of Guyana was avoided. In general, the Venezuelan government has limited itself to directly or indirectly invoking the provisions of Article 5 of the Geneva Agreement.

On the other hand, ways have been sought to ensure that the companies that receive these concessions are duly informed of the risks they run as a result of the location of these concessions in the Reclamation Zone, and of the fact that the Venezuelan government is not obliged to recognize the rights that derive from such concessions.

b) From a political point of view, however, it is striking that the Government of Guyana continues to act as if it wants to completely ignore the existence of the controversy and not take into account the reaction of displeasure that those initiatives carried out in the Essequibo territory could provoke in Venezuela.

What is even more worrying is the fact that these events are taking place at a time when relations between the two countries have improved significantly and the good offices process, with the intervention of the Secretary General of the United Nations and his Personal Representative, Mr. Alister McIntyre, is in full swing.

Many questions can be asked, including the following:

1. Are these initiatives of the Government of Guyana compatible with the attitude it has adopted towards Venezuela, both bilaterally and within the framework of the Good Offices Mechanism?

2. To what extent do these initiatives reflect the true intentions of the Government of Guyana? Do they not show that this government has no intention of negotiating a substantial territorial settlement? Or is this a tactic to give more weight to any concessions that the Guianese government would make in these negotiations?

3. If a systematic and profitable exploitation of hitherto unexploited resources begins, regardless of the previous intentions of the Guyanese government, will a solution involving the renouncement by this government to exercise its sovereignty over these resources not become more difficult?

4. If this type of activities becomes systematic, does it not undermine the possibilities of cooperation between Venezuelan and Guyanese companies for the joint exploitation of the resources, of part or all of the Reclamation Zone, as a possible element of a joint "package" arrangement?

Whatever the answers given to these questions, the fact cannot be ignored that these exploration or exploitation activities in Guayana Esequiba add new elements of complexity and difficulty to an already complicated process.

It seems very important that the moderate attitude assumed by Venezuela so as not to tarnish the process of resolving the controversy and the climate of improvement of relations between both countries, is not interpreted as a lack of interest in a practical and satisfactory settlement of the Claim.

3. Copy of the map attached to the application submitted by the company “King David Enterprises Guiana, LTD.” to the Geology and Mines Commission of Guyana.

4. Approval of the execution of the relevant procedures is recommended, at various levels, to:

- reiterate Venezuela's position regarding the validity of Article 5, paragraph 2 of the Geneva Agreement.

- invite the Government of Guyana to act in the spirit of good offices that has been initiated within the framework of the Geneva Agreement and so as not to hinder the proper development of said procedure

- ensure, through the means deemed appropriate, that foreign companies are duly informed of the risks they run when undertaking exploration and exploitation activities in the Reclamation Area.

- take the necessary steps to have accurate, systematic and detailed information on all similar cases of concessions granted or to be granted.

ANEXO

Mapa señalando la ubicación de la concesión otorgada por la Empresa King David Enterprises (Guy) Ltd. (Diciembre de 1990)

Map 1

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

No. 387

MEMORANDUM

FROM: THE MINISTER'S CABINET
TO: THE GENERAL SECTORIAL DIVISION OF BORDERS
SUBJECT: ITEM OF THE PRESIDENT'S AGENDA
AGENDA: 003/91 (25-03-91)
DATE: APRIL 1, 1991

For the purpose of monitoring, and to be communicated to the Secretariat of the Presidency, it is deemed pertinent to report on Thursdays of each week on the efforts being made to comply with the instructions of the President.

Item of information: "Parima 91" Campaign Plan
DECISION: Seen
REMARKS: For your information., DOSPI was also informed

PC-018
Application for a gold concession in Guayana Esequiba (Tassawini area, Barama River basin) and oil exploitation
DECISION: Prepare the note under the agreed conditions and bring it to me for consideration.
Ministers: "Prepare a note to be sent with Emilio on a special mission.
REMARKS: For its handling. DGSPI informed.

(Signed) R.O.Y
Enclosures: The above indicated points have been copied.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN RELATIONS
No. 3207

MEMORANDUM

FROM: THE MINISTER'S CABINET
TO: THE GENERAL SECTORIAL DIVISION OF BORDERS
SUBJECT: FOLLOW-UP OF ITEM OF THE AGENDA WITH THE PRESIDENT

We kindly request that the Directorate inform this Cabinet of the follow-up to the instructions of the President of the Republic in relation to Agenda Item No. 018 "Application for a Gold Concession in Guayana Esequiba (Tassawini Zone, Guarama River Basin) and Oil Extraction," presented to the President on March 25, 1991, as Item No. 003/91, and whose decision was, "Prepare the Note under the agreed conditions and present it to me for consideration," to which the Minister added: "Prepare a Note to be sent with Emilio on a special mission."

Caracas, September 20, 1991

(Signed) D.L.H.

JFP. Please prepare a draft of the requested NOTE based on the content of the item of the agenda prepared by you.
(Signed)
23 September 91

BVA/dysh

Annex 120

Declaration of Independence (1993), The Unanimous Declaration of the Amerindian People, including: the Aarawaks, Waraos, Caribs, Akawaio, Arekuna, Wapishana, Macushi, Wai-Wai and Patamona Tribes

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Los indígenas y el territorio Esequibo, 1995, Box: E-10.

FAVOR INTEGRAR
AL EXPEDIENTE
DE PAZ.

A Declaration of Independence (1993)

The Unanimous Declaration of the Amerindian People, including the: Aarawaks, Waraos, Caribs, Akawaio, Arekuna, Wapishana, Machushi, Wai-wai and Patamona Tribes.

On behalf of the People of Amerindia, in the presence of Wachi-Nachi, The Great Spirit, and in the presence of this great family of Democratic Nations and the rest of the world; we the representatives of Amerindia, solemnly declare and make public that Amerindia is a free and independent country and nation.

We the people of the Amerindian Nation, have no other recourse but to declare our independence and to declare our nation a democracy and to separate from the nations that would control our land and borders. We, the Amerindian people, wish to reclaim our natural birth rights and gifts given to us by the One God, the Great Spirit, for the purpose of living in peace and harmony with our families, our neighbors and the rest of the world.

However, in order for our people to regain harmony and tranquility we must first have our God given rights of freedom returned to us. For without the existence of freedom, we can never find peace of mind; freedom being a prerequisite to the pursuit of happiness and the peace of mind that follows, which in turn is the foundation for harmony. And though, Amerindia is a very small country situated between the borders of Guyana and Venezuela, with an area of fifty-eight thousand square miles, we still deserve human dignity and the inalienable rights of any member of the human family. We still deserve freedom and to be at peace, though we are driven into the hills to hide from our oppressors and those that would steal our land and rape our women and children.

Our deepest desire is to live in peace within our borders, and to end the violence, oppression and bloodshed; so that we might enjoy total freedom and independence from our oppressors, that we might worship as we so desire, educate our children as we desire, and protect our tradition, culture and language. We must be free to pursue happiness and peace upon the land that was given to our ancestors, and is rightfully ours.

For five hundred years we have suffered atrocities of every kind at the hands of our oppressors and agressors. We have seen our language and culture dissappear, we have seen our young men and women sexually abused and murdered. We have seen our villages burned and our farms pillaged. The rain forests, which we depend upon for survival, are rapidly being destroyed by those foreign investors who would take our timber. Our rivers and streams are now dangerously polluted by mining companies from all over the world, while the profits, all go to the bordering countries.

The Amerindian people have suffered a long history of abuse from those who would use our land and people for the sake of financial gain. Today, we face an even greater problem with multi-national corporations and politicians, who in every conceivable way are exploiting our lands and our people to the point of total destruction. It has become apparent that "modern civilization" or "progress" destroys, disrupts and transforms the environment, as well as, other people and cultures. In time, "civilization" will become the victim of its own progress.

The Amerindian people have never warred against our Christian aggressors, and have tried to adapt to their ways. We have continually taken a non-violent stance, and have always tried to

In the days of old, we would be contented to retreat to the deep waters of our rivers and to the mountains, where we would find fish and game, fresh water and fertile lands; the bountiful gifts of creation. Yet, today all of our lands have been given as concessions to foreign investors, and have been invaded and destroyed in the name of progress. We have heard of the great monetary profits that are gained from the resources that exist in our lands, but not even one fraction goes to the benefit of the Amerindian people.

The lessons of this period of our history strongly suggests a need for a concerted effort to break the destructive tendencies of those who would continue to manipulate our people. Clearly, we must develop our own economy rather than depending on externally initiated development that must be constantly renewed, and from which, we reap no benefit, only loss. We have had to stand by and watch our fertile lands raped and our people destroyed, not only bodily, but in spirit; as our culture, our religion, our language and customs are destroyed by our oppressors. We have no where else to turn, but to pray, that you, the United Nations, the great body of Democratic Nations, might help us to regain what is rightfully ours.

We, therefore, proclaim to the world that neither the grandsons of the slaves of Africa, nor the grandsons of the Hindus from India, nor the grandsons of the Conquistadores have any right to lay claims to our lands. Amerindia is our Ancestral Land from time Immemorial. It was given to us by Wachi-Nachi, The Great Spirit, and our ancestors shed their blood for our land.

And yet still, the atrocities continue; such as the massacre and slaughter of our Yanomami brothers on the borders of Brazil and Venezuela. The outside world seldom hears of what really occurs and by the time the journalists and human-rights activists reach the scene of the incident, the crows and the worms will have already feasted on the decaying bodies of our loved ones.

Under these circumstances, the Amerindian people are crying out to the world for help, and are now seeking full membership to this great body of Democratic Nations, known, as the United Nations. As a people of this blessed earth and a part of the human family of the Great Spirit, we have every right to determine our own destiny, to become self-reliant and masters of our own fate and to be free at last. And, to that effect, we the Amerindian people pledge our lives, and our honor as we believe that the Great Spirit, the one God, Almighty, has divinely intervened for our long sought freedom and independence in bringing us here today.

AMERINDIA NATION

Articles of Independence

That we, the Amerindian people, will be given the full right to defend and develop our land and our nation in all respects; and to exercise our fundamental human rights to stand forth in dignity as a people and a nation of this human family to promote our social progress and live in freedom and equality with the rights and freedoms set forth by the United Nations, without distinction of any kind, such as: race, color, sex, language, religion, political or other opinion, national or social origin, or birth status.

Article I. The Amerindian people have the right to life, liberty and the security of person.

Article II. No one shall be subjected to torture and inhuman treatment or punishment.

Article III. The Amerindian people have the right to rescue and defend their land and maintain the original names of our holy places; as well as to obtain the civil registar of the republic that such names might be respected and not changed.

Article IV. The Amerindian people have the right to develop their nation in every respect, including: administratively and economically, as well as developing our social and legal systems, educational systems, and the fields of science, technology, art and culture.

Article V. The Amerindian people have the right to freedom of religion and worship.

Article VI. The Amerindian people have the right to cultural centers for the further development and education of their culture, language, history, arts and crafts.

ArticleVII. The Amerindian people have the right to seek econmic development and to seek aid and credit through the proper channels.

Article VIII. The Amerindian people have the right to determine their own destiny, to be self-reliant, self-determining and masters of their own fate; and not to be at the mercy of anyone who lives on earth.

Article IX. The Amerindian people have the right to have their basic human needs, of dignity and freedom recognized and protected as fundamental human rights.

Article X. No state, group or person will have the right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Annex 121

Report of the Government of Guyana about the National Action Plan for the Environment, 20 June 1994
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Informe del Gobierno de Guyana sobre el Plan Nacional de acción para el medio ambiente presentado en la XXII reunión del grupo de cooperación para el Caribe, 1994, Box: E-10.

Translation

Bolivarian Government of Venezuela
Ministry of the People's Power for Foreign Affairs
Border Office
Documentation Unit

File Number: _____76_____

Item: _____

Geographic Descriptor: _____Venezuela_____

Subject Descriptor: Report of the Government of Guyana on the National Environmental Action Plan presented at the XXII Meeting of the Caribbean Economic Development Cooperation Group

Year(s): 1994

...

Considering it to be of interest, and in view of recent allegations of timber harvesting in the Essequibo Region published in The Ecologist magazine, we are sending the attached Official Report on the NATIONAL ENVIRONMENTAL ACTION PLAN presented by the Government of Guyana at the XXII Meeting of the Caribbean Economic Development Cooperation Group held in Washington from June 6 to 10 this year.

...

In its report, the Guyanese government admits that "unfortunately, the Guyana Forestry Commission's (GFC) control over timber harvesting operations is negligible due to the lack of qualified personnel and equipment, limited resources and the absence of a good database (...) All the concession companies operating on a large scale and located in the interior of the country have integrated timber harvesting and cutting operations, concentrating timber harvesting in the Essequibo and Demerara areas.

Annex 122

National Environmental Action Plan of the Government of Guyana, 18 August 1994

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Informe del gobierno de Guyana sobre el plan nacional de acción para el medio ambiente presentado en la XXII reunión del grupo de cooperación para el Caribe, 1994, Box: E-10.

Fax No. 52192
EXTERNAL GUYANA

MINISTRY OF FOREIGN AFFAIRS,
"Takuba Lodge",
254 South Road & New Garden Street.
Georgetown,
Guyana.

STATEMENT

The Government of the Co-operative Republic of Guyana has taken note of the recent observations of the Government of the Republic of Venezuela concerning the sustainable development of the forest resources of Guyana.

In the spirit of cordiality, co-operation and mutual respect which characterizes relations between Guyana and Venezuela, and in the context of bilateral, regional and global concern for the maintenance of ecological equilibrium world wide, the Government of Guyana has carefully examined the declarations made by the Government of Venezuela.

The Government of Guyana wishes to assure the Government of Venezuela that the former has not granted and will not grant concessions to loggers and logging firms, whether national or international, that do not:- (i) operate in a manner consistent with the Guyana National Forestry Action Plan; (ii) satisfy international standards for sustainable development; (iii) assure sufficient reforestation to prevent a depletion of this valuable natural resource and; protect the interests of Guyana's indigenous peoples.

Guyana is one of only thirteen countries in the world that still retains its tropical forest virtually intact. Only 1% of the forest that covers over 80% of the national territory has been depleted.

However, Guyana is fully cognisant of the critical importance of upholding its international responsibility for the protection and preservation of this valuable natural resource. Guyana is also fully aware of its parallel responsibility to ensure the careful and sustainable exploitation of this resource for the benefit of the Guyanese people, and the reduction of Guyana's enormous debt burden.

For these reasons, the Government of Guyana has adopted a National Environmental Action Plan which charts a clear course for the future, and which indicates Guyana's intention of establishing a comprehensive National Forestry Policy. A copy of the Plan is attached.

Furthermore, tangible evidence of Guyana's good faith to the international community is the establishment of the Iwokrama Project under the terms of which Guyana has dedicated 366,000 hectares of pristine rainforest for a Commonwealth Project on Research and Training for the Sustainable Management of Tropical Forests.

Guyana is also playing an active role within CARICOM; the Treaty of Amazonian Co-operation; and the OAS with regard to environmental issues.

The Government of Guyana welcomes offers of assistance in the promotion of its sustainable development programmes for natural resources, and in the promotion of environmental protection. Collaboration is actively taking place with UN Agencies, the World Bank, IDB, the Commonwealth, the OAS and with friendly countries.

In view of the fact that the Guyana/Venezuela Joint Commission Work Programme and the Memorandum of Understanding signed by Guyana and Venezuela in 1992, provide a basic framework for co-operation on environmental issues, Guyana is appreciative of Venezuela's recent expression of willingness to activate this collaboration, and would welcome the convening of a meeting at the level of officials to discuss this important aspect of bilateral relations.

MINISTRY OF FOREIGN AFFAIRS
JULY 28, 1994.

Annex 123

Indigenous People and the Essequibo's Territory, 13 September 1995 (Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Los indígenas y el territorio Esequibo, 1995, Box: E-10.

Bolivarian Government of Venezuela
Ministry of the People's Power for Foreign Affairs
Border Office
Documentation Unit

File Number: _____81_____

Item: _____

Geographic Descriptor: _____Venezuela_____

Subject Descriptor: The Indigenous People and the Essequibo Territory

Year(s): 1995

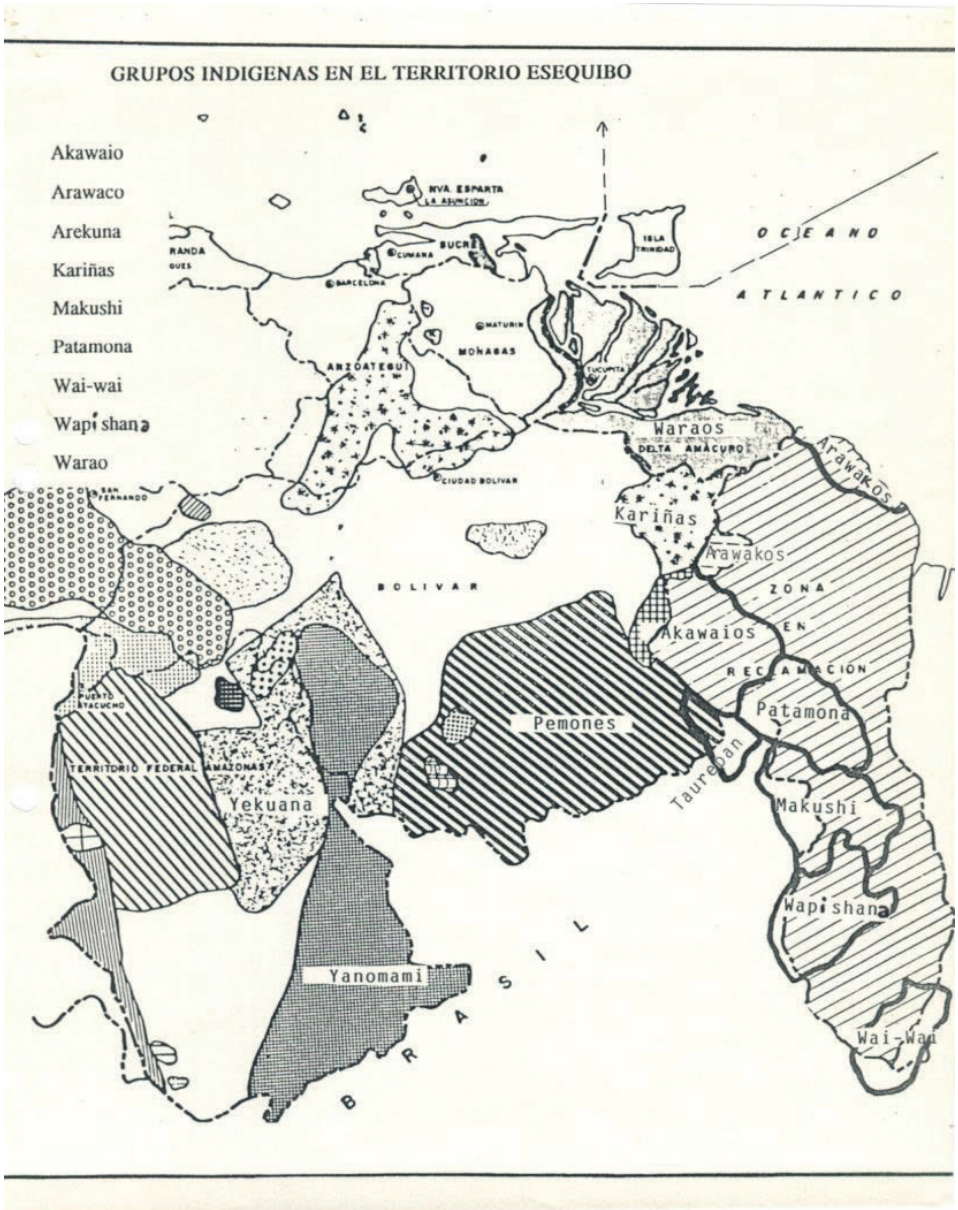
...

While it is true that some indigenous movements in the developed world are stimulated by people connected to transnational corporations that exploit natural resources, the just social, economic and cultural demands that our indigenous peoples deserve should not be associated or stereotyped with them. It is therefore worrying how the indigenous population of the Essequibo region has been reduced for the sake of development. There we can currently identify ten remnant tribes: Akawaios, Arawakos, Arekunas, Kariñas, Makushis, Patamonas, Tarepan, Wai-Wai, Wapushani and Waraos, which have been very difficult to count due to the inaccessibility of the area and the evasive behavior that the members of these tribes have always had, but which is now becoming more notorious due to the distrust inspired by the new conquerors. We are concerned about the cultural distortion that, in the name of civilization, is being made of the stories of Korobona (Warao), Amalivaca (Caribs) and Koe (Akawaios); all associated with respect, admiration and the natural instinct to coexist with rivers, mountains and animals that characterize their cultures; customs that proclaim the fundamental postulates of PRODESSUR (Program for the Sustainable Development of the South) that the Venezuelan government is promoting.

Henry Dalton, in his 1855 History of British Guiana, tells us that in the mid-19th century, when British Guiana had just been established and the invasion of the Essequibo territory had begun, the main tribes were the Arawakos, who lived on the coast and at the mouth of the rivers; the Akawaios, who settled inland at the headwaters of the great rivers, especially the Mazaruni; the Waraos, who were scattered between the Pomaron River and the Orinoco River; and the Makushi, scattered throughout the savannahs of the Rupununi, Barima and the mountains of the Sierra Pacaraima, while the Caribs were neighbors on the banks of the main rivers. After the independence of British Guiana, and particularly in the last decade, the indigenous peoples of the Essequibo region have been harassed, displaced and their territories invaded by the indiscriminate granting of mining and logging concessions, which the Guyanese government has promoted as part of a reactive strategy within the Geneva Agreement. These events have been reported by the Amerindian communities, rejected by our country and protested by various non-governmental organizations and Guyanese environmental groups such as Friends of the Earth and GEMCO (Guyana Environmental Monitoring and Conservation Organization).

There is a hypothesis that explains the Rupununi Uprising of 1969 not as an independence movement, but as the reaction of an important Amerindian sector to the violation of their rights, the autonomy achieved during the colonial period, and the attempts at extermination by racial sectors of the ruling population. This was a political fact that forced the Guyanese government to pay more attention to the natives, with the Amerindian Conference held in Georgetown after the Rupununi Uprising in February 1969, with the participation of 170 Amerindian leaders; as well as the enactment of the Amerindian Act of 1977, which created 63 Amerindian villages and 2 Amerindian districts. For its part, Venezuela supported and protected the families that fled after the failure of the movement, allocating them land, housing, education and a social program that today, almost thirty years later, it would be worthwhile to evaluate to determine its effects and the fate of these Venezuelans. What happened to the leaders of this movement? What are these children like today? Are they grateful or discontented? Necessary answers that we Venezuelans must seek, since the fate of the indigenous peoples of the Essequibo region is linked to the sovereignty rights, the social organization and the possible usufruct that is to be planned or carried out as a consequence of a practical solution to the territorial controversy that Venezuela and Guyana must reach as signatories of the Geneva Agreement of 1996.

...


GRUPOS INDIGENAS EN EL TERRITORIO ESEQUIBO
Akawaio
Arawaco
Arekuna
Kariñas
Makushi
Patamona
Wai-wai
Wapi shana
Warao
NVA. ESPARTA
LA ASUNCION
BUCRE
CUMANA
BARCELONA
MATURIN
MONAGAS
ANZOATEGUI
TUCUPITA
ISLA TRINIDAD
OCEANO
ATLANTICO
Waraos
DELTA AMACURO
Arawakos
CIUDAD BOLIVAR
SAN FERNANDO
Kariñas
Arawakos
ZONA
EN
RECLAMACION
BOLIVAR
Akawaios
PUERTO AYACUCHO
Pemones
Patamona
TERRITORIO FEDERAL AMAZONAS
Yekuana
Tauredan
Makushi
Wapi shana
Yanomami
BRASIL
Wai-Wai

Annex 124

Memorandum sent by the Sectorial Direction General International Policy/Direction of the Americas to the Sectorial Direction of Frontiers, 12 July 1996 (Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Concesiones madereras en la zona en reclamación, caso empresas Maderas Botanamo, C.A., 1996, Box: E-10.

Bolivarian Government of Venezuela

People's Power Ministry of **Foreign Affairs**

OFFICE OF BORDER AFFAIRS
DOCUMENTATION DIVISION

CODE:

SECTION SERIES

FILE NUMBER:
89

ITEM:

GEOGRAPHICAL DESCRIPTOR:
VENEZUELA

TOPIC DESCRIPTOR: TIMBER CONCESSIONS IN THE ZONE UNDER RECLAMATION. CASE OF COMPANY MADERAS BOTANAMO, C.A.

YEAR(S): 1996

OFFICE STAMP

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Section Nº

Side A B

Box Nº

Nº 000996

MEMORANDUM

P

12 JULY 1996

TO: SECTORAL GENERAL DIRECTORATE FOR BORDERS

FROM: SECTORAL GENERAL DIRECTORATE FOR INTERNATIONAL POLICY / DIRECTORATE FOR THE AMERICAS

SUBJECT: CASE OF COMPANY MADERAS BOTANAMO

DATE: 12 JULY 1996

... in order to await the reply from the Government of Guyana to the proposal of The Globality. This framework for relations was put forward by Minister of Foreign Affairs Burelli Rivas during his official visit to Guyana in March 1995. The Globality is aimed at bringing new momentum to bilateral relations between the two countries, by bridging existing differences and transforming tensions and confrontations. In this context, Venezuela's claim over the territory of Guayana Esequiba is a major stumbling block that must be overcome by means of a practical and satisfactory settlement, as established in the Geneva Agreement. In order to attain this objective, The Globality proposal envisages the design of cooperation programmes that include, among other things, the following:

- Finding formulas and mechanisms that allow for a rational exploitation of the resources existing in the Essequibo Territory, both for concessions and foreign investment, with sufficient assurances for the preservation of the environment, and

- devising procedures to address the legal obstacles resulting from the claim to the Essequibo Territory, in order to enable the implementation of a modus vivendi to deal with issues related to communities, transport, illegal migration, exploitation of natural resources, navigation on the rivers, smuggling prevention, etc…

Annex 125

Report of the Special Unit of Guyana M.R.E, 28 April 1998
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación
Casa Amarilla, Unidad Especial de Guyana.

Special Unit for Guyana – Ministry of Foreign Affairs

...

In his intervention, Vice Admiral Elías Daniels then pointed out that this problem has been dealt with for six years, adding that in the specific case of the Guyanese people in our territory, Venezuela is developing a strategy that is working in relation to the Claim to the Essequibo Territory. This strategy takes into account all the people who come from the Area under Reclamation and assumes that they should be Venezuelans. He noted that the Guyanese side has been acquiescent towards the Venezuelan presence in both land and maritime sectors. He said that —as the Mayoress mentioned— there is a third generation that remains in this area and that, in the absence of an official response from the Venezuelan State to the problem, they are undergoing transculturation, which is not consistent with national interests.

...

The Minister went on to say that a draft decree is being prepared to allow children to be entered in the civil registry even if their parents are foreigners, thus partly solving this problem. However, he stressed that a definition must be made of how many and/or which ones are Venezuelan and how many are Guyanese; that is, where they were born and what they do, because if they were born in the Area under Reclamation, they should be given Venezuelan identity cards. They just need to be characterised. In this regard, he posed the question, how would one determine that they were born in the Essequibo Territory?

...

Annex 126

Letter from the President of the Cooperative Republic of Guyana, Janet Jagan to Mr. Rashleigh E. Jackson, O. R., 18 August 1998

AHMPPRE. Archivo Histórico. Ambiente. Proyeto: Tratado de Cooperación Ambiental Venezuela-Guyana. 1998-1999.

Z Mr Perez

Office of the President
New Garden St. & South Rd.
Georgetown.
Guyana

August 18, 1998

Mr Rashleigh E. Jackson, O.R.
182 Wills Street
Republic Park
East Bank Demerara

Dear Mr Jackson.

I would like to thank you for your undated letter written in the aftermath of my recent State Visit to the Republic of Venezuela. Your views, observations and comments made against the background of a long and distinguished career as Public Servant, Parliamentarian and Cabinet Minister are to be respected and I am grateful to you for sharing them with me. I hope that others to whom you have circulated copies of your letter are equally grateful.

I must, however, state my displeasure over the fact that I first had sight of your letter in a section of the media before I had actually received it.

I wish to assure you that the underlying concerns expressed in your letter are deeply and universally shared by my Party and Government. We hold in high regard - indeed fundamental to our existence as a Party and Government is our commitment to - the preservation of the territorial integrity and sovereignty of Guyana. Nothing in our actions will ever compromise this principled position. We may at times differ from you and others in the tactics which we choose to employ in our relations with sovereign independent nations. I will not apologise for this but will leave the final judgement to our constitutional process.

In your letter you mentioned that there were three issues which caused you concern. I will not by this opportunity respond to each of them. My Foreign Minister will do so as appropriate. I would however like to address briefly my Government's position on the Good Offices Commission of the United Nations - the so-called Mc Intyre process - which had been set in motion in accordance with the Geneva Agreement. That process you may recall is designed to explore all avenues that would lead to a peaceful settlement of the border controversy in an open ended exchange of views under the "chairmanship"

of Sir Alister Mc Intyre. I am totally committed towards ensuring that nothing arising out of these discussions should compromise our position regarding the settled boundaries of the Essequibo region.

The origins of the discussion on the environment is to be seen in this context. We have however sought to expand on these discussions by multilateralising them and thus placing them within the broader context of our extant bilateral and multilateral arrangements such as the Treaty of Amazonian Cooperation. I hope the public explanation recently given by my Foreign Minister on this matter places in perspective the Guyana position on this matter notwithstanding what the distinguished Foreign Minister of Venezuela is reputed to have said to his media.

I take this opportunity to enclose a copy of the press statement recently issued by the Ministry of Foreign Affairs on the matter.

I wish to conclude by saying that, in matters as delicate and intricate as our relations with Venezuela and particularly the position of my Party and Government on the question of the preservation of Guyana's territorial sovereignty and integrity, the public discussion of the various negotiating positions being employed is not always in the best interest of a successful conclusion to these negotiations. You, more than most people in Guyana today, are aware of the necessity for quiet diplomacy on occasion coupled with vigorous advocacy always, in defence of our principled position of the controversy over the border with Venezuela. Even as I acknowledge the public expression of your doubts and even fears that, in you judgement, these negotiations may not be proceeding to your satisfaction, I can in these circumstances only seek to assure you, once again, that my Party and Government are committed to this fundamental objective - the preservation of Guyana's territorial sovereignty and integrity. I have absolutely no doubt that as regards this objective there is national consensus.

May I take this opportunity to wish you a speedy and complete recovery from your most unfortunate illness.

Sincerely,

Janet Jagan
President

Annex 127

Updated Table of Concessions granted by the Guyanese Government in the Essequibo Territory (Documents 1965-1999)
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Memorandum para la Dirección de Fronteras Marítimas, de la Dirección Sectorial de Fronteras, cuadro actualizado de concesiones otorgadas por el Gobierno Guyanés en el territorio Esequibo, 1999, Box: E-09.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS
SECTORAL DIRECTORATE-GENERAL FOR BORDERS

UPDATED TABLE OF THE CONCESSIONS GRANTED BY THE GUYANESE GOVERNMENT IN THE ESSEQUIBO TERRITORY *(DOCUMENTS 1965-1999)*

Caracas, 2 September 1999

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS
SECTORAL DIRECTORATE-GENERAL FOR BORDERS

CONCESSIONS GRANTED BY THE GUYANESE GOVERNMENT IN THE ESSEQUIBO TERRITORY

Regarding the concessions granted by Guyana in the Zone under Reclamation, this Directorate has carried out a general review of its archives, which has made it possible to further clarify the position maintained by the Venezuelan State during the various constitutional periods. To this end, the following summary is presented:

YEAR	ACTIVITY
1965	On 21 June 1965, the Venezuelan Foreign Ministry sent a note to the British Embassy in Caracas, transcribing the text of the Foreign Ministry's communiqué, published in the press on 25 May 1965. It was drafted in the following terms: The Ministry of Foreign Affairs learned, through press information from London, that the Government of British Guyana has granted certain concessions for oil exploration to three companies. 1) It notes with surprise that, while the border dispute between Venezuela and Great Britain is in the process of cordial diplomatic negotiations, concessions affecting the disputed territory have been granted. 2) It declares to the interested parties that Venezuela does not recognize the concessions granted over the territory and continental platform that it claims, and therefore formulates its due reservations for the appropriate effects. Additionally, the Venezuelan Government reserves further comments on the continental platform and territorial sea issues involved in those concessions. *(M.R.E. La Reclamación Esequiba, Caracas, 1984)*

1968	On 31 May 1968, the Venezuelan Foreign Minister, Dr. Ignacio Iribarren Borges, in a statement to the press, warned that **the Venezuelan Government does**

	not recognize the concessions that the Government of Guyana has granted, or may grant, on the territory located to the West of the Essequibo river and intends to protect and safeguard the lands of indigenous people of Guayana Esequiba against third parties who claim to have operation rights stemming from concessions allegedly issued by the Government of Guyana. **In remarks about the alleged concessions granted by the Government of Guyana over the territory claimed by Venezuela, the Minister of Foreign Affairs stated in a press communiqué issued on 25 May 1965 that Venezuela does not recognize the oil concessions granted by the government of Guyana over the territory and the continental platform of Guayana Esequiba and, therefore, it duly expresses caution as regards such action.** In a statement made by the Foreign Minister on 16 September of that year, he referred to **the position of the Venezuelan government as regards the concessions, saying that "consequently – said the Reclamation Note – and abiding by the provisions set forth in Article 5 of said Agreement, the recognition made by Venezuela of the new State of Guyana, does not imply that our country waives or lessens the claimed territorial rights, and in no way affects the sovereign rights derived from the reclamation stemming from the Venezuelan allegation that the so-called Paris Arbitration Award of 1899 on the border between Venezuela and Guyana is null and void.** *(Diario La República, "Venezuela no reconoce convenios de Guyana", 31 May 1968)* Therefore, Venezuela recognizes as territory of the new State that located to the East of the right bank of the Essequibo river, and reiterates to the new country and before the international community that it expressly reserves its territorial sovereignty rights on the zone located to the left bank of the aforementioned river. At the same time, it warned that the investment that may be made in Guayana Esequiba would be exposed to the effects derived from the aforementioned Venezuelan reservations and the firm decision of our country to recover that usurped territory. *(M.R.E- La Reclamación de la Guayana Esequiba, year 1984, p. 77).*

1981	The Ministry of Foreign Affairs issues a **Press Communiqué dated 17 June 1981**, where it notes that the Ambassador of Venezuela in the United States of America, in compliance with the instructions given by this office, forwarded the Chairman of the International Bank for Reconstruction and Development a Note stating as follows: On behalf of the Government of the Republic of Venezuela, I am pleased to address the organization duly presided by you, in order to **ratify Venezuela's position as regards the hydroelectric project of Alto Mazaruni and the construction of it corresponding dam, whose funding has been requested by the Government of the Cooperative Republic of Guyana to that Bank.** As it is widely known, there is an ongoing territorial dispute between Venezuela and Guyana which comprises the region where the aforementioned dam is projected to be built. *(MRE, La Reclamación Esequiba, Caracas 1984, pp 76-77).* In a statement to the press in July 1981, the President of Venezuela, Dr. Luis Herrera Campins, reiterated Venezuela´s rejection of any arrangement that is not compatible with Venezuela's claim, and underscored the nation's wish to correct the serious injustice against it due to the voracity of imperial colonialism. For this reason, **President Herrera reiterates Venezuela's rejection of the Hiydroelectric Project of Alto Mazaruni.** *(Ministry of Foreign Affairs of Guyana. Memorandum on the Borders between Guyana and Venezuela. July 1981.)* In 1981, the Representative of Venezuela to the World Bank vetoed the financing for the construction of the dam in Alto Mazaruni, alleging environmental reasons and the territorial dispute on Guayana Esequiba. Following this move, the Guyanese Government denounced Venezuela to the International Community for implementing an "aggressive economic blockade". Nevertheless, the project was stopped. *(Punto de Información de la DGSF, 1982).*

1982	In a press release published in the Diario de Caracas

	on 12 February 1982, Venezuelan Foreign Minister José Alberto Zambrano V. referred to the eventual exploitation of uranium deposits by Brazilian entrepreneurs in the zone under reclamation, saying that **"with respect to any exploration or exploitation that may be carried out in the Essequibo area, Venezuela has maintained a very clear policy since the very beginning of its reclamation, publicly and openly stating its standpoint that it does not recognize the effects that might result, since the issue is strongly linked to the very essence of our reclamation".** He added: "Venezuela has a very clear general position to safeguard the totality of its rights, regardless whether it is about cooperation aspects or other type of investments". *(El Diario de Caracas, "Venezuela no reconoce los efectos de la explotación del Esequibo", Archivo DGSF, 1982).* A press release published in the Diario de Caracas on 8 March 1982, informs that the Guyanese Government of Forbes Burnham ensured the participation of Canadian firm Home Oil to conduct oil drilling operations in the territory claimed by Venezuela. In this connection, the Venezuelan Foreign Minister, José Alberto Zambrano Velasco, replied that **Venezuela does not recognize the effects that there can be, because it is basically linked to the very essence of our reclamation,** adding that **"Venezuela has a very clear general position about safeguarding the totality of its rights regardless whether it is about cooperation aspects or investment of any other nature".** *(El Diario de Caracas, "Canadá y Guyana están perforando el Esequibo", Archivo DGSF, Carpeta Concesiones 1991-1997).*

1984	In Note Nr. 1093, dated 20 September 1984, the Government of Venezuela reiterates its position to the Cooperative Republic of Guyana as regards the economic exploitation of Guayana Esequiba. "… The Government of Venezuela deems it appropriate … not to recognize such activities … as a basis to enforce, support or deny a territorial sovereignty reclamation on the territories of Venezuela of British Guyana (presently Guyana) to create sovereign rights upon said territories …" *(Archivo*

	DGSF: Carpeta Guyana-Petróleo, 1984).

1988	According to a communiqué issued on 22 June 1988, the Ministry of Foreign Affairs of Venezuela, in view of reports about a recent grant of concessions for the exploration and exploitation of hydrocarbons which, according to the press agency, would be located in the maritime areas on the coasts of Guayana Esequiba, deems it convenient to publicly emphasize the following aspects: 1) The Ministry of Foreign Affairs immediately proceeded to establish various contacts in order to verify the aforementioned information, in terms of the nature, location and scope of said concessions. The data obtained from the Government of Guyana by the Venezuelan Foreign Ministry indicate that the location of the aforementioned concessions does not correspond with the news disseminated. 2) Nevertheless, **the Government of Venezuela reiterates its permanent position in the following terms:** **a) Pursuant to the provisions of Article 5, Paragraph 2, of the Geneva Agreement of 1966, no act or activity carried out in the Zone shall constitute "… a basis to enforce, support or deny a territorial sovereignty reclamation".** **b) The Venezuelan Government ratifies to all interested parties that Venezuela does not recognize the concessions that may be granted on the territory and continental platform that it claims and, therefore, maintains its due reservations to any and all effects.** *(Comunicado del Ministerio de Relaciones Exteriores, 22 July 1988)*

1990	… Note Nr. EVG-EC-4/483, dated 21 May 1990. It informed about a pilot project for environmental preservation in the Amazonian jungle in the Zone under Reclamation in the Essequibo, which is being financed by the British Commonwealth.

1991	Note Nr. EVG-F-2/598, dated 15 November 1991, from our Embassy in Guyana, informs that the firm Barama has recruited two Philippine experts to train local workers in the jungle to measure the potential of the concession of more than 4 million acres granted by the Government of Guyana to that company. It should be noted that the area comprises two entire Amerindian communities, and on the other hand, the concession is adjacent to the Amacuro River, along the border with Venezuela. *(DGSF: Carpetas Concesiones Madereras, 1991-1997)*.

1992	Note Nr. 4/124, dated 24 February 1992, from our diplomatic mission in Guyana, informs about certain facts related to the concessions granted by the Guyanese Government to foreigners in Region Nr. 1, which is adjacent to Delta Amacuro State. In addition, it indicates that the concessions NIETO LTD and AMAZONICA belong to the same person, Mrs. Judith de Nieto, the widow of Mr. Nieto, a late Colombian citizen. Apparently, Mrs. Nieto wants to sell part of such concession, which would be very favourable to Venezuelan interests. Said concession is exporting timber to Venezuela, and the other concessions (Barima Co.), which is the largest one, belong to a Korean group, and Guaymar House belongs to a Guyanese enterprise. Furthermore, it points out that indiscriminate deforestation in that part of the country could cause environmental damage with unfortunate consequences in the long term. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997)*. Note Nr. EVG-EC-4/357, dated 06 October 1992, from our diplomatic mission in Georgetown, informs about the concerns of international environmental groups about the timber concession granted to a Korean consortium in the Essequibo territory. In addition, it indicates that such timber exploitation involves serious environmental damage in the area, with Venezuela being one of the main affected countries in view of its links with the ecosystems in Guyana. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997)*.

1992	Note Nr. EVG-EC-4/412, dated 17 November 1992, from the Embassy of Venezuela in Guyana, informs that the

	Amerindian Association has requested the suspension of the concession for the exploitation of timber granted by the Government of Guyana to the firm Barama, due to the devastation that the area has suffered, which jeopardizes the lives of Amerindians as well as the environment where they live. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).*

1993	Note Nr. EVG-EC-4/134, dated 30 March 1993, from our Embassy in Guyana, informed that the Amerindian Association held a protest in front of the offices of the firm Barama, threatening to request international assistance to force the Guyanese Government to revise the contract signed with that company. Barama is a Malayan-Korean firm devoted to timber exploitation at the international level, which received a large concession from the Guyanese Government in the North Western region of the country of approximately 4.1 million acres. In view of the magnitude of the concession, environmental groups, as well as the Amerindian Association, have expressed their disagreement with the way such concession was granted. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).*

1994	A press release published by El Diario de Caracas on 28 April 1994 informed about the generous concessions granted by the Government of Guyana to South East Asian enterprises for timber exploitation in the Essequibo territory. In this regard, the Venezuelan authorities stressed that **"the countries investing in the Essequibo must be aware that such concessions are subject to the decision to resolve the dispute. For Venezuela, the consequences from intensive timber exploitation in the Essequibo are ultimately environmental. Such abuse could mainly affect the Caroní River basin, which supplies water to the Guri Dam".** In this regard, Venezuela will file a complaint to the United Nations Organization. *(El Diario de Caracas, "Venezuela se quejará ante la ONU por concesiones madereras". Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* … **On 08 June 1994, our Foreign Minister instructed the Ambassador of Venezuela in Guyana** to discuss this

	issue with the Guyanese authorities. In this connection, he expressed **"Venezuela´s deep concern about the environmental damage underscored by international mass media as a result of the allegedly indiscriminate deforestation in large areas of the Zone under Reclamation, which could damage the international image of both Venezuela and Guyana".** Note Nr. EVG-P-2/210, dated 15 June 1994, from our diplomatic mission in Georgetown, informs that in an interview between Venezuelan Ambassador in Guyana, Enrique Peinado Barrios, and Foreign Minister Clement Rohee, they both expressed their concerns about the environmental damage caused by the irrational handling of vast forestry areas in the Essequibo territory. They also expressed Venezuela's willingness to lend Guyana the necessary assistance to control these activities. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* Note Nr. EVG-P-2/324, dated 27 September 1994, from our diplomatic mission in Georgetown, informs that the Government of Guyana has decided to grant in concession 240,000 square miles of forestry areas to investors who can establish mining industries in Guyana of the size of Omai. Also, it indicates that the National Commissioner of Geology and Mines, Mr. Braian Sucre, declared that several foreign firms and local investors will be convened to sign the corresponding agreements for the exploration of the assigned areas. There are 12 concessions, each one of 20,000 miles, with the following standing out: three (3) concessions to Guyanese citizens in La Hoya of the Cuyuní River, Venamo and Aurora (Essequibo), and to four (4) foreign companies, namely: KWG-RESOURCES (Potaro River headwaters), KRETSCHMAR INTERNATIONAL GEOSCIENCE CORPORATION (Venamo), HGR (Venamo), and TRINIDADIAN COMPUTER CONTROLS (Mouth of the Cuyuní River in Essequibo). *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).*

1995	Note Nr. EVG-P-2/036, dated 14 February 1995, from the Embassy of Venezuela in Guyana, informed that the Ambassador of the United States in Guyana, Mr. George Jones, in a visit to our diplomatic mission,

	had received an agenda from the US Embassy in Caracas, which detailed the issues to be discussed by Minister Burelli and his Guyanese counterpart Rohee, which included the mining and forestry concessions. In this connection, Mr. Jones asked our Ambassador whether this meant that Venezuela opposed the granting of concessions in the Essequibo. To this, Ambassador Enrique Peinado answered that Venezuela's position is very clear in this regard and was set a long time ago. Thus, current concerns are due to the proliferation of concessions granted in the region, whose irrational handling could alter the environmental balance, with serious repercussions in Venezuela and the whole continent. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* … A press communiqué, dated 24 August 1995, from the Ministry of Foreign Affairs of Venezuela, states: **"The Government of Venezuela, on several occasions since the Geneva Agreement entered into force in 1966, has warned the Government of Guyana against the risks of an indiscriminate policy of mining and timber concessions in the Essequibo territory without enough controls or the minimum security measures required to prevent the disasters that we are witnessing today".** It also notes: **"In light of the rupture of toxic waste in the Omai River, we hold the Government of Guyana responsible for the incalculable human, ecological and material damage that such a disaster can cause in the zone under reclamation and, once again, we demand to put an end to this unilateral and irrational policy of exploitation in the Essequibo territory".** *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* Telefax Nr. 714, dated 30 August 1995, from our Permanent Mission to the Organization of American States (Washington D.C.), informed that the Permanent Representative of Guyana took the floor during a regular meeting of the Permanent Council to submit a report on the pollution in the Omai and Essequibo rivers, its effects, and the actions undertaken with the support of other countries, including Venezuela, and international organizations such as the UNDP, as well as which are the areas that require technical assistance.

	After the presentation of the report by the Guyanese Representative, the Ambassador of Venezuela took the floor to underscore the importance that the OAS, in addition to contributing with its own cooperation efforts, lends its political support in mobilizing resources towards countries and multilateral organizations with sufficient financial capability, in order to implement projects to help overcome the serious effects caused by pollution on the population, the wildlife and the environment. He also pointed out that the Government of Venezuela, together with the General Secretariat, could be in the capacity to take action through the Inter-American Centre for Integral Water and Land Development (CIDIAT). …

1996	Note Nr. III.OV.P2.16/166, dated 07 May 1996, from our Embassy in Guyana, informs that the Guyanese Parliament, after a four-hour debate, has unanimously approved the Law on Environmental Protection. The approved text is eighty pages long. In general, the political parties represented in the Assembly approved the law submitted, but consider that the government has acted under pressure by the main countries and multilateral organizations that provide technical and financial assistance to Guyana. On the other hand, they consider that the law is hard to enforce. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* Note Nr. II.2.G12.E1.P.90/350, dated 24 September 1998, contains a press release that informs about the signing of an International Agreement for the Protection and Development Policy of the Timber Industry by the Guyanese Government. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* In a press release published by the newspaper EL UNIVERSAL, on 27 August 1996, the official in charge of good offices of the United Nations for the border dispute between both countries, Allister McIntyre, said that **"It is the duty of the government of Guyana to respond to Venezuela's complaints about the existence of a policy of settlement and timber and mining concessions in the Essequibo territory"**,

	adding that **the current dispute is legally based on the Geneva Agreement of 1966, which opened the doors for a discussion on the subject".** *(El Universal, "Guyana debe responder denuncias sobre concesiones en el Esequibo", Archivo DSGF: Carpeta Allister McIntyre, 1993-1999)*.

1997	In note N. II.2.G12.E1.F.60.3.3/56 of April 18, 1997, from our Mission in Georgetown, information was provided on development projects in the Essequibo Area. Among them, the signing of two Memorandums of Understanding stands out with the Companies "KWITARO INVESTMENT" (Guayensa/Malaya), a subsidiary of Kurupukar Development, and the BERJAYA GROUP, also of Malaysian origin, for the exploitation of 750 thousand acres of forests. In the case of the first concession, it is located in Region 9 in an area whose limits on the north are an unidentified tributary river of the Essequibo, on the west by the Essequibo River, on the south by the Kuyuwini River and by west by the Rewa River. Regarding the second concession, it has only been indicated that it will be located in the southern region of the country. The Former Ambassador of Guyana in Venezuela, Sateydeow Saw, in his capacity as Minister of Agriculture and Forestry, has had a very active participation in the negotiations of these contracts. (*Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997)* *In note N. II.2.G12.E1.F.60.3 3/103 of May 13, 1977, from our Mission in Georgetown, it was reported that President Samuel Hinds signed a Memorandum of Understanding on 5/12/97 with the Malaysian company "SOLID TIMBERS", for the exploitation of 760,000 hectares of forests. This concession foresees investments in the order of US$ 25 million, located south of the fourth parallel between the Berbice and Corentyne rivers (outside the Essequibo Zone). Likewise, it is indicated that President Hinds declared after the signing of the Document that another similar Agreement is in process, indicating that there have been 12 foreign applications for exploration in the timber sector, of which 4 were selected. (Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997)*

	In note N. II.2.G12.E1.F.60.3 3/154 of June 16, 1977, from our Mission in Georgetown, it was reported that the Government of Guyana has indicated that efforts have been intensified to ensure that Guyana Forestry Commission (in charge of coordinating everything related to exploratory licenses) and the Environmental Protection Agency, become functional organizations that can more efficiently regulate national environmental matters. On the other hand, it is indicated that the Presidential Advisor for Science, Technology and Environment, Navin Chandarpal, considers that the Exploration Contracts do not constitute Exploitation Concessions. … On 14 July 1997, Official McIntyre visited Venezuela. He met with President Caldera, Foreign Minister Burelli Rivas and Venezuelan facilitator Dr. Carlos Ayala Corao. The visit provided an opportunity for our Foreign Minister to express his concern about the concessions granted by the Guyanese Government for the mining and timber exploration and exploitation in the Zone under Reclamation. In addition, he underscored their impact on the environment and biodiversity in said territory. Note Nr. II.2-G12.E1-F.60.3 3/161, dated 18 June 1997, from our diplomatic mission in Georgetown, informed that the Government of Guyana signed three Memorandums of Understanding with the Malaysian companies Kwitaro Investment, Berjaya and Solid Timbers, for the exploration of a vast forest sector that includes a large area of the Essequibo. It also indicates that a fourth contract with the Canadian enterprise Buchanan Company for the area of Mazaruni is still pending signature. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* Note Nr. 00911, dated 29 July 1997, sent by Foreign Minister Dr. Miguel Ángel Burelli Rivas to the Dean of the Universidad de los Andes, Dr. Felipe Pachano, requests technical assistance from that university. Since it is the only institution at the national level to have a Faculty of Forestry Engineering, so that it takes action, along with CIDIAT (a specialized OAS agency), in the area of preservation

	of lands and forests that might be given in concessions for mining and forest exploitation, in view of the incident occurred in the Omai dam, located in the Zone under reclamation. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* Note Nr. II.2.G12.E1.F.60.3/384, dated 14 August 1997, from our diplomatic mission in Georgetown, forwards a copy in English of the Amendments made to Guyana's Forestry Law, which were approved by the National Assembly in July 1997. This judicial instrument fills a legal gap as regards exploration permits granted by the Guyanese Government through the Memorandums of Understanding it has signed with foreign companies, mainly from Malaysia and Canada *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* Note Nr. II.2.G12.E1.F.60.3 3/298, dated 29 September 1997, from our diplomatic mission in Georgetown, informs that Guyanese President Samuel Hinds approved a provision to extend the limits of the State Forests in order to include approximately 11 million acres to the South of Parallel Fourth. Said provision would be published in the Official Gazette as soon as possible, establishing that all forests located within the zone corresponding to the State would be handled and administered by Guyana's Forestry Commission. The new limits of the State Forest Reserve would be as follows: to the West with the Rewa river (Region 9, Alto Takutu-Alto Esequibo of the Zone under Reclamation), to the East with the Corentyne river, and to the South with the border with Brazil. In addition, it points out that the enlargement of the forestry border has been a strategy followed by the Guyanese Government, along with the recent approval of the Law on Forestry Exploitation, which grants the Commission the corresponding authority to grant exploratory permits for three-year periods in the forestry sector, as a prior condition for possible signing of "Agreements on Timber Sales" with foreign firms. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* In Note Nr. 2201/101.6, dated 15 October 1997, from the Rectorate of the Universidad de los Andes, Dr. Felipe Pachano Rivera, in response to Note Nr. 000911, dated 29 July 1997, sent by Foreign Minister

	Miguel Ángel Burelli Rivas, indicates the persons elected to make up the Commission to be in charge of providing advisory as regards preservation of lands and forests that may be granted in concessions for mining and forestry exploitation, in view of the incident occurred in the Omai dam, located in the Zone under Reclamation. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).* Note Nr. II.G.12.E1.F.60.3.3/355, dated 05 November 1997, from our diplomatic mission in Georgetown, informs that according to non-official versions the Government of Guyana will soon grant the corresponding "Exploratory Permits" to five foreign companies that will undertake the exploration of a vast forest sector that includes a large area of the Zone under Reclamation. Such permits will enter into force in January next year. The five companies are: KWITARO INVESTMENT, BERJAYA, SOLID TIMBERS, CASE TIMBERS L.T.D. and BUCHANAN FOREST PRODUCTOS L.T.D., with the first four being from Malaysia and the last one from Canada. It should be noted that the company BUCHANAN FOREST PRODUCTOS L.T.D. will be granted an area of 780,000 acres in the region of Mazaruni, which was being explored by the enterprise Mazaruni Forest Industries Ltd. *(Archivo DGSF: Carpeta Concesiones Madereras, 1991-1997).*

1998	On 28 April 1998, the Foreign Minister of Guyana, Clement J. Rohee, in a note addressed to his Venezuelan counterpart, proposes, upon a suggestion of the official in charge of good offices of the United Nations, **to start conversations between the two governments with the purpose of reaching an Agreement on Environment** based on their multilateral commitments, offering his country as the venue for the first meeting. He also suggested both governments to designate two teams to discuss the modalities for the start of negotiations in order to reach the aforementioned agreement. On 23 July 1988, on the occasion of the visit of the President of Guyana to Venezuela, Mrs. Janet Jagan, both presidents issued a joint communiqué under the aegis of the McIntyre process to start talks aimed

	at reaching an Agreement on Environmental Protection, thus reaffirming the importance for both governments of the need for a sustainable environmental handling based on their bilateral and multilateral commitments. *(Archivos DGSF: Carpeta Aspectos Políticos de Guyana, 1998),* Note Nr. II.2.G.12.E.1.F.60.3.3/353, dated 30 September 1998, from our diplomatic mission in Guyana, informs that in November of the previous year, the Guyana Geology and Mines Commission (GGMC) signed an agreement with the enterprise Century Guyana Ltd for the exploration of approximately 20,000 square kilometers of the coastal region of the North Western area of Guyana. The operations are being carried out between regions 1 (Barima-Waini) and 2 (Pomeroon-Supenaan), both of them located in the Zone under Reclamation. As a result of this concession, Guyana will have the right to receive 50% of the profits from this production plus additional income from leasing and other concepts, which could reach a total of US$ 90,000 per year. *(Archivos DGSF: Carpeta Concesiones Petroleras, 1999).*

1999	Note Nr. II.2.G.12.E.1.F.60.3/065, dated 10 March 1999, from our diplomatic mission in Guyana, informs that the Executive Director of firm Barama Company Ltd (a Korean-Malaysian enterprise with a timber concession) would have signed an agreement with Golden Star Resources Ltd (a Canadian firm operating Mine OMAI in the Zone under Reclamation), to start exploratory works to search for precious metals in the area where the former has a concession in the North West District of the country (Zone under Reclamation). The agreement, signed on 12 January with a validity of two years, foresees a land and aerial geophysical and geological survey of an area of 1 million acres, at a cost of approximately US$ 300,000 to 1 million, depending on the dimensions of the exploratory operations. *(Archivo DGSF: Carpeta Concesiones Madereras, 1999).* Note Nr. II.2.G.12.E.1.F.60.3./136, dated 5 May 1999, from our mission in Guyana, informs that the Guyana Geology and Mines Commissioner, Mr. Brian Sucre, the oil firms Maxus Guyana Ltd (US capital)

	and CGX Resources Inc., based in Canada, would have operations in this country aimed at conducting a two-dimensional seismical survey to determine the existence of oil. *(Archivos DGSF: Carpeta Concesiones Petroleras, 1999)*. … Note Nr. II.2.G.12.E.1.F.60.3.27194, dated 18 June 1999, from our diplomatic mission in Guyana, informs that the Dutch enterprise **Guyana Forest Fund NV**, based in Curazao, would have concluded a 30-year agreement for timber processing as part of a concession that would comprise an area of approximately 330,00 acres in Region I Barima-Waini. *(Archivo DGSF: Carpeta Concesiones Madereras, 1999)*. Note Nr. II.2.G.12.E.1.F.60.3.2/216, dated 02 July 1999, from our diplomatic mission in Guyana, informs that the Guyanese authorities granted exploratory permits in the area of forestry for a three-year period, after which the enterprise would have to negotiate again the conclusion of an Agreement for the Exploitation and Processing of Timber (Timber Sales Agreement). In addition, it informs that the local capital enterprise Guyana International Timbers Limited (GITL), associated with Chinese firm China Jili Industries Holding signed with the Guyanese Government an agreement for timber processing in a concession that comprises an area of 28,000 acres in Region 1 Barima-Waini, for a period of 15 years. … Note Nr. II,2,G,12,E,1,F,60,3,2/238, dated 16 July 1999, from our diplomatic mission in Guyana, informs that the Government of Guyana signed on 15 July 1999 an agreement with South African company "Migrate Mining LTD" to grant a concession for mining exploration for gold and diamonds in an area of 8 million acres, located in the mountains of Pakaraima, which forms part of the geological formation of Roraima, which comprises Brazil, Guyana and Venezuela. The exploratory permit comprises a vast area in the extreme West and central parts of Guyana and stretches along the border with Venezuela, passing through vast sectors of Regions 7 Cuyuní-Mazaruni and 8 Potaro-Siparuni, within the Zone under Reclamation. … Note Nr. II.2.G.12.E.1.F.60.3.2/287, dated 17 August 1999, from our diplomatic mission in Guyana, informs

	that the firm NARIL announced the start of mining operations for the production of gold in a concession of 75,000 acres in an area that comprises the various mining areas of Mazaruni, Cuyuní, Mahdia and Konawaruk (all of them located in the Zone under Reclamation), with the expectation to produce approximately 100,000 ounces of gold. The parent company of NARIL is the US firm South American Minerals Inc (SAMI), which also made the announcement in that country *(Archivo DGSF: Carpeta Concesione Auríferas, 1999).* A press release from newspaper EL NACIONAL, dated 27 August 1999, points out that a Canadian enterprise administering the third largest gold mine in South America issued a written response to a lawsuit claiming US$ 100 million in damages for the spill of millions of cubic feet of cyanide waste in a river in Guyana. The lawyers of the enterprise Cambior Incorporado, of Montreal, Canada, and its partner Golden Star Resources of Denver, Colorado, US, owners of Omai Gold Mines, argued through the legal instrument that the lawsuit does not proceed and that the judicial forum should annul the lawsuit. *(EL NACIONAL, "Empresa de oro se defiende", Archivo DSGF: Carpeta Prensa, 1999).*

UN- GOOD OFFICES

Annex 128

Joint Meeting Venezuela-Guyana for Economic and Oil Cooperation, 3-4 April 1986 (Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Cartas, Reuniones conjuntas Venezuela-Guyana para cooperación económica y petrolera, Box: E-15.

…

He pointed out that the fall in the price of bauxite on the international markets has had a serious impact on his economy, as this sector accounts for 60% of his foreign exchange earnings…

Annex 129

Meeting between the Facilitators of the Republic of Venezuela, Ambassador Emilio Figueredo Planchart, and of the Republic of Guyana, Doctor Barton Scotland, 13 August 1990
(Translation- Excerpt)

AHMPPRE. Archivo Histórico. Relaciones Bilaterales Venezuela-Guyana. Unidad Especial de Guyana. Proceso de Buenos Oficios. 1991-1999.

REPORT ON THE WORK CARRIED OUT BY EMILIO FIGUEREDO IN HIS CAPACITY AS FACILITATOR UNDER THE ENVISAGED MECHANISM OF GOOD OFFICES AIMED AT ACHIEVING A PRACTICAL SETTLEMENT OF THE DISPUTE BETWEEN VENEZUELA AND GUYANA.

MEETING OF THE FOREIGN MINISTERS OF GUYANA AND VENEZUELA WITH THE SECRETARY GENERAL OF THE UNITED NATIONS ORGANIZATION.

PREVIOUS MEETINGS:

I. MEETING BETWEEN THE FACILITATORS OF THE REPUBLIC OF VENEZUELA, AMBASSADOR EMILIO FIGUEREDO PLANCHART, AND DR. BARTON SCOTLAND, FROM THE REPUBLIC OF GUYANA,

During this meeting, both facilitators discussed the Draft Joint Resolution, using a document that had previously been negotiated for a joint meeting that did not take place (See Annex).

At that meeting it was agreed to submit a joint text to the Secretary General. A first text was submitted to Ambassador Emilio Figueredo Planchart, who subsequently made some changes to it. It was then sent to the Representative of the Secretary General of the United Nations, Alister MacIntyre. Finally, Mr. Macintyre submitted it to Secretary General Boutros Boutros Ghali who modified the last version of the text slightly, specifically with regard to the role of his Representative.

TEXT PROPOSED BY THE FACILITATOR FROM VENEZUELA:

(original text)

…

TEXT PROPOSED BY THE GUYANESE FACILITATOR

(original text)

…

VERSION EMILIO FIGUEREDO - BARTON SCOTLAND

(original text)

…

Once approved by Ambassadors Emilio Figueredo Planchart and Barton Scotland, this text was submitted to Sir Alister MacIntyre, who approved it.

…

Annex 130

Secretary-General reaffirms offer of his Good Offices to help resolve Controversy between Guyana and Venezuela, 24 September 1993

United Nations Press Release, Department of Public Information, SG/ SM/ 5108, 24 September 1993.

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

SG/SM/5108
24 September 1993

SECRETARY-GENERAL REAFFIRMS OFFER OF HIS GOOD OFFICES TO HELP RESOLVE CONTROVERSY BETWEEN GUYANA AND VENEZUELA

The following statement was issued today by the Spokesman for Secretary-General Boutros Boutros-Ghali:

The Minister for Foreign Affairs of the Cooperative Republic of Guyana, Clement James Rohee, and the Minister for Foreign Affairs of the Republic of Venezuela, Fernando Ochoa Antich, today met with United Nations Secretary-General Boutros Boutros-Ghali and Sir Alister McIntyre, the latter in his capacity as the Personal Representative of the Secretary-General for the controversy between Guyana and Venezuela.

The representatives of both countries reiterated their Government's determination to achieve a peaceful settlement of the controversy, through the good offices of the Secretary-General, in keeping with their deep and unswerving commitment to the peaceful resolution of issues within the framework of the 1966 Geneva Agreement.

It was noted that the maintenance of a dialogue, both at the level of public and private entities, was pivotal to the development of the requisite environment in which the two sides would continue to explore creative options for achieving a lasting resolution of this matter. The role of the Secretary-General was a significant element of that ongoing dialogue.

The Secretary-General expressed his gratification at the approaches being adopted, stressed that his office would continue to be at the disposal of both countries, and reiterated his willingness to maintain Sir Alister at the disposal of the parties in securing a mutually satisfactory settlement of the controversy. He complimented the two Governments on the cordial atmosphere in which their contacts and discussions were proceeding.

* *** *

Annex 131

Memorandum to the Foreign Minister Miguel Angel Burelli Rivas from Ambassador Emilio Figueredo Planchart, 4 July 1994
(Translation- Excerpt)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación
Casa Amarilla.

Translation

MEMORANDUM

TO: FOREIGN AFFAIRS MINISTER MIGUEL ÁNGEL BURELLI RIVAS
FROM: AMBASSADOR EMILIO FIGUEREDO PLANCHART
SUBJECT: CREATION OF AN INFORMAL SUPPORT GROUP FOR THE NEGOTIATIONS OF THE GOOD OFFICIANT ON THE CLAIM OF THE ESSEQUIBO TERRITORY

In view of the preparation of the meeting between the Foreign Ministers of Venezuela and Guiana and the meeting between Presidents Caldera and Jagan to be held before the beginning of the United Nations General Assembly, I would like to propose the creation of an Informal Support Group for the negotiations of the Good Officer on the claim of the Essequibo Territory, with a view to advancing a doctrine on the subject.

I submit for your consideration the names of the persons who could form part of the aforementioned group:

For the Foreign Affairs Ministry:
Ambassador Roy Chaderton Matos, Director General
Ambassador Jean Francois Pulvenis
Ambassador Rafael Rangel
Counsellor Alexandra Paris (who will act as Executive Secretary)

Advisors:
Mrs. Luis Herrera Marcano
Mr. Juan Carlos Rey

Energy and Mines: To be defined
Hydric Resources: Mr. Hermán Roo
Armed Forces: To be defined (preferably Naval Forces)

EFP/APP
June 16, 94

REPORT ON THE MEETING OF THE FACILITATOR OF VENEZUELA, AMBASSADOR EMILIO FIGUEREDO, WITH MCINTYRE AND REPRESENTATIVES OF THE GUYANESE GOVERNMENT

...

5. Alister Mc Intyre told me that he had spoken to Insanally and Mrs. Jagan and that they would be present at the planned breakfast to dispel any doubts about Barton Scotland's withdrawal, and that they wanted Barton to reaffirm their confidence in the mechanism and procedure adopted by the parties to find a practical settlement to the dispute within the spirit of the Geneva Agreement.

Once agreed by Ambassadors Emilio Figueredo Planchart and Barton Scotland, this text was presented to Mr. Alister Mac Intyre, who approved it.

…

Annex 132

Report of the Meeting between Sir Alister McIntyre, Carlos Ayala and Harry Ramkarran in New York, 14-15 December 1995
(Translation- Excerpt)

AHMPPRE. Archivo Histórico. Relaciones Bilaterales Venezuela-Guyana. Unidad Especial de Guyana. Proceso de Buenos Oficios. 1991-1999. Informe de la gestión cumplida por Carlos M. Ayala Corao, como facilitador venezolano ante el Secretario-General de la ONU bajo el Acuerdo de Ginebra, en el proceso de Buenos Oficios para el arreglo práctico de la controversia sobre el territorio Esequibo reclamado por Venezuela.

...

On December 14 and 15, 1995, the first meeting took place in New York between Sir Alister (Good Officer for the UN Secretary General), Carlos Ayala (Venezuelan facilitator), and Harry Ramkarran (Guyanese facilitator). Since this was the first meeting with Carlos Ayala, the purpose of the meeting was to clarify the procedural and methodological aspects of the talks, as well as to express the content of the issues discussed in the past. In this sense, with no agreement being reached, general parameters have been discussed on maritime delimitations favorable to Venezuela; and in relation to the continental territory, the possibility of the "return" to Venezuela in full jurisdiction of a territory in the northern part of the zone of claim; and the possibility of establishing over another portion of the territory subject to return, a "lease" in favor of the Cooperative Republic of Guyana, in which Venezuela would retain the title of sovereignty and Guyana would occupy it in the term and conditions agreed between the parties. However, Ramkarran expressed that the political conditions in his country had recently changed (following the visit of President Cheddi Jagan to Venezuela -Margarita-, which was harshly questioned by the Guyanese public opinion), which is why he did not consider it feasible in the short term to advance the talks on this matter. After a series of informal exchanges of ideas, it was agreed to hold the next meeting in the first quarter of 1996.

...

Annex 133

The Foreign Ministers of Venezuela and Guyana met the Secretary General of the United Nations to propose Norman Girvan as Secretary General's Personal Representative, 9 October 2009
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 2009 presentado al Congreso Nacional en sus sesiones ordinarias de 2010 por el titular de despacho, Caracas, 2010.

BOLIVARIAN REPUBLIC OF VENEZUELA
PEOPLE'S MINISTRY FOR FOREIGN AFFAIRS
MEMORY AND ACCOUNTS YEAR 2009

(There appears the shield of the Bolivarian Republic of Venezuela)

SUBMITTED TO THE NATIONAL ASSEMBLY BY THE OFFICIAL IN CHARGE OF THE OFFICE DURING ITS REGULAR SESSIONS FOR THE YEAR 2010

CARACAS, 2010

3.1.1.2 On 9 October 2009, the Governments of the Bolivarian Republic of Venezuela and the Cooperative Republic of Guyana formalized before the Secretary-General of the United Nations, Ban Ki-Moon, the proposal to designate the new Official in charge of Good Offices to continue with the negotiations on the dispute on the sovereignty over the Essequibo territory.

Foreign Ministers Nicolás Maduro and Carolyn Rodrigues held an interview with the Secretary-General of the United Nations to propose, on a mutual agreement, Professor Norman Girvan, a Jamaican economist and academician, as Personal Representative of the Secretary-General of the United Nations, who will continue with the negotiations efforts previously promoted by Sir Alister McIntyre and Ambassador Oliver Jackman, in order to achieve a fair, equitable and satisfactory solution for both countries.

The Venezuelan claim of sovereignty over the Essequibo Territory has been before the Secretary General of the United Nations since 1983, by agreement between the parties, as provided for in the Geneva Agreement of 17 February 1966.

The Governments of Caracas and Georgetown maintain an excellent relation, as a result of the efforts of both presidents. Such message was reaffirmed by the Foreign Ministers to the General-Secretary Ban Ki-Moon.

Annex 134

Secretary-General appoints Norman Girvan of Jamaica as Personal Representative on Border Controversy between Guyana and Venezuela, 20 April 2010

United Nations, Meetings Coverage and Press Releases, SG/A/1230-BIO/4183.

Available at: https://press.un.org/en/2010/sga1230.doc.htm

SG/A/1230-BIO/4183
20 APRIL 2010

Secretary-General Appoints Norman Girvan of Jamaica as Personal Representative on Border Controversy Between Guyana, Venezuela

20 April 2010
Secretary-GeneralSG/A/1230
BIO/4183
Department of Public Information • News and Media Division • New York
Biographical Note

Secretary-General Appoints Norman Girvan of Jamaica as Personal Representative

on Border Controversy Between Guyana, Venezuela

United Nations Secretary-General Ban Ki-moon has appointed Norman Girvan of Jamaica as his Personal Representative on the Border Controversy between Guyana and Venezuela.

United Nations Secretary-General Ban Ki-moon has appointed Norman Girvan of Jamaica as his Personal Representative on the Border Controversy between Guyana and Venezuela.

Mr. Girvan's role will be to assist Guyana and Venezuela in resolving this long-standing controversy. His appointment responds to a request from the parties to resume the Secretary-General's good offices, which were suspended in 2007 due to the death of the Secretary-General's last Personal Representative, Oliver Jackman. The Secretary-General commends the parties for seeking to resolve their differences through dialogue, and looks forward to learning of the progress that they make with the assistance of Mr. Girvan.

Mr. Girvan is a respected diplomat who possesses deep knowledge of the Caribbean region. He has travelled extensively in Latin America and is well known for his advocacy of greater cooperation between the Caribbean and Latin America. He was Secretary General of the Association of Caribbean States from 2000-2004, and is currently a Professorial Research Fellow at the University of the West Indies' Institute of International Relations. Mr. Girvan has worked as Senior Officer and Consultant at the United Nations Centre on Transnational Corporations and as Senior Research Fellow of the United Nations African Institute for Development and Planning in Dakar, Senegal. Additionally, he has served as Chief Technical Director of Jamaica's National Planning Agency. An economist by training, Mr. Girvan has also served on the Board of Directors of the Bank of Jamaica and in the Economic Council of the Cabinet of the Government of Jamaica.

Mr. Girvan is fluent in English and Spanish. He was born in 1941.

* *** *

Annex 135

Letter from Norman Girvan, Personal Representative on Border Controversy between Guyana and Venezuela, to the Foreign Minister of the Bolivarian Republic of Venezuela, Nicolás Maduro Moros, 6 October 2010

AHMPPRE. Archivo Histórico. Política Internacional. Guyana. Solicitud de Guyana ante la Comisión de límites de la ONU para extender la Plataforma Continental. 2012, 2013, 2014, 2015.

F1725

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS-ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS-ADRESSE TELEGRAPHIQUE: UNNATIONS NEWYORK

REFERENCE:

6 October 2010

Excellency,

As you are aware, I visited Guyana from 26 to 27 May, following my appointment as Personal Representative of the Secretary-General on the border controversy between Guyana and Venezuela.

In order to advance the process of good offices in relation to the border issue, I look forward to visiting Venezuela at your earliest convenience. I also expect to be in regular contact with Ambassador Roy Chaderton, as appointed Facilitator in this process.

I would like to take this opportunity to reiterate to the Government of Venezuela the assurances of my highest esteem.

Norman Girvan
Personal Representative of the Secretary-General
on the border controversy between Guyana and Venezuela

His Excellency
Mr. Nicolás Maduro Moros
Foreign Minister of the
Bolivarian Republic of Venezuela
Caracas

cc: Mr. BAN Ki-Moon, Secretary-General, United Nations
Mr. Jorge Valero Briceño, Deputy-Minister for North America and Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations, New York
Ms. Maria Eugenia Maria Casado, Ambassador of the Bolivarian Republic of Venezuela, Port-au-Spain

Annex 136

UN Envoy hails Workshop related to Guyana-Venezuela Border Dispute, 17 May 2012

United Nations, UN News Global perspective Human stories.

Available at: https://news.un.org/en/story/2012/05/411162

UN envoy hails workshop related to Guyana-Venezuela border dispute

UN Photo/Mark Garten | Secretary-General Ban Ki-moon (right) with Norman Givran, his Personal Representative on the border controversy between Guyana and Venezuela.

UN Photo/Mark Garten | Secretary-General Ban Ki-moon (right) with Norman Givran, his Personal Representative on the border controversy between Guyana and Venezuela.

17 May 2012

A UN envoy today hailed a recent workshop related to a long-standing border controversy between Guyana and Venezuela as a demonstration of both countries' on-going commitment to a peaceful resolution of the matter.

"This workshop took place in the context of the extremely friendly and cordial relations now existing between Guyana and Venezuela and their commitment to the good offices process established by the Secretary-General [Ban Ki-moon]," the Secretary-General's Personal Representative on the border controversy between Guyana and Venezuela, Norman Girvan, said in a statement.

The workshop, held on Tuesday and organized with support from the UN Department of Political Affairs, focused on multi-dimensional approaches and best practices in the resolution of controversies, based on examples from around the world.

Among the participants were both countries' facilitators in the good offices process – Hari Narayen Ramkarran for Guyana and Ambassador Roy Chaderton Matos for Venezuela – as well as both countries' Permanent Representatives to the United Nations in New York.

"The participants displayed a tremendously positive and constructive spirit, and everyone agreed that we are all equipped better with relevant information," Mr. Girvan added, noting that the workshop participants are currently exploring possible next steps.

GUYANA | VENEZUELA

RELATED STORIES

UN refugee agency concerned about indigenous Venezuelans in Guyana

UN envoy meets with Ministers of Guyana, Venezuela to help resolve border dispute

Ban saddened at death of UN envoy dealing with Guyana-Venezuela border controversy

Annex 137

Second Technical Workshop convened by the Good Officer, Norman Girvan, Personal Representative of the Secretary General of the United Nations Organization, for the Guyana-Venezuela Territorial Dispute, 28 February 2013
(Translation)

Ministerio del Poder Popular para Relaciones Exteriores, Archivos, Bibliotecas y Divulgación
Casa Amarilla, Unidad Especial de Guyana, Punto de Información, DOCPRTE-578.

URGENT

TYPE OF DOCUMENT	**POINT OF INFORMATION**
SUBJECT	Second Technical Workshop, called by the Good Officiant, Norman Girvan, Personal Representative of the Secretary General of the United Nations on the Guyana-Venezuela Territorial Dispute.
ORIGIN	**GUYANA SPECIAL UNIT** **DOCPRTE-578**
DATE	28 FEB 2013

[Venezuelan Flag] **Bolivarian** Government of Venezuela	Ministry of the People's Power for **Foreign Relations**

Office of the Director/Guyana Special Unit

DOCPRTE-571
6 AUG 2012

Point of Information

TO: Mr Nicolás Maduro
Minister of the People's Power for Foreign Relations

C/C: Mrs Verónica Guerrero
Deputy Minister for Latin America and the Caribbean

Dr Ángel Marcial Parra Yarza
Brigadier General
General Director of the Office for Borders

FROM: Vice Admiral Elías Daniels Hernández
Head of the Guyana Special Unit

SUBJECT: Content analysis of the document ***"Report on the Guyana-Venezuela Technical Workshop"***, held on 15 May 2012 at the headquarters of the United Nations (UN).

I. EXPLANATORY STATEMENT

Within the context of the Good Offices, the delegations of the Bolivarian Republic of Venezuela and the Republic of Guyana attended the ***"Guyana-Venezuela Technical Workshop"***, held on 15 May 2012, in New York City, in the United States of America. The objective of the workshop was to ***"... bring to the attention of the representatives of both countries some successful examples of settlement of territorial disputes"***. The workshop was attended by the following participants:

Moderator: **Professor Norman Girvan**, Good Officiant, Personal Representative of the Secretary General of the United Nations on the Guyana-Venezuela Territorial Dispute.

Venezuelan Delegation: Ambassador **Roy Chaderton Matos**, Permanent Representative to the OAS and Facilitator; Ambassador **Jorge Valero**, Permanent Representative of Venezuela to the UN; **Paula Carozzo de Abreu**, Minister Advisor to the Mission of Venezuela to the OAS;

Alfredo Toro, First Secretary of the Mission of Venezuela to the UN; and **Mercedes Carrillo Zamora**, Lawyer and Advisor.

Guyanese Delegation: Lawyer **Hari N. (Ralph) Ramkarram**, Facilitator; Ambassador **George Talbot**, Permanent Representative of Guyana to the UN; **Deborah Backer**, Deputy Speaker of Parliament; **Bibi Shadick**, Member of the Guyanese Parliament; Ambassador **Elizabeth Harper**; Director General of the Ministry of Foreign Affairs; and **Keith George**, Ambassador to Suriname.

Consultant **Alex Grzbowski**, who has acted as mediator in international disputes over natural resources, also attended the workshop, and presented models of cooperation and dispute resolution by using the **Chatham House Rule**, which allows participants to express their opinions freely, without compromising the official position of their governments on the matter. Likewise, it was proposed that a multidimensional solution should be examined, framed within a strategy for the search for issues of mutual interest that would generate a rapprochement between the Parties and finally, ***"...offer a mutually beneficial solution for both countries"***.

II. ANALYSIS

A content analysis of the document produced by the ***"Guyana-Venezuela Technical Workshop"*** reveals the following aspects:

- This is the first time that the search for and the identification of issues that could lead to possible solutions to the Territorial Dispute have been included in a meeting held with the Good Officer at the headquarters of the United Nations (UN).

- It is considered that the model proposed by the consultant seeks to deepen the use of cooperation, which should lead to the search for satisfactory solutions for a practical settlement of the Territorial Dispute.

- A policy of administrative continuity on the part of the Guyanese government is evident in the multidisciplinary composition of the Guyanese Delegation that participated in the workshop. This enabled the Delegation to take advantage of the stage to present the priority

issues (traditional and current) pending on the bilateral agenda and which are of interest for progress in the area of cooperation.

- In turn, the Venezuelan Delegation addressed the issue in a general manner by emphasising three aspects: 1) the systematisation of information to facilitate its circulation and management; 2) the dissemination of the progress achieved in bilateral cooperation; and 3) the raising of awareness in society and the national public opinion on the issue. However, it was noted that there was no reference to specific cooperation issues and that the composition of the delegation that participated in the workshop did not correspond to that of a multidisciplinary team, in addition to the obvious participation of the Office for Borders and the Guyana Special Unit, which are units under this Ministry in charge of the issue.

- The content of the document ***"Report of the Guyana-Venezuela Technical Workshop"*** shows the repeated use of the words "borders", "border areas", "cross-border cooperation", and this contradicts the vision that this Unit has been working on, in relation to the meaning of ***"areas adjoining the Zone under Reclamation"*** or ***"areas adjacent to the Zone under Reclamation"***, as opposed to border areas, since the Guayana Esequiba is subject to a territorial dispute, as evidenced from the ***"Note of Acknowledgement"***[1] to the State of Guyana, whereby Venezuela reserves its rights over the Essequibo Territory.

III. CONCLUSIONS

- There is a pro-active attitude of the Good Officer in seeking rapprochement between the Parties through the strengthening of bilateral cooperation.

- There is evidence of the Guyanese Delegation's recognition and identification of traditional and current issues of common interest, which contribute to strengthening bilateral and regional cooperation (legal system, illicit activities related to fuel extraction and gold

[1] "NOTE OF ACKNOWLEDGMEMNT FROM VENEZUELA TO THE NEW STATE OF GUYANA, WHEREBY VENBEZUELA RESERVES ITS RIGHTS OVER THE TERRITORY OF THE GUYANA ESEQUIBA", 26 MAY 1966. Republic of Venezuela, Ministry of Foreign Relations, *Reclamación de la Guyana Esequiba* [Reclamation of the Guyana Esequiba], Documents 1962-1981, Editorial Arte, Caracas, 1981, pp. 107-108.

mining, reactivation of cooperation mechanisms, exploration and exploitation of hydrocarbons, among others).

- The composition of the Guyanese Delegation shows the participation of officials with long experience and permanence in positions related to the issue of the territorial dispute. Thus stand out the performances of the Guyanese Facilitator, Hari N. Ralph Ramkarram, who has been in that position for 12 years (1994-2012); the Director General of the Ministry of Foreign Affairs, Ambassador Elizabeth Harper, who has been in that position since 2002 and has represented her country in various Venezuelan-Guyanese meetings; and the current Guyanese Ambassador to Suriname, Keith George, who was since 2002, Director of Borders in the Ministry of Foreign Relations of that country, and has also been part of the Guyanese Delegations that have negotiated with their Venezuelan counterpart (like, for instance, the Binational High Level Commission -COBAN-, the Memorandum of Understanding to address the Fishing Incidents, the Commercialisation of Guyanese Rice, the Dredging of Rivers, among others).

- In relation to the proposal of the Venezuelan Delegation concerning the systematisation of information to facilitate its circulation and management, there is a lack of awareness of the work and efforts that, together with the Venezuelan Embassy in Guyana, this Unit has been conducting since its creation in 1995, in order to systematise, compile, update, classify, file and analyse all the information that has a bearing on the Esequibo Reclamation Process, as well as to formulate the strategic concept of claiming Venezuelan sovereignty rights in the Esequibo Territory.

IV. RECOMMENDATIONS

In order to materialise and deepen the mutual trust expressed by both delegations during the workshop, as seen in the content analysis of the document ***"Guyana-Venezuela Technical Workshop"***, this Unit suggests the following recommendations:

- Resume inter-institutional meetings to set up expert teams in order to coordinate the actions to be taken with a view to formulating satisfactory solutions for a practical settlement of the territorial dispute and for cooperation in general, in addition to reiterating the

desirability of avoiding the high turnover of officials in charge of the issue, as well as the lack of administrative continuity in the decision-making processes on this issue.

- Make appropriate use of all classified, confidential, restricted and/or secret information in the archives of the Guyana Special Unit in the aim of assisting in the formation of the multidisciplinary teams that would be responsible for developing public policies leading to the formulation of satisfactory solutions for a practical settlement of the dispute.

- Define a timetable of activities in accordance with the Venezuelan electoral process in such a way that it allows for the monitoring of pending issues to ensure timely action within the previously agreed deadlines.

- Generate a communications strategy aimed at disseminating progress with regard to the bilateral relationship.

- Update, review and revitalise the Binational High Level Commission (COBAN), along with the corresponding issues that will advance the bilateral agenda and thus continue to foster good neighbourly relations. The incorporation of the Guyanese request to extend the limits of the Continental Shelf beyond 200 nautical miles deserves special attention. This issue should be analysed at the inter-institutional level and should be included in the bilateral agenda, as well as the specific issues raised by the Guyanese Delegation during the workshop.

[Illegible signature]
Vice Admiral Elías Daniels Hernández
Head of the Guyana Special Unit

[Wet seal: "BOLIVARIAN REPUBLIC OF VENEZUELA. (Coat of Arms). OFFICE OF THE GENERAL DIRECTOR. GUYANA SPECIAL UNIT. MINISTRY OF THE PEOPLE'S POWER FOR FOREIGN RELATIONS

ED/GP

Annex 138

Letter from Norman Girvan, Personal Representative of the Secretary-General on the Border Controversy between Guyana and Venezuela, to the Foreign Minister of the Bolivarian Republic of Venezuela, Elias Jaua Milano, 29 October 2013 (Translation)

AHMPPRE. Archivo Histórico.Comisión Bilateral de alto nivel Venezuela-Guyana (COBAN). 2011, 2012, 2013, 2014.

United Nations Nations Unies

HEADQUARTERS – SIEGE NEW YORK, NY 10017
TEL.: 1 (212) 963.1234 – FAX: 1 (212) 963.4879

REFERENCE:

29 October 2013

Your Excellency,

It was a pleasure to meet with you in Port of Spain on 17 October last. Please allow me to thank you for your willingness to consider my concrete suggestions for moving forward with the Good Offices process.

I am particularly aware of the willingness, repeatedly expressed by both Venezuela and Guyana, to move forward on economic integration and cooperation, as well as on the consolidation of good and peaceful relations between the two countries. A mutually acceptable solution to the border dispute will undoubtedly further improve neighbourly relations and bring significant economic benefits to both countries.

Last summer, the Secretary-General renewed his commitment to the Good Offices process for an additional year, at the end of which a review of progress will take place. This review could take into consideration alternative means of dispute settlement, as provided for in the 1966 Geneva Agreement. However, I am convinced that the current Good Offices process allows States to be more empowered than any other alternative and that significant progress towards the resolution of the border dispute is possible.

Your Excellency
Elías Jaua Milano
People's Power Ministry of Foreign Affairs
of the Bolivarian Republic of Venezuela

The United Nations remains committed to supporting the parties in the search for a mutually satisfactory solution to the border dispute. I look forward to continuing to work to this end. As agreed in Port of Spain, I attach herewith a proposed work plan for consideration by the parties.

I take this opportunity to renew to the Government of Venezuela the assurances of my highest consideration.

Norman Girvan
Personal Representative of the Secretary-General
for the Guyana-Venezuela Border Dispute

cc: HE the Ambassador Roy Chaderton Matos, Permanent Representative of Venezuela to the Organisation of American States.
HE the Ambassador Samuel Moncada, Permanent Representative of Venezuela to the United Nations in New York.

Annex 139

The Joint Declaration of Argyle for Dialogue and Peace between Guyana and Venezuela, 14 December 2023

Ministry of Foreign Affairs and Foreign Trade, Barbados, The Joint Declaration of Argyle for Dialogue and Peace between Guyana and Venezuela, 14 December 2023.

Available at: https://www.foreign.gov.bb/the-joint-declaration-of-argyle-for-dialogue-and-peace-between-guyana-and-venezuela/

Venezuelan source: https://mppre.gob.ve/2023/12/14/declaracion-conjunta-dialogo-guyana-venezuela/

THE JOINT DECLARATION OF ARGYLE FOR DIALOGUE AND PEACE BETWEEN GUYANA AND VENEZUELA

On Thursday, December 14, 2023, in Argyle, Saint Vincent and the Grenadines, His Excellency Irfaan Ali, President of the Co-operative Republic of Guyana and His Excellency Nicolas Maduro, President of the Bolivarian Republic of Venezuela held discussions on matters consequential to the territory in dispute between their two countries.

These discussions were facilitated by the Prime Minister of Saint Vincent and the Grenadines and Pro-Tempore President of the Community of Latin American and Caribbean States (CELAC) Dr. The Honourable Ralph E. Gonsalves, and the Prime Minister of the Commonwealth of Dominica and Chairman of the Caribbean Community (CARICOM), the Honourable Roosevelt Skerrit. Prime Ministers Gonsalves and Skerrit, together with H.E. Mr. Celso Amorim, Special Adviser and Personal Envoy of H.E. Luiz Inácio Lula da Silva, President of the Federative Republic of Brazil, acted as principal Interlocutors. Also present were Honourable Prime Ministers of the Caribbean Community, namely: the Honourable Philip Davis, Prime Minister of The Bahamas; the Honourable Mia Amor Mottley, Prime Minister of Barbados; the Honourable Dickon Mitchell, Prime Minister of Grenada; the Honourable Philip J. Pierre, Prime Minister of Saint Lucia; Honourable Terrence Drew of Saint Kitts and Nevis and Dr. The Honourable Keith Rowley, Prime Minister of the Republic of Trinidad and Tobago.

Attending as Observers on behalf of His Excellency António Guterres, Secretary-General of the United Nations were Their Excellencies Earle Courtenay Rattray, Chef de Cabinet of the Office of the Secretary-General of the United Nations, and Miroslav Jenca, Under-Secretary-General of the United Nations Department of Political and Peacebuilding Affairs. In addition, His Excellency Alvaro Leyva Durán, Minister of Foreign Affairs of the Republic of Colombia and Mr. Gerardo Torres Zelaya, Vice-Minister of Foreign Affairs of the Republic of Honduras, in his capacity as CELAC Troika, also participated.

All parties attending the meeting at Argyle, Saint Vincent and the Grenadines reiterated their commitment to Latin America and the Caribbean remaining a Zone of Peace.
Guyana and Venezuela declared as follows:

1. Agreed that Guyana and Venezuela, directly or indirectly, will not threaten or use force against one another in any circumstances, including those consequential to any existing controversies between the two States.
2. Agreed that any controversies between the two States will be resolved in accordance with international law, including the Geneva Agreement dated February 17, 1966.
3. Committed to the pursuance of good neighborliness, peaceful coexistence, and the unity of Latin America and the Caribbean.
4. Noted Guyana's assertion that it is committed to the process and procedures of the International Court of Justice for the resolution of the border controversy. Noted Venezuela's assertion of its lack of consent and lack of recognition of the International Court of Justice and its jurisdiction in the border controversy.
5. Agreed to continue dialogue on any other pending matters of mutual importance to the two countries.

6. Agreed that both States will refrain, whether by words or deeds, from escalating any conflict or disagreement arising from any controversy between them. The two States will cooperate to avoid incidents on the ground conducive to tension between them. In the event of such an incident the two States will immediately communicate with one another, the Caribbean Community (CARICOM), the Community of Latin America and the Caribbean (CELAC), and the President of Brazil to contain, reverse and prevent its recurrence.
7. Agreed to establish immediately a joint commission of the Foreign Ministers and technical persons from the two States to address matters as mutually agreed. An update from this joint commission will be submitted to the Presidents of Guyana and Venezuela within three months.
8. Both States agreed that Prime Minister Ralph E. Gonsalves, the Pro-Tempore President of CELAC, Prime Minister Roosevelt Skerrit, the incumbent CARICOM Chairman, and President Luiz Inacio Lula da Silva of Brazil will remain seized of the matter as Interlocutors and the UN Secretary-General, Antonio Guterres as Observers, with the ongoing concurrence of Presidents Irfaan Ali and Nicolas Maduro. For the avoidance of doubt, Prime Minister Gonsalves' role will continue even after Saint Vincent and the Grenadines ceases to be the Pro-Tempore President of CELAC, within the framework of the CELAC Troika plus one; and Prime Minister Skerrit's role will continue as a member of the CARICOM Bureau.
9. Both States agreed to meet again in Brazil, within the next three months, or at another agreed time, to consider any matter with implications for the territory in dispute, including the above-mentioned update of the joint commission.
10. We express our appreciation to Prime Ministers Gonsalves and Skerrit, to President Lula and his Personal Envoy Celso Amorim, to all other CARICOM Prime Ministers present, to the officials of the CARICOM Secretariat, to the CELAC Troika and to the Head of the CELAC PTP Secretariat in Saint Vincent and the Grenadines, His Excellency Dr. Douglas Slater, for their respective roles in making this meeting a success.
11. We express our appreciation to the Government and people of Saint Vincent and the Grenadines for their kind facilitation and hospitality at this meeting.

Source: Ministry of Foreign Affairs and Foreign Trade

OTHER UN DOCUMENTS

Annex 140

Letter from the Permanent Representative of Venezuela to the Secretary-General of the United Nations, 14 February 1962

United Nations, General Assembly, sixteenth session, fourth committee, Agenda item 39, Information from Non-Self-Governing territories transmitted under Article 73 e of the Charter of the United Nations. Reports of the Secretary-General and of the Committee on information from Non-Self-Governing territories, A/C.4/536, February 15, 1962.

Guyana's memorial, Annex 17 https://www.icj-cij.org/sites/default/files/case-related/171/171-20181119-WRI-01-01-EN.pdf

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/C.4/536
15 February 1962
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Sixteenth session
FOURTH COMMITTEE
Agenda item 39

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS. REPORTS OF THE SECRETARY-GENERAL AND OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

Letter dated 14 February 1962 from the Permanent Representative of Venezuela to the Secretary-General

1. On the instructions of my Government, I have the honour to refer to the statement made by the Prime Minister of British Guiana to the Fourth Committee on 18 December 1961, the text of which was circulated as a United Nations document (A/C.4/515), and to the letter from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, dated 15 January 1962, also circulated as a United Nations document (A/C.4/520), both of which relate to the question of independence for British Guiana.

2. Inasmuch as there is a dispute between my country and the United Kingdom concerning the demarcation of the frontier between Venezuela and British Guiana and since, for that reason, my Government feels obliged to reserve its position on the matter and to explain the situation to the United Nations, I should be grateful if you would circulate this letter and the memorandum annexed hereto to Members of the United Nations for their information.

3. I have the honour to be, etc.

(Signed) Carlos SOSA RODRIGUEZ
Permanent Representative
of Venezuela

1. Immediately it proclaimed its independence, Venezuela assumed sovereignty over the territories which, under Spanish rule, constituted the Captaincy-General of Venezuela. The boundaries of the province of Guiana, which was an administrative division of the Captaincy-General, extended to the western shores of the Essequibo river.

2. On 13 August 1814, the Netherlands ceded to the United Kingdom the settlements of Essequibo, Demerara and Berbice. The treaty transferring the settlements did not lay down the exact boundaries of the territory ceded but, as can be verified from contemporary documents, such territory did not, in any event, extend beyond the western shores of the river Essequibo.

3. Almost simultaneously with the occupation of the settlements of Demerara, Berbice and Essequibo, the British commenced a series of actions designed to extend their possessions into territory belonging to Venezuela.

4. The territory which the British had received from the Netherlands comprised approximately 20,000 square miles. After the series of unilateral incursions, explorations and demarcations by the British, the territory of the colony, according to the statistics in the official British yearbook, The Colonial Office List, had suddenly increased by 40 per cent in one year between 1885 and 1886 (see Samuel Flagg Bemis, A Diplomatic History of the United States, 4th edition, Henry Holt and Company, New York, page 416).

5. Repeated protests by successive Governments of Venezuela, and their demands that the problem of the frontiers with British Guiana should be submitted to impartial arbitration, were met on each occasion with evasive diplomatic excuses.

6. In 1886, the Government of Venezuela formally requested the United Kingdom to withdraw from the illegally occupied territory. As the British refused to do so, Venezuela was obliged to break off diplomatic relations with that country on 20 February 1887.

7. The United Kingdom, however, continued to widen its territorial claims until they included even the mouths of the Orinoco, the largest river in Venezuela.

8. It was then that the President of the United States, Grover Cleveland, alarmed by British expansion in the Americas, exerted his full political and

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diplomatical influence in order that Venezuela and the United Kingdom might agree to submit the question to arbitration (Message from President Grover Cleveland to the United States Congress on 17 December 1895).

9. In 1897 a Treaty of Arbitration (see annex I) was concluded, under which an Arbitral Tribunal was appointed, consisting of five jurists - two from the United Kingdom, two from the United States of America and, as President, the Russian Professor F. de Martens.

10. The United Kingdom, although a party to the dispute, felt free to nominate two of its nationals as arbitrators. The Tribunal included no Venezuelan arbitrator.

11. The adverse circumstances in which the Treaty of Arbitration was concluded obliged Venezuela to accept the first rule in article IV (see text of the Treaty of Arbitration, annex I), which incorporated the principle of prescription after the lapse of a period of fifty years. Acceptance of such a principle meant from the first an automatic loss by Venezuela of a large part of the territory illegally occupied by the British. That was not enough, however, for the arbitral award rendered in Paris on 3 October 1899 failed to recognize the rights of Venezuela even to territory which had not been occupied by the British for the fifty years specified in the first rule of the Treaty of Arbitration. The frontier was arbitrarily drawn in an award, the text of which gave no reasons and which recognized the rights of Venezuela only to the mouths of the Orinoco and to 5,000 square miles of adjacent territory (see annex I).

12. The peculiar circumstances in which the decision was rendered were noted the very same day.

13. On 4 October 1899, The Times of London (page 6, London, 4 October 1899), published a joint statement made to Reuters Agency by the Legal Advisers of Venezuela, in which they stated that nothing in the past history of the dispute adequately explained the way in which the boundary-line had been drawn in the award.

14. In a confidential note to his Government on 4 October 1899, Dr. José M. Rojas, Agent of Venezuela to the Arbitral Tribunal, also expressed his astonishment at the incomprehensible decision.

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15. The information gathered by the Agent of Venezuela was fully confirmed years later in a posthumous document left by Mr. Severo Mallet Prevost, Legal Adviser to the Government of Venezuela, and published in the United States periodical "The American Journal of International Law" (vol. 43, No. 3, July 1949, page 523 et seq.). This document, which was made public six months after the death of its author, gives a detailed account of the vitiating circumstances in which the arbitral award was made.

16. The award was the result of a political transaction carried out behind Venezuela's back and sacrificing its legitimate rights. The frontier was demarcated arbitrarily, and no account was taken of the specific rules of the arbitral agreement or of the relevant principles of international law.

17. Venezuela cannot recognize an award made in such circumstances. Ever since the date of the decision, Venezuelan public opinion has unanimously refused to acknowledge its validity and has demanded that the injustice suffered by Venezuela should be redressed. When it obtained clear evidence of the defects which invalidate that decision, the Government of Venezuela explicitly reserved its rights at the Fourth Meeting of Consultation of Ministers of Foreign Affairs of the American Continent in 1951 (annex II) and at the Tenth Inter-American Conference in 1954 (annex III).

18. Since the United Nations General Assembly is considering problems relating to the independence of British Guiana, the Government of Venezuela, in order to defend the rights of the people it represents, feels obliged to ask that its just claims should also be taken into account and that the injustice committed should be equitably repaired.

19. Venezuela and its Government are most sympathetic to the independence of British Guiana, in conformity with their deep-rooted national feelings and the anti-colonialist doctrine which they have repeatedly upheld. The Government of Venezuela welcomes the desire of the people of British Guiana for rapid and complete political independence, and formally declares that it will resolutely support this just aspiration.

20. In reaffirming its incontrovertible rights in the United Nations, Venezuela hopes that its long-standing dispute with the United Kingdom regarding the

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boundaries of British Guiana will be solved by negotiations between the interested parties, in accordance with international law and with the Purposes and Principles of the United Nations Charter, taking into account not only Venezuela's rights, but also the legitimate interests of the people of British Guiana under the present circumstances.

ANNEX I

TEXT OF THE ARBITRARY AWARD SIGNED IN PARIS ON 3 OCTOBER 1899, ON THE BOUNDARIES BETWEEN VENEZUELA AND BRITISH GUIANA

WHEREAS on the 2nd day of February 1897 a Treaty of Arbitration was concluded between the United States of Venezuela and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland in the terms following:

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 question which has arisen between their respective Governments concerning the boundary between the Colony of British Guiana and the United States of Venezuela, have 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 the Bath and of the Most Distinguished 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, Señor José 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.

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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 the Bath, and the Honourable Sir Richard Henn Collins, Knight, one of the Justices of Her Britannic Majesty's Supreme Court of Judicature;[1/] 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 date of the exchange of ratifications of the present Treaty, to be selected by His Majesty the King of Sweden and Norway. The Jurist so selected shall be President of the Tribunal.

In case of the 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 appointed 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.

1/ Now the Right Honourable Sir Richard Henn Collins, a Member of Her Majesty's Most Honourable Privy Council and a Lord Justice of Her Majesty's Court of Appeal.

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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 respectively 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 a 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 applicable 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 settlement thereof, sufficient to constitute adverse holding or to make title by prescription.

(b) The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of international 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 Tribunal 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.

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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 Government of Her Britannic Majesty and the United States of Venzuela, respectively.

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 official correspondence, and other evidences 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 appointment of the members of the Tribunal, but within a period not exceeding eight months from the date of the exchange of the ratification 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, corrsspondence, and evidence so presented by 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 expiration 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 either 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 written 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 by 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 whereof 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 Venzuela for his Government.

ARTICLE XI

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and 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 employed 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 Proceedings 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 President of the United States of Venezuela, by and with the approval of the Congress thereof, and the ratifications 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 seal.

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

(L.S.)

JULIAN PAUNCEFOTE

(L.S.)

JOSE ANDRADE

/...

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 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 question 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:

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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 Mururuma and thence along the mid-stream of the latter river to its source and from that point to the junction of the River Haiowa with the Amakuru and thence along the mid-stream of the Amakuru to its source in the Imataka Ridge and thence in a South Westerly direction along the highest ridge of the spur of the Imataka Mountains to the highest point of the main range of such Imataka Mountains opposite the source of the Barima and thence along the summit of the main ridge in a South Easterly direction of the Imataka 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 westernmost 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

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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 of October A. D. 1899.

Signed by: F. de MARTENS
RUSSELL Of K.
R. HENN COLLINS
MELVILLE WESTON FULLER
DAVID J. BREWER

/...

ANNEX II

"DECLARATION MADE AT THE FOURTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS OF THE AMERICAN CONTINENT, HELD IN MARCH 1961"

"In the opinion of the Government of Venezuela, no change of status which may occur in British Guiana as a consequence of the international situation, of any measures which may be adopted in the future or of the advance of the territory's inhabitants towards self-determination will prevent Venezuela, in view of the special circumstances prevailing when the frontier line with the British Guiana was defined, from pressing its just demand that the injury suffered by the Nation on that occasion should be redressed by an equitable rectification of the frontier".

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ANNEX III

"DECLARATION MADE AT THE TENTH INTER-AMERICAN CONFERENCE, HELD IN MARCH 1954"

"In the particular case of British Guiana, the Government of Venezuela declares that no change of status which may occur in that neighbouring country can prevent the National Government from pressing its just demand that the injury suffered by the Nation when its frontier line with British Guiana was demarcated should be redressed by an equitable rectification of the frontier, in view of the unanimous feelings of the Venezuelan people and the special circumstances prevailing at the time. Hence, no decision on the subject of colonies adopted at the present Conference can adversely affect Venezuela's rights in this respect, nor can it be interpreted in any way as a renunciation of those rights".

Annex 141

Statement made by the Representative of Venezuela at the 1302nd Meeting of the Fourth Committee, 22 February 1962

United Nations, General Assembly, sixteenth session, fourth committee, Agenda item 39, Information from Non-Self-Governing territories transmitted under Article 73 e of the Charter of the United Nations. A/C.4/540, February 22, 1962. Guyana's memorial, Annex 18.

Available at: https://www.icj-cij.org/sites/default/files/case-related/171/171-20181119-WRI-01-01-EN.pdf

UNITED NATIONS
GENERAL
ASSEMBLY

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Sixteenth session
FOURTH COMMITTEE
Agenda item 39

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES
TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER
OF THE UNITED NATIONS

STATEMENT MADE BY THE REPRESENTATIVE OF VENEZUELA
AT THE 1302ND MEETING OF THE FOURTH COMMITTEE ON
22 FEBRUARY 1962

Note by the Secretariat: In accordance with the decision taken by the Fourth Committee at its 1302nd meeting, the text of the following statement is circulated to members of the Committee for their information.

Madame Chairman,

1. The peaceful evolution towards independence of the people of British Guiana, which shares a common frontier with us, is of particular importance for Venezuela. It is with true American feelings that we greet its destiny as a sovereign nation taking its place, on an equal footing, in the confraternity of the continent's States.

2. We have therefore noted with great satisfaction the decision of the United Kingdom to negotiate next May with representatives of British Guiana with a view to discussing the date and arrangements for British Guiana's independence.

3. In this way we reaffirm a position to which our country has consistently adhered throughout its history and which it has set forth at various international meetings when, together with the other nations of the continent, it has declared that America will have fulfilled its historic destiny only when none of its territories is any longer subject to the colonial system. It has been and remains the permanent desire of Venezuela and her sister countries of the hemisphere to contribute to the end that such subject territories shall emerge from their subordinate status and share, in equality and sovereign independence,

in the benefits and responsibilities of international life. This attitude of Venezuela has not been restricted to America. Our policy, in the United Nations, in favour of independence for the peoples of all continents is well known.

4. At this time, when we are sincerely advocating full recognition of the rights of British Guiana's people, we cannot, without betraying our own people, forget Venezuela's rights and frontier claims and say nothing, in this forum, about its legitimate request for the remedying of an historic injustice.

5. The facts to which I am about to refer are well known to the representatives of the American nations. Nor will anything new be found in them by the representatives of the old and new nations of Africa and Asia which suffered from the severities of colonialism and are familiar with its methods.

6. Our frontiers with British Guiana were arbitrarily established by an award made in Paris on 3 October 1899.

7. The history of the events which led to that unjust decision is as follows:

8. After the European occupation of the territory of Guiana and, more specifically, upon confirmation in 1814 of the definitive cession to Great Britain by the Netherlands of the establishments of Demerara, Essequibo and Berbice, there began for my country a period of permanent apprehension and anxiety in face of the ambitions of the new and powerful neighbour. The western frontier of the new British colony, instead of being a geographical line acknowledged and adhered to, was gradually pushed westwards so as to enclose ever greater portions of the territory of our young and weak Republic. The maps printed in London showed, year after year, the contours of a colony which was extending so as to embrace vast Venezuelan regions. The formal and dignified complaints of our country had no effect; there was always room for the diplomatic excuse that such maps and boundaries were purely tentative in character, and that the Government of Venezuela, as Lord Palmerston wrote shortly after the unilateral delimitation of the so-called Schomburgk Line in 1840, "could make any objection ... and Her Majesty's Government would ... give such answers ... as might appear proper and just". The maps continued to be printed and the frontiers continued to advance, but the just replies never arrived.

9. In 1842, in view of the outcry in Venezuela and elsewhere in America against the unilateral establishment of British frontier posts and marks well within Venezuelan territory, Her Majesty's Government ordered the removal of the said posts and marks, having declared that "those posts were ... not ... indications of dominion and empire on the part of Great Britain ..." but were "merely a preliminary measure open to future discussion between the two Governments".

10. Nevertheless, forty years later, the frontier was again unilaterally delimited by Great Britain, so as to penetrate even more deeply into virgin Venezuelan lands. The new frontier, which was named the "New Schomburgk Line", increased the British dominions by about 5,000 square miles and took from our country almost the whole of the Cuyuni River basin.

11. In December 1886 there was printed in the Colonial Office List, an official publication of the United Kingdom Government, a map of British Guiana showing a considerable advance of that colony's frontiers into Venezuelan territory and their absorption of a large part of the Cuyuni River basin. The 20,000 square miles which England had acquired from the Dutch in 1814 had grown to 60,000 by the middle of the century; in 1855 the figure reached 76,000 square miles and the claims continued until it was a question of 109,000 square miles.

12. This procedure was typical of the times, of those last decades in the nineteenth century when the colonial Powers of Europe divided up between them the territories of other continents as they saw fit.

13. Venezuela was not spared the effects of this colonial expansion. As we have seen, the repeated protests of our successive Governments and their requests that the problem of the frontiers with British Guiana be submitted to impartial arbitration were evaded by diplomatic excuses, while the maps continued to be altered and the frontiers continued to be unilaterally changed.

14. Each proposal made by our country with a view to these differences being resolved by peaceful means and in accordance with the documented claims of both parties encountered only increased pretensions, and our diplomats, those outstanding citizens which the Republic produced in the nineteenth century, were subjected to every kind of humiliation when they presented, with decorum, their country's just claim.

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15. This situation necessarily resulted in a progressive increase of tension in the relations between Venezuela and Great Britain.

16. In view of the despoilment to which we were being subjected, our country formally requested that Great Britain evacuate the territory which it had illegally occupied. This territory included the entire area from the Amacuro to the Pomarón rivers. In a note addressed to the British Minister resident in Caracas, Mr. F.R. Saint John, the then Minister for Foreign Affairs of Venezuela, Dr. Diego Bautista Urbaneja, warned him that such evacuation must be carried out before 20 February 1887, and added that "should this not be done by the day specified, and should, moreover, the evacuation not be accompanied by acceptance of arbitration as the means of deciding the pending frontier question ... diplomatic relations will be broken off between the two Governments, and a protest shall be made which shall for all time to come establish the unquestionable rights of Venezuela as opposed to /such/ proceedings".

17. The Great Britain of that day was not the same country which in this century, with a deep sense of international realities, has grasped the new spirit of the times and has co-operated in the formation of new free States in Asia and Africa, which today are Members of the United Nations.

18. The Great Britain of that day, of the colonial empire, of the Victorian era, had no ears for the claims of small peoples. My country had no other course but to break off diplomatic relations with Great Britain and record, for history, the moral protest of our people.

19. The British threat to Venezuela nevertheless contined, and British pretensions to sovereignty extended even to the mouth of our principal river, the Orinoco. Statistics of the British Government included in the Colonial Office List suddenly in a single year, from 1885 to 1886, increased the area of British Guiana by about 40 per cent.

20. The problem attained such magnitude that it expanded beyond the framework of the relations between a powerful European State and a small American nation.

21. In a message to the Congress of the United States of 17 December 1895, President Cleveland declared: "... It is deeply disappointing that such an appeal, actuated by the most friendly feelings toward both nations directly concerned, addressed to the sense of justice and to the magnanimity of one of the

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great Powers of the world, and touching its relations with one comparatively weak and small, should have produced no better results. The course to be pursued by this Government in view of the present situation does not appear to admit of serious doubt. Having laboured faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprised of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements, and deal with it accordingly." And, concluding this message, President Cleveland said that the United States would resist by all means at its disposal any appropriation by Great Britain of, or the exercise by her of governmental jurisdiction over any territory which belonged by right to Venezuela.

22. Somewhat later, the British Government agreed to submit the question of the frontier between British Guiana and Venezuela to arbitration.

23. In 1897 a Treaty of Arbitration was concluded, pursuant to which, in January 1899, there met in Paris an Arbitral Tribunal composed of five judges: two Britons, Lord Russell, Lord Chief Justice of England and Lord Justice Collins, a Justice of the Supreme Court of Judicature of Great Britain; two North Americans, M. Fuller, Chief Justice of the Supreme Court of the United States and D. Brewer, Justice of the same Court; and, as President, the Russian Professor of International Law, F. de Martens.

24. It should be remarked that, by force of circumstances, whereas Great Britain was able to appoint two British judges, no Venezuelan judge sat on the Tribunal.

25. On 3 October 1899 the Tribunal rendered its decision. Except for the mounth of the Orinoco River, it granted all the British demands. Venezuela's rights were recognized over barely 5,000 square miles out of the total 50,000 square miles of the area in dispute.

26. Such an extraordinary decision could not but create serious reservations. In accordance with the practice usual in arbitration agreements, the rules which the arbitrators were to follow had been laid down in the Treaty concluded between the Governments of Venezuela and Her Britannic Majesty in February 1897. The validity of the decision depended upon strict adherence by the arbitrators to the instructions which they had received. Those instructions were clear:

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27. Article IV of the Treaty reads as follows:

"In deciding the matters submitted, the Arbitrators shall ascertain all facts which they deem necessary to a 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 applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case."

28. The scope of the powers granted to the arbitrators, as well as the limits within which it was lawful for them to act, admitted of no possible doubt.

29. The arbitrators were, if possible, to apply the rules - which constituted a form of law especially agreed upon by the Contracting Parties - and, in the absence thereof, the principles of international law.

30. These rules did not permit the adoption of decisions of a circumstantial character or of agreements motivated by political convenience, unconnected with the established rights of the Parties. As in every arbitration that is truly legal, the arbitrators were bound to act in strict conformity with those rules or, in their absence, with the principles of international law.

31. The rules were as follows:

First Rule: "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 settlement thereof, sufficient to constitute adverse holding or to make title by prescription."

Second Rule: "The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule."

Third Rule: "In determining the boundary-line, if territory of one Party be found by the Tribunal 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."

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32. Apart from the fact that Venezuela had to accept conditions the application of which would obviously favour the position of the adversary, the rules made no provision whatever for circumstantial or political compromise. All these rules constitute a form of law, imperfect, if you will, but leaving no doubt as to its true nature.

33. However, an arbitration decision such as that pronounced in Paris in October 1899 could obviously not have been arrived at if the rules laid down in the Treaty of Arbitration, or the relevant principles of international law, had been strictly adhered to.

34. The strange circumstances in which the Paris decision had been arrived at began to unfold from the very day of the decision; but it was not until several decades later that the truth of what had occurred could be confirmed

35. On the day following the announcement of the decision the London Times reported a statement made jointly to Reuter's Agency by Messrs. Severo Mallet-Prevost and ex-President Harrison, who had acted as legal advisers to the Venezuelan Government. They, in this statement, contended that nothing in the history of the controversy could adequately explain the fixing of the frontier as laid down in the decision.

36. This joint statement is quite understandable if the fact is remembered that the Paris decision, contrary to the principles applicable to all awards, was not accompanied by any statement of the grounds on which it was reached.

37. Dr. José M. Rojas, the Venezuelan Government's Agent with the Arbitral Tribunal, in a confidential note addressed to his Government on 4 October 1899, gave vent to his astonishment at the incomprehensible decision. He stated:

"The conduct of the President of the Tribunal, Mr. de Martens, was for me a source of inexplicable surprise; and as I am not accustomed to judge the actions of others without evidence, I refrain from doing so in his case." And he added: "What we shall never know is the reason which prompted Mr. de Martens to act as he did".

38. The views of the Venezuelan Agent with the Arbitral Tribunal were fully confirmed many years later by a posthumous document published in a United States journal, The American Journal of International Law, in its issue of July 1949.[1/]

1/ Tr. note. Vol. 43, No. 3, July 1949.

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This document, disclosed six months after the death of its author, Mr. Severo Mallet-Prevost, reveals the circumstances in which the arbitral decision was rendered, in the following form:

"Justice Brewer and I sailed for Europe in January of 1899 in order to attend the first meeting of the Arbitral Tribunal which was to meet in Paris for the purpose of deciding the boundary between Venezuela and Great Britain. The terms of the Protocol which had been signed between Great Britain and Venezuela required that the Tribunal should meet at that time. However, as it was found inconvenient for all of those who should be connected with the arbitration to meet on that date it was decided to hold merely a preliminary meeting, so as to comply with the terms of the Protocol, and to then adjourn to a more convenient date.

39. "Before going to Paris Justice Brewer and I stopped in London. While there Mr. Henry White, Chargé d'Affaires for the United States, gave us a small dinner to which Lord Chief Justice Russell was invited. I sat next to Lord Russell and, in the course of our conversation, ventured to express the opinion that international arbitrations should base their decisions exclusively on legal grounds. Lord Russell immediately responded saying: 'I entirely disagree with you. I think that international arbitrations should be conducted on broader lines and that they should take into consideration questions of international policy.' From that moment I knew that we could not count upon Lord Russell to decide the boundary question on the basis of strict rights.

40. "When we assembled in Paris the following June I met Lord Collins for the first time. During the speeches by Sir Richard Webster, the Attorney-General, and by myself (the two of which consumed 26 days), it was quite obvious that Lord Collins was sincerely interested in getting at the full facts of the case and in ascertaining the law applicable to those facts. He, of course, gave no indication as to how he might vote on the subject but his whole attitude and the numerous questions which he asked were critical of the British contentions and gave the impression that he was leaning toward the side of Venezuela.

41. "After Sir Richard Webster and I had concluded our speeches the Tribunal adjourned for a short two weeks holiday. The two British arbitrators returned to England and took Mr. Martens with them.

42. "When we resumed our sittings at the end of the recess the change in Lord Collins was noticeable. He asked very few questions and his whole attitude was entirely different from what it had been. It looked to us (by which I mean to the counsel for Venezuela) as though something must have happened in London to bring about the change.

43. "When all the speeches had been concluded in the month of August or early September the court adjourned so as to allow the arbitrators to confer and render their decision. Several days passed while we anxiously waited but one afternoon I received a message from Justice Brewer saying that he and Chief Justice Fuller would like to speak with me and asking me to meet them at once at their hotel. I immediately went there.

44. "When I was shown into the apartment where the two American arbitrators were waiting for me Justice Brewer arose and said quite excitedly: 'Mallet-Prevost, it is useless any longer to keep up this farce pretending that we are judges and that you are counsel. The Chief and I have decided to disclose to you confidentially just what had passed. Martens has been to see us. He informs us that Russell and Collins are ready to decide in favour of the Schomburgk Line which, starting from Point Barima on the coast would give Great Britain the control of the main mouth of the Orinoco; that if we insist on starting the line on the coast at the Moruca River he will side with the British and approve the Schomburgk Line as the true boundary.' 'However', he added that, 'he, Martens, is anxious to have a unanimous decision; and if we will agree to accept the line which he proposes he will secure the acquiescence of Lord Russell and Lord Collins and so make the decision unanimous.' What Martens then proposed was that the line on the coast should start at some distance southeast of Point Barima so as to give Venezuela control of the Orinoco mouth; and that the line should connect with the Schomburgk Line at some distance in the interior leaving to Venezuela the control of the Orinoco mouth and some 5,000 square miles of territory around that mouth.

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45. "That is what Martens has proposed. The Chief and I are of the opinion that the boundary on the coast should start at the Moruca River. The question for us to decide is as to whether we shall agree to Marten's proposal or whether we shall file dissenting opinions. Under these circumstances the Chief and I have decided that we must consult you, and I now state to you that we are prepared to follow whichever of the two courses you wish us to do." From what Justice Brewer had just said, and from the change which we had all noticed in Lord Collins, I became convinced and still believe that during Marten's visit to England a deal had been concluded between Russia and Great Britain to decide the case along the lines suggested by Martens and that pressure to that end had in some way been exerted on Collins to follow that course. I naturally felt that the responsibility which I was asked to shoulder was greater than I could alone bear. I so stated to the two arbitrators and I asked for permission to consult General Harrison. This they gave and I immediately went to General Harrison's apartment to confer on the subject with him.

46. "After disclosing to General Harrison what had just passed he rose in indignation and pacing the floor described the action of Great Britain and Russia in terms which it is needless for me to repeat. His first reaction was to ask Fuller and Brewer to file dissenting opinions, but, after cooling down and considering the matter from a practical standpoint, he said: 'Mallet-Prevost, if it should ever be known that we had it in our power to save for Venezuela the mouth of the Orinoco and failed to do so we should never be forgiven. What Martens proposes is iniquitous a but I see nothing for Fuller and Brewer to do but to agree.'

47. "I concurred with General Harrison and so advised Chief Justice Fuller and Justice Brewer. The decision which was accordingly rendered was unanimous but while it gave to Venezuela the most important strategic point at issue it was unjust to Venezuela and deprived her of very extensive and important territory to which, in my opinion, Great Britain had not the shadow of a right."

48. It is perfectly understandable that Venezuela cannot recognize the validity of a decision rendered under such conditions. From the day of the decision onwards, public opinion in my country has been unanimous in rejecting its

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validity and has demanded the repairing of the injustice inflicted upon Venezuela.

49. The decision was the result of a political arrangement made behind Venezuela's back and sacrificing her legitimate rights. The frontier was fixed arbitrarily, with no regard whatsoever for the specific rules of the Arbitration Treaty or the relevant principles of international law.

50. Apart from the circumstances, today fully known, in which the decision was arrived at, it is enough to read the decision - in which a frontier is drawn without any indication or explanation of the reasons for such a frontier - in order to realize that the frontier was fixed in a manner which was completely arbitrary and contrary to law.

51. Upon obtaining full confirmation of the vitiated character of the decision, the Government of Venezuela publicly reserved its rights. And thus, in a declaration made at the Fourth Meeting of Consultation of Foreign Ministers of the American Continent, held in March 1951, Venezuela declared:

> "In the opinion of the Government of Venezuela, no change of status which may occur in British Guiana as a consequence of the international situation, of any measures which may be adopted in the future, or of the advance of the territory's inhabitants towards self-determination will prevent Venezuela, in view of the special circumstances prevailing when the frontier line with British Guiana was defined, from pressing its just demand that the injury suffered by the Nation on that occasion should be redressed by an equitable rectification of the frontier."

52. And at the Tenth Inter-American Conference, meeting in March of 1954, Venezuela repeated that view, again stating:

> "In the particular case of British Guiana, the Government of Venezuela declares that no change of status which may occur in that neighbouring country can prevent the National Government from pressing its just demand that the injury suffered by the Nation when its frontier line with British Guiana was demarcated should be redressed by an equitable rectification of the frontier, in view of the unanimous feelings of the Venezuelan people and the special circumstances prevailing at the time. Hence, no decision on the subject of colonies adopted at the present Conference can adversely affect Venezuela's rights in this respect, nor can it be interpreted in in any way as a renunciation of those rights."

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53. On this occasion, when the question of the independence of British Guiana and its people's legitimate desire to attain, through peaceful negotiation with the United Kingdom, to the full exercise of its sovereignty has come before the United Nations, the Government of Venezuela, while warmly supporting those rightful aspirations, must at the same time, in defence of the rights of its people, request that its just claims also be considered and that the injustice committed be equitably rectified. This my country hopes to accomplish through friendly negotiations with the parties concerned, who should consider not only its legitimate claim but also the present circumstances and the rightful interests of the people of British Guiana.

54. We trust that negotiations carried out in this spirit will contribute to the strengthening of the excellent relations we have and hope to maintain with the United Kingdom, and that they will at the same time help to guarantee the cordial relations which we enjoy with the people of British Guiana and which we fervently hope to establish in the future with the newly independent State of Guiana.

Thank you, Madame Chairman.

Annex 142

Mr. Sosa Rodríguez' Intervention in the Agenda Item 39: Information from Non-self-governing Territories transmitted under Article 73(e) of the Charter of the United Nations (A/4997/ADD.1, A/C.4/520, A/C/4/536 AND CORR. 1, A/C.4/L.728, A/C.4/L.729) (continued)
(Excerpt)

General Assembly, 16th session, 4th Committee: 1302nd meeting, Thursday, 22 February 1962, New York, A/C.4/SR.1302p. 884.

Available at: https://digitallibrary.un.org/record/810765#record-files-collapse-header

with representatives of British Guiana with a view to discussing the date and arrangements for that Territory's independence.

24. However, although Venezuela sincerely advocated full recognition of the rights of British Guiana's people, the Venezuelan people's rights, their frontier claims and their legitimate request for the remedying of an historic injustice could not be forgotten. Venezuela's frontiers with British Guiana had been arbitrarily established by an award made in Paris on 3 October 1899. He traced the history of the events which had led to that decision and said that after the European occupation of the territory of Guiana, and when the definitive cession to Great Britain by the Netherlands of the establishments of Demerara, Essequibo and Berbice had been confirmed in 1814, there had begun for his country a period of permanent apprehension in face of the ambitions of the new and powerful neighbour. The western frontier of the new British colony was not an acknowledged geographical line and had been gradually pushed westwards so as to enclose ever greater portions of the territory of Venezuela. Formal complaints had been without effect, and had always been countered with the excuse that the maps printed in London were tentative in character and that, as Lord Palmerston had written shortly after the unilateral delimitation of the so-called Schomburgk Line in 1840, Venezuela "could make any objection ... and Her Majesty's Government would ... give such answers ... as might appear proper and just".

25. In 1842, in view of the outcry in Venezuela and elsewhere in America against Great Britain's unilateral establishment of frontier posts and marks well within Venezuelan territory, the British Government had ordered the removal of the posts and marks in question and had declared that they had not been indications of dominion on its part, but merely a preliminary measure open to future discussion between the two Governments.

26. Nevertheless, forty years later the frontier had again been unilaterally delimited by Great Britain so as to penetrate even more deeply into virgin Venezuelan lands. The new frontier, called the New Schomburgk Line, had increased the British dominions by about 5,000 square miles and had taken from Venezuela almost the whole of the Cuyuni River basin. Thus, the 20,000 square miles which Great Britain had acquired from the Netherlands had grown to 60,000 by the middle of the century and had reached 76,000 square miles in 1855. That situation had necessarily resulted in a progressive increase of tension in the relations between Venezuela and Great Britain.

27. Venezuela had formally requested that Great Britain should evacuate the territory it had illegally occupied, which included the entire area from the Amacuro to the Pomerón Rivers. In a note addressed to the British Minister at Caracas, Mr. Diego Bautista Urbaneja, the Minister for Foreign Affairs of Venezuela, had said that if the evacuation had not been completed by 20 February 1887 and if it was not "accompanied by acceptance of arbitration as the means of deciding the pending frontier question ... relations [would] be broken off between the two Governments, and a protest [would] be made which [would] for all time to come establish the unquestionable rights of Venezuela as opposed to [such] proceedings".

28. The Great Britain of that day had not been the same country as the Great Britain which, in the twentieth century, with a deep sense of international realities, had grasped the new spirit of the times and co-operated in the creation of new free States in Asia and Africa, which had become Members of the United Nations.

29. When Great Britain had refused to consider the proposal of arbitration, Venezuela had had no other course than to break off diplomatic relations with that country. However, the pretensions to sovereignty had continued and extended up to the mouth of the Orinoco. According to official British statistics given in The Colonial Office List, the area of British Guiana had in a single year, from 1885 to 1886, suddenly increased by about 40 per cent.

30. The problem had attained such magnitude that it had expanded beyond the framework of the relations between a powerful European State and a small American nation. In that connexion, he quoted the statement made by President Cleveland in his message of 17 December 1895 to the United States Congress, at the end of which he had said that the United States would resist by all means at its disposal any appropriation by Great Britain of, or the exercise by it of jurisdiction over, any territory which belonged by right to Venezuela.

31. Shortly afterwards, the British Government had agreed to submit the question of the frontier between British Guiana and Venezuela to arbitration. In 1897, a Treaty of Arbitration had been concluded, pursuant to which an Arbitral Tribunal had met two years later in Paris, composed of the Russian Professor of International Law, Mr. F. de Martens, as President, with two British judges, Lord Russell, Lord Chief Justice of England, and Lord Justice Collins, a justice of the Supreme Court of Judicature of that country, and two North Americans, Mr. M. Fuller, Chief Justice of the Supreme Court of the United States, and Mr. D. Brewer, Justice of the same Court. That Tribunal, on which no Venezuelan judge had sat, had made its award on 3 October 1899. Except for the mouth of the Orinoco River, it had granted all the British demands, Venezuela's rights had been recognized over barely 5,000 square miles out of the total 50,000 square miles of the area in dispute.

32. That decision had created serious reservations, since the Treaty concluded between the Governments of Venezuela and Great Britain in February 1897 had laid down the rules which the arbitrators were to follow. Those instructions had been clear, and article IV of the Treaty had stated:

> "In deciding the matters submitted, the Arbitrators shall ascertain all facts which they deem necessary to a 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 applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case."

The rules adopted had been the following:

> "(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 settlement thereof, sufficient to constitute adverse holding or to make title by prescription.
>
> "(b) The Arbitrators may recognize and give effect to rights and claims resting on any other ground

Annex 143

Question of Boundaries between Venezuela and the Territory of British Guiana: Statement of His Excellency, Dr. Marcos Falcón Briceño, Minister for External Relations of Venezuela, at the 348th Meeting of the Special Political Committee on 12 November 1962

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QUESTION OF BOUNDARIES BETWEEN VENEZUELA AND THE TERRITORY OF BRITISH GUIANA

Statement of His Excellency, Dr. Marcos Falcon Briceño, Minister for External Relations of Venezuela, at the 348th meeting of the Special Political Committee on 12 November 1962

Many will be surprised that Venezuela should have pressed for inscription on the agenda of this seventeenth session of the General Assembly of an item relating to the question of boundaries between British Guiana and Venezuela. This would, apparently, seem to relate to a matter which has already been settled. However, we do not consider that to be the case, and these are the reasons, which I now propose to adduce before this Committee.

The recent discovery of extraordinarily important historical documents enable us to be acquainted with the history of the arbitral award which, on 3 October 1899, was made at Paris regarding the question of the boundaries between British Guiana and Venezuela. This is a long and dramatic history, and I shall endeavour to trace it for you as simply as possible, and as if we were in the midst of a conversation in a big family. In this arbitral award which arose in circumstances which were clearly prejudicial to the rights of Venezuela, our country apparently lost a tremendous territory, which has never ceased to belong to us. Now, as I said, we are more closely acquainted with the exact background which led to this award. And since I am about to trace the past history of this question, I would begin by declaring that no one questioned the right of Spain to discovery and first occupancy of the New World. All nations at the time tacitly or explicitly recognized this.

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When Vasco Nuñez de Balboa discovered the Pacific Ocean, you will recall that he went knee-deep into the sea and proclaimed aloud that he took possession of all the land and islands in that ocean in the name of the Kings of Spain. Today, perhaps such a proclamation would cause us to smile, but at that historic moment Balboa was engaged in a solemn act, one to which no juridical exception could be taken. The right of Spain as a discoverer and first occupant was therefore very clearly established in the international law of the time.

The territories which are known by the name of Guiana were seen for the first time by Christopher Columbus as a fluvial island, with the Orinoco and the Amazon river and the other large rivers of the region. In 1499, Alonso de Ojeda, a Spanish captain, acting on behalf of Spain, began the conquest and settlement of Venezuela. Spain did not confine itself simply to the intention to occupy, but it effectively did occupy land in Venezuela. Cities and villages were settled and established by the Spaniards.

With time, due to European rivalries because of the spread to Europe of information about the tremendous wealth to be found in the New World, problems began to arise, and the Dutch -- at the time the United Provinces were under the control of Spain -- occupied certain posts in the Essequibo and thus became established. But Spain never allowed them to expand from that particular location.

As a result of the Dutch war of independence, which ended with the Münster Treaty, signed in 1648, that is, in the mid-seventeenth century, Spain recognized that territories, locations and fortresses held by the Dutch in the East and West Indies at the time were the property of the Dutch. And it was clearly established that Dutch settlements were located in the so-called Essequibo region, that is, a great river which was considered the twin of the Orinoco River. It was clearly established then that the region between the Orinoco and the Essequibo rivers was Spanish Territory. It was known as Spanish Guiana.

Only recently, in a New York library, I found a map, which I still have, drawn in 1810. This map depicts the territory of Venezuelan Guiana and Dutch Guiana. It is a most interesting map, not only because of the date, which represents the starting point of our political history and our territorial division, but it is of interest likewise because this map was published at a time when Great Britain did not have any official ownership of any land in that area and also because the map happened to be published in London. There was no interest in extending the boundaries of the Essequibo beyond the limits actually pertaining to the Dutch.

Venezuela is Spain's successor in the territory which, until 1810, was part of the General Captainship, one which comprised a Spanish Overseas Province. When we declared our independence and won it on the battlefield and signed a treaty with Spain in 1845, it was recognized that the boundaries of the new Republic were the same boundaries as those applying to the General Captainship in 1810, that is, at the time when our political resurgence began. The territories belonging to Dutch Guiana were those which belonged to it under the recognition afforded to it by Spain under the Münster Treaty, and they extended from the right shore of the Essequibo towards the east.

I would beg representatives to bear constantly in mind the names of the Essequibo and Orinoco rivers, because these two names represent the key to this whole past history,

We personally have never had, historically or juridically speaking, the slightest doubt that this was and should be the territory of Venezuela. But Great Britain, towards the end of the sixteenth century, occupied Dutch and Spanish territories in the Americas and, after the defeat of Bonaparte in Europe, Holland, which was ruled by a brother of Napoleon who was also defeated, signed a treaty in London with Great Britain in 1814, by means of which the Dutch ceded to Great Britain a part of Dutch Guiana. That included the area from the Essequibo to the east and covered approximately 20,000 square miles. This fact should also be borne in mind.

In 1814 Venezuela, like the other Spanish countries on the continent, was in the midst of its war for independence. Our difficulties with Great Britain did not become intense, for Great Britain, too, was occupied with other things in Europe. But in 1839 the Government of Great Britain commissioned a German naturalist, Robert Schomburgk, to go to Guiana and draft a map of that area. This Commissioner of Great Britain, Mr. Robert Schomburgk, did not simply draft a map covering the historically recognized boundaries of British Guiana, that is, that part which had been ceded by the Dutch to the British, but went far into Venezuelan territory in his draft. He not only drafted a map but even on the land itself he put up markers to delineate this boundary in a way which was tantamount to effecting an occupation.

In a country such as ours, the impact of these events were tremendous and caused great effervescence and agitation. But what could we do? We were a small country; we were weary from a lengthy war and internal dissensions; at the time we hardly numbered 2 million inhabitants; our country was poverty-stricken and we were confronted by a very powerful nation -- in fact, the first Great Power of the world at the time. All we could do as a civilized nation was to search for peaceful means to settle the problem which we faced.

And then in 1841, Venezuela sent to London a distinguished jurist and diplomat, Dr. Fortique, to discuss the matter with the British Foreign Office, a matter which we considered a very serious and disagreeable problem. There was a series of exchanges of notes: and, finally, after this, Lord Aberdeen, who was the Head of the Foreign Office, declared that these markers or posts represented only an exploration; they were not to be construed as a claim of rights, since there could be no such claims to those territories.

Finally, the British Government agreed to remove these markers, these posts, these flags. But it continued to harbour the idea that it might expand into our territory and this was demonstrated by history.

At that time, in 1841, our special envoy to London was proposing that we should resolve this vexatious problem of the boundaries by means of a treaty. This led to nothing. He even suggested that a certain concession might be made. Lord Aberdeen proposed another boundary which began at the mouth of another river, the Río Moruca, where there had been some establishments of subjects of the Crown. We agreed to this in a spirit of conciliation, governed by our desire to defend ourselves in this peaceable way against any future greed that might be manifested by the British Crown.

Between 1840 and 1850 there were some incursions into our territory which were repelled, just as in colonial times, and in most cases they were turned back in a peaceable way.

In Caracas and in the rest of the country, insistent rumours were rife to the effect that Great Britain intended to occupy all of Venezuelan Guiana. The British Chargé d'Affaires in Caracas, Mr. Belford H. Wilson, signed, by an exchange of notes, an agreement with our Government to the effect that so long as there was a dispute over the territory to which the British Government laid claim and which Venezuela considered its own, there would be no incursions from the one side or the other. We agreed to this document. We placed our confidence in this agreement because a man who was closely linked by friendship to Venezuela was involved. Mr. Belford H. Wilson had been a close friend of Simon Bolivar, his aide-de-camp who had accompanied him until his death. But some time later the problems recurred for there were new incursions and new claims on the part of Great Britain over the disputed territory.

In the 1880's it happened that rich gold deposits were discovered in the Yuruari region. In March 1886 a map was published in London in which the territory of Guiana appeared as belonging wholly to the British and in December of the same year, that is, a few months later, another map was published in which the territory became far more extensive, always towards the Venezuelan region in the west. The claim extended as far as the mouth of the Orinoco. This area was very significant and important then, not only because of the gold deposits but also because the mouth of the Orinoco was at the time of very

great strategic and economic importance. The Orinoco, together with the Río Negro, the Amazon and the Río de la Plata constitute the biggest water basin, the largest,most extensive water basin of the entire world.

There, in Punta Barima, the British planted a flag to proclaim their possession of this territory, and this naturally caused great indignation throughout the country. New protests led finally to a severance of diplomatic relations between Venezuela and Great Britain in 1887. Throughout these discussions the positions were the following: first, we asked that a treaty be signed to provide a peaceful settlement of the question of boundaries; secondly, we requested arbitration. The British consistently refused to settle the matter by means of arbitration.

The matter became extremely acute. As I said earlier, what could we as a small country hope to do when confronted with British claims. All we could do was to seek the assistance of our brothers in Latin America, of the Pope, and of the United States.

In 1895, when the President of the United States was Grover Cleveland and the Secretary of State was Richard Olney, there was tremendous interest in the United States in what was taking place between Venezuela and British Guiana; between Venezuela and the Government of Great Britain, which no longer had dimplomatic relations. It was felt that, in spite of all our conciliatory spirit, no practical conclusion could be reached, nor was there any expectation of such a conclusion, and we were fearful lest British claims would continue to grow and Heaven only knew how far they would reach, and we pressed the United States, therefore, to take a position, assume a role in this situation.

There is a very well known note, one which is a landmark in the history of this matter, sent by Secretary of State Olney to the United States Ambassador in London, who was Mr. Bayard. In this note, after having given him a rather thorough and accurate account of the history of British claims to what were Venezuelan rights, Olney said inter alia the following: We should study briefly another aspect of the matter, viz. the undefined claims of Great Britain

and the various attempts which have been made to reach a settlement by arbitration during the dispute and the role played, heretofore, by the United States in this matter. As has been said, Schomburgk's exploration of the line was immediately followed by a protest from Venezuela and by conduct by Great Britain which could be justly interpreted as a disavowal of that line. ... The matter should be subjected to arbitration but preferably not with a European Power as arbitator, in view of the experience we have already had in America, but rather with an American Power.

But General Harrison, who acted as our representative at the time of the award, declared that the European countries were not prepared to have any American country save the United States act as arbitrator, or even to act as a member of an arbitration court.

Mr. Olney stated: Through frequent intercession of good offices at the request of Venezuela, through its constant endeavour to re-establish diplomatic relations between the two countries, through the offer of its services as arbitrator, through the expression of a growing concern whenever informed of new acts of aggression by Great Britain in Venezuelan territory, the Government of the United States has demonstrated to Great Britain and to the world that this is a dispute which affects its honour and its interests and it cannot view the continuation of this dispute with indifference.

This famous note, which President Cleveland called "the twenty-inch gun note" because it was an extremely vigorous note and led to the famous statement made by President Cleveland before the Congress in 1895, had the following sequel.

Lord Salisbury replied several months later, not admitting the views set forth by Olney in connexion with the Munroe Doctrine.

In 1895, President Cleveland spoke before Congress in a very well-known message in which he, among other things, asked Congress to appoint a commission which would check on-the-spot what exactly were the boundaries between British Guiana and Venezuela, adding that if he became convinced that the Venezuelan boundaries were historically those which we claimed, and if this was inferred from this investigation, then the United States would not permit Great Britain to test us beyond these boundaries.

It is well to recall that this gave rise to an extremely grave situation and that the United States was on the verge of going to war with Great Britain. In the opinion of renowned historians, it was in this emergency that the United States became a world Power.

Great Britain had very serious problems in Europe, for most disturbing events had taken place in South Africa and Transvaal. Captain Jameson had penetrated into Transvaal and the Boers of German descent, led by President Kruger,

repelled this raid. The next day there was a cable from the Kaiser congratulating Kruger for having defeated the intruders and thrown them back. The Kaiser said that this had been done without any need to have recourse to "one's friends" -- meaning, of course, the Germany of that time.

Great Britain was, of course, very concerned because a new Power -- a naval Power -- was appearing on the scene. It therefore proved desirable to settle this outstanding problem with the United States.

Of course, there were many people who sought peace and this was true in Great Britain also; but many wished war. Theodore Roosevelt, for instance, said that he considered that, since there was a faction which wanted peace, it was necessary for war to take place.

There followed a rapprochement between Great Britain and the United States. Negotiations were undertaken on a different basis, negotiations relating to the boundaries between British Guiana and Venezuela. The inside story of these negotiations is well known to us. There is a letter sent by President Cleveland, written after the matter had apparently been resolved, in which he asked Secretary of State Olney what had actually occurred. In his reply there are a number of references which are of vital importance to our own case.

The representatives of the British Government repeatedly objected to having arbitration cover their disputed territory -- that is, the Schomburgk line towards the east. In their view, it should not be subject to discussion. Yet we consider this to be part of our territory.

In 1896 a series of conversations were initiated between the United States and Great Britain regarding the boundaries with Venezuela, and in February 1897 an arbitral Treaty was signed. In this Treaty, rules were laid down to be followed by the arbitrators in settling this boundary problem.

We have always maintained that we observed this arbitral Treaty, in spite of the fact that Venezuela played a very small role in the groundwork for the Treaty and its actual drafting -- these negotiations took place first in London and were then transferred to Washington for reasons which I shall recount later.

Now, in the 1897 Treaty the arbitrators were two British judges, two United States judges, and the arbiter, properly speaking, was the Russian Professor de Martens. Venezuela was absent from all this; all that it achieved was the right to appoint one of the arbiters, Judge Fuller, Chief Justice of the United States Supreme Court.

We had great respect for Fuller and Brewer, who were the two American judges, but it was felt -- and this was an extreme example -- that if the United States judge, Fuller, could not act, his replacement would be appointed not by Venezuela but by the Supreme Court of the United States.

Olney and the British Ambassador to Washington held almost daily conversations regarding the settling of the boundaries between Venezuela and British Guiana. There was no longer the situation of 1895, when the fiery message from President Cleveland gave rise to such a situation and such a public outcry that the two countries were on the verge of war. The situation was now quite different. The two countries were enjoying very friendly and cordial relations.

I venture this as a personal opinion, for this arbitral treaty is a document which, in any other circumstances, would not have been signed by Venezuela. Joseph Chamberlain, Prime Minister and Foreign Minister of Great Britain, himself, declared that this was an instrument which should not be signed by Venezuela -- and this was a widespread view in Caracas. But Venezuela was in such desperate straits and so desperately anxious to get out of this situation that it signed this instrument in the hope that the rules of law embodied therein would be respected by the arbitrators. But as we shall see, subsequently, this did not turn out to be the case.

In a letter of 27 December 1899, datelined Boston, Richard Olney wrote to former President Cleveland and said inter alia the following: I shall read this out in English for that is the original version:

(continued in English)

> "On the subject of Venezuela, I am reminded that the biography or autobiography of Lord Playfair with his correspondence has been published and that it contains letters from himself, Chamberlain and Bayard on our Venezuelan intervention. Mr. Endicott, who spoke to me on the subject, characterised the publication as indiscreet. I suppose you remember the episode ... I shall get the book ..."

(continued in Spanish)

Lord Playfair, a British political figure who was married to a very distinguished United States lady, did much to improve relations between the two countries and he was greatly assisted in this by the fact that he was married to an American lady.

I was very interested in this reference "I suppose you remember the episode" in the letter and I think I have found the explanation. I am familiar with Lord Playfair's book but the reference to the episode is not there as it appears in this letter. This is not a truly serious point possibly but it does demonstrate how Great Britain claimed that what it called its "settlements" in British Guiana gave it the title of ownership over these territories purely and simply. This is a very curious point. No one disputed Spain's right of

first occupancy and discovery, and the rules of law which were recognized by the Dutch and the British for Manhattan, but when we come to arbitration then these rules of law which were part of the body of international law which applied at that time were rules which were disavowed during the discussions which led to the arbitral treaty.

I do not propose to relate the history of this particular episode. I will leave it to the Secretary of State Olney to do this. This is contained in a letter which he sent to ex-President Cleveland from Boston in reply to a series of questions put to him by the former President, who at that time had in mind giving a lecture in Princeton relating to the whole problem of the boundaries between British Guiana and Venezuela:

(continued in English)

"I note your inquiry about the Venezuelan boundary arbitration affair: So much of the negotiation took place in the course of personal interviews between Sir Julian and myself" ... /Sir Julian Pauncefote was the British Ambassador to Washington during the days when the 1897 Arbitral Treaty was being negotiated./ "but I cannot always easily recall the order of events. In general the matter lies in my mind in this way. The term 'settlements' was first used in Lord Salisbury's letter of November 26, 1895" /This is Lord Salisbury's letter in which he replied to Bayard's transmittal of the vigorous note sent by Secretary of State Olney./ "towards the close of which he spoke of the gradual spread over the country of British settlements are intimated that under no circumstances would Great Britain submit to arbitration any claim which would affect them.

"After your special message to Congress the first attempts at negotiation were between Mr. Chamberlain and Lord Playfair, on the one side, and Mr. Bayard, on the other. One suggestion of Mr. Bayard, you will remember, was that the United States should call a general conference of the great European Powers over the Monroe Doctrine. It did not take

us long to sit on that proposition. Pretty soon I found Mr. Chamberlain writing Mr. Bayard to the effect that he, Bayard, presumably acting for me, had committed the United States to the suggestion that there could be an arbitration of the boundary which should be exclusive of what was called 'British settlements'.

"That led to a note to Mr. Bayard stating quite emphatically that the United States would not consent to anything of the sort and instructing him to bring the communication to the notice of Mr. Chamberlain. Mr. Chamberlain thereupon withdrew from the whole affair declaring, as I recollect with some positiveness, that it was idle to expect any result from negotiations through those channels. About the same time, we concluded that negotiations had better be transferred to Washington to which suggestion Lord Salisbury acceded with cheerfulness."

(continued in Spanish)

Thus, through an error committed by the United States Ambassador during his conversations with Chamberlain but which demonstrates historically the persistent claim of Great Britain that the settlements should not be included in the arbitration and the opposition of the United States to this stand during these conversations. As a result, then, of this episode these conversations were transferred to Washington.

In February 1897, the arbitral instrument was signed. Throughout this, no Venezuelan played any role, as I pointed out earlier. We had a confidential agent in Paris at the time, Dr. Jose Maria de Rojas, who was fully acquainted with these problems, and as our representatives we retained Benjamin Harrison, former President of the United States, and Mr. Severo Mallet Prevost, who was a New York lawyer.

The commission appointed by Congress to study the question of boundaries had had as its secretary Mr. Severo Mallet Prevost, and that was why Venezuela selected him as one of its legal advisers when the matter came up for arbitration. The arbitrators met in Paris. One of those appointed by the British Government died and he was replaced by Lord Russell. These were the arbiters who signed the arbitral award.

In Venezuela and the United States the arbitral award was carefully noted. The first conclusion came from a cursory reading is that there is no justification or reason for it. There was no explanation as to why the boundaries were set as they were. It was impossible, historically, to do this. Venezuela was clearly a victim and had been despoiled. For us this arbitral award has no validity. No one can give validity to something which never existed. That is our thesis.

I said that relatively recently we came upon some historical documents which have made it possible for us to reconstruct the inner history of this arbitral award. Mr. Severo Mallet Prevost related many years later this history, to be published after his death, which occurred in 1948. It was in 1949 that we became acquainted with this extraordinary posthumous document, in a way a document which was to clear the conscience of Mr. Prevost, and that is why he sought to have all this written down.

Some of those who deal with the matter claim that this was the first time that he mentioned the question, but that is not true. He referred to it very often and there is a letter of Mr. Olney -- if one reads between the lines -- in which he declares that Mr. Mallet Prevost, who had recently arrived from Paris, wished to speak with him so as to recount to him what had exactly happened and why things had happened as they had. These words "why things had happened as they had" encompassed all the mysterious aspects of this matter.

There was also a letter from President Harrison to one of his friends, a few days after the arbitral award, which says "I shall tell you, but not in writing, what occurred and this will greatly surprise you. Our confidential agent, Dr. Rojas, divined something of this. He realized that we had been despoiled. He knew exactly where the boundaries of Venezuela lay. He had no doubt that these existed between the Orinoco and the Essequibo", the two rivers which are so significant in this case and whose names I beg you to recall.

Mr. Mallet Prevost has left a written memorandum which is so important and significant that I cannot refrain from reading it:

"When all the speeches had been concluded in the month of August or early September the court adjourned so as to allow the arbitrators to confer and render their decision. Several days passed while we anxiously waited but one afternoon I received a message from Justice Brewer saying that he and Chief Justice Fuller would like to speak with me and asking me to meet them at once at their hotel. I immediately went there.

When I was shown into the apartment where the two American arbitrators were waiting for me, Justice Brewer arose and said quite excitedly: 'Mallet-Prevost, it is useless any longer to keep up this farce pretending that we are judges and that you are counsel. The Chief and I have decided to disclose to you confidentially just what has passed. Martens has been to see us. [and I should parenthetically say this -- de Martens was a well-known figure in the past century, one of the great arbitration lawyers, a professor of international law, a doctor honoris causa of the Universities of Oxford and Edinburgh, and at this time de Martens was an adviser of the Russian Foreign Ministry] He informs us that Russell and Collins are ready to decide in favour of the Schomburgk Line [the line drawn quite arbitrarily by this German geographer, a line which was then taken up as an indisputable line by the British] which starting from Point Barima on the coast would give Great Britain the control of the main mouth of the Orinoco; that if we insist on starting the line on the coast at the Moruca river [this river, which was for the first time mentioned by Lord Aberdeen as a possible boundary and which we accepted, but we are not discussing this now] he will side with the British and approve the

Schomburgk Line as the true boundary.' 'However', he added that, 'he, Martens, is anxious to have a unanimous decision; and if we will agree to accept the line which he proposes he will secure the acquiescence of Lord Russell and Lord Collins and so make the decision unanimous.' What Martens then proposed was that the line on the coast should start at some distance southeast of Point Barima so as to give Venezuela control of the Orinoco mouth; and that the line should connect with the Schomburgk Line at some distance in the interior leaving to Venezuela the control of the Orinoco mouth and some 5,000 square miles of territory around that mouth.

/I should add here that approximately 50,000 square miles were involved; we got 5,000 square miles, according to this procedure, and the remaining 45,000 square miles were to become the property of British Guiana./

"'That is what Martens has proposed. The Chief and I are of the opinion that the boundary on the coast should start at the Muruca River. The question for us to decide is as to whether we shall agree to Martens' proposal or whether we shall file dissenting opinions. Under these circumstances, the Chief and I have decided that we must consult you, and I now state to you that we are prepared to follow whichever of the two courses you wish us to do.' From what Justice Brewer had just said, and from the change which we had all noticed in Lord Collins, I became convinced and still believe /Mallet-Prevost continues/ that during Martens' visit to England a deal had been concluded between Russia and Great Britain to decide the case along the lines suggested by Martens and that pressure to that end had in some way been exerted on Collins to follow that course. I naturally felt that the responsibility which I was asked to shoulder was greater than I alone could bear. I so stated to the two arbitrators and I asked for permission to consult General Harrison. This they gave and I immediately went to General Harrison's apartment to confer on this subject with him.

After disclosing to General Harrison what had just passed he rose in indignation and, pacing the floor, described the action of Great Britain and Russia in terms which it is needless for me to repeat. His first reaction was to ask Fuller and Brewer to file dissenting opinions, but, after cooling down and considering the matter from a practical standpoint, he said: 'Mallet-Prevost, if it should ever be known that we had it in our power to save for Venezuela the mouth of the Orinoco and failed to do so we should never be forgiven. What Martens proposes is iniquitous but I see nothing for Fuller and Brewer to do but to agree.'

I concurred with General Harrison and so advised Chief Justice Fuller and Justice Brewer. The decision which was accordingly rendered was unanimous but while it gave to Venezuela the most important strategic point at issue, it was unjust to Venezuela and deprived her of very extensive and important territory to which, in my opinion, Great Britain had not the shadow of a right."

The revelations made by Mr. Mallet-Prevost caused considerable upheaval. The magazine which published this document -- the American Journal of International Law -- is one which enjoyed and continues to enjoy justified prestige.

The memorandum had been published by an old associate of Mallet-Prevost -- perhaps the only survivor of a history which ended approximately in 1899. I am referring to Judge Otto Schoenrich who is 88 years of age, who lives in the United States, and who is a practising member of a New York law firm. What had been put into writing by Mallet-Prevost coincided with the general opinion that the award had been the product of a political compromise, which was confirmed later in an editorial comment published in the same American Journal of International Law. Mallet-Prevost simply reveals now what he could not reveal in 1899, that is to say, the way in which such an agreement was reached.

The truth is that this was not the first time that Mallet-Prevost referred to the matter. During the course of a luncheon with Olney -- and we shall refer to this later -- he recounted this history in a general outline and I personally do not have the slightest doubt that, as in all history, diligent investigators will bring out exactly what happened as it happened.

This Mallet-Prevost evaluation was refuted in the American Journal of International Law in an editorial comment written by Mr. William Cullens Dennis; this refutation referred to an article published by Mr. Clifton J. Child in the same American Journal of International Law, declaring that Mallet-Prevost had submitted a number of details which were not part of the statements which he and Harrison had made in 1899. Of course, in 1899 these gentlemen could not recount the true history or say the truth. In private letters to friends, Harrison declared, and I made this point earlier: I shall tell you but not in writing exactly what happened. They did not wish to disclose the true mystery which, for various reasons, surrounded this arbitral award.

When Mallet-Prevost returned to New York in 1899, that is shortly after the handing down of the award in Paris, he met in that city with the former United States Secretary of State, Mr. Olney, and Mr. Olney referred to this interview in a letter addressed to Cleveland. He said:

(Continued in English)

"I have not seen you since the award in the Venezuela Boundary case. Upon his return to New York, Mr. Mallet-Prevost, Venezuela's junior counsel, was anxious to tell me how the thing went and why it went as it did. On one

of my New York visits I asked him to dine -- with the result that he consumed less food than time and that the feast was not so much a flow of solid or liquid refreshment as of intense wrath and bitterness of soul at the course and decision of the arbitral tribunal. I refrain from going into particulars because no doubt you have already heard them from some other source. The worst result to be feared apparently is not the loss of territory to Venezuela, but the general discrediting of the cause of arbitration. According to my informant, both the Chief Justice and Brewer are down on arbitration as a mode of settling international disputes unless some safeguarding of the rights of parties can be provided. Ex-Secretary John W. Foster, with whom I dined here the other day, said Fuller and Brewer had come home pretty sick of arbitration."

(Continued in Spanish)

Now, an exceptionally important witness, Mr. Benjamin Harrison, an ex-President of the United States, a man whose public and private conduct and life are well known, a man of outstanding character, endowed with a very great sense of his responsibility had this to say -- and his words were very harsh: however, I cannot but cite these words here. Referring to the British judges, Mr. Harrison wrote the following:

(Continued in English)

"The British judges were as always aggressive advocates -- rather than judges. Law is nothing to a British judge, it seems, when it is a matter of extending British dominion."

(Continued in Spanish)

And on his return to the United States on 12 December 1899, Mr. Harrison in a private and confidential letter wrote the following:

"My experience in Paris last summer developed in my mind some very grave difficulties in the way of a satisfactory arbitration of international disputes, and more particularly of American questions. The European governments decline absolutely to allow that any American state except the United States is competent to furnish an umpire or even one of several disinterested members of a court. The result is that the ultimate decision of every American question is in the hands of a European umpire. The diplomatic habits and purposes of the great European governments are wholly out of line with ours ...

"The seizure and appropriation of the territories of weak nations is a practice to which all of them are committed, and our Central and South American States can hardly secure fair treatment ...

"In the Venezuelan case I thought the Tribunal was constituted upon a judicial, and not a representative, basis and I made the strongest appeal I ever addressed to a court for the determination of the questions before the Tribunal, in a purely judicial spirit. It was an utter failure ...

"The British Judges were almost as distinctly partisan as the British Counsel. That there should be, upon such Tribunal, representatives, is an anomaly and an outrage ...

"If the findings of an arbitration Tribunal are to be influenced by the votes and private arguments of the representatives of the two nations and their decisions are not to establish the right but to enforce compromises, then arbitration can never be an institution. It will remain as it has been a mere expedient".

(continued in Spanish)

On another occation, in January 1900, Harrison wrote:

(continued in English)

"As to Lord Russell's advice that a judicial spirit be exercised in these matters I have only to say that neither he nor his British associates practiced that good doctrine. I could tell but will not write, some incidents that would surprise you. I believe that it is possible to an American Judge, and perhaps to Judges of some other nations, to exercise that judicial spirit in international controversies; but I do not believe it is possible to an Englishman ...

"In controversies between individuals the English courts are conspicuously fair and independent, but when it comes to a question of extending the domain of Great Britain and especially when gold fields are involved it is too much to hope. The decision in the Venezuelan case, as a compromise, gave to Venezuela the strategic points but robbed her of a great deal of territory which I do not question would have been given to her by an impartial judicial Tribunal. The modern European idea is that there is nothing illegal or even immoral in the appropriation of territories of weaker states."

(continued in Spanish)

The evidence and the testimony which I have quoted, particularly that coming from the former President of the United States, Benjamin Harrison, are, it seems to me sufficient to place this issue in its proper context and to assess it properly. Viewing it in retrospect, there was no arbitral award, properly speaking. There was a settlement. There was a political compromise. And by means of this decision, the three judges who held a majority disposed of Venezuelan territory; for the two British judges were not, as Harrison declares, acting as judges. They were acting as government representatives, as advocates rather than as judges.

All of these acts involved the destiny of a country and involved depriving that country of one of the important attributes of sovereignty: its territory. No Venezuelan was present. All this took place in the Quay d'Orsay in Paris, and our confidential agent, a distinguished man in my country, was no doubt, roaming around in the hallways trying to glean some bits of information about what was taking place inside. This is the distressing and dramatic story of what took place during these negotiations in Paris.

Moreover, never did a powerful nation, such as Great Britain, deal with another country in a more insolent fashion. There was no way in which the deepest feelings of the Venezuelans could have been more wounded and offended, and the way in which the matter was handled was calculated to bring this about. Our national pride was deeply wounded in this truly unfortunate hour, and we hope and expect that this situation will be redressed.

The whc e history which I have recounted to you exists as factual history. It is traced in many documents. Some are old and extremely well known, but they were not taken into account at the time the arbitral award was handed down, and it is to be found also in other documents which have come to light since then.

Some will ask "Why after so many years, does Venezuela raise this whole matter?". We raised it in 1950, after having been apprised of the Mallet Prevost memorandum. Between 1950 and 1958, we in Venezuela were ruled by a dictatorial Government, which was not sensitive about this problem nor unduly concerned about it.

The Caracas Press devoted a great deal of attention to the Mallet Prevost memorandum, which was reprinted in all the newspapers in Venezuela. In view of this, a reservation was filed in 1950 at the meeting of foreign ministers held at Washington -- I believe it was the fourth such meeting. And then in 1954, another reservation was put on record.

Replying to my own query, namely, why is the matter being raised now, it was because earlier we were not acquainted with the inner history of this award. We did not know exactly how things had taken place. Certainly we knew that we had been robbed, but the Venezuela of 1899 and the Venezuela of many years thereafter was a country which was poverty-stricken, which had been ravaged by civil war. While the arbitral award was being handed down in Venezuela on 3 October, in Venezuela a revolution was taking place which was very near Caracas, the capital of our country. At these moments -- in 1899, I think I can say for this is an historical fact -- Venezuela was virtually without a Government. Naturally, that is our fault, not the fault of Great Britain, but I am trying to depict the atmosphere which prevailed at the time these various events were taking place.

In view of all the facts I have adduced, all the information I have given you and the many other points which I could raise but would rather summarize the problem, to claim that Venezuela is compelled to consider the results of the arbitral court as a full, final and definitive settlement of all the questions put before us by the arbitration court would be preposterous. This would have been appropriate if the arbitrators had acted in accordance with the terms of the arbitration treaty. The arbitral award had, necessarily, to be consonant with the rules of law established in the 1897 Treaty. But this did not prove to be the case. It is quite clear that was not so, and that is why Venezuela in its desire to settle this thorny issue in a friendly and definitive way has considered it appropriate and desirable to explain the reasons for which it cannot recognize the validity of an arbitral award which had no legal foundation, one handed down in the circumstances which I have just recounted. All this is in line with international doctrine which does not recognize arbitral awards when these are taken or reached in circumstances such as those which I have just described.

I could quote from any number of opinions of renowned jurists, specialists in international law, but I shall refrain from doing this. I shall quote only from the opinion of one very well-known professor of international law. I have in mind Professor Oppenheim, who is very well known in the United Kingdom and who for many years was a professor of international law at Cambridge University and who, no doubt, will carry great weight with our British friends. I feel sure that his opinion as an international jurist will prove very forceful. In the London 1952 edition of his work "International Law", page 23, this distinguished professor said:

> "... it is obvious that an arbitral award is only binding provided that the arbitrators have in every way fulfilled their duty as umpires," -- the same point was made by Harrison -- "and have been able to arrive at their award in perfect independence. Should they have been bribed, or not have followed their instructions," -- the instructions referred to are the instructions which, in our case, were laid down in the 1897 Treaty and which were not followed -- "should their award have been given under the influence of coercion of any kind ... the award would have no binding force whatever."

I have given the history of this issue involving the boundaries between British Guiana and Venezuela; I have set forth the political, historical and juridical reasons for which Venezuela cannot consider the 1897 arbitral judgement to constitute a final and definitive settlement of the boundary issues between it and British Guiana; I have declared that Venezuela respects and observes each and every one of the provisions of the 1897 arbitration treaty; I have depicted how, in the 1899 arbitral judgement, the norms of law embodied in that treaty were disregarded and violated. Venezuela is not asking that this Committee pass on the question of substance; Venezuela has brought the matter before the United Nations, not to seek a decision on the substance of the matter, but rather so as to inform the world of the powerful reasons which compel us not to recognize the 1899 arbitral judgement as a final and definitive settlement of its dispute with the United Kingdom regarding the territory of British Guiana of which we were despoiled.

Today, Venezuela has proof and evidence of the arbitrary and extra-legal way in which the matter was settled by the 1899 arbitral judgement, and the existence of the United Nations Charter enables us to act in circumstances which are very different from the circumstances which prevailed in the last century. All we seek to find is a friendly solution to the problem with the United Kingdom, a country with which we have very friendly and cordial relations.

Venezuela also wishes to reaffirm its support of independence for British Guiana and, for this reason, we hope that in the conversations which we seek to have with the United Kingdom in the quest for a pacific settlement of this dispute the representatives of the Government of British Guiana will also participate fully. We hope that these conversations can take place in an atmosphere of friendship. This is our most fervent desire as Venezuelans.

Annex 144

Question of Boundaries between Venezuela and the Territory of British Guiana: Statement of His Excellency, Dr. Marcos Falcón Briceño, Minister for External Relations of Venezuela, at the 348th Meeting of the Special Political Committee on 12 November 1962
(Excerpt)

United Nations, General Assembly, Seventeenth Session, Special Political Committee, Agenda item 88, QUESTION OF BOUNDARIES BETWEEN VENEZUELA AND THE TERRITORY OF BRITISH GUIANA, A/SPC/71, 12 November 1962, p. 15.

Available at: https://digitallibrary.un.org/record/862319?ln=fr#record-files-collapse-header

In February 1897, the arbitral instrument was signed. Throughout this, no Venezuelan played any role, as I pointed out earlier. We had a confidential agent in Paris at the time, Dr. Jose Maria de Rojas, who was fully acquainted with these problems, and as our representatives we retained Benjamin Harrison, former President of the United States, and Mr. Severo Mallet Prevost, who was a New York lawyer.

The commission appointed by Congress to study the question of boundaries had had as its secretary Mr. Severo Mallet Prevost, and that was why Venezuela selected him as one of its legal advisers when the matter came up for arbitration. The arbitrators met in Paris. One of those appointed by the British Government died and he was replaced by Lord Russell. These were the arbiters who signed the arbitral award.

In Venezuela and the United States the arbitral award was carefully noted. The first conclusion came from a cursory reading is that there is no justification or reason for it. There was no explanation as to why the boundaries were set as they were. It was impossible, historically, to do this. Venezuela was clearly a victim and had been despoiled. For us this arbitral award has no validity. No one can give validity to something which never existed. That is our thesis.

I said that relatively recently we came upon some historical documents which have made it possible for us to reconstruct the inner history of this arbitral award. Mr. Severo Mallet Prevost related many years later this history, to be published after his death, which occurred in 1948. It was in 1949 that we became acquainted with this extraordinary posthumous document, in a way a document which was to clear the conscience of Mr. Prevost, and that is why he sought to have all this written down.

Some of those who deal with the matter claim that this was the first time that he mentioned the question, but that is not true. He referred to it very often and there is a letter of Mr. Olney -- if one reads between the lines -- in which he declares that Mr. Mallet Prevost, who had recently arrived from Paris, wished to speak with him so as to recount to him what had exactly happened and why things had happened as they had. These words "why things had happened as they had" encompassed all the mysterious aspects of this matter.

Annex 145

Agenda Item 88: Question of Boundaries between Venezuela and the Territory of British Guiana (continued), 13 November 1962 (Excerpt)

General Assembly, 17th session, official records, Special Political Committee, 349th meeting, Tuesday, 13 November 1962, New York, A/SPC/SR.349, p. 123

Available at: https://digitallibrary.un.org/record/803528

United Nations
GENERAL ASSEMBLY
SEVENTEENTH SESSION
Official Records

SPECIAL POLITICAL COMMITTEE, 349th MEETING

Tuesday, 13 November 1962, at 3.20 p.m.

NEW YORK

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Chairman: Mr. Leopoldo BENITES (Ecuador).

AGENDA ITEM 88

Question of boundaries between Venezuela and the territory of British Guiana (A/5168 and Add.1) (continued)

1. Mr. CROWE (United Kingdom) said that his Government's views on the subject had not changed since they had been expressed at the 1302nd meeting of the Fourth Committee in February 1962. It still considered that the Western boundary of British Guiana with Venezuela had been finally settled by the award which the Arbitral Tribunal had announced on 3 October 1899.[1] The frontier had been demarcated in accordance with that award by a boundary commission appointed by the British and Venezuelan Governments, and the work of the commission had been recorded in an agreement signed by the British and Venezuelan boundary commissioners on 10 January 1905. The Minister for External Relations of Venezuela himself had recognized at the 348th meeting that the arbitration tribunal had been set up as a result of the Pauncefote-Andrade Treaty concluded between the two Governments on 2 February 1897.[2] The composition and rules of procedure of the Tribunal had been laid down by the Treaty and, most important of all, under article XIII of that instrument the two Governments had pledged themselves to accept the tribunal's award as "a full, perfect and final settlement". His Government therefore could not agree that there could be any dispute over the question settled by the award.

2. The allegations made by the Minister for External Relations of Venezuela did not afford any grounds for re-opening the matter yet he felt obliged to comment on them without, however, entering too much into detail. The events that had led up to the frontier settlement had been fully taken into account by the arbitration tribunal when its award had been made; nevertheless, he would describe the salient facts to give the Committee the full picture. The present territory of British Guiana represented approximately the area occupied by the Dutch settlements of Berbice, Demerara and Essequibo, set up in the seventeenth century. Those settlements, formally recognized by Spain in the Treaty of Munster in 1648, had been occupied by Great Britain in 1781 and again in 1796, and were formally recognized as British territory by the Treaty of London signed with the United Netherlands in 1814. The Western boundary of that territory had never been defined by treaty, but had been demarcated by the British in accordance with the limits claimed and actually held by the Dutch settlers. That boundary had remained unchallenged for twenty-six years, either by the Spaniards or by their successors, the United States of Colombia, with which Venezuela had merged in 1819. In 1840 Venezuela had urged the British Government to enter into a treaty of limits, and that request had been followed by claims that the river Essequibo was the boundary of Venezuela, although there had been no Spanish settlers in most of the disputed area for over 100 years.

3. Mr. Schomburgk, the eminent German explorer to whose work the Venezuelan Foreign Minister had referred, had established between 1841 and 1843 a boundary line which the award had subsequently followed closely. In determining that line, Mr. Schomburgk had attached great importance to ascertaining the precise limits of the former Dutch possessions from which all traces of Spanish influence was absent and also to fixing a boundary which would be acceptable to Venezuela; he had therefore suggested that Great Britain should surrender its claim to a more extended frontier inland in return for formal recognition of its right to Point Barima at the Great Mouth of the Orinoco. From 1840 onwards, all efforts at compromise and agreement had failed, despite a number of concessions offered by the British Government; in 1895 at the request of Venezuela, the United States Government had offered to arbitrate, and negotiations had culminated in the conclusion of the Pauncefote-Andrade Treaty, which provided that the boundary question should be submitted to arbitration. The boundary commission, appointed under the arbitral award had recorded the results of its work in an agreement signed by the British and Venezuelan boundary commissioners in 1905; the award did not give effect to the greater part of the Venezuelan claim, but neither did it recognize any part of the British claim in the interior. The award had however, given Venezuela a valuable section, including Point Barima and the Great Mouth of the Orinoco and about 3,000 square miles in the interior which the Venezuelan Foreign Minister admitted had great strategic importance. The long-standing dispute had thus been finally settled to the satisfaction of the parties and in accordance with the Treaty of 1897.

4. It was thus clear that the Treaty of 1897 had been freely entered into by both sides and that the parties had undertaken to accept all the provisions of the arbitration agreement in good faith. But the Venezuelan Foreign Minister had inferred in his statement that Venezuela had been a victim of circumstance and as a small country, had been forced to bow to a more powerful opponent and so was not a free agent; yet he had stressed on several occasions the strong sup-

[1] See British and Foreign State Papers, 1899-1900 (London, His Majesty's Stationery Office, 1903), p. 160.

[2] Ibid., 1896-1897 (London, His Majesty's Stationery Office, 1901), p. 57.

Annex 146

United Nations General Assembly, 16th Session, Agenda Item 25: The Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 8 October 1962

United Nations, Report of the Special Committee established under General Assembly resolution 1654 (XVI), Doc. A/5238 (8 Oct. 1962), para. 77, p. 130.

Available at:
https://documents.un.org/doc/resolution/gen/nr0/167/07/pdf/nr016707.pdf?token=VbflL1rWz2k34qEfcN&fe=true

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Addendum to agenda item 25

ANNEXES

SEVENTEENTH SESSION

NEW YORK, 1962

Agenda item 25: The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples: report of the Special Committee established under General Assembly resolution 1654 (XVI)

DOCUMENT A/5238

Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

(Covering the period from 20 February to 19 September 1962)

[*Original text: English*]
[*8 October 1962*]

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LETTER OF TRANSMITTAL

New York, 20 September 1962

Sir,

I have the honour to transmit to you the report to the General Assembly of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, established under General Assembly resolution 1654 (XVI), of 27 November 1961. This report covers the work of the Special Committee during the period from 20 February to 19 September 1962.

Accept, Sir, etc.

(Signed) Chandra Shekhar JHA
Chairman

His Excellency U Thant,
Acting Secretary-General,
United Nations,
New York

CHAPTER I

ESTABLISHMENT AND ORGANIZATION OF THE SPECIAL COMMITTEE

A. DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

1. The victory of the United Nations in the Second World War, which was fought in the name of freedom for all men, gave new hope of freedom and independence to millions of peoples who, for centuries, had been living under foreign rule. The establishment of the United Nations coincided with this period of intense political activity among colonial peoples everywhere, who renewed their just demand for freedom and redoubled their efforts to attain their legitimate aspirations.

2. The Charter of the United Nations, signed in San Francisco on 26 June 1945, gave further encouragement to the colonial peoples seeking their independence. The preamble of the Charter reaffirmed "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" and proclaimed the determination "to promote social progress and better standards of life in larger freedom". Among the declared purposes of the United Nations contained in Article 1 of the Charter were the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" and "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

3. Under the Charter of the United Nations, Members responsible for the administration of territories whose peoples had not yet attained a full measure of self-government accepted certain obligations. In Article 73, Members administering such territories recognized "the principle that the interests of the inhabitants of these territories are paramount" and accepted "as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories". The Administering

to enable the leaders of the political parties of Zanzibar to reconcile their differences and to arrive at an agreed solution. He also proposed that if they did not succeed, the Special Committee should resume consideration of Zanzibar at its next series of meetings in September. This proposal was accepted by the Special Committee.

151. At its 104th meeting, on 10 September 1962, the representative of the United Kingdom informed the Special Committee that since its decision to postpone consideration of the question of Zanzibar, there had been certain new developments. First, the efforts made by the United Kingdom, and particularly by the Governor of Zanzibar, to persuade the two main parties to form a coalition Government had been unsuccessful. All hope was not lost, as it was still possible to go ahead on the basis of an agreement concerning the country's Constitution; that was what had happened in the case of Jamaica and Trinidad, which had just gained their independence. Secondly, the tension which had existed in Zanzibar during the previous year had materially decreased. There were no political prisoners in Zanzibar, and only a few people whose freedom of movement was still restricted. Thirdly, the gap between positions in regard to the franchise and the delimitation of constituencies had been reduced. At the London Conference, the opposition had requested an extension of the franchise through abolition of the qualifications relating to income and literacy; it had been possible to reach agreement on that issue, but not on the other demand of the opposition—a reduction of the voting age to eighteen years. The Delimitation Commission had recommended the establishment of thirty-one constituencies, each of which would elect a deputy; all the parties had accepted that solution, and the arrangement proposed gave seventeen constituencies to Zanzibar and fourteen to Pemba. The only question outstanding was therefore the timing of the elections. However, it should be noted that in any case the elections would be held by June 1964, and that the agreement which had been reached on the other issues showed that conciliation between the different parties was possible.

152. By a letter dated 13 September 1962,[87] Mr. Othman Shariff submitted to the Special Committee, on behalf of the Afro-Shirazi Party, that party's observations on further developments concerning Zanzibar since July 1962. It stated that developments in the last few months had only confirmed the position of the party that independence should be granted to Zanzibar in the near future and that independence should be preceded by elections on the basis of universal adult franchise. It added that the party was not prepared to compromise in any way on those matters of principle.

153. At the 105th meeting, the representative of Ethiopia introduced a draft resolution on Zanzibar jointly sponsored by Ethiopia, India, Mali, Syria, Tanganyika, Tunisia and Yugoslavia.[88] At its 106th meeting, the Special Committee adopted the seven-Power draft resolution without a vote.

154. The text of the draft resolution adopted by the Special Committee read as follows:

"Draft resolution for the consideration of the General Assembly

"The General Assembly,

"Having considered the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the situation in Zanzibar,

"Having considered the views of the petitioners submitted to the Special Committee,

"Taking note of the statements made by the representative of the administering Power before the Special Committee,

"Guided by the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) and by resolution 1654 (XVI),

"1. *Takes note* with satisfaction of the political achievements of the people of Zanzibar;

"2. *Takes note further* of the declared policy of the administering Power with respect to the independence of Zanzibar;

"3. *Requests* the administering Power to take immediate steps for the implementation in Zanzibar of the provisions of the Declaration on the granting of independence to colonial countries and peoples, and all concerned, to make arrangements for the holding of elections on the basis of universal adult suffrage;

"4. *Appeals* to all the people of Zanzibar to achieve national unity, having in view the independence of Zanzibar at the earliest time;

"5. *Requests* the administering Power to make every effort, including the promotion of harmony and unity among the political elements of Zanzibar, to bring that Territory into independence at the earliest date in accordance with the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV)."

[87] A/AC.109/29.

[88] A/AC.109/L.34.

CHAPTER VII

BRITISH GUIANA

A. INFORMATION ON THE TERRITORY*

General

1. British Guiana, which has been administered by the United Kingdom since 1814, is situated on the north-east coast of the South American continent, between Venezuela, Brazil and Surinam. There are many large rivers, three of which, the Essequibo, Demerara and Barbico, have given their names to the counties (formerly settlements) into which the Territory is divided. The coastal plain, 270 miles long and 10 to 40 miles wide, is largely below high-tide level

* Section A of the present chapter is based on information supplied by the administering Power and information compiled by the Secretariat from published sources.

and has to be protected from inundation by an elaborate system of sea defences and drainage canals. Nearly 90 per cent of the population live in this area, where the main crops—sugar cane, rice and coconuts—are grown. The coastal plain rises inland to a plateau topped by mountains in the south and west. This area is covered by dense equatorial forest, which occupies more than four-fifths of the country and is not easily accessible, even by river.

2. The estimated population of British Guiana at 31 December 1960 was 575,270, made up as follows: East Indians, 279,460; persons of African descent, 190,380; Mixed, 66,180; Amerindians, 22,860; Chinese, 3,550; Europeans, 12,840.

GOVERNMENT

(a) *Constitutional development*

3. The present Constitution of British Guiana is based on the recommendations of the Constitutional Conference which was held in London in March 1960, and which was attended by representatives of the major political parties in the Legislature, including Mr. Cheddi Jagan, the present Premier. At that time there already was a majority of elected members in the Legislative and Executive Councils; the former had fourteen elected members, six nominated members and three *ex officio* members, while the latter consisted of the Governor, who presided, five elected members and three *ex officio* members. The elected members of the Executive Council, as also the *ex officio* members, were each given responsibility over one or more government departments and thus had a considerable responsibility for supervising the administration of the country, as well as a full share in policy-making.

4. When the Conference opened, the Secretary of State for the Colonies stressed the need for an orderly and progressive transfer of responsibility and power to the Ministers of British Guiana. The Conference agreed to the introduction in August 1961 of a new Constitution giving full internal self-government; defence and external affairs would remain the responsibility of the United Kingdom Government, but powers would be delegated to the Ministers of British Guiana to enable them to negotiate and conclude trade agreements with other countries. The Conference also discussed the question of independence and agreed on the following formula for independence:

"Her Majesty's Government accept the principle of independence for British Guiana. On the assumption that constitutional changes are introduced as a result of this Conference, then if at any time not earlier than two years after the first General Election held under the new Constitution or upon it being decided that the West Indies Federation should attain independence, whichever period is the shorter, both Houses of the British Guiana Legislature pass resolutions asking Her Majesty's Government in the United Kingdom to grant independence to British Guiana, Her Majesty's Government will early thereafter call a further Conference to consider when it would be practicable to implement this request. Provided that the new situation caused by the decision that the West Indies Federation should attain independence would not be regarded as giving grounds for considering any change in the then operative British Guiana Constitution until it had been in effect for not less than one year."

5. The British Guiana Constitutional Conference of 1960 agreed that an independence conference would be called whenever the British Guiana Legislature so wished, but not before August 1962. In October 1961, however, both Houses of the British Guiana Legislature passed a resolution asking the United Kingdom to fix a date during 1962 for independence. This request was considered, and the United Kingdom agreed to advance the earlier time-table and to hold the independence conference in May 1962. The main purpose of that Conference was to fix the date for the Territory's independence, and work out the details of the Independence Constitution.

6. The Chairman of the Committee on Information from Non-Self-Governing Territories, by a letter dated 19 June 1962,[89] transmitted to the Chairman of the Special Committee a copy of his Committee's report to the General Assembly at its sixteenth session.[90] Paragraph 44 of that report contained a statement concerning British Guiana by the representative of the United Kingdom, which read as follows:

"The representative of the United Kingdom informed the Committee that the constitutional conference on British Guiana which was to have been held in May 1962 had been postponed and that a commission, including distinguished representatives of Ghana and India, would soon begin an inquiry into the February disturbances. He also informed the Committee that his Government was holding discussions with the British Guiana Government to enable the conference to have before it a formulation of local ideas for an independence constitution, and that the two Governments were also undertaking a joint examination of financial matters. He added that, provided these preparatory steps were completed in time, the conference would be held in July."

(b) *Constitution*

(i) *Council of Ministers*

7. The Constitution which was worked out at the 1960 Constitutional Conference and which is now in force provides for a Council of Ministers consisting of a Premier and up to nine other Ministers. The Governor is no longer a member. This Council is collectively responsible to the Legislature of British Guiana for the direction and control of the Government of the Territory. The Governor appoints as Premier that member of the Legislative Assembly who can command a majority, and appoints the remaining Ministers on the Premier's advice. The Council of Ministers holds office until the Premier loses control of the Legislative Assembly and may have their appointments revoked only on the advice of the Premier, or if they cease to be members of the Legislature. The Governor assents or refuses his assent to bills in accordance with the advice of the Ministers. He must, however, reserve for the signification of Her Majesty's pleasure those bills which in his opinion affect defence, external affairs or the Royal Prerogative, or are inconsistent with the Constitution. All Ministers holding office at present are Guianese.

8. The control of police, formerly reserved to the Governor, is now the sole responsibility of a British Guiana minister. The only matters for which local

[89] A/AC.109/18.

[90] *Official Records of the General Assembly, Seventeenth Session, Supplement No. 15* (A/5215).

ministers have no executive responsibility are defence and external affairs, except trade relations which have been delegated to the British Guiana elected Government.

(ii) *Legislature*

9. The British Guiana Legislature is bicameral, consisting of a Senate and a Legislative Assembly. The sessions of the two Chambers are co-terminous and their maximum life is four years; dissolution of the Legislative Assembly automatically dissolves the Senate. The Senate has thirteen members all of whom are appointed by the Governor; eight are appointed in accordance with the Premier's advice, three after consultation with leaders of the Opposition parties in the Legislative Assembly, and the remaining two by the Governor in his discretion. The Senate reviews legislation passed by the Legislative Assembly and may itself introduce any bill other than a money bill. Money bills received by the Senate but not approved by it within a month may be passed without its assent; the Senate has no power to amend money bills. Other bills may be passed without the Senate's assent, if they are not approved by the Senate within six months. The Legislative Assembly may reject amendments proposed by the Senate.

10. The Legislative Assembly consists of thirty-five members elected in thirty-five single-member constituencies by universal adult suffrage. The Assembly may be prorogued at any time by the Governor acting on ministerial advice. The Governor's powers to dissolve the Legislature are exercised in accordance with the conventions applying to the exercise of the power of dissolution by the Queen in the United Kingdom. The Legislative Assembly may deal with any type of legislation, and reviews all bills amended by the Senate.

11. All members of the Legislature are indigenous Guianese, except for one nominated member of the Senate.

(iii) *Bill of rights*

12. The Constitution contains a Bill of Rights on the lines of that incorporated in the Constitution of the Federation of Nigeria.

(c) *Electoral system*

13. The electoral system is based on universal adult suffrage, which was introduced in 1953. A total of thirty-five members of the Legislative Assembly are elected in single-member constituencies, the candidate polling the largest number of votes winning the seat. The electors must be British subjects of a minimum age of twenty-one who are either permanently domiciled in British Guiana or have been resident there for two years or more and who, under the local law, are entitled to be registered in a particular electoral district.

14. The first general election was held in 1953, when the Peoples Progressive Party won eighteen of the twenty-four seats; the National Democratic Party won two seats and the remainder were won by independent candidates. At the second general election in 1957, the Peoples Progressive Party won nine of the fourteen elective seats; a faction of the Peoples Progressive Party won three and the United Democratic Party and the National Labour Front won one seat each. The last general election, held in August 1961, was contested by three main political parties. The Peoples Progressive Party won twenty seats and polled 42.6 per cent of the votes cast, the Peoples National Congress won eleven seats and polled 41 per cent of the votes, and the United Force Party won four seats and polled 16.4 per cent of the votes. A total of 88.5 per cent of the 240,000 eligible voters went to the polls.

(d) *The judiciary*

15. The Constitution provides that there shall be a Supreme Court for British Guiana, whose composition, jurisdiction and powers are laid down in the Supreme Court Ordinance. The Supreme Court consists of a Chief Justice, appointed by the Governor after consultation with the Premier, and not less than two or more than four puisne judges, appointed on the advice of the Judicial Service Commission. The Judicial Service Commission consists of the Chief Justice as Chairman, the Chairman of the Public Service Commission, the Senior Puisne Judge, and one other member who may be a judge, either retired or still in office. Judges of the Supreme Court hold office until they reach the age of sixty-two, and may only be removed from office through disability to discharge their judicial functions, or for bad behaviour. The question of removal must in such cases be referred to a tribunal consisting of a chairman and not less than two members, all of whom must hold or have held high judicial office. If the Commission concludes that there is no case against the judge in question its decision is final. Otherwise, if the Commission so requests, its report must be submitted to the Judicial Committee of the Privy Council in the United Kingdom, which advises whether or not the judge concerned should be removed from office. The Judicial Committee's decision is final.

16. The right of appeal lies from the Supreme Court to the West Indies Court of Appeal, and from thence to the Judicial Committee of the United Kingdom Privy Council. All judges in British Guiana are Guianese or West Indian.

(e) *Local government*

17. British Guiana is divided into four counties. The counties are divided into nine administrative districts, which in effect co-ordinate local organs of the central Government and do not form part of the local government structure. The district commissioners in charge of each district provide advice for the local government authorities. Local government authorities can be grouped into four categories. Nearly 90 per cent of the Territory's population live in the first two of these.

(i) *Municipalities of Georgetown and New Amsterdam*

18. Georgetown is administered by a Mayor and a Town Council. Nine councillors are elected for each of the nine wards of the city, and three are nominated by the Governor on the advice of his ministers. Councillors normally hold office for two years; the Mayor may hold office for two consecutive terms, but not longer. The municipal administration includes a Medical Officer of Health concerned with the questions of public hygiene in the city, a City Engineer and a City Treasurer. New Amsterdam has a similar administration; it is administered by a Mayor and a Town Council, to which one councillor is elected for each of the six wards of the city, and three additional councillors are nominated by the Governor on the advice of his ministers. Like Georgetown, the city maintains its own Health Department and operates its own electricity works.

(ii) *Rural coastal areas*

19. The central authority of this part of the administration is the Local Government Board, consisting of the Commissioner of Local Government and the Director of Medical Services (who are civil servants), the President of the Village Chairman's Conference, and seven other persons appointed by the Governor on the advice of his ministers. The affairs of village and country districts are under the immediate direction of their own local authorities—the village councils, consisting of elected councillors, and country districts, whose members are appointed by the Local Government Board. It depends on local initiative whether a local authority is classed as a village council or a country district; the only major difference between them lies in their composition. Both exercise the normal local government functions, maintenance of roads and irrigation works, and provision of drinking water, sanitation, markets, abbatoirs and cemeteries. Outside the statutory machinery for management and consultation, local authorities have formed voluntary associations for discussing their affairs. The first Village Chairman's Conference, which is now named The British Guiana Association of Local Authorities, took place nearly sixty years ago, and conferences of that kind are now an annual feature, providing an opportunity for village representatives to meet and decide on means of improving the administration of the villages generally. Within the six administrative districts in the coastal region, groups of local authorities have been formed which meet quarterly. District commissioners (who are civil servants) attend and address these meetings, reviewing the main events of the preceding quarter and explaining and discussing the Government's policy.

(iii) *Inland towns and settlements*

20. These places have the same local government organization as the rural coastal areas, though geographically far more scattered, and less advanced.

POLITICAL PARTIES

21. There are three main political parties in British Guiana; the Peoples Progressive Party, led by Mr. Cheddi Jagan; the Peoples National Congress, led by Mr. L. F. Burnham; and the United Force Party, led by Mr. Peter d'Aguiar.

B. CONSIDERATION OF THE QUESTION OF BRITISH GUIANA BY THE GENERAL ASSEMBLY AT ITS SIXTEENTH SESSION

22. At its 1252nd meeting, on 18 December 1961, the Fourth Committee of the General Assembly heard a statement by the Premier of British Guiana, Mr. Cheddi Jagan; at its 1254th and 1255th meetings, on 19 December 1961, the Fourth Committee considered a joint draft resolution[91] submitted by Cuba, Ghana, Guinea, India, Indonesia, Iraq, Liberia, Libya, Mali, Morocco, Nigeria, Syria, Tunisia, United Arab Republic and Yugoslavia, which proposed that the General Assembly should: (1) request the Governments of the United Kingdom and British Guiana to resume negotiations immediately with a view to reaching agreement on the date of independence for British Guiana, bearing in mind the wishes of the people of British Guiana as expressed by their Parliament; and (2) request the Special Committee to consider the question of the independence of British Guiana at the earliest possible stage of its operation and report to the General Assembly at its seventeenth session.

23. At its 1302nd meeting, on 22 February 1962, the Fourth Committee was informed by the representative of the United Kingdom that his Government had informed the Premier of British Guiana that it was willing to hold a constitutional conference in May 1962, "to discuss the date and the arrangements to be made for the achievement of independence of British Guiana."

24. At the same meeting, the sponsors of the draft resolution suggested that, accordingly, the Committee might wish to consider the discussion of the matter concluded. The sponsors were not withdrawing the draft resolution, but asking that it should be put to a vote. Subsequently, the sponsors suggested that the Committee should consider the discussion on British Guiana as concluded.

25. The Committee took note of the United Kingdom's statement that a date had been set for a constitutional conference on British Guiana, and considered that the discussion of the question of British Guiana was concluded for that session of the General Assembly.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

26. At its 81st meeting, on 20 July 1962, the Special Committee, on the recommendation of its Sub-Committee on Petitions, decided to grant requests for hearings concerning British Guiana from Mr. Felix Cummings who wished to make a statement on behalf of the Peoples Progressive Party, and from Mr. Cheddi Jagan, Premier of British Guiana. The petitioners had requested the Special Committee to give priority to the question of British Guiana and to treat it as a matter of urgency.

27. At the same meeting the Special Committee heard a statement by Mr. Felix Cummings on behalf of the Peoples Progressive Party.

28. Mr. Cheddi Jagan made a statement to the Special Committee at its 82nd meeting, on 23 July 1962, and answered questions put to him at its 83rd and 84th meetings, on 24 and 25 July 1962.

29. At the 85th meeting, on 25 July 1962, the representative of the United Kingdom made a statement in reply to Mr. Jagan's observations.

30. At the same meeting, the Special Committee decided that priority consideration should be given to the question of British Guiana.

31. At its 89th and 90th meetings, on 30 July 1962, the Special Committee considered a joint draft resolution, sponsored by Cambodia, Ethiopia, India, Mali, and Yugoslavia.[92] Tanganyika subsequently joined the sponsors of the draft resolution.[93]

32. The Special Committee received and circulated as petitions the following communications concerning British Guiana:

[91] See *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda items 39, 40, 41, 42, 43 and 44, document A/C.4/L.728.

[92] A/AC.109/L.28.

[93] A/AC.109/L.28/Add.1.

Petitioner	*Document No.*
Mr. Felix Cummings	A/AC.109/PET.14
Mr. Cheddi Jagan, Premier of British Guiana	A/AC.109/PET.17
Mr. Peter d'Aguiar, Leader of the United Force Party	A/AC.109/PET.19 and Add.1
The Secretary, No. 58-61 Group of the Peoples Progressive Party	A/AC.109/PET.20
The International Law Association of Trinidad and Tobago	A/AC.109/PET.32
Miss Eileen Cox	A/AC.109/PET.33

Hearing of Petitioners

33. Mr. Cummings, Peoples Progressive Party, stated that it had been necessary to bring the question of British Guiana's independence before the United Nations because of the intransigent attitude of the United Kingdom, which had completely disregarded the wishes of the Guianese people for the past nine years. He recalled that immediately after the riots which took place in February 1962, he had asked Sir Hugh Foot for information about the Conference which was to be held in May and was told that there was no change in the date. Subsequently Sir Hugh had made a statement to that effect in the Fourth Committee. If the February riots had not been regarded as justifying the postponement of the Conference at that time, it was hard to see how the United Kingdom could now use a report on the same disturbances as a pretext for a further postponement. In asking the Committee to await the publication of the report of the Commission of Inquiry, the United Kingdom seemed to imply that, if the report contained certain unfavourable recommendations, it would serve as a pretext for not granting independence to the Territory speedily. The fact that the disturbances had taken place was an argument in favour of granting independence as soon as possible, because if the country had been independent, the elected authorities of British Guiana would have had the means of ensuring the prompt enforcement of the law. As it was, since the country was a colony, the authorities had had to await the pleasure of Her Majesty's Governor before the disturbances could be repressed, and the city of Georgetown had in the meantime been devastated.

34. The United Kingdom's calculated attempt to delay independence could lead only to frustration and more violence. After making assertions to the contrary, the United Kingdom Government had come to the conclusion that there was some connexion between independence and the riots, and it was now willing to take decisions on the basis of events which had not yet occurred and might never occur. Yet, even assuming that there was a connexion between the disturbances and independence, he wondered how the United Kingdom Government would justify having delayed the country's independence if the report of the Commission of Inquiry, when published, contained nothing which affected British Guiana's right to freedom. The United Kingdom Government's decision contradicted its own expressed desire for a speedy end to colonialism. It was a mockery of the principles of free elections, representative government and democracy. Peter d'Aguiar, the pro-fascist minority leader, was also in favour of postponing the Constitutional Conference, and his request had apparently been granted. Since the postponement of the Conference had been announced, Mr. d'Aguiar, who had led the mobs on 16 February, had been emboldened to say that the Premier must be deposed.

35. The question of British Guiana was extremely serious and he urged the Committee to send a subcommittee to the country without delay to see the situation for itself.

36. Mr. Jagan said that he had not come to argue the case for his country's independence, for in the present day and age that was no longer the issue. But the Special Committee had become the focus for the aspirations of all peoples that were still struggling to be free, and he had come to explain to the Committee the efforts now being made to subvert the national movement in his country and to divide the people against themselves.

37. The social and economic conditions in his country were such that, unless immediate steps were taken to improve them, an unscrupulous minority might take advantage of them to provoke further unrest and violence. Since 1957 his Government had made strenuous efforts to obtain assistance from abroad in order to implement its development programme, which was aimed at creating employment opportunities and raising the standard of living; those efforts had not, however, met with much success. It was against that background that his Government had proposed an austerity budget designed to mobilize internal savings for development purposes. The budget had been met with opposition and violence, provoked by a small group whose privileged position was threatened by the fiscal measures proposed; using the budget as an excuse, that group had attempted to overthrow the Government, with assistance from outside.

38. He cited several instances of periods in the history of his country when intense economic distress had led to tension and disturbances. In nearly every case, the riots had taken the form of interracial strife; but such disturbances were always closely linked with economic stress, and his country's history had otherwise been singularly free of racial tension.

39. Since the beginning of British rule in 1814 the colonial system had prevailed, in which wealth had been shared among a few local residents and the greater part of it sent out of the country; the resulting poverty and backwardness had been fully documented by various inquiries conducted over the past twenty years. Conditions in the field of education were equally bad.

40. When he had entered the political arena in the mid-nineteen-forties British Guiana's economy had been in a state of total imbalance. Save for the bauxite mining industry, there had been no attempt at industrialization in his country. Even agriculture, in a predominantly agricultural country, had been badly served; an FAO expert who had visited British Guiana in the early nineteen-fifties had reported that credit agencies, banks and insurance companies were hardly giving any credit to the agricultural sector. The post-war Royal Commission had reported that practically all well-drained land was reserved for sugar-planting, while the areas devoted to rice and pasture were badly drained. The people had naturally suffered as a result of all that exploitation, backwardness and poverty. In 1946, a world-famous malariologist, had drawn attention to the chronic malaria among British Guiana's school-children, the low birth rates and high death rates, and the high infant mortality in the country.

41. It was against that background that his party had won the election of 1953; it had immediately em-

barked on a programme of social and economic reforms which had threatened the position of the privileged few and sought to put an end to colonial rule. After only four-and-a-half months the Constitution had been suspended and his Government removed from office. Since then there had been one long campaign aimed at destroying his party and delaying the independence. After the suspension of the Constitution an interim puppet Government had been installed. In 1955 that Government had instigated a split in his party, the better to maintain control; out of that split had developed the racial tension which bedevilled his country today. Despite the split and the gerrymandering of constituencies, his party had won the elections in 1957 and 1961. The efforts of reactionary elements in February 1962 to bring down the Government by force had failed, as had all attempts to destroy the Peoples Progressive Party; but those elements had not given up hope, and every devious means was today being used to that end.

42. After his party had won the elections in 1957, the Government had immediately set about looking for funds for development; in August 1958 he had suggested to the Colonial Office that the $91 million development programme which had been started and was planned for continuation until 1960 should be expanded to an amount of $200 million; but that proposal had been rejected, and instead it had been decided that the plan should be reviewed in the summer of 1959.

43. Efforts had been made to obtain development capital from other sources. An attempt to borrow £6 million from the Swiss Bank in London had been brought to nothing by the refusal of the United Kingdom Government to guarantee the loan. However, that Government had subsequently approved his request for permission to make a direct appeal to the International Bank for Reconstruction and Development. Discussions with various United States Government agencies had also been held in the same year (1958), and early in 1959 United States Government officials had visited British Guiana. But no definite commitment had been made in response to his Government's application for economic assistance.

44. In the summer of 1959 the current five-year development programme had been approved in London. That programme had been limited to $BWI 110 million on the advice that British Guiana could not afford a larger programme at the prevailing rate of interest—although the Colonial Office admitted that British Guiana needed a larger development programme. He had not challenged these assumptions about the future rate of economic growth in the long term, but instead had argued on the basis of a lower rate of interest for a bigger development programme. He had then been told that the United Kingdom Government could not reduce the interest rates for Treasury loans, since they were determined by Act of Parliament.

45. His talks held in 1959 with officials of the World Bank and United States Government agencies had yielded little result. Later in the same year he had visited the Federal Republic of Germany and Italy for discussions on economic assistance. But it was not until 1961 that those many attempts to secure aid had yielded the first tangible result, in the form of a small loan from the World Bank of about $BWI 2.25 million—granted on the condition that it should be used only for credit to private individuals or co-operative societies. After he had paid a further visit to the United States and Canada in search of economic aid, the United States Government had decided to send a team to investigate the feasibility of certain development projects; the report of that mission was now awaited.

46. It could therefore be seen that, apart from technical assistance, his efforts to secure economic aid had so far yielded little substantial result. It was against that background that the 1962 budget had been introduced. Unemployment was already wide-spread and, faced with the possibility of further deterioration in that field, he had immediately taken steps to mobilize internal savings. When it had become clear that expenditure in 1962 would be much higher than in 1961, he had sought the advice of Mr. Nicolas Calder, a world-famous tax expert, and requested his assistance through the United Nations; most of Mr. Calder's recommendations had been included in the 1962 budget proposals. But certain business interests, on which the burden of taxation was likely to fall most heavily, had led an organized attack against the budget and used it as an excuse for an attempt to overthrow the Government. Sections of the working classes, who themselves would have benefited indirectly from the fiscal measures proposed, had been used by the organizers of the disturbances. When the Government had announced that some of the budget proposals were to be withdrawn or modified, it had become clear that the attack on the budget was merely a cover for a more serious attempt to overthrow the Government by force and violence, for the attack had then been transferred to the Government itself. The overthrow was to be achieved in part by the creation of chaos—through the closing down of communal facilities and paralysis of the Government's transport system. In that way those who were opposed to the Government and who had lost three successive elections, had hoped to bring about a suspension of the Constitution, as in 1953, and the removal of the Government from office.

47. There was also some indication of groups outside the country which might have encouraged or influenced those who had started the disturbances. The United Kingdom Government maintained that the independence talks should await the report of the Commission of Inquiry—whose terms of reference did not even include the question of independence. But the disturbances could not be used as an argument to delay independence; otherwise, a disgruntled opposition could at any time provoke disorders and so halt, indefinitely, a country's march to freedom. Yet because of their recent success in securing postponement of the independence conference, the hostile groups inside and outside the country were now convinced that independence could be indefinitely delayed by further disorders. Only a clear and categorical statement fixing a date for independence could now deter those groups from further efforts to that end.

48. Independence was even more urgently necessary from the economic standpoint, since only an independent country could raise the funds so badly needed for development, Mr. Jagan continued. From any angle, therefore, the case for immediate independence was strong.

49. The forces of reaction were nevertheless trying to win over international opinion by a propaganda campaign misrepresenting the objectives of his Government. Such attacks were based, not on what the

Government was currently doing, but on what it was alleged that it would do after independence.

50. Because of that campaign, he wished to place before the Special Committee his plans for British Guiana. He was fighting for the political liberation of his country, as well as for the social justice and economic emancipation without which political freedom might be meaningless. His aim was to create a society in which the country's wealth was distributed fairly amongst all. He proposed to do that by adopting an economic system in which both State and private enterprise would work together within the framework of a national development plan. Guiana was a big country, and there was plenty of room for State and private enterprises to exist side by side; nevertheless, the latter could not retain its old dominance, nor could his Government perpetuate a society dominated by the urge for private profit and by individual greed, colonialism and imperialism. In Guiana, as in most under-developed countries, the State must play a dynamic role in the development. When he had first entered the political arena a decade earlier, he had spoken of economic planning and of the need for industrialization and land reform, he was glad to see that those views, once regarded as heretical, were now being accepted in many under-developed countries.

51. Regarding his political views, he believed in parliamentary government and free elections, and in the achievement of his objectives through persuasion and by peaceful means. He reiterated that his Government would not confiscate private property, seize savings or suppress democratic freedoms. His Government, whose freedom had been taken away, undertook to honour what it said and what it had written into the Constitution. The Constitution of independent Guiana would contain a Bill of Rights to protect democratic freedoms, and he quoted, as evidence, the Preamble to that Constitution.

52. In external relations, independent Guiana would pursue a policy of non-alignment. It would support dependent and exploited peoples everywhere in their struggle for freedom; it would oppose racial discrimination wherever it occurred; it would work for peace and international co-operation; and it would support the United Nations, wherein lay the surest hope of small nations and, indeed, the future of the world.

53. The people of British Guiana looked to the Special Committee to strengthen their hands in their struggle for freedom against the powerful forces currently working against them both inside and outside the country. Nevertheless, his people did not cherish any ill-will towards the British; his hope had always been that, when the old colonial relationship between his country and the United Kingdom came to an end, the two countries would enter into a new relationship as equal partners in the commonwealth of nations in peace and friendship, and not in enmity, to which they were now perilously near.

54. In 1953 his country had what the United Kingdom Government had recognized to be the most advanced Constitution in the British Caribbean, and indeed in the British Empire. Since that time, many African States had become free; Trinidad and Jamaica would be free in August 1962, and there was absolutely no reason why his country should not achieve its freedom in the course of the same year. He therefore formally invited the Special Committee to use all the powers of the United Nations, first to request the United Kingdom Government to hold the deferred constitutional talks immediately, and secondly to fix a date for independence in 1962. He invited the Special Committee to visit his country forthwith, should it desire to do so.

Observations by members of the Special Committee

55. The representative of the United Kingdom said he welcomed the assurances given by the Premier of British Guiana on his future policy, and particularly the pledge he had given regarding the maintenance of personal freedom and parliamentary government. There were, however, several subjects on which the United Kingdom delegation could not agree with him. In particular, it wished that he could have recognized the importance and impartiality of the Commission of Inquiry. It was true that he had originally been anxious for a local commission or, failing that, a United Nations body, but after hearing the views of the United Kingdom Government, he had agreed to the establishment of the Commission, the composition of which he himself had approved after consultation with Mr. Nehru and Mr. Nkrumah. As the Commission had been set up, it would have been better not to ask the Special Committee to take a decision a week or two before the Commission's report was published. As the Premier had stated, the functions of the Commission were, of course, limited by its terms of reference, but the February disturbances were complex and involved all sorts of factors—political, social and economic—affecting the whole life of the community of British Guiana.

56. He was sorry Mr. Jagan had seen fit to say that the British troops sent to British Guiana had not been used to the full effect and that, as a result, lives had been lost which need not have been lost. Before making such serious allegations, he should have awaited the publication of the impartial report of the three judges.

57. The question whether British Guiana should proceed through self-government to independence was not in dispute. Jamaica and Trinidad would very shortly achieve independence. Could it seriously be suggested that the British Government favoured the establishment of those new States and opposed independence for British Guiana?

58. Another question which was clearly outside the Committee's terms of reference was that of the economic needs of British Guiana. The Premier had spoken as if no one were aware of the poverty which existed in his country. It was true that the situation of the poorer people in the West Indies had been utterly deplorable. Great advances had, however, been made in some territories thanks to the capital they had succeeded in attracting. That was the key to the development of new countries.

59. He called the Committee's attention to the assistance which the United Kingdom had given and was still giving the Territory for the purpose of development. In the period between the end of the Second World War and 1960, a sum of about £10 million had been allotted in grants for economic and social development and research. In 1958 the United Kingdom had granted British Guiana a special loan of £5.5 million, while throughout that period the Colonial Development Corporation had entered into commitments with the Territory totalling £3.3 million. The United Kingdom had promised British Guiana grants totalling £4.85

million during the period 1960-1964, as well as an Exchequer loan of £8 million. In addition, British Guiana had raised loans on the London Market during the past ten years; in 1956, for example, it had raised a loan of some £3.5 million. The assistance provided during that period thus amounted to over £20 million, a sum which directly belied the assertions that the United Kingdom was not anxious to help British Guiana. That assistance was admittedly inadequate in view of the enormous needs of the Territory and it was to be hoped that the Premier would succeed in supplementing it with aid from other sources.

60. A third matter which was not in dispute was the need for a constitutional conference. An affirmative decision had been given on that question once and for all, but the United Kingdom considered that it had an obligation to ensure that the Territory was ready to go forward in the best possible manner before convening the Conference. There were plenty of people always ready to give the administering Power advice, but the fact remained that the latter had an absolute obligation to ensure that the Territory had the best possible start from every point of view, that of the majority, the minority and the whole community.

61. It had originally been intended that a conference should be held in May 1962. It had subsequently been postponed until July, if all the preparations could be completed by then. July was drawing to a close and the Premier himself had just stated that he had not yet presented his constitutional proposals to the legislature. It was always desirable that the terms of the Constitution should command the support of both the Government and the opposition of a country. That had been achieved in Jamaica and at a later stage in Trinidad. The United Kingdom had hoped that events would follow the same course in British Guiana, but despite the Premier's efforts, it must be noted that no agreement had so far been reached, apparently because of the perpetuation of the state of emergency. It was particularly important in a territory such as British Guiana, that there should be no basic disagreement on the terms of the Constitution. It was to be hoped that agreement would soon be achieved.

62. The question of public security was still a source of concern. At the time of the February disorders, the United Kingdom Government had been able to meet the Premier's appeal and to send troops without delay. It might not be so simple on another occasion. Nor would anyone dispute the fact that an impartial force to maintain order in the event of civil disturbances could not be trained in a matter of a few weeks.

63. Thus, the Committee was not discussing self-government or independence, nor the economic situation of British Guiana, nor the need for a conference to determine the conditions under which the Territory would accede to independence. It was in fact discussing the period necessary for the organization of the Conference, in other words, two-and-a-half months at most. The Conference certainly could not be held in July. It seemed logical to hold it after the Commonwealth Prime Ministers' Conference; and whatever the Committee's reasons for haste, it could not reach any sound conclusions without hearing the report of the Commission of Inquiry. The best time would therefore be after the Prime Ministers' Conference.

64. The United Kingdom, which had done a great deal to assist British Guiana, must have a say in the matter and could not permit the date of the Conference to be dictated to it. It was surely not unreasonable that the United Kingdom Government should suggest postponement of the Conference on British Guiana for slightly more than two months. In any event, the Committee did not have sufficient information to arrive at any valid conclusions and would do well to await publication of the report of the Commission of Inquiry, which should be ready by the middle of August.

65. It was apparent that all concerned wished to see the Conference take place as soon as possible. However, it was essential that it should not be held prematurely; there was no question that it should take place after the Conference of Commonwealth Prime Ministers, after the report of the Commission of Inquiry was published, and after the two Governments had completed their consultations in an atmosphere of confidence and co-operation. It would be unreasonable for the United Nations to attempt to impose a precise time-table on the United Kingdom Government.

66. He concluded by expressing the hope that the Premier of British Guiana would be able to cope with the difficult task that lay before him and would lead his country to independence in peace, unity and stability.

67. The representative of Cambodia, in introducing the draft resolution on behalf of the sponsors, said that it embodied the ideas contained in the draft resolution[94] which had been submitted to the Fourth Committee of the General Assembly at its 1252nd meeting on 18 December 1961 but which had not been put to the vote because the Constitutional Conference had been scheduled for May 1962. He added that account had been taken of the wishes expressed almost a year before by the people of British Guiana for their country's independence, and the fact that the administering Power had stated that it was not opposed to granting that independence had also been duly considered. He hoped that the proposal, which was couched in moderate terms and contained no criticism, would hasten the granting of independence to British Guiana.

68. The representative of the Soviet Union stated that the draft resolution was essentially consistent with the just demands voiced in the Committee by the Premier of British Guiana. The Committee must take action to assist British Guiana in gaining independence not later than the end of 1962 and must expose the efforts being made by the British and American monopolies to delay practical measures to that effect in the hope of transferring power to puppets of the monopolies and of thus maintaining colonial domination.

69. Premier Jagan's Government had been in office since 1960 and had during several elections repeatedly demonstrated that it commanded popular support. In the last elections, in August 1961, in conditions that were unfavourable to the Government party, Mr. Jagan was again brought to power. Yet the United Kingdom Government, disregarding the request of the Parliament of British Guiana for independence in 1962 as well as its own commitment, had resorted to various pretexts in order to delay the calling of a constitutional conference. Not until January 1962, after Mr. Jagan had appealed to the United Nations for assistance, had the United Kingdom Government pro-

[94] See *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda items 39, 40, 41, 42, 43 and 44, document A/C.4/L.728.

mise to hold a constitutional conference in May 1962. However, that promise had proved to be merely a manoeuvre designed to prevent the Fourth Committee of the General Assembly from voting on the fifteen-Power draft resolution concerning the granting of independence to British Guiana. In February 1962 agents of the British and American monopolies had instigated disorders in the capital of British Guiana in an effort to overthrow the Jagan Government. Although the disorders had not achieved their purpose, the United Kingdom Government had used them as a pretext for breaking its promise to hold the Constitutional Conference in May. It was necessary to stress that the United Kingdom Government had not only resorted to a deception of the people and Government of British Guiana, but it had also deceived the United Nations since it had declared more than once that those events would not be used as a pretext for postponing the date of the Constitutional Conference. The United Kingdom Government's statement that the Conference might be convened at the end of September 1962 gave no guarantee that this period would not be used for new provocations, all the more so since all reports indicated that the United Kingdom was making every effort to create tension in British Guiana and fan hostility between the African and Indian populations. There was no basis for the United Kingdom's contention that the Con titutional Conference could not be held until a report was received from the Commission appointed to investigate the February disorders. The postponement of the Conference had been condemned not only by Mr. Jagan but also by Mr. Burnham, the leader of the Peoples National Congress. It was supported only by the United Force Party which was an instrument of the United Kingdom and United States monopolies and had instigated the recent disorders. Mr. Jagan had indicated the extent to which those monopolies controlled the economy of British Guiana, whose Government was not even allowed access to the figures showing foreign companies' earnings and the sums they transferred from the country. Many of those companies failed to pay taxes or were actually exempt from taxation. It was clear that British Guiana would not be able to develop its economy and raise its people's living standards unless it was granted immediate independence.

70. The efforts of the United Kingdom Government to prevent implementation of the Declaration must be condemned, and the Committee should recommend the immediate convening of a constitutional conference with a view to setting a date for the granting of independence as soon as possible but not later than at the end of 1962.

71. The representative of Uruguay said that, without prejudice to the reservations which he had made with respect to the procedures which the Committee should adopt in order to give expression to its conclusions and recommendations, his delegation supported the draft resolution under consideration, inasmuch as this appeal on behalf of the independence of British Guiana was of particular significance for the Latin American countries. He recalled that long before the adoption of the resolution on the granting of independence to colonial countries, the American States had, on more than one occasion, emphatically proclaimed the end of colonialism in America, and he quoted resolution XXXIII of the Ninth International Conference of American States (Bogotá, 1948), and resolutions XCVI and XCVII of the Tenth Inter-American Conference (Caracas, 1954). Lastly, he expressed his satisfaction with the spirit of moderation and constructive feeling shown by the sponsors of the draft.

72. The representative of Australia said that there was no great divergence of opinion in the Committee on basic questions, and the only difficulty was how the United Kingdom and British Guiana should proceed in giving effect to the principle of self-determination. The United Kingdom had been categorical in its assurances that its objective was to afford the people of British Guiana the full exercise of their rights of self-determination. It was not seeking to maintain an entrenched position but, on the contrary, was very anxious to hand power over to the people of the Territory. The difficulties arose mainly from the disagreement between the different political and ethnic groups; unfortunately the political divergences seemed in many fields to coincide with ethnic divergencies, and the people of the Territory should bend all their efforts to remedying the situation. The other difficulties were of an economic nature. All those problems could be solved, provided that the population and their leaders approached them in a spirit of compromise. He had been pleased to observe that in many respects Mr. Jagan recognized the need to afford the Government the widest possible support and to co-operate with other countries. In the view of his delegation, the objectives of British Guiana should be as follows.

73. First, to create and to maintain national unity and, in particular, to foster solidarity between the rural and the urban sectors of the population, and between the various groups of Indian, African or other origin. Secondly, to co-operate with the other States of South America, with the territories of the West Indies and with the other countries of the Commonwealth. Thirdly, to ensure economic stability and expansion. That was a task of some magnitude, in which British Guiana would have to seek the assistance of other countries and pursue a policy which, it was to be hoped, would facilitate the co-operation of the countries of the Western Hemisphere and other friendly countries.

74. His delegation agreed with most of the contents of the draft resolution, which provided for measures similar to those outlined by the representative of the United Kingdom. However, he objected to the use of the word "immediately". The United Kingdom had stated that it would hold a conference after the meeting of Commonwealth Prime Ministers in September, and had indicated that it would be very difficult to act before then. It had to be recognized realistically that the United Kingdom had a number of practical problems to contend with, quite apart from the matter of the report of the Commission of Inquiry. Nevertheless, the United Kingdom Government did not contemplate a long delay and the spirit of the resolution would surely be complied with if the United Kingdom resumed negotiations and convened the conference as soon as possible.

75. The representative of Tunisia said that in itself the question of British Guiana did not pose any major problem, since the United Kingdom Government had agreed in principle to the holding of a constitutional conference and to independence. The chief merit of the draft resolution lay precisely in the forthright language used with reference to the Government of the administering Power.

76. His delegation fully appreciated the gravity of the situation created by the events at Georgetown and the importance of the report to be made by the tripartite commission responsible for investigating those events. However, it did not feel that the solution was to delay the independence of the people of British Guiana. In any case, it was hard to see how the postponement of the constitutional conference could help to solve the internal problems of the Territory. Accordingly, without wishing to prejudge the results of the tripartite commission's work, his delegation considered that the Constitutional Conference should be held as soon as possible, so that an early date could be set for independence. It would therefore support the draft resolution advocating independence for the Territory before the end of the year, in accordance with the wishes of the people as expressed through their Parliament.

77. The representative of Venezuela pointed out that his country had always supported the cause of independence in the United Nations and had collaborated actively in the decolonization process. It did so even more willingly in the present instance, since the country concerned was its immediate neighbour. He therefore hoped that British Guiana would become independent as soon as possible and in the best possible circumstances. However, he pointed out that a problem bearing on the frontier and territorial claims existed between his country and British Guiana. Venezuela considered the arbitral award of 1899 unjust and damaging to its interests. In that connexion, he asked the members of the Committee to refer to his memorandum of 14 February 1962[95] and to the statement he had made in the Fourth Committee on 22 February 1962.[96] In the latter document, his Government had stated that it felt bound to request that its just claims should be considered and that the injustice committed should be rectified. It had gone on to state that it hoped to achieve that end through friendly negotiations between the parties concerned. His Government was now endeavouring to settle the matter by negotiations with the United Kingdom but if, for unforeseen reasons, a settlement was not achieved before independence, Venezuela—which had never made its support for British Guiana's independence contingent upon a solution of the problem—would submit its claims to the independent Government of that country. It hoped that a solution would serve to strengthen co-operation between the two countries, particularly as regards the development of the border areas. If the problem was not solved, relations between the two countries would suffer. It was therefore to be hoped that a settlement could be reached to the satisfaction of both parties.

78. The representative of Poland said that his delegation was basically in agreement with the aims of the draft resolution and would vote in favour of it. However, this draft resolution, being similar to that which was submitted by fifteen Member States already in December 1961, did not reflect the unilateral breach of promise that had been given in the meantime both to the people of British Guiana and to the United Nations by the British Government to the effect that in May 1962 a conference would be held in London to fix a date of independence for the Territory. That conference had subsequently been postponed by the administering Power until July, and recently again until "after the Commonwealth Prime Ministers' Conference in September". He expressed his disappointment at that policy of procrastination violating General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples. It was evidently clear that the continuous postponement of the constitutional conference was based on purely political grounds. In fact, the similarity of views of the reactionary United Force Party, which instigated the February disorders, and the views of the administering Power was self-explanatory. Any prolongation of the constitutional talks could only encourage new disturbances, create racial tensions, further encourage the division among the people of the Territory and the overthrow of the elected Government. He said that only immediate constitutional talks and the fixing of a date of independence not later than the end of 1962 could bring a speedy end to these efforts being made inside and outside British Guiana.

79. The representative of the United Kingdom, in reply, stated that the Soviet Union had made a number of false allegations. For example, he had referred to economic repression, whereas the United Kingdom had made over £20 million available for the development of British Guiana. Furthermore, he had accused the United Kingdom of provoking internal and racial divisions and of having sought to transfer power to puppets. He strongly rejected all those charges. It was regrettable that the representative of the Soviet Union had accused the United Kingdom of having engaged in manoeuvres and intrigues designed to delay Guiana's independence indefinitely, but the charge was false.

80. The United Kingdom was not disputing the proposal that a constitutional conference should be convened. He shared the views expressed concerning economic problems and felt there was no need to revert to questions of self-government and independence on which everyone agreed. But all those questions should not serve as pretexts for indulging in propaganda and cold war tactics.

81. The representative of the Soviet Union in reply, said that he had been glad to hear the United Kingdom representative say that agreement was possible. His delegation believed that the Committee should adopt the draft resolution in the interest of British Guiana's independence. He noted that his delegation's position was supported by the majority of the Committee, which favoured independence for British Guiana before the end of 1962. If the United Kingdom representative was prepared to give formal assurance that his Government would sincerely endeavour to implement the draft resolution, agreement was very near. He hoped that the patience, calm and common sense of all the members of the Committee would make it possible to reach such agreement.

82. The representative of the United States referred to the charge made by the representative of the Soviet Union that the United States had been involved in the February disturbances in British Guiana. It was significant that Mr. Jagan himself, in his statement, had not made or even implied such a charge. The Committee would therefore reject it because it was not based on any evidence whatsoever.

83. With regard to the draft resolution, his delegation associated itself with the remarks of the Australian representative. Although it had no quarrel with the main substance, it considered that the Committee

[95] *Ibid.*, document A/C.4/536.

[96] *Ibid.*, *Sixteenth Session, Fourth Committee*, 1302nd meeting, paras. 24 to 35.

had no authority to address itself directly to the administering Power and should confine itself to reporting to the General Assembly. The Assembly had not intended the Committee to serve as an action group by adopting resolutions which the Assembly might or might not necessarily later approve. Moreover, the Committee did not yet have before it the report of the tripartite Commission of Inquiry. Finally, in view of the statements of the United Kingdom representative and the assurances he had given, the resolution seemed unnecessary.

D. Action taken by the Special Committee

84. At its 90th meeting, on 30 July 1962, the Special Committee adopted, without objection, the joint draft resolution sponsored by Cambodia, Ethiopia, India, Mali, Tanganyika and Yugoslavia.[97] The resolution read as follows:

"*The Special Committee* on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"*Having considered* the question of British Guiana,

"*Bearing in mind* the principles embodied in General Assembly resolution 1514 (XV) of 14 December 1960,

"*Having noted* the statements of the Premier of British Guiana, Mr. Cheddi Jagan, made before the Fourth Committee on 18 December 1961[98] and before the Special Committee on 23 July 1962,[99]

"*Noting* that both Houses of Parliament of British Guiana in November 1961 approved that the British Government fix a date for independence in 1962,

"*Taking into account* the policy commitment of the Government of the United Kingdom to hold a constitutional conference for the independence of British Guiana,

"1. *Requests* the Government of the United Kingdom and the Government of British Guiana to resume negotiations immediately with a view to reaching agreement on the date of independence for British Guiana, in accordance with the wishes of the people of British Guiana as expressed by their Parliament;

"2. *Requests* the Secretary-General to transmit this resolution to the Administering Authority."

85. By letter dated 1 August 1962, the Secretary-General transmitted to the United Kingdom Government the text of the resolution on British Guiana adopted by the Special Committee.

[97] A/AC.109/L.28 and Add.1.

[98] *Official Records of the General Assembly, Sixteenth Session, Fourth Committee,* 1252nd meeting.

[99] A/AC.109/SR.82.

Chapter VIII

MOZAMBIQUE

A. Information on the Territory

General

1. Mozambique is situated on the east coast of Africa, south of the Equator. It is bounded on the north by Tanganyika, on the west by Lake Nyasa, Nyasaland, Northern Rhodesia, Southern Rhodesia, the Transvaal (South Africa) and Swaziland, on the south by Natal, and on the east by the Indian Ocean. Its coast line is approximately 1,250 miles long, and its total area is 297,654 square miles.

2. Physically Mozambique is divided roughly into coastal lowlands which make up almost half of the total area; the rest of the Territory consists of a central plateau varying between 500 and 2,000 feet in height and a high plateau on the Rhodesian border and in the north-west part of the Territory.

3. In 1959 Mozambique had an estimated population of 6,371,000, made up of 169,000 classified as *civilizados* and 6,202,000 classified as *não-civilizados*. Those classified as *civilizados* include all aliens and Portuguese citizens of European, Chinese, Indian background as well as *mestiços* and assimilated Africans.

4. Additional information concerning Mozambique is set out in the Report of the Special Committee on Territories under Portuguese Administration.[100]

[100] *Official Records of the General Assembly, Seventeenth Session, Annexes,* addendum to agenda item 54 (documents A/5160 and Add.1 and 2).

B. Consideration by the Special Committee

Introduction

5. The Special Committee considered Mozambique at its 66th, 68th, 69th, 71st, 85th, 88th, and 91st to 99th meetings, held at Dar es Salaam and in New York, from 6 to 8 June 1962, on 25, 27 and 31 July and from 2 to 10 August 1962.

6. The Special Committee had before it a mimeographed copy of the report of the Special Committee on Territories under Portuguese Administration which was transmitted to it by the Chairman of that Committee by letter dated 9 August 1962.[101]

Hearing of petitioners

7. The Special Committee heard the following petitioners concerning Mozambique:

(*a*) Mr. D. M. Kunnumbara and Mr. G. S. Zandemela representing the Mozambique African National Union (MANU). They were accompanied by Mr. S. M. Makaba (66th Meeting).

(*b*) Mr. J. Baltazar, President of the União Nacional Africana de Moçambique Independente (UNAMI) (African National Union of Independent Mozambique) (68th meeting);

(c) Mr. U. Simango, representing the União Democratica Nacional de Moçambique (UDENAMO) (National Democratic Union of Mozambique) (69th meeting);

[101] A/AC.109/23 and Add.1.

Annex 147

United Nations General Assembly, 17th Session, Agenda Item 88: Question of the Boundaries between Venezuela and the Territory of British Guiana, Statement of His Excellency, Dr. Marcos Falcón Briceño, Minister for External Relations of Venezuela, 12 November 1962
(Excerpt)

United Nations the 348th meeting of the Special Political Committee on 12 November 1962, Doc. A/SPC/71 (12 November 1962).

Available at: https://digitallibrary.un.org/record/862319?ln=es

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12 November 1962
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Seventeenth session
SPECIAL POLITICAL COMMITTEE
Agenda item 88

QUESTION OF BOUNDARIES BETWEEN VENEZUELA AND THE TERRITORY OF BRITISH GUIANA

Statement of His Excellency, Dr. Marcos Falcon Briceño, Minister for External Relations of Venezuela, at the 348th meeting of the Special Political Committee on 12 November 1962

Many will be surprised that Venezuela should have pressed for inscription on the agenda of this seventeenth session of the General Assembly of an item relating to the question of boundaries between British Guiana and Venezuela. This would, apparently, seem to relate to a matter which has already been settled. However, we do not consider that to be the case, and these are the reasons, which I now propose to adduce before this Committee.

The recent discovery of extraordinarily important historical documents enable us to be acquainted with the history of the arbitral award which, on 3 October 1899, was made at Paris regarding the question of the boundaries between British Guiana and Venezuela. This is a long and dramatic history, and I shall endeavour to trace it for you as simply as possible, and as if we were in the midst of a conversation in a big family. In this arbitral award which arose in circumstances which were clearly prejudicial to the rights of Venezuela, our country apparently lost a tremendous territory, which has never ceased to belong to us. Now, as I said, we are more closely acquainted with the exact background which led to this award. And since I am about to trace the past history of this question, I would begin by declaring that no one questioned the right of Spain to discovery and first occupancy of the New World. All nations at the time tacitly or explicitly recognized this.

62-25271

I have given the history of this issue involving the boundaries between British Guiana and Venezuela; I have set forth the political, historical and juridical reasons for which Venezuela cannot consider the 1897 arbitral judgement to constitute a final and definitive settlement of the boundary issues between it and British Guiana; I have declared that Venezuela respects and observes each and every one of the provisions of the 1897 arbitration treaty; I have depicted how, in the 1899 arbitral judgement, the norms of law embodied in that treaty were disregarded and violated. Venezuela is not asking that this Committee pass on the question of substance; Venezuela has brought the matter before the United Nations, not to seek a decision on the substance of the matter, but rather so as to inform the world of the powerful reasons which compel us not to recognize the 1899 arbitral judgement as a final and definitive settlement of its dispute with the United Kingdom regarding the territory of British Guiana of which we were despoiled.

Today, Venezuela has proof and evidence of the arbitrary and extra-legal way in which the matter was settled by the 1899 arbitral judgement, and the existence of the United Nations Charter enables us to act in circumstances which are very different from the circumstances which prevailed in the last century. All we seek to find is a friendly solution to the problem with the United Kingdom, a country with which we have very friendly and cordial relations.

Venezuela also wishes to reaffirm its support of independence for British Guiana and, for this reason, we hope that in the conversations which we seek to have with the United Kingdom in the quest for a pacific settlement of this dispute the representatives of the Government of British Guiana will also participate fully. We hope that these conversations can take place in an atmosphere of friendship. This is our most fervent desire as Venezuelans.

Annex 148

Letter from the Permanent Representative of Guyana to the United Nations addressed to the Secretary-General, 9 November 1981

United Nations, General Assembly, Thirty-sixth session, First Committee, Agenda item 58, Doc. A/C.1/36/9, 9 November 1981.

Available at: https://front.un-arm.org/documents/library/A-C1-36-9.pdf

UNITED NATIONS

GENERAL ASSEMBLY

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A/C.1/36/9
9 November 1981

ORIGINAL: ENGLISH

Thirty-sixth session
FIRST COMMITTEE
Agenda item 58

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 2 November 1981 from the Permanent Representative of Guyana to the United Nations addressed to the Secretary-General

I have the honour to request that you arrange to have the enclosed memorandum prepared by the Government of Guyana with respect to Venezuela's claim to territory in Guyana circulated as an official document of the General Assembly under agenda item 58.

(Signed) Noel G. SINCLAIR
Permanent Representative

81-29303

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MEMORANDUM ON THE GUYANA / VENEZUELA BOUNDARY

MINISTRY OF FOREIGN AFFAIRS
GUYANA

INTRODUCTION

Guyana is under militant threat of a claim by the neighbouring republic of Venezuela to no less than five eighths of her territory. Guyana is a small developing country which achieved independence just fifteen years ago. Venezuela is a rich and comparatively powerful country with a land area four times that of Guyana and a population twenty times that of Guyana. Her claim is being advanced through an intensive campaign of mounting hostility to Guyana. The claim moreover is one which completely disregards the fact that the existing boundary was defined by the unanimous judgment of an international arbitral tribunal given in Paris in 1899, that it was thereafter laid down on the ground by a Venezuelan/British Mixed Boundary Commission, and that, as so laid down, it was fully respected and observed by both sides and by the international community for upwards of sixty years.

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Brief Historical Background

The origins of the problem lie in the European scramble for empire in the "New World" which took place during the 16th, 17th and 18th centuries, the major colonising powers being Spain, Portugal, Holland and Britain. It was against a background of unsettled and competing claims amongst these powers that the liberation struggles within Latin America were carried on in the early years of the 19th century. The consequence was that many countries emerged out of that process into independence without defined boundaries. These were left to be determined by the new states themselves through negotiation, arbitration, and, regrettably in some cases, armed conflict. One of these states was the Republic of Venezuela, which proclaimed its independence from Spain in 1811.

The Republic of Guyana consisted originally of the three separate Dutch colonies of Essequibo, Demerara and Berbice. These were conquered by Britain in 1803 and were ceded to it by the Dutch in 1814. In 1831 the three colonies were united to form the Colony of British Guiana. British Guiana achieved independence in 1966 under the name of Guyana.

The Venezuela/British Guiana Boundary Dispute

Arising out of the historical circumstances alluded to above, for the greater part of the 19th century the boundary between British Guiana and Venezuela was the subject of dispute between Venezuela and Great Britain, the territory claimed by Venezuela being the entirety of what was the original Dutch colony of Essequibo, while the territory claimed by Great Britain reached far into what are now the eastern and north eastern regions of Venezuela.

Venezuela sought the support of the United States which gave the support sought in supposed vindication of the principles of the Monroe Doctrine. Under what history records as a definite threat of war by the United States, Great Britain agreed with Venezuela to submit the dispute to international arbitration.

The Treaty of Washington, 1897

With that object in view on February 2, 1897, Britain and Venezuela signed a treaty in Washington under which they agreed

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to establish an international arbitral tribunal for the purpose of determining the "*boundary line between the Colony of British Guiana and the United States of Venezuela*". After spelling out the terms and conditions under which the Arbitral Tribunal was to function, the treaty concluded with a solemn undertaking by the two Contracting Parties "*to consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect and final settlement of all the questions referred to the Arbitrators*".

The Arbitral Tribunal consisted of five members. Two of these were appointed on behalf of Britain. They were the Lord Chief Justice of England and an English Justice of Appeal. Two members were appointed on behalf of Venezuela. They were the Chief Justice and another member of the Supreme Court of the United States. The fifth member was a distinguished Russian jurist unanimously chosen by the other four members.

The Case before the Arbitral Tribunal

In the course of the procedures leading up to the arbitration, several volumes of historical evidence and arguments were exchanged between the two sides. The hearing before the Arbitral Tribunal, which was held in Paris in 1899, occupied no less than 54 sessions of oral argument.

In the case as presented by her, Venezuela elected to found her claim on rights based on Spanish discovery of the "New World". Such evidence of occupation as she advanced was secondary, tenuous and perfunctory. By contrast, the British rested their case on concrete acts of extensive occupation, possession and development carried on both by themselves and by their Dutch predecessors.

The Arbitral Award, 1899

On October 3, 1899, the Arbitral Tribunal gave its decision. The decision was unanimous. It laid down a line corresponding to the existing boundary.

The Award of the Tribunal coincided substantially with the British case, but not entirely, because certain areas claimed by the British, including the strategic mouths and lower reaches of the Amakura and Barima rivers and the upper reaches of the Cuyuni river, were awarded to Venezuela.

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Acceptance of the Award

The Award was the subject of appreciatory comments from responsible quarters both in the United States and in Venezuela. During the years 1901-1905 the boundary as defined by the Award was laid down on the ground by a Venezuela/British Mixed Boundary Commission. On January 10, 1905, the Boundary Commissioners unanimously signed a Joint Report of the boundary as demarcated by them and as set out in a map of the entire boundary which was also signed by them. Their report, with the boundary map, was in due course presented to and accepted by both governments.

For over six decades successive generations of British, Guyanese and Venezuelans and, indeed, the rest of the international community accepted as settled and final the boundary as laid down by the Arbitral Tribunal and as demarcated by the Venezuela/British Mixed Boundary Commission. The boundary as so laid down was later reproduced in official Venezuelan maps, including maps published in Caracas in 1911 and 1917. On July 24, 1932, the Bulletin of the Ministry of Foreign Affairs of Venezuela published the text of an Act of Inauguration by the Venezuelan Legislature of certain border marks which had been agreed by Guyana, Venezuela and Brazil as determining the tri-junction point of the boundaries of the three countries where they meet at Mount Roraima. Indeed, as late as December 13, 1965, the Legislative Assembly of the Venezuelan State of Bolivar, which is adjacent to Guyana, enacted a law which formally incorporated and promulgated the definition of the boundary as laid down by the 1899 Arbitral Award. It is to be remarked that that law was passed some three years after Venezuela first repudiated the Arbitral Award of 1899 upon pretensions to be now noticed.

A Posthumous Allegation

In keeping with her solicitation of American sponsorship of her cause, Venezuela had elected in 1899 to have her case presented to the Arbitral Tribunal by four American lawyers, namely, ex-United States President General Benjamin Harrison, ex-United States Secretary of War General Benjamin Tracy, Mr. Severo Mallet-Prevost and Mr. James Russell Soley. Mr. Mallet-Prevost was a junior lawyer in the team. In January 1944 he was decorated by the Venezuelan Government with the Order of the Liberator. On

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the 8th day of the following month and after all the other actors in the drama had passed away, he dictated a memorandum which he directed should be published only after his death. In this document, which was published posthumously in 1949, Mr. Mallet-Prevost asserted that the 1899 Arbitral Award was null and void on the alleged ground that it was the result of a political deal between Great Britain and Czarist Russia.

The Allegation is without Merit

Serious research has long since questioned the accuracy of the faded recollections on which Mr. Mallet-Prevost's posthumous allegations were sought to be based. Even writers known to be otherwise sympathetic to Venezuela have agreed that his allegation that the Award was the result of a political deal between Britain and Czarist Russia is without foundation. Yet it is chiefly on the strength of this wholly unsubstantiated calumny of the distinguished members of the Arbitral Tribunal of 1899 that Venezuela is now seeking to impugn the validity of the Award.

Recognising the utter weakness of the Mallet-Prevost allegation of a political deal, Venezuela has sought to rest her case on alternative grounds including, for example, matters relating to the negotiation of the Treaty of Washington 1897 and the fact that no reasons were given by the Arbitral Tribunal for its decision. But the material on which challenge is sought to be brought on these alleged grounds was always within the full knowledge of Venezuela which nevertheless positively affirmed the validity of the boundary for six decades. For this and other reasons, which cannot be conveniently dealt with here, these other alleged grounds of challenge are considered to be without merit.

Venezuela Objects To Guyana's Independence

Meanwhile, in Guyana the struggle against colonialism was gaining momentum. By 1962 it was clear that the demand of the Guyanese people for independence could not much longer be put off. In 1962, during a sensitive and vulnerable phase in Guyana's movement for independence, Venezuela raised the question of the boundary in the United Nations, when she formally repudiated the validity of the 1899 Arbitral Award and objected to independence being granted to Guyana until and unless the question so raised had been settled. Concomitantly, Venezuela launched an international campaign against Guyana the effect of which, had it been

successful, would have been to delay the granting of independence to Guyana and to prolong her colonial status.

Examination of Documents

Notwithstanding the certain failure of Venezuela's attempts to delay Guyana's independence, as the time for granting independence approached the Government of the United Kingdom, in consultation with the Government of the then Colony of British Guiana, agreed as a gesture of goodwill to afford to the Venezuelan Government an opportunity of having its contention of nullity examined. Accordingly, on November 12, 1962, Mr. Colin Crowe, the United Kingdom representative at the United Nations, made an offer to Venezuela in the United Nations Special Committee to the effect that the relevant documentary material on the 1899 Award be examined by experts from the United Kingdom, British Guiana and Venezuela. In doing so he was, however, careful to state –

> In making this offer, I must make it very clear that it is in no sense an offer to engage in substantive talks about revision of the frontier. That we cannot do; for we consider that there is no justification for it.

Venezuela having accepted this offer, the documents were then duly examined by experts from each of the three countries between 1963 and 1965. In the opinion of the governments of the United Kingdom and British Guiana the work of the experts disclosed that there was not a scintilla of evidence to support Venezuela's contention of nullity.

The Geneva Agreement – February 17, 1966

However, in view of continued Venezuelan agitation, which became particularly marked during the period immediately preceding Guyana's independence, just four months before independence the Government of the United Kingdom, in consultation with the Government of Guyana, agreed with the Government of Venezuela to establish a Mixed Commission of Guyanese and Venezuelan representatives charged 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

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Arbitral Award of 1899 about the frontier between British Guiana and Venezuela is null and void" The arrangement to this effect was set out in the Geneva Agreement which was signed by the United Kingdom, Guyana and Venezuela at Geneva on February 17, 1966. The life of the Mixed Commission so established was stipulated to be four years. During that period the Geneva Agreement explicitly prohibited either party from pursuing the issue in any form or manner except within the Mixed Commission.

Venezuela's Refusal to Prove her Case

The Mixed Commission held several meetings during the four years of its existence. At the very first meeting, Guyana invited Venezuela to produce evidence and arguments in support of her basic contention that the 1899 Arbitral Award was null and void. Surprisingly, Venezuela's reaction was that the issue of nullity, which she had raised, was not an issue with which the Mixed Commission should concern itself, and that the only issue before the Commission was how much land Guyana was prepared to make over to Venezuela. Guyana not unnaturally declined to proceed in that way. Venezuela then sought to circumvent argument about her contention of nullity by putting forward proposals for the "joint development" of the area claimed by her under arrangements which would effectively have transferred to her substantial elements of sovereignty over the area. These "joint development" proposals were consequently unacceptable to Guyana.

Venezuela's Breaches of the Geneva Agreement

The work of the Mixed Commission was regrettably hampered by pressure and hostility exerted by Venezuela throughout the life of the Commission. The fact that these acts represented distinct breaches of the Geneva Agreement and accepted norms of international behaviour seemed in no way to trouble Venezuela. Guyana's protests, both within the Mixed Commission and directly to the Government of Venezuela, were contumaciously ignored. Some of these breaches were as follows:–

(i) Venezuela's Violation of Guyana's Territorial Integrity – Ankoko Island

In accordance with the general map of the boundary, as

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demarcated and authenticated in 1905 by the Venezuela/British Mixed Boundary Commission, the eastern portion of the island of Ankoko in the Cuyuni River belongs to Guyana. As mentioned earlier, that fact was distinctly recognised as recently as December 13, 1965, in a decree concerning the boundary which was published in the Official Gazette of the Venezuelan State of Bolivar which abuts Guyana in the area of Ankoko Island. Yet a mere ten months after the publication of that decree the armed forces of Venezuela proceeded to invade the Guyana portion of the island, which ever since has been in the illegal occupation of Venezuela notwithstanding repeated protests from Guyana.

(ii) Venezuela's Attempt to Appropriate Guyana's Off-shore Waters

On July 9, 1968, President Leoni of Venezuela signed a Decree purporting to annex as part of the territorial waters and contiguous zone of Venezuela a belt of sea lying along the coast of Guyana between the mouth of the Essequibo River and Wairi Point, and purporting further to require the armed forces of Venezuela to impose the dominion of Venezuela over the said belt of sea. This Presidential Decree, apart from being in open breach of the Geneva Agreement, also contravened international maritime law since it violated the Convention on the Territorial Sea and the Contiguous Zone and the Convention on the Continental Shelf of 1958, both of which clearly visualise that such off-shore waters pertain only to the relevant coastal state.

(iii) Economic Blackmail and Aggression

On May 15, 1968, there was published in "The Times" of London a paid advertisement entitled "Communique from the Venezuela Ministry of Foreign Affairs" dated May 14, 1968, in which the Government of Venezuela publicly and categorically stated "that they do not recognise any type of such supposed concessions, either granted or to be granted by the Guyana Government over the territory stretching to the West of the Essequibo River from its source to its mouth . . ." The Venezuelan Government was reacting to information that, with the help of the United Nations and the United States of America, the Government

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of Guyana was seeking to develop the mineral sector of the country's economy in the Essequibo region. This is but one example of pressure consistently applied by Venezuela with a view to strangling Guyana's economic development.

(iv) Venezuela's Intervention in Guyana's Internal Affairs

Between 1966 and 1968 agents of the Government of Venezuela organised clandestine meetings with citizens of Guyana, aimed at the promotion of her claim through subversion. These efforts were unsuccessful. Indeed, in the early years of her independence the Government of Guyana was obliged to expel a Venezuelan diplomat for the part he played in these acts of interference in the internal affairs of Guyana.

Between December 24, 1968, and January 2, 1969, the Venezuelan Government however instigated and conspired with a number of ranchers in the Rupununi District of Guyana, which is in the area claimed by Venezuela, to seize certain administrative posts in the area. The aim was to establish a separate state in secession from the rest of Guyana. Venezuela had an active role in training, arming and supplying these ranchers. The attempted act of secession failed and with it Venezuela's efforts at promoting her claim by such means.

Guyana has naturally reserved her position on all of these breaches by Venezuela of the Geneva Agreement and of international law.

The Protocol of Port-of-Spain, June 18, 1970

Against this background it is not surprising that the Guyana/Venezuela Mixed Commission ended its four-year term of office without reaching agreement for the settlement of the controversy. In keeping with article IV of the Geneva Agreement the governments of Guyana and Venezuela were thereupon required to choose one of the means of peaceful settlement specified in article 33 of the United Nations Charter, namely, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other means of peaceful settlement chosen by the parties.

The requirement to resort to these settlement procedures was suspended in 1970 by a new Agreement which in effect froze the

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problem for a twelve-year period. This period expires on June 17, 1982, but is automatically renewable unless either party gives six months' notice of termination. The Agreement, which was signed at Port-of-Spain, Trinidad, operates as a Protocol to the Geneva Agreement 1966. So long as the Protocol is in force it imposes upon Guyana and Venezuela the duty to explore all possibilities of better understanding between them and their peoples and for the constructive improvement of their relations. Correspondingly, it continued the prohibition imposed by the Geneva Agreement against any activation of the controversy raised by the Venezuelan contention that the Arbitral Award was null and void.

The Operation of the Protocol of Port-of-Spain

At the beginning, the Protocol of Port-of-Spain served to induce a period of calm and a measure of responsible behaviour from Venezuela following the hostilities and various forms of aggression and intimidation against Guyana which were features of previous years. Thus, on Guyana's initiative, Dr. Haydee Castillo de Lopez Acosta, Minister of Development, became in 1971 the first Venezuelan Minister ever to make an official visit to Guyana. Later that year Cde. P.A. Reid, then Deputy Prime Minister and Minister of Agriculture, returned the visit. In the years which followed discussions took place at several levels. These discussions, from a Guyana point of view, were aimed at improving co-operation between the two countries in many areas. The spirit generated by the Protocol of Port-of-Spain provided the climate for exploratory conversations of substance which took place in 1978 between the then President of Venezuela, Sr. Carlos Andres Perez, and Guyana's then Prime Minister, Cde. Forbes Burnham. These conversations examined in considerable depth the state of relations between Guyana and Venezuela and were regarded as helpful in advancing the objectives of the Protocol and in opening the way for a more ordered search for a settlement of the controversy which stemmed from the Venezuelan contention that the Award of 1899 was a nullity.

Unfortunately, the later years of the Protocol saw a recrudescence of Venezuelan hostility towards Guyana. Notwithstanding that, however, with the advent of a new Venezuelan administration early in 1979, the Government of Guyana renewed its efforts towards meaningful discussion and co-operation with Venezuela.

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Visit of the President of Guyana to Venezuela – April 2-3, 1981

Indeed, it was in furtherance of these objectives that the President of the Co-operative Republic of Guyana paid a visit to Venezuela on April 2-3, 1981, in response to an invitation by his counterpart. The visit, which at the official level was cordial, unfortunately took place amidst an orchestrated Venezuelan campaign of hostility towards Guyana, including strident calls for military occupation of the region claimed and the institution of a naval blockade of Guyana.

Statement by the President of Venezuela – 4th April, 1981

Less than twenty-four hours after the President of Guyana returned home, the President of Venezuela saw fit to issue from Miraflores Palace the following statement:

> As a result of the recent visit to Venezuela of the President of the Co-operative Republic of Guyana, Mr. Linden Forbes Burnham, and the meetings he held with President Luis Herrera Campins, the Venezuelan Government announced that:
>
> 1. Both Chiefs of State held cordial and frank talks on relevant issues and on matters of current international interest.
>
> 2. President Herrera Campins firmly ratifies Venezuela's claims to the Essequibo territory. An illegal arbitration award of 1899, which was never valid, despoiled Venezuela of that territory.
>
> 3. President Herrera Campins thus reiterates Venezuela's rejection of any compromise incompatible with Venezuela's claim and stresses the nation's desire that the grave injustice committed against it by the voracity of the colonial empires should be righted.
>
> For the same reason President Herrera reiterates Venezuela's rejection of the Hydroelectric Project of the Upper Mazaruni.
>
> 4. President Herrera also reiterates that Venezuela and Guyana are committed to seek practical and satisfactory

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solutions to the pending controversy, and ratifies Venezuela's determination to continue exploring every means to achieve that end.

Therefore, for the record, he states that at this moment, Venezuela is not willing to extend the Port-of-Spain Protocol.

Thus, even while the moratorium so thoughtfully provided by the Protocol of Port-of-Spain was still in force, Venezuela at the highest level represented by her President chose to go on record as breaching the moratorium by actively reviving the issue and seeking to thwart the economic development of Guyana. This latter aspect of Venezuela's current attitude is particularly surprising, regard being had to Venezuela's professions of concern for the economically disadvantaged and her championship of the cause of economic co-operation among developing countries.

If the belligerency of Venezuela's current campaign of hostility towards Guyana is any guide, it is a fair if unsettling conclusion that the statement by the Venezuelan President of Venezuela's intention to terminate the Protocol of Port-of-Spain portends for Guyana an ominous return to the unhappy earlier period during which both Guyana and the Caribbean region faced constant threat to their peace and security as a result of the Venezuelan claim and the methods whereby it was asserted and advanced.

Venezuela – the New Conquistador

The Venezuelan claim, being based on supposed rights of Spanish discovery, rests essentially on the long since discarded notion that it was the manifest destiny of European peoples to hold dominion over non-white peoples and their lands. Technological superiority was thought sufficient to override the claims of others. Examples abound. Today, however, the principle of self-determination is a mandatory and fully crystallised norm of international law and relations.

The persistence of the Venezuelan claim to five-eighths of Guyana's territory notwithstanding that the entire population in the area claimed is Guyanese in every respect is a strange atavistic throwback to the presumption of European superiority which inspired the Spanish conquistadors of an earlier time. It is sad that

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Venezuela should be so insensitive to the incongruity of the role which she would assume of a 20th century prosecutor of an obsolete 16th century European colonialism over non-white peoples. For even if by any stretch of imagination the land claimed were technically Venezuelan territory, it is clear that that circumstance could not justify her in recolonising the very substantial population of the territory which since 1966 has exercised its right of self-determination by freely joining in the formation of the independent sovereign State of Guyana.

Guyana Stands Firm

In the light of the statement issued by the President of Venezuela on April 4, 1981, President Burnham considered it desirable to clarify Guyana's stand. This he did in a statement made by him to the Press in Guyana on April 8, 1981, when, restating his views as publicly declared during his recent visit to Venezuela, he defined the position of the Government of Guyana to be as follows:

(a) The 1899 Arbitral Award was entirely valid.

(b) Even if the Award was invalid, the boundary laid down pursuant to the Award has acquired full validity as a result of Venezuelan recognition, acquiescence and other conduct relating thereto.

(c) Even if both the Award and the boundary laid down pursuant thereto are invalid, the land claimed by Venezuela does not automatically go to her.

(d) In such a situation, whatever settlement procedure is adopted, account will have to be taken of all the claims of both sides, including in particular –

(i) claims by Guyana to the Amakura, Barima and Cuyuni areas, which we lost to Venezuela as a result of the Award; and

(ii) claims by Guyana based upon her possession and occupation right up to comparatively recent times when Venezuela first formally rejected the validity of the 1899 Award.

(e) Meanwhile, the Essequibo Region is an integral part of Guyana and has been so for the entire history of the country.

(f) There is nothing whatsoever in the Geneva Agreement or the Protocol of Port-of-Spain which precludes Guyana from developing any part of her territory, including the area claimed by Venezuela. Nor will Guyana ever consent to any arrangement having any such effect. On the contrary, Guyana has a moral duty to make optimum use of her resources for the benefit of her population and for the promotion of the integrated development of the Region and the Hemisphere of which she is a part.

(g) This applies very specifically to the Upper Mazaruni Hydro-Electric Project. Besides being crucial to the development of the nation, the project offers opportunities for regional co-operation of a kind visualised under OLADE, which Venezuela vigorously espouses, and the Treaty of Amazonian Co-operation to which both Guyana and Venezuela stand committed. Guyana therefore intends to intensify her efforts to bring this project to fruition.

President Burnham ended by saying –

> It is entirely a matter for Venezuela to decide whether she will terminate the Protocol of Port-of-Spain. But this Government does have some say over the course to be pursued when the Protocol comes to an end. We would hope that the exploration of the problem will continue to develop, as it has been developing under the Protocol, in a climate of friendship, understanding and co-operation. To those honourable ends I pledge this Government. I would sincerely like to think that the same applied to the Government of Venezuela.

Continuing Venezuelan Hostility

Since the issuing of President Burnham's press statement evidence has come to light through the Venezuelan media of other developments giving cause for more concern. No less than a

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Minister of the Government of Venezuela has publicly boasted of the fact that he has recently led a substantial body of Venezuelans across the border for the purpose of establishing acts of occupation by Venezuela in the territory of Guyana. The Minister has also publicly declared his intention to conduct other similar exercises. In addition, the Venezuelan Government has openly announced that it has given instructions to its various representatives abroad to implement a concerted strategy of opposing efforts by Guyana to obtain financial support for the implementation of projects vital to her economic development. By way of general accompaniment, the Venezuelan media is at all levels continuing its campaign of hostility.

The Nature of the Venezuelan Negotiating Process

It is difficult to negotiate in good faith with Venezuela. The Treaty of Washington 1897 was entered into by Britain with Venezuela as a result of pressure applied on Britain by the United States on behalf of Venezuela. In appreciation of American support, George Washington's statue in Caracas was covered with wreaths by jubilant Venezuelans. Yet Venezuela was later to say that she had been coerced by America into signing the Treaty. Under the Treaty, as mentioned earlier, Venezuela and Britain undertook to "consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect and final settlement of all questions referred to the Arbitrators". Venezuela, having for so long duly respected the decision of the tribunal, has now totally rejected it.

And then there is the Protocol of Port-of-Spain itself. It was signed in 1970 by the Foreign Minister of Guyana and the Foreign Minister of Venezuela at a ceremony presided over by the late distinguished Prime Minister of Trinidad and Tobago, the Right Honourable Dr. Eric Williams. The United Kingdom was also a signatory. Yet in later years, when it suited her, Venezuela was to take the position that the Protocol was not valid for the alleged reason that it had never been formally ratified by the Venezuelan Congress.

Guyana's experience has been shared by others. In 1901 Venezuela rejected an arrangement which she had previously come to with Colombia over the frontier between them. In 1980 Venezuela similarly rejected an agreement reached by a Venezuela/Colombia Mixed Boundary Commission which had demarcated the

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boundary between the two states in the Gulf of Venezuela. It is known that leading elements within Venezuela are opposed to any form of settlement with Colombia which does not result in the entirety of the Gulf being awarded to Venezuela, and this despite the fact that Colombia has a substantial coast line along the western side of the Gulf. According to the Venezuelan members of the Mixed Commission, they had acted with the approval and support of the Venezuelan President himself. Not surprisingly they resigned in protest.

Negotiations with Venezuela are never easy – particularly where smaller states are concerned.

Venezuelan Revanchism

In her own eyes, Venezuela must be the most "despoiled" country in South America. She has territorial claims against Colombia. Venezuela and Trinidad and Tobago have not yet settled the demarcation of their boundaries in all their aspects. Grenada and Venezuela need to settle the limits of their respective maritime jurisdictions. Venezuela has established her suzerainty over Bird Island in the Caribbean, and she is yet to conclude discussions regarding demarcations in the sea between Bird Island and the French territory of Martinique. And Venezuela claims five-eighths of Guyana. Of all states in this region it is, perhaps significantly, only against the Federative Republic of Brazil that Venezuela has no territorial claim.

The Past and the Future

In 1968 Cde. L.F.S. Burnham, then Prime Minister of Guyana, in a speech to Parliament had cause to lament one of Venezuela's several breaches of international law. It was a breach of the Geneva Agreement, occasioned by the Venezuelan Decree of 1968 purporting to annex a belt of sea off Guyana's coast. Cde. Burnham spoke in terms which had a prophetic ring. His words, with which this memorandum might conveniently end, were these –

> I cannot tell with any certainty where this ill-advised course of action on which the Government of Venezuela has embarked will lead us. We must be prepared, however, for further and even more aggressive demonstrations of international lawlessness from the Government of Venezuela.

We will need all our courage and strength to withstand these efforts to break our will and despoil our land. Venezuela has now made clear her intention to seek relentlessly to re-impose the yoke of colonialism on a small nation that has succeeded in freeing itself from the tutelage of another imperial power. We have no quarrel with the Venezuelan people but we shall not lack courage or resolve in resisting aggressive demands of a Venezuelan Government that is prepared to defile the traditions of Bolivar and to flout the precepts of hemispheric and world order and security.

In our stand for survival we shall call upon the conscience of all peace-loving people to speak out in our cause and we shall need all our unity as a people so that our voice may be heard in all corners of the world and in all the councils of the world's institutions for peace.

PUBLICATIONS

Annex 149

Excerpts of the Private Diary Entries of Professor Fyodor Fyodorovich Martens, 4 June 1899-3 October 1899

AVPR, opis 787, delo 9, ed.k hr. 1-7

1897

"October 3. Today's newspapers have brought me a very pleasant surprise. I was reading telegrams, and among them one about my election by the English and Venezuelan Governments as supreme arbitrator and representative of the arbitration tribunal to meet in Paris, next year.

This great and unexpected honour pleased me all the more because, as the telegrams say, on the list of both contending parties, "the name of Martens was the only one considered acceptable and which appeared on the list of the English and Venezuelan Governments."

I could wish for no greater honour and from now on I consider that all my labours in the field of my beloved science have been richly rewarded. There has never been such an example of an international court of arbitration as will be the court of Paris in the case of the demarcations between England and Venezuela. In that tribunal I shall not only be the president, but also the super-arbitrator, whose word will decide all questions without appeal. This has never happened: neither in the Lamzd case in 1873, nor in the Bering Sea case in 1893.

It's just that my role will be so difficult that I'm a little scared of the moral responsibility that comes with it. But God will have mercy on me and give me the strength I need to see this difficult and daunting task through to a successful conclusion, to the glory of my beloved country and the honour of myself and my family. A week or two ago I received from the English and Dutch Governments a gift of three silver vases with flowers and fruits for my arbitration in the "Costa Rica Packet" case. This signed gift will remain as an item of great value in my family. (…)

November 6. Today I received from Count Muraviev a "confidential" (why?) letter in which he informs me of the consent of the Sovereign to my appointment as President of the international arbitration tribunal in the dispute between England and Venezuela.

Count Lamsdorf showed me yesterday two telegrams from De Vollan, our Chargé d'Affaires in Washington, in which he informs the Minister that the British Ambassador and the Venezuelan Envoy in Washington have asked him to call the attention of the Sovereign Emperor to the request of England and Venezuela "for the appointment of Privy Councillor Martens as President of the International Court of Arbitration."

Both telegrams were communicated to the Emperor, who wrote "Agreed." My appointment to this very difficult post must therefore be considered final. How can I not rejoice at this unprecedented honour! (...)

December 15, 97. The day before yesterday (13) appeared in the Governmental News a governmental announcement about my appointment as sub-arbitrator and president of the Paris Arbitration Tribunal in the Venezuela-England case. This communication is written by me from beginning to end, as well as a short note on the tasks of the future tribunal, printed in that issue of the Governmental News. Yesterday this report appeared in all the other newspapers. The impression made by this announcement is enormous. Everyone does nothing but congratulate and hand out the most flattering compliments. (...)

(...) I fully agree with my kind friend N. S. Tagantsev that a higher honour than that of my unanimous election by the first lawyers of England and the United States of America to serve as super-arbitrator in the Venezuela case cannot be imagined. All other honours and distinctions are nothing compared to this honour. I agree wholeheartedly." (...)

1898

14.I.98. Today I again presented myself to the Sovereign on my election as super-arbitrator in the Anglo-Venezuelan question. The Emperor received me individually in his study and spoke to me at length and with kindness. I explained to him the history of the whole affair, which seemed to interest him very much.

In parting, when I had modestly expressed to him my opinion of my ability to bring the matter to a happy conclusion, he said to me: "But why don't you finish it properly? You are a well-known expert in these matters. I wish you with all my heart a great success. Goodbye."

With these words he squeezed my hand especially firmly. It is very kind, but in spite of everything it is nothing. I still think I could do better to Russia than I am capable of doing now. I think I have some skills and intelligence compared to the present employers. Meanwhile, the circle of my activity is extremely vast: it extends to Europe and even to America. But, on the other hand, in Russia itself I very often encounter ill-will and low envy, with which I have no strength to fight. Nevertheless, I am perfectly content and satisfied with my independent and honourable position in the world, for such an honour, which has fallen to me as an arbitrator between powers, has never before fallen to anyone. This is the third time that I have been chosen as an international arbitrator, and never has any monarch, pope or famous jurist been chosen three times as a judge of States. This is the highest honour that a mere mortal can, in my deepest conviction, receive. May God grant good health to my beloved wife, to my wonderful children and to me.... then all will be well! (...)
18.X.98. Today I received the latest issue of the "Daily News", in which Stead conveys his discussions with Count Lanzd., Basili and myself. He speaks of me very little, which pleased me very much. His review of me is very flattering: "*I also had an interesting conversation with M. de Martens, the famous jurist who is to provide over the Venezuela arbitration, and who, from his frequent arbitrations, has come to be regarded as a kind of Deputy Lord Chief Justice of Christendom*!" Not bad! Very nice! (...)

27.XI.98. Today I had a rather interesting conversation with Count Muravyov and Count Lamsdorf. I learned from both of them of their consent to my future trip to Paris to open the international tribunal on the Anglo-Venezuelan case. (...)

30.XII.98. On the next-to-last day of the outgoing year I learned important news. I visited Count Muravyov to say goodbye before my departure to Paris for the preliminary session of the Anglo-American Arbitration Court. (…)

1899

January 30, 1899. Today I returned to St. Petersburg from Paris, where I went exactly one month ago to open the preliminary session of the Anglo-American Court of Arbitration. I saw many interesting people and I am very flattered by the welcome and honour I received as president of the arbitration court. All these honours and all this respect I constantly encounter abroad, where people have an incomparably better opinion of me than in my beloved homeland. Abroad they consider me intelligent and capable, and well-informed, and almost a great man. In the Fatherland, they are either quite indifferent to my exceptional position in the international world, or they persecute me with systematic hostility and undisguised envy. My God, what foolish and mediocre bureaucratic souls I have to fight against in dear Petersburg! At the Paris Tribunal, the best lawyers of England and the United States listened with full attention to my every word and gratefully accepted my draft of 22 rules of procedure for arbitration. I am sure

that this small set of procedural rules has a bright future and every new international arbitration will use it in the conduct of their case. If I suggest anything to the officials, encyclopaedists of the Ministry of Foreign Affairs, they immediately criticize everything and know everything better. However, the total ignorance of the present Foreign Ministry completely explains such a stupid attitude towards me and my knowledge in the field in which I have been working for 32 years!

Among other things, I met M. Delcassé, French Foreign Minister, who impressed me as an intelligent and cautious person. He asked me questions about the Peace Conference, without hiding his clear wishes regarding the finalization of this matter.

(...) From Paris I went to Berlin on my way back to Petersburg.

(...)

(...) I personally was confused in today's conversation with Count Lamsdorf (...) he did not utter a word mentioning my appointment to the Hague Peace Conference or to the post of envoy! This surprised me very much and gave rise once again to the thought: will they deceive me again...? (...)

(...) Only that in no way can one believe that Count Lamsdorf, whom I am accustomed to consider as an honest person, *à coeur léger* could deceive in such a repugnant manner. Among other things, I told him that in the first days of May I must again go to Paris for the opening of meetings of the Anglo-American Arbitration Tribunal. He answered nothing to this, but it was evident that he was left thinking about something. But about what? Probably, I will find out tomorrow from Count Muravyov. (...)

February 22, 1899. (…) Another curious circumstance is that when he abolished all the items on the agenda [of the Hague Convention], [Foreign Minister Muravyov] said to me in a serious manner: "But the conference will continue for at least 2 or 3 months. How will you organize your arbitration in Paris? (Instead of "arbitration," he said "mediation," which shows that the Foreign Minister of the All-Russian Empire still does not know the difference between one or the other term). If these words did not have the hidden purpose of making me voluntarily refuse to participate in the Hague Convention, then the question is: What will the Hague Convention do for 2 or 3 months without any agenda or topics for discussion? (...)

18.III.99. This is the vision of the Hague Peace Conference of its creator itself, Count M.N. Muravyov! The prospect of such a handling of the matter compelled me to take out of the side pocket of my frock coat and hand him my "*Projet de Déclaration.*" (...) With gnashing of teeth and great reluctance, I handed the minister my draft declaration, for which he hardly thanked me. But what to do? I must do everything possible to close the Hague Convention as soon as possible, in order to leave without further delay for Paris to open the sessions of my Anglo-American Arbitration Tribunal. Therefore, I am obliged to help and try to get this whole ugly and high-profile affair out of the swamp. (…)

March 31, 99. The clipping from "New Time" attached hereto appeared 2 days ago in the "Governmental News". This article confirms the postponement of my Anglo-American Tribunal, which is incomparably more serious than the Hague Convention. Meanwhile, everyone is talking and dreaming about the Hague Convention. Of my court of arbitration there is very little talk and fewer dreams. A curious article in the "Times" of April 5 (new style) on

the Hague Convention, in which the British confess their weakness in conferences like the Hague [*sic*], because there are no people who would combine the deep knowledge of a legal scholar with the skills of a "professional diplomat". There is no one in England who can match "Mr. Martens, the St. Petersburg professor, who will be one of the Russian representatives at The Hague." (...)

"MORNING MAIL"
Sunday, March 28, 99.39

The meeting of the well-known Anglo-American Court of International Arbitration on the border dispute with Venezuela, chaired by F.F. Martens, was to open on May 13 in Paris. Due to changed circumstances, it will not open until early June. There has been a change in the composition of this international tribunal. The first English member, Lord Herschell, died suddenly in Washington, where he had been sent by the English government to settle disputes between Canada and the United States. In his place, as a member of the above-mentioned tribunal, the English government appointed its most distinguished and famous lawyer, Lord Russel of Killowen, who now holds the office of Chief Justice of England.

Thus, at present, the Anglo-American Court of International Arbitration is composed of the following persons as arbitrators: For Great Britain: the Chief Justice of England, Lord Russell and the President of the High Courts of Appeal of London, Lord Collins; for the United States, the Chief Justice of the United States, Melville Fuller and the Member of the Supreme Court of the United States of America, Brewer. The Chief Justice and Super-arbitrator is F.F. Martens." (...)

16(4).VI. I have just returned from Paris, where I spent 2 days for the opening sessions of my Anglo-American tribunal on the Venezuelan question.
Yesterday, 15(3) was the opening day. M. Delcassé said a few words. I replied to him. But it was all very shabby and republican. There was no audience except a dozen people. Then English Attorney General, Webster, began his speech. He spoke very well, but it was funny and tiring to listen to him for four hours, though with a short break. (...)

20.VI. (...) But how much I have to work here now! For example, today, between 10 and 12:30 - a very important meeting of my Commission. Between 2 and 4 o'clock - again under my presidency, the whole Commission. At 4 o'clock a joint meeting of the whole Conference under the presidency of Staal. At 7 o'clock I was sitting in a wagon to spend the whole night on my way to Paris for the conduct of the Anglo-American arbitration case. It is evident that it is not free and I pay no little for the honours that fell to me.

23.VI. I returned from Paris in the morning and immediately went to Huis ten Bosch, where Staal delivered the speech written by Rafalovich on disarmament. (...)

5.VII. (23.VI). The general meeting of the Conference and the approval of the work of my Commission which redrafted the Brussels declaration took place today. (...) The same day in the evening, I left again for Paris to preside over my Anglo-American Arbitration Tribunal. On July 14 (2) I returned to The Hague.

18 (30).VII. I have been in Paris since yesterday, no, since Friday, for today is Sunday. At last, the Hague Convention ended yesterday, thank God! I was simply not in a position to spend nights on the train and engage incessantly in The Hague and Paris. I did not attend the last meeting, that is, the closing of the Conference. But I know from the newspapers and from members of the old conference who have already arrived in Paris how things went.

The last problem that I had to deal with in The Hague was the last article of the Convention on Arbitration which refers to the right of adherence to this Convention of States that were not present at the Conference, but expressed their desire to adhere to it afterwards. (...)

2.VIII. (old style) Reading in the newspapers about the forthcoming results of the Hague Convention, sad thoughts suddenly arise. (...) Only during the last two meetings of the Conference, when I had to be present in Paris, my place was taken by the agile Jew Rafalovich who, according to the general opinion, with little tact, interfered instead of the president in the debates. (...)

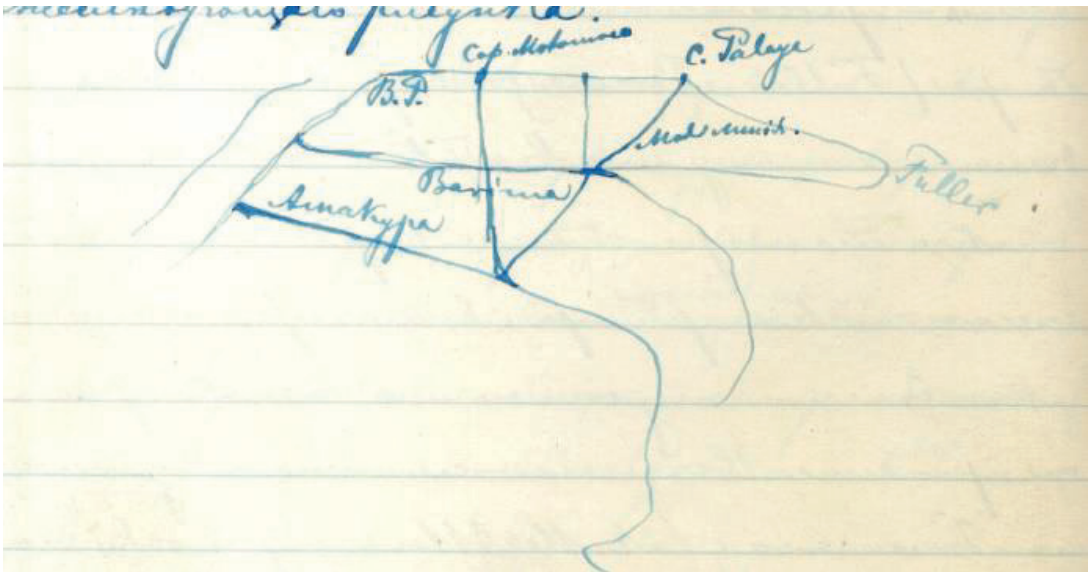
11 (23). IX.99. I am still in Paris and preside the international arbitration. I am very tired, but this gigantic and very complicated affair has to be finished. I hope that within a week I will be aware of the exact date of my departure from here to my home!

20.IX(2.X). Thank God the Anglo-American arbitration is finally over. I am very tired and will leave here tomorrow for Baden-Baden. Today I succeeded in persuading 4 arbitrators to make mutual concessions on the boundary line between Venezuela and English Guiana. The worst and most obnoxious of all were the two English arbitrators, and in particular Lord Rossell, who began to speak cheekily to me for dedicating the entire Sunday to confidential negotiations between arbitrators to reach a compromise. I reached this compromise thanks to the cordial attitude of the Chief Justice of the U.S. Supreme Court, Mr. Fuller, who was very fond of me, and thanks to the flexibility of another U.S. arbitrator, Mr. Brewer, influenced by Fuller. Meanwhile, the British took the lion's share and are still dissatisfied.
Lord Rossell and Lord Collins haggled like cheapskates!
For the first time I had to face this British greed.
But anyway, my triumph is great: the decision of the arbitration tribunal is unanimous. This has never happened in collegiate arbitration tribunals, and that is the ideal of this type of tribunal, because the moral significance of the decision is incomparably superior to its legal significance. Hooray!

21.IX(3.X). At 12 noon of today, there was a solemn meeting and the end of the arbitral tribunal. Before the opening of the meeting, all arbitrators signed on parchment 4 copies of the arbitral award, without any reservation. I opened the meeting by announcing in English that the award had been signed and invited the English and French secretaries to read it. Which was done. I then made, in English, a speech thanking the agents and lawyers of governments and secretaries. Finally, in French, I expressed my thanks to the French government for the hospitality extended to the tribunal and explained the special significance of the decision which was adopted unanimously (which had never happened before!) and which applied for the first time the rules of procedure adopted by the Hague Convention. These two circumstances give a very special significance to the arbitral award that has just been rendered. Finally, I ended the meeting in English, after which both Sir R. Webster and General Harrison thanked the court and the French government for their hospitality. This is how the meetings of the Anglo-American Arbitration Tribunal in Paris, of which I had the honour to be president, ended. It seemed to me that one of the arbitrators should have stood up and thanked me, the president. But both American arbitrators (Fuller and Brewer) probably did not think about it, because in ordinary courts no such gratitude is expressed. Both English arbitrators were obviously angry with me and therefore did not accept the initiative of such a speech.

Their malice is ridiculous and stupid (other Englishmen, such as the Attorney General, Ambassador Ed Monson and Mr. Buchanan were very pleased with the tribunal's decision,

because England actually got much and almost all that was required). But Lord Rossell and Lord Collins were obviously angry that, 1) under my influence they had to give up what they already considered theirs, and 2) because of the unanimity I insistently demanded, they had to make a concession to the Americans. These two circumstances completely infuriated them, and we parted rather coolly. I explain this in a few words and by means of the following image.



Amakura
Barima B.P.
C.[ap] Palaya
My line
Fuller
Motocomo Cape [?]

When the disputes between the four arbitrators about the common legal grounds for the next decision ended on Friday of last week, I had to give my opinion. I explained my view on all the main issues, denied the ugly right of discovery and occupation of the Spanish and Americans, proved the absence of any definition of boundaries in the Treaty of Westphalia, and said that the territory between the Essequibo and the Orinoco can most probably be recognized as joint control (condominium) of Spanish and Dutch. In making this basic point of mine, I said frankly that I could not recognize the rights of the British over Punta Barima (B.P.) at the mouth of the Orinoco River. Lord Russell and Lord Collins took note of this.

On the same day, after an exchange of ideas on general issues, a fierce debate began between 4 arbitrators on the drawing of the boundary line. The British offered their line. Knowing my opinion on the possession of Punta Barima, they rejected it beforehand, and wanting to recruit me to their side, they started their line from the coast from Motocomo Cape inland. I said nothing and remained silent. But when Lord Rossel began to draw the English line inland and further west, I only put this question to him: why does England now demand more than she demanded in 1881 in Lord Grenville's note? Lord Russell immediately understood my question and, wishing to please me, abandoned his line and ceded a large area to the Venezuelans. Further south, at my question, he again rejected his demand, wanting to recruit me. The Americans flatly refused to accept this British line. After mutual criticism and disputes, I had

to express my opinion. Wanting to enlist the American arbitrators, I demanded another concession from the British, i.e., I offered to start the boundary line on the sea coast in the middle between Mocotomo Cape and Palaya Cape. The British agreed, but the Americans did not. That was the end of Friday's meeting. On Saturday there was another meeting, but without success, and mutual relations between the British and American arbitrators became increasingly strained. On Sunday morning there was another meeting, and again without success. I then decided to take up the matter diplomatically. I went to Chief Justice Fuller and persistently urged him to make one more small concession. The old man was very fond of me and promised to speak to his colleague Brewer. I then went to Lord Collins and explained to him that the British also had to make another concession. But Collins, with whom I had hitherto been on better terms, flatly refused and said he preferred a simple majority (considering me on his side) to unanimity for further concessions. The next day, early on Monday morning, I went again to see Brewer and persuaded him. I learned from him that dearest Fuller had been with him the night before for two hours, and after much deliberation they agreed to make a new concession. I was very glad and considered that the basis for an agreement had been found. I went again to Lord Collins, but found him even less accommodating than the day before. But then I explained to him that England was not interested in forcing me over to the American side. This made him think. I told Fuller and Brewer that if they did not make a concession, then I would be forced *à contre coeur* to side with the English, because I could not wish and allow a scandal, i.e. a situation where the tribunal could not decide the case because the 4 arbitrators cannot agree among themselves, and the super-arbitrator refuses to cast his vote!

I did not speak to Lord Russell on Sunday because he was not in Paris. But Lord Collins, at my request, told him all about these negotiations. These conversations, and in particular the fear that Lord Collins communicated to him that I would go over to the American side, simply pissed him off. He openly expressed his anger and rage on Monday, before and after the start of the meeting. I opened the meeting with the story about my negotiations and made it clear that I found in the concessions made by the Americans a solid basis for a possible and comprehensive agreement. My speech outraged the already irascible and irritable Lord Russell. He began to speak almost impudently, saying that the previous negotiations between the president and the members of the tribunal seemed to him strange and incomprehensible, and that he did not intend to make concessions. To this, I replied briefly and clearly that I consider and will consider it not only my right, but also my moral <u>duty</u> (duty is underlined) to have such negotiations in order to show complete unanimity among the arbitrators and achieve the great goal: a unanimous arbitral award. Therefore, I recognize Lord Russell's accusations as completely unfounded and I do not regret my steps, which were always promptly communicated to both parties.
Lord Russell immediately relented and began to argue that he did not want to deny my right to enter into an exchange of thoughts with both sides. After Lord Russell, who was throwing the atlases on the table in anger, Chief Justice Fuller spoke up and offered his line (Fuller pictured). The British were infuriated and would never agree to give up their line. After listening to their arguments and disputes, I finally proposed a compromise line from Palaya Cape downward. Thanks to my personal influence and persuasion, both Americans accepted my offer. Finally, seeing that I was on the side of the Americans, both Englishmen also accepted my line. I was terribly glad to have such a triumph of mine to obtain a unanimous arbitration award, despite the complete opposition of the interests, views and rights of both sides. But the British, like cheapskates, began to haggle and demand rewards for the “great” concessions made on the banks of the Cuyuni River. But they got nothing. In general, they should be extremely pleased with the decision by which they got all the gold mines.

However, Lord Rossel and Lord Collins are still angry with me because I literally forced them to obey and give up their excessive demands. They thought I would have agreed with their original line if they had insisted on an immediate vote as early as Saturday. But the constant postponements of the decision, which they themselves proposed, forced me to seek the basis for a compromise and come over to the side of the Americans. Although I did not side with either side, they still felt that I put them in such a position that they still had to make a concession and accept my Palaya Cape line. It was clear as daylight that if the British did not accept my compromise, I would be with the Americans instead of with them. This is the reason for Messrs. Russell and Collins, and this is the way I was able to get unanimity from all the arbitrators. This is a great celebration!

When, after the meeting, Second Rank Captain S.P. Shein and his assistant, as the Russian naval agent, Mr. Kedrov, approached me, the former said, "Thank you, F.F. [Fyodor Fyodorovich], from the bottom of my heart. How nice it was for both of us to feel Russian - we rarely experience this feeling! I cannot wish for better compliments... In the afternoon I will leave Paris for Baden-Baden.

25.IX /7.X/. Today I have finally arrived at my dear Waldensee, my dear wife and my dear children. I am extremely happy to be with them again and rest with them for at least a few days. For five months I have been abroad in the most difficult work, and again I must return to the boring lessons. It's hard.

On my way from Paris to Waldensee, I was fortunate to be received by the Emperor at Jagdschloss Wolfsgarten near Darmstadt. This hearing was carried out in the following way.

In early September I wrote a letter to K.P. Pobedonostsev in which I informed him of the results of the Hague Convention and of my activities as president of the Paris Arbitration Tribunal.

At the end of my letter, I added that I would be happy to appear before the Sovereign on my way to Darmstadt and give him a report on the proceedings of the Hague Convention. But I cannot count on this honour, because although the Sovereign granted me the right to personally present him with notes on political issues, the authorities systematically distance me from His Majesty.

A week later I received from K.P. a letter in which he communicates me that he informed the Sovereign of the extracts of my letter and asked him to receive me in Wolfsgarten. Arriving in Baden on Wednesday, I found there a telegram from General Hesse, where he informed me that "*L'Empereur désire Vous recevoir demain, Mercredi, a 6 heures*" (The Emperor wishes to receive you tomorrow, Wednesday, at 6 o'clock). At 9 1/2 hours I arrived at Egelsbach, which is between Darmstadt and Frankfurt on the M., where a court carriage was waiting for me.

General P.P. Hesse met me at Jagdschloss and, in the kindest way, offered me to stay in his small apartment. We talked about everything until 5 o'clock. Then he went to drink tea at Lawn Tennis ground, where the Sovereign plays tennis and at 5 o'clock they have tea.

I put on a black frock coat (on Hesse's advice), a black tie, and went for a walk in the forest surrounding Wolfsgarten, where I saw the Sovereign playing Lawn Tennis from a distance. Exactly at 6 o'clock, Hesse invites me to go to the Sovereign. I went. The Sovereign received me very kindly and he talked [sic] with me for 1 hour and 5 minutes! He was in his living room, a tiny and very simple room, and he was wearing a Lawn Tennis suit, without a tie and with

white flannel. He had me sitting down in front of him and began to question me first about my arbitration tribunal and then about the Hague Convention. I spoke to him in detail and vividly about both. The Sovereign, of course, was interested in everything. I showed him that the Hague Convention will remain an eternal, historic and memorable event.

He completely agreed. He then spoke about the Dreyfus case, the French government, ministers Hanotaux and Delcassé, etc. There were a lot of questions, and sometimes he didn't know what to tell me and what questions to ask me. I stopped to wait for his questions and not bother him with my stories.

At the farewell he thanked me very kindly and said: "I am extremely pleased with your activities at the Hague Convention and I thank you very much!" This is very encouraging and flattering.

But I cannot remember a single appropriate comment from His Majesty or a "complicated" question. The simplicity of his speech and his kind words will always remain memorable to me. But what will Count M.N. Muravyov think about my audience? He'll probably get angry. But I did not ask for this audience and, secondly, I want him to be a little afraid of me and remove me from Petersburg to the position of envoy in The Hague. This is my only and sincere wish. (…)

16.X.99. Yesterday I received from Count Lamsdorf a copy of the note from the British chargé d'Affaires, in which Queen Victoria herself (not Her Majesty the Queen's English government) expressed her gratitude for the "astute and assiduous manner in which that distinguished jurist "has presided over his (the Tribunal's) deliberations." The Queen asks that the Sovereign be informed of her desire to express her gratitude to me. This was done by Earl Lamsdorf, who, after informing the Sovereign of Lord Salisbury's note, asked high permission to give me a copy of it. The Sovereign wrote in the report: "Yes, of course!" The Queen's gratitude is expressed in words very flattering to me, and I can be satisfied with this document. (…)

4.XI.99. Today I met, after 6 months, with the venerable K.P. Pobedonostsev, who received me very kindly. I thanked him with all my heart for coordinating my audience in Wolfsgarten. I told him a lot about the Hague Convention and the Paris Arbitration case. He was sincerely outraged by my bosses' treatment of me (…)

1900

22.XI.1900. In recent days I became the object of outrageous and indecent attacks on the pages of the newspaper – "sewer", that is, "New Time". Last Thursday an article appeared in this newspaper under the name "International Law and its Interpreters."

The author of this indecent mockery used my English article: "The Peace Conference, Europe and China" (The Monthly Review, Nov. 1900) to insult me in a more indecent manner. Until now, I have not had the opportunity to read such mockery about myself even though I have a whole collection of mockery printed in different journalist editions of my beloved homeland. Obviously, I decided not to respond to this abomination. But the next day, in this same "New Time," the famous professor of "cocotology" and cheekiness, K.A. Skalkovskiy, wrote a second mockery against me where he insults me for my activities at the Paris Arbitration Tribunal! It seemed to me that insulting the supreme honour for a Russian jurist citizen was unthinkable! But Sk. managed to do it and insulted me.

I was forced to respond. Twice to Sk. because his lies and ignorance reached the Pillars of Hercules. My answers, purely factual and absolutely decent in their form, probably should have placed a stamp of shame on all the "New Time" scoundrels. These senseless attacks were a very good lesson for me. I saw that at the university the young people were outraged by these evils and they welcomed me with applause and said goodbye to me in the same way. But at the same time, I was also aware of the evil on the part of my "friends" and acquaintances who could not hide their pleasure that people are insulting me, and not all flatter me. Could it be that human envy and malevolence really have no limits? Could it be that Hobbes is right when he said: *Homo homini lupus*?! (…)

1901

04.08.1901

I cannot help but mention the following fact in the last pages of this book. In October of this year I was invited to the United States, to New Haven, to receive the honorary degree of Doctor of Laws, awarded to me by Yale University. In view of this circumstance, the idea occurred to me to propose to my dear friend N. P. Shilov, Director of the Secretariat and Minister of Finance, the following question: there is currently a Customs war between the United States and Russia. The fundamental question that led to this war must be decided by the United States Supreme Court in October. The president of this court is my acquaintance Melville Fuller. Another member of the Court, Brewer, is also my acquaintance from the Paris Arbitration on Venezuela.

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Annex 150

Report on the Boundary Question with British Guiana submitted to the National Government by the Venezuelan Experts, 1967

Ministerio de Relaciones Exteriores, República de Venezuela, 1967, *Report on the Boundary Question with British Guiana submitted to the National Government by the Venezuelan Experts*, Caracas.

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

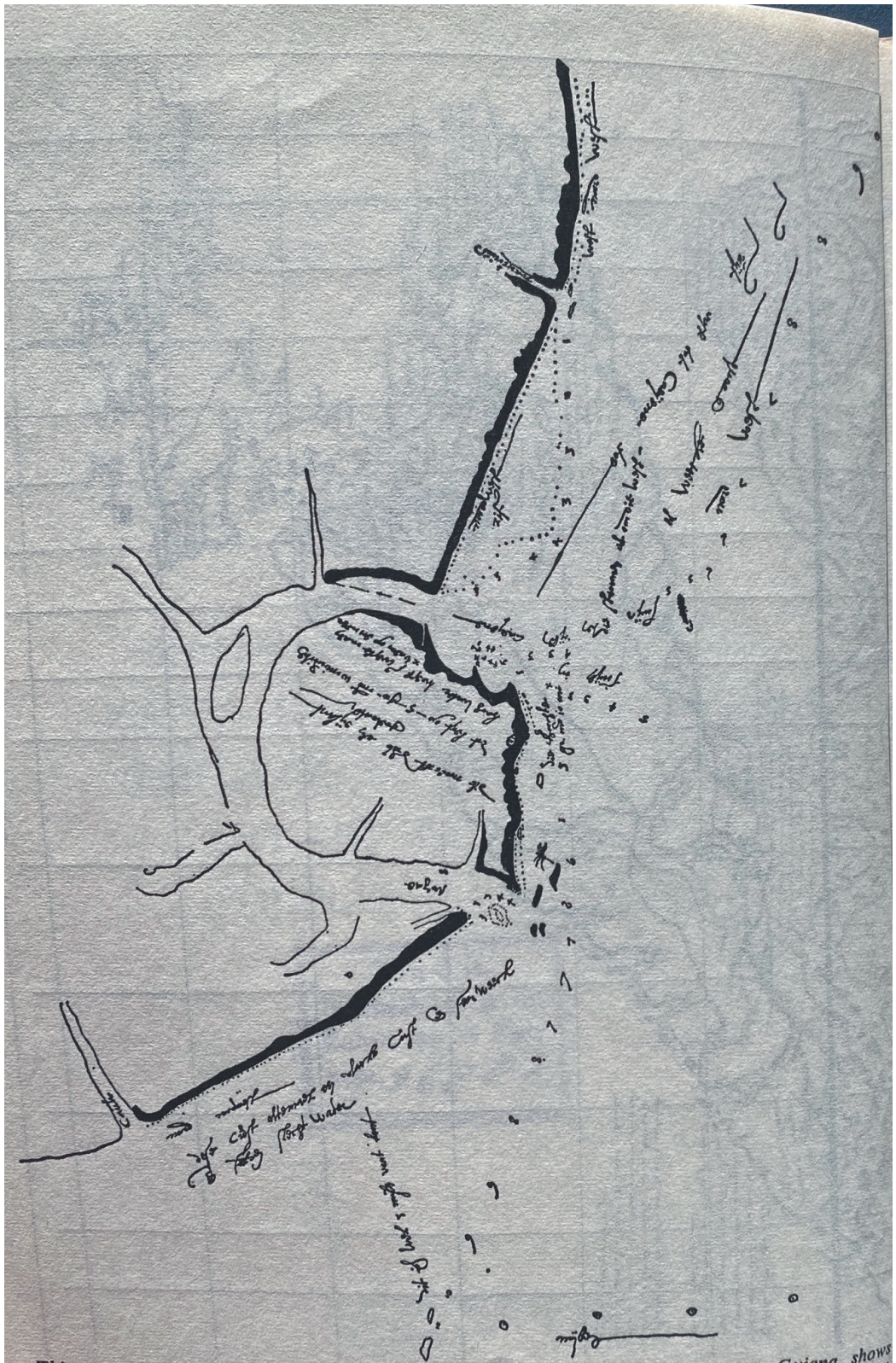
Each one of the statements contained in this report is backed by its respective documents, and they were submitted to Great Britain during the discussions between the experts.

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

Map drawn at the Venezuelan island of Margarita before the year 1560. This map reveals the knowledge the sailors of Margarita had of the low coast between the Orinoco and the Amazonas rivers, due to their frequent sailings along this coast.



This map drawn by the Dutch Van Petten to illustrate the first Dutch journey to Guiana, shows meager knowledge that Holland had of Guiana, without comparison to that possesed by Spain revealed in the previous map, which was drawn nearly 50 years earlier.

"Nothing is settled until it is settled right"
ABRAHAM LINCOLN

INTRODUCTION

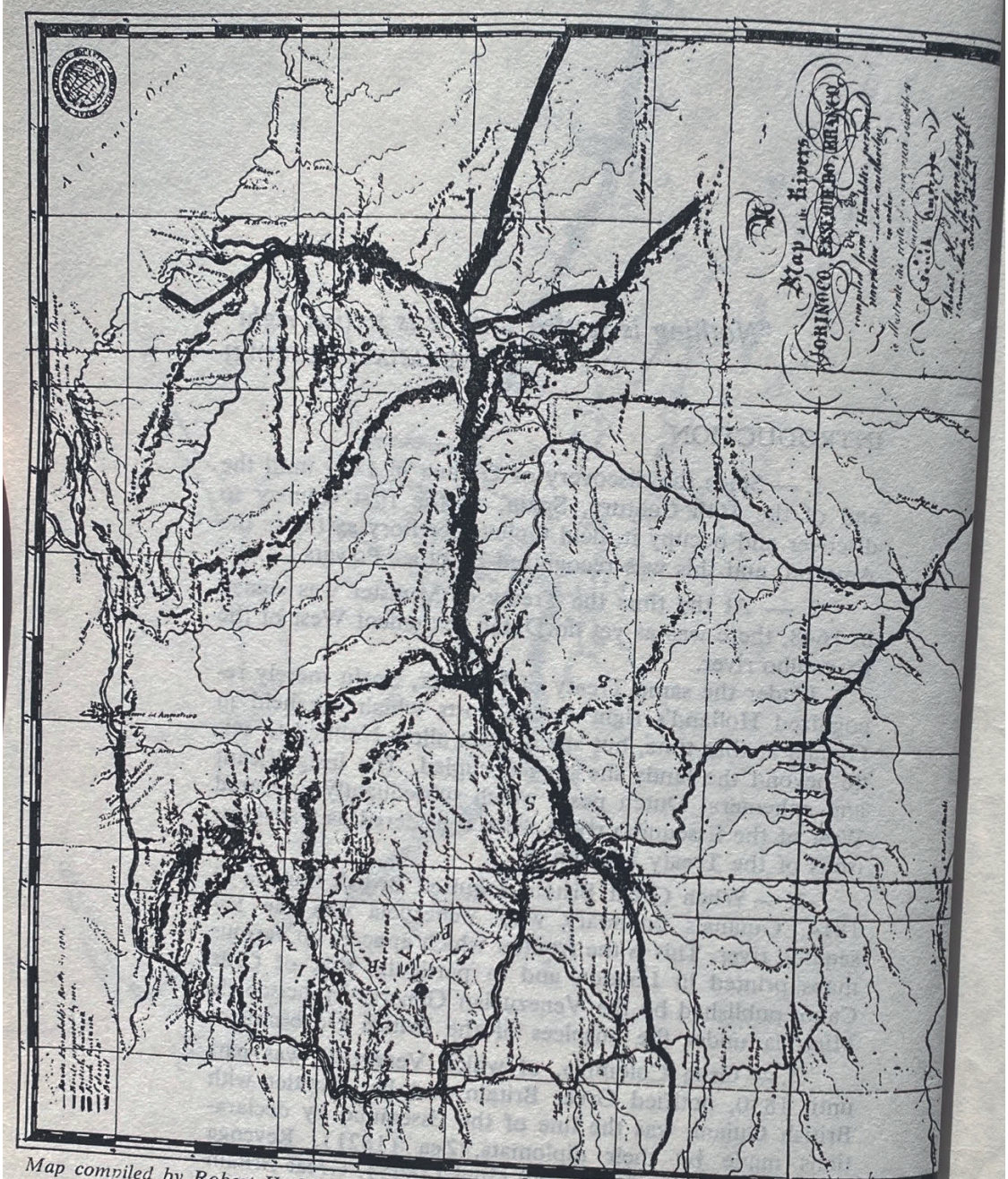
1. — Since the discovery of Guiana in 1499 until the end of the 16th Century, Spain, as the first country to discover and occupy it, held Guiana territory as far as the Amazon, and this was recognized by other Powers.

2. — At the time the Treaty of Munster was signed in 1648, there was as yet no Dutch settlement West of the Essequibo river.

Under the same Treaty of Munster, Spain merely recognized Holland's right to the posts which she held in Guiana at that time, but she did not allow Holland to settle beyond the lands she then occupied. The insignificant and ephemeral Dutch posts which subsequently appeared West of the Essequibo river, were considered as transgresisons of the Treaty of Munster.

3. — When Great Britain acquired British Guiana in 1814, Guiana's boundary with Venezuela was the Essequibo river. This is the frontier which appears on various maps printed in London and in particular that of Cruz Cano, published by the Venezuelan General Francisco de Miranda under the auspices of the British Government.

4. — Gran Colombia, of which Venezuela was part until 1830, notified Great Britain that her frontier with British Guiana was the line of the Essequibo by declarations made by their diplomats, Zea (1821), Revenga (1823), Hurtado (1824) and Gual (1825). Great Britain raised no protest to the declarations by Gran Colombia.



Map compiled by Robert H. Schomburgk (1835) with the boundary line along the Esequibo.

The declaration of the Plenipotentiary Minister Hurtado, in 1824, is of special importance, as it was formulated when he negotiated and obtained from the United Kingdom the recognition of Gran Colombia as an independent nation.

When in March 30, 1845, Spain signed in Madrid the Treaty Peace and recognition of the sovereignty of our country upon its territory "known under the old name of Captaincy General of Venezuela", included in it the Guiana Province bordered to the East by the Essequibo river.

THE ANGLO-VENEZUELAN CONTROVERSY

5. — The Essequibo line as far as the frontier between Venezuela and British Guiana is the **original Schomburgk Line of 1835**, as shown on the map which that Prussian naturalist drew before he showed partiality for Great Britain's interests. Neither the Royal Geographical Society of London nor the Colonial Office, which also sponsored Schomburgk's first expedition, objected to this map.

6. — The first time that Great Britain aspired to the West territory of the Essequibo river was when the **pseudo Schomburgk Line of 1840** was published in the known "Sketch Map" of "Parliamentary Papers" that year. This line was protested by Venezuela. This is the origin of the controversy between Venezuela and Great Britain. Fresh evidence from the original British archives clarifies the following facts:

a) Both the Foreign Office and the Colonial Office rejected Schomburgk's arguments in favour of his pseudo-line of 1840. Those two Ministries arrived at the conclusion that the Prussian naturalist had misinterpreted the historical documents and had used them with partiality and sectarianism.

b) In spite of that, the British Government commissioned the same naturalist to undertake a new expedition (1840-43) and to draw a fresh map of British Guiana conforming with that pseudo-line. Exceeding his instructions, the naturalist set up posts, marked trees and carried out acts of possession which gave rise to formal protests by Venezuela.

c) The minutes by Lord Aberdeen of 1841, qualify Schomburgk's actions as "premature" and assert, that as his mission was to make a "survey", he had no reason to take possession.

d) It is a well-known fact, that the British Government disavowed Schomburgk, when it orderer the withdrawal of posts and frontier marks at the demand of Venezuela, as expressed to the Venezuelan Minister in London, in a note dated January 31, 1842.

7. — Inner and interministerial documents of the British Foreign and Colonial Office and the Government in Demerara disclose that the publication of the maps showing that **pseudo Schomburgk Line of 1840**, was of an official nature and represented Britain's maximum claims **vis-á-vis** Venezuela. Thus we now know that it was on the instructions of the British Government and from the Colonial Government in Demerara, that the following maps were prepared:

a) The map in the Foreign Office Memorandum of 1857 on the Guiana dispute.
b) The map attached to the memorandum by Chalmers, "Crown Surveyor of the Colony" (1867).
c) The Schomburgk-Walker map of 1872.
d) The Brown map of 1875.
e) The Stanford map of 1875.

By these official maps Great Britain recognized from the begining of the controversy until 1886 all the upper Barima and all the Cuyuni, from their sources to the mouth of the Otomong as undisputed Venezuelan territory.

8. — In 1850, Great Britain and Venezuela each undertook not to occupy the disputed territory, which naturally included that lying between the **pseudo Schomburgk Lime of 1840,** extreme claim of the United Kingdom, and the Essequibo river, border claimed by Venezuela. This is what came to be called the 1850 Agreement, which remained in force until the Arbitration.

9. — The pressure brought to bear by the mining interests in British Guiana induced the metropolitan and colonial governments to push forward the so-called

"Schomburgk Line" to include Venezuelan territory which was not in dispute. In 1887 the British Government published a map by one Herbert of 1842 with a new "Schomburgk Line" and finally declared that it had always been the line referred to in their diplomatic correspondence, when the fact was that the British Foreign Office became aware of that line for the first time in June 1886.

10. — The mining companies in British Guiana continued to bring pressure to bear, and a few months after the publication of the Hebert Line as their extreme claim against Venezuela, the British Government declared it to be the frontier of strict right and advanced their ambitious colonialist claims even further, almost as far as Upata, a few kilometers from the Orinoco, with the name of "Line of the extreme British Claim".

11. — The efforts made by Venezuela to reach a peaceful solution of the frontier dispute which was prematurely started by the Prussian naturalist, are also facts which are perfectly well-known. The fresh evidence reveals that Great Britain rejected the proposals continually made by Venezuela for submitting the question to arbitration because she considered that her Government lacked arguments and that a fully legal decision would be unfavourable to her.

As Great Britain had no confidence in her claims, she successively changed her position regarding the frontier with Venezuela. The Aberdeen (1844), Granville (1881), Rosebery (1886), etc., line were designed to meet the current interests of the colonists in British Guiana.

By contrast, as Venezuela was sure of the validity of her claims she was ever prepared to submit the dispute to the legal decision of impartial arbitrators and maintained her claim to the Essequibo line.

THE ARBITRAL TREATY OF 1897

12. — In spite of the succesive request forwarded to the British Government by numerous bodies and States requesting that the question be submitted to Arbitration, Great Britain resisted until the last and the decisive intervention of the United States in 1895.

In 1896 the British Government and the American secretary of State Richard Olney, started the negotiations whic were to lead to the Arbitration Treaty.

When Venezuela requested the mediation of the United States before Great Britain, the Caracas Chancellery clearly stated that she be consulted on whatever happened in the course of the negotiation. Moreover, it explicity urged that any arbitral treaty arrived at, had to be based on the following two understandings: 1) That all the Disputed Territory were to be submitted to Arbitration; 2) That the question had to be resolved by a strictly judicial decision based on law and right.

Actual research proves that during the course of the negotiation, Venezuela was left aside, particularly during its final and most important stage. It was indeed consulted once whether she was ready to accept a prescription clause, but negotiations were continued in the same line in spite of and against the objections of the Venezuelan Minister of Foreign Relations. Even more, Richard Olney agreed with Great Britain the exclusion of Venezuela from the Arbitral Tribunal.

13. — On February 2, 1897 Venezuela signed the Arbitration Treaty, coerced by the Secretary of State, Richard Olney, and under his threat that it would be left alone to the mercy of Great Britain. Only "the dangerous consequences of the helplessness in which a refusal would place Venezuela" —as was stated by the Venezuelan Minister of Foreign Relations in 1896 —forced the acceptance of the terms of that Treaty.

14. — The scope of various clauses of the Arbitral Treaty, particularly the prescription clause was made understood to Venezuela in a way diferent from the one confidentially agreed between Olney and the British Government.

DEFECTS OR VICES OF THE ARBITRAL ARWARD

15. — Even with the substantial objections presented to the Arbitration Treaty of 1897, Venezuela trusted that the Tribunal would decide the question based on law and right. On May 5, 1899 Plenipotenciary José Andrade requested instructions from the Caracas Chancellry for the

case that Great Britain would propose an amicable arrangement of the Boundary dispute:

"It could also be —he wrote— possible for England to prefer to propose to us a friendly agreement regarding the border which the Tribunal will determine. Our lawyers will not be surprised if Great Britain makes this proposition to Venezuela; they think that it will be convenient if I authorize them to be deciding on it, in case England should make such a proposition."

In May 17, 1899 the Venezuelan Chancellry replied that it could not in any case grant that power, "it will not be possible to give instructions since the government does not have authority concerning territorial negotiations." And he added:

"Outside the arbitration, prescribed for every matter by article 142 of our Constitution, the Venezuelan authorities do not have any recourse towards amendments referring to any cession or modification in relation to territorial control."

Consequently, the Venezuelan Government could not delegate on the Arbitrators and lawyers before the Tribunal faculties, which it lacked for the settlements of the controversy, out of a decision based on law and right.

Historical research verify the existence of serious vices, of form and substance, in the procedure and the decision of the Tribunal.

16. — The first defect of the Award of 1899 is that it purported to atribute legal value to a line falsified by Britain, the so-called "expanded line" of Hebert map of 1842.

Venezuela possesses proof that the British Foreign Office had no knowledge of this line until June 1886. This already is a serious indication pointing to a recent corruption of the original map filed at the Colonial Office since 1842. Venezuela has now available proofs that the lines shown in the following maps filed by Great Britain before the Tribunal has ben adultered at the Colonial Office:

1) The Schomburgk map on six sheets entitled "Map of the limits of British Guiana" (1841).
2) The Schomburgk map entitled "Map of the limits of British Guiana... General Map Nº 1" (1841).

3) The Hebert Map of 1842.

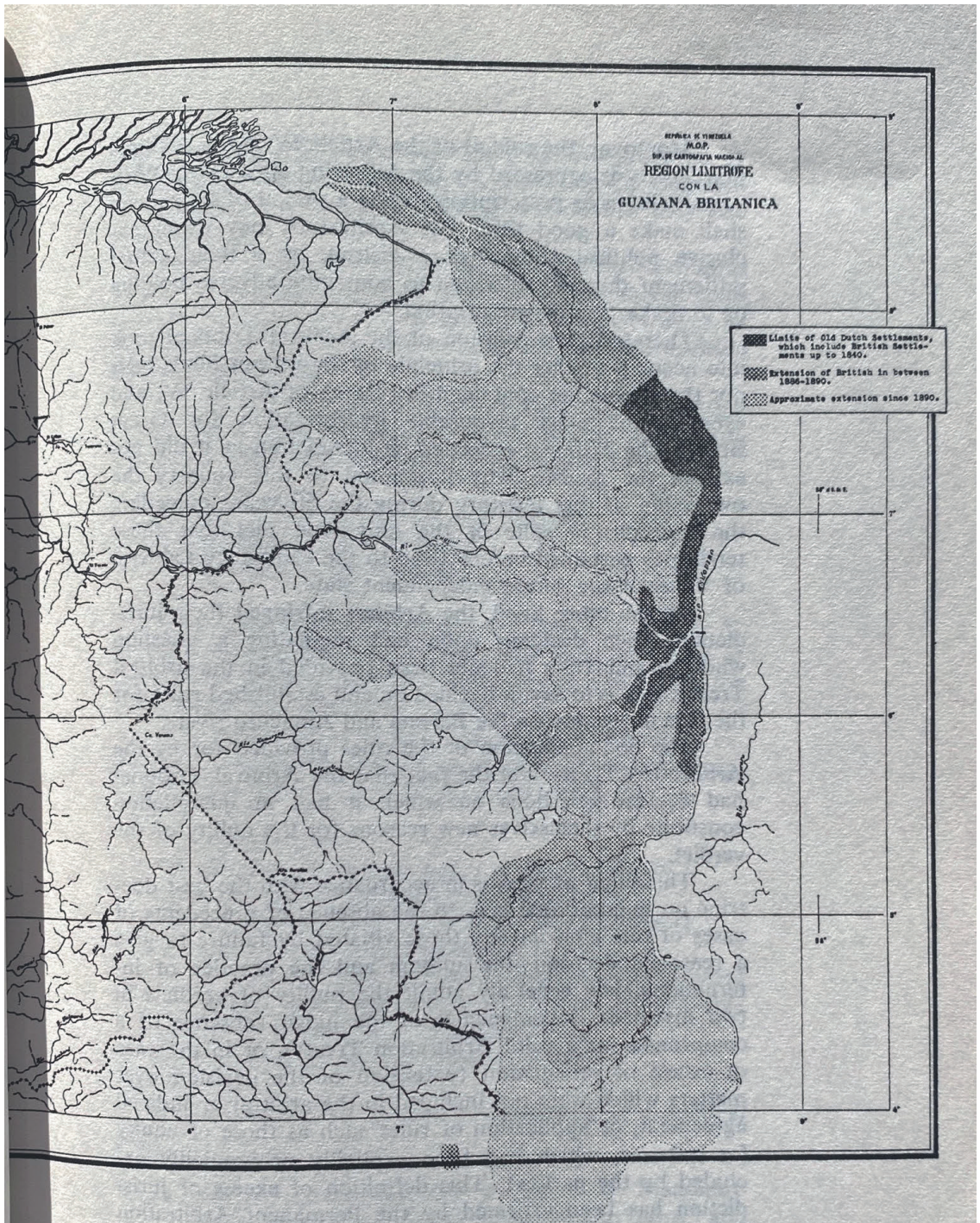
Also Great Britain led the arbitrators into error by submitting to them the so-called "Physical Map" of Schomburgk, of 36 square feet without border lines, as if it were the map of 90 square feet with lines, which this explorator presented in 1844 to the Colonial Office.

17.— **Failure to give a reasoned decision.** There is no doubt whatsoever that, with the exception of some sentences by Royal Arbitrators of the XIX century and various decisions of mixed commissions of previous times, the decision of a jurisdictional authority must be reasoned and objective, that is, it must give sufficient reasons for the solution given to the conflict.

The statement of reasons, seems, therefore, essential in ordinary arbitrations, and it has been so since long time ago. The statement of reasons is the part of the verdict which permits to know whether it was dictated in accordance with international law. This is particularly the case of the Arbitration Treaty between Venezuela and Great Britain which required a judicial decision consistent with the principle of the **uti possidetis juris**. The statement of reasons is therefore, an integral part of the verdict. According to the prevailing opinion in the legal doctrine, the failure to give reasons, except, through an agreement to the contrary between the parties, vitiates of nullity the verdict.

We are able to affirm that the Arbitral Tribunal which dictated the verdict in the British-Venezuelan border conflict did not comply with its duty, and therefore, giving a decision without the corresponding statement of reasons, did not proceed in accordance with the norms of international law. Therefore, the decision of the Arbitral Tribunal lacks any validity in international law, at least from the moment in which this invalidity is invoked.

18. — **Excess of jurisdiction.** Nevertheless, next to the failure to give reasons in the Arbitral decision, there is another no less important vice which can be adduced against the Arbitral decision of 1899. The Arbitration Treaty signed in 1897, had provided that the decision had to be based on the principles of law, and particularly on the principle of the **uti possidetis juris** of 1810.



lack: Territories occupied by Great Britain up to 1840.
ark grey: Territories occupied by Great Britain between 1886-1890.
ight grey: Territories occupied by Great Britain after 1890.

. B. This map was prepared from maps and other confidential British documents. It can easily e appreciated that the 50 years prescription clause could only be rightfully applied to a very nall portion of the Esequibo region.

Moreover, the rule a) of the Article IV in the Arbitration Treaty is expressed by the following stipulation: "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 settlement thereof, sufficient to constitute adverse holding or to make title by prescription."

Therefore, the decision of the Arbitral Tribunal took into account neither the principle of the **uti possidetis juris** nor the stipulation contained in rule a) of Article IV, and even in the most favourable interpretation for Great Britain, the Tribunal exceeded its jurisdiction as it did not explain the reasons why it granted to this country the ownership of that territory during the 50 years preceding the decision; in spite of the only true fact that these territories pertained before 1810 to the Captaincy General of Venezuela, a future independent state.

On the other hand, the Arbiters infringed their jurisdiction when deciding upon and regulating a question whose examination had not been provided in the arbitral Treaty; that is to say, it decided on and established rules for the free navigation on the Barima and Amacuro rivers.

The non-application of the rules provided for by the Arbitration Treaty and the fact that the Arbitral Tribunal had decided questions on which it had no jurisdiction constitute by themselves new reasons for the nullity of the verdict.

This point of view is in accordance with the best doctrine on international law. In the absence of precedents of cases of this kind namely those vitiated by failure to give a reasoned decision, the authors and the practice of international law generally admit the nullity of verdicts in two instances: incompetence of the judge (absence of a compromise or a valid Arbitration Treaty), or in the case of excess of jurisdiction (extension of the decision over matters which were not included in the arbitral or judicial agreement, or application of rules such as those of equity for instance, which had been explicitly or implicitly excluded by the parties). This definition of excess of jurisdiction has been affirmed by the Permanent Arbitration Tribunal (1910) mainly in the well-known affair of the Orinoco Steamship Company between the United States

and Venezuela. On this matter the judgment rendered by the King of Spain on December 23, 1906 and the judgment of November 13, 1960, ICJ 1960, p. 215 and ff. may also be consulted.

In both cases, in the illicit extension of jurisdiction as well as in the application of rules not agreed in the compromise or treaty, we have a case of exercise of power by the arbiters which can only be **verified after the decision has been rendered.**

19. — Another defect of the Award consists in that it was not a legal decision, in accordance to the Treaty, but just a compromise. So it was interpreted by:

a) The Press of America and Europe,
b) Members of the Tribunal,
c) Counsel at the Tribunal.

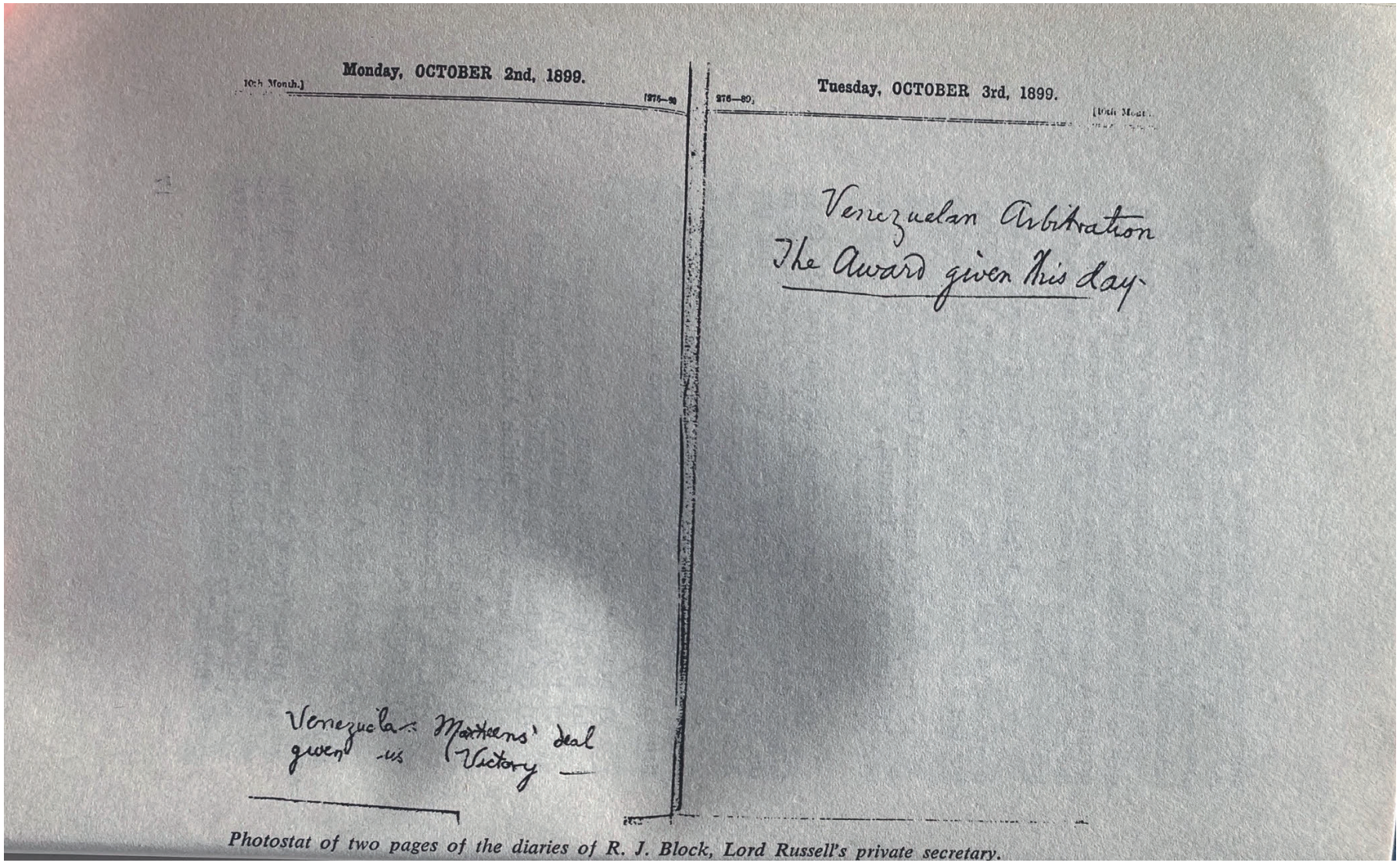
The force of this evidence is such that Mr. C. T. Crowe, delegate of Great Britain, had to acknowledge at the United Nations Special Committee in 1962, that the Award was the result of a compromise.

20. — The Award was a **compromise obtained by extortion,** according to convergent testimony from American, British, Venezuelan and French sources such as:

a) Mallet-Prevost
b) Buchanan (British Agent at the Tribunal)
c) Perry Allen (Mallet-Prevost's secretary)
d) Sir Richard Webster (Chief British Counsel)
e) Lord Russell (Chief British Arbitrator)
f) J. M. de Rojas and José Andrade (Venezuelan Agent and Plenipotentiary Minister, respectively)
g) L. de la Chanonie (French writer)
h) Georges A. Pariset (French Jurist)

21. — Besides the Award was the result of a political deal.

a) Mallet-Prevost describes it thus in his Memorandum, according to it the Award was a "farce" and "a deal. . . concluded between Russia and Great Britain."



Monday, OCTOBER 2nd, 1899.

Venezuela: Martens' deal
given us Victory —

Tuesday, OCTOBER 3rd, 1899.

Venezuelan Arbitration
The Award given this day.

Photostat of two pages of the diaries of R. J. Block, Lord Russell's private secretary.

a) Harrison's wife refers to it in similar terms in her diary: "Rusia was the fifth in the Tribunal; and it is her diplomacy to be on England's side, balance of power. . .", etc.

c) Charles Alexander Harris, an officer of the Colonial Office, confirms it when he affirms that the decision of the Paris Tribunal was a "farce". (The same word used by Judge Brewer, according to the Memorandum of Mallet-Prevost, and by General Harrison as quoted by Perry Allen): "The thing is a farce."

d) A. L. Mason's memorandum quotes the testimony of General and ex-President Harrison: ". . . settled as a political expedient."

e) R. J. Block, Lord Russell's secretary in his diary, on the eve of the Award recorded the deal of de Martens which gave victory to Great Britain: "VENEZUELA. MARTENS' DEAL HAS GIVEN US VICTORY."

22. — Lord Russell of Killowen, chief English arbitrator, expressed in a private letter in 1896, the opinion that the Guiana case should be solved by allowing the arbitrators to determine the frontier through a diplomatic compromise.

In the same year, he expressed the same criterion in a speech delivered in Saratoga Springs, which deserved from The Times of London a brisk commentary revealing with singular frankness what was implicit in Lord Russell's opinion about international arbitration. The London newspaper comment came to be prophetic for the case of the "Anglo-Venezuelan Tribunal" of 1899:

"The secret history of congresses and conferences is generally unedifying and little to the credit of human nature. **The diarist of the times who is behind the scenes never fails to note down evidence of intrigues. Of lofty professions of disinterestedness being contradicted by private action, and of the courteous language of diplomacy being compatible with the presence and dominance of very ugly passions. . ."**

"But when the diaries of some of those who took part in those proceedings (arbitrations) are published it will

probably be found that the same passions which never failed to appear at congresses **are not unknown in international arbitrations,** and that if the discussion is protracted there is a **temptation** to make use of **extrajudicial means of influencing the Tribunal. . .**"

Again in January 1899, as revealed in Mallet-Prevost's Memorandum, Lord Russell explained his theory that international arbitrations should not be exclusively based on right, but that they also "should take into consideration questions of international policy."

23. — The accuracy of Mallet-Prevost's Memorandum is supported by numerous contemporary documents to the so-called Award of October 3, 1899. The objections raised by Great Britain against it are irrelevant and contrary to all the documentary evidence, as when it denies the historical possibility of the Anglo-Russian deal on the Guiana frontier, alleging that in 1899, the relations between these two powers were strained.

This objection, implies a hardly acceptable principle; namely that deals between countries are not possible when the relations between them are strained, a fact which does not meet with reality, since precisely in 1899 various Anglo-Russian agreements were concluded, responding to vital needs felt then by these two powers.

24. — The Venezuelan Government had some knowledge of the irregularity of the Award and did not lose opportunity to protest against it. Its Agent at the Tribunal, J .M. de Rojas, qualified the decision as "derisory and a manifest injustice." Venezuelan President, Ignacio Andrade, affirmed that the Award had only restored part of the usurped territory.

25. — When the British Minister explained his criterion on the fairness of the so-called Award in a note dated in Caracas, December 4, 1899, the Venezuelan Chancellor a few days later answered that he could refute his arguments.

The Venezuelan Chancellry reached the conclusion that the Arbitral decision contained such vices that she has the right to invoke its nullity. It decided not to denounce outright it as it could not face the formidable power of his adversary without the support of the United

States, which had reached an **"entente"** with the United Kingdom. The day after the "Award", the British Press published in the style of a threat, the following:

"No doubt the United States will oblige their protégé to act fairly, if there is any trouble about the enforcement of the decision."

26. — Venezuelan public opinion inmediately criticized the Award, as did, among others the influential newspaper "El Tiempo" of October 17, 1899.

27. — A note from the British Minister in Caracas to his Government of December 5, 1899, records that the Venezuelan Government wished to delay the demarcation of the frontier. In July 1900, the British Minister notified the Venezuelan Government that if it did not despatch the Demarcation Commission before October 3 the British Government would begin the demarcation alone. On October 8, that Minister notified the Venezuelan Chancellery that the Governor of British Guiana had been given instructions to commence demarcation. On October 19, the British Commissioners had already set up the Punta Playa boundary post. Under such an open pressure as this, Venezuela had not other alternative than to proceed to send its Demarcation Commission.

28. — In the "Confidential Instructions" issued to the leader of the Venezuelan Boundary Commission, Sr. Felipe Aguerrevere on October 22, 1900, the Chancellery, after analysing the nature of the Award which it qualified as "more the result of a compromise than of an essentially juridical examination", and with respect to the frontier imposed by the Arbitrators said: "It is a line de facto, determined without any support or reason neither historical, geographical or political." Consequently, and because the "Award" had been overtly unjust towards Venezuela, the Venezuelan Commissioners were instructed to refer everything "to the most severe procedure."

29. — If Venezuela Concurred with Great Britain in the demarcation of the so-called border of the "Award", it was for the tremendous pressure of the circumstances and to prevent greater evils. The work of this Commission, evidently of a purely technical character, did not imply the assent to the so-called sentence of the Arbitral Tribunal.

30. — In the Venezuelan Arbitration of 1903, before the International Court of the Hague, the Venezuelan lawyers did not hesitate to affirm that the Arbitration of 1899 "left a feeling of bitterness in the mind of Venezuela", and added, inter alia, that the Award was such that "the memory of it would be embittered with a sense of injustice."

31. — Venezuela's internal and international situation during the first half of the XX century influenced her in postponing denunciation of the Award. But the press, Venezuelan writers, Venezuelan scholars, taught successive generations uninterruptedly that the "Award" frontier did not correspond to Venezuela's legitimate rights.

32. — From 1915 till 1917 when Venezuela insisted in vain before Great Britain to make anew the demarcation of some parts of the frontier, the British Government offered resistance, on the ground of the painful warring circumstances which its country was then enduring.

33. — Venezuela, as other Latin American countries did not want to raise the border question when the United Kingdom was running through the hard test of the last world conflicts, and waited for the new era of International Justice which followed the age of colonialism. Prior to the San Francisco Conference (1945), Dr. Diógenes Escalante, Venezuelan Ambassador at Washington, invoking the new spirit of equality between nations, demanded "amicable reparation" of the injustice perpetrated by the Award.

34. — The Chamber of Deputies, meeting on June 30, 1944 took up the traditional Venezuelan attitude towards the Award through the voice of the Deputy Dr. José A. Marturet, requiring "the revision of her frontiers with British Guiana."

At that same time, the President of Congress, Dr. Manuel Egaña, at the closing session on July 17, 1944, in endorsing the attitude of the Executive, said:

"... And here I wish to restate and confirm the earnest desire for revision announced to the world and in the presence of the Citizen President of the Republic, by Ambassador Escalante and, before this Congress, categorically, by Deputy Marturet; I wish, I repeat, to restate and

confirm the earnest desire for the revision of the verdict whereby British imperialism despoiled us of a large part of our Guayana."

In statements to the press on July 18, 1944, members of the Permanent Foreign Relations Committee of the Congress, representing the different political parties, also made themselves clear as to the need for revising the Award of 1899.

35. — The United Nations Charter (1945), which laid down the principles of international equality invoked the previous year by the Venezuelan Ambassador, having been promulgated, Venezuela hastened to profit by the Inter-American Conference at Bogotá in 1948, to remain steadfast to the opinion which her Government had upheld regarding the Arbitral decision of 1899. The leader of the Venezuelan Delegation, Sr. Rómulo Betancourt, declared:

"... we do not in any way deny the right of certain American nations to secure definite portions of hemispheric territory which may rightly belong to them, nor do we renounce what the Venezuelans, having achieved a peaceful and sincere historical and geographical revalorisation of what is American, may be able to claim to the advantage of its territorial aspirations, to areas which are today under colonial tutelage and which were previously inside our original boundaries."

36. — In 1949, Venezuela became congnisant of the famous Mallet-Prevost Memorandum which disclosed the secrets of the Paris farce. Venezuelan historians, under instructions from their Chancellery, at once hastened to search British archives for fresh documents which would still further clarify the details of that farce. Fifty years had gone by and it was for the first time possible to study these documents in the Public Records of Great Britain. These researches were carried out between the years 1950 and 1955.

37. — The publication of the Mallet-Prevost Memorandum coincided with the release of British records and private American archives. These circumstances explain the fact that Venezuela had waited until now to formulate its denunciation of the Award.

38. — In 1951, Venezuelan Chancellor Dr. Luis Emilio Gómez Ruiz, again expounded at the IV Conference of American Chancellors the opinion of the Government on the Award line, and demanded the "equitable rectification of the injustice" perpetrated by the Arbitral Tribunal. Meanwhile, Señor Rafael Gallegos Medina, in charge of the Chancellery, declared to the Caracas press: "The Chancellery has never renounced this just Venezuelan aspiration."

39. — The Venezuelan Government expressed the same opinion in the X Interamerican Conference gathered in Caracas in March 1954, in a statement read by the Legal Adviser of the Chancellery, Dr. Ramón Carmona, which ended thus: "According to the above, no decision which might be taken in the matter of colonies in this Conference, may lessen the rights corresponding in this respect to Venezuela, nor be interpreted, in any case, as a waiving of such rights."

40. — Close to the creation of the British Caribbean Federation, notwithstanding that British Guiana was not included, the Venezuelan Chancellor, Dr. José Loreto Arismendi, in February 1956, ratified the traditional Venezuelan position about the boundaries with that colony, in the sense that it would not be affected by any change of **status** which might take place in that adjoining territory.

41. — Dr. Rigoberto Henríquez Vera, in March 1960, expressed before a parliamentary delegation of the United Kingdom the criterion of the Venezuelan Lower House:

"A change of **status** in British Guiana would not invalidate the just aspiration of our country, to have amended in an equitable manner, and through cordial understanding the great injuries suffered by the nation by virtue of the unfair sentence of 1899, in which peculiar circumstances prevailed resulting for our country in the loss of more than sixty thousand square miles of its territory."

42. — When Venezuela was finally in possession of the copious documentation which substantiated her traditional opinion as to the nullity of the Award, she again upheld it before the Committee on non self governing territories and trusteeship questions of the United Nations

(February 1962), through her Ambassador, Dr. Carlos Sosa Rodríguez.

43. — The Chamber of Deputies, in sessions of March 28 and April 4, 1962, after hearing representatives of all political parties in support of the attitude of the Venezuelan Chancellery to the Award, approved the following resolution: "To endorse Venezuela's policy on the boundary dispute between the British possession and our country insofar as it refers to the territory of which we were deprived by colonialism; and, on the other hand, unreservedly to support the total independence of British Guiana and its incorporation in the democratic way of life."

44. — Dr. Marcos Falcón Briceño, then Venezuelan Chancellor, in his statement before the Special Committee of the XVII Assembly of the United Nations, in November 12, 1962, extensively expressed the traditional position of Venezuela regarding the Guiana boundary question and invoked the nullity of the Award of October 3, 1899.

As a result of conversations held between the representatives of the Government of the United Kingdom and Venezuela, an agreement was reached by the two countries, with the concurrence of the British Guiana Government, in the sense that the three Governments shall examine the documentary material relevant to this question and will inform to the United Nations about the results of these conversations. Thus it was stated with authorisation from the interested parties by the Chairman of the Special Political Committee, Sr. Leopoldo Benítez (Representative of Ecuator) on November 16, 1962.

After the arrangements were made through diplomatic channels and in conformity with the above resolution, the Ministers of Foreign Affairs of Venezuela and the United Kingdom, Dr. Marcos Falcón Briceño, and the Honorable R. A. Buttler, respectively, met in London in November 1963. In this opportunity the Venezuelan Chancellor, filed on the 5th of the same month and year to the Secretary of Foreign Affairs of Her British Majesty an Aide-Memoire with the Venezuelan view points about the dispute, the conclusion of which is as follows: **"Historical truth and justice demand that Venezuela asks the full restoration of the territory of which she has been deprived."**

To sum up, as a result of the tripartite examination of the documentary material filed with Great Britain which has just been briefly commented, and which support each one of the affirmations herein contained, Venezuela has arrived to the following conclusions:

1) Venezuela was compelled to accept the Arbitration Treaty of 1897 under undue pressure exercised upon her by the United States and Great Britain. These two countries negotiated the bases for the compromise with the exclusion of the Venezuelan Government, which was given explanations inducing into error.

2) Venezuela was left aside in such a way, that the United States and Great Britain agreed from the begining of the negotiations that no Venezuelan jurist was to form part of the Arbitration Tribunal.

3) Although substantial Venezuelan objections to the treaty were not taken into account by its direct negotiators, Venezuela interpreted the Arbitration Compromise in the sense that the decision of the Tribunal was to be one of a strictly juridical character.

4) The so-called Award of October 3, 1899 is null. This nullity is based on the following facts:

a) The failure to give a statement of reasons for the decision.

b) The fact that the arbitrators did not take into account, for their verdit, the applicable rules of right and particularly the principle of **uti possidetis juris;** neither did they make any effort to investigate and ascertain "the extent of the territories belonging either to the United Provinces of the Netherlands or to the Kingdom of Spain", at the time of the so-called acquisition. (Art. III of the Arbitration Treaty).

c) The fact that the arbitrators did not establish how the 50 years terms of prescription were to be computed, nor did they apply it according to what had been agreed in the Arbitration Treaty.

d) The fact that, without being empowered to do so by the Arbitration Treaty, the arbitrators establis-

hed and rules in their verdict the free navigation of two bordering rivers, and as a matter of fact against Venezuela.

e) The fact that so-called Award was a result of a diplomatic compromise explains why the arbitrators did not take into account the rules of law embodied in the Arbitration Treaty. Contemporary documents, while revealing that the Arbitrators were aware of that, at the same time prove the fact of a political compromise when they speak of a "deal" or "farce".

5) Great Britain's representatives submitted to the Arbitration Tribunal maps considered to be of a decisive importance but which were tampered with in the Colonial Office.

6) The line of the so-called Award was prepared at the Colonial Office in July 1899, that is several months before the sentence. This boundary line was forced upon the American Arbitrators by the President of the Tribunal, the Russian Professor de Martens, through undue pressure.

7) Venezuela has never assented to the so-called Award of October 3, 1899. The Venezuelan participation in the demarcation of the frontier had a purely technical character. The country was forced to it by unsurmountable circumstances. Both the Government and the People of Venezuela, protested always the so-called Award of 1899 as much and as far as it was possible to them.

(Signed) HERMANN GONZÁLEZ-OROPEZA, S. J.

(Signed) PABLO OJER-CELIGUETA, S. J.

APPENDIX

The following documents are only a selection of the evidence on which the Venezuelan claim is based.

I

THE REPUBLIC OF GRAN COLOMBIA OFFICIALLY DEFINES THE ESSEQUIBO AS HER EASTERN BOUNDARY

1. — *Annex to the Note from Francisco Antonio Zea, Gran Colombia Plenipotentiary Minister, to Lord Castlreagh, Prime Minister of Great Britain. London 20/II/1821.*

La République de Colombia occupe dans l'Amérique du Sud la partie la plus Septentrionale: elle s'étend en latitude depuis le 12me. degré N. jusqu'au 6me. S., et en longitude depuis le 58me. jusq'au 81me. du meridien de Greenwich.

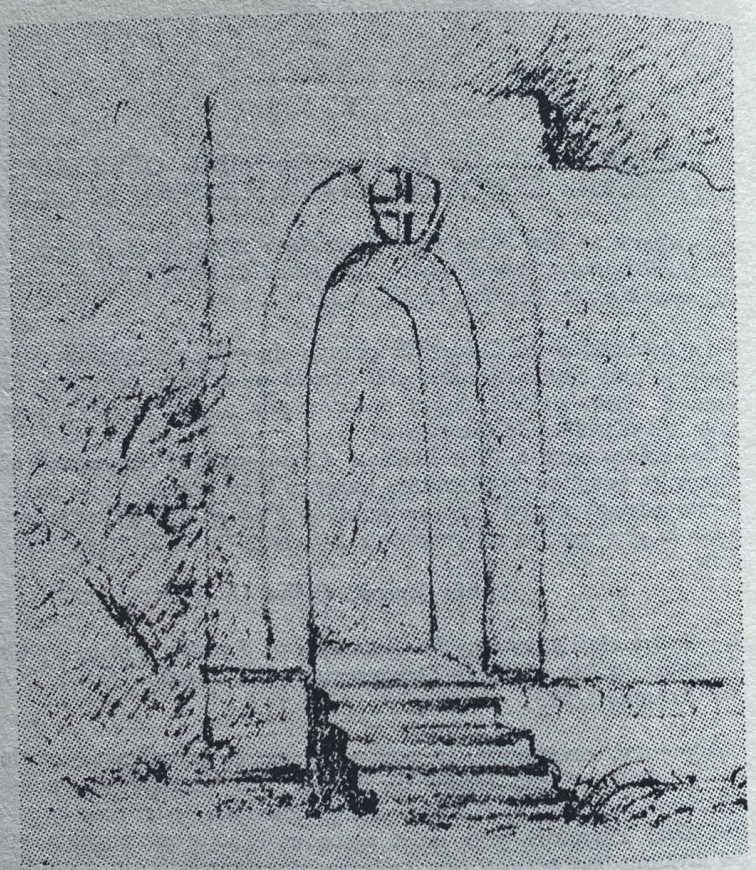
Ses limites sont à l'Est l'Océan Atlantique qui baigne ses côtes depuis les bouches de l'Orinoco jusqu'au Cap Nassau: une ligne N. S. qui partant de ce Cap *se termine a la rivière d'Essequibo, et toute la rive gauche de ce fleuve la separe de la Guianne Hollandaise.*

Public Record Office (London) F. O. 97/114.

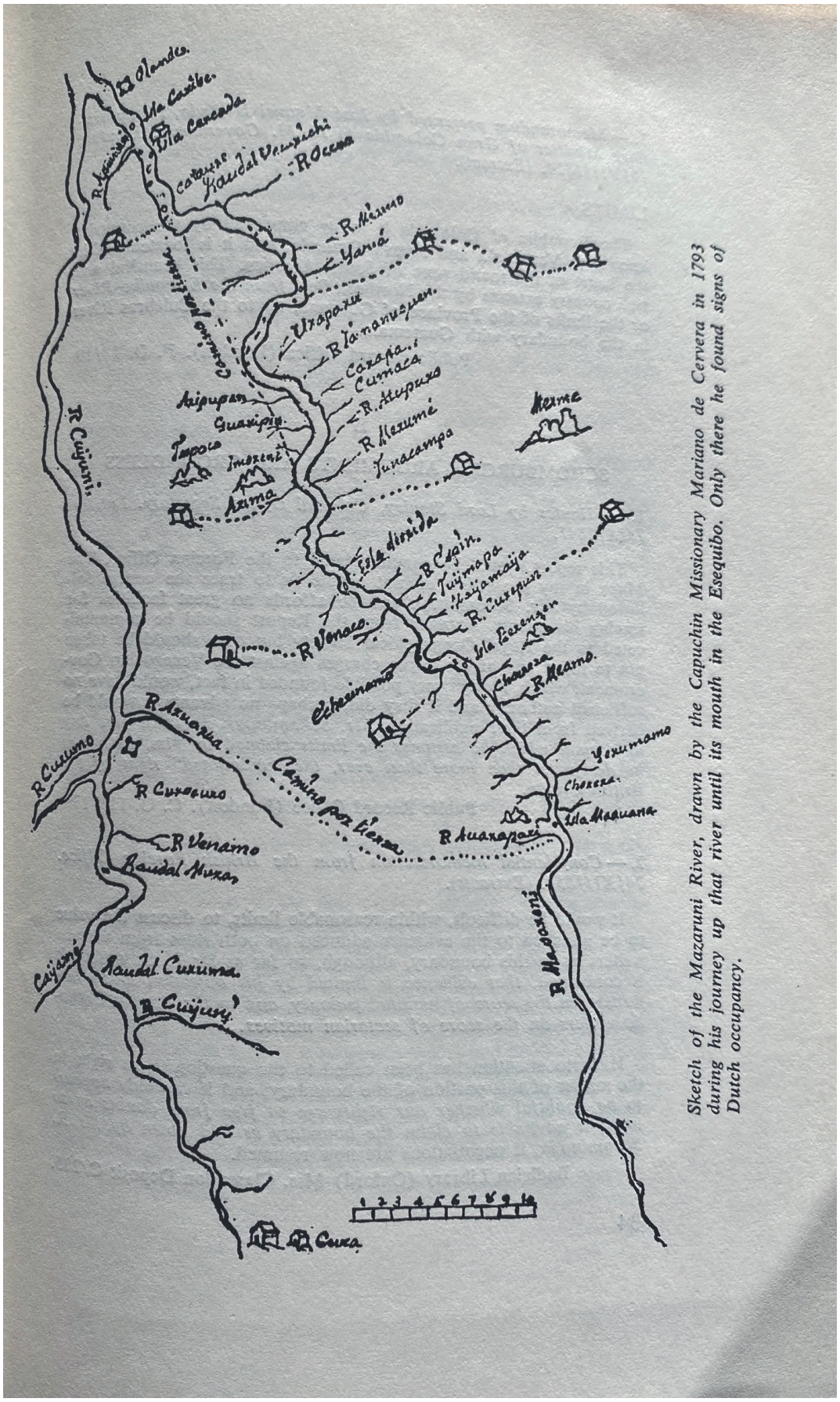
2. — *Instruction given by the Secretary of Foreign Affairs of Gran Colombia to her Minister Plenipotentiary in London, Señor J. Rafael Revenga (1822)*

Allow me, nevertheles, to call your special attention to article 2 of the draft of the treaty on limits. The English are now in possession of Dutch Guiana, being therefore our neighbors on that side. Therefore you must agree as exactly as possible upon the dividing line betwen one and the other territory, in accordance with the latest treaties between Spain and Holland. The colonists of Demerara and Berbice have usurped a large tract of land that, according to said treaties, *belongs to us on the side of the Essequibo river.* It is absolutely necessary that said colonists either place themselves under the protection of and submission to our laws, or else retire to their former possessions. To this end they should be granted the necessary time according to the provisions in the draft for the treaty.

Official History of the discussion between Venezuela and Great Britain on their Guiana boundaries, Atlanta, 1896. p. 1.



The cross on the key of the arch of the potern, though half efaced, engraved on the old fort of Esequibo, is a testimony of the early Spanish presence.



Sketch of the Mazaruni River, drawn by the Capuchin Missionary Mariano de Cervera in 1793 during his journey up that river until its mouth in the Esequibo. Only there he found signs of Dutch occupancy.

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.

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.

IV

VENEZUELA EXCLUDED FROM THE TRIBUNAL

1. — *Confidential letter from Lord Playfair to Joseph Chamberlain, Colonial Office Secretary.* 9/I/1896. (Extract.)

I naturally pointed out that Venezuela was not yet included. The reply was that it was as much included as the Ameer was in the Commission which settled the Pamirs: *it would be represented by the U.S.*

Birmingham University Library. Chamberlain Papers. J.C. 7/5.

2. — *Telegram from Lord Salisbury to Sir Julian Pauncefote, British Ambassador in Washington. 5/VI/1886.*

We should accept clause 4 of the proposed treaty in the form you suggest... We should also accept its application to Venezuela *if, for this purpose the United States will stand in the place of Venezuela.* An arrangement which will require a subsidiary convention. *The arbitrator must be selected by U.S.:* the revising tribunal on the Venezuelan side under the amended version of clause 4, *must be the Supreme Court at Washington, not the Supreme Court at Caracas:* and Venezuela must undertake to accept any decision to which the U.S. submits, of which the Supreme Court at Washington does not set aside.

Public Record Office (London) F.O. 5/2292.

3. — *Private letter from Sir Julian Pauncefote, British Ambassador in Washington, to Lord Salisbury. 8/XII/1886.*

There is no danger of Mr. Olney listening for a moment to the Venezuelan howl for a modification of our terms of Arbitration. But I am a little uneasy as to whether the U.S. judges may not be urged by him to appoint a Venezuelan as Arbitrator.

I enclose a copy of a private note I received from him, and of my reply. He has not revived the subject since the Press here seems to assume that there is an understanding between Mr. Olney and Sr. Andrade that a Venezuelan will be appointed. But it seems to me that *there has ben an implied understanding with us throughout the whole correspondence and negotiation that the Arbitrators on the side of Venezuela should be American* and I know of no precedent for any other course - a neutral sovereing designated by the contending parties to nominate an umpire or arbitrator appoints as a matter of course a person of his own Nacionality. *It may appear unfair that there should be two Englishmen on our side and no Venezuelan on the other,* but the Venezuelans agreed to be represented by the U.S., and I certainly understood that the question would be arbitrated precisely as if the controversy were between Gr. Britain and the U.S. for the reason among other that we know of no Venezuelan jurist worthy of the name, or whom we could consent to entrust with the function of Arbitrator in such a case.

Christ Church College (Oxford). Salisbury Papers. A/139 f. 141.

V

CRUCIAL CORRESPONDENCE LEADING TO THE TREATY OF ARBITRATION WITHHELD FROM VENEZUELA

1. — *Olney said to Venezuela that there was not further correspondence after July 1896.*

From Richard Olney to Benjamin Harrison, Chief Venezuelan Counsel, 8/VII/1898. (Extracts).

I have yours of the 25th of June and have delayed answering only to get assurance from Washington that *the last thing of record* relative to the British-Venezuela Boundary Dispute in the Department of State *is my letter of July 13, 1896.* Mr. Cridler —Third Assistant secretary— so writes me, and his statement accords with my own recollection. When Sir Julian and myself returned to Washington in the fall of that year, the negotiations proceeded with great activity at personal and informal interviews of which I at least kept no memoranda.

... But the intent of the negotiator on each side was, I am sure, *in complete accord with the extract from my letter of July 13 to which you refer me...*

Library of Congress (U.S.A.) Richard Olney Papers. Vol. II - p. 750 - 751.

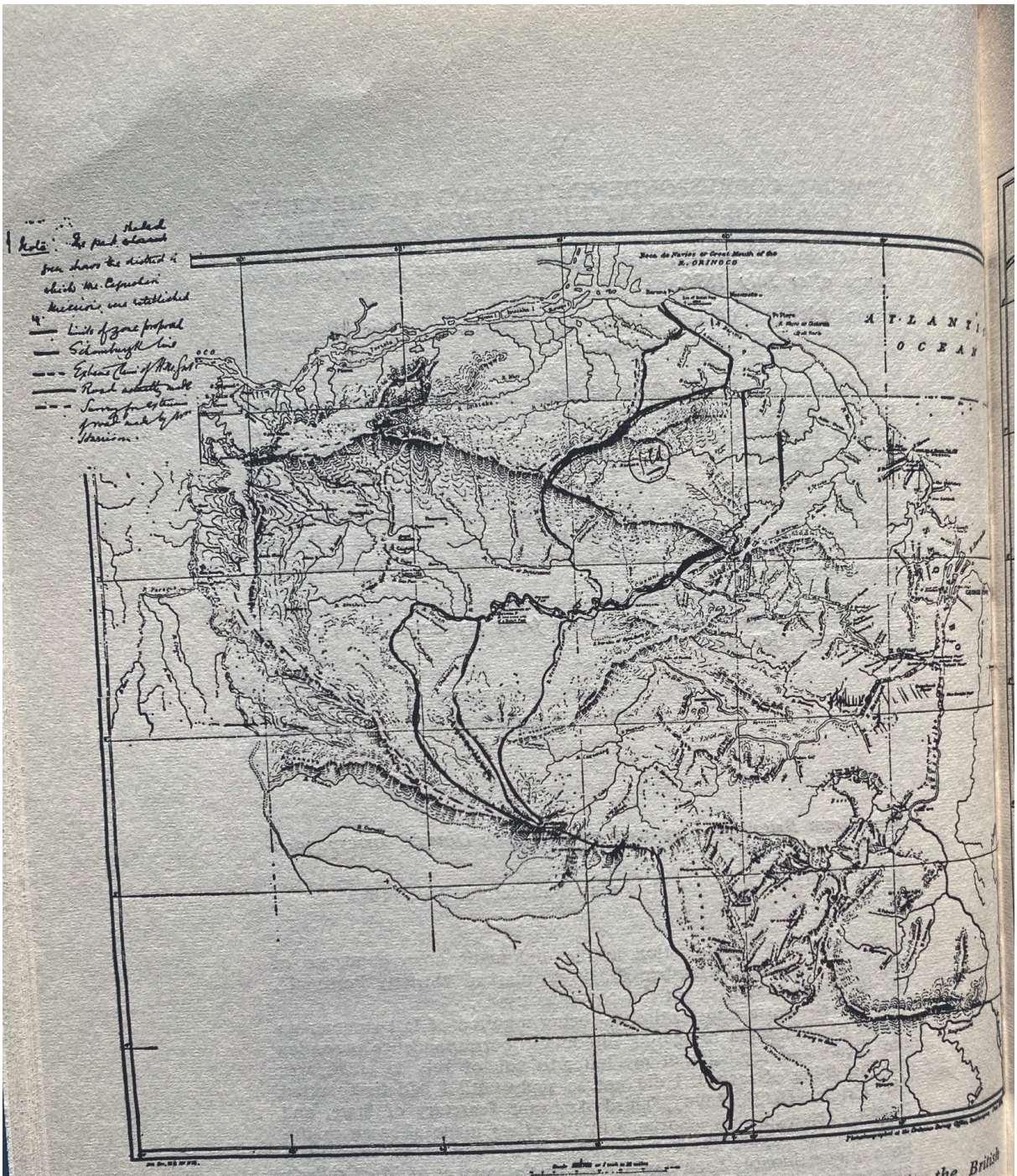
2. — *Great Britain was in need of producing Olney's correspondence after July 1896.*

From Richard Olney to Sir Julian Pauncefote. 24/V/1899. (Extracts).

As regards the publication in the diplomatic correspondence of my letter to you of October 29, 1896, marked "Strictly Personal", my feeling is that it ought not to be so used...

Further —entre nous entirely— being inquired of last summer on behalf of Venezuela respecting diplomatic correspondence preceding the Treaty —I replied that my letter to you of July 13, 1896, was the last thing of record. I did not so reply until I had first written Mr. Cridler (6/28, 1898), Third Assistant Secretary of State, and received from him an assurance to the effect made after an examination on the State Department files. *The Counsel for Venezuela* have unquestionably been banking on that statement of Mr. Cridler's and my own ever since and *would be both surprised and irritated, and perhaps justly so, if now confronted with a writing they had been led to believe did not exist.*

Library of Congress (U.S.A.) Richard Olney Papers. Vol. 85 - Nº 15058-15059.



This map was the one used by the British Colonial Office to give instructions to the British advocates and arbitrors.
In July 1899 the Colonial Office had already decided upon the starting point of the line at Punta Playa. It also appears clear at that date that the line was to include the Upper Barima, where gold deposits had been found between 1897 and 1898. It cab be observed how the gold deposits were the reason for the bending of the line of the award.

Another map of those used by the British authorities to give instructions to the British advocates and arbiters. Three month before the Award, the line was practically fixed by the British.

VI

OLNEY'S TWO FACES ABOUT THE BEARING OF 1850 AGREEMENT

1. — *Strictly personal letter from Richard Olney, Secretary of State, to Sir Julian Pauncefote, British Ambassador in Washington.* 29/X/1896. (Extract).

Is is most desirable, I think, not to give the Agreement of 1850 any status on the face of the the Convention even by reference —much less by an attempt to define its scope and meaning. An attempt to construe it will involve us in protracted debate and indefinitely postpone the attainment of the object we now have in view. The Agreement will come, and should come, before the arbitral Tribunal in the natural course of things and will be interpreted by that Tribunal by the aid of facts, documents and conside rations of which we cannot now know anything.

Public Record Office (London) F.O. 80/375.

2. — *Postcriptum from Richard Olney to Benjamin Harrison, Chief Venezuelan Counsel. 29/VII/1898.*

I may add that both Mr. Storrow and myself considered it legally impossible that there could be any adverse holding or prescription as against the agreement of 1850 —a position to which we deemed the British Government to have committed itself in the most public and emphatic manner.

Library of Congress (U.S.A.) Benjamin Harrison Mss., Volume 172, Nº 37502 - 03.

N. B. Please note the contradiction between the first document according to which Olney agreed with Great Britain in 1896, to give the Agreement of 1850 no more value than the one accorded it by the Arbitral Tribunal, while in 1898 he assured the Counsel for Venezuela that the Agreement of 1850 fully protected the Venezuelan rights in the territory which, according to said Agreement, could not be validly occupied from that date.

VII

BRITISH JUDGES ACTED UNDER THE INFLUENCE OF THE BRITISH GOVERNMENT

1. — *From Sir Richard Webster, Chief British Counsel, to Lord Salisbury. Paris 19/VII/1899.* (Extracts).

... I was however anxious to obtain the guidance and approval on 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 Arbitrator know our view of the position.*

Christ Church College (Oxford). Cecil Papers. Special Correspondence. Box: Webster.

2.—*From Sir Richard Webster to Mr. Joseph Chamberlain. Paris 19/VII/1899.* (Extract).

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 of the part of some member of the Tribunal it is desirable that *our arbitrators shoul appreciate our views.*

Birmingham University Library. Chamberlain Papers J. C. 7/5.

VIII

THE AWARD WAS A FARCE

1.—*Mrs. Harrison's diaries.* Paris 3/X/1899. (Extract).

This morning, the Tribunal was called to hear the decision. It was just what you might have expected; when England will give up anything she holds even questionably, the world will end. She has conceded something, that she took, but much was proven in argument that she did not lawfully possess. We are all rather furious. *Russia was the fifth in the Tribunal, and it is her diplomacy to be on England's side - balance of power,* etc...

Library of Congress (U.S.A.) Harrison Mss.. Series XIII, Box, 4.

2.—*From Lord Russell, Chief British Judge, to Lord Salisbury. 7/X/1899.* (Extract).

...He (de Martens) instead of applying that principle rigdly 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 most disquieting.*

Christ Church College (Oxford). Cecil Papers. Vol. A/94. Doc. Nº 2.

3.—*From Severo Mallet-Prevost, Venezuelan Counsel, to Professor George L. Burr. 26/X/1899.* (Extract).

The decision was forced upon our Arbitrators, and, in strict confidence, I have no hesitation in saying to you that the British Arbi-

CURTIS, MALLET-PREVOST & COLT,
COUNSELLORS AT LAW.

WILLIAM EDMOND CURTIS.
F. KINGSBURY CURTIS.
SEVERO MALLET-PREVOST.
HARRIS D. COLT.
A. HENRY MOSLE.
AUGUSTUS N. HAND.

JOHN G. CARLISLE,
JAMES S. STEARNS,
COUNSEL.

TELEPHONE 1484 BROAD.
CABLE ADDRESS "MIGNIARD, NEW YORK."

30 Broad Street,
New York, Oct. 26th, 1899.

PROFESSOR GEORGE L. BURR,
Cornell University,
Ithaca, N. Y.

My dear Professor Burr,-

On my return from Europe I find on my table your letter of October 3rd. It is a long story which I shall not now attempt to tell. I wish I had an hour to talk the whole matter over with you. I know this is impossible, but I promise to write you before long. I have, as you can imagine, my hands full at this moment.

The decision was forced upon our Arbitrators, and, in strict confidence, I have no hesitation in saying to you that the British Arbitrators were not swayed by any considerations of right or justice and that the Russian Arbitrator was probably induced to take the stand which he took by considerations entirely foreign to the question. I know this will but whet your appetite, but I can do nothing more just at present. The result is in my opinion a blow to Arbitration.

With kindest regards, believe me,

Sincerely yours,

S. Mallet-Prevost.

trators were not swayed by any considerations of right or justice and that *the Russian Arbitrator was probably induced to take the stand which he took by considerations entirely foreign to the question.* I know this will but whet your appetite, but I can do nothing more just at present. The result is in my opinion *a blow to Arbitration.*

Cornell University (Ithaca, U.S.A.).
George Lincoln Burr Papers. Box 5.

4.—*Minutes by Charles Alexander Harris. (Colonial Office Chief Clerk). 7/XI/1899.*

The award has certainly not "furthered the principles of International Arbitration's".

If one thing was forced upon all at Paris it was that you cannot at present by any means get an arbitral tribunal to act like a court of Law. *The thing is a farce*".

Public Record Office (London) C.O. 111/516.

5.—*From Richard Olney to President Grover Cleveland. 27/XII/1899.* (Extract).

... I have not seen you since the award in the Venezuelan Boundary Case. Upon his return to New York Mr. Mallet-Prevost, Venezuela's junior counsel, was anxious to tell me how the thing went and why it went as it did. On one of my New York visit I asked him to dine —with the result that he consumed less food than time and that the feast was not so much a flow of solid or liquid refreshment as of intense wrath and bitterness of soul at the course and decision of the Arbitral Tribunal. I refrain from going into particulars because no doubt you have already heard them from some other source. The worst result to be feared, apparently, is not the loss of territory to Venezuela but the *general discrediting of the cause of arbitration.* According to my informant, both the Chief Justice and Brewer are down on arbitration as a mode of setting international disputes unless some new safeguarding of the rights of parties can be provided. Ex-Secretary John W. Foster, with whom I dined here the other day, said *Fuller and Brewer had come home pretty sick of arbitration.*

Library of Congress (U.S.A.) Richard Olney Papers. Vol. 12; p. 455-457.

6.—*R. J. Block's diaries. 2/X/1899.* (On the eve of the "Award").

"Venezuela. Martens' deal [has] given us victory."

R. J. Block was Lord Russell's private secretary).
Private Archives. Photostat M.R.E. Caracas.

7.—*From President Benjamin Harrison to William E. Dodge. 12/XII/1899.* (Extract).

In the Venezuelan case I thought the Tribunal was constituted upon a judicial, and not a representative basis and I made the

strongest appeal I ever addressed to a court for the determination of the questions before the Tribunal in a purely judicial spirit. It was an utter failure.

The British Judges were almost as distinctly partisans as the Counsel. That there should be, upon such a Tribunal, representatives is an anomaly and an outrage.

Library of Congress (U.S.A.). Benjamin Harrison. Mss., vol. 175, fol. 38070.

8. — *From President Benjamin Harrison to William E. Dodge. 15/1/1900.* (Extract).

As to Lord Russell's advice that a judicial spirit be exercised in these matters I have only to say that neither he nor his British associates practiced that good doctrine. I could tell but will not write, some incidents that would surprise you...

In controversies between individuals the English courts are conspicuously fair and independent. *but when it comes to a question of extending the domain of Great Britain and especially when gold field are involved it is too much to hope.* The decision in the Venezuela case, as a compromise, gave to Venezuela the strategic points *but robbed her of a great deal of territory* which I do not *question would have been given to her by an impartial judicial Tribunal.*

Library of Congress (U.S.A.). Benjamin Harrison. Mss., vol. 176, Nº 38134-35.

9. — *Statement by Augustus L. Mason on a conversation he held with President Benjamin Harrison in New York. November 1899.* (Extract).

The trouble, said General Harrison, was in the composition of the Tribunal...

As it was, however, the case was practically decided by Professor Martens, the Russian member of the tribunal, without regard to the controlling principles of law, *and without regard to the facts.* As a Russian he belonged to and was controlled by another civilization. He was the representative of a political and military despotism, where legal rights as protected by Anglo-Saxon courts, in boundary disputes, must have been almost unknown. He *viewed the case as one to be settled as a political expedient and not as one to be decided by legal principles.* It can hardly be supposed that he was entirely free from a sense of Russian interest. A decision in favor of the British *could not be expected to fail of encouraging a feeling of friendship for Russia by the English, whose navy was the most powerfull in the world.* Venezuelan friendship was too trifling a matter to have any importance. It is true too that the United States of America belonged among the world's great powers, but they had no material interest at stake. The United States had no part of its territory or boundaries involved. The matter was exclusively of practical interest to Venezuela.

As for the *two American* judges, they cast their votes, when the decision was being reached, in favor of Venezuela. *As for the*

British judges. when they learned that the Russian considered the case to be one not of law but of political expediency and favored the British side as against that of Venezuela, they could hardly be expected to reject such a benefit in behalf of their own country. Ignoring the principles of law appicable to the case, they joined with the Russian and rendered a decision considered to be politically expedient, and not one corresponding to Anglo-Saxon law as applied to the facts of the case.

Volweiler Collection of Harrisoniana 1850-1938. Series 15.

10. — *Letter from Grover Cleveland to Richard Olney. Princeton 3/III/1901.* (Extract).

In reviewing the subject I am surprised to find how mean and hoggish Great Britain really acted; and I like old Mr. Salisbury much less than I did. I have had Mallet-Prevost here and am glad to find that Venezuela did pretty well in the arbitration after all(1); but *what a disgusting story he told about the way the award was reached.*

Library of Congress (U.S.A.) Grover Cleveland Papers. Vol. 357, fol. 38.199.

11. — *From José M. de Rojas, Venezuelan Agent, to Gen. J. Calcaño Mathieu, Minister for Foreign Affairs. 4/X/1899.* (Extract).

Things happened in this away. The English arbiters demanded the line of Schomburgk. Mr. de Martens, contrary to all hope, was ready to adhere to the extraordinary British aspiration. The American arbiters receiving the news of the President's resolution, were resolutely opposed to it and they decided to protest publicy against such a verdict. There was a great discussion among the judges; Mr. de Martens proposed as a transaction to the American judges, to consent to a modification on the coastal line so that the Delta del Orinoco should belong exclusively to Venezuela if they accepted the rest. To this they agreed as a duty of conscience; considering the gravity of the case, it would have been worse to allow under protest to strip the Orinoco from Venezuela.

This is the unanimity of which Mr. de Martens was so proud in his speech. The behavior of Mr. de Martens has been an inexplicable surprise for me, but as I am not used to judging other people's actions without having evidence to support my belief, I abstain from judging him. Let it be said that what happened between de Martens and the American arbiters did not happen in my presence, but was told to me by a reliable source. What we will never be able to know, is the reason that Mr. de Martens had to act in such a way. May be the revolutionary condition of our country has contributed in some away.

Ministerio de Relaciones Exteriores (Caracas). Gran Bretaña. Tomo XLI, f. 49-50.

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(1) This reference is about the fact that Venezuela obtained the control of the Orinoco river.

12. — *Mallet-Prevost's Memorandum. 8/II/1944.* (Extract).

When I was shown into the apartment where the two American arbitrators were waiting for me Justice Brewer arose and said quite excitedly: "Mallet-Prevost, it is useless any longer to keep up this farce pretending that we are judges and that you are counsel. The Chief and I have decided to disclose to you confidentially just what has passed. Martens has been to see us. He informs us that Russell and Collins are ready to decide in favor of the Schomburgk Line which starting from Point Barima on the coast would give Great Britain the control of the main mouth of the Orinoco; that if we insist on starting the line on the coast at the Moruca River he will side with the British and approve the Schomburgk Line as the true boundary." "However," he added that, "he, Martens, is anxious to have a unanimous decision; and if we will agree to accept the line which he proposes he will secure the acquiescence of Lord Russell and Lord Collins and so make the decision unanimous." What Martens then proposed was that the line on the coast should start at some distance southeast of Point Barima so as to give Venezuela control of the Orinoco mouth; and that the line should connect with the Schomburgk Line at some distance in the interior leaving to Venezuela the control of the Orinoco mouth and some 5,000 square miles of territory around that mouth.

"That is what Martens has proposed. The Chief and I are of the opinion that the boundary on the coast should start at the Moruca River. The question for us to decide is as to whether we shall agree to Martens' proposal or whether we shall file dissenting opinions. Under these circumstances the Chief and I have decided that we must consult you, and I now state to you that we are prepared to follow whichever of the two courses you wish us to do." From what Justice Brewer had just said. and from the change we had all noticed in Lord Collins, I became convinced and still believe that during Martens' visit to England a deal had been concluded between Russia and Great Britain to decide the case along the lines suggested by Martens and that pressure to that end had in some way been exerted on Collins to follow that course. I naturally felt that the responsability which I was asked to shoulder was greater than I could alone bear. I so stated to the two arbitrators and I asked for pemission to consult General Harrison. This they gave and I immediately went to General Harrison's apartment to confer on the subject with him.

After disclosing to General Harrison what had just passed he rose in indignation and pacing the floor described the action of Great Britain and Russia in terms which it is needless for me to repeat. His first reactions was to ask Fuller and Brewer to file dissenting opinions, but, after cooling down and considering the matter from a practical standpoint, he said; "Mallet-Prevost, if it should ever be known that we had it in our power to save for Venezuela the moulth of the Orinoco and failed to do so we should never be forgiven. What Martens proposes is iniquitous but I see nothing for Fuller and Brewer to do but to agree."

I concurred with General Harrison and so advised Chief Justice Fuller and Justice Brewer. The decision which was accordingly rendered was unanimous but while it gave to Venezuela the most important strategic point at issue it was unjust to Venezuela and deprived her of very extensive and important territory to which, in my opinion, Great Britain had not the shadow of a right.

The American Journal of International Law.
Vol. 43, Nº 3, July 1949.

13.—*From Perry Allen, Venezuelan Counsell secretary, to Dr. M. A. Pulido Méndez, Venezuelan Ambassador in Mexico. 19/III/1951.* (Extract).

I recall that ex-President Harrison, obviously mortified, said afterwards (and in doing so I thought I could see tears in his eyes), that he regretted more than he could express, that *he had devoted two of the best years of his life to a matter that had turned out to be a mere farce;* adding that the boundary line fixed by the Arbitral Tribunal was contrary to common sense; that it was absolutely not based on the evidence presented, nor according to law; that it did not establish a line based on natural boundaries, as customary among nations, such as rivers and mountain ranges, but that *the line had been drawn in such manner that all of the lands which it was supposed might contain gold deposits were awarded to England, and the marshes and other swampy and useless lands were assigned to Venezuela...*

It is evident that *this arbitration turned out to be* an illusion and *a fraud both for Venezuela and the United States,* and it occurs to me to observe that the *"deal"* referred to by Mr. Mallet-Prevost in his said memorandum was not the first one of which the Government of the United States had been the victim...

And it is a bitter reflection that although in that case a decision was rendered with all the characteristics of another "deal" (the term used by Mr. Mallet-Prevost in his said memorandum) it was repeated not long afterwards in the controversy between Venezuela and Great Britain with respect to the boundary line between British Guiana and the territory of that country, in which, as related by Mr. Mallet-Prevost, the Government of the United States again suffered a lamentable and humilliating defeat.

Ministerio de Relaciones Exteriores (Caracas).
Dirección de Política Internacional.

14.—*Judge William Cullen Dennis records the testimony of the British Agent in 1910.* (Extract).

It happens that I have another personal contact, with this interesting international incident. My conversation with Mr. Mallet-Prevost took place in the State Department Building, and doubtless before July 1, 1910, when I left the Department. At any rate. it took place before I went to The Hague in the late summer and fall of 1910 as Agent of the United States in the Orinoco Steamship Arbitration with Venezuela. Shortly after my

arrvial at The Hague, in accordance with custom and the instructions of the American Legation, I left cards on various members of the diplomatic corps, among them Sir George Buchanan, the then British Minister at The Hague, who had been the British Agent in the British-Venezuelan arbitration over the Guiana Boundary in 1899. Sir George returned the call and I subsequently met him and we fell into conversation which naturally, under the circunstances, turned to the British Guiana-Venezuela Boundary Line Arbitration. I regret that I cannot recall my conversation with Sir George as clearly and definitely as I do the conversation with Mr. Mallet-Prevost. Aside from our mutual assumption that the Guiana Boundary Line decision was a compromise, the thing which stands out in my memory most clearly is his criticism of the detail into which both Sir Richard Webster, the British Attorney General, and Mr. Mallet-Prevost went in their arguments before the Arbitral Tribunal. I do know, and I know that I thought at the time, that what Sir George said did not leave in my mind the slightest reason to doubt the inside story of the way in which the decision was reached as told me by Mr. Mallet-Prevost.

The American Journal of International Law (1950), vol. 44 - p. 725.

IX

PRESS COMMENTS ON THE "AWARD"

1. — *La Revue d'Europe.* (Paris, Mars, 1900). T. III. Nº 3. (Extract).

En effet, au cours du procès, les juges américains ont observé une réserve et une neutralité extrêmes; ils ont conservé avec un soin scrupuleux leur attitude de juges, et n'interrompaient la discussion que par des demandes d'éclaircissements destinées à éclairer leur conscience.

Les juges anglais, au contraire, ont agi, du commencement à la fin des débats, *non en juges, mais en fonctionnaires acquis d'avance aux prétentions britanniques:* ils n'usèrent ni de circonspection ni de neutralité, comme l'établissent nettement et leur système d'obstruction voulue, consistant à lasser les avocats du Vénézuela, au cours des plaidoiries, par des séries interminables de questions diffuses ou à double sens, et l'entente combinée avec les avocats de l'Angleterre au moyen des questions insidieuses, vraisemblablement convenues d'avance. D'ailleurs, il était aisé de s'apercevoir que leur siège était fait et que tout ce qui était en deça de la ligne de Schomburgk —expression même des revendications anglaises— ne trouverait pas grâce à leurs yeux...

On nous permettra maintenant de pénétrer dans la salle du Conseil et de dévoiler ce que s'y passa, lorsqu'il s'agit d'asseoir la décision arbitrale. Dès le début, les arbitres anglais se cantonnèrent dans le système de la ligne de Schomburgk; is n'acceptèrent aucune transaction, aucune proposition conciliante, faisant leur, et de saisissante façon, le langage de la lice du bon La Fontaine: "Nous sommes entrés chez vous, c'est à vous de sortir".

Les deux arbitres américains décidèrent tout net qu'ils s'opposeraient énergiquement à une décision conforme aux prétentions anglaises: its rappelèrent que, d'après le traité de Washington, le tribunal était tenu de formuler un arrêt juridique fondé sur les droits et faits établis aux débats et conformés aux règles énoncées par le dit traité. Iis ajoutèrent que si l'arbitre départageant acceptait le système des arbitres anglais, ils seraient dans l'obligation de protester publiquement contre la décision suprême du Tribunal, qu'ils consideréraient comme précisément contraire à la lettre et à l'esprit du traité de Washington.

Cette déclaration, faite avec quelque solemnité, engagea M. de Martens dans une voie plus amiable que celle visiblemente adoptée par lui jusqu'à ce moment. La situation se compliquait: les débats du tribunal pouvaient se trouver singulièrement prolongées; M. de Martens proposa alors aux arbitres américains d'accorder au Vénézuela, en compensation des territoires de la ligne de Schomburgk, la possession absolue de l'Orénoque, en reculant la frontière anglaise à une vingtaine de lieues du fleuve; il ajoute que si les arbitres du Vénézuela n'acceptaient pas cet arrangement, il voterait avec les arbitres anglais pour en finir, ce qui assurerait à l'Angleterre la possession de l'un des cotés du delta de l'Orénoque. La perplexité des arbitres américains fut grande el leur trouble profond; après quelques heures de réflexion, ils jugèrent qu'il fallait avant tout mettre le gran fleuve hors des griffes de l'Angleterre; ils préférèrent accepter un arrangement fâcheux que ne rien obtenir du tout, et finalement, contraints par une nécessité impérieuse, ils adhérèrent à la sentence arbritrale; d'où l'unanimité des juges tant pronée par la presse anglaise qui l'a traduite comme une preuve irréfutable des droits certains de la Grande-Bretagne. La publicité donnée ici aux débats secrets remet les choses au point.

Une simple question; si le conflit, au lieu d'exister entre un petit Etat et une grande puissance, eut mis en face de l'Angleterre, la Russie, la France ou l'Allemagne, eut-on terminé en trois jours et avec tant de désinvolture un conflit qui, au besoin, trouvait dans la force son légitime recours? Mais le Vénézuela n'a pas la puissance maritime et militaire qui permet de parler haut; il n'eut pu appuyer par les armes le rejet d'une décision moins arbitrale qu'arbitraire et dont l'injustice était notoire. Le droit international lui ouvrait un appel platonique frappé par avance de stérilité... Il s'est tû.

L. de la Chanonie

2. — *Idaho Daily Statesman.* 18/X/1899. (Boisie, Idaho, U.S.A.).

A Paris correspondent tells a remarkable story concerning the Venezuelan award. He states it has developed that Great Britain entered into a plot against Venezuela. The plan was to secure the support of M. de Martens, the president of the tribunal. This was accomplished through the intervention of Russian who desired him to favor Great Britain in order to win British favor for Russian plans in China. All this was done with the greatest secrecy and it was not until the arbitrators met to make the award that the situation dawned upon the American members. They found that the

majority had agreed upon what was to be done, giving Great Britain everything claimed.

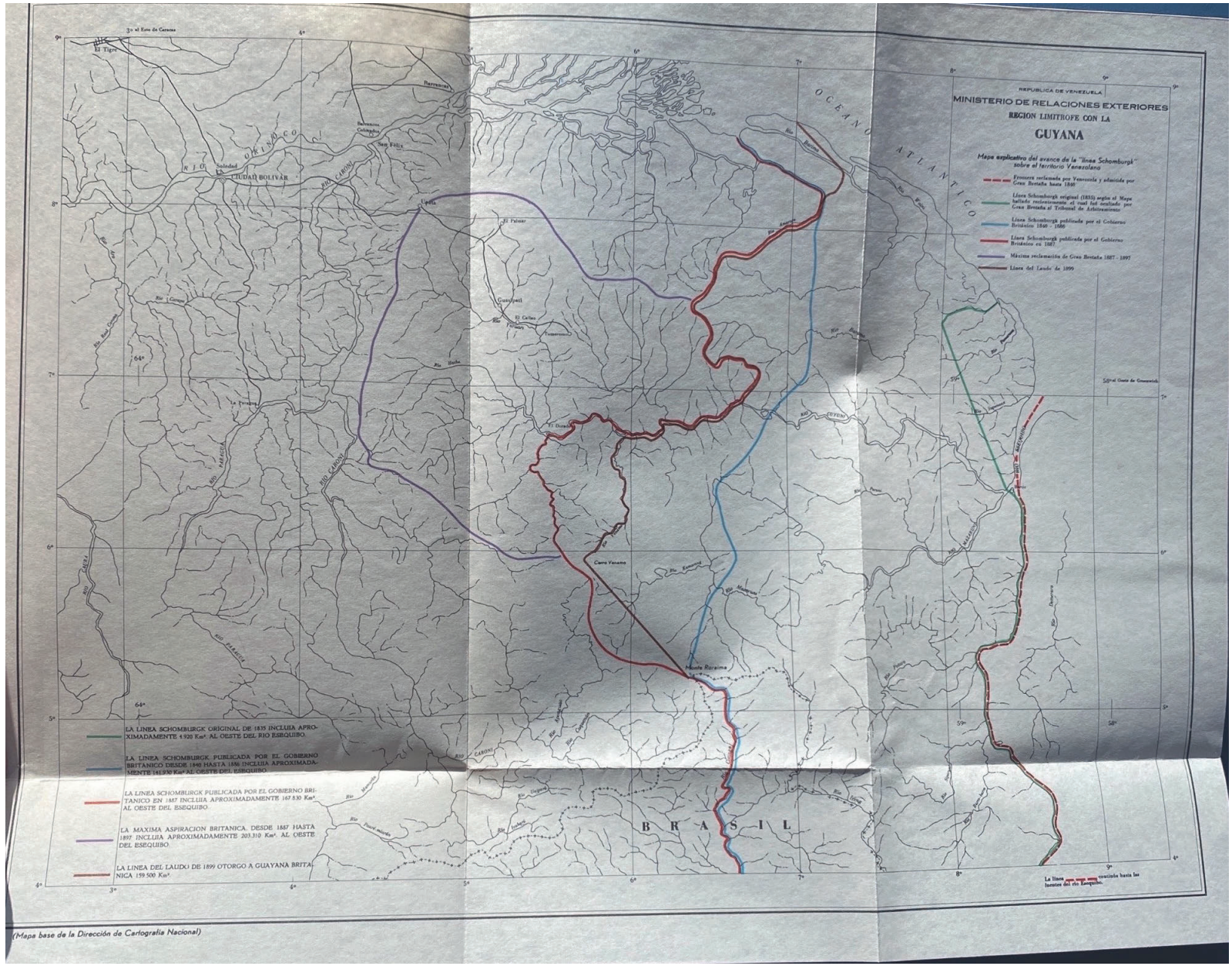
Chief Justice Fuller entered a vigorous protest. It was so plain that some underhanded methods had been resorted to that he did not hesitate to talk plainly to Martens, telling him that the American senate would certainly vote down the arbitration treaty negotiated at The Hague. Martens is very much interested in that treaty, being regarded as the soul of the scheme. Moreover, Martens was told that the American arbitrators would make a public protest and appeal to the world against such a manifest injustice. This talk had the effect of influencing Martens to the extent that he consented to a compromise.

3. — *La Voce della Veritá.* Rome 29/X/1899. (Extract).

The (Venezuela) Commission, in fact, paid no heed to the arguments of the two parties. It did not judge upon the rights of the case (in linea di diritto), but arbitrarily drew up, according to its own good pleasure, a would-be conciliatory compromise, which, nevertheless, concedes the lion's share to the strongest. Indeed, a good five-sixths of the disputed territory were assigned to England, and only one-sixth to Venezuela, but the tribunal did not trouble to say upon what juridical foundation such a partition is based.

4. — *A letter from César Zumeta.* Published in "El Tiempo". Caracas 17/10/1899. (Extract).

"La commedia è finita". La decisión del Tribunal de París, de la cual ya habrá tenido usted la pena de informar a sus lectores, parece haber asombrado a los amigos de Venezuela en el exterior como si fuese novedad inesperada. El ex-Presidente de los Estados Unidos, señor Harrison, el Justicia Brewer, uno de los árbitros designados por Venezuela, el abogado señor Mallet-Prevost, el mundo diplomático y hasta la prensa inglesa, declaran que las naciones se cuidarán mucho en lo adelante de fiar la defensa de sus derechos a tribunales del carácter de éste que acaba de condenarnos.


REPUBLICA DE VENEZUELA
MINISTERIO DE RELACIONES EXTERIORES
REGION LIMITROFE CON LA
GUYANA
Mapa explicativo del avance de la "linea Schomburgk" sobre el territorio Venezolano
Frontera reclamada por Venezuela y admitida por Gran Bretaña hasta 1840
Linea Schomburgk original (1835) según el Mapa hallado recientemente el cual fué anulado por Gran Bretaña al Tribunal de Arbitramento
Linea Schomburgk publicada por el Gobierno Británico 1840 - 1886
Linea Schomburgk publicada por el Gobierno Británico en 1887
Máxima reclamación de Gran Bretaña 1887 - 1897
Linea del Laudo de 1899
LA LINEA SCHOMBURGK ORIGINAL DE 1835 INCLUIA APROXIMADAMENTE 4.920 Km². AL OESTE DEL RIO ESEQUIBO.
LA LINEA SCHOMBURGK PUBLICADA POR EL GOBIERNO BRITANICO DESDE 1840 HASTA 1886 INCLUIA APROXIMADAMENTE 141.930 Km². AL OESTE DEL ESEQUIBO.
LA LINEA SCHOMBURGK PUBLICADA POR EL GOBIERNO BRITANICO EN 1887 INCLUIA APROXIMADAMENTE 167.830 Km². AL OESTE DEL ESEQUIBO.
LA MAXIMA ASPIRACION BRITANICA, DESDE 1887 HASTA 1897 INCLUIA APROXIMADAMENTE 203.310 Km². AL OESTE DEL ESEQUIBO.
LA LINEA DEL LAUDO DE 1899 OTORGO A GUAYANA BRITANICA 159.500 Km².
OCEANO ATLANTICO
RIO ORINOCO
CIUDAD BOLIVAR
RIO CARONI
Cerro Venamo
Monte Roraima
BRASIL
(Mapa base de la Dirección de Cartografía Nacional)

Annex 151

Report of the Ministry of Foreign Affairs of Venezuela, 1969, Caracas 1970 (Translation- Excerpt)

Ministerio de Relaciones Exteriores, Memoria del Ministerio de Relaciones Exteriores de Venezuela: año 1999, 2000.

…

These refugees have been granted Identity Cards as Venezuelan citizens by birth, by virtue of being from a territory that by law belongs to Venezuela.

...

Annex 152

Letter from Richard Olney to Thomas Bayard, 20 July 1895

Manuscript Division, Library of Congress Washington, D.C. Richard Olney Papers
MSS35139, Box 158/Reel 62
DNI 224, p.p 357-367

to that end should of course be conducted carefully and judicially and due weight should be given to all available evidence records and facts in support of the claims of both parties.

In order that such an examination should be prosecuted in a thorough and satisfactory manner I suggest that the Congress make an adequate appropriation for the expenses of a Commission, to be appointed by the Executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such report is made and accepted it will in my opinion be the duty of the United States to resist by every means in its power as a willful aggression upon its rights and interests the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.

I am nevertheless firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self respect and honor beneath which are shielded and defended a people's safety and greatness.

GROVER CLEVELAND.

EXECUTIVE MANSION,
December 17, 1895.

Mr. Olney to Mr. Bayard.

No. 804.] DEPARTMENT OF STATE,
Washington, July 20, 1895.

His Excellency THOMAS F. BAYARD,
Etc., etc., etc., London.

SIR: I am directed by the President to communicate to you his views upon a subject to which he has given much anxious thought and respecting which he has not reached a conclusion without a lively sense of its great importance as well as of the serious responsibility involved in any action now to be taken.

It is not proposed, and for present purposes is not necessary, to enter into any detailed account of the controversy between Great Britain and Venezuela respecting the western frontier of the colony of British Guiana. The dispute is of ancient date and began at least as early as the time when Great Britain acquired by the treaty with the Netherlands of 1814 "the establishments of Demerara, Essequibo, and Berbice." From that time to the present the dividing line between these "establishments" (now called British Guiana) and Venezuela has never ceased to be a subject of contention. The claims of both parties, it

must be conceded, are of a somewhat indefinite nature. On the one hand Venezuela, in every constitution of government since she became an independent State, has declared her territorial limits to be those of the Captaincy General of Venezuela in 1810. Yet, out of "moderation and prudence," it is said, she has contented herself with claiming the Essequibo line—the line of the Essequibo River, that is—to be the true boundary between Venezuela and British Guiana. On the other hand, at least an equal degree of indefiniteness distinguishes the claim of Great Britain.

It does not seem to be asserted, for instance, that in 1814 the "establishments" then acquired by Great Britain had any clearly defined western limits which can now be identified and which are either the limits insisted upon to-day, or, being the original limits, have been the basis of legitimate territorial extensions. On the contrary, having the actual possession of a district called the Pomaron district, she apparently remained indifferent as to the exact area of the colony until 1840, when she commissioned an engineer, Sir Robert Schomburgk, to examine and lay down its boundaries. The result was the Schomburgk line which was fixed by metes and bounds, was delineated on maps, and was at first indicated on the face of the country itself by posts, monograms, and other like symbols. If it was expected that Venezuela would acquiesce in this line, the expectation was doomed to speedy disappointment. Venezuela at once protested and with such vigor and to such purpose that the line was explained to be only tentative—part of a general boundary scheme concerning Brazil and the Netherlands as well as Venezuela—and the monuments of the line set up by Schomburgk were removed by the express order of Lord Aberdeen. Under these circumstances, it seems impossible to treat the Schomburgk line as being the boundary claimed by Great Britain as matter of right, or as anything but a line originating in considerations of convenience and expediency. Since 1840 various other boundary lines have from time to time been indicated by Great Britain, but all as conventional lines—lines to which Venezuela's assent has been desired but which in no instance, it is believed, have been demanded as matter of right. Thus neither of the parties is to-day standing for the boundary line predicated upon strict legal right—Great Britain having formulated no such claim at all, while Venezuela insists upon the Essequibo line only as a liberal concession to her antagonist.

Several other features of the situation remain to be briefly noticed—the continuous growth of the undefined British claim, the fate of the various attempts at arbitration of the controversy, and the part in the matter heretofore taken by the United States. As already seen, the exploitation of the Schomburgk line in 1840 was at once followed by the protest of Venezuela and by proceedings on the part of Great Britain which could fairly be interpreted only as a disavowal of that line. Indeed—in addition to the facts already noticed—Lord Aberdeen himself in 1844 proposed a line beginning at the River Moroco, a distinct abandonment of the Schomburgk line. Notwithstanding this, however, every change in the British claim since that time has moved the frontier of British Guiana farther and farther to the westward of the line thus proposed. The Granville line of 1881 placed the starting point at a distance of twenty-nine miles from the Moroco in the direction of Punta Barima. The Rosebery line of 1886 placed it west of the Guaima River, and about that time, if the British authority known as the Statesman's Year Book is to be relied upon, the area of British Guiana was suddenly enlarged by some 33,000 square miles—being

stated as 76,000 square miles in 1885 and 109,000 square miles in 1887. The Salisbury line of 1890 fixed the starting point of the line in the mouth of the Amacuro west of the Punta Barima on the Orinoco. And finally, in 1893, a second Rosebery line 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. Nor have the various claims thus enumerated been claims on paper merely. An exercise of jurisdiction corresponding more or less to such claims has accompanied or followed closely upon each and has been the more irritating and unjustifiable if, as is alleged, an agreement made in the year 1850 bound both parties to refrain from such occupation pending the settlement of the dispute.

While the British claim has been developing in the manner above described, Venezuela has made earnest and repeated efforts to have the question of boundary settled. Indeed, allowance being made for the distractions of a war of independence and for frequent internal revolutions, it may be fairly said that Venezuela has never ceased to strive for its adjustment. It could, of course, do so only through peaceful methods, any resort to force as against its powerful adversary being out of the question. Accordingly, shortly after the drawing of the Schomburgk line, an effort was made to settle the boundary by treaty and was apparently progressing towards a successful issue when the negotiations were brought to an end in 1844 by the death of the Venezuelan plenipotentiary.

In 1848 Venezuela entered upon a period of civil commotions which lasted for more than a quarter of a century, and the negotiations thus interrupted in 1844 were not resumed until 1876. In that year Venezuela offered to close the dispute by accepting the Moroco line proposed by Lord Aberdeen. But, without giving reasons for his refusal, Lord Granville rejected the proposal and suggested a new line comprehending a large tract of territory all pretension to which seemed to have been abandoned by the previous action of Lord Aberdeen. Venezuela refused to assent to it, and negotiations dragged along without result until 1882, when Venezuela concluded that the only course open to her was arbitration of the controversy. Before she had made any definite proposition, however, Great Britain took the initiative by suggesting the making of a treaty which should determine various other questions as well as that of the disputed boundary. The result was that a treaty was practically agreed upon with the Gladstone government in 1886 containing a general arbitration clause under which the parties might have submitted the boundary dispute to the decision of a third power or of several powers in amity with both.

Before the actual signing of the treaty, however, the administration of Mr. Gladstone was superseded by that of Lord Salisbury, which declined to accede to the arbitration clause of the treaty notwithstanding the reasonable expectations of Venezuela to the contrary based upon the Premier's emphatic declaration in the House of Lords that no serious government would think of not respecting the engagements of its predecessor. Since then Venezuela on the one side has been offering and calling for arbitration, while Great Britain on the other has responded by insisting upon the condition that any arbitration should relate only to such of the disputed territory as lies west of a line designated by herself. As this condition seemed inadmissible to Venezuela and as, while the negotiations were pending, new appropriations of what is claimed to be Venezuelan territory continued to be made, Venezuela in 1887 suspended diplomatic relations with Great

Britain, protesting "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."

Diplomatic relations have not since been restored, though what is claimed to be new and flagrant British aggressions forced Venezuela to resume negotiations on the boundary question—in 1890, through its Minister in Paris and a special envoy on that subject—and in 1893, through a confidential agent, Señor Michelena. These negotiations, however, met with the fate of other like previous negotiations—Great Britain refusing to arbitrate except as to territory west of an arbitrary line drawn by herself. All attempts in that direction definitely terminated in October. 1893, when Señor Michelena filed with the Foreign Office the following declaration:

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 considers that part of the territory as pertaining to British Guiana and admits 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 29 of last September and those which have been exhibited by the Government of Venezuela on the various occasions they have raised the same protest.

I lay on Her Britannic Majesty's Government the entire responsibility of the incidents that may arise in the future from the necessity to which Venezuela has been driven to oppose by all possible means the dispossession 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 defense.

To the territorial controversy between Great Britain and the Republic of Venezuela, thus briefly outlined, the United States has not been and, indeed, in view of its traditional policy, could not be indifferent. The note to the British Foreign Office by which Venezuela opened negotiations in 1876 was at once communicated to this Government. In January, 1881, a letter of the Venezuelan Minister at Washington, respecting certain alleged demonstrations at the mouth of the Orinoco, was thus answered by Mr. Evarts, then Secretary of State:

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 statements promised by the Government of Venezuela, which it hopes will not be long delayed.

In the February following, Mr. Evarts wrote again on the same subject as follows:

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.

In November, 1882, the then state of negotiations with Great Britain together with a copy of an intended note suggesting recourse to arbitration was communicated to the Secretary of State by the President of Venezuela with the expression of the hope that the United States would give him its opinion and advice and such support as it deemed possible to offer Venezuela in order that justice should be done her. Mr. Frelinghuysen replied in a dispatch to the United States Minister at Caraças as follows:

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 considerations 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 an European power.

In 1884 General Guzman Blanco, the Venezuelan Minister to England appointed with special reference to pending negotiations for a general treaty with Great Britain, visited Washington on his way to London and, after several conferences with the Secretary of State respecting the objects of his mission, was thus commended to the good offices of Mr. Lowell, our Minister at St. James':

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 Guzman 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.

The progress of Gen. Guzman's negotiations did not fail to be observed by this Government and in December, 1886, with a view to preventing the rupture of diplomatic relations—which actually took place in February following—the then Secretary of State, Mr. Bayard, instructed our Minister to Great Britain to tender the arbitration of the United States, in the following terms:

It does not appear 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 further 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 moral 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.

This offer of mediation was declined by Great Britain, with the statement that a similar offer had already been received from another quarter, and that the Queen's Government were still not without hope of a settlement by direct diplomatic negotiations. In February, 1888, having been informed that the Governor of British Guiana had by formal decree laid claim to the territory traversed by the route of a proposed railway from Ciudad Bolivar to Guacipati, Mr. Bayard addressed a note to our Minister to England, from which the following extracts are taken:

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 of 1887, ten years later, it makes a wide detour to the westward, following the Yurnari. 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 to that end.

In the course of your conversation you may refer to the publication in the London Financier of January 24 (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 Venezuela's 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.

In 1889, information having been received that Barima, at the mouth of the Orinoco, had been declared a British port, Mr. Blaine, then Secretary of State, authorized Mr. White to confer with Lord Salisbury

for the re-establishment of diplomatic relations between Great Britain and Venezuela on the basis of a temporary restoration of the *status quo*, and May 1 and May 6, 1890, sent the following telegrams to our Minister to England, Mr. Lincoln: (May 1, 1890)

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 towards the settlement of the boundary dispute by arbitration. The joint proposals of Great Britain and the United States towards 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 an 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.

(May 6, 1890)—

It is, nevertheless desired that you shall do all you can consistently with our attitude of impartial friendship 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 confident 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 formation of any opinion.

In the course of the same year, 1890, Venezuela sent to London a special envoy to bring about the resumption of diplomatic relations with Great Britain through the good offices of the United States Minister. But the mission failed because a condition of such resumption, steadily adhered to by Venezuela, was the reference of the boundary dispute to arbitration. Since the close of the negotiations initiated by Señor Michelena in 1893, Venezuela has repeatedly brought the controversy to the notice of the United States, has insisted upon its importance to the United States as well as to Venezuela, has represented it to have reached an acute stage—making definite action by the United States imperative—and has not ceased to solicit the services and support of the United States in aid of its final adjustment. These appeals have not been received with indifference and our Ambassador to Great Britain has been uniformly instructed to exert all his influence in the direction of the re-establishment of diplomatic relations between Great Britain and Venezuela and in favor of arbitration of the boundary controversy. The Secretary of State in a communication to Mr. Bayard, bearing date July 13, 1894, used the following language:

The President is inspired by a desire for a peaceable and honorable settlement of the existing difficulties between an American state and a powerful transatlantic 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 of 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, makes 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.

Subsequent communications to Mr. Bayard direct him to ascertain whether a Minister from Venezuela would be received by Great Britain. In the annual Message to Congress of December 3d last, the President used the following language:

The boundary of British Guiana still remains in dispute between Great Britain and Venezuela. Believing that its early settlement, on some just basis alike honor-

able to both parties, is in the line of our established policy to remove from this hemisphere all causes of difference with powers beyond the sea, I shall renew the efforts heretofore made to bring about a restoration of diplomatic relations between the disputants and to induce a reference to arbitration, a resort which Great Britain so conspicuously favors in principle and respects in practice and which is earnestly sought by her weaker adversary.

And February 22, 1895, a joint resolution of Congress declared

That the President's suggestion * * * that Great Britain and Venezuela refer their dispute as to boundaries to friendly arbitration be earnestly recommended to the favorable consideration of both parties in interest.

The important features of the existing situation, as shown by the foregoing recital, may be briefly stated.

1. The title to territory of indefinite but confessedly very large extent is in dispute between Great Britain on the one hand and the South American Republic of Venezuela on the other.

2. The disparity in the strength of the claimants is such that Venezuela can hope to establish her claim only through peaceful methods—through an agreement with her adversary either upon the subject itself or upon an arbitration.

3. The controversy, with varying claims on the part of Great Britain, has existed for more than half a century, during which period many earnest and persistent efforts of Venezuela to establish a boundary by agreement have proved unsuccessful.

4. The futility of the endeavor to obtain a conventional line being recognized, Venezuela for a quarter of a century has asked and striven for arbitration.

5. Great Britain, however, has always and continuously refused to arbitrate, except upon the condition of a renunciation of a large part of the Venezuelan claim and of a concession to herself of a large share of the territory in controversy.

6. By the frequent interposition of its good offices at the instance of Venezuela, by constantly urging and promoting the restoration of diplomatic relations between the two countries, by pressing for arbitration of the disputed boundary, by offering to act as arbitrator, by expressing its grave concern whenever new alleged instances of British aggression upon Venezuelan territory have been brought to its notice, the Government of the United States has made it clear to Great Britain and to the world that the controversy is one in which both its honor and its interests are involved and the continuance of which it can not regard with indifference.

The accuracy of the foregoing analysis of the existing status cannot, it is believed, be challenged. It shows that status to be such that those charged with the interests of the United States are now forced to determine exactly what those interests are and what course of action they require. It compels them to decide to what extent, if any, the United States may and should intervene in a controversy between and primarily concerning only Great Britain and Venezuela and to decide how far it is bound to see that the integrity of Venezuelan territory is not impaired by the pretensions of its powerful antagonist. Are any such right and duty devolved upon the United States? If not, the United States has already done all, if not more than all, that a purely sentimental interest in the affairs of the two countries justifies, and to push its interposition further would be unbecoming and undignified and might well subject it to the charge of impertinent intermeddling with affairs with which it has no rightful concern. On the other hand, if any such right and duty exist, their due exercise and discharge will

not permit of any action that shall not be efficient and that, if the power of the United States is adequate, shall not result in the accomplishment of the end in view. The question thus presented, as matter of principle and regard being had to the settled national policy, does not seem difficult of solution. Yet the momentous practical consequences dependent upon its determination require that it should be carefully considered and that the grounds of the conclusion arrived at should be fully and frankly stated.

That there are circumstances under which a nation may justly interpose in a controversy to which two or more other nations are the direct and immediate parties is an admitted canon of international law. The doctrine is ordinarily expressed in terms of the most general character and is perhaps incapable of more specific statement. It is declared in substance that a nation may avail itself of this right whenever what is done or proposed by any of the parties primarily concerned is a serious and direct menace to its own integrity, tranquillity, or welfare. The propriety of the rule when applied in good faith will not be questioned in any quarter. On the other hand, it is an inevitable though unfortunate consequence of the wide scope of the rule that it has only too often been made a cloak for schemes of wanton spoliation and aggrandizement. We are concerned at this time, however, not so much with the general rule as with a form of it which is peculiarly and distinctively American. Washington, in the solemn admonitions of the Farewell Address, explicitly warned his countrymen against entanglements with the politics or the controversies of European powers.

> Europe, [he said,] has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course.

During the administration of President Monroe this doctrine of the Farewell Address was first considered in all its aspects and with a view to all its practical consequences. The Farewell Address, while it took America out of the field of European politics, was silent as to the part Europe might be permitted to play in America. Doubtless it was thought the latest addition to the family of nations should not make haste to prescribe rules for the guidance of its older members, and the expediency and propriety of serving the powers of Europe with notice of a complete and distinctive American policy excluding them from interference with American political affairs might well seem dubious to a generation to whom the French alliance, with its manifold advantages to the cause of American independence, was fresh in mind.

Twenty years later, however, the situation had changed. The lately born nation had greatly increased in power and resources, had demonstrated its strength on land and sea and as well in the conflicts of arms as in the pursuits of peace, and had begun to realize the commanding position on this continent which the character of its people, their free institutions, and their remoteness from the chief scene of European contentions combined to give to it. The Monroe administration therefore did not hesitate to accept and apply the logic of the Farewell Address by declaring in effect that American non intervention in European affairs necessarily implied and meant European non-intervention in American affairs. Conceiving unquestionably that complete European non-interference in American concerns would be cheaply purchased by complete American non-interference in European concerns, President

Monroe, in the celebrated Message of December 2, 1823, used the following language:

In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defense. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. * * * Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.

The Monroe administration, however, did not content itself with formulating a correct rule for the regulation of the relations between Europe and America. It aimed at also securing the practical benefits to result from the application of the rule. Hence the message just quoted declared that the American continents were fully occupied and were not the subjects for future colonization by European powers. To this spirit and this purpose, also, are to be attributed the passages of the same message which treat any infringement of the rule against interference in American affairs on the part of the powers of Europe as an act of unfriendliness to the United States. It was realized that it was futile to lay down such a rule unless its observance could be enforced. It was manifest that the United States was the only power in this hemisphere capable of enforcing it. It was therefore courageously declared not merely that Europe ought not to interfere in American affairs, but that any European power doing so would be regarded as antagonizing the interests and inviting the opposition of the United States.

That America is in no part open to colonization, though the proposition was not universally admitted at the time of its first enunciation, has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe doctrine the disregard of which by an European power is to be deemed an act of unfriendliness towards the United States. The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general protectorate by the United States over other American states. It does not relieve any American state from its obligations as fixed by international law nor prevent any European power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them. It does not contemplate

any interference in the internal affairs of any American state or in the relations between it and other American states. It does not justify any attempt on our part to change the established form of government of any American state or to prevent the people of such state from altering that form according to their own will and pleasure. The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies.

That the rule thus defined has been the accepted public law of this country ever since its promulgation cannot fairly be denied. Its pronouncement by the Monroe administration at that particular time was unquestionably due to the inspiration of Great Britain, who at once gave to it an open and unqualified adhesion which has never been withdrawn. But the rule was decided upon and formulated by the Monroe administration as a distinctively American doctrine of great import to the safety and welfare of the United States after the most careful consideration by a Cabinet which numbered among its members John Quincy Adams, Calhoun, Crawford, and Wirt, and which before acting took both Jefferson and Madison into its counsels. Its promulgation was received with acclaim by the entire people of the country irrespective of party. Three years after, Webster declared that the doctrine involved the honor of the country. "I look upon it," he said, "as part of its treasures of reputation, and for one I intend to guard it," and he added,

> I look on the message of December, 1823, as forming a bright page in our history. I will help neither to erase it nor to tear it out; nor shall it be by any act of mine blurred or blotted. It did honor to the sagacity of the Government, and I will not diminish that honor.

Though the rule thus highly eulogized by Webster has never been formally affirmed by Congress, the House in 1864 declared against the Mexican monarchy sought to be set up by the French as not in accord with the policy of the United States, and in 1889 the Senate expressed its disapproval of the connection of any European power with a canal across the Isthmus of Darien or Central America. It is manifest that, if a rule has been openly and uniformly declared and acted upon by the executive branch of the Government for more than seventy years without express repudiation by Congress, it must be conclusively presumed to have its sanction. Yet it is certainly no more than the exact truth to say that every administration since President Monroe's has had occasion, and sometimes more occasions than one, to examine and consider the Monroe doctrine and has in each instance given it emphatic endorsement. Presidents have dwelt upon it in messages to Congress and Secretaries of State have time after time made it the theme of diplomatic representation. Nor, if the practical results of the rule be sought for, is the record either meager or obscure. Its first and immediate effect was indeed most momentous and far reaching. It was the controlling factor in the emancipation of South America and to it the independent states which now divide that region between them are largely indebted for their very existence. Since then the most striking single achievement to be credited to the rule is the evacuation of Mexico by the French upon the termination of the civil war. But we are also indebted to it for the provisions of the Clayton-Bulwer treaty, which both neutralized any interoceanic canal across Central America and expressly excluded Great Britain from occupying or exercising any dominion over any part of Central America.

It has been used in the case of Cuba as if justifying the position that, while the sovereignty of Spain will be respected, the island will not be permitted to become the possession of any other European power. It has been influential in bringing about the definite relinquishment of any supposed protectorate by Great Britain over the Mosquito Coast.

President Polk, in the case of Yucatan and the proposed voluntary transfer of that country to Great Britain or Spain, relied upon the Monroe doctrine, though perhaps erroneously, when he declared in a special message to Congress on the subject that the United States could not consent to any such transfer. Yet, in somewhat the same spirit, Secretary Fish affirmed in 1870 that President Grant had but followed "the teachings of all our history" in declaring in his annual message of that year that existing dependencies were no longer regarded as subject to transfer from one European power to another, and that when the present relation of colonies ceases they are to become independent powers. Another development of the rule, though apparently not necessarily required by either its letter or its spirit, is found in the objection to arbitration of South American controversies by an European power. American questions, it is said, are for American decision, and on that ground the United States went so far as to refuse to mediate in the war between Chili and Peru jointly with Great Britain and France. Finally, on the ground, among others, that the authority of the Monroe doctrine and the prestige of the United States as its exponent and sponsor would be seriously impaired, Secretary Bayard strenuously resisted the enforcement of the Pelletier claim against Hayti.

> The United States, [he said,] has proclaimed herself the protector of this western world, in which she is by far the stronger power, from the intrusion of European sovereignties. She can point with proud satisfaction to the fact that over and over again has she declared effectively, that serious indeed would be the consequences if European hostile foot should, without just cause, tread those states in the New World which have emancipated themselves from European control. She has announced that she would cherish as it becomes her the territorial rights of the feeblest of those states, regarding them not merely as in the eye of the law equal to even the greatest of nationalities, but in view of her distinctive policy as entitled to be regarded by her as the objects of a peculiarly gracious care. I feel bound to say that if we should sanction by reprisals in Hayti the ruthless invasion of her territory and insult to her sovereignty which the facts now before us disclose, if we approve by solemn Executive action and Congressional assent that invasion, it will be difficult for us hereafter to assert that in the New World, of whose rights we are the peculiar guardians, these rights have never been invaded by ourselves.

The foregoing enumeration not only shows the many instances wherein the rule in question has been affirmed and applied, but also demonstrates that the Venezuelan boundary controversy is in any view far within the scope and spirit of the rule as uniformly accepted and acted upon. A doctrine of American public law thus long and firmly established and supported could not easily be ignored in a proper case for its application, even were the considerations upon which it is founded obscure or questionable. No such objection can be made, however, to the Monroe doctrine understood and defined in the manner already stated. It rests, on the contrary, upon facts and principles that are both intelligible and incontrovertible. That distance and three thousand miles of intervening ocean make any permanent political union between an European and an American state unnatural and inexpedient will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe, as Washington observed, has a set of primary interests which are peculiar to herself. America is not interested in them and ought not to be vexed or complicated with them. Each great European power, for instance, to-day

maintains enormous armies and fleets in self-defense and for protection against any other European power or powers. What have the states of America to do with that condition of things, or why should they be impoverished by wars or preparations for wars with whose causes or results they can have no direct concern? If all Europe were to suddenly fly to arms over the fate of Turkey, would it not be preposterous that any American state should find itself inextricably involved in the miseries and burdens of the contest? If it were, it would prove to be a partnership in the cost and losses of the struggle but not in any ensuing benefits.

What is true of the material, is no less true of what may be termed the moral interests involved. Those pertaining to Europe are peculiar to her and are entirely diverse from those pertaining and peculiar to America. Europe as a whole is monarchical, and, with the single important exception of the Republic of France, is committed to the monarchical principle. America, on the other hand, is devoted to the exactly opposite principle—to the idea that every people has an inalienable right of self-government—and, in the United States of America, has furnished to the world the most conspicuous and conclusive example and proof of the excellence of free institutions, whether from the standpoint of national greatness or of individual happiness. It can not be necessary, however, to enlarge upon this phase of the subject—whether moral or material interests be considered, it can not but be universally conceded that those of Europe are irreconcilably diverse from those of America, and that any European control of the latter is necessarily both incongruous and injurious. If, however, for the reasons stated the forcible intrusion of European powers into American politics is to be deprecated—if, as it is to be deprecated, it should be resisted and prevented—such resistance and prevention must come from the United States. They would come from it, of course, were it made the point of attack. But, if they come at all, they must also come from it when any other American state is attacked, since only the United States has the strength adequate to the exigency.

Is it true, then, that the safety and welfare of the United States are so concerned with the maintenance of the independence of every American state as against any European power as to justify and require the interposition of the United States whenever that independence is endangered? The question can be candidly answered in but one way. The states of America, South as well as North, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States. To allow the subjugation of any of them by an European power is, of course, to completely reverse that situation and signifies the loss of all the advantages incident to their natural relations to us. But that is not all. The people of the United States have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure. They have realized and exemplified its beneficent operation by a career unexampled in point of national greatness or individual felicity. They believe it to be for the healing of all nations, and that civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed. Imbued with these sentiments, the people of the United States might not impossibly be wrought up to an active propaganda in favor of a cause so highly valued both for themselves and for mankind. But the age of the Crusades has passed, and they are content with such assertion and defense of the right of popular self-government as their

own security and welfare demand. It is in that view more than in any other that they believe it not to be tolerated that the political control of an American state shall be forcibly assumed by an European power.

The mischiefs apprehended from such a source are none the less real because not immediately imminent in any specific case, and are none the less to be guarded against because the combination of circumstances that will bring them upon us cannot be predicted. The civilized states of Christendom deal with each other on substantially the same principles that regulate the conduct of individuals. The greater its enlightenment, the more surely every state perceives that its permanent interests require it to be governed by the immutable principles of right and justice. Each, nevertheless, is only too liable to succumb to the temptations offered by seeming special opportunities for its own aggrandizement, and each would rashly imperil its own safety were it not to remember that for the regard and respect of other states it must be largely dependent upon its own strength and power. To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition. Why? It is not because of the pure friendship or good will felt for it. It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practically invulnerable as against any or all other powers.

All the advantages of this superiority are at once imperiled if the principle be admitted that European powers may convert American states into colonies or provinces of their own. The principle would be eagerly availed of, and every power doing so would immediately acquire a base of military operations against us. What one power was permitted to do could not be denied to another, and it is not inconceivable that the struggle now going on for the acquisition of Africa might be transferred to South America. If it were, the weaker countries would unquestionably be soon absorbed, while the ultimate result might be the partition of all South America between the various European powers. The disastrous consequences to the United States of such a condition of things are obvious. The loss of prestige, of authority, and of weight in the councils of the family of nations, would be among the least of them. Our only real rivals in peace as well as enemies in war would be found located at our very doors. Thus far in our history we have been spared the burdens and evils of immense standing armies and all the other accessories of huge warlike establishments, and the exemption has largely contributed to our national greatness and wealth as well as to the happiness of every citizen. But, with the powers of Europe permanently encamped on American soil, the ideal conditions we have thus far enjoyed can not be expected to continue. We too must be armed to the teeth, we too must convert the flower of our male population into soldiers and sailors, and by withdrawing them from the various pursuits of peaceful industry we too must practically annihilate a large share of the productive energy of the nation.

How a greater calamity than this could overtake us it is difficult to see. Nor are our just apprehensions to be allayed by suggestions of the friendliness of European powers—of their good will towards us—of their disposition, should they be our neighbors, to dwell with us in peace and harmony. The people of the United States have learned in the school of experience to what extent the relations of states to each

other depend not upon sentiment nor principle, but upon selfish interest. They will not soon forget that, in their hour of distress, all their anxieties and burdens were aggravated by the possibility of demonstrations against their national life on the part of powers with whom they had long maintained the most harmonious relations. They have yet in mind that France seized upon the apparent opportunity of our civil war to set up a monarchy in the adjoining state of Mexico. They realize that had France and Great Britain held important South American possessions to work from and to benefit, the temptation to destroy the predominance of the Great Republic in this hemisphere by furthering its dismemberment might have been irresistible. From that grave peril they have been saved in the past and may be saved again in the future through the operation of the sure but silent force of the doctrine proclaimed by President Monroe. To abandon it, on the other hand, disregarding both the logic of the situation and the facts of our past experience, would be to renounce a policy which has proved both an easy defense against foreign aggression and a prolific source of internal progress and prosperity.

There is, then, a doctrine of American public law, well founded in principle and abundantly sanctioned by precedent, which entitles and requires the United States to treat as an injury to itself the forcible assumption by an European power of political control over an American state. The application of the doctrine to the boundary dispute between Great Britain and Venezuela remains to be made and presents no real difficulty. Though the dispute relates to a boundary line, yet, as it is between states, it necessarily imports political control to be lost by one party and gained by the other. The political control at stake, too, is of no mean importance, but concerns a domain of great extent—the British claim, it will be remembered, apparently expanded in two years some 33,000 square miles—and, if it also directly involves the command of the mouth of the Orinoco, is of immense consequence in connection with the whole river navigation of the interior of South America. It has been intimated, indeed, that in respect of these South American possessions Great Britain is herself an American state like any other, so that a controversy between her and Venezuela is to be settled between themselves as if it were between Venezuela and Brazil or between Venezuela and Colombia, and does not call for or justify United States intervention. If this view be tenable at all, the logical sequence is plain.

Great Britain as a South American state is to be entirely differentiated from Great Britain generally, and if the boundary question cannot be settled otherwise than by force, British Guiana, with her own independent resources and not those of the British Empire, should be left to settle the matter with Venezuela—an arrangement which very possibly Venezuela might not object to. But the proposition that an European power with an American dependency is for the purposes of the Monroe doctrine to be classed not as an European but as an American state will not admit of serious discussion. If it were to be adopted, the Monroe doctrine would be too valueless to be worth asserting. Not only would every European power now having a South American colony be enabled to extend its possessions on this continent indefinitely, but any other European power might also do the same by first taking pains to procure a fraction of South American soil by voluntary cession.

The declaration of the Monroe message—that existing colonies or dependencies of an European power would not be interfered with by the

United States—means colonies or dependencies then existing, with their limits as then existing. So it has been invariably construed, and so it must continue to be construed unless it is to be deprived of all vital force. Great Britain cannot be deemed a South American state within the purview of the Monroe doctrine, nor, if she is appropriating Venezuelan territory, is it material that she does so by advancing the frontier of an old colony instead of by the planting of a new colony. The difference is matter of form and not of substance and the doctrine if pertinent in the one case must be in the other also. It is not admitted, however, and therefore cannot be assumed, that Great Britain is in fact usurping dominion over Venezuelan territory. While Venezuela charges such usurpation, Great Britain denies it, and the United States, until the merits are authoritatively ascertained, can take sides with neither. But while this is so—while the United States may not, under existing circumstances at least, take upon itself to say which of the two parties is right and which wrong—it is certainly within its right to demand that the truth shall be ascertained. Being entitled to resent and resist any sequestration of Venezuelan soil by Great Britain, it is necessarily entitled to know whether such sequestration has occurred or is now going on. Otherwise, if the United States is without the right to know and have it determined whether there is or is not British aggression upon Venezuelan territory, its right to protest against or repel such aggression may be dismissed from consideration.

The right to act upon a fact the existence of which there is no right to have ascertained is simply illusory. It being clear, therefore, that the United States may legitimately insist upon the merits of the boundary question being determined, it is equally clear that there is but one feasible mode of determining them, viz., peaceful arbitration. The impracticability of any conventional adjustment has been often and thoroughly demonstrated. Even more impossible of consideration is an appeal to arms—a mode of settling national pretensions unhappily not yet wholly obsolete. If, however, it were not condemnable as a relic of barbarism and a crime in itself, so one-sided a contest could not be invited nor even accepted by Great Britain without distinct disparagement to her character as a civilized state. Great Britain, however, assumes no such attitude. On the contrary, she both admits that there is a controversy and that arbitration should be resorted to for its adjustment. But, while up to that point her attitude leaves nothing to be desired, its practical effect is completely nullified by her insistence that the submission shall cover but a part of the controversy—that, as a condition of arbitrating her right to a part of the disputed territory, the remainder shall be turned over to her. If it were possible to point to a boundary which both parties had ever agreed or assumed to be such either expressly or tacitly, the demand that territory conceded by such line to British Guiana should be held not to be in dispute might rest upon a reasonable basis. But there is no such line. The territory which Great Britain insists shall be ceded to her as a condition of arbitrating her claim to other territory has never been admitted to belong to her. It has always and consistently been claimed by Venezuela.

Upon what principle—except her feebleness as a nation—is she to be denied the right of having the claim heard and passed upon by an impartial tribunal? No reason nor shadow of reason appears in all the voluminous literature of the subject. "It is to be so because I will it to be so" seems to be the only justification Great Britain offers. It is, indeed, intimated that the British claim to this particular territory rests upon an occupation, which, whether acquiesced in or not,

has ripened into a perfect title by long continuance. But what prescription affecting territorial rights can be said to exist as between sovereign states? Or, if there is any, what is the legitimate consequence? It is not that all arbitration should be denied, but only that the submission should embrace an additional topic, namely, the validity of the asserted prescriptive title either in point of law or in point of fact. No different result follows from the contention that as matter of principle Great Britain cannot be asked to submit and ought not to submit to arbitration her political and sovereign rights over territory. This contention, if applied to the whole or to a vital part of the possessions of a sovereign state, need not be controverted. To hold otherwise might be equivalent to holding that a sovereign state was bound to arbitrate its very existence.

But Great Britain has herself shown in various instances that the principle has no pertinency when either the interests or the territorial area involved are not of controlling magnitude and her loss of them as the result of an arbitration cannot appreciably affect her honor or her power. Thus, she has arbitrated the extent of her colonial possessions twice with the United States, twice with Portugal, and once with Germany, and perhaps in other instances. The Northwest Water Boundary arbitration of 1872 between her and this country is an example in point and well illustrates both the effect to be given to long-continued use and enjoyment and the fact that a truly great power sacrifices neither prestige nor dignity by reconsidering the most emphatic rejection of a proposition when satisfied of the obvious and intrinsic justice of the case. By the award of the Emperor of Germany, the arbitrator in that case, the United States acquired San Juan and a number of smaller islands near the coast of Vancouver as a consequence of the decision that the term "the channel which separates the continent from Vancouver's Island," as used in the treaty of Washington of 1846, meant the Haro channel and not the Rosario channel. Yet a leading contention of Great Britain before the arbitrator was that equity required a judgment in her favor because a decision in favor of the United States would deprive British subjects of rights of navigation of which they had had the habitual enjoyment from the time when the Rosario Strait was first explored and surveyed in 1798. So, though by virtue of the award the United States acquired San Juan and the other islands of the group to which it belongs, the British Foreign Secretary had in 1859 instructed the British Minister at Washington as follows:

> Her Majesty's Government must, therefore, under any circumstances, maintain the right of the British Crown to the Island of San Juan. The interests at stake in connection with the retention of that Island are too important to admit of compromise and Your Lordship will consequently bear in mind that, whatever arrangement as to the boundary line is finally arrived at, no settlement of the question will be accepted by Her Majesty's Government which does not provide for the Island of San Juan being reserved to the British Crown.

Thus, as already intimated, the British demand that her right to a portion of the disputed territory shall be acknowledged before she will consent to an arbitration as to the rest seems to stand upon nothing but her own *ipse dixit*. She says to Venezuela, in substance: "You can get none of the debatable land by force, because you are not strong enough; you can get none by treaty, because I will not agree; and you can take your chance of getting a portion by arbitration, only if you first agree to abandon to me such other portion as I may designate." It is not perceived how such an attitude can be defended nor how it is reconcilable with that love of justice and fair play so eminently characteristic of the English race. It in effect deprives Venezuela of her

free agency and puts her under virtual duress. Territory acquired by reason of it will be as much wrested from her by the strong hand as if occupied by British troops or covered by British fleets. It seems therefore quite impossible that this position of Great Britain should be assented to by the United States, or that, if such position be adhered to with the result of enlarging the bounds of British Guiana, it should not be regarded as amounting, in substance, to an invasion and conquest of Venezuelan territory.

In these circumstances, the duty of the President appears to him unmistakable and imperative. Great Britain's assertion of title to the disputed territory combined with her refusal to have that title investigated being a substantial appropriation of the territory to her own use, not to protest and give warning that the transaction will be regarded as injurious to the interests of the people of the United States as well as oppressive in itself would be to ignore an established policy with which the honor and welfare of this country are closely identified. While the measures necessary or proper for the vindication of that policy are to be determined by another branch of the Government, it is clearly for the Executive to leave nothing undone which may tend to render such determination unnecessary.

You are instructed, therefore, to present the foregoing views to Lord Salisbury by reading to him this communication (leaving with him a copy should he so desire), and to reinforce them by such pertinent considerations as will doubtless occur to you. They call for a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration. It is the earnest hope of the President that the conclusion will be on the side of arbitration, and that Great Britain will add one more to the conspicuous precedents she has already furnished in favor of that wise and just mode of adjusting international disputes. If he is to be disappointed in that hope, however—a result not to be anticipated and in his judgment calculated to greatly embarrass the future relations between this country and Great Britain—it is his wish to be made acquainted with the fact at such early date as will enable him to lay the whole subject before Congress in his next annual message.

I am, sir, your obedient servant,

RICHARD OLNEY.

Mr. Adee to Mr. Bayard.

No. 806.] DEPARTMENT OF STATE,
Washington, July 24, 1895.

His Excellency THOMAS F. BAYARD,
Etc., etc., etc., London.

SIR: In Mr. Olney's instruction No. 804, of the 20th instant, in relation to the Anglo-Venezuelan boundary dispute, you will note a reference to the sudden increase of the area claimed for British Guiana amounting to 33,000 square miles, between 1884 and 1886. This statement is made on the authority of the British publication entitled the Statesman's Year Book.

I add for your better information that the same statement is found in the British Colonial Office List, a government publication.

Annex 153

Yellow Book for the Year 1987, Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1988
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1987 presentado al Congreso Nacional en sus sesiones ordinarias de 1988 por el titular de despacho, Caracas, 1988.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN RELATIONS

[Coat of Arms]

YELLOW BOOK

CORRESPONDING TO YEAR 1987
AS SUBMITTED BEFORE THE NATIONAL CONGRESS IN ITS ORDINARY SESSIONS OF 1988 BY THE HOLDER OF OFFICE

CARACAS, 1988

[….]

The two Presidents noted with satisfaction the positive way in which relations between their countries have been developing in recent years as a result of the agreements reached during the visit of the Minister of Foreign Relations of Venezuela to Guyana in February 1985. At present, relations are marked by friendly and fruitful cooperation and exchange between the two countries.

In this context, they recalled in particular the arrangements made in April 1986 for the supply of petroleum derivatives and bauxite and the implementation of a financial schedule designed to facilitate such exchanges. Both Presidents expressed their deep satisfaction with the extension of the contract for the supply of oil products until 31 December this year, as well as with the corresponding financial arrangement. At the same time, as a result of discussions between the technical bodies of the two countries, it was agreed to set up a significant line of credit, provided by the Export Financing Fund (FINEXPO), in favour of Guyana.

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[….]

The two Heads of State noted that relations between their countries continue to develop favourably since their meeting in Caracas in March this year. They expressed their conviction that Venezuela and Guyana will find, together, through dialogue and in the spirit of constructiveness, practical ways to strengthen their relations in all areas.

In this regard, the Presidents discussed the issue of the dispute between the two countries, and reiterated that the climate of friendship and understanding that exists between Venezuela and Guyana is propitious for addressing this fundamental aspect of bilateral relations with flexibility and goodwill.

[….]

For that purpose, they expressed their appreciation for the way in which the Petroleum Supply Agreement, concluded between Petróleos de Venezuela S.A. (PDVSA) and the Guyana National Energy Authority (GNEA), has been operating. Accordingly, they agreed that the Petroleum Supply Agreement and its financial schedule will be extended for one year. They further agreed that the relevant bodies in both countries would develop the corresponding instruments.

[….]

Annex 154

Yellow Book for the Year 1990, Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1991
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1990 presentado al Congreso Nacional en sus sesiones ordinarias de 1991 por el titular de despacho, Caracas, 1991.

REPUBLIC DE VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

(Coat-of-Arms of the Republic of Venezuela)

YELLOW BOOK

CORRESPONDING TO THE YEAR 1990
PRESENTED TO THE NATIONAL CONGRESS
IN ITS ORDINARY SESSIONS OF 1991
BY THE HEAD OF THE OFFICE

CARACAS, 1991

…

On political matters, the two Foreign Ministers expressed their satisfaction with the appointment of Mr. Allister Mc. Intyre, Personal Representative of the Secretary General of the United Nations, as a good mediator for the settlement of the territorial dispute between Venezuela and Guyana...

In the area of cooperation, both Ministers signed a Protocol of Intention, on the basis of which the corresponding feasibility studies for the implementation of the electrical interconnection project between the two countries were initiated. ...

Both Ministers of Foreign Affairs emphasized the willingness of their governments to maximize bilateral cooperation. The work agenda included a series of aspects among which the following stand out: the status of the talks on Venezuela's claim to the Essequibo; Venezuela's entry into CARICOM as Observer; the review of the Inter-American system with a view to Guyana's incorporation into the OAS; the analysis of electricity interconnection projects between the two countries; the review of oil agreements; and the granting of lines of credit to Guyana...

The two Presidents expressed their satisfaction with the positive development of the cooperation programs and highlighted the good offices of the Representative of the Secretary General of the United Nations, Mr. Alister McIntyre. ...

The so-called Tourist Packages, through which groups of Guianese tourists can visit the country at lower-than-normal prices, began to be implemented.

…

Annex 155

Yellow Book for the Year 1991, Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1992
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1991 presentado al Congreso Nacional en sus sesiones ordinarias de 1992 por el titular de despacho, Caracas, 1992.

REPUBLIC DE VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

(Coat-of-Arms of the Republic of Venezuela)

YELLOW BOOK

CORRESPONDING TO THE YEAR 1991
PRESENTED TO THE NATIONAL CONGRESS
IN ITS ORDINARY SESSIONS OF 1992
BY THE HEAD OF THE OFFICE

CARACAS, 1992

…Regarding Technical Cooperation in Environmental Matters, two Venezuelan experts in water pollution and another official in air pollution were sent...

Annex 156

Yellow Book for the Year 1992, Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1993
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1992 presentado al Congreso Nacional en sus sesiones ordinarias de 1993 por el titular de despacho, Caracas, 1993.

REPUBLIC OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

YELLOW BOOK

FOR THE YEAR 1992, WHICH WAS SUBMITTED TO THE NATIONAL CONGRESS BY THE MINISTER OF FOREIGN AFFAIRS DURING THE 1993 REGULAR SESSIONS.

CARACAS, 1993.

GUYANA

[...].

Between July 13 and July 16, a commission of Venezuelan experts comprising officials of the Ministry of the Environment and Renewable Natural Resources visited Guyana. The purpose of the visit was to discuss the environmental needs of that country in order to establish a framework for the Environmental Cooperation Program to be executed during the 1992-1993 period.

On May 27, a cooperation agreement was entered into by and between Corpoturismo and the Ministry of Commerce, Tourism and Industries of Guyana, according to which:

a) Corporturismo shall provide assistance for the production of tourism promotion material;

b) Arrangements shall be made for internships of Guyanese officials in Venezuelan tourism installations or companies, with an emphasis on the "Ecotourism" area;

c) Corpoturismo shall furnish information on graduate courses on tourism development imparted by Venezuelan universities.

[...].

Annex 157

Yellow Book for the Year 1993, Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1994
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1993 presentado al Congreso Nacional en sus sesiones ordinarias de 1994 por el titular de despacho, Caracas, 1994.

REPUBLIC OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

YELLOW BOOK

FOR THE YEAR 1993, WHICH WAS SUBMITTED TO THE NATIONAL CONGRESS BY THE MINISTER OF FOREIGN AFFAIRS DURING THE 1994 REGULAR SESSIONS.

CARACAS, 1994.

GUYANA

[...].

- Works for the construction of the Multi-Purpose Gym and the College of Medicine commenced.

[...].

Annex 158

Yellow Book for the Year 1993, Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1994
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1993 presentado al Congreso Nacional en sus sesiones ordinarias de 1994 por el titular de despacho, Caracas, 1994.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

(There appears the shield of the Bolivarian Republic of Venezuela)

YELLOW BOOK

CORRESPONDING TO THE YEAR 1993,
SUBMITTED TO THE NATIONAL CONGRESS
DURING ITS REGULAR SESSIONS OF 1994
BY THE OFFICIAL IN CHARGE OF THE OFFICE

CARACAS, 1994

...

During their conversations, the President of Venezuela and the President of Guyana reaffirmed their commitment to provide firm support to the good offices conducted by Dr. Alister McIntyre in his capacity as Personal Representative of the Secretary-General of the United Nations.

...

Annex 159

Yellow Book for the Year 1995, Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1996
(Translation)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1995 presentado al Congreso Nacional en sus sesiones ordinarias de 1996 por el titular de despacho, Caracas, 1996.

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS

(There appears the shield of the Republic of Venezuela)

YELLOW BOOK

CORRESPONDING TO THE YEAR 1995,
SUBMITTED TO THE NATIONAL CONGRESS
DURING ITS REGULAR SESSIONS OF 1996
BY THE OFFICIAL IN CHARGE OF THE OFFICE

CARACAS, 1996

GUYANA
PRESS RELEASE

The government of Venezuela, in view of the reports received since Saturday 19 on the incident that occurred in the Cooperative Republic of Guyana, expresses its concerns about the human, environmental and material consequences from the rupture of the dam that served as deposit of toxic cyanide waste, as part of the gold exploitation activities by a foreign mining company, in the area located between the Omai river and the population of Bartica in the Essequibo territory.

The waters polluted with cyanide had an initial impact on the Omai river and then invaded the Essequibo river. The Guyanese authorities estimate that nearly 1.25 million cubic feet of toxic waste with a cyanide concentration of 28 PPM invaded both rivers. The damage to the fish and inhabitants who consume water, in addition to environmental damage, could be incalculable. The tragedy is so huge that the Guyanese Government considers it the worst environmental and economic disaster in the history of the country.

The government of Venezuela, on several occasions and since the entry into force of the Geneva Agreement of 1966, has warned the Government of Guyana against the risks of an indiscriminate policy of mining and timber concessions in the Essequibo territory, without sufficient control or the required security measures to prevent disasters such as the one we are witnessing today.

In view of the incident with the rupture of the dam of toxic waste in the Omai river, we hold the Guyanese Government responsible for the immeasurable human, environmental and material damage that this disaster might cause in the Zone under Reclamation, and once again we demand to put an end to this unilateral and irrational exploitation in the Essequibo territory.

In the spirit that characterizes its present relations with the Cooperative Republic of Guyana, the Government of Venezuela reiterates its firm opposition to this indiscriminate policy of mining and timber concessions, as well as any other action undertaken by the Guyanese government in the Essequibo territory, which permanently and irreversibly alters said region upon which we claim sovereignty.

Finally, the government of Venezuela, while regretting the cyanide spill in the Essequibo river, demands from the Government of Guyana clear proof of its political will and respect to the international commitments derived from the Geneva Agreement, which imposes the Parties the obligation to search for a satisfactory solution and a practical agreement on the dispute over the Essequibo territory.

Caracas, 24 August 1995

Annex 160

Yellow Book for the Year 1998, Bolivarian Republic of Venezuela, Ministry of Foreign Affairs, Caracas 1999
(Translation)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 1998 presentado al Congreso Nacional en sus sesiones ordinarias de 1999 por el titular de despacho, Caracas, 1999.

REPUBLIC OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

YELLOW BOOK

FOR THE YEAR 1998, WHICH WAS SUBMITTED TO THE NATIONAL CONGRESS BY THE MINISTER OF FOREIGN AFFAIRS DURING THE 1999 REGULAR SESSIONS.

CARACAS, 1999.

GUYANA

[...].

On May 15, the Office of the Sectoral Director General of Borders/Department of Guyana, took part in the activities of the Commission for the Provision of Humanitarian Assistance to Guyana, which involved the delivery of food products, drinking water, seeds, water pumps and other items needed by the Guyanese government in order to attend to those affected by the devastating impact of the severe draught caused by the "El Niño" climate phenomenon on the agriculture and the economy of the Essequibo territory.

Between July 21 and July 23, at the invitation of President Dr. Rafael Caldera, Mrs. Janet Jagan, President of Guyana, paid an official visit to Venezuela in the company of a high-level delegation. During the exchange between both presidents, the progress of the process led by Good Officiant Mr. Alister McIntyre on the Essequibo territory was discussed and an agreement was made to conduct bilateral relations under an integral and comprehensive approach. To that end, a high-level bi-national commission presided over by the ministers of Foreign Affairs was established to oversee the work of the Politics, Environment, Narcotic Drugs, Fishing, Health, Trade, Energy, Integration, Economics, Police, Culture and Transport sub-commissions.

[...].

Annex 161

Yellow Book for the Year 2002, Bolivarian Republic of Venezuela, Ministry of Foreign Affairs, Caracas 2003
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 2002 presentado al Congreso Nacional en sus sesiones ordinarias de 2003 por el titular de despacho, Caracas, 2003.

REPUBLIC OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

YELLOW BOOK

FOR THE YEAR 2002, WHICH WAS SUBMITTED TO THE NATIONAL CONGRESS BY THE MINISTER OF FOREIGN AFFAIRS DURING THE 2003 REGULAR SESSIONS.

CARACAS, 2003.

GUYANA

[...].

In the case of the Good Offices Process, the ministers of Foreign Affairs reaffirmed their commitment to the process and agreed on the need to arrange for a meeting of the Facilitators with the Good Officiant, and then with the Secretary General of the United Nations and the ministers of Foreign Affairs, at the earliest possible date.

[...].

The Trade and Economic Cooperation Sub-Committee undertook to the following: 1) Negotiate the signing of a new Partial Agreement and promote meetings between the private sectors involved; 2) Finalize negotiations on the fisheries issue with a view to signing an agreement; 3) Identify specific areas for cooperation in the agriculture and health sectors; 4) Make adjustments as needed to the "Environmental Cooperation Program"; 5) In the field of energy, PDVSA reported that the ambassador of Guyana in Caracas has met on several occasions with officials of the company to discuss the implementation of the Energy Cooperation Agreement of Caracas (ACEC, by its Spanish acronym) as soon as possible.

[...].

[...].

The ministers reaffirmed their commitment with the Good Offices Process of the United Nations and decided to move forward with the schedule of meetings agreed upon during the First Meeting of the Sub-Committee on Political Consultations held in Guyana in February of 2002.

[...].

Annex 162

Yellow Book for the Year 2005, Bolivarian Republic of Venezuela, Ministry of Foreign Affairs, Caracas 2006
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 2005 presentado al Congreso Nacional en sus sesiones ordinarias de 2006 por el titular de despacho, Caracas, 2006.

REPUBLIC OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

YELLOW BOOK

FOR THE YEAR 2005, WHICH WAS SUBMITTED TO THE NATIONAL CONGRESS BY THE MINISTER OF FOREIGN AFFAIRS DURING THE 2006 REGULAR SESSIONS.

CARACAS, 2006.

GUYANA

[...].

The Petrocaribe Bilateral Energy Cooperation Agreement.

On September 6, 2005, both governments subscribed the Petrocaribe Energy Agreement whereby the Bolivarian Republic of Venezuela undertakes to supply five thousand two hundred (5,200) barrels per day of crude oil and its derivatives. The financing in question shall have a grace period of up to two (2) years at a 2% annual interest rate (see Documentation).

[...].

GUYANA

On January 27 and January 28, 2005, a committee of officials of the Ministry of Foreign Affairs and of the National Civil Protection Directorate visited Guyana in order to assess the situation and determine the areas in need of Venezuelan cooperation following the heavy rains that hit the northern region of the country and caused flooding in Georgetown and its surrounding areas, including the facilities of our Diplomatic Mission, the Venezuelan Institute for Culture and Cooperation (IVCC, by its Spanish acronym), and the official residence.

At the beginning of the month of February of 2005, an aircraft of the Venezuelan Air Forces transported humanitarian assistance from Venezuela comprising food, support material and rescue and environmental clean-up equipment, cleaning and personal hygiene products, four outboard motors, medicines, and disposable first-aid items.

[...].

Annex 163

Yellow Book for the Year 2006, Bolivarian Republic of Venezuela, Ministry of Foreign Affairs, Caracas 2007
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 2006 presentado al Congreso Nacional en sus sesiones ordinarias de 2007 por el titular de despacho, Caracas, 2007.

REPUBLIC OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

YELLOW BOOK

FOR THE YEAR 2006, WHICH WAS SUBMITTED TO THE NATIONAL CONGRESS BY THE MINISTER OF FOREIGN AFFAIRS DURING THE 2007 REGULAR SESSIONS.

CARACAS, 2007.

GUYANA

[...].

(…) hydrobiological resources and narcotic drugs. Both Parties recognized that Petrocaribe, which aims at complementarity in order to maximize the efficient management and utilization of energy resources, underpins regional integration and poverty alleviation.

[...].

GUYANA

[...].

4. The heads of both delegations reaffirmed the importance of the High-Level Bilateral Commission for the promotion of bilateral cooperation and the deepening of the ties of friendship and goodwill between the Parties. They expressed their commitment to set up the work of the various sub-commissions and emphasized the importance of establishing an adequate mechanism to ensure the effective implementation of the agreed activities.

   They also expressed their satisfaction with the meetings of a number of sub-commissions and with the definition of a schedule of meetings for the other sub-commissions, which will facilitate the work of the High-Level Bi-National Commission. Please find attached hereto the Schedule of Meetings as Annex II.

[...].

9. The heads of delegation reaffirmed the commitment of their countries with the Good Offices Process of the United Nations that seeks a peaceful solution to the dispute. In like manner, they agreed to instruct the Facilitators to coordinate a meeting with Good Officiant Ambassador Oliver Jackman at a convenient date before May 15, 2006. Both ministers of Foreign Affairs will meet in September of the current year with the Secretary of the United Nations to discuss the progress of the process.

[...].

Annex 164

Yellow Book for the Year 2006, Bolivarian Republic of Venezuela, Ministry of Foreign Affairs, Caracas 2007
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 2006 presentado al Congreso Nacional en sus sesiones ordinarias de 2007 por el titular de despacho, Caracas, 2007.

Translation

BOLIVARIAN REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS
(There appears the shield of the Bolivarian Republic of Venezuela)
YELLOW BOOK
CORRESPONDING TO THE YEAR 2006
SUBMITTED TO THE NATIONAL ASSEMBLY
DURING ITS REGULAR SESSIONS OF THE YEAR 2007
BY THE OFFICIAL IN CHARGE OF THE OFFICE
CARACAS, 2007

…

Proposals by other countries

Subsection Guyana-Venezuela: Upon initiative of Guyana, two paragraphs on the bilateral relations with Venezuela were included, with particular reference to the land dispute over the Essequibo. They were drafted as follows:

- The Heads of State or Government noted with satisfaction that the relations between Guyana and Venezuela during the past few years have been characterized by friendship and good will. They recognized the importance of high-level political and diplomatic dialogue to facilitate a climate of understanding between the two countries and to lay the foundations for a mutually beneficial bilateral cooperation. In this regard, they welcomed the recent convocation of the IV Meeting of the Guyana-Venezuela High-Level Commission, in Georgetown, Guyana, which provided greater impetus to the bilateral cooperation program.
  The Heads of State or Government welcomed the firm commitment of both countries to continue with the discussions aimed at finding a peaceful solution to the controversy, under the aegis of the Process of Good Offices of the Secretary-General of the United Nations, and expressed their support to the continued efforts towards the achievement of such goal, in accordance with the Geneva Agreement of 1966.

…

Annex 165

Yellow Book for the Year 2011, Bolivarian Republic of Venezuela, Ministry of Foreign Affairs, Caracas 2012
(Translation- Excerpt)

Ministerio de Relaciones Exteriores, Libro Amarillo: correspondiente al año 2011 presentado al Congreso Nacional en sus sesiones ordinarias de 2012 por el titular de despacho, Caracas, 2012.

BOLIVARIAN REPUBLIC OF VENEZUELA
PEOPLE'S MINISTRY OF FOREIGN AFFAIRS
(There appears the shield of the Bolivarian Republic of Venezuela)

MEMORY

2011

CARACAS, 2011

...

Recognizing the ongoing controversy as regards the Arbitration Ruling of 1899 concerning the border between Guyana and Venezuela, the Ministers reiterated their commitment to the Geneva Agreement and the Procedure of Good Offices. They recognized that such controversy is a legacy from colonialism, which should be resolved. The Ministers informed the Personal Representative of the United Nations Secretary-General, Norman Girvan, about their conversations.

p. 145

....

Annex 166

Economic Cooperation scheme between the Governments of Venezuela and Guyana (Translation- Excerpt)

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Casa Amarilla, Documentación de Archivo Central, Archivo Bilateral, país: Guyana, expediente: 87, Esquema de cooperación económica entre los gobiernos de Venezuela y Guyana, año 1978, caja n. 2, tramo T-1, módulo 32-1, Bóveda I.

B) The possibility of Venezuela providing technical assistance with regard to pipelines and electricity was raised.
In this regard, a promise was made that a team from the Channeling Institute would go examine concrete cases and identify collaboration in this field.

…

Cadafe offered 12 scholarships for the training of electrical technicians (the course lasts two years), stipulating that it would send a psychologist in January to collaborate in the selection process of the scholarship holders. Likewise, Cadafe reported having a 15 MW turbine and two 7.5 MW turbines (30 MW in total) that it said it could offer to Guyana. It was agreed that we would receive sugar as payment.

…

Finally Guyana mentioned its aspiration to obtain oil facilities. The issue was communicated to Dr. Hurtado for study purposes.

ADDITIONAL DOCUMENTS

Annex 167

Letter from Chamberlain to Olney, 9 September 1896

The papers of Richard Olney: 1830-1917 in 127 volumes, (1942) The Library of Congress, 'Letter from Chamberlain to Olney' September 9, 1896

THE PAPERS OF

RICHARD OLNEY

1830—1917
In 127 Volumes

THE LIBRARY OF CONGRESS
1942

Private

The Farm
Danvers Centre
Mass.
Sept. 9. 1896

Dear Mr. Olney

In the interview which you were good enough to give me yesterday I endeavored to make clear to you the objections felt by the British Government to unrestricted arbitration in the case of the Venezuelan boundary.

This objection arises from the exhibitant character of the Venezuelan claim which includes a large part of the British Colony of Guiana & embraces territory to which it is honestly & sincerely believed that as much right as the United States have to the State of Maine.

To refer the ownership of such territory to a Court whose decision might possibly be governed by the opinion of a Foreign Jurist, appointed as umpire by a minor Power, & as to whose qualifications & character it would be almost impossible to have satisfactory evidence beforehand, appears to me to be

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a course which no great Nation, & least of all the United States, would agree to in its own case, & which therefore ought not to be urged upon us.

On the other hand I assured you that, in our desire to arrive at an early & satisfactory arrangement with you, we were ready to negotiate or arbitrate as to a large extent of territory on both sides of the Schomburgk line, to which we believed that our title was just & clear, but as to which, owing to the character of the country & of our occupation, there might be some legitimate subject for investigation.

I ventured accordingly to suggest that an arrangement might be reached in one of two ways, viz: either by friendly negotiation between the United States & Great Britain with the object of fixing a fair boundary line which might be discussed in a spirit of mutual compromise; or, by an arbitration to be confined to territory situated

between two lines which might be drawn so as to exclude the extreme claims on both sides.

You seemed to fear that the first of these proposals would not lead to any satisfactory result, & you said that the Government of the United States would be very reluctant to take the responsibility of fixing a line which would afterwards have to be imposed on Venezuela.

As regards the second proposal you urged that it was unnecessary to limit the scope of the arbitration, as it was really impossible to suppose that any Court would adopt the extreme views put forward by Venezuela. I pointed out that, whatever might be the probabilities of the case, there would remain a risk of a grave miscarriage of justice which, as Trustee for the Colony, H.M. Government were not justified in ignoring; and that, as we were both agreed that any decision which adopted these extreme claims would be a monstrous one, it would surely be better to exclude them from arbitration, which might be done by confining the subject matter to the territory included between lines to be drawn by us beforehand.

10817

You appeared, however, to feel that the fixing of such lines might present great difficulties & you said that you had already endeavoured to secure a satisfactory result by suggesting an instruction to the Tribunal that all territory found to be in actual use & occupation by British subjects & Venezuelan citizens respectively for a period of 60 years should be held to be in territory of British Guiana & Venezuela respectively.

I pointed out to you that the terms of this instruction were so limited as to be practically valueless. In the first place the period of 60 years was unnecessarily long & would complicate & prolong the investigation. Secondly, the territory actually used & occupied in an undeveloped country, such as British Guiana, was of very small extent. The proposed instruction would therefore still leave at the mercy of the arbitrators territory which, although not actually used & occupied, had been under the political & administrative control of Gt. Britain exercised for many years.

I understood that you were under the impression that the language of one of your despatches pointed to such political control by the Government rather

9

than to the actual settlement by private citizens & I stated that in this case my personal opinion was that a proposal to this effect might be acceptable to Lord Salisbury."

I have not however been able to find in the correspondence in my possession the words to which you referred, but my copy is incomplete & they may appear in some letter which I have neglected to bring with me.

But I suggest that the words of the proposed instruction to the Arbitral Tribunal might run to the following effect:

"All territory which has been in the actual use and occupation of British subjects or of citizens of Venezuela respectively, or over which the Governments of the Colony of British Guiana or of Venezuela have exercised unrestricted political control for a continuous period of at least 30 years prior to the date of this Convention, shall be held to be and to form part of British

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Guiana or Venezuela respectively as the case may be."

You invited me to put my views in writing in order that you might fully appreciate & consider the proposal, & accordingly I now submit them to you in the hope that you may find in them the basis of a settlement.

If you should agree and these views approved, I will at once communicate with Lord Salisbury; & if he also approves them they will no doubt be made the subject of a communication to you through the usual official channels.

In the meantime I shall keep our interview & any correspondence connected with it as strictly confidential & unofficial.

I am, dear Mr. Olney,

Yours very truly

J. Chamberlain

TELEGRAMS
DANVERS, MASS.

THE FARM,
DANVERS CENTRE,
MASS.

Sept. 9. 96

Dear Mr. Olney

After leaving you yesterday I met Lord Pauncefote who told me of the news received from London.

I am obliged to you for the arrangements you have made & can only regret that such precautions should be necessary in this age of

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Annex 168

Letter from Chamberlain to Olney, 28 September 1896

The papers of Richard Olney: 1830-1917 in 127 volumes, (1942) The Library of Congress, 'Letter from Chamberlain to Olney' September 28, 1896

THE PAPERS OF

RICHARD OLNEY

1830—1917
In 127 Volumes

THE LIBRARY OF CONGRESS
1942

COPY

The Farm, Danvers Centre, Mass.

Sept. 28, '96.

Dear Mr. Olney

I am greatly obliged by your frank letter of 28th inst. We leave early to-morrow, but before I go I desire most earnestly to assure you that you have misunderstood the feeling which has actuated the British Foreign Office and the British Government in the communications which have passed on the Venezuelan question.

It is probably true that we have been equally mistaken in the interpretation we have placed on your dispatches and on the President's message.

I hope that the private interchange of opinion which has taken place between us has sufficed to remove all previous misinterpretations on either side, and I can assure you with the most absolute sincerity that at the present time in Great Britain, there is no one from the highest in the land to the poorest workman who does not desire the cordial friendship and respect of the United States more than the good will of any other nation in the world, and who does not regard with horror the idea of a fratricidal conflict between the two branches of the Anglo Saxon race.

If as I now believe you share our feelings I cannot doubt that all differences between us, paltry in themselves and only important

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as they touch the National honour, will be amicably adjusted. Neither party can desire a solution which would be humiliating to the other and it must be possible to find an arrangement free from this objection.

I will only add that I am deeply sensible of the importance of such moral and incidental cooperation in the cause of humanity as is pointed at in your letter and that I believe that it would profoundly affect the relations between the two countries and would evoke the sympathy which, even if latent, must and ought to exist between peoples with common origin, common literature, common laws and common standard of right and wrong.

I hope that when you are relieved from the cares of office you may think of paying us a visit. It will give Mrs. Chamberlain and myself the greatest pleasure to renew our acquaintance on the other side of the Atlantic.

Believe me,

Yours very truly,

J. Chamberlain

11105

Annex 169

Letter from Pauncefote to Salisbury, 29 October 1896

The National Archives UK, Cabinet Office: Photographic Copies of Cabinet Papers,
Reference: CAB-37-43-41

41

Printed for the use of the Cabinet. October 31, 1896.

CONFIDENTIAL.

No. 1.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 28.)

(No. 73. Confidential.)
(Telegraphic.)

Washington, October 27, 1896.

VENEZUELA. I have submitted to the Secretary of State the proposal in Draft B. After long argument as to its precise effect, he seemed favourable to it on the whole, and promised to consider it with the Venezuelan Minister and Counsel, but he apprehends some difficulty with them. He is anxious to dispose of the Venezuelan question before entering upon the discussion of the Treaty of General Arbitration, but he has told me privately that he thinks there will be no difficulty in coming to terms for such Treaty on the basis of my Memorandum. I will telegraph again as soon as I receive his reply to proposal about Venezuela. If, as I hope, we come to terms on that question also, he [? concurs] that the settlement should be carried out by a Treaty between Great Britain and Venezuela.

Annex.

Draft B.

AN Arbitral Tribunal [to] be immediately appointed to [fix] the boundary-line between British Guiana and Venezuela.

The Tribunal shall consist of two members nominated by the High Court of Justice of Great Britain, and two members nominated by the Supreme Court of the United States.

[The members so nominated shall select a third jurist, who shall be President of the Commission.]

[The decision of the majority of the Commission shall be final.]

The [above] Tribunal shall investigate and ascertain the extent of the territories which belonged to, or might be lawfully claimed by, the United Netherlands and the Kingdom of Spain respectively at the date of the acquisition of the Colony of British Guiana by Great Britain.

[Upon the basis of the facts so ascertained the Arbitral Tribunal shall fix the boundary-line between the Colony of British Guiana and Venezuela subject to the following provisions:—]

All territory over which the Government of the Colony of British Guiana or that of Venezuela have exercised unrestricted political control, or which, in the absence of such control, has been in the actual use and occupation of British subjects or of citizens of Venezuela respectively for a continuous period of at least thirty years prior to the date of this Convention, shall be held to be and to form part of British Guiana or Venezuela respectively, as the case may be.

Provided that the above instruction shall not apply to any territory subject to the provisions of an Agreement dated , 1850, between Great Britain and Venezuela, by which the respective Governments engaged not to make further settlements in the disputed territory.

But the above instructions shall apply to any territory which at the date of the said Agreement was then in actual use or occupation by British subjects or Venezuelan citizens, or under the political control of the Government of British Guiana or Venezuela respectively.

Preference shall, as far as possible, be given to a natural boundary.

[974]

No. 2.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 82.)
(Telegraphic.) *Foreign Office, October* 28, 1896, 4·20 P.M.

YOUR telegram No. 73.

I fear that the proviso in Draft B, as to the Agreement of 1850, is worded too loosely. It would be better to put it as follows:—

"Provided that in any territory referred to as disputed territory in the Agreement between Great Britain and Venezuela recorded in notes dated the 18th November and 20th December, 1850, the above provision shall not be applied to any district of which the use and occupation by British subjects or Venezuelan citizens had not commenced previous to the date of the said Agreement."

No. 3.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 30.)

(No. 74.)
(Telegraphic.) *Washington, October* 29, 1896.

YOUR Lordship's telegram No. 82: Venezuelan Draft B.

I have submitted your Lordship's new proviso instead of paragraphs "B" and "C."

No. 4.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 30.)

(No. 75.)
(Telegraphic.) *Washington, October* 29, 1896.

VENEZUELA. Draft B as amended. I regret to report that the Secretary of State cannot be induced to accept your Lordship's proposal. I have received a private note from him explaining the grounds for that decision, and inclosing a counter-draft. I am telegraphing both documents in full to your Lordship. The counter-draft omits all reference to the Agreement of 1850, and only reduces the period of prescription to fifty years. I have in vain used every argument and put the greatest pressure on him to obtain a further reduction. He says he cannot consent in justice to Venezuela. He contends that a limit of thirty, or even forty, years would nullify the Agreement of 1850, to which the Arbitrators must be left to give such effect as they think right, and that fifty years is the lowest period of perscription suggested by jurists, and does not preclude or affect claims to the territory based on any other title.

No. 5.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 30, 9·15 A.M.)

(No. 76.)
(Telegraphic.) *Washington, October* 30, 1896.

MY telegram No. 75.

Following is text of private letter from Mr. Olney, transmitting counter-proposal:—

"I duly received copy of suggestions for Convention respecting the Venezuelan boundary question, forwarded to you by the British Foreign Office. After careful consideration, I offer the inclosed draft as a substitute,

for reasons which seem to me conclusive, and the chief of which are briefly these:—

"It is most desirable, I think, not to give to the Agreement of 1850 any status on the face of the Convention even by reference, much less by an attempt to define its scope and meaning. An attempt to construe it will involve us in protracted debate, and indefinitely postpone the attainment of the object we now have in view. The Agreement will come, and should come, before the Arbitral Tribunal in the natural course of things, and will be interpreted by that Tribunal by the aid of facts, documents, and considerations, of which we cannot now know anything. For a like reason, I cannot recede from my original suggestion as to a conventional term of prescription further than to consent to fifty years being substituted for sixty. If a shorter term be stipulated, it is certain to be urged, and with great force, that the Agreement of 1850 is thereby waived at least *pro tanto*. Trusting that these explanations will be found satisfactory, I am, &c."

No. 6.

Sir J. Pauncefote to the Marquess of Salisbury.—(Received October 30, 9·30 A.M.)

(No. 77.)
(Telegraphic.)

Washington, October 29, 1896.

MY telegram No. 75.

Following is the text of counter-proposal:—

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

"2. The Tribunal shall consist of two members, nominated by the Judges of Supreme Court of the United States, and two members nominated by the Judges of British High Court of Justice, and of a fifth jurist selected by the four persons so nominated, or in the event of their failure to agree within three months from the time of their nomination, selected by . The person so selected shall be President of the Tribunal. The persons nominated by the Judges of the Supreme Court of the United States and of the British High Court of Justice respectively may be Judges of either of said Courts.

"3. The Tribunal shall ~~ascertain all facts which it deems necessary to a decision of the controversy. A~~including the extent of the territories belonging, or that might be lawfully 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—and thereupon shall determine the boundary-line between the Colony of British Guiana and the Republic of Venezuela.

investigate and ascertain

"4. In deciding the matters submitted, the Arbitrators shall be governed by the following Rules, which are agreed upon by the High Contracting Parties as Rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be the case:—

ascertain the facts which may seem material to a decision of the controversy and shall

? applicable

"'*Rules.*—(A.) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may decide exclusive political control of a district as well as actual settlement thereof sufficient to constitute adverse holding or to make title by prescription.

"'(B.) The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever, and on any principles of international law which the Arbitrators may deem to be applicable to the case and are not in contravention of the foregoing rule.

"'(C.) In determining the boundary-line, if territory of one party be found by the Tribunal to have been at the date of this Convention 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.'"

No. 7.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 83.)
(Telegraphic.)

Foreign Office, October 30, 1896, 11 P.M.

YOUR telegram No. 77.

Cabinet meets on Wednesday, when Mr. Olney's counter-proposal will be considered.

What do the words "claims resting on any other ground whatever" mean? It looks as if they were intended to give validity to the Bull of Alexander VI.

Annex 170

Letter from Consul Churchill to the Marquess of Salisbury, 13 December 1896

Further correspondence respecting the boundary between British Guiana and Venezuela, January to June 1897, Part XIV, National Archives UK, reference FO 420.

Printed for the use of the Foreign Office. January 1898.

CONFIDENTIAL.

(6972.)

PART XIV.

FURTHER CORRESPONDENCE

RESPECTING THE

BOUNDARY

BETWEEN

BRITISH GUIANA AND VENEZUELA.

January to June 1897.

No. 16.

The Marquess of Salisbury to Mr. Pakenham

(No. 1. Confidential.)

Sir,

Foreign Office, January 6, 1897.

WITH reference to your telegram of the 5th instant, I transmit to you herewith, for your confidential information, the draft of the Treaty of Arbitration which is being negotiated with the United States' Government.* Article II of the Treaty is still liable to alteration, but the rest of the Articles may be considered to be settled. You will no doubt have communicated confidentially to the Swedish Minister for Foreign Affairs the text of Articles III, V, VI, and X, which have been already forwarded to you by telegraph, and you may also make his Excellency acquainted, in strict confidence, with any other portions of the Treaty on which he may desire information for the more complete comprehension of the functions which the King of Sweden is requested to accept.

I am, &c.

(Signed) SALISBURY.

No. 17.

Consul Churchill to the Marquess of Salisbury.—(Received January 7, 1897.)

(No. 15.)

My Lord,

Paramaribo, December 13, 1896.

WHILST the Dutch were diligently employed during the last century in the endeavour to utilize all the resources acquired by them in the Guianas, they were obliged to allow, practically, all that part of their possessions lying between the Essequebo and the Orinoco Rivers to remain uncultivated owing to the sanctuary held open by the Spaniards for fugitive slaves from the Dutch bank of the Orinoco. This action of the Spaniards towards their Dutch neighbours acted as an effectual check to the agricultural expansion of the latter westwards of the Marocco River. Owing to the persistent avoidance of the Spaniards to come to any agreement with the Dutch on the subject of the restoration to them of their fugitive negro slaves and deserters, those Dutch colonists who would have gladly established themselves in those regions did not venture to do so.

This position of the Dutch being, incidentally, well set forth in a Memorial—the original of which should be found either at Demerara or the Hague—addressed to the States-General of the Netherlands about the year 1785 by the colonists of Essequebo, I venture, most respectfully, to submit an extract from the Memorial in question to your Lordship. The extract occurs in a copy of the Memorial published in a work which I had the honour to mention in my despatch No. 8 of the 6th November. The work is entitled, "Brieven over het Bestuur der Colonien Essequebo en Demerary." ("Letters regarding the Administration of the Colonies of Essequebo and Demerara.") Anonymous, vols. i–xii. Amsterdam. W. Holtrop. 1785–88.

The following extract is from p. 102 of vol. iii:—

"En wat nu Essequebo aangaat, haare West Zeekant is susceptibel voor culture, van beneden de Creeq Capoeje af (waar nog maar zeer weinige Plantagien leggen) tot de Rivier Boweron, ja tot die Marocoo toe, en zoo men reüseerde in het maaken van een Cartél ten aanzien der na Oronoque aufugeerende Neegers, zoo ziet men niet waarom, en de Rivier van Boweron en die van Marocoo, bÿ een aanwasch van Colonisten almeede niet tot vrugtdragende Bezittingen zouden konnen gemaakt worden, en van gedaante verandert, even zoo als zulks omtrent Demerary zeedert het jaar 1746, heeft plaats gegreepen."

(Translation.)

"And now with reference to Essequebo, her west sea-coast is capable of agriculture from below the Capoeje Creek (where there are up till now very few plantations) to the River Boweron, indeed even as far as the Marocco, and if it was possible to make a Convention regarding runaway Negroes to the Oronoque, one does not see why the

* Not printed.

Boweron and Marocco Rivers, by an increase of colonists should not be made fruitful possessions, and a complete change come over them, just as has been seen in regard to Demerary since the year 1746."

I have, &c.
(Signed) SIDNEY J. A. CHURCHILL.

No. 18.

Consul Churchill to the Marquess of Salisbury.—(Received January 7, 1897.)

(No. 16.)
My Lord, *Paramaribo, December* 13, 1896.

THE following extract from the official Journal of Governor Mauricius of Surinam may interest your Lordship, as being further evidence of the close relations mentioned as existing been the Dutch and the Caribs of Barima, on p. 4, paragraph 4, of the "Venezuela Blue Book, No. 3 (1896)":—

Governor Mauricius of Surinam.—Extract from Official Diary, Paramaribo.

Sunday, March 8, 1744.

"Voormiddaags een troup vrije Indiaanen uit de Oronoéque aangekomen, die bij mij wel onthald sijn."

* * * * * *

(Translation.)

"Forenoon a troup of free Indians arrived from the Oronoéque; they were well received by me."

* * * * * *

Wednesday, March 11, 1744.

"De vrije Indiaanen op den 8 deeser gemeld, sijn bij mij gekoomen om afscheid te neemen, en na dat ik deselve hadde eenige presenten gedaan, sijn zij wel vernoegd na hun land gekeerd."

(Translation.)

The free Indians mentioned on the 8th came to me in order to take leave; after I had given them presents they returned well pleased to their own regions."

I have, &c.
(Signed) SIDNEY J. A. CHURCHILL.

No. 19.

The Marquess of Salisbury to Sir J. Pauncefote.

(No. 6.)
(Telegraphic.) P. *Foreign Office, January* 7, 1897, 4·20 P.M.

I AM sending you a despatch next week, of which the substance is as follows:—

"A report has been received from the Governor of Trinidad that he has been informed by General Gil, the President of the State of Bolivar, who was on his way back from Carácas to his seat of Government, that the Venezuelan Government were very desirous of entering into direct negotiation with Her Majesty's Government for the settlement of the question of boundary and other differences.

"A telegram has been sent to the Governor authorizing him to suggest to the

Annex 171

Brewer's opinion, Venezuela's Arbitrator tells how the verdict was reached, 8 October 1899

The New York Times, Available at: https://www.nytimes.com/1899/10/05/archives/judge-brewers-opinion-venezuelas-arbitrator-tells-how-the-verdict.html

JUDGE BREWER'S OPINION

Venezuela's Arbitrator Tells How the Verdict Was Reached.

FINAL AWARD A COMPROMISE

There Were Differences on Every Point, but No Real Casting of Votes—Each Conceded Something.

PARIS, Oct. 4.—From a conversation had this evening with Justice Brewer of the United States Supreme Court regarding the award of the Anglo-Venezuelan Arbitration Tribunal, it appears that the deliberations of the court did not proceed as smoothly and with the spontaneous unanimity which a perusal of the award would lead one to believe.

Justice Brewer, in reply to a question, said:

"Until the last moment I believed a decision would be quite impossible, and it was by the greatest conciliation and mutual concessions that a compromise was arrived at. If any of us had been asked to give an award, each would have given one differing in extent and character. The consequence of this was that we had to adjust our different views, and finally to draw a line running between what each thought right."

Being asked whether political considerations influenced the award, the Justice said he could not admit that, as such an admission would reflect on the Judges, but there was no doubt that the present insurrection in Venezuela and the consequent feeling of instability weighed to a certain extent in the balance.

In reply to an inquiry as to what questions separated the Judges, Justice Brewer replied:

"Nearly every point. In the first place, European lawyers do not look upon the question of prior rights resulting from rights of discovery in the same way we do. Then, the question of the nature of control and the extent of influence and relationship with the native races, and many such matters are not viewed in the same manner on either side of the Atlantic. In fact, the whole situation is not so keenly appreciated by Europeans as it is by Americans."

Replying to a query regarding the deliberations within the court, Mr. Brewer said that there was, properly speaking, no casting of votes. Each Judge conceded something in turn.

With regard to the proceedings in open court, he said the hearing of arguments might have been considerably curtailed had the case been heard exclusively by either an English or an American court, but the Judges thought it prudent to allow counsel full liberty in order to make matters clearer to the President, who, after all, was not a lawyer.

Asked whether, according to his own opinion, Venezuela was entitled to more than she actually received, Justice Brewer, after some hesitation, shrugged his shoulders, and said he would rather say nothing on that subject, and concluded by remarking that, whatever the two parties might think of the award, Venezuela received Barima Point, which gives her full control of the interior of her country, and England is confirmed in the possession of territory, in the development of which she has spent considerable money and energy, but "the principal blessing is that the two nations can at last develop peacefully, side by side. large tracts of territory, which, owing to previous antagonisms, have remained unproductive.

Annex 172

Letter from Choate to Hay, 20 September 1899

Manuscript Division, Library of Congress, Washington, D.C., John Hay Papers, Box 3-5, Reel 6, "Choate, Joseph Hodges, 1898-1905

Private

AMERICAN EMBASSY,
LONDON.

September 20, 1899.

My dear Col. Hay,

Your private letter of August 18th was duly received, and you will readily appreciate that I fully share the disappointment which you express.

I still, however, cherish the hope that suggestions may be made by Lord Salisbury that may commend themselves to your judgment and that of the President-- and also be acceptable to those who share the sentiments expressed in the letter which you enclosed to me. Up to this time delays necessarily incident to the vacation season have taken place. I have not as yet received any reply to my letter of August 9th to Lord Salisbury, of which I sent you a copy, and in which I gave him in writing a resumé of what in my previous conversation with him I had undertaken to state upon the arbitration question, as set forth in my Despatch No. 144. This delay on his part is in part accounted for by the fact that Sir Louis Davies, one of the Canadian Commissioners is expected soon to arrive here, as a sort of representative of the Canadian government's views. After the receipt of these -- and full discussion with him and with Lord Pauncefote -- the Secretary for Foreign Affairs will probably make a full answer to my letter, unless indeed he may

further

further await the result of the Venezuela Arbitration, which is not at all impossible.

Yesterday I had the pleasure of an interview with Lord Pauncefote, who told me that he had postponed his departure till November 1st, and I understood him that this was in part at least, for the purpose of sharing in the conferences at the Foreign Office with Sir Louis Davies, whom he considers, upon the whole, a very reasonable representative of Canadian views.

I had expected before this to have had an opportunity to put to Lord Salisbury the question contained in your Instruction No. 198, of August 21st, and now expect to do so at a special interview which he has appointed for Friday next, the 22nd,-- his regular Wednesday reception having been suspended for this week because of a Cabinet Council about Transvaal Affairs.

I have as yet received no answer from him to your question about Samoan affairs, which I was directed to put to him by your cipher cable of September 8th. This was submitted to him promptly, upon its receipt, by Mr. White, through Mr. Villiers, who reported that the Secretary who was absent at the time, had taken it into careful consideration -- and I expect to receive at least, his oral answer on Friday.

I shall take the same opportunity to open to him the subject of your Despatch No. 205, of September 6th, which was

received

received on the 16th instant.

I make this report in reference to these various matters that you may not think that any of them are being neglected--but the minds of all Her Majesty's Ministers are so absorbed just at the time with momentous South African matters that we must be prepared for some further delays on their part in attending to ours.

Yours most truly,

Joseph H. Choate

Annex 173

Letter from Choate to John Hay, 1 November 1899

Manuscript Division, Library of Congress, Washington, D.C., *John Hay Papers*, Box 3-5, Reel 6, "Choate, Joseph Hodges, 1898-1905

Private & unofficial

AMERICAN EMBASSY,
LONDON.

Nov. 1st 1899.

My dear Col. Hay

I said good by to Lord Pauncefote yesterday, and heard from him though not officially that he had prepared an amendment to the draft arbitration agreement which Lord Salisbury and he and I concurred in last Summer and which the Canadians, upset — had submitted the same to Lord Salisbury — who seemed to approve of it, and who a day or two ago sent it out to Canada to see if they would approve. I understood him that it would have the effect to secure actual American settlements to us in any event, without expressly naming them. If they should approve, which is not likely, we shall be apt to hear from the Foreign Office within a few weeks, but I

assume that after our second experience with them in which they have compelled the Foreign Office to recede from what it was inclined to agree to, you will not be in a hurry. Meantime I think it would be useful if you could ascertain from General Harrison his views as to the expediency of arbitrating the Alaska Boundary question. His recent experience at Paris has led him to a very emphatic opinion that any form of arbitration agreement ~~that~~ in which the Board were constituted as the Venezuelan was, would necessarily result in a compromise, instead of an actual judicial determination of the Treaty line. I ~~think~~ he would gladly come to Washington and give you the result of his observations and experience.

As to Samoa there is not a word to be added today. The disastrous state of affairs in the Transvaal has turned Lord Salisbury's reception day into a succession of Cabinet meetings - and they for I have called there I have not been able to see him but expect to see him at a later hour. [P.S. 6 P.M. Have had an interview now]

As to the desired declaration in regard to China I have now been furnished by the Foreign Office with all the documents showing the situation of affairs there. But as it appears that the holdings of nearly all the great powers in China are in the form of leases - we can hardly accept Lord Salisbury's suggestion to omit "leased lands" altogether. The express exception of the Hong Kong Extension, which, his objection point, would probably lead the other powers who are asked to make the declaration to insist upon all sorts of exceptions on their part - and we are now considering whether a general statement of the lands leased to England which would virtually exclude the Hong Kong Extension would be practicable very likely you seem intended to include within the declaration. this Extension which they hold under a lease for ninety nine years. is practically incorporated into the Crown Colony and forming as a part of it Lord Salisbury before finally considering the proposed declaration

will desire to be informed what the other powers are inclined to do - and seemed to think we were over sanguine in expecting them to enter into such a declaration. He also was kind enough to suggest that Japan had better be included - as she might enter into new arrangements with China.

As to Captain Gibson going to South Africa - we have made an unofficial application to the Foreign office preparatory to an official one, if we receive encouragement - We cared not withdraw the application for Sumner and Story because that had been emphatically rejected. but I am inclined to think that the War office when it gets on its present flurry will give Capt. Gibson a chance, altho up to the moment of writing no answer has come to the Foreign office from it to our unofficial application. Meanwhile Capt Slocum is here and is getting ready to sail from Glasgow on the 5th.

[Hastily to catch this bag]

After the adjournment of the second Cabinet meeting this afternoon I was favored with an interview with Lord Salisbury.

2.

AMERICAN EMBASSY,
LONDON.

I stated to him the practical difficulty there would be in carrying out his suggestion to limit the proposed declaration to "spheres of interest" excluding 'leased lands' altogether. as I have stated it above. He acquiesced in the objection. Said his objection point was to prevent its application to the Hong Kong Extension: that as for the rest of England's leased lands. Wei-Hai-Wei – and her "spheres of interest" which might include their 'Ear-mark' in the Yang-tze valley and the Chusan Islands he thought they could make the declaration. as it was carrying out their established policy – I hope this will enable me to frame a despatch on that subject to be sent to you by the next bag. as there is no time to do it by this.

Recalling my inquiry at our last interview about the status of the negotiation between Great Britain and Germany about Samoa - he said they had now come to terms - preliminarily of course, as it would require the assent of the United States to alter the present Treaty status. He stated these to me confidentially, i.e. to be repeated to you confidentially and to be so held until the formal and official communication is made to us which will be soon. They are ready to agree that we bring content with our island: Germany shall take the rest of the Samoan Islands - and England in exchange shall take Tonga. (in which we are blind to have something secured to us by Treaty which will not be disturbed.) and the scattered outer skirt of the Solomon Islands not already belonging to England. With this is mixed up some agreement about a bit of no-man's land in West Africa with which we can have no concern. All this is to be formally submitted

to us for consideration, but of course they entertain the hope that ~~they~~ the President will readily consent. Bringing my suggestion previously made that ~~in~~ any thing that should be done must be with due regard to the rights and interests of the natives and to international relations. he said that as to international relations England would require equal fiscal rights for all three nations in Samoa. and as to the natives he said that England would be as anxious as we to protect the natives although Germany was sometimes a little more summary. but he desires particularly to know what provisions you are inclined to require in that regard and hopes you will cause him to be advised about that as soon as practicable. In this respect he seemed to think that the powers of self-government by Elections imputed to them by the original tripartite treaty had not been justified by their subsequent conduct and in that connection I may add that in the wholly informal

talk I had with the German Ambassador of which I advised you at the time. he expressed the same opinion most emphatically. But now that they are coming to a point. Lord Salisbury will be greatly obliged if you will give him the views of our government about the rights of the natives and what is necessary for their protection in case the plan now proposed meets in its main features, the Presidents approval.

I have written very hastily in order to catch this mail which closes now. but I think that I have given you the substance of the whole.

most truly yours
Joseph H. Choate

Col. John Hay.

Annex 174

The Venezuelan question, the Standard London, 15 February 1900

Available at: https://www.newspapers.com/image/409748665

The Standard (London, Greater London, England) · Thu, Feb 15, 1900 · Page 7

THE VENEZUELA QUESTION.

LORD JUSTICE COLLINS AND SIR R. WEBSTER.

General Sir H. NORMAN presided at a meeting of the members of the Royal Colonial Institute, held at the Hôtel Métropole, on Tuesday night, to hear a paper read by Mr. Everard F. im Thurn on "British Guiana and its Boundary." There was a large attendance.

Mr. IM THURN, who was cordially received, traced the history of British Guiana down to 1844, when Robert Schomburgk, in the service of our Royal Geographical Society, produced his great map, sketched the origin of the disputes with Venezuela as to the question of boundary, and showed how the Venezuelan Government objected to British development within the Schomburgk line. That development, however, steadily continued, and had continued to this day. In 1835 there was spoken the well-known Presidential Message in the United States; and this was followed by a little tactful diplomacy between America and Great Britain, resulting very shortly in the Treaty of Washington and the wise submission of the whole question to International arbitration, as a result of which we had got all that we required for the needs of the Colony. The time had, therefore, already come when Guiana might seriously set herself to the task of re-establishing her former prosperity. That prosperity in the past had depended on sugar and on the sugar estates along the sea coast. It was greatly to be hoped that some means might be found to make sugar-growing once more pay. But Guiana, unlike some of her neighbouring Colonies, had an asset which she had never yet fully used, and which she was only now in the position fully to use. That asset was the gold in her interior; and that gold should be used as a means of attracting and establishing a population in the interior, which, later on, when the gold was exhausted, should have been trained to other and more permanent industries. If Guiana was to be saved, he believed this must be done in the first place by now developing her interior, by means of gold, and later of other industries, and by using this new asset to help out her sugar industry on the coast (loud applause).

A discussion ensued, in the course of which

Lord Justice COLLINS said the Venezuelan Arbitration was remarkable for an amazing contrast. The advocates for Venezuela, American Counsel, were then claiming title for Venezuela under Spain, and they glorified the efforts, traditions, and achievements of Spain, its magnificent benevolence, and its enterprise in the cause of Christianity. The American Counsel who were panegyrising Spanish methods, and claiming for them, as compared with the Dutch, all right of precedence, were at that moment representing a nation which had succeeded in wresting from Spain the last remnant of those Colonies of which Venezuela was one of the first (laughter). On the other hand, the British Counsel were equally laudatory of the Dutch, telling the Arbitrators of their benignant attitude towards the natives, and their respect for the liberties of individuals, and of their high tone. Scarcely was the ink dry upon the Award when the British found themselves in death grips with the Dutch, and we did not hear now so much of those gentler qualities of the Dutch that we heard then (laughter). The lecturer had ignored one thing, and that was that this Colony, which was now

qualities of the Dutch that we heard then (laughter). The lecturer had ignored one thing, and that was that this Colony, which was now British, and in which British influence was the pervading and sole influence, and which was animated by British spirit and governed by British institutions, was indebted for those institutions, at least for their prominence and prevalence in those wide and scarcely inhabited districts, to one man, and that was the lecturer himself (applause). Not only had the lecturer achieved that distinction for himself in British Guiana, but he had also won for himself the gratitude of all those who had anything to do with the Venezuelan Arbitration. The same high qualities had enabled Mr. im Thurn to act imperturbably amidst the indifference with which the Colonists and the Government for the time being treated, as he had no doubt they did treat, the development of the Colony, which had been under a sort of ban.

Sir R. Webster said he wished to add his tribute to the ability and accurate knowledge brought to bear on this question by Mr. im Thurn, without which they could not have succeeded as they had done. The first thing he would impress upon the Colonial Institute was the enormous importance to a Colony and a growing country of authentic records. No doubt we suffered largely from the fact that for the period of at least one hundred years no real care had been taken in the Colony to preserve sytematically, or with any degree of order, the records of the Colony. He was sure that both they who were engaged in the arbitration and the diplomatists would have had less difficulty had those records been kept, and he trusted it would be a warning to other Colonies, so that there might be statistical and historical data retained of the life of the Colony (applause). He thought a great deal too much blame had been cast upon the previous Foreign Ministers for the offers they made. It was utterly impossible for a Minister to become acquainted with all the data in the course of a few weeks' investigation, and the consequence was that the offers made by Lord Granville, Lord Aberdeen, and others to give away many thousand square miles of what was British territory were really due largely to the fact that it was quite impossible for them to grasp the bearing of the question with the very limited experience and knowledge they had of the subject at the time. As to the effect of the award, it was perfectly true that we did lose a small piece of territory at the mouth of the Orinoco, called Barima Point, which was, apart from the sentimental aspect of the question, really of no great importance to us. What was of vital importance to this country was the preservation of the waterways by Great Britain for the commerce of the world. Those waterways were far more important to Great Britain than any question of a few miles of swamp which might have been awarded had our rights been more strictly examined. The history of the Colony and of the arbitration brought out in strong relief the importance of promptness and decision on the part of Colonial Governors, who had a personal knowledge of the needs of a Colony and the surroundings of a question which could not possibly be appreciated by those who sat at home, and did not deal with questions on the spot. The history of the Arbitration showed not only that Schomburgk's investigations were absolutely justified by history, but also established this, that if in the year 1844, when he delineated his line, Great Britain had said "That shall be our boundary," and the Colonial Governor had been allowed to insist that was the boundary, no Venezuelan voice would have been heard at all (hear, hear).

Mr. Ashworth, one of the Counsel engaged in the Arbitration, and others took part in the discussion; after which Mr. im Thurn was thanked for his paper.

Annex 175

The Venezuelan Question, London Time, Tuesday, 10 November 1896, pp. 7-8

SALISBURY was able to declare last night his confident belief that the Venezuelan difficulty no longer existed so far as the United States are concerned. It will be remembered that HER MAJESTY'S Government were willing from the first to submit to arbitration the claims of British Guiana and Venezuela respectively to the disputed territory, excepting only the "settled districts" under British rule. There was a difficulty in deciding by consent of both sides what the settled districts are. The application of the rule of prescription suggested by the American Government has been accepted in principle by this country. Undisputed and continuous possession, after the lapse of a term of years, is allowed by every civilized State to confirm, in the case of individuals, a title to property originally doubtful or even demonstrably invalid. This rule will be applied to the districts claimed by Venezuela. LORD SALISBURY did not go into details, but we believe it will be found that where British occupancy, extending back for some 50 years, can be proved, the arbitration will be barred, while all the remaining claims will be allowed to go before a tribunal appointed by the English and the American Governments.

THE VENEZUELAN QUESTION.

It is rather a bathos to turn from that matter to the not very important controversy which his country and ours have had during recent months. I only do so for the purpose of expressing my belief that that controversy is at an end. (Cheers.) It is always surprising by what very obvious arrangements problems of great difficulty are solved, and in the continent which Columbus discovered the tradition of Columbus's egg must be properly revered. (Laughter.) But, as you are aware, in the discussion we have had with the United States on behalf of their friends the Venezuelans the question has been, not whether there should be arbitration, but whether the arbitration should have unrestricted application, and we have always claimed that those who, apart from historic right, had the right which attaches to established settlements—the settled districts—that they should be excluded from the arbitration. Our difficulty for many months has been to find how to define the settled districts, and a solution has been found—I think it has come from the Government which his Excellency represents—that we should treat the colonial empire just as we treat individuals, that the same lapse of time which protects individuals in civic life from having their title questioned should also protect the English colony from having its title questioned. (Cheers.) And beyond that, that where that lapse of time could not be claimed, though there should be an examination of title, yet all that equity demanded in consideration of such inchoate title should be granted. It is a very simple solution. (Hear, hear.) I believe I am not using unduly sanguine words when I say that I believe it has brought this controversy to an end. (Cheers.) It is a matter of no small satisfaction to her Majesty's Government that at a time when these anxious social questions, which are of far more importance than political questions, are troubling the United States and therefore troubling the rest of the world, we should remove from the board any semblance of political difference which might hinder our common action in defence of the common heritage of society and the civilized world. (Hear, hear.)

THE EASTERN QUESTION.

Annex 176

Letter from Storrow to Olney, 17 September 1896

Storrow, James to Olney, Richard, September 17, 1896. Manuscript Division, Library of Congress, Washington, D.C. Richard Olney Papers. General Correspondence and Related Material, 1830-1925 (BOX, 60-62, REEL 22), (1896: Agost 19 - Sept 29)

COPY

J.J.Storrow,
40 State Street,Boston.

Sept. 17, 1896.

Dear Olney

Our views agreed the other day so that I thought it enough to answer to your telegram "no change".

Settlements by British subjects, living under British rule, in territory administered solely by British rule, if long continued will certainly (I think) give title. Sixty years is the classic period; I would agree to less as a rule rather than lose an arbitration.

Political occupation & administration, continuous & exclusive, will give, I think political title. I would agree to the same period. The conditions you annex to it, of no protest or counter-claim would be highly acceptable to me; and I should be disposed to agree to less stringent ones, because I have no great faith in mere paper protests. But that would not reach the case of the truce of 1850 and perhaps not the case of a mere bullying, like the present armed occupation.

I do not think that the truce of 1850 could be waived or impaired or that it ought to be.

If there should be a general consensus of opinion on these points it would not be difficult to find the necessary words.

It must also, I think, be made clear that territory not within either category is to be judged by the proper rules of law, unaffected by the stipulation.

The enclosed sheets, particularly the sheets of "proof" will give you an idea of the nature of the facts. The rough proof

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-- 2 -- (J J S to R O -- 9/17/96)

alone is sufficient.

I enclose the Italian newspaper I spoke of.

Yours truly,

J. J. Storrow.

Hon. Richard Olney,

Falmouth, Mass.

Annex 177

Memorandum on the Guiana Boundary Maps by Sir. E. Herslet, 22 October 1886

Ministerio de Poder Popular para Relaciones Exteriores, Archivo de Fronteras, Memorandum on the Guiana Boundary Maps by Sir. E. Herslet, Bibliotecario del Foreign Office, 1886, Box: E-04 como nuevo

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 its claim to the Boundaries laid down

6 585 by

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", viz:- 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

* altho' a reduced tracing was received in 1877 but not so stated (at the time)

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.

Another Map was published by Stanford in 1875; but neither could this Map be well

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 Esqre, Director of the Geological Survey of the West Indies and British Guiana. With additions

See Mem. (S.A.) of 5th Conf. Point p. 7

by Charles B. Brown, Esqre. Engraved under the superintendence of William Walker Esqre, 1875"

The 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 Hebert's M.S. Maps in their possession, but the 1875 Edition of Stanford's Map would probably never have been called an "unauthorized" one, had not the discovery been made that the Boundary marked thereon did not correspond with Schomburgk & Hebert's M.S. Maps in the possession of the Colonial Office.

At any rate, the Colonial Office have never published an authorized Map, which they have laid one Map before

before Parliament and marked upon it a line as being the one drawn by Schomburgk; they have assisted Stanford in the preparation of another Map, partially prepared from Schomburgk's Surveys (as stated on the Title); and they have allowed a Map of British Guiana to appear in the "Colonial Office List"; but upon none of these Maps does the line of Boundary marked agree with the Boundary laid down on Schomburgk and Herbert's MS. Map, and to which Boundary they maintain they have "consistently adhered".

This proves the necessity, I think, for the speedy publication of the Map to which their letters of the 25th and 27th September refer, as it was not until 1881 that the Colonial Office put forward their claim to the Boundary as laid down on the Version of Schomburgk's Map as being the correct one.

C. Herbert.

Foreign Office
22 October 1886.

P. S. In the Notice which appeared in last Night's Gazette respecting British Guiana, it is stated that "a Map showing