

INTERNATIONAL COURT OF JUSTICE

ARBITRAL AWARD OF 3 OCTOBER 1899

(GUYANA V. VENEZUELA)

THE TRUTH ABOUT THE GUAYANA ESEQUIBA

Rejoinder of the Bolivarian Republic of Venezuela



VOLUME II

Annexes

11 August 2025

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ANNEX 1

Joint Communiqué issued 10 December 1965, in accordance with what had been agreed in the Joint Communiqué of 7 November 1963, talks that took place in London on 9 and 10 December

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Joint Communiqué on the Ministerial Talks Held in London on December 9 and 10, 1965, between the Minister of Foreign Affairs of Venezuela and the Secretary of State for Foreign Affairs of the United Kingdom, Mr. Michael Stewart, and the Prime Minister of British Guiana, Mr. L. Forbes S. Burnham, 1965, Box: E-5

JOINT COMMUNIQUE ISSUED 10 DECEMBER, 1965.

In accordance with what had been agreed in the Joint Communiqué of 7 November, 1963, talks took place in London on 9 and 10 December between the Minister of Foreign Affairs of Venezuela on the one side and the Foreign Secretary of the United Kingdom and the Premier of British Guiana on the other on the basis of the following Agenda:

Agenda for the continuation at ministerial level of Governmental conversations concerning the controversy between Venezuela and the United Kingdom over the frontier with British Guiana in accordance with the Joint Communiqué of 7 November, 1963.

1. Exchange of views on the experts' reports on the examination of documents and discussion of the consequences resulting therefrom. Necessity of resolving the dispute.
2. To seek satisfactory solutions for the practical settlement of the controversy which has arisen as a result of the Venezuelan contention that the 1899 award is null and void.
3. Concrete plans for collaboration in the development of British Guiana.
4. Determination of time limits for the fulfilment of whatever may be agreed with reference to points 1, 2 and 3 above.
5. Joint Communiqué on the present talks.

In addition to considering the experts' reports on the documentary material relating to the Arbitration Award of 1899, the Ministers considered ways and means of putting an end to the controversy which threatens to damage the traditionally cordial relations between Venezuela on the one hand and the United Kingdom and British Guiana on the other.

Ideas and proposals for a practical settlement of the controversy were exchanged. It was agreed that some of these should receive further consideration and that the Ministers should continue the present discussions in the week starting 13 February, 1966 at Geneva, in order to consider those proposals as well as others that might be suggested under the above agenda. Neither side having been able to accept the conclusions of the experts appointed by the other side, Item 1 will therefore not be considered. It was further agreed that preparatory talks between officials should start at an early date.

ANNEX 2

Presentation to the National Congress by Mr. Ignacio Iribarren Borges, Minister
of Foreign Affairs of Venezuela, about the Geneva Agreement
17 March 1966

English Translation

Source: Ministry of Foreign Affairs, (1981), Claims of the Essequibo Guayana,
Documents (1962-1981), Caracas.

**PRESENTATION TO THE NATIONAL CONGRESS BY MR IGNACIO
IRIBARREN BORGES, MINISTER OF FOREIGN AFFAIRS, ABOUT
THE GENEVA AGREEMENT
17 MARCH 1966**

President of the National Congress,
Vice-President of the National Congress,
Congress attendees,

It is an honour and a privilege for me to have been offered this opportunity to address the Sovereign Congress of the Republic on the important issue that I will set out.

I have divided my presentation into two parts:

1. Steps taken prior to the Geneva Agreement.
2. The Geneva Agreement.

STEPS TAKEN PRIOR TO THE GENEVA AGREEMENT

Unilateral rejection of the Award

The attitude of the government and people of Venezuela towards the arbitrary Award of 3 October 1899, which purported to mark the boundary between our country and British Guiana, is well-known.

After discovering the significant substantive and formal defects that affected the decision, the Venezuelan Foreign Ministry was convinced that it had the right to declare it invalid. The difficult political, economic, and military circumstances that our country was experiencing at that time prevented the national government from fully rejecting the ruling to its ultimate consequences.

At the twilight of the colonialist era, hope was rekindled that one day the injustice we had been victims of would be redressed.

For several years, that hope seeped into the declarations of our Venezuelan State, each time more categorical and clearer than before with respect to that Arbitral Award. Nonetheless, however solid and convincing the Venezuelan argument was, the United Kingdom was reluctant to enter into discussions aimed at revising an Award which it considered intangible.

Beginnings of bilateral negotiations

We maintained the unilateral nature of our claim until, in November 1962, my predecessor in the Foreign Ministry, Dr Marcos Falcón Briceño, after presenting our thesis in detail before the Special Political Committee at the General Assembly of the United Nations, managed to come to an agreement with Great Britain to carry out a tripartite examination of the documentation related to the issue. This Agreement was noted in the Declaration of the President of the Special Political Committee on 16 November that same year.

The transcendental value of the agreement is undeniable as it represents the starting point of a long bilateral process which will unfailingly lead to the revision of the so-called Award of 1899.

However, it is important to stop and observe the British position at the point at which it agreed to treat with Venezuela on this question.

The Representative of the United Kingdom, C. T. Crowe, after trying to refute the views of the Venezuelan Foreign Minister, said the following:

“I hope I have convinced the members of the Committee that if international law and freely concluded agreements are to be respected, then the borderline issue between British Guiana and Venezuela should not have been brought for consideration at the United Nations.”

After referring to the examination the British experts had carried out of the documentation related to the issue, which in their opinion showed that there was no justification for reopening the question, he then concluded:

“Therefore, I have been authorised to say that my Government, fully endorsed by the Government of British Guiana, is willing to deal with the Government of Venezuela through our respective diplomatic channels, the arrangements for a tripartite examination, i.e., Venezuela, British Guiana and United Kingdom, on the extensive documentation pertinent to this question.”

The British offer was accepted by Venezuela and it led to an agreement on the examination of the documentation relating to the so-called Award of 1899.

One might wonder why Venezuela accepted the participation of the Government of British Guiana in the discussions, the latter not yet being independent.

It must be observed that the conversations were to take place between Venezuela and the United Kingdom in consultation with British Guiana and therefore the participation of the Government of Georgetown would not be equivalent to that of the two sovereign countries as the subjects of the dispute. On the other hand, our Government, given its unwavering anticolonial position, always favoured the presence of the colony in those discussions affecting its territorial area. Our diplomacy was going to act cleanly, and therefore had nothing to fear from the involvement of the colony's representatives. When diplomats resort to shady dealings, they try to do them, as our country experienced first-hand in the Arbitration Tribunal of 1899, behind the backs of the peoples, no matter whether they are free or dependent.

I want to highlight the fact that it is since 1962 (that is, since the very beginning of the diplomatic process leading to the Geneva Agreement) that these conversations have had a tripartite nature in the way I explained in the previous paragraph.

Before moving forward, it is useful to remember that the agreement concluded within the framework of the United Nations in 1962 aimed at the examination of the documentation, but Great Britain absolutely refused to address the substance of the issue: the revision of the decision rendered by the Arbitral Court in 1899. Mr Crowe stated this point of view very clearly in the intervention mentioned above:

“While making this offer, I also want to make it clear that this is not an offer to start talks on the substance of the border revision. We cannot do that because we consider that it would not be justified.”

Finally, I would like to say that since the above-mentioned agreement did not specify the level at which the conversations were to take place, the United Kingdom tried to belittle it. The Venezuelan Government insisted on taking this negotiation to the highest level of government in order to achieve the revision of the Tribunal's decision.

In order to meet these goals, it was necessary to overcome the obvious reluctance of the British Government. In March 1963, Great Britain tried to scale down the talks to the level of an academic discussion among experts, but Venezuela made clear its view that it would in no way enter into such talks until the UK committed itself in advance to discussing the issue at ministerial level. Despite warnings from those who predicted that the Foreign Office would never engage in such a commitment, Venezuela continued to press until it obtained Britain's

agreement that the discussions would be held in two phases: first, at the level of experts, and second, at high ministerial level.

Great Britain could no longer doubt the firmness of the Venezuelan claim. The President of the Republic, Mr Rómulo Betancourt, in his message to the National Congress, on 12 March 1962, declared:

“The disagreement between a weak Venezuela and an arrogant Albion from the Victorian era was resolved through an award—iniquitous and unacceptable, and always rejected by Venezuela—, rendered by a political court and not a court of law, in its judgment of 3 October 1899. Venezuela has never and will never admit that such a large portion of territory which is rightfully its own should cease to be part of its geography.”

First London Conference

The first meeting of Ministers took place in London in November 1963. The Venezuelan and British delegations were led by Dr Marcos Falcón Briceño and Hon. R. A. Butler, respectively. Governor Sir Ralph Grey was the representative of British Guiana. On that occasion, Venezuela made the discussion go to the substance of the issue by presenting its point of view in an Aide-Memoire, dated 5 November, which summed the arguments for Venezuela’s rejection of the Award of 1899 and finished with the following categorical position:

“Historical truth and justice demand that Venezuela claim the full return of the territory of which it has been dispossessed, and in this respect, it relies confidently on the goodwill and co-operation of Her Majesty’s Government.”

On their part, Great Britain reiterated the position their Representative Mr C. T. Crowe had already put forward. They rejected the Venezuelan arguments and

regarded the 1899 Award as a “full, final and definitive settlement.” These two positions have been held in parallel throughout the present negotiation, up to the opening session of the Geneva Conference.

A breakthrough in Venezuela’s favour was noted at the above-mentioned London meeting in November 1963, according to the joint communiqué of that meeting. In fact, following a reference to the reports to be submitted by the experts to their respective governments, the communiqué reads: “These reports will be used as a basis for future discussions between Governments.” Consequently, since the communiqué failed to indicate the nature of future discussions, we could argue that talks at the government level would be aimed at discussing the substance of the issue.

Venezuela, with a firm determination to recover the territory that rightfully belongs to it, understood this to be the case, as can be seen in the words of the then President of the Republic, Mr Rómulo Betancourt, in the account on the London talks he provided to the National Congress on 7 March 1964:

“Negotiations have moved on and, for the good of the Republic and to redress an injustice done to Venezuela, they will have to keep going. The final outcome must be the reincorporation into national territory of an area which, from a legal and historical point of view, has never ceased to belong to Venezuela. I must add, with no triviality, that Venezuela’s claim to an area of territory that is rightfully its own in no way affects or hinders the aspirations of the people of British Guiana for their independence. They have the sympathy of the Venezuelan nation, whose anti-colonial position dates back to the days when it itself insurged as a sovereign nation, shaking off foreign tutelage.”

The first phase of discussions between the Venezuelan and British experts, with the participation of the British Guiana experts, was completed in the first half of 1964. The resulting reports were exchanged on 3 August 1965, and then negotiations began for the ministerial meeting held in London in December 1965.

During this period, the Foreign Ministry repeatedly reiterated its claim that the so-called 1899 Award was null and void, that there was a dispute threatening relations between our country and the United Kingdom and British Guiana, and that the ministerial talks had to delve into the substance of the issue. In this way, we reacted to repeated statements by the Prime Ministers of Guiana Mr Jagan and Mr Burnham, who were reluctant to discuss the boundary line under the Award, as they did not acknowledge the boundary dispute, which they considered to have been settled in 1899. Meanwhile, the Venezuelan Foreign Ministry, consistently with its claim to Guayana Esequiba, raised complaints against oil exploitation concessions allegedly granted by the government of British Guiana in the territory west of the Essequibo River.

In line with the Venezuelan stand that the 1899 Award is null and void, the Foreign Ministry took several initiatives, including the publication of a map of the Republic showing the *Área en Reclamación* [Area under Reclamation] and the issue of postage stamps alluding to the dispute.

These actions were rejected by the British Government, which reiterated its position on the intangibility of the aforementioned Award. Thus, in a note of 4 March 1965, referring to that map, they stated:

“The Embassy has been instructed to state that Her Majesty’s Government cannot accept the Venezuelan Government’s demarcation of the boundary or any other matter which casts doubt upon the sovereignty of Her Majesty’s Government in the said area of British Guiana. Her Majesty’s Government

has no doubt of its sovereignty over that territory, and reserves its rights in this matter.”

In response, we reaffirmed the position that “the map in question, published by the National Cartography Agency of the Ministry of Public Works, is merely a graphic expression of the statements made publicly and repeatedly by the Venezuelan Foreign Ministry, which are well known to the British Government, to the effect that the so-called Award of 3 October 1899 is null and void, and that Venezuela therefore reserves its rights to the Guayana territory of which it was unjustly dispossessed.

On 2 August 1965, just before the exchange of the experts’ reports, Mr Padley, Parliamentary Secretary of the Foreign Office, explained the British stance to the British Parliament:

“The boundary between Venezuela and British Guiana was established by the Arbitral Tribunal of 1899, in accordance with the terms of the Treaty signed in 1897 between the United Kingdom and Venezuela. Both parties agreed to accept the Arbitral Award as a ‘full, perfect and final settlement’ under Article XIII of this Treaty. The Venezuelan government has claimed that the 1899 Award is null and void and, in May of 1962, informed Her Majesty’s government of its intention to claim part of British Guiana. When the question was raised at the United Nations later on, the United Kingdom representative, while insisting that the matter was *res judicata*, offered to arrange for an examination of documentary material relating to the Award in order to reassure Venezuelans that they had not been the victims of an injustice. This examination of documents has now been completed and the results are to be reviewed by the Governments. It remains the position of Her Majesty’s Government that the whole question was settled once and for all by the Arbitration Tribunal in 1899.

This is also the position of the Government of British Guiana.”

The experts’ reports were exchanged on 3 October 1965. After presenting the Venezuelan report to the British Government, the Ambassador to London expressed Venezuela’s complacency “at the successful completion of the technical studies phase,” and in a note dated 7 September, he also expressed the unwavering and traditional position of Venezuela:

“The Venezuelan stance on the dispute has been clearly established. Venezuela has stated that it does not recognize the Arbitral Award of 1899 as the final and definitive settlement of its dispute with the United Kingdom. The country has expressed to Her Majesty’s Honourable government that it wished consideration to be given, in an unprepared spirit, to the rectification of the injustice to which Venezuela had fallen victim in the past, at an unfortunate time our people cannot forget. hopes that a solution will be reached that takes into account the legitimate interests of both Venezuela and the people of British Guiana.”

In response, the British government replied to this note, and to that of 3 August, reaffirming, once again, the initial position it had adopted in 1962, by reproducing the words of its Representative at the Special Political Committee, quoted above, to the effect that the offer to examine the documentation “was in no way an offer to enter into substantive talks on the revision of the boundary,” but “to dispel any doubts that the Venezuelan government might still have about the validity or justice of the Arbitral Award.”

It was evident that Great Britain was reluctant to enter into substantive discussions on such a serious matter. Apparently, Great Britain still considered the

Venezuelan claim to be unfounded, and was only willing to engage in a purely academic discussion that could not lead to any settlement of the old issue. It was necessary that, on the express instructions from the President of the Republic, Mr Raúl Leoni, I addressed the country on radio and television on 16 September, 1965, to declare categorically that “if Venezuela had embarked on the diplomatic path, it was not to be satisfied with purely academic discussions.” And I added: “In a matter as serious as the usurpation of 150,000 square kilometres of national territory, our government would rightly be accused of lacking seriousness if it were to engage in sterile bookish debates and semantic interpretations of old texts.”

Our position was clearly stated: we would not attend a ministerial conference to discuss anything other than the heart of the issue —the revision of the so-called 1899 Award.

The independence of British Guiana

Before further elaborating on the theme I am developing, i.e., the antithetical positions of Venezuela and the United Kingdom with regard to the dispute, I must refer to the fact, happy in many respects, of the forthcoming independence of British Guiana.

For many years, the Foreign Ministry had warned of the proximity of that event, although those forecasts were not fulfilled before due to internal and external reasons affecting the colony. It was clearly evident that our traditional claim should increasingly gain momentum as the date approached, since it was important to clearly set out that our dispute with the United Kingdom, the cause of the border issue, would not come to an end when British Guiana gained independence, unless a satisfactory solution was found for Venezuela. In this sense, the Foreign Ministry has issued clear formulations in relation to the territorial dispute.

The principle that any change of *status* in the colony of British Guiana will not affect the Venezuelan territorial claim has been repeatedly reaffirmed.

In addition, at the initiative of Venezuela and other countries, the following was included in the Protocol of Washington, approved by the First Special Inter-American Conference held in December 1964:

“The Council of the Organisation shall not take any decision on an application for admission submitted by a political entity whose territory is subject, in whole or in part and prior to the date of this resolution, to litigation or claim between an extra-continental country and one or more member States of the American States, until the dispute has been brought to an end by means of a peaceful procedure.”

We have also upheld the principle that our dispute over Guayana involves the occupation of territory by a foreign power, in violation of paragraph 69 of United Nations resolution 1514 (XV):

“Any attempt to undermine a country’s national unity or territorial integrity is incompatible with the purposes and principles of the United Nations Charter.”

In this regard, I made an express statement to the United Nations on 6 October 1965:

“These territories cannot escape the corrective action of history. However, we must insist, as in the various resolutions adopted by the Inter-American Conferences, on the distinction between colonies and occupied territories. If the former are to gain independence through the application of the principle of self-determination, the latter, colonial territories that have been seized from other States, can have no other way of decolonisation than reintegration into the State from which they have been dismembered. Not to make such a distinction

would be to admit that the principle of self-determination can be distorted in order to enshrine a *de facto* situation in disregard of the fundamental principle of respect for the territorial integrity of States.”

On the occasion of the Conference held in London in November 1965 on the Independence of British Guiana, I addressed to the British government a note, dated 3 November, in which I expressed the following:

“My Government wishes to place on record that it would consider it an unfriendly act on the part of Her Majesty's Government if a transfer of sovereignty over the territory claimed by Venezuela were agreed without reservation, a transfer which could not generate more rights than those to which the Government transferring them is legitimately entitled.”

Second London Conference

From the above, it is clear that the Venezuelan government aimed to ensure that the agenda for the London talks reflected their views on the subject matter and nature of the discussions. Following extensive negotiations by our Ambassador to London from October to December 1965, an agenda was agreed upon that significantly favoured our views.

Indeed, already in the title defining the nature of the talks, it is established that their purpose is “the dispute between Venezuela and the United Kingdom.”

This admission that there is a dispute “over the border with British Guiana” is reaffirmed when “the need to solve the dispute” is admitted in the first item of the agenda.

Additionally, to dispel any doubt as to the nature of the talks, which could no longer be reduced to the academic examination of documents, it was stipulated in the second item of the agenda that the talks would seek “satisfactory solutions for the practical settlement of the dispute which has arisen as a result of the Venezuelan contention that the 1899 Award is null and void.”

Furthermore, this interpretation is reinforced by the fourth item, which provides for the “determination of deadlines” for the solutions that may be reached.

It can escape no one’s notice that the British position at the beginning of these proceedings in 1962 had already changed significantly. What was agreed in the agenda was a far cry from that first offer made by their representative, Mr Crowe, to the effect that they were only willing to examine the documents relating to the 1899 Award.

In accordance with the aforementioned agenda, we went to London to discuss with the Minister of Foreign Affairs of Great Britain, the Hon. Michael Stewart, and the Prime Minister of British Guiana, the Hon. Forbes Burnham, the present dispute, and to try to find a satisfactory solution to it. Our meetings were held on 9 and 10 December 1965.

At the beginning of the first session, I presented the Venezuelan government’s opinion on the report of the British experts as follows:

“The government of Venezuela has carefully examined the report of the British experts, and has come to the firm conviction that their conclusions are totally unacceptable.”

Later on, I added:

“The defects of substance and form in the report of the British experts have surprised the Venezuelan government. These

defects justify the expression in your note AV 1081/75, dated 3 August 1965, that the report ‘does not necessarily represent the considered opinion of Her Britannic Majesty’s government on any of the points under discussion.’”

I listed some of the defects of substance and form and concluded that:

“The report of the British experts has convinced my government of the unshakable firmness of its position, rather than persuading it that its claim was without merit.”

I ended by stating:

“The government of Venezuela is convinced that the return of the territory which rightfully belongs to our country is the satisfactory solution to the boundary dispute with British Guiana. Consequently, the government believes that the establishment of the rightful border between Venezuela and British Guiana should be agreed upon.”

I am not going to enumerate all the incidents of the discussion arising from the rejection by Great Britain of that first proposal for a solution formulated by Venezuela, which was answered with a counter-proposal so that Venezuela, with an “act of great statesmanship and courage,” should renounce its claim. I formulated a second Venezuelan proposal in the sense of agreeing, for a period that could be discussed, on a joint administration of the territory claimed by Venezuela, prior recognition of our sovereignty over such territory. This formula was also rejected. Finally, in an effort to seek an honourable solution to the issue, I presented as a third Venezuelan proposal a formula that envisaged the solution of the border dispute through three consecutive stages with their respective deadlines, with the

particularity that the process had to have an end: a) mixed commission; b) mediation; c) international arbitration.

This last proposal collided with the intransigence of Great Britain and British Guiana, which, determined to maintain the validity of the 1899 Award, rejected the existence of a territorial dispute between Venezuela and the United Kingdom over the border with British Guiana.

The British counter-proposal boiled down to formulating some ideas, modelled on Article IV of the Antarctic Treaty, which, if applied to our issue, would lead to an economic development solution on both sides of the Award line. The proposal also included an agreement between the two neighbouring countries to refrain from pressing their respective claims for 30 years. At the same time, it was emphasized that there was no alternative but to refer the matter back to the United Nations, reporting the outcome of the examination of the documents.

After studying this proposal, the Venezuelan delegation unanimously agreed to reject it. When the debate was reopened, I argued that there was no point in taking the matter to the United Nations, which could do no more than urge the parties to continue talking as we were doing at that moment. On the proposal inspired by the Antarctic Treaty, I stated:

“I find no connection between the case of Antarctica and that of our issue with the United Kingdom. Antarctica does not form part of the national or territorial unity of several signatory States to that Treaty, as is the case with Great Britain. On the other hand, Venezuela’s issue with the United Kingdom in relation to British Guiana concerns a Territory which is part of the Venezuelan Territory. It is situated on the very border of British Guiana with Venezuela; it is not an overseas territory. Consequently, this question cannot be solved according to the Antarctic Treaty; it is a question which, unless a satisfactory solution is found, will continue to

be the cause of friction between Venezuela and Great Britain and British Guiana.”

I warned that Venezuela could not accept any attempt aimed at circumventing the legal-political problem of the border issue in a way to limit the discussion to trying to solve the economic problem of the underdevelopment of Guayana Esequiba, for which Great Britain was precisely responsible. Venezuela's position was clearly expressed in the following terms:

“Finally, I want to be quite clear that Venezuela has come to this conference table with good intentions, as demonstrated by the proposals it has made, including the one I submitted yesterday, and also that Venezuela's goodwill should not be mistaken for weakness or doubt about its unwavering position. Venezuela will continue to assert its claim with determination. the Venezuelan Territory extends as far as the Essequibo. My country does not accept any of the actions and decisions resulting from the despoliation that we are suffering.”

At first glance, anyone could imagine that it would be impossible to fully consider the proposals in the remaining half day of the Conference. But having rejected a British proposal to continue the discussions with Lord Walston, when he visited Caracas in January of 1966, we agreed to hold a new meeting of the same Ministerial Conference in the city of Geneva next February, as expressed in the Joint Communiqué of the London Conference, issued on 10 December 1965.

It must be noted that in this document, Great Britain and British Guiana recognize that the dispute “threatens to ruin the traditionally friendly relations between Venezuela on the one hand and United Kingdom and British Guiana on the other.” Further, by eliminating the examination of the documents from the

agenda for the Conference of Geneva, the discussion focused fully on “seeking satisfactory solutions for the practical settlement of the dispute.”

The Geneva Conference

The Parliamentary Under-Secretary of State for Foreign Affairs, Lord Walston, visited Venezuela in January. In reply to journalists’ questions, he outlined the position that Great Britain was to adopt at the Geneva Conference:

“It will be cordial and receptive. We will discuss the issue at the diplomatic level and you can be sure that, at that meeting, or at subsequent ones, there will be a decision on this matter.”
(*El Universal*, 11/1/1966)

Subsequently, press reports and statements by Lord Walston himself and other high-ranking officials affirmed that the Geneva Conference would address the question of economic aid to British Guiana, but that the Venezuelan claim was not to be discussed. Therefore, on 4 February, on the instructions of the President of the Republic, I received the British Ambassador in my office to inform him that the Foreign Ministry viewed those statements with concern, as they contradicted the commitment made by his country in accordance with the agenda signed in London on 19 December and the Joint Communiqué of the 10th of the same month and year. At the end of our meeting, I gave the Ambassador the following in writing:

“The government of Venezuela deems it necessary to request an explanation from Her Britannic Majesty’s government regarding the items agreed upon in the agenda, which includes, in its title and under No. 2, the discussion of the Venezuelan territorial claim and the search for practical

solutions to resolve it. Otherwise, the Venezuelan government will be forced to reconsider its attendance to said meeting on 16 and 17 February.”

On 8 February, the British Ambassador visited me in order to inform me that:

“The British Parliamentary Under-Secretary of State for Foreign Affairs has been misinterpreted. Neither Lord Walston nor any other Representative of Her Majesty's Government has made the statement quoted in the first paragraph of the Venezuelan Memorandum of 4 February.

As far as Her Majesty's government is concerned, the agenda for the Geneva meeting remains the same, as agreed in the Joint Communiqué of 10 December 1965, a copy of which is attached hereto for reference.”

It was clear that the firmness with which the Chancellery had been acting was fruitful. We received unanimous endorsement from the Nation expressed in agreements issued by the National Congress, hundreds of City Councils, all the political institutions, bodies as diverse as the National Academy of History, the National Library and National Archives, Professional Associations, the Venezuelan Association of Catholic Education, the Business Sector, Labour and Peasant Unions, The Venezuelan Federation of Teachers, Student Associations, and particularly the Comisión Nacional Pro-Guayana Esequiba (Pro-Guayana Esequiba National Committee).

It was evident that the firmness shown by the Foreign Ministry was yielding good results. We had the unanimous support of the Nation expressed in agreements issued by the National Congress, hundreds of Municipal Councils, all political organisations, entities as diverse as the National Academy of History, the National Library and Archives, professional associations, the Venezuelan Association of

Catholic Education, the business sector, labour and peasant unions, the Venezuelan Federation of Teachers, student groups, and particularly, the National Pro-Guayana Esequiba Commission.

The President of the Republic, Mr Raúl Leoni, in his New Year's Message on 1 January of the current year, described this national moment with accurate words:

“We are no longer an economically weak country, torn by factional strife, barely convalescing from the painful ravages of long and bloody fratricidal wars and powerless to defend itself against acts of aggression. In this new Venezuela, national awareness as to the justice of our claim has taken shape. Without abandoning our unwavering position in favour of the peaceful and amicable settlement of differences between nations, we are prepared to use all our resources to defend our territorial rights.”

In addition to the impressive national expressions of support for our just claim, there was also the support of friendly nations. Thus, I must express the deep satisfaction we experienced upon learning of the declaration of the Senate of Colombia, dated 12 January 1966, that of the House of Representatives of the same country, dated 18 January of the same month and year, and the resolution of the National Assembly of Panama, dated 24 January 1966. The Venezuelan government and people are grateful for the expressions of support from the legislative bodies of Colombia and Panama.

The sessions of the Geneva Conference took place in Room VIII in the Palais des Nations on 16 and 17 February. At the first meeting, I reiterated very clearly the Venezuelan position:

“Venezuela has asserted, and maintains, that the Arbitral Award rendered in Paris on 3 October 1899 is invalid and that our country does not consider itself bound by it. This Venezuelan assertion is supported by irrefutable legal reasons. Founded on a position which we have no doubt is just, the expression of the Venezuelan will is integral.

As unequivocal proof of this, I am surrounded by representatives of the different political organisations, both those who actively and directly participate in the government’s administration and those who, from the opposition, do not hesitate to criticise the government’s actions.

All of them, aware of their patriotic duty, contribute to unite the national will and determination to obtain reparation for the injustice to which Venezuela was subjected as a result of the Arbitral Award of 1899, which my country considers null and void.”

I emphasized Venezuela’s willingness to find satisfactory solutions. After mentioning the various formulas for solution put forward by our country at the London Conference, I invited the British Foreign Minister to set out any further considerations he had prepared on the Venezuelan proposals.

Great Britain again reaffirmed its stand on the intangibility of the Award and, responding specifically to my invitation, put forward a proposal inspired by the Antarctic Treaty, which was delivered to the Venezuelan Delegation in writing.

After a recess was agreed upon in order for us to consider the British proposal, our Delegation came to the conclusion that it was unacceptable to Venezuela, as it sought to completely circumvent the territorial issue by means of a joint development plan for the areas on both sides of the Award line, while at the same time proposing to force Venezuela to freeze its claim for thirty years.

When the debate was resumed, I categorically expressed our position to the delegations of Great Britain and British Guiana as follows:

“I must inform Your Excellency that, after having considered the proposal presented by the British Delegation, the Venezuelan Delegation considers it substantially unacceptable, because it fails to address the issues which, in Venezuela’s opinion, are fundamental for the practical solution of the conflict, which is the object of this Conference.”

In informal meetings that, along with some members of our Delegation, I held with the British Minister and Prime Minister Burnham, I expressed my concern about the state of the talks, given the scant British receptiveness to face the issue that was the subject of our meeting. I even hinted at the consequences of a possible breakdown in the talks.

The Venezuelan Delegation could not hide its emotion when I read the cable from the President of the Legislative Assembly of the State of Bolívar, Mr Roger González, which I had just received, informing me of the contents of the Bolívar Declaration, issued by the Convention of Legislative Assemblies of the States and Municipal Councils of the Federal Territories, meeting in Ciudad Bolívar on 14 and 15 February, on the occasion of the 147th anniversary of the Congress of Angostura.

After several informal contacts, our Delegation opted to leave on the table a formula similar to the third Venezuelan proposal that had been rejected in London, plus the recourse to the International Court of Justice.

The delegations of Great Britain and British Guiana, after thoroughly studying this proposal, although eventually receptive, objected to the specific mention of the recourse to arbitration and to the International Court of Justice.

This objection having been overcome, by replacing that specific reference with a reference to Article 33 of the United Nations Charter, which provides for such two procedures of arbitration and recourse to the International Court of Justice, it became clear that there was a possibility of reaching an agreement.

The Geneva Agreement was therefore reached on the basis of the Venezuelan proposal. Far from being, as has been maliciously suggested, an imposition or a British trick that took the naïve Venezuelan delegation by surprise, the agreement is based on a Venezuelan proposal that, after being categorically rejected in London, was accepted in Geneva.

Clearly, the Geneva Agreement is not the ideal solution to the problem, which is none other than the return of its territory to Venezuela. We did not go to the city on Lake Geneva to dictate the terms of surrender of the adversary by placing the sword of a war victory in the balance of the dispute. We went in search of a satisfactory solution to the arduous territorial issue. Through diplomatic dialogue, and not through the monologue of the victors, the Geneva Agreement created a new situation for the extreme positions of those who demanded the return of the territory usurped by virtue of a null and void Award, and those who argued that they had no doubt about their sovereignty over that territory, but were not prepared to take the case to any court of law.

As a substantially Venezuelan solution, the Geneva Agreement gained the unanimous support of the Delegation, which included delegates from three government parties, three from the opposition and one Senator from the independent group. All of them endorsed with an emotional vote the signature that, with the authorisation of the President of the Republic, I affixed to the transcendental instrument.

THE GENEVA AGREEMENT

The Agreement concluded in Geneva on 17 February 1966 comprises a preamble and eight articles.

For a proper understanding, it must be considered as a whole, because although it contains provisions on substance and procedure, each of them is part of the general idea underlying the instrument.

First of all, it should be noted that this is an Agreement concluded between two sovereign States, namely the Republic of Venezuela and the United Kingdom of Great Britain and Northern Ireland, the latter in consultation with the Government of British Guiana. British Guiana, as of the date of signature of the Agreement, is not a sovereign and independent State. Under the constitutional provisions governing it, the government in its internal affairs has some autonomy from the mainland, but international and defence matters are conducted by the Government of the United Kingdom of Great Britain and Northern Ireland. At the same time, consideration should be given to the fact that British Guiana, under the name of Guyana, as decided by the recent independence conference of that colony, held in London in November of last year, will become independent and sovereign on 26 May this year.

It should be recalled that British Guiana has been present in the course of all these diplomatic discussions and demarches which culminated in the Geneva Agreement. The statement of the Chairman of the Special Political Committee of the United Nations, issued on 16 November 1962, expresses this as an agreement between the Parties.

Consistent with its anti-colonialist position, Venezuela has welcomed the participation of British Guiana, for to do otherwise would be tantamount to admitting that Great Britain as a colonial power can resolve serious issues in its colony without the colony's participation.

On the other hand, as I have just indicated, Great Britain cannot constitutionally enter into an Agreement which, however international, has a direct bearing on the internal affairs of British Guiana which fall within the competence of British Guiana. Thus, the exclusion of British Guiana from the Geneva

Agreement, or from the steps that preceded it, would have been a mistake with serious consequences for Venezuela. In any case, the Agreement took into account the fact that British Guiana was not yet independent; Article 8 provides that it shall be a party to the Agreement from the moment it gains its independence.

As I have already stated in this same presentation, this was precisely one of the realities that Venezuela had to face at the Geneva meeting: the forthcoming independence of British Guiana. Hence, this fact this fact is expressly provided for in the preamble and in the aforementioned Article 8.

The last part of the preamble explicitly sets out that in order to resolve the dispute between Venezuela and the United Kingdom over the border with British Guiana, the agreement contained in the subsequent articles has been reached. This is an express recognition of the existence of the dispute between Venezuela and Great Britain over the border with British Guiana, a recognition which is ratified in Article 19 of the Agreement.

Article 1 provides for the establishment of a Mixed Commission for the purpose of seeking satisfactory solutions for the practical settlement of this dispute, which has “arisen as the result of the Venezuelan contention that the Arbitral Award of 1899 about the border between Venezuela and British Guiana is null and void.” This article contains two points of great importance, namely:

1. To channel the talks through a Mixed Commission, that is to say, an *ad hoc* body that allows permanent and agile communication between the two Governments, with the aim of reaching a solution to the dispute.
2. The express recognition of the dispute arising from Venezuela’s claim against the so-called Arbitral Award of 1899.

It should be noted that the continuation of the talks is of paramount importance and that a solution may emerge from them which would bring the dispute to a satisfactory conclusion without recourse to the procedures provided for in Article 4 of the same Agreement. Additionally, the functioning of the

Commission allows for direct and permanent contact with British Guiana on any other matters related to the dispute.

Article 2, of a procedural nature, defines the number of representatives and how they are to be appointed, and lays down the rules for the functioning of the Mixed Commission. Venezuela shall appoint two representatives to join the Mixed Commission, with the other two to be appointed by the Government of British Guiana. It further provides that each Government has freedom to choose and remove its respective representatives, as well as the duty to replace them immediately in the event of their inability to act. And finally, it empowers the Joint Commission, by agreement between the representatives, to appoint experts to assist it, either generally or in relation to a particular matter.

The capacity of British Guiana to appoint its two representatives to the Mixed Commission prior to its independence was the subject of exhaustive clarification at the Geneva meeting. It was expressly defined that the two representatives of British Guiana, for the time prior to 26 May 1966, the day of its independence, would be appointed by proxy and with the authorisation of the Government of the United Kingdom of Great Britain and Northern Ireland, which up to this time, by constitutional prescription, conducts the foreign affairs of British Guiana. Clarification was also made that, by signing the Agreement, Great Britain authorised the Government of British Guiana to execute said agreement.

If we had negotiated and formalised the Agreement only with the metropolis, behind British Guiana's back, this would have been tantamount to admitting the colonialist thesis according to which the metropolis can dispose of overseas territories without taking into account the will of the peoples who inhabit them.

On the other hand, would it have been sensible, right, to exclude British Guiana from the talks, if that country will very soon, on gaining its independence, be able to reject those commitments in which it had not taken part?

According to the terms of Article 1, the Commission is entrusted with “the task of seeking satisfactory solutions.” It therefore has a broad role in conducting the negotiations in agreement with the respective Governments.

With such powers, the Commission had to be formed by all parties. The presence of an appointed arbitrator is alien to the very concept of this Commission.

Article 3 provides for an official and explicit report to be made available to the Governments every six months on the activities of the Mixed Commission. Naturally, the representatives will maintain contact and receive continuous instructions from their respective Governments; however, it was not superfluous to establish the six-monthly report, since it is to be drawn up by the Commission as a whole, i.e., by the four representatives, and will thus be a document of the Commission itself as such.

Article 4 establishes a period of 4 years as the time limit for the work of the Mixed Commission. At the end of this period, if no complete agreement has been reached on the settlement of the dispute, the Commission must draw up a final report to refer to the respective Governments the outstanding issues on which no agreement has been reached.

The setting of a time limit is customary and its determination, that is, the length of the term, can only be estimated on the basis of the factors that had to be taken into account and the various circumstances affecting its setting. It was necessary to set a reasonable period of time, taking into consideration the specific purposes of the Mixed Commission, which is, as stated in Article 1, to seek satisfactory solutions to the dispute, a difficult task which cannot be expected to yield the desired results in too short a period of time. Nor was it acceptable to set too long a period of time.

Another circumstance taken into account was the upcoming independence of British Guiana on 26 May 1966. The new State should be given a reasonable period

of time for its evolution and consolidation. Only a sufficiently established State can devote its efforts to working with us to settle the territorial dispute.

Finally, we agreed on a 4-year term only after arduous discussions with the British, who initially demanded 30 years.

The most important point of the Geneva Agreement is the adoption of a procedure in the event that the negotiations conducted by the Mixed Commission fail to resolve the issue. The following stages are established for that purpose:

- 1st The Governments shall try to reach an agreement on the choice of one of the means of peaceful settlement provided for in Article 33 of the Charter of the United Nations.
- 2nd Three months after receipt of the final report of the Mixed Commission, if the Governments have not reached an agreement on the procedure for settlement of the dispute, the decision on the choice of the means of settlement shall be referred to an appropriate international body mutually agreed by both Governments.
- 3rd In the absence of agreement on the choice of an appropriate international body to choose the means of settlement, that role shall be entrusted to the Secretary-General of the United Nations.
- 4th The Secretary-General of the United Nations shall choose the procedures for peaceful settlement provided for in the above-mentioned Article 33, “until the dispute has been resolved, or until all the means of peaceful settlement set forth in the said Article have been exhausted.”

Article 4 of the Geneva Agreement thus clearly states the following:

- a) The only role entrusted to the Secretary-General of the United Nations is to bring to the attention of the Parties, for their use, the means of

peaceful settlement of disputes set out in the above-mentioned article of the Charter.

- b) These means are the following: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and recourse to regional agencies or arrangements. These are, exhaustively, the procedures to be used until the dispute is resolved or until these procedures have been exhausted.

I should put on record that in the final stages of discussion of the Geneva Agreement, the British proposed entrusting the General Assembly of the United Nations with the choice of the means of settlement provided for in Article 33 of the Charter.

This proposal was discarded by Venezuela for the following reasons:

1. Because it was not appropriate to entrust this specific role of choosing the means of settlement to an eminently political and deliberative body such as the UN General Assembly. This procedure could lead to disproportionate delays because outside political elements could easily be introduced into the simple role of choosing the means of settlement;
2. Because the General Assembly of the United Nations only meets for regular sessions once a year, for a period of about three months, to deal with matters previously identified in the Agenda, and for special sessions at the request of the Security Council or of a majority of the members of the United Nations.

These reasons were put forward by Venezuela, and it proposed that the role of choosing the means of settlement be entrusted to the International Court of Justice as a permanent body exempt from the inconveniences mentioned above. Since this proposal was not accepted by the British, Venezuela then proposed to give this role to the Secretary-General of the United Nations.

In conclusion, because of the Venezuelan objections that were accepted by Great Britain, there is an unequivocal interpretation that only the Secretary-General of the United Nations, and not the Assembly, will participate in the choice of the means of settlement.

Finally, according to the terms of Article 4, in the event that no satisfactory solution for Venezuela is reached, the so-called 1899 Award shall be revised through arbitration or judicial recourse.

Article 5 comprises two provisions:

First: The Agreement cannot be interpreted as a waiver or diminution of our territorial claim to Guayana Esequiba; and

Second: None of the acts or activities occurring during the validity of the Agreement shall constitute a basis for asserting, supporting or denying a claim of territorial sovereignty, except where such acts or activities are the result of agreements reached by the Mixed Commission and accepted in writing by the Governments.

This means that no act or activity in the territory claimed by Venezuela entails any undermining of our rights nor any support for the claims of Great Britain or British Guiana. The Venezuelan reservations over all types of concessions granted, or which may be granted, in the territory claimed are thus recognised.

Article 5 also mentions the claim or bases for claim by the United Kingdom or British Guiana over the territory of Venezuela. In this respect, I must state:

1st The only territorial claim in the present dispute is the one raised by Venezuela.

2nd If Great Britain or British Guiana were to raise any territorial claims against Venezuela, it would automatically mean that they accept the invalidity of the so-called 1899 Award.

- 3rd Neither Great Britain nor British Guiana have any historical or legal basis for claiming Venezuelan territory. On the contrary, only Venezuela has irrefutable titles to claim the Guayana Esequiba, which the ill-named Paris Award of 1899 incorporated into the territory of British Guiana.
- 4th If the nullity of the 1899 Award is declared, either by agreement between the Parties or by decision of a competent international authority provided for in the Agreement, the dispute will go back to its original state. On the Venezuelan side, the claim extended to the Essequibo. The maximum British claim was represented by the so-called “Schomburgk Line,” which dates from 1840, i.e., 26 years after Great Britain definitively received its colony of Guiana from the Netherlands under the Treaty of London in 1814.

However, a thorough study carried out by the Ministry of Foreign Affairs on hundreds of confidential documents of the Foreign Office and the Colonial Office in London leads to the irrefutable conclusion that the only “Schomburgk Line” recognised by the Foreign Office until 1886 and disseminated up to that date as the maximum British claim, was the so-called Línea Norte-Sur (North-South Line), which is the blue line on the map in the brochure entitled “The Schomburgk Line in the boundary issue between Venezuela and British Guiana.”

From the origins of the controversy until 1886, when Great Britain officially disseminated that line as its maximum claim, it recognised the following as Venezuelan territories out of dispute: Alto Barima and Alto Barama, as well as the territory comprised between that blue line and Venamo. These territories, despite being recognised as belonging to Venezuela by Great Britain itself up to 10 years before the Arbitration Treaty, were awarded to British Guiana by the Tribunal.

Consequently, with the nullity of the Award, for the purposes of any procedure for establishing the new border, Venezuela must consider out of question

those territories which, as I have already stated, were recognised by Great Britain itself for 46 years since the origins of the dispute in 1840.

British Guiana will not be able to claim as its maximum aspiration the so-called “Extended Schomburgk Line” (marked red on the map in the above-mentioned brochure), because it was a line derived from the falsification of maps, unknown to the Foreign Office itself until June 1886, and first published in 1887, that is, only 10 years before the Arbitration Treaty.

I can assure you that these assertions are supported by irrefutable evidence.

It follows from the foregoing that if the nullity of the Award is declared, the only Venezuelan territory that would fall within the maximum British claim would be the narrow yet important area of the lower course of the Barima River on its right bank. Venezuela has no doubt about its title to this territory, and it is also certain that when Great Britain included it in its claim, it did not take into account historical and legal titles but the simple desire to dominate the Orinoco River. If in the middle of the imperial and colonialist era, the Tribunal, which proceeded so arbitrarily, did not dare to snatch that small territory from our poor, weak and troubled Venezuela, much less will a Tribunal acting in accordance with the rules of law today snatch it from us.

With regard to Article 7, it is clear that when the law approving the Agreement is submitted to this Sovereign Congress, the Agreement will enter into force upon ratification of said law.

Regarding Article 8, it must be noted that its interpretation must be made in relation to the entire Agreement, which repeatedly makes it clear that the dispute is between Venezuela and the United Kingdom over the border with British Guiana.

The wording that the dispute is between Venezuela and the United Kingdom appears in the heading of the Agreement; it appears again twice in its preamble, and in Article 1, which states precisely that the task entrusted to the Mixed

Commission is “to seek satisfactory solutions for the practical settlement of the dispute between Venezuela and the United Kingdom.”

By this assumption, it then appears with absolute clarity that, according to Article 8, British Guiana becomes a party to the Agreement as a result of its independence, in addition to the Governments of Venezuela and the United Kingdom of Great Britain and Northern Ireland.

The Geneva Agreement offers a challenge to which the country must respond appropriately. The creation and action of the Mixed Commission, as well as the subsequent process, should the latter fail to reach a satisfactory solution, require Venezuela to put all its strength into action to consolidate its claim with serious and detailed studies. The challenge of the Guayana issue presents our country, which had seen with pain how its territory was shrinking, with the beautiful task of recovering our legitimate Eastern border, a task which should not be restricted to study alone.

It will depend to a large extent on the persons appointed to represent Venezuela in the Mixed Commission, on their preparation, intelligence, dedication and patriotism, that the Guayana issue moves forward, through the channel already opened, to a fully satisfactory solution for the Republic.

In conclusion, I consider that the Geneva Agreement is highly beneficial to the interests of the Homeland. As the President of the Republic, Mr Raúl Leoni, said in his recent Message to the National Congress, “the Geneva Agreement reopens the case of Guayana Esequiba, offering Venezuela an opportunity, like never before, to assert its rights and achieve reparation for the damage caused to us by the fraudulent Paris Award.”

ANNEX 3

Letters from Lord Salisbury to Sir Julian Pauncefote, dated 26 November 1895

Source: Official history of the discussion between Venezuela and Great Britain on their Guiana Boundaries (1896), Atlanta, GA: Franklin Printing & Publishing Company
available at: <https://www.loc.gov/item/04010002/>, pp. 413-420

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OFFICIAL HISTORY

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OF

THE DISCUSSION BETWEEN

Venezuela and Great Britain

ON

THEIR GUIANA BOUNDARIES.

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THE FRANKLIN PRINTING AND PUBLISHING COMPANY
ATLANTA, GA., 1896.

Lord Salisbury to Sir Julian Pauncefote.

No. 189.]

FOREIGN OFFICE.

November 26, 1895.

Sir :

On the 7th of August I transmitted to Lord Gough a copy of the despatch from Mr. Olney which Mr. Bayard had left with me that day, and of which he had read portions to me. I informed him at the time that it could not be answered until it had been carefully considered by the Law Officers of the Crown. I have therefore deferred replying to it till after the recess.

I will not now deal with those portions of it which are concerned exclusively with the controversy that has for some time past existed between the Republic of Venezuela and Her Majesty's Government in regard to the boundary which separates their dominions. I take a very different view from Mr. Olney of various matters upon which he touches in that part of the despatch ; but I will defer for the present all observations upon it, as it concerns matters which are not in themselves of first-rate importance, and do not directly concern the relations between Great Britain and the United States.

The latter part however of the despatch, turning from the question of the frontiers of Venezuela, proceeds to deal with principles of a far wider character, and to advance doctrines of international law which are of considerable interest to all the nations whose dominions include any portion of the western hemisphere.

The contentions set forth by Mr. Olney in this part of his despatch are represented by him as being an application of the political maxims which are well known in American discussion under the name of the Monroe doctrine. As far as I am aware, this doctrine has never been before advanced on behalf of the United States in any written communication addressed to the Government of another nation ; but it has been generally adopted and assumed as true by many eminent writers and politicians of the United States. It is said to have largely influenced the Government of that country in the conduct of its foreign affairs: though Mr. Clayton, who was Secretary of State under

President Taylor, expressly stated that that Administration had in no way adopted it. But during the period that has elapsed since the Message of President Monroe was delivered in 1823, the doctrine has undergone a very notable development, and the aspect it now presents in the hands of Mr. Olney differs widely from its character when it first issued from the pen of its author. The two propositions which in effect President Monroe laid down were, first, that America was no longer to be looked upon as a field for European colonization; and, second, that Europe must not attempt to extend its political system to America, or to control the political condition of any of the American communities who had recently declared their independence.

The dangers against which President Monroe thought it right to guard were not as imaginary as they would seem at the present day. The formation of the Holy Alliance; the Congresses of Laybach and Verona; the invasion of Spain by France for the purpose of forcing upon the Spanish people a form of government which seemed likely to disappear, unless it was sustained by external aid, were incidents fresh in the mind of President Monroe when he penned his celebrated Message. The system of which he speaks, and of which he so resolutely deprecates the application to the American Continent, was the system then adopted by certain powerful States upon the Continent of Europe of combining to prevent by force of arms the adoption in other countries of political institutions which they disliked, and to uphold by external pressure those which they approved. Various portions of South America had recently declared their independence, and that independence had not been recognized by the Governments of Spain and Portugal, to which, with small exception, the whole of Central and South America were nominally subject. It was not an imaginary danger that he foresaw, if he feared that the same spirit which had dictated the French expedition into Spain might inspire the more powerful Governments of Europe with the idea of imposing, by the force of European arms, upon the South American communities the form of government and

the political connection which they had thrown off. In declaring that the United States would resist any such enterprise if it was contemplated, President Monroe adopted a policy which received the entire sympathy of the English Government of that date.

The dangers which were apprehended by President Monroe have no relation to the state of things in which we live at the present day. There is no danger of any Holy Alliance imposing its system upon any portion of the American Continent, and there is no danger of any European State treating any part of the American Continent as a fit object for European colonization. It is intelligible that Mr. Olney should invoke, in defence of the views on which he is now insisting, an authority which enjoys so high a popularity with his own fellow-countrymen. But the circumstances with which President Monroe was dealing, and those to which the present American Government is addressing itself, have very few features in common. Great Britain is imposing no "system" upon Venezuela, and is not concerning herself in any way with the nature of the political institutions under which the Venezuelans may prefer to live. But the British Empire and the Republic of Venezuela are neighbors, and they have differed for some time past, and continue to differ, as to the line by which their dominions are separated. It is a controversy with which the United States have no apparent practical concern. It is difficult, indeed, to see how it can materially affect any State or community outside those primarily interested, except perhaps other parts of Her Majesty's dominions, such as Trinidad. The disputed frontier of Venezuela has nothing to do with any of the questions dealt with by President Monroe. It is not a question of the colonization by a European Power of any portion of America. It is not a question of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged to the Throne of England long before the Republic of Venezuela came into existence. But even if the interests of Venezuela

were so far linked to those of the United States as to give to the latter a *locus standi* in this controversy, their Government apparently have not formed, and certainly do not express, any opinion upon the actual merits of the dispute. The Government of the United States do not say that Great Britain, or that Venezuela, is in the right in the matters that are in issue. But they lay down that the doctrine of President Monroe, when he opposed the imposition of European systems, or the renewal of European colonization, confers upon them the right of demanding that where a European Power has a frontier difference with a South American community, the European Power shall consent to refer that controversy to arbitration; and Mr. Olney states that unless Her Majesty's Government accede to this demand, it will "greatly embarrass the future relations between Great Britain and the United States."

Whatever may be the authority of the doctrine laid down by President Monroe, there is nothing in his language to show that he ever thought of claiming this novel prerogative for the United States. It is admitted that he did not seek to assert a Protectorate over Mexico, or the States of Central and South America. Such a claim would have imposed upon the United States the duty of answering for the conduct of these States, and consequently the responsibility of controlling it. His sagacious foresight would have led him energetically to deprecate the addition of so serious a burden to those which the Rulers of the United States have to bear. It follows of necessity that if the Government of the United States will not control the conduct of these communities, neither can it undertake to protect them from the consequences attaching to any misconduct of which they may be guilty towards other nations. If they violate in any way the rights of another State, or of its subjects, it is not alleged that the Monroe doctrine will assure them the assistance of the United States in escaping from any reparation which they may be bound by international law to give. Mr. Olney expressly disclaims such an inference from the principles he lays down.

But the claim which he founds upon them is, that if any independent American State advances a demand for territory of which its neighbor claims to be the owner, and that neighbor is the colony of a European State, the United States have a right to insist that the European State shall submit the demand and its own impugned rights to arbitration

I will not now enter into a discussion of the merits of this method of terminating international differences. It has proved itself valuable in many cases; but it is not free from defects, which often operate as a serious drawback on its value. It is not always easy to find an Arbitrator who is competent, and who, at the same time, is wholly free from bias; and the task of insuring compliance with the Award when it is made is not exempt from difficulty. It is a mode of settlement of which the value varies much according to the nature of the controversy to which it is applied, and the character of the litigants who appeal to it. Whether, in any particular case, it is a suitable method of procedure is generally a delicate and difficult question. The only parties who are competent to decide that question are the two parties whose rival contentions are in issue. The claim of a third nation, which is unaffected by the controversy, to impose this particular procedure on either of the two others, cannot be reasonably justified, and has no foundation in the law of nations.

In the remarks which I have made, I have argued on the theory that the Monroe doctrine in itself is sound. I must not, however, be understood as expressing any acceptance of it on the part of Her Majesty's Government. It must always be mentioned with respect, on account of the distinguished statesman to whom it is due, and the great nation who have generally adopted it. But international law is founded on the general consent of nations; and no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before, and which has not since been accepted by the Government of any other country. The United States have a right, like any other nation, to interpose in any contro-

versy by which their own interests are affected; and they are the judge whether those interests are touched, and in what measure they should be sustained. But their rights are in no way strengthened or extended by the fact that the controversy affects some territory which is called American. Mr. Olney quotes the case of the recent Chilean war, in which the United States declined to join with France and England in an effort to bring hostilities to a close, on account of the Monroe doctrine. The United States were entirely in their right in declining to join in an attempt at pacification if they thought fit; but Mr. Olney's principle that "American questions are for American decision," even if it receive any countenance from the language of President Monroe (which it does not), cannot be sustained by any reasoning drawn from the law of nations.

The Government of the United States is not entitled to affirm as a universal proposition, with reference to a number of independent States for whose conduct it assumes no responsibility, that its interests are necessarily concerned in whatever may befall those States simply because they are situated in the Western Hemisphere. It may well be that the interests of the United States are affected by something that happens to Chile or to Peru, and that that circumstance may give them the right of interference; but such a contingency may equally happen in the case of China or Japan, and the right of interference is not more extensive or more assured in the one case than in the other.

Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible to admit that they have been inscribed by any adequate authority in the code of international law; and the danger which such admission would involve is sufficiently exhibited, both by the strange development which the doctrine has received at Mr. Olney's hands, and the arguments by which it is supported in the despatch under reply. In defence of it he says :

"That distance and 3,000 miles of intervening ocean *make any permanent political union between a 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 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."

And again :

" 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 highly 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 cannot be expected to continue."

The necessary meaning of these words is that the union between Great Britain and Canada; between Great Britain and Jamaica and Trinidad; between Great Britain and British Honduras or British Guiana are "inexpedient and unnatural." President Monroe disclaims any such inference from his doctrine; but in this, as in other respects, Mr. Olney develops it. He lays down that the inexpedient and unnatural character of the union between a European and American State is so obvious that it "will hardly be denied." Her Majesty's Government are prepared emphatically to deny it on behalf of both the British and American people who are subject to her Crown. They maintain that the union between Great Britain and her territories in the Western Hemisphere is both natural and expedient. They fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in that hemisphere, by any fresh acquisitions on the part of any European State, would be a highly inexpedient change. But they are not prepared to admit that the recognition of that expediency is clothed with the sanction which belongs to a doctrine of international law. They are not prepared to admit that the interests of the United States are necessarily concerned in every frontier dispute which may arise between any two of the States who possess

dominion in the Western Hemisphere; and still less can they accept the doctrine that the United States are entitled to claim that the process of arbitration shall be applied to any demand for the surrender of territory which one of those States may make against another.

I have commented, in the above remarks, only upon the general aspect of Mr. Olney's doctrines, apart from the special considerations which attach to the controversy between the United Kingdom and Venezuela in its present phase. This controversy has undoubtedly been made more difficult by the inconsiderate action of the Venezuelan Government in breaking off relations with Her Majesty's Government, and its settlement has been correspondingly delayed; but Her Majesty's Government have not surrendered the hope that it will be adjusted by a reasonable arrangement at an early date.

I request that you will read the substance of the above despatch to Mr. Olney, and leave him a copy if he desires it.

S.

Lord Salisbury to Sir Julian Pauncefote.

No. 190.]

FOREIGN OFFICE.

November 26, 1895.

Sir:

In my preceding despatch of to-day's date I have replied only to the latter portion of Mr. Olney's despatch of the 20th July last, which treats of the application of the Monroe doctrine to the question of the boundary dispute between Venezuela and the colony of British Guiana. But it seems desirable, in order to remove some evident misapprehensions as to the main features of the question, that the statement of it contained in the earlier portion of Mr. Olney's despatch should not be left without reply. Such a course will be the more convenient, because, in consequence of the suspension of diplomatic relations, I shall not have the opportunity of setting right misconceptions of this kind in the ordinary way in a despatch addressed to the Venezuelan Government itself.

ANNEX 4

Confidential note with proposal from the President of the United States on the composition of the Arbitral Tribunal, dated 25 January 1896

Source: JC 7/5 (Foreign affairs: pre-1899). Joseph Chamberlain Collection – 1819- [late 20th century], Cadbury Research Library, University of Birmingham

25/1/1896

Birmingham University
JC 7/5 JC 7/5

Most Secret. The following proposals have come from the United States President by an unofficial but tolerably sure channel.

If any of my colleagues object to the acceptance of these terms substantially, will they kindly let me know without delay:—

The United States' Govt to withdraw its Commission, new Commission to be created by agreement between United States and Great Britain, consisting of two Englishmen and two Americans;

This new Commission to take up the enquiry, not in order to determine the boundary or to draw a line, but to ascertain and report upon facts;

Each set of Commissioners to report to its own Govt;

The four members to complete the enquiry if unanimous, or if a majority of the whole concur;

If they fail to agree, a fifth member, a neutral, to be appointed by the President of the Swiss Republic or other acceptable personage;

The conclusions of the Commission not to be binding upon either Govt unless perhaps as to their findings upon matters of fact, but to serve as a basis for subsequent direct negotiations between all parties concerned, or, if preferred, to be committed to a tribunal composed for instance of the Chief Justices of England and the United States, with, if necessary, a third neutral member.

January 25/96

S.

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Suggestion.

A new Commission of four members.

2 by Great Britain

2 by U.S. [probably from present U.S. Commission]

In case of non-agreement by equal vote, a fifth member to be agreed upon, or else nominated by _____

This Commission not to report a line, but to report all the facts to the two Governments.

The two Governments shall then endeavour to fix a line satisfactory to all parties including Venezuela.

Failing in this, the entire proceedings and facts to be submitted to a Tribunal of three:-

The Lord Chief Justice of England.

The Chief Justice of the U.S.

and a third member to be mutually agreed upon, or else nominated by _____

And the Tribunal so constituted shall declare a line of demarcation which shall be accepted by, and bind, all parties in interest including Venezuela.

ANNEX 5

Letter from José Andrade to Pedro Ezequiel Rojas, dated 13 May 1896

English Translation

Source: AHMPPRE, Antique Archive, Country: Great Britain. Boundaries with Guyana. Diplomatic Efforts with the United States, 1896, Vol. 176, folios 63-64 and reverse

UNITED STATES OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

GREAT BRITAIN

—

LIMITS OF GUAYANA

—

DIPLOMATIC EFFORTS BEFORE THE UNITED STATES

—

1896

—

FOLIOS

336

LEGATION OF THE UNITED STATES OF VENEZUELA

Washington, D.C., 13 May 1896

Dear Minister,

I have just received the enclosed short letter from Mr Storrow, followed by the accompanying telegram. The copy of the letter which he addressed to you — and to which both the short letter and the telegram refer— would be superfluous at the Ministry, as the original will reach the Ministry in this post.

I immediately went to Mr Olney, as Mr Storrow recommended me, in the short letter, to speak to Mr Olney for a few minutes before I write to you about the letter Mr Storrow sent to you, and which he says he copied to Mr Olney and myself.

Mr Olney had not yet received his copy, or anything else from Mr Storrow. Although the Boston post arrives at twelve o'clock, it takes half an hour for the post to be delivered, unless it is stamped "Special Delivery," as Mr Storrow's letter to me was. I showed Mr Storrow's letter to the Secretary of State, who deemed it excellent, and noted that he did not know what flaw my government could find in it. He went on to say, after a short pause, that he had no idea what Mr Storrow might have requested of him concerning me; that if it turned out to be anything of interest, he would communicate it to me in writing before closing his post to Venezuela.

To Mr. Minister of Foreign Affairs

Number 161

Please ensure, Mr Olney added, that you impress on the mind of your government the importance which the president and I and the whole cabinet attach to Mr Storrow's intervention in the defence of Venezuela, and how sorry we shall be to see your country reject it. You all could not make a greater mistake than to waste the services of such a person as Mr Storrow. The president regards his appearance in our way as providential. I would rather pay half his fee out of my own pocket if the real reason for not wanting to engage him were the expenses associated with it. Your government's decision needs to be promptly made, for I wish Mr Storrow would sooner publish a preliminary work, quick and lively, which would open Britain's eyes to his Blue Book.

I found the above recommendation so serious that I have decided to send Mr José Andrade Penny, an attaché of this Legation, to place this note in your own hands and to persuade the government of the advisability of acceding to the wishes of the United States in this matter.

Yours sincerely,

José Andrade

ANNEX 6

Letter from Pedro Ezequiel Rojas to José Andrade, dated 18 May 1896

English Translation

Source: AHMPPRE, Antique Archive, Country: Great Britain, Boundaries with Guyana, Diplomatic Efforts with the United States, 1896, Vol. 176, folio 72 and back

Caracas, 18 May 1896

Sir,

All three communications from you, numbered 149, 150, and 151, of the 1st, 2nd, and 4th of the present month, refer to Mr Storrow. You will by this date be aware of the various and powerful motives which have obliged the government to reserve the services of the above-mentioned gentleman, or to defer for the moment the engagement of his services regarding the question of the boundaries of Guayana. The more one meditates on the disparity between his ideas and our ideas concerning the understanding of the territorial rights of the Republic and between his view and our view of the titles on which the Republic relies to defend the Esequibo line, the more dangerous or inconvenient his role in the dispute is deemed to be. Nothing could harm us so much as the universal recusal of a legal counsel who, in the wake of setbacks, might appear to have a different view from that which informed his work on boundaries when he was working independently of government. And I speak of a different view because, should Venezuela accept Mr Storrow's involvement, Venezuela could never agree to the work including any views that diverge on even one point from the fundamental concept of the Venezuelan claim. This point was made very clear to your Legation as early as April 8, when the first sign emerged that Mr Storrow did not agree with Venezuela in the understanding of one of the most important elements of the Guayana boundary question. The difficulty such disagreement entails will doubtless be the best argument you can bring forth to justify the scruples of the government and to reassure the Honourable Head of the State Department.

To Mr. José Andrade, E.E. and M.N. of Venezuela in USA, Washington D.C.

The report of the Venezuelan commissioners, issued on 18 October 1841, could not include the answers to the points consulted by Mr Storrow, because the dossier was under study and it was not possible to obtain a copy of it until now. Such a copy is enclosed herewith, together with the copy of another document (the Treaty of 1650 between Spain and the Netherlands), as also requested by Mr Storrow.

The word misused in the telegram to which you refer in your communication N° 151 was “yesterday,” which the telegrapher wrote instead of “worse.”

Any news concerning Volumes II and III of Fray Pedro Simón’s work will be reported from now on through the Legation in Bogotá.

Yours sincerely,

P. Ezequiel Rojas

ANNEX 7

Letter from James Storrow to Richard Olney, dated 11 June 1896

Source: Manuscript Division, Library of Congress, Washington D. C., Richard Olney Papers, MSS35139, Box 50, Reel 20

40 State St., Boston.

June 11, 1896.

Hon. Richard Olney,

My dear Olney:

I have written out the facts and the proofs about the "Settled Districts." When you really need them, let me know, and I can send them with a map. I should probably put them in type for you unless you were in a great hurry. A couple of days would do that. Some papers which I expect will fortify the proofs but cannot change anything.

I have not yet reached any formula which will express what is wanted, without some geographical limitation. There are papers in the Dip. Corr. and the Blue Book which assert settlement absurdly beyond any possible limit (e.g. Blue book p.3). To exclude "settlements" under those circumstances would either be dangerous and would mean nothing, because it would still leave the arbitrators to determine what were "settled districts" and to do it with a strong bias given them by the agreement. I do not yet see any way except by a limit of time, which is in some ways objectionable, or by the limit of a line; i.e., settled districts within a specified line; or districts settled before a named date.

I am to send my work to Caracas for inspection before it is filed. That is a natural and reasonable request. The delay it will cause will really not be great, because it will be at least a month yet before some necessary papers are in condition to be used.

Another Subject.

It just occurs to me that our rebellion furnishes an instance which has a strong bearing on the Competitor Case. Probably you know of it, but I will risk the chance that you may not.

Very early in our rebellion the crew of the Confederate "privateer" Savannah were tried for piracy before Judge Grier and convicted. The complete trial was published in an octavo of two or three hundred pages. It was at a time when feeling in the north was very intense, and when Dana was insisting in the prize courts that we could exercise municipal rights against the rebels, and before the Supreme Court had overruled that idea. The Prize Cases, 2 Black, 635. Murray vs. Ins. Cos. 6 Wall, 1.

But the Government at once felt that when the contest had assumed large proportions (though when the cases arose the contest had only been pending a few weeks, and the Bull Run fight had not taken place) the laws of nations and of humanity forbade the infliction of the death penalty; and the crew of

the Savannah were exchanged like prisoners of war,

There are some obvious differences between that case and the Competitor, but not enough, I think, to distinguish them as matter of law. The more important use however to make of it is that, in the face of the most intense feeling by our public and by our Government, it was determined, freely and without outside pressure, that nothing could justify the penalty of death under such circumstances even against men who were caught with arms in their hands, committing acts which, under other circumstances, would have called for their execution.

You are at most, I suppose, asking Spain to do what we already have done.

Your obedient servant,

James G. Thompson

Hon. Richard Olney,
Secretary of State,
Washington,

ANNEX 8

Letter from James Storrow to Richard Olney, dated 15 June 1896

Source: Manuscript Division, Library of Congress, Washington D. C., Richard
Olney Papers, MSS35139, Box 55, Reel 20

40 State St., Boston.

June 15, 1896.

Hon. Richard Olney,
Secretary of State,

My dear Sir:

Lord Salisbury's despatch of 1880, repeated in 1895, states the claim by Venezuela to be one which, if allowed, would require a large number of British subjects (not Aborigines) to change their allegiance or their long established homes.

I should be willing to agree to the exclusion of that, so expressed, even with the word "long" softened or perhaps omitted; speaking as of the date 1880, or Jan. 1, 1884; hardly as of 1887, for reasons which I will presently state.

Neither side wants to risk having an arbitration become illusory be reason of any dispute or misunderstanding as to its terms; and it would therefore be wise to agree that the foregoing stipulation should ^{and} pro facto withdraw from the power of the arbitrators the territory between the Pomeroon or Moruca and the Essequibo, and the settlements on any of the three rivers (Essequibo, Cuyuni, Mazeruni) below the cataracts; that it should not ipso facto, withdraw from their consideration the basin of the Cuyuni and Mazeruni and Essequibo above the cataracts; nor the banks of the Orinoco, mainstream

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nor the region traversed by the water course of the Orinoco delta south of its main mouth; but that the arbitrators might consider whether it did or did not apply to anything beyond the part first stipulated in favor of the English.

Something on these lines, to be made less cumbersome, is the best I have yet been able to reach. It seems to me to go fairly and honestly to the real substance of the matter.

As to date, Gold working became pretty active in 1834, which was the year of the first McTurk invasion. It is not justifiable to base rights on a forcible occupation; and all occupation after that is virtually by force of arms.

There were no "settlements" even in 1887 outside of the ancient lines according to my understanding of the word; but people might differ about its meaning. Thus, in 1887 or 1888 there were extensive mining camps in the Cuyuni ~~and~~ Mazeruni basin. Each camp was inhabited continuously until the pay-dirt gave out, and then abandoned. The laborers, however, came in reliefs from their homes on the coast—generally for three months. But the foreman, and very likely a few laborers staid over. One of them had a kitchen garden. Except for that, all the food was brought up from the coast.

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Now possibly some persons might call that a settlement; ^{though} certainly it was not an established or permanent home of settlers.

About 1887-8 something of the sort began in the Barima district and perhaps went further. By 1890, 40 or 50 men - colored laboring men I think and perhaps a few Portuguese - had made small clearings there and raised fresh provisions which they sent to the Georgetown market. I think that this began after 1887 but am by no means sure; because stations for armed police began in 1884, and near them these Gardens sprang up.

The most troublesome district to define is the Potaro Gold field (I return your "British Guiana and its Resources" ^{also read a map} which will show all this). The census of 1891 gave for this region, above the lowest Essequibo cataracts, 3908 persons. Of these there were only 78 women; 68 indian, and 10 colored. Plainly there were no homes there. How many of the 3908 were the 3 months laborers I cannot find out. Of these 3908, 18 were Portuguese, and 18 of other European races.

At the same time the Cuyuni had 312 and the Mazeruni 144 total population according to the census.

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North West district, *i.e.*, from the Moruca to the Orinoco.

Europeans not Portuguese.	12	
Portuguese.	39	
Black, mixed and East Indian.	486	
Aborigines	<u>404</u>	941.

The best estimate of the transient laborers, made and published officially is about 6000 in the bush at a time, out of 17000 to 20,000 licensed to work for gold; and other means of checking this estimate confirm it.

I do not think that the conditions are materially changed since then. The gold product, and the total laborers registered ^{in 1895} are about the same- the increase is slight.

The report of the Supt. Mines for 1895 as well as other reliable publications show that the gold working is substantially all hand-washing, requiring no capital, except for expenses until the product is marketed; that these gold diggers make no permanent improvements; and that the gold already taken out is from 5 to 10 times the total capital put in.

The government gets a royalty of 90 cents per oz. This has very much more than paid its expenditures, if we omit its garrison expenses- *i.e.* police barracks, officials' houses etc. and I should think might cover even that, *then*.

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The Potaro district is for many reasons difficult to handle on the question of title. I think Venezuela is better off without it. It is rich in gold but almost absolutely inaccessible from Venezuela, and reached in about 10 days by water from Demerara. *my charts, however, would hardly agree to that.*

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As to my argument:

The part which you speak of and which will be really the main argument, I hope to send to the printer tomorrow or next day. But it cannot be used until we get the new Blue Book, and some other proofs, which must be met or availed of.

I propose to send it to Caracas by the steamer of the 24th., and I think I can send you a proof Saturday night. If you can, through Mr. Andrade, get my clients to approve it promptly, and perhaps say so by wire, I could then very speedily weave into it the new matter when it comes.

Yours truly,

James G. Thompson

I have been seriously ill lately, with very little strength for work & must slow up for a few days. I have however got the whole so far blocked out & reduced to paper that some one else could finish the work if I have to drop it.

Hon. Richard Olney,
Secretary of State,
Washington, D.C.

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ANNEX 9

Letter from José Andrade to Richard Olney, dated 18 August 1896

English Translation

Source: Microcopy No. T 93. Roll 8. Volume 8. April 2, 1896, August 11, 1906,
The United States National Archives and Records Administration

Cape May, 18 August 1896

Honourable Secretary of State of the United States

Richard Olney

Dear sir,

With reference to the telegram which I had the honour to hand to His Excellency Mr Rockhill on the 3rd of July last, relative to the occupation by agents of the colonial government of Demerara of the road opened by Venezuela from Acarabisi to Amacuro, I have now the honour to forward to Your Excellency herewith enclosed, for the knowledge of the government of the United States, a copy of a document which this Legation has recently received from the Ministry of Foreign Affairs of Venezuela. Said document states the facts concerning this new aggression by Great Britain, which may be said to have been perpetrated the day after Harrison's, which Venezuela in no way provoked and for which it was not in any way responsible.

All these events show that if the Republic does not firmly stand against such advances of the British, they will take them as far as they please, and will then say that the territories thus occupied cannot be arbitrated because they are Settled Districts. Nevertheless, this time, the Republic has not contented itself with establishing another Venezuelan post in front of the new British post at Cuyuní to contain the invasion, but has also instructed the chief of that post and the chiefs of the others to continue to handle the situation with extreme care, so that new difficulties may not be caused by Venezuela.

Please accept, Your Excellency, the renewed assurances of my highest consideration.

José Andrade

ANNEX 10

Letter from James Storrow to Richard Olney, dated 29 August 1896

Source: Manuscript Division, Library of Congress Washington, D. C., Richard Olney Papers, MSS35139, Box 60-62, Reel 22

Petersham, Mass.

AUG. 29, 1896.

My dear Olney:

I have looked over the settled districts question again. There is only one real question about it.

Does England simply want to secure to itself, free from the risks of arbitration, the territory which comes within Lord Salisbury's description of Jan. 10, 1880 (Blue b. 295)?

Or does it, under guise of the equity which he states, expect to obtain a concession of the gold diggings which are six to twelve days journey beyond any settlements then existing, and which first attracted population after the armed invasion and forcible possession taken of the disputed territory beginning with the McTurk incident at Barima Point in October, 1884, (Blue b. 319 et seq; 359 et seq)?

The attempt to frame a sentence defining what is to be withdrawn from arbitration without a distinct understanding on this question would be simply an attempt by one party to trick the other by cunning phrases of a double meaning.

The true way, if a date is to be resorted to for definition, is to take that which the history of the affair has fixed as the beginning of a forcible possession which cannot create a right, much less raise an equity.

January 1, 1887, is not a suitable date, for it might operate to create a title which had nothing but such forcible taking of possession to rest on. The gold diggers' camps, populated by laborers who leave their homes on the coast for three or four months only, are not, it seems to me, permanent settlements, nor even settlements within the meaning of Lord Salisbury's observation, nor in any sense which can create title. Yet the settlement is, in one sense, continuous until the washings give out and the camp is moved, and it is quite probable that a few men stay over from year to year. Moreover in the North West district, the garrisons of the British Armed forces, particularly at Morawhanna, have attracted some Venezuelans, and some colored men, East Indians, and perhaps a few Portuguese from British Guiana to come there, and clear land for gardens. In 1890 there were about 60 such persons. Some may have begun before 1887.

Now, of course, it is not expected that Venezuela will make any arrangement which can possibly be construed as a concession, yielding the Barima pass, upon any such claim as such an occupation of such a date can give, or disable it from contending before an arbitration that such acts at such a date, and under such circumstances, can give no title.

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You understand of course that I have no authority to represent Venezuela on this subject; I do not know what its views are.

Truly yours,

James G. Thompson

I shall send you a few British official maps which will help to make this clear, if you have occasion to.

Hon. Richard Olney,
Secretary of State,
Washington, D.C.

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ANNEX 11

Letter from James Storrow to Richard Olney, dated 29 November 1896

Source: Manuscript Division, Library of Congress, Washington D. C., Richard Olney Papers, MSS35139, Box 66-68, Reel 24

(Copy)

J.J. Storrow,
40 State Street, Boston.

Caracas, Nov. 29, 1856.

My dear Olney,

We reached here Saturday afternoon.

The President and the Minister of Foreign Relations sent us telegrams of welcome to La Guayra, the port, and the Governor, Collector and Mayor called on us at the Collector's office. The Minister met us at the station. Several of the Cabinet called at once on each of us here, and we have been provided with seats in the official box at the opera. Tonight we have the entire box to invite our friends. All that part of the affair has been attended to with the greatest punctilio.

When we arrived, the Ministry was about to resign and did resign in a body the next morning, that being the fashion here, though it was understood that all except two or three would be reappointed. Sunday morning we saw the President, to whom I presented the President's letter, which he seemed very much to appreciate. I made some remarks about the interest the President had taken in the matter, and he replied in suitably warm terms of gratitude and gratification. It is understood that the letter and General Crespo's reply will be published in the papers with the memorandum of treaty.

Mr. Andrade afterwards had a long talk with him, and afterward with the Minister of Foreign Affairs and Dr. Braguiel Arna, Minister of the Treasury, the strongest man in the Cabinet. They were all satisfied with the treaty and said that there should not be a moment's hesitation about adopting it. I have myself seen Dr. Braguiel and Dr. Rojas (Minister of Foreign Relations), the latter quite frequently, and they are entirely clear on the subject.

It was Wednesday afternoon before the new Cabinet was organized, and the matter could not be taken up before Friday.

There exists here a commission on the Guyana controversy. Dr. Seijas, legal adviser of the Foreign Relations Office, himself formerly Minister of Foreign Affairs and the writer of a good many despatches and some articles about Guyana is the President of it, and joined with them are three other gentlemen, two of whom are lawyers and have also been Ministers of Foreign Relations. One of them, Dr. Vaso, gave his name to one of the proposed lines, which appear on the maps. One of the four is a young chap of 50 or 55; the others are of more mature years. Dr. Seijas is about 74.

It seems that the treaty was referred to them for an opinion, and on Thursday Dr. Rojas (Minister of Foreign Relations) who joined the Thanksgiving dinner

at Gen'l Thomas", said to us that he thought their conclusion would be facilitated if Mr. Andrade and I would meet them; and he had directed them to assemble for that purpose. So we have spent all day Friday and all day Saturday in discussions with them. At first they were bitterly opposed to it. Dr. Vise (lawyers here are "Dr.") said that the inability of Venezuela to name an arbitrator was an unheard of feature and vitiated the whole thing; and they all agreed that they never would approve a treaty with that feature. Indeed he got very hot about it, and so did one of the others, till finally he became conscious of his heat, and said some pleasant things to us half in apology, and we raised a laugh. We met him partly by argument partly by reference to the Alabama treaty whose foreign powers named were arbitrators than the U.S. did, and partly by explaining that it was begun as a treaty between U.S. and G.B. and then twisted into its present more advantageous form. At length that trouble subsided, and that difficulty is laid. The next day Dr. Vise spoke of the great advantage of our coming here, saying that he began with "a mouth of fire", but that the explanation had extinguished the flame, and it would not be relighted.

Then we got onto the prescription question. He talked of that for several hours on Friday and Saturday

forenoon. Dr. Seijas was the most eloquent, and I think the others were all fairly honest, and will agree with us unless he can possibly make them stick with them. Dr. Vico, at the close of his hottest speech, said that he spoke as a legal adviser, and that if he were Minister he might be advised to sign the treaty as the best thing on the whole.

Dr. Seijas finally admitted that he had no doubt prescription applied, and that the arbitrators would apply it; but that to admit it in terms of the treaty would be to violate the rule of the Constitution against cessions of territory. He proposed to him this conundrum: Suppose at the oral argument the tribunal should ask counsel whether such and such was not the rule of law; and the counsel, being well aware that it was, should say so: Would that violate the constitution? Why not therefore say so in the treaty?

But, we said, it was not a concession. Prescription was, I thought, our strongest ground, and I wanted G.B. to agree to it; and of all possible terms, 50 years was the best for us. To get England to assent to a rule we wanted was not giving away our case. That Dr. Seijas — heaven be praised for putting the suggestion into his mind — said that in this reference to Spain of the boundary dispute with California, they expected to hold certain towns by prescription; which

right however the arbitrator did not recognize. We jumped at that, and rubbed into him the advantage to Venezuela of putting a prescription clause into its reference, and pointed out that it would not have been a violation of the constitution to have had it there. Dr. Andrae pointed out that in a recent reference of claims, he had been able to get rid of a large amount by means of the rule of prescription.

In these and other ways, and more especially by Dr. Andrae's very happy tact and good-humored readiness, we got the better of all the adversaries except Dr. Seijas. The real trouble with him is that for 25 years he has been denying and making Venezuela deny that 200 years occupation could give England any rights; and he said, frankly, that Venezuela could not stultify itself by admitting the contrary. I was tempted to tell him that the stultification had been in the past and not now; but it was more prudent to hold my tongue on that topic.

To-morrow morning I expect to tackle Dr. Seijas alone. He and I are rather good friends, in spite of our radical differences of opinion, and I have considerable hope that I may induce him to offer no objections even if he will not approve.

But the objections of the whole commission will not stop the treaty. Yesterday Dr. Rojas took part in our discussions for an hour or two. He agreed with

Mr. Andrade and myself, made light of the objections, and said, in almost so many words, that the Government wanted the Commission to study the treaty very carefully, but that it would sign the treaty at all events, and he only hoped that the commission would agree with the Cabinet.

General Crespo has directed that the moment the papers are ready, a Cabinet is to be called tomorrow, be it day or night.

The commission talked a good deal about an article calling for the immediate opening of diplomatic relations; but we satisfied them that this was needless. They also wanted a clause for a modus vivendi; but finally agreed that this was not needed, and would be difficult to frame. I told them that I felt sure you could have an understanding with Great Britain, sufficient to prevent further aggressive contact.

It is distinctly understood that the matter must be definitely settled here in time for the President's Message to Congress.

The principal newspapers have had some very miserable articles on the subject. There is some grumbling that Venezuela does not have a Venezuelan on the Board, and that it gives up territory under the 50 year rule, and that the U.S. is coercing it; this, of course.

is by the opposition to Gen'l Crooke, and it is not strong. A newspaper this morning had a very neat little article. The U.S., it said, had been asked by Venezuela to help. It had negotiated a settlement, which most people thought a good one. But Venezuela was at liberty to accept it or to reject it. It was, however, the best that the U.S. could do.

In reply to inquiries, we explained the condition of the matter; that the memorandum was signed to signify that the U.S. thought it a fair settlement, and that Venezuela could not expect more and ought to accept it; that the rest was, so far, a new draft, put together in Washington in order to have something definite to work on; and I showed them Lord Salisbury's telegram about it. They all thought it proper, with his modifications putting the allowances of the 6 mos., 4 mos., 4 mos., with liberty to the Tribunal to give a month's grace.

Dr. Fies then inquired whether another article could not be added to that part, not connected with the signed memorandum. I told him that at least it could be proposed, and we would consider it. Probably we can extinguish it here. He has no notion what it is.

The whole matter will be settled before you get

*this letter, but it may serve to explain to you the
progress of affairs. We cannot leave before Dec. 10.*

*It is fortunate we came down. I find that I have
more credit here, especially with the commission, than
I had last spring. Yesterday afternoon, after we had
talked evenings for an hour or two, Dr. Vico said that
the English were able, but the Americans more able,
and it was safer for Venezuela to rely on our judgment
as to what was for its interest.*

Very truly yours,

J.J. STORROW.

ANNEX 12

Cable from José Andrade to Richard Olney, dated 5 December 1896

Source: Record Group 84. Series: United States Diplomatic Records for Venezuela, 1835-1936. Vol. 23 (July 23, 1895, to January 7, 1897). The United States National Archives and Records Administration

Cable sent Dec. 5, 1896.
 ~~~~~

Olney, Secretary, Washington.

Memorandum accepted. Will be published here Monday afternoon. Extra session of Congress will be called as soon as possible. I am authorized to sign treaty with small corrections, such as provision filling vacancies in case of death or disability. But Venezuela expects by treaty or by diplomatic notes through you agreement to prevent aggression or unfriendly acts near line of contact, and also that no new mining concessions shall be granted.

José Andrade.

(sent in cipher)

Venezuela.



## ANNEX 13

Letter from Mr. Cleveland to General Crespo, dated 8 December 1896

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Letter  
from Mr. Cleveland to Mr. Crespo, 1896



M.R.E. GRAN BRITANNIA T. XXI - F. 357

Clipping from N.Y. Journal

CLEVELAND TO GENERAL CRESPO.

Writes to Venezuela's President, Highly Praising the Treaty.

Recommends Acquiescence in the Arrangement Made by Olney.

No Better Solution Possible, He Says, of the Boundary Dispute.

LETTER PUBLISHED IN CARACAS.

Reply of the Chief Executive of the South American Republic is Couched in Cordial but Diplomatic Terms.

Caracas, Venezuela, via Hayti, Dec. 8 - The Government today

publishes a personal letter from President Cleveland to President Crespo, in regard to the Guiana boundary treaty, which has been agreed upon between Mr. Olney, the American Secretary of State, and Lord Salisbury, the British Prime Minister.

The reply of President Crespo is also published and the Venezuelan public has thus been made aware of the steps that led up to this country's acquiescence in the arrangement.

In his letter Mr. Cleveland commended the terms of the treaty to the chief executive of Venezuela and with many expressions of international courtesy advises its acceptance as the best possible solution to all concerned of the long pending question.

President Crespo answers in cordial, but diplomatic, terms.

He expresses the gratitude of his Government and people toward the United States and adds the belief that the Congress of Venezuela will undoubtedly give the treaty the attention that it deserves.

2.

Minister Andrade and Attorney Storrow, who have been charged with Venezuela's interests in this matter, will leave for New York on Thursday.

## ANNEX 14

Cable sent by James Storrow to Richard Olney, dated 10 December 1896

Source: The United States National Archives and Records Administration. Record Group 84. Series: United States Diplomatic Records for Venezuela, 1835–1936.

Vol. 23

(From Jul 23, 1895, to Jan 7, 1897)



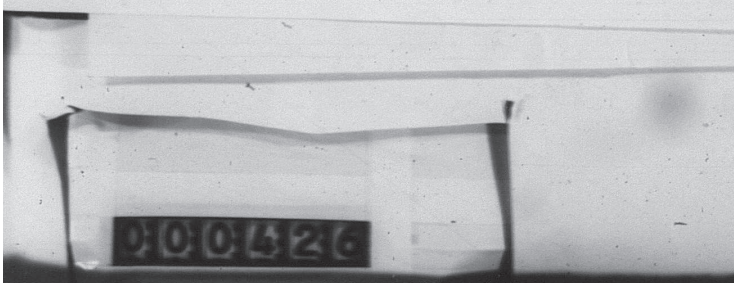
WEST POINT HOTEL  
ALBERT H. ORRICK, Proprietor

West Point, N. Y. Dec: 10

Dear Mr. Tracy

I am sorry  
a day or two with me  
to see our Cadet boy.  
He goes from here to the city  
(He left in a long time) - then  
in two or three days start for Cuba  
I recall Dr. John Brown  
who wrote the letter you had to me.  
I think he was employed by the  
Spanish Government. If he again  
goes to Cuba to visit later for the world  
he must take the Dr. Brown's side.  
If he does, he is in position to get this  
for the Spanish Government in him.  
Do it if you see what says the letter  
is the one placed by the State at West Point.

I am sorry  
to hear of  
the death  
of our  
Cadet boy  
I hope  
you will  
be able  
to see  
him  
before  
he goes  
to Cuba  
I am  
sincerely  
yours  
Albert H. Orrick





## ANNEX 15

Telegram from Richard Olney to James Storrow, dated 12 December 1896

Source: Manuscript Division, Library of Congress, Washington D.C., Richard Olney Papers, MSS35139, Box 66-68, Reel 24



(CIPHER)

TELEGRAM SENT.

Department of State,

Washington, Dec. 12, 1896.

STORROW.

Care THOMAS.

U.S. Minister.

Caracas.

Confidential | - Matter | closed | as | between | Great Britain |  
 and United States. | Changes | Treaty | must be made | between |  
 Great Britain | and Venezuela. | Would it | help | were it |  
 agreed | by | exchange | of | notes | accompanying | treaty | that |  
 British | Judges | should not | appoint | arbitrator | from | British  
 Guiana | and that United States | Judges | should not appoint  
 arbitrator | from Venezuela. | Earliest | practicable | restora-  
 tion | diplomatic relations | most | desirable. | Present |  
 Venezuelan | attitude | offensive | - tends | to | block | all  
 negotiations. | . 159 . M.

Operator.

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## ANNEX 16

Letter from Benjamin Harrison to Mallet-Prevost, dated 9 March 1899

Source: AHMPPRE-VE, Antique Archive, Country: Great Britain. Boundaries of Guiana. Establishment of the Court of Arbitration. Volume 186, 1899, folios 115-118



115

LEGACIÓN  
DE LOS ESTADOS UNIDOS DE VENEZUELA.

Benjamin Harrison.

1814 North Delaware St. Indianapolis. Ind.

March 9, 1899.

S. Mallet-Prevost, Esq.

New York.

My dear Sir:

I have your letter of the 7th. I do not know what the outcome of these differences as to the fifty year clause is to be, but I am a little apprehensive that Great Britain may be very stiff in the stand Sir Charles Webster has taken. This makes me think that Great Britain does not anticipate a very satisfactory decision from the Tribunal and would like to throw the case back into diplomatic stage. I suppose these notes now presented by Sir Charles were not before the Venezuelan Government, but I must believe that they were known to Mr. Sterrow; for his relations to Mr. Olney were very confidential. I think too, that until General Tracy presented his criticism of the Treaty, Mr. Andrade and all of us were inclined to accept the fifty year period as dating from the Treaty, though the more I studied the correspondence and the clauses of the Treaty the more strongly the opinion grew upon me that its fair meaning was that the line of 1814 is to be established.

However, I do not think this is a turning point in the case at all, for it seems to me that the Agreement of 1850, beyond any question, cuts off any prescriptive title based upon any extensions made by Great Britain after 1814, even if there had been any, which there was not. That Agreement absolutely destroys any claim by political control, especially in view of the fact that the British admitted a joint jurisdiction with Venezuela in the territory. I am inclined to think, and am working the matter out a little, that the correspondence in relation to the Schomburgk Line, and the maps he set up, has the same effect as the Agreement of 1850. It

was an acknowledgment of a disputed region, and a profession on the part of Great Britain that she did not intend to occupy, but to negotiate. But, to come back; since Sir Charles Webster has presented to us these notes which in our judgment show the view taken by the United States and by Great Britain, can we do less than to consent to stipulate them into the case? It seems to me that to refuse to do this would be unfair. Having knowledge now of the existence of these notes I for one would not feel like arguing to the Tribunal that the Treaty was, as to this matter, understood in the sense of our brief. It would be an utterly insincere thing to do. I think that you should present to Mr. Andrade and the Venezuelan Government the question whether we must not at least consent to allow these notes to come into the case. If they are admitted to the case, we must be left to our own judgment as to what their effect is. I think it is quite possible that Mr. Storow knowing the impracticability of some of these he had to deal with, may have purposely left this matter a little vague.

Very sincerely yours,

Benj. Harrison.

Es copia

*Mr. Andrade*

## ANNEX 17

Letter from J. Calcaño to José Andrade, dated 23 March 1899

Source: Benjamin Harrison Papers: Series 1, General Correspondence and Related Material, 1787-1912; 1897, June 2-1899, Apr. 12

Available at [https://www.loc.gov/resource/mss25064.mss25064-041\\_0018\\_1232/?sp=1195&st=image](https://www.loc.gov/resource/mss25064.mss25064-041_0018_1232/?sp=1195&st=image)



Ministry of Foreign Affairs,

Caracas, March 23, 1899.



Sir:

I have had the honor to receive your despatch Number 75, and the papers referred to therein.

It relates to an extraordinary pretention of Sir Richard E. Webster, Attorney General, and one of the counsel for Great Britain in the Guayana boundary question, who denies the right of the counsel for Venezuela to argue that rules A and B of Article 4 of the Treaty of Arbitration agreed upon between the two nations on February 2, 1897, for the settlement of the dispute, do not apply to the period subsequent to 1814. They think that such an argument is contrary to the understanding in which the negotiations were carried on between Lord Salisbury and Mr. Olney in the name of **Venezuela**; and announce, that unless the claim be withdrawn, the English lawyers will make it the basis of a formal protest before the Arbitrators.

The Government of Venezuela is unable to comprehend upon what authority the British lawyers demand from those of Venezuela a relinquishment of our case. The counsel of Venezuela may have been right or wrong in their judgment, but this is of little consequence as affecting the result of the case. If Great Britain interprets the treaty in another sense, Venezuela understands it, as do her counsel, in the opposite one. As neither of the two

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2,

parties can impose its opinion upon the other, it is for the arbitrators to give effect to the agreement in conformity with the dictates of impartiality and wisdom. There is no reason to raise disputes here, nor to do anything which may interfere with the course of the proceeding. If Venezuela or her counsel have fallen into error, the difficulty may be obviated by the British simply demonstrating it before the Arbitrators.

The Treaty authorized the contending parties to present a case, counter-case, and argument, together with correspondence and proofs; and each has done so. The Tribunal will weigh these documents, and accord to them such value as they deserve, without any necessity on the part of counsel to discredit their arguments in that behalf, doing this at the solicitation of their adversaries who have and contend for opposing interests.

Venezuela, under the exceptional circumstances of the case, will consent that there be incorporated in the British Argument the letters omitted from it, in this regard, in view of the fact that Her Majesty's Government have asked it, since they prove the contrary of what is alleged; but fears that this may be opening the door to other analagous exigencies, in view of that fact that the periods fixed by the treaty for the presentation of proof have expired, and that the door has been shut to the litigants, permitting them to improve upon or repair their faults

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3,

or omissions. They say to Venezuela today, "In order that we may beat you more easily, despoil yourself even of some of the arms you are fighting us with, and lend aid also to the putting into our hands of others to reinforce us." Tomorrow they may ask us to suspend the course of a proceeding already approaching its close.

With regard to the Agreement of 1850, the British Case mentions it on pages 125 and 126, without the compilers venturing to say that it is void; only that the Republic has invoked it many times, but has violated it repeatedly. The Case of Venezuela has demonstrated that the British Government observed it at the beginning, and appealed to it as recently as in January, 1887; that it never has been annulled and therefore preserves its force in full. Pages 715 and 716 of the Argument have made it most clear, that even adopting the British understanding with regard to the application of rules A and B of Article 4, of the Treaty to the epoch subsequent to 1814, the year 1850 marks an absolute line of demarcation in the boundary controversy, and that thus the acts of occupation or political control executed by one or the other party, subsequent to the agreement of that date, lack all legal effect. Its reasons are so conclusive, that it is not to be feared that the Tribunal will deny its assent to them, nor adopt the English theory of the nullity of the agreement for the supposed infractions of it attributed to Venezuela.

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4,

Nevertheless, as it is not undesirable that advantage be taken in this matter, of the letter of Sir Julian Pauncefote of October 30, 1896, as among the other documents whose insertion in evidence is desired, two of them are among those published in our Case; and, moreover, as they and all the others referred to, are favorable to Venezuela, our counsel should flatly refuse to withdraw from their position; but they may add that this Government will not oppose the representation by the British in their oral arguments, as though they were incorporated in the evidence in the case. Let it be understood that our counsel are to continue to most forcibly refute the claims which the British found upon these documents, and to show that such evidence is really against them.

I am, etc.

J. Calcano Mathieu.

Señor Jose Andrade,



37866

## ANNEX 18

Letter from Richard Webster to Mallet-Prevost, dated 12 May 1899

Source: Guiana Boundary, Arbitration. Various. Reference: FO 80/418. The National Archives, United Kingdom



333

2, PUMP COURT, TEMPLE, E.C.

May 12., 1899.

Dear Mr. Mallet-Prevost:-

British Guiana Boundary:  
Arbitration with Venezuela.

I have carefully considered with my Col-  
leagues your letter of the 22nd. April. Its con-  
tents lead us to hope that no difficulty may ulti-  
mately arise, but as it is essential that there  
should be no doubt on the matter, we think it right  
to send you in reply a formal Statement of our  
position:-

We gather from your letter that those who  
prepared the Argument on behalf of Venezuela were  
not acquainted with the Correspondence which led up  
to the Treaty of Arbitration. This may no doubt to  
some extent, account for the contentions to which  
we were obliged to take exception, because we are  
convinced that no one who was a party to or acquaint-  
ed with the negotiations between Mr. Olney and Sir

Julian

Honourable  
Mallet-Prevost,  
30, Broad Street,  
New York, U.S.A.

Handwritten note in left margin: "See also page 179, Part I of the Report"

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Julian Pauncefote, can have any doubt whatever, that the position which we take up, is not only justified by the antecedent negotiations, but is the only one which is consistent with them.

You state that the Argument to which attention was called in my letter of the 2nd. February, was distinctly stated at Page 106, Volume I of the Counter-Case of Venezuela.

In this we cannot agree. It is possible, in the light of that which has subsequently been put forward, to gather from the passage to which you refer, a suggestion of the contention. Read in its natural meaning and in connection with the context the passage cited refers to an entirely different matter and was obviously inserted with another object; and we would moreover point out that in the formal Statement of Conclusions at the end of the Case not only is there no trace to be found of any such contention but it is directly opposed to paragraph 1 on Page 179, Paragraph 1

on

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on Page 197, and proposition 29 on page 225.

We note that you consent to the copies of the Diplomatic Correspondence which Mr. Buchanan furnished to you, and of which I enclose a further copy, being laid before the Arbitrators and we repeat, for the reasons stated in my letter of the 2nd. February, that it cannot properly be questioned that the Rules in Article IV were intended by both parties to apply to the action and protect the interests of Venezuela and Great Britain respectively, and had no relation to the periods of Spanish and Dutch ownership. While we are unwilling to anticipate any difficulty we must ask you distinctly to understand that Great Britain will not acquiesce in any position which will deprive her of the rights conferred by Article IV of the Treaty, which embodies the terms upon which alone she assented to the arbitration.

As regards the three points that are enumerated at the conclusion of your letter, we are at a

loss



## ANNEX 19

Letter from Richard Olney to Julian Pauncefote, dated 24 May 1899

Source: Boundary between British Guiana and Venezuela Further Correspondence. Reference: FO 420/189. The National Archives, United Kingdom



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

Printed for the use of the Foreign Office. May 1900.

CONFIDENTIAL.

(7320.)

F.O.

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189

PART XVII.

FURTHER CORRESPONDENCE

RESPECTING THE

BOUNDARY

BETWEEN

BRITISH GUIANA AND VENEZUELA.

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1899.

3. They approve of the Secretaries to the two Judges being paid salary at the rate of 2*l.* 2*s.* per diem each.

4. They agree also to 5*l.* a-month for an official servant, besides the cost of his travelling and maintenance.

5. My Lords approve of the payment of half of the expense of taking and printing shorthand notes, estimated to amount to between 180*l.* and 200*l.* a week.

6. The proposal about which my Lords feel the greatest difficulty is that for paying 2,000*l.* to each of the British Arbitrators for their services. The payment of a similar sum by Venezuela to each of the American Arbitrators, and by Venezuela and Great Britain jointly to M. de Martens, does not furnish a real analogy for a similar payment by Her Majesty's Government to the two British Judges, having regard to the fact that, presumably, none of the other three Arbitrators are at the same time in receipt of salaries from the Government paying the honorarium. My Lords are not, moreover, aware that any payment of the kind has ever been made to one of Her Majesty's Judges. It does not appear that any such payment was made to Lord Cockburn in the Alabama case, though the sittings extended from May to September, and, although 1,000*l.* was offered to Lord Hannen, as one of the Arbitrators in the Behring Sea case, he requested permission to decline the honorarium, feeling that—in his position as one of Her Majesty's Judges—his services were already at the disposal of Her Majesty's Government for the duty in question (Foreign Office letter of the 10th October, 1893). In these circumstances it would seem improbable that the Lord Chief Justice and Lord Justice Collins would think it right to accept the honorarium which has been proposed; but if, after considering the facts above stated, Lord Salisbury should deem it essential that it should be offered, my Lords would not think it right to refuse their assent, in view of the precedent afforded by the Behring Sea case.

I am, &c.  
(Signed) FRANCIS MOWATT.

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No. 101.

Mr. Olney to Sir J. Pauncefote.—(Received June 5.)

(Strictly Private.)

My dear Sir Julian,

Boston, May 24, 1899.

I HAVE your favour of the 12th instant, and note the contents.

As regards the publication in the diplomatic correspondence of my letter to you of the 29th October, 1896, marked Strictly Personal, my feeling is that it ought not to be so used. When you and I returned to Washington in the fall of 1896, we went to work on the Venezuela business industriously, and kept at it continuously; but we did so mostly by informal personal talks, or, so far as the negotiations were in writing, by equally informal and private notes, none of which were regarded by me as of an official character, or were allowed to go on to the files of the State Department. Do you not think that it would be unfair that one out of the many notes so exchanged should be selected for publication while the remainder are suppressed?

Further, if one is now brought to the notice of the Arbitral Tribunal and the parties, may not all similar correspondence, and even our recollections of our oral conversations, be also called for? I confess myself quite appalled at the possible, and not improbable, consequences of our opening up such a field of investigation and inquiry as the letter in question naturally points to.

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 the 13th July, 1896, was the last thing of record. I did not so reply until I had first written Mr. Cridler, Third Assistant Secretary of State, and received from him an assurance to that effect, made after an examination of 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.

I note your suggestion to the effect that it may be possible for me to do something to facilitate a satisfactory disposition of the difficulty referred to in your note. I should be very glad to do it if it is within my power; but, as at present advised, I do not see my way to do anything, unless the present Secretary of State, Mr. Hay, should

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be induced to take the matter up, and should think fit to consult with me on the subject. If he chose to do that, I should certainly do my utmost to have carried out what I believe to have been the intent and understanding of all the parties concerned in the Boundary Treaty.

I am, &c.  
(Signed) RICHARD OLNEY.

No. 102.

*Foreign Office to Treasury.*

Sir,

*Foreign Office, June 5, 1899.*

I LAID before the Marquess of Salisbury your letter of the 2nd instant respecting the allowances and other expenses in connection with the arbitration on the boundary question with Venezuela.

With regard to the honorarium of 2,000*l.* which was proposed for each of the British Arbitrators, I am directed by his Lordship to observe that, as 1,000*l.* was offered to Lord Hannen for his services in the Behring Sea arbitration, it seems to him impossible to withhold the offer of an honorarium on the present occasion, when the labour imposed on the Arbitrators is still heavier, and that the amount offered should not be less than that which will be received by the Umpire and by the American Arbitrators.

The additional work which is thrown upon the two Judges in studying the mass of documents which have already been submitted to the Arbitrators by the two Governments is extremely severe—the British Case being contained in eleven volumes, running to 2,525 pages of folio print, and the Venezuelan Case occupying eight volumes, amounting in all to 3,164 octavo pages. It is probable that the proceedings of the Tribunal will extend over the whole of the ordinary summer vacation.

Lord Salisbury feels bound, therefore, to make the offer of extra remuneration which the Lords Commissioners have sanctioned, and will inform their Lordships of the replies received.

The allowances to the clerks employed by the two Judges will be reduced to 1*l.* 5*s.* a-night, as desired in your letter.

I am, &c.  
(Signed) F. H. VILLIERS.

No. 103.

*M. de Martens to Mr. Buchanan.—(Received June 6.)*

Dear Sir,

*Hôtel Paulez, The Hague, June 5, 1899.*

TO-DAY I am able to say, that at Tuesday, the 13th, in the afternoon, I shall arrive in Paris in order to open the sittings of our Arbitration Tribunal on the 15th, as it has been decided. But it would be quite impossible to me to remain in Paris. I shall be obliged to return to the Hague on Friday, the 16th. Then I may again return to Paris for one or two days for the hearing of the Case.

I am quite sure that before the end of this month the Peace Conference will have finished its work, and I shall be able to settle myself in Paris for the whole summer. The sittings may then take place almost every day. But at present it will be impossible to me to leave the Hague without returning to it. In this week the principal work—so I do hope—will be done, and about a fortnight would be necessary in order to finish the whole. In such circumstances, I beg you to make the necessary steps, with M. de Rojas, for the sitting of the 15th June. But if you and M. de Rojas wish to adjourn, better for one week more, till the 22nd June, the beginning of the sittings of the Tribunal, you would oblige me very much by sending me a word so soon as possible.

I have, &c.  
(Signed) MARTENS.



## ANNEX 20

Letter from Richard Webster to Joseph Chamberlain, dated 15 July 1899

Source: JC 7/5 (Foreign affairs: pre 1899). Joseph Chamberlain Collection – 1819- [late 20<sup>th</sup> century], Cadbury Research Library, University of Birmingham



Palace Hotel,  
Champs Elysees  
15 July 1899

Dear Chamberlain

I finished my opening on  
Thursday. The evidence has come out  
better than we anticipated.

I still fear however that the Tribunal  
will not give us Point Barina, the  
admissions made by Lord Aberdeen and  
Lord Granville will be too strong for us.  
We were right in laying stress on the  
year 1814 the date of acquisition; our case  
for a frontier at that date is as strong as  
at the date of the Treaty.

I hope to get (see small map enclosed) the line

a to b corresponding with the 63<sup>rd</sup> degree  
 of longitude then Schomburgk's line (red) to  
 c, from c to d claiming to go along the  
 Tsalaka mountains to d & then south  
 along the tributary of the Curumo<sup>to h</sup> & due  
 south to g or alternatively along the Curumo  
 to g & thence down the Curumo to f, from  
 f the Schomburgk line to the south.  
 We are very weak between the Curumi &  
 Wenamu, it is quite possible the boundary  
 may not go East of the Curumi from f.  
 I hope you will be able to follow this but  
 Harris is at present in London & can explain  
 it to you - You will find Map No 4 in the  
 British Atlas the best to follow -  
 If I get the chance & I think the Tribunal  
 is against us as to Point Barima I shall  
 press strongly for free passage for Commercial  
 vessels in the Barima - I should be very

glad if you would talk the matter over  
with Harris & send me any instructions  
or I can come over for a day if necessary to  
see you & Lord Salisbury -

I have written to him a similar letter  
It has been very hard work as the constant  
interruptions of the sittings were very trying

I am very truly yours

Richard Webster

The Right Honourable  
Joseph Chamberlain M.P.

The Solicitor General knows all about the  
case it might be well to talk this letter  
over with him - If you see Andrade do not  
make any proposition without letting me  
know -



## ANNEX 21

Letter from George L. Burr to White, dated 30 September 1899

Source: Burr, George Lincoln. to White, Andrew Dickson, Ithaca, New York, Sept 30, 1899. See: Cornell University Library, Division of Rare and Manuscript Collections, Andrew Dickson. White papers 1846-1918, Microfilm reel 79, September 1899-January 15, 1900



THE PRESIDENT WHITE LIBRARY  
CORNELL UNIVERSITY  
ITHACA, N.Y.  
GEORGE LINCOLN BURN  
LIBRARIAN  
(AN INHERITOR OF HISTORY AND MEDICAL HISTORY)

30 September 1899

Dear Mr. White:

I never meant to let a many things go by without a word. Both in my return from my outing of some myself over, which by accumulated demands on my attention, and they were followed by the duties of the opening university year, until now, as I am free to take breath and to glance at my calendar, I am startled to see how long it is since I have written you.  
My Camp of the lake left me

physically a new man. I can  
could be nothing more useful  
than such an out-of-door life  
in the midst of old friends, with  
whom all talk of sleep was out  
of the question. I would gladly,  
indeed, have followed you any  
portion of a later trip further  
afield, but there was really  
no need. My restoration,  
I am sure, is complete.  
Perhaps my book will bear my  
neglect of work of every sort -  
O alas my correspondents suffered  
with the rest.

The new year is opening  
with extraordinary interest to the  
entire class larger than ever

before, and a decidedly larger  
proportion of old students back.  
My class in The Middle Ages  
has a hundred members -  
my other classes are yet to meet.  
President Schuchert seems glad  
to be back and is in excellent  
health and spirits.

By way, say that I was much  
happily a week ago, entertained  
over his European trip and re-  
gretting only that he had been  
obliged to miss seeing you.

Do you remember, by the way,  
that one morning as we both  
sat together on the Terrace at  
three years ago, I said in answer  
to some question of yours asking you to  
write it, perhaps I had's course  
when Robert Allen visited me at New Haven,

The Andrew Dickson White Papers, Cornell University

THE PRESIDENT WHITE LIBRARY  
CORNELL UNIVERSITY  
ITHACA, N.Y.  
GEORGE LINCOLN BURN  
LIBRARIAN  
(AND PROFESSOR OF ANCIENT AND MEDIEVAL HISTORY)

30 Sept 1899

that I thought him "at bottom an  
exceedingly selfish man." As I have  
come since then to know him better  
through a closer association I have  
suffered much remorse for the lack  
of judgment. What I had taken for  
"Eglishme's selfishness" is, I am sure,  
nothing more than a peculiar sensi-  
tiveness; and though doubtless he is  
not always disinterested — who  
is? — I am heartily ashamed of  
my hasty verdict. That however  
far-sighted he has a great, warm,  
genuine heart, I always knew, and  
know yet better now.

Wednesday morning.  
The verdict of the Vereinian  
Orbitators is then a' look, and I  
have been studying it with care,  
as I know you must be doing.

I confide myself somewhat surprised  
and puzzled. His bowdler, as  
you will have noted, is nothing more  
nor less than the Schomburgk line,  
with a tangle cut off for Venezuela  
at each end — Buffum Pink and the  
extreme upper Cayuni!

I had no doubt the "examine  
would be awarded to Bush, Britain.

I thought it probable the Wain  
would be so; though the ability  
of the latter is not so clear.

I have since Bush's argument  
by the Vereinian district  
before the tribunal — for after, it  
seemed to me, that Sir David Webster's  
(I had studied both carefully in the  
"strenuousness" 1300th volume from  
Paris) — made me doubtful as to the  
and I should have been set at all.

The Andrew Dickson White Papers, Cornell University

supposed of retaining work of the  
 Africa has been allowed to Europe  
 I was quite pleased, however, to  
 see the Pamphlet made for him on  
 the subject of the Congo Basin.  
 But that he wrote Pamphlet -  
 except its merits - should be granted  
 Green, Britain, and the position carried  
 even to the Americas, - that not  
 only the Macassar but all the  
 south of the Congo as far as the  
 Wamun should be accorded him, -  
 I confess this takes my breath away.  
 I can only divine that the negroes  
 counted the negro as still in  
 this century, essentially unexplored  
 and unoccupied, and treated Selam.  
 Europe's explorations as themselves  
 solution of title. At least, I can  
 think of nothing else which could have

been counted a basis of claim  
 to either the Americas or the  
 upon Pamphlet.  
 However, it was in the last  
 issue a question of law, and  
 it is perhaps not to be expected  
 that a layman should understand  
 it. The great thing is that the thing  
 should be decided, and by a court.  
 Few will count the land that has  
 happened to have fallen to White Britain.  
 It will be interesting to know  
 whether and how far the pending  
 revolution in Venezuela influenced  
 the feeling of the arbitrator.  
 I am glad you are pushing on  
 with the memoirs of dining. These  
 you will publish them. They belong  
 to a larger public than your im-  
 mediate friends, and I believe they  
 will be most cordially received.

I was much interested to know  
 account of the Progress of the festival  
 and had been discussing it with  
 Professor of Law, who had been  
 out of town as to the importance of  
 the thing. I too have been very  
 enjoying this summer. Will's book  
 on the late Roman Empire, and  
 especially peculiarly since and  
 sound study. The book of the  
 Marquise Youllier, of which you  
 wrote some interesting, I shall  
 already see some time in the  
 same for, both for myself and  
 for Professor Jones. The latter, by  
 the way, was clearly made very happy  
 by your message of congratulation  
 on his administration.  
 I wish so with cordial regards  
 to Mrs. White and Elizabeth.  
 Faithfully yours,  
 Henry L. Davis.

The Andrew Dickson White Papers, Cornell University



## ANNEX 22

Letter to Mr. Charles Prestwood Lucas (Asst. Under-Secretary of C.O.), dated 3  
October 1899

Source: Offices: Admiralty and Crown Agents. Offices: Foreign (1899 Jan-Oct).  
Reference: CO 111/515. The National Archives, United Kingdom



C.O. 111/515

MINUTA DEL 3 DE OCTUBRE DE 1899.--

Mr. Lucas

I have indicated roughly on the annexed map the award by a line \_\_\_\_\_  
We lose Barima Point which is worthless as we are given the free navigation of  
the Barima & Anokura Rivers. We secure both banks of the Waini River at its  
mouth which is good.

To the south we lose a tract of country the value of which is doubtful  
but it includes Uruan the loss of which fever stricken places is perhaps more  
moral than material. On the other hand the award appears to make the north bank  
of the Cuyuni, where the boundary follows that river, the boundary thereby giving  
us the river <sup>wharfs</sup> we have I think hitherto never claimed more than a shore of  
the river as far as midstream.

CAS

3/10



## ANNEX 23

Letter from Edmonds to John, dated 23 March 1962

Source: Frontier Dispute with British Guiana. Reference: FO 371/162665. The National Archives, United Kingdom



1519/62



BRITISH EMBASSY,

RECEIVED IN

27 MAR 1962

CARACAS.

AV1081/51.

March 23, 1962.

Mr. Edmonds *Nov T.*

*I have not seen [unclear] either of the Savings.*

RESTRICTED AND PERSONAL

My dear John, *NC 27/3*

Please see my Saving telegrams Nos. 9 and 10 of today's date. They are very long but I have tried to give a detailed account and to give you a bit of atmosphere.

The major impression left on my mind was of uncertainty about how to handle things in the minds of the others. This rather bears out what I said I suspected in the first sentence of paragraph 5 of my letter to you of March 15. I cannot also stress too much how pleasant the atmosphere was. I should add that I took Leslie Boas with me, with the approval of all concerned, because I wanted to be quite certain that there could be no possibility of mistranslation. Leslie assured me afterwards that there could be no possible doubt that the other grasped entirely clearly every point that I made. On our side there is no doubt that we understood what they said.

*AV1081/48*

It also seemed clear to us that the junior party of the other side realised more fully the difficulties and dangers of the position and the small chances of success. Nevertheless he loyally supported his senior because he (the junior) fully realised that the senior is in a difficult position.

I very much hope that you will be able to let me have your early comments by telegram including, I trust, approval of the line I took. I would not be so worried about this question if the other side really understood. However, I think I achieved something today. As it is we have to combine polite education for them; standing up for our own principles for us; and an effort to help them out of what is, I am convinced, a genuine difficulty.

Yours ever,

*Douglas*  
(D.L. Busk)

P.S. I am not quite clear how far you take the Americans into your confidence in this matter. From the local point of view I should like to show my first Savingram to

N.J.A. Cheetham, Esq., C.M.G.,  
Foreign Office,  
London, S.W.1.

my American colleague and to discuss the second with him. Please let me have your views.

You will appreciate that it is not going to be easy for me to play continually poker face with all my diplomatic colleagues here but I shall have to manage this somehow. It would at least be nice if I could be reasonably frank with our friends the Americans and, of course, the Canadians.

RESTRICTED AND PERSONAL

*[Handwritten initials]*

Sent 6/4

Registry  
No.

TOP SECRET  
Secret  
CONFIDENTIAL  
CONFIDENTIAL  
CONFIDENTIAL

Draft. letter to:

Sir D. Busk

*Koussy etc*

From: Mr. Cheetham

NOTHING TO BE WRITTEN IN THIS MARGIN.

*Watts*  
Mr. Watts First

*Cheetham*  
Mr. Cheetham

*Richardson*  
...  
S/w

We had hoped to get in to-day's <sup>bag</sup> the instructions about British Guiana promised in paragraph 2 of our telegram No. 205. I am afraid that with so much on our and the Colonial Office's plate at the moment we have not been able to <sup>meet</sup> ~~meet~~ do this ~~deadline~~. <sup>meanwhile</sup> ~~We should therefore have to send you a telegram, but you may like to know how our minds are moving in the meanwhile.~~

2. As you will know from our telegram, we should be most reluctant to embark on even the most informal talks about the Venezuelan claim <sup>with what</sup> ~~which~~ would amount to a Venezuelan delegation in London. Of course we cannot prevent the Venezuelan Ambassador from coming to talk to us about the claim any more than we can prevent the Foreign Minister talking to you; and we have to listen to what they have to say. Moreover, it is <sup>clearly</sup> ~~in~~ our general interests not to turn the Venezuelans down flat. ~~We think,~~ therefore that our general aim will be to try to string the Venezuelans along amicably until British Guiana is independent. How exactly we <sup>shall</sup> ~~do~~ this, I am not sure, but to begin with we might try to gain time by saying that we need to study the documents which the Venezuelans have submitted (useless though they are in fact) and to consult with the Premier of British Guiana. We could perhaps make some play with the fact that Jagan is heavily involved in his internal affairs, <sup>including</sup> the forthcoming Commission of Enquiry, and that we should therefore prefer to wait until /his

his next visit to London, (which (for your own information) does not look like being before July.

3. When we do give our substantive reply to the Venezuelan approach I am afraid that it will just have to be that we can find nothing new in the Venezuelan documents, and <sup>in particular</sup> nothing to shake our view that the 1899 award is both fair and legally binding. We cannot therefore agree to negotiations of any kind. We might, as a softener add that - irrespective of the Venezuelan claim - we fully understand that Venezuela has good reason for concern at the way in which British Guiana's internal politics have developed. Provided therefore that the Venezuelan Government could guarantee secrecy, we should be prepared to keep in close touch with them about our policy regarding British Guiana and <sup>also</sup> the future of the territory in general. Clearly it would be essential that none of this should come to Jagan's ears.

4. All this is very tentative at the moment, although I should be glad to have your comments. You may also like to see the enclosed copy of a minute by American Department's Legal Adviser, which explains itself.

attached

M.  
5/4

NOTHING TO BE WRITTEN IN THIS MARGIN.

SECRET and PERSONAL

(AV1081/51.)

FOREIGN OFFICE,

S.W.1.

April 5, 1962 .

Guiana's internal politics have developed to such an extent that therefore that the Venezuelan Government should be kept in close touch with them about our policy regarding the future of the territory. It would be a mistake to get in to-day's bag the instructions about British Guiana promised in paragraph 2 of our telegram No. 205. I am afraid that with so much on our and the Colonial Office's plate at the moment we have not been able to do this. Meanwhile you may like to know how our minds are moving.

2. As you will know from our telegram, we should be most reluctant to embark on even the most informal talks about the Venezuelan claim with what would amount to a Venezuelan delegation in London. Of course we cannot prevent the Venezuelan Ambassador from coming to talk to us about the claim any more than we can prevent the Foreign Minister talking to you; and we have to listen to what they have to say. Moreover, it is clearly in our general interests not to turn the Venezuelans down flat. We think therefore that our general aim will be to try to string the Venezuelans along amicably until British Guiana is independent. How exactly we shall do this, I am not sure, but to begin with we might try to gain time by saying that we need to study the documents which the Venezuelans have submitted (useless though they are in fact) and to consult with the Premier of British Guiana. We could perhaps make some play with the fact that Jagan is heavily involved in his internal affairs, including the forthcoming Commission of Enquiry, and that we should therefore prefer to wait until his next visit to London, which (for your own information) does not look like being before July.

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/ Guiana's

His Excellency Sir D. Busk, K.C.M.G., O.B.E.,  
CARACAS

SECRET and PERSONAL

-1-

-2-

SECRET and PERSONAL

NOTHING TO BE WRITTEN ON THIS PAGE

Guiana's internal politics have developed. Provided therefore that the Venezuelan Government could guarantee secrecy, we should be prepared to keep in close touch with them about our policy regarding British Guiana and about the future of the territory in general. Clearly it would be essential that none of this should come to Jagan's ears.

4. All this is very tentative at the moment, although I should be glad to have your comments. You may also like to see the enclosed copy of a minute by American Department's Legal Adviser, which explains itself.

N. J. A. CHEETHAM

(N. J. A. Cheetham.)

SECRET and PERSONAL

CONFIDENTIAL

INWARD SAVING TELEGRAM

FROM CARACAS TO FOREIGN OFFICE

RECEIVED IN  
ARCHIVES  
27 MAR 1962

A

Cypher/OTP/By Bag

AV1081/53  
DEPARTMENTAL DISTRIBUTION

Sir D. Busk

No. 9 Saving

March 23, 1962

D. Mirmail March 23, 1962

R. March 26, 1962

(By Bag)

CONFIDENTIAL

Addressed to Foreign Office telegram No. 9 Saving of March 23.

Repeated for information Saving to:

U.K. Mission New York  
Governor Georgetown

Your telegram No. 196. AV1081/49

When I saw the President today he said that he had arranged meeting at his private house in order to avoid publicity and to establish cordial and intimate basis. I welcomed this. The Minister for Foreign Affairs was present.

2. The President said that Venezuela was part of the West and with us must look to security. The United Kingdom had vast investments here and it would be disastrous if Venezuela followed Cuba. He was much alarmed by possible centres of gun-running, sabotage and agitation in neighbouring territories. He suggested that the United Kingdom and Venezuela should jointly administer the area along the frontier which would provide security cordon. He was not specifying any particular size (see my telegram No. 53, paragraph 2).

AV1081/53

3. I said that it was not certain to me personally that Jagan would follow Cuba. What was certain was that he could easily be pushed into this if we or Venezuela or the United States handled him badly. Good neighbourly relations were vital between Venezuela and new independent British Guiana. I did not know when full independence would be achieved but it must come sooner or later, and one way to push Jagan into the arms of Castro was to thwart this.

4. The President then said Her Majesty's Government was ready for talks with Guatemala about British Honduras. Why not about British Guiana? I said that the main difference was the arbitral award. Her Majesty's Government would listen to any statement

/the

CONFIDENTIAL

CONFIDENTIALCaracas telegram No. 9 Saving to Foreign Office

- 2 -

the Venezuelan Government made on this subject but I was sure that in reply Her Majesty's Government would reaffirm the view that the award was final and still in force. I could hold out no hope that we would agree to talks. As far as I knew the British Honduras talks were to be on basis that we maintained our views, but that we were prepared to arrange for discussions with the Guatemalans to try and improve relations in general terms. Elected Ministers of British Honduras would participate in such talks. Independence of members of the Commonwealth was a matter exclusively for the United Kingdom and for the people concerned. We could admit no outside influence. What ex-colonies did after full independence was their affair. I myself doubted whether independent British Honduras would join Guatemala but they would be free to do so.

5. This enabled me to add that constitutionally elected Ministers of British Guiana were equally involved in the future of their country whether before or after complete independence. This was fundamental and I could not believe Jagan would be enthusiastic about the idea of jointly administered area.

6. The President then said that "new data" showed that the award was inequitable. This was not question of law such as dealt with by The Hague court but of equity. It was a great opportunity for the United Kingdom to right a wrong. He asked for negotiations to be started soon in London led by Venezuelan Ambassador plus two more Venezuelans. There would be no publicity and he wanted intimate atmosphere with no date fixed for the completion of negotiations.

7. I repeated that I could hold out no hope and asked if it was his intention to communicate "new data" now. He said Venezuelan team would have all the papers with them and would like to discuss with our experts. He understood our principles and would agree to Jagan being present. The conversations might have to be continued with Jagan after [grp, undec.]? independence

/8. He said that

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CONFIDENTIALCaracas telegram No. 9 Saving to Foreign Office

- 3 -

8. He said that the arguments were not based on aggressive nationalism. He himself would disappear after the 1964 election. The solution need not be reached by then. He had been careful in congressional speeches (my letter of March 15, paragraph 2) not to commit his Government to any action but he was anxious that exploratory discussions should start soon.
9. I repeated that I could see little hope that my Government would agree to discuss something we considered settled by the 1897 treaty (particularly Article 13 which I produced) and the 1899 award. I asked what were the new data. The Minister for Foreign Affairs then produced various documents which I did not have time to examine on the spot. I am sending them by this bag and as you will see they seem to contain nothing new. The Minister for Foreign Affairs repeated that the Venezuelan claim was based in equity and history and not on law. I said that arbitration took account of these factors and it was thus different from pure legal decisions.
10. I said I would report fully to you but concluded by holding out no hope that Her Majesty's Government would agree to talks. The President and the Minister for Foreign Affairs said they fully understood my position and reiterated that they would have no objection to Jagan being present.
11. The question of Trinidad did not come up.

Foreign Office pass Saving to U.K.Mission New York No. 4  
and Governor Georgetown No. 3.

[Repeated Saving to U.K.Mission New York.  
Copies sent to Telegraph Section C.O. for  
repetition Saving to Governor Georgetown.]

DISTRIBUTED TO:

American Department  
News Department  
Information Policy Department

C-C-C-O

CONFIDENTIAL

## ANNEX 24

Letter from Mr. Slater to Mr. Edmonds, dated 28 May 1964

Source: Border Dispute with British Guiana. Reference: FO 371/174362. The National Archives, United Kingdom



|                                                                                                                                            |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">A</p> <p style="text-align: center;">AMERICAN DEPARTMENT</p>                                                |                                                                                 | <p>(Security Grading—to be Up-graded where Appropriate)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                                            |                                                                                 | <p style="text-align: center;">RESTRICTED</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p style="text-align: center;">VENEZUELA</p>                                                                                               |                                                                                 | <p style="text-align: center;">A V1081/57 ✓</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1964</p>                                                                                                                                | <p>FROM: Mr. Edmonds (Caracas) to Mr. Slater 1519/64</p> <p>Dated: April 28</p> | <p>SUBJECT: <u>British Guiana Frontier Dispute</u></p> <p>British Guiana Section has been set up in the Ministry of Foreign Affairs under Dr. Blas Pérez Henríquez</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Received: May 5</p>                                                                                                                     | <p>Encloses Copy of: newspapers cutting from 'El Nacional' of April 27.</p>     | <p>References and Relevant Papers: -/23 (65)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>(Outward Action)</p> <p>DfA Mr. Edmonds, Caracas, from Mr. Slater May 11.</p> <p>DfA Sir G. Meade, Abingdon from Mr. Martin May 20.</p> |                                                                                 | <p style="text-align: center;">MINUTES</p> <p>For comment on the establishment of a British Guiana Section in The Venezuelan M.F.A., please see AV1081/58.</p> <p>2. The newspaper article from "El Nacional" of April 27 concerns the statements of an 80-year Italian who fought for the Russians at Port Arthur in 1904 before going out to Venezuela to work in the National Frontier Guard. The article is the vehicle for an exposition of the reasons why an Anglo-Russian deal took place in 1879, and what concessions the Russians obtained. These are allegedly concessions on spheres of influence in China, Tibet, India and Persia. Sir Geoffrey Meade &amp; Mr. Childs should see.</p> <p style="text-align: right;">J. Stuart<br/>6/5</p> <p style="text-align: right;">— OK →</p> |
| <p>(Printing Instructions)</p>                                                                                                             |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>(Referred to Legal Adviser)</p>                                                                                                         |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>(Action completed)</p> <p>R 2/6/64</p>                                                                                                  | <p>(Main Indexed)</p> <p>2/12/64</p>                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                            |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Sir Geoffrey Meade has seen this article and considers that it is of some importance in the Venezuelan case as an attempt to prove that Russia had benefitted from the "deal" which gave Great Britain an unfair award in 1897, at Venezuela's expense. He wishes to submit it to Dr Grenville for his opinion, and for this purpose a translation is required. Can this be done here, or should it be referred back to Caracas? I am inclined to the former, since this exercise is hardly part of the normal work of an Embassy abroad.

Substantive  
s/s

Mr Childs (Library)  
Mr Foster (Translator)

I agree that it is better to be of some disservice the sooner we get Dr Grenville's opinion the better. In these circumstances I hope the translation can be produced here in London - and fairly soon.

Yours sincerely,

R. Hutchinson s/s

(If the Venezuelans ever put the French's documentary evidence we can presumably demand to see it)

Translation within. But this really should have been done at the post where there are at least three information officers.

Mr. Martin 29/1/5

Norman Foster - 20/1/64

Number of copies.....

Number of copies of enclosures.....

NOTHING TO BE WRITTEN IN THIS MARGIN.

*Minutes.*

A) Mr. Sutherland, W ton, to  
Mr. Child, May 18.

---

Sent to Sir G. Meade  
(AU 1081/57)

Joy  
4/6

M.F.P



## ANNEX 25

Confidential letter from Venezuela's Ambassador in London, Dr. Héctor Santaella to Iribarren Borges, Minister of Foreign Affairs of Venezuela, dated 23 October 1965

English Translation

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Confidential Letter from Ambassador Santaella to the Minister of Foreign Affairs of Venezuela. Subject: Considerations on the conversations between the Embassy and the Foreign Office regarding the ministerial conference, 1965, Caracas



EMBASSY OF VENEZUELA  
 TO GREAT BRITAIN  
CONFIDENTIAL

Caracas, 23 October 1965

N° 1606

Special Director for Guayana

Subject: Considerations regarding the talks between the Embassy and the Foreign Office on the ministerial conference

Mr Minister:

1. I have the honour to write to you in order to make some comments and observations which may hopefully be of assistance when determining the policy to be pursued with regard to the boundary question between Venezuela and British Guiana.

2. I am referring in particular to the questions raised in your radiogram No. 192 regarding the date of your possible visit to London and to the contents of your radiograms DGG-573, DGG-579 and DGG-584.

3. Based on the contents of your radiograms, I will continue to insist, by all possible means and as I have done so far, on the adoption of an agenda that meets all the instructions outlined therein. However, I do consider it appropriate to bring the following considerations to your attention.

4. Significant progress has been made so far. As a matter of fact, the British position has been and still is officially, according to Foreign Office Note No. AV 1081/112, that Great Britain has only committed itself, when accepting talks with Venezuela, to a documentary review in order to prove to our country that it was not the victim of any injustice on the occasion of the border demarcation resulting from the 1899 Award. From that position, which I formally contested in my notes No. 1347 and No. 1492, to the present attitude, there is a remarkable difference. While the agenda we have agreed so far is not entirely satisfactory to us, it does reflect a significant change of position and gives us a number of advantages that are worth considering.

5. Britain has accepted all our points except the wording of paragraph two. The title of the agenda, which will be official, defines the Foreign Ministers' Conference as intended to "Discuss the Dispute between Venezuela and the United Kingdom on the Borders with British Guiana, according to the Joint Communiqué of 7 November 1963." This wording is essentially the same as that proposed by us under agenda item 2.

6. I believe, as I stated in my note No. 1546 to the Foreign Ministry, that the title of a Conference defines its purpose. It can hardly be argued that any participants in a conference with a purpose clearly stated and agreed in advance can refuse to address the central issue for whose consideration they agreed to

attend, free of pressure and with the prior consent of the parties. Certainly, they may not accept each other's views or contentions since, in essence, a Conference is convened to discuss one or more issues, but it does not oblige the parties, in advance, to agree, although it does oblige them to attend and act in good faith. I consider that the title therefore favours the Venezuelan position.

7. Great Britain also agrees to set deadlines for the implementation of what is agreed in relation to the items on the agenda. No one could think, even by the most imaginative stretch of the imagination, that anyone who agrees to set deadlines for implementing what might be agreed would do so merely in the spirit of a documentary review, as has hitherto been the British position. No deadline is required for the enforcement of that. Similarly, the clear and well-defined Venezuelan position of not accepting the validity of the 1899 Award cannot be given a "deadline for its enforcement."

8. The British also agree to add, in item 1, the phrase "The need to resolve the dispute." It is clear that a simple documentary review would not resolve anything and, on the other hand, by accepting the inclusion of the phrase, the existence of the question is admitted, defining it as a dispute and not as a historical or any other kind of question.

9. Great Britain also agrees to delete item 6 of the draft agenda contained in Annex E of my note No. 1546 to the Foreign Ministry. This is in line with your instructions.

10. I have deliberately left the considerations relating to item 2 of the draft contained in Annex E at the end.

11. As you know, the draft which I presented in the first place, and whose wording I have tried to maintain throughout the course of these discussions, reads as follows: "To find solutions for the practical settlement of the border issue." This wording, as we had envisaged from the outset, tended to avoid mentioning the 1899 Award, by stating, in a straightforward manner, that there is a border dispute whose solution would be sought at the Ministerial Conference. If Great Britain were to accept such wording, it would be somewhat implicit that the 1899 Award was not an adequate solution to the problem and, therefore, that the boundary question is open to redetermination. In this way, it would have been easy to consider the Award as non-existent at once, which could mean an immediate triumph for Venezuela. It could almost be said that, with such a wording, the Ministerial Conference would be almost unnecessary, since, England having admitted the non-existence of the Award on the agenda itself, the only way left would be to fix a new border.

12. To this first proposal of mine, the Foreign Office replied that the Award should be mentioned insofar as, in any case, consideration of the boundary question required some reference to that instrument. After arduous negotiations,

they agreed to accept our wording in the title of the Conference, to which I have referred above.

13. I wanted to keep the Venezuelan position quite clear and, to this end, in response to a question from the representatives of Great Britain and British Guiana about the meaning of our position regarding the reference to the Award in the agenda, I plainly stated that Venezuela does not recognise any validity of that document and that, in this respect, the statements of the President of the Republic and those of our Foreign Minister were widely known, as well as the other Venezuelan statements on the matter, including my Note No. 1347 addressed to the Foreign Office.

14. Great Britain replied that nothing prevented Venezuela from attending the Conference subject to due qualification of its position, but Great Britain could not accept deleting from the agenda the mention of the Award, the validity of which, for its part, it upholds. Accordingly, they proposed to draft item 2 in the two forms which I transcribed in my radiogram No. 205 to your dignified Ministry of Foreign Affairs.

15. Other formulas for drafting have been tried and tested and thoroughly discussed and weighed by both sides. According to your latest instructions, I must insist on a wording basically the same as our original wording, i.e., "To seek solutions for the practical settlement of the boundary between Venezuela and British Guiana, whose demarcation by the 1899 Award Venezuela does not accept."

16. At the next meeting, perhaps on Tuesday 26th, I will present, in accordance with your instructions, this new formula.

17. At previous meetings I probed for the possibility that the following wording, which is clearly not so explicit about our intentions, might be accepted: "To seek solutions for the practical settlement of the boundary dispute arising out of the 1899 Award on the boundary between Venezuela and British Guiana." My purpose was to ascertain whether Great Britain would accept the inclusion of the word "boundary" in the wording they had proposed and which is contained in item 2 of Annex E to my Note No. 1546. This attempt did not yield positive results. Great Britain insisted on not accepting the inclusion of this word. To my new proposal to delete the mention of the Award in item 2, they also responded in the negative, insisting that the Venezuelan wording is accepted in the heading or title of the Ministerial Conference, in which, as I stated above in this same communication, the nature of the meeting is defined.

18. Notwithstanding the above, and in compliance with the instructions of your dignified Ministry of Foreign Affairs, I will present, as I have already said, the draft wording that you indicated in your radiogram No. DGG-584.

19. In summary, Great Britain has accepted all our proposals, except the inclusion in item 2 of the agenda of the word limits or boundaries in the form

originally proposed by us, and in any other similar ones. It accepts its inclusion, in the form already known to you, in the headline.

20. In the last meeting with the Foreign Office, the latter noted the efforts it has made to reach an agreement with Venezuela on this matter, accepting all our suggestions except the one already mentioned. Their representatives also expressed that, given the inflexibility of both sides on this specific point, it was perhaps useless to continue holding the meeting, since their instructions did not allow them to make any further progress on the matter, thus suggesting that we are coming to the end of the current negotiations.

21. In order not to give any impression of weakness in our position or any sign that such an attitude puzzled me, I replied that, if such is the stand of Great Britain, Venezuela would also consider it unnecessary to continue the talks as long as the position of Great Britain did not change.

22. Before the meeting ended, I asked the Foreign Office representatives to clarify the real substance of their position, insisting that Venezuela is not willing to accept academic discussions. Mr Slater, who heads the British group during the absence of Mr J.O. Rennie (see my radiogram No. 201) replied to this as follows: "We do not prejudice that your view is valid nor that our view is invalid." This should be left open for discussion among the Ministers. But we cannot accept from this moment that the only valid position is the Venezuelan one.

23. "Does that mean you are willing to discuss the border?" I insisted. Slater replied: "The Award laid down the boundary, didn't it? If the Award is up for discussion, then the boundary is up for discussion."

24. On the other hand, he added that the Joint Communiqué cites the 1899 Award, and then read to me some passages from the Yellow Book of the Ministry of Foreign Affairs in which, likewise, reference is made to the aforementioned instrument. As a matter of fact, the Joint Communiqué of November 1963 reads as follows: "...to review the progress made in the examination of documentary material relevant to the 1899 Arbitral Award on the boundary between Venezuela and British Guiana."

25. In reply, (since I could not contradict said text), I stated that the Joint Communiqué leaves, however, the way open for any discussion, since further on, when referring to the Government-to-Government talks, it does not limit in any way their nature. In short, I used the same argument used in the draft of Note P8 annexed to my Note No. 1464 to your Ministry of Foreign Affairs. But the British countered that such reasoning is not opposed to mentioning the Award itself, since the Joint Communiqué, which is the basis of these talks, clearly mentions it, as was stated.

26. This exchange of views left the door open for further negotiations, and it was agreed, in principle, that a new meeting could be held next week. Tuesday 26th was also mentioned in principle as a possible date.

27. It seemed to me very convenient not to break off the negotiations, consistent with the previously outlined strategy of extending the negotiations as long as possible, and as long as this does not mean sacrificing our position or weakening our attitude, as I expressed in one of the telephone conversations I had with you, Minister, during your stay in New York, during the last General Assembly of the United Nations, it seemed to me very convenient not to break off the negotiations.

28. But everything seems to indicate that we are reaching the end of the possibilities of understanding, which compels us to examine the consequences a possible cancellation of the current negotiations could have on our future position.

29. In the event that such cancellation should occur, without agreement being reached, the official position of Great Britain would continue to be, for all purposes of our claim, that already known and expressed by Foreign Secretary Stewart in his Note No. AV 1081/112 of September 16, that is to say, that the United Kingdom has only entered into these conversations in order to dissipate in the mind of Venezuela, and in view of our friendly relations, any doubts that might exist, etc.

30. I doubt very much that the British are willing to continue these talks with a view to the Conference between you and Foreign Secretary Stewart to take place in December. The observations I made earlier about the current state of the talks support this suspicion on my part.

31. Why does Great Britain want the Ministerial Conference to take place in November? Venezuela, for its part, has sought a solution to the border problem prior to independence. British Guiana, for its part, insists on a solution to the dispute also prior to its independence, in order to avoid all the problems that would result for it from a direct confrontation with our country.

32. Secretary Stewart has been travelling continuously since my arrival here, as is evident from his successive presence in Poland, Blackpool (for the Labour Party Convention), the United Nations, Washington, Japan, Korea, etc. This gave him a valid excuse for not agreeing to a meeting with you at an earlier date, as was my purpose. He considers that the coincidence of both Conferences in November (as expressed in Note No. AV 1081/112) can be useful, and this must be one of the reasons why he has accepted until today almost all of our points of view on the agenda, with the exception already indicated. As it stands now, when the respective positions have reached their maximum point of divergence, it is very difficult to continue negotiating, unless one of the two parties gives in or a compromise is found, which would save the position of the two countries.

33. On the other hand, the continuation of these talks in the atmosphere prevailing today, during the meeting of the Constitutional Conference, would

weaken, before the Guyanese opinion, the position of Great Britain, as well as Venezuela's. The former would appear as anxious to obtain Venezuela's agreement and the latter as lending itself to a meaningless game. That is why I doubt, I repeat, that the talks can continue with a view to a meeting of Ministers in December, although of course, such being the instructions of Caracas, I shall do my best to achieve it.

34. The information I have managed to obtain leads me to believe that Great Britain, anxious not to damage its relations with Venezuela and, by extension, with Latin America and, at the same time, faced with its responsibilities to the Commonwealth, is seeking, in accordance with its political tradition, a compromise solution.

35. They do not wish to insist on an agenda that, like the one presented by their representatives at the beginning of the negotiations (see Annex C of my Note No. 1546), is totally unacceptable to Venezuela. Faced with our pressure, they are gradually giving in, in order to achieve the holding of the Conference of Ministers in November. But they hold back on a wording that, in advance, would give the victory to Venezuela. This could lead to the strongest protests from the Guyanese representatives and, probably in the British Commonwealth, with the consequent discredit for this country.

36. The situation in Rhodesia has complicated things. There, the white minority, which intends to reproduce a situation of racist predominance similar to that prevailing in South Africa, demands independence, threatening to declare it unilaterally, in open defiance of British power and prestige. The Commonwealth countries and, especially, the African ones, demand, with all their energy, that Great Britain use all its means of pressure, including armed force, to oppose the anti-African pretensions of Premier Ian Smith, placing in the hands of this country all the responsibility for what happens.

37. Therefore, England is facing an extremely difficult situation. Great Britain's authority within the Commonwealth, its international prestige, the very foundations of its political system are at stake. Their "image" is in imminent danger of being tarnished in the eyes of the Commonwealth and the rest of the world. What stance have they taken so far? That of seeking a 'compromise,' allowing time to pass while they find the ideal way out, which would be to relinquish direct responsibility for the matter.

38. Wilson proposes that a Commission of Commonwealth countries should travel to Rhodesia and make recommendations. Smith has flatly rejected this, as he cleverly wishes to prevent Great Britain from diluting its direct responsibility in a multi-nation forum. In the meantime, Britain is looking for support in other countries. France's declaration that it will not recognise any new government that might emerge in Rhodesia as a result of a unilateral declaration of independence

wins the moral support of the United States. Prime Minister Wilson offers to travel to Salisbury to confer, until he finds the “compromise” he might not be able to find.

39. In such a harsh and difficult scenario, would Great Britain immediately abandon British Guiana in its claim against Venezuela, exposing itself to the repudiation of the Commonwealth and especially Afro-Asians? On the other hand, would Great Britain openly confront Venezuela and Latin America?

40. This has been noticed by the British Guiana Commissioner, who seems to be very adept at behind-the-scenes manoeuvring. The press in the colony, inspired by Luckhoo, is already accusing Great Britain of negotiating with Venezuela behind British Guiana’s back. Foreign correspondents covering the issue, with whom I frequently speak in London, reflect this sentiment. Some even let such fear creep in. In this connection, I informed you in my radiogram No. 185, asking for quick instructions, for I feared that the pressure from the Guyanese might change the attitude shown by Great Britain, hitherto inclined to negotiate.

41. So, what could be the way out for Great Britain? A somewhat undefined solution (a “compromise”) that allows them to give independence to British Guiana, without having pronounced themselves too much in favour or against our claim.

42. That is why I believe that the decision to be taken at this time is of the utmost importance. Not to attend the Conference of Ministers is to allow the British position to remain defined in accordance with the terms of Secretary Stewart's oft-quoted Note No. AV 1081/112. In this case, and in line with our statements that British Guiana’s independence will not affect our position in any way, we would continue our claim on British Guiana, if it gains its independence at the next Constitutional Conference. But Great Britain would have saved its position in two ways; first, by indicating that it never committed itself to Venezuela to revise the border or even to discuss the Award, and second, by disengaging from a serious problem vis-à-vis us. In the worst-case scenario, their responsibility would at least be diluted.

43. Instead, if we agree to come to the Conference of Ministers on the proposed date and with an agenda which, like the one achieved so far, at least allows for discussion of the Award, I sincerely believe that our diplomatic position would be greatly improved, even if no agreement were to be reached.

44. If independence does not come about, our position vis-à-vis Great Britain would be greatly strengthened, as it would be vis-à-vis an independent British Guiana if that were the case.

45. In addition to the reasoning put forward earlier in this note, I would like to advance another that I consider to be of importance. The draft agenda so far accepted does not speak of “discussing the Award.” It says, verbatim, “Seek

solutions for the practical arrangement...” as I proposed in the first draft agenda (see Annex B of my Note No. 1546).

46. Could Great Britain, after such an agenda has been accepted by both sides, argue that it was never committed to discussing the border issue? I think not. If this nation considers the Award to be a complete, final and definitive solution, as it has been maintaining, it is because it presumably attributes to it the full force that similar instruments have in international law. It is, in their view, the legitimate title to their sovereignty over the disputed territory.

47. However, those who are sure of the validity of their titles do not allow themselves to seek “practical solutions” for those who dispute their rights. They can, however, seek legal solutions in law, in accordance with the law. But not to look for practical solutions because, in doing so, they would be assuming, in advance, that the validity of their titles is open to doubt.

48. If, to date, by sticking to the Benítez statement at the United Nations and the 1963 Joint Communiqué, Venezuela has managed to bring Great Britain to the terms on which we now do, despite all its reticence and manoeuvring and repeated statements to the effect that it has never promised to discuss the substance of the problem, would it not substantially improve our position after having in our hands an agenda such as the one Great Britain is now prepared to accept?

49. I believe that if we could hold such a document in our hands today, we could multiply the strength of our position many times over.

50. I insist that I have tried and will continue to try, by all means at my disposal, to impose our criteria on the issue that threatens to bring these talks to an end. That if that is the instruction from Caracas, I will make the same effort to achieve a meeting in December, provided the agenda is satisfactory. I would also like to highlight that none of the above is intended to demonstrate that the position we have held so far has been inconvenient or ill-presented. On the contrary, you are aware that, from the beginning of our deliberations, I have agreed to the agenda being presented in the form indicated in Annex B because I was involved in drafting it.

51. But the talks being on the verge of an impasse, I believe that, before terminating them without any results, and after a new effort, which I am making, it is preferable to convene the Conference of Ministers in November, even at the risk of not reaching agreement there, but in exchange for having in our hands the elements favourable to our cause which the draft so far accepted would offer us. From our point of view, this draft agenda is certainly not the best, but it represents a major step forward in the defence of our cause, which is not and will not be easy or short term, at least as long as we are acting, as we are now, by diplomatic means. In this arena, such a draft could be seen as yet another success story for the Foreign Ministry.

52. As you know, I did not at first (see my radiogram No. 130) consider your coincidence with Mr Burnham here convenient, as I thought that he might take advantage of such a circumstance to stage an anti-Venezuelan rostrum.

53. However, having reassessed the situation, I believe that this risk can be taken without major consequences, as it is clear that you will, in any case, be able to state the basis of our position as clearly, if not more clearly, than Burnham will be able to state his. I do not think it would be in Great Britain's interest to expose itself to you speaking as clearly as you could, if necessary, especially as it was Foreign Secretary Stewart who suggested that your coming to London should take place on 9 and 10 November.

54. In any case, the action plans formulated so far (see instruction sheet) envisage you making a strong statement if attempts to reach an agreement fail (illegible), you could make such a statement in London if there was no agreement at your meeting with Foreign Secretary Stewart.

55. I therefore submit the above ideas for your careful consideration, confident that you will give them your full attention.

56. In the event that you do not consider it advisable to accept the recommendation I have taken the liberty of making and the Constitutional Conference on British Guiana begins without agreement having been reached on the meeting of Foreign Ministers, I consider it advisable to make official to the Foreign Office the reservations formulated by Venezuela to the effect that the independence of that colony will in no way affect its inalienable rights. I suggest this because the latest statements on the matter have been made publicly, including at the United Nations, but not in an official note to Great Britain.

57. To this end, I will submit a draft note for your consideration, which I will send you in the next pouch.

58. The only thing left for me to do is to ask you, in view of the extremely short time available to me between now and 2 November and the fixing, in principle, of Tuesday 26 November as the date of the next and perhaps last meeting, to kindly send me your instructions by cable, by telephone if possible, or by special diplomatic courier.

59. As in the past, I have numbered the paragraphs of this note for easier reference by wire or telephone.

Yours faithfully,  
Héctor Santaella

To Mr Ignacio Iribarren Borges,  
Minister of Foreign Affairs.  
CARACAS  
HS/fc.



## ANNEX 26

Letter from Venezuela's Ambassador in London, Dr. Héctor Santaella to Michael Stewart, Minister of Foreign Affairs of Great Britain, dated 2 November 1965

English Translation

Source: Ministry of Foreign Affairs, (1981), Claims of the Essequibo Guayana, Documents (1962-1981), Caracas, pp. 60-61



**REPUBLIC OF VENEZUELA  
MINISTRY OF FOREIGN AFFAIRS**



**CLAIM TO GUAYANA  
ESEQUIBA**

**DOCUMENTS  
1962 -1981**

**CARACAS, 1981**

**NOTE FROM THE AMBASSADOR OF VENEZUELA IN LONDON, DR. HECTOR SANTAELLA, TO THE HON. MICHAEL STEWART, MINISTER FOR FOREIGN AFFAIRS OF GREAT BRITAIN. London, 2 November 1965**

Your Excellency,

On the occasion of the Conference on the Independence of British Guiana, for whose happy development and fruitful results the government of Venezuela presents its sincere wishes, I have the honour to reiterate to Your Excellency, by express instructions of my government, the explicit and constant position of Venezuela with respect to colonialism and the old dispute with the United Kingdom about our limits with British Guiana.

It will not escape the perspicacity of Great Britain that Venezuela, consistent with its own history, as a nation that contributed effectively and selflessly to the liberation of other peoples, has maintained throughout its republican existence a definite position in favour of the independence of former colonies or territories in some way dependent on their respective metropolises. This Venezuelan position has been especially applicable to the process of decolonization of American territories, with which our country is particularly linked for reasons of continental brotherhood.

In the case of British Guiana, the reasons that move Venezuela to strongly desire its independence are even more powerful, since Venezuela understands that, due to their geographic proximity, the two countries are called to consolidate a lasting friendship that will benefit both countries and the continent.

I shall not tire Your Excellency's attention by quoting the numerous and significant official statements of Venezuela in this regard, nor those relating to the claim which it has maintained, and will continue to maintain, clearly and firmly, to its legitimate boundary with British Guiana. Your Excellency is also aware of the expressions of Venezuelan willingness to reach an amicable solution of the issue with the cooperation of Her Majesty's Honourable government.

For all the foregoing reasons, and at a time when the Conference on the Independence of British Guiana is meeting in this capital, I welcome, on behalf of my government, the lofty objectives of those who advocate the granting of independence to that territory linked by various titles to the affection of Venezuela.

However, the indeclinable duty to maintain intact the sacred rights of Venezuela in the face of any contingency, obliges my government to renew, at the same time, with a very clear sense and deep appreciation of the responsibility that this implies, its territorial claim.

Consequently, I have the honour to address Your Excellency expressing the

unanimous will of the authorities and the people of Venezuela to reaffirm, in the most formal and categorical manner, the position of my government in the sense that any change of status that may occur with respect to British Guiana arising from a declaration of independence or any other cause, will in no way affect the inalienable and imprescriptible territorial rights that Venezuela legitimately has in Guayana Esequiba.

I request Your Excellency to bring this note to the attention of the Conference on the Independence of British Guiana, which is meeting in this city from November 2.

I renew to Your Excellency the assurances of my highest and most distinguished consideration.

(signed) Héctor Santaella.



## ANNEX 27 A

Radiogram of the Ministry of Foreign Affairs of Venezuela to the Director  
General of the Embassy in London, 15 October 1965

English Translation

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Cypher  
message to Venezuelan Minister, 1965



REPUBLIC OF VENEZUELA  
**MINISTRY OF FOREIGN AFFAIRS**

Directorate for Guayana

No. \_\_\_\_\_

Caracas, 15 October 1965

Mr

Director General

Please kindly give your instructions for the following encrypted radiogram to be transmitted:

**ETAT**

EMBAVENEZ LONDON

DGG

**573** Dige.

Your reference 1546 (full stop) The title for the agenda in Annex B you indicated in point 9 of the referenced note has been accepted (full stop) I will now refer to Annex E (full stop) Item 1 has been accepted but even though it should be included in the agenda (comma) it is appropriate to state in the same (comma) that he will not be heard by the Ministers at the ministerial meeting (comma) but in a separate meeting (comma) within the same timeframe as agreed for the ministerial meeting (comma) at Embassy level with the advice of the experts (full stop) In item 2 the mention of the award cannot be accepted since this would imply a discussion on its validity which Venezuela would categorically reject (full stop) I therefore suggest striking out the phrase from (open inverted commas) which to Award (close inverted commas) both words included (full stop) The wording would then read as follows (open inverted commas) To seek solutions for the practical settlement of the Controversy on the boundary between Venezuela and British Guiana (close inverted commas) (full stop) Please insist on this as it is a core element of the negotiation (comma) and the wording of the title or heading of the

[Stamp:

"MINISTRY OF FOREIGN  
 AFFAIRS. GENERAL  
 DIRECTORATE.  
 RECORDED ON  
 16 OCTOBER 1965 6:14 PM"]

agenda would not be sufficient to avoid the situation referred to above (comma) since the agenda items are a precise determination of the matters discussed in the talks and the title is only a general mention of them (full stop)

...

REPUBLIC OF VENEZUELA  
MINISTRY OF FOREIGN AFFAIRS  
DIRECTORATE FOR \_\_\_\_\_

573

No. \_\_\_\_\_

Mr

Director General

Please kindly give your instructions for the following encrypted radiogram to be transmitted:

- 2 -

The unquestionable change in the original English position began to become apparent in Lord Caradon's note of 7 October 1965 and must be exploited as fully as possible (full stop) Item 3 accepted since as you will note it would only come about in the event of a compromise (full stop) Item 4 accepted (full stop) Item 5 accepted (full stop) Propose deleting item 6 (full stop) The expression (open inverted commas) Agreed Statement (close inverted commas) should not be accepted (full stop) UN document A/SPC/SR 350 does not include the word Agreed (full stop) Neither does A/5313 (full stop) More so (comma) the text of Dr Falcón's statement at the meeting of 16 November 1962 and the Benítez statement itself imply that it was a statement by the President at the request of the parties as you rightly indicated in point 18 of your note 1546 (full stop) It is not advisable to mention the Special Political Committee (comma) as the Assembly (comma) the Committee of 24 or any other UN body deemed appropriate could be informed as

convenient (full stop) Finally we should not commit ourselves to a joint report to the UN (comma) as it might be better to report separately (full stop) As a last resort, item 6 may be convenient as follows (colon)

...

REPUBLIC OF VENEZUELA  
 MINISTRY OF FOREIGN AFFAIRS  
 DIRECTORATE FOR \_\_\_\_\_

573

No. \_\_\_\_\_

Mr

Director General

Please kindly give your instructions for the following encrypted radiogram to be transmitted:

- 3 -

(open inverted commas) Report to the United Nations on the results of the talks (close inverted commas) (full stop) I am required to attend (comma) on the instructions of the President (comma) to the forthcoming conferences in Montevideo 3 November and Rio 17 November (comma) so these commitments prevent me from accepting the proposed dates of 9 and 10 November (full stop) Please provide the necessary explanation and propose that talks at ministerial level take place after 8 December (full stop) An encrypted copy of this cable is sent by special pouch

IRIBARREN

For the Minister,  
 Blas Pérez Ferrás  
 Director

IIB.BPF.HG:gf.



## ANNEX 27 B

Cypher message from Blas Pérez to Ignacio Iribarren Borges, Minister of Foreign Affairs of Venezuela, dated 20 October 1965

English Translation

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Cypher message to Venezuelan Minister, 1965



REPUBLIC OF VENEZUELA  
**MINISTRY OF FOREIGN AFFAIRS**  
 DIRECTORATE FOR Guiana

No. \_\_\_\_\_  
 1965

Caracas, 20 October

Dear Sir:  
 Director General

Please kindly give your instructions for the following encrypted radiogram to be transmitted:

ETAT

VENEZUELAN EMBASSY TO LONDON

DGG

**584**

Your reference 205 (stop) I find both of the two wordings of point 2 proposed by Great Britain unacceptable because both of them would lead to a discussion on the validity of the award, which Venezuela does not accept because it does not wish to expose itself to the risk of Great Britain claiming once again that the award is *res judicata* and then there would be no discussion on the merits of the case (comma) that is to say (comma) on the boundaries (stop) Propose this wording (colon open inverted commas) Seek solutions for the practical settlement of the boundary between Venezuela and British Guiana whose demarcation by the 1899 award Venezuela does not accept (stop close inverted commas)

IRIBARREN  
 For the Minister,  
 Blas Pérez Ferrás  
 Director

BPF:gf.



## ANNEX 28

Letter from Adrian Sindall to David Gore Booth, dated 5 October 1983

Source: Request by the Guyana High Commission, London, for access to records regarding the border dispute between Venezuela and Guyana. Reference: FCO 12/453. The National Archives, United Kingdom



(N.B. The grading of this jacket must be the same as that of the highest graded document contained in it. The appropriate upgrading slip must be affixed when ever necessary.)

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TITLE: ACCESS TO RECORDS BY GUYANESE HIGH COMMISSION IN LONDON

| REFER TO                        |         |       | REFER TO                        |         |        | REFER TO                        |         |      |
|---------------------------------|---------|-------|---------------------------------|---------|--------|---------------------------------|---------|------|
| NAME (and dept. when necessary) | TO SEE: | DATE  | NAME (and dept. when necessary) | TO SEE: | DATE   | NAME (and dept. when necessary) | TO SEE: | DATE |
| R                               |         | 24/6  | R                               |         |        |                                 |         |      |
| MR SMYTH                        |         | 29/6  | MR RICHARDSON                   |         |        |                                 |         |      |
| R                               |         | 29/6  | R                               |         | 2/8/64 |                                 |         |      |
| MR SMYTH                        | (3)     | 5/7   | <b>FCO12/453</b>                |         |        |                                 |         |      |
| R                               |         | 5/7   |                                 |         |        |                                 |         |      |
| MR HANNAM                       | (5)     | 18/7  |                                 |         |        |                                 |         |      |
| R                               |         | 19/8  |                                 |         |        |                                 |         |      |
| Mr Hannam                       | (14)    | 22/8  |                                 |         |        |                                 |         |      |
| Miss Jones                      |         | 19/9  |                                 |         |        |                                 |         |      |
| R                               |         | 19/9  |                                 |         |        |                                 |         |      |
| MR HANNAM                       |         | 23/9  |                                 |         |        |                                 |         |      |
| R                               |         | 23/9  |                                 |         |        |                                 |         |      |
| MR SMYTH                        | (20)    | 23/9  |                                 |         |        |                                 |         |      |
| R                               |         | 26/9  |                                 |         |        |                                 |         |      |
| MR TIPPETT                      |         | 11/10 |                                 |         |        |                                 |         | 22   |
| R                               |         |       |                                 |         |        |                                 |         | 14   |
| MR TIPPETT                      |         | 4/10  |                                 |         |        |                                 |         |      |
| Mr Katzman.                     |         | 28/10 |                                 |         |        |                                 |         |      |
| MR HANNAM                       |         |       |                                 |         |        |                                 |         |      |

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Foreign and Commonwealth Office  
London SW1A 2AH

D A Gore Booth Esq  
UKMIS NEW YORK

|                             |             |
|-----------------------------|-------------|
| Telephone 01                |             |
| LRR 333/15                  |             |
| RECORDED IN REGISTRY NO. 82 |             |
| 11 OCT 1983                 |             |
| DESK OFF. CHG               | BY J. J. J. |
| INDEX                       | PA          |
| 2                           | 2           |
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Your reference

Our reference

Date 5 October 1983

22 4830  
 Mrs. [unclear]  
 Mr. [unclear]  
 Mr. [unclear]  
 [unclear] req  
 + P/A

Dear David

VENEZUELA/GUYANA

(MT)

1. Thank you for sending us a copy of your minute of 2 September recording the Ambassador's discussion with Sr Cordovez. It was helpful to have this account of Sr Cordovez's first round of contacts with the parties and reassuring that both sides seem content to play matters fairly long.
2. I note with some unease Sr Cordovez's hope that we may be able to supply the Secretary-General with 'information'. We shall need to tread warily on this. For your own information, you should know that we recently gave the Guyanese photocopies of 452 documents relating to the Essequibo dispute. These were mainly copies of exchanges of correspondence between London and Georgetown which took place in the run-up to the Geneva conference and to Guyana's independence. We have not therefore given the Guyanese anything that they should not theoretically already have on their files.
3. In the context of this exercise, we did give some thought to the possibility of making these documents available to the Venezuelans (though they have not asked us, nor do they yet know what we have done for the Guyanese). It was decided that this would not be possible. The reason for this was that at the Geneva Conference of February 1966, the British Government was acting on behalf of British Guiana which became independent 3 months later. We therefore consider we have some obligations towards the Guyanese regarding the documentation of the dispute prior to British Guiana's independence. What we are now doing is supplying them with exchanges of correspondence in fulfilment of that responsibility. The Venezuelans do not, of course, fall into this category and it is not our practice to grant privileged access to documents less than 30 years old. Similar considerations would apply to other third parties such as the UN. We should thus prefer you, therefore, to turn a deaf ear to Sr Cordovez's request should he drop any further hints. We may well have to submit this question to Ministers if Sr Cordovez or Sr Perez de Cuellar choose to make their request more formally.

/5.

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5. Finally, you will know that Ministers maintain the position that we should be very cautious about any attempts to re-involve HMG in this dispute. You may find it helpful to have the attached paper which spells out our position. You will note that, whilst we have an interest in the smooth working of the Geneva Agreement, we do not consider that the Agreement envisages any further role for the United Kingdom. We are grateful for your efforts in keeping us abreast of Sr Cordovez's activities; there is continuing interest here in the evolution of this dispute. I know that you will have fully in mind the need not to leave the impression with anyone that we consider we still have locus standi in the dispute.

A J Sindall  
South America Department

cc: Chancery, CARACAS  
Chancery, GEORGETOWN  
WIAD  
Mr Hannam, LRD

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## ANNEX 29

Commission of Her Majesty the Queen of Great Britain and Ireland to delineate technically the boundary line, dated 24 November 1900

Source: Guiana Boundary. Reference: FO 80/424. The National Archives, United Kingdom



525

COPY.

## WIKIKAS

The undersigned, members of the Commission named by Her Majesty the Queen of Great Britain and Ireland to delineate technically the boundary line between the United States of Venezuela and the Colony of British Guiana in execution of the Award of the Paris arbitration of the 3rd of October, 1898, Michael Ho Turk, C.M.G., 1st Commissioner, Captain Arthur Wybrow Baker, 2nd Commissioner, Surgeon Captain John Charles Pensonby Widdup, 3rd Commissioner and Harry Innis Perkins - Land Surveyor - 4th Commissioner of the one part, and of the other part Drs Felipe Aguerrevere and Irino Celis Rios - Engineer in Chief and Legal Advisor, respectively of the Commission named with the same object by the Government of the United States of Venezuela, hereby make known that both Commissions having assembled at Point Playa, the place on the Coast designated by the said Award of the Paris Arbitration as the initial point of the frontier line, and having made the necessary scientific observations in the case mutually and with perfect accord determine the geographical situation of said Point Playa to be

Latitude 80. 33'. 22". North

Longitude 89°. 59'. 40". West of Greenwich,

as being the fixed point of the boundary line on the Coast of the Atlantic between the United States of Venezuela and the Colony of British Guiana in accordance with the decision of the Arbitral Tribunal.

Done

7-1714a

|                      |   |   |   |   |   |             |                                                                                                                            |
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Done with the same effect and tenour, one in English, and one in Spanish at Morawhana the 24th day of November, 1900.

Sgd Michael Ho Turk. Sgd. F. Aguerrevere.

A. W. Baker.

J. O. P. Widdup. Irino Celis Rios.

H. I. Perkins.

7\* - 1714a

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## ANNEX 30

Expert's conversations on the boundary issue Venezuela-British Guiana, Minutes  
of the Twelfth Session, dated 2 April 1964

English Translation  
(Excerpt)

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Minutes  
of the Twelfth Session of Experts, 1964



**EXPERT CONVERSATIONS  
ON THE BOUNDARY ISSUE  
VENEZUELA–BRITISH  
GUIANA**

**MINUTES OF THE TWELFTH SESSION**

April 2, 1964

TIME: 10:00 a.m.

PLACE: Foreign Office

**ATTENDEES:** P. Pablo Ojer, S.J. (Venezuela); Sir  
Geoffrey Meade (United Kingdom)  
Mr. H. Persaud (British Guiana)

Interpreter provided by the Embassy of Venezuela: Mr. F. M. de Juan.

Parliamentary Stenographer: Mrs. Mercedes Senior.

FATHER OJER – Venezuela's internal and international situation forced my country to postpone the denunciation of the Award. This is well-known history, but it is worth pointing out some facts. It was a period of internal Venezuelan conflict, of civil wars, and a time when the great Powers, primarily England and Germany, were exerting pressure on Venezuela to pay off its debts—and I must note that some of those debts dated back to the time of Independence. As an expression of the atmosphere of that period, let us recall the letter from Mr. J. Harris of the Venezuela Panama Gold Company, who wrote to Villiers(?) of the Foreign Office on January 3... stating that the time had come to apply pressure... (he read aloud). (Document F.O.80-443).

Venezuela was even aware that Germany wanted to seize Margarita Island to settle its claims for unpaid debts. And we know that even Italy, although it had only one debt owed by Venezuela amounting to two million bolivars—a sum which today might seem ridiculous—nonetheless that amount shows how, for a small

sum, a foreign country would declare a blockade against a weak nation. Of course, this attitude by the great Powers was only possible in the colonial era, not in this current era when nations aspire to the fulfillment of international justice. Even England, as is well known, gave refuge in Trinidad to Venezuelan revolutionaries. There are ample documents.

[...]

#### FATHER OJER

In 1949, Venezuela came to know of Mallet-Prevost's Memorandum. This document—as we know—reveals the inner workings of the Paris farce. Clearly, the Memorandum caused a major stir in the country, as is well known to anyone familiar with the Venezuelan press of the time. And a curious fact is that its publication coincided with the 50-year period required for the British archives to be opened, and it also coincided with the opening of private archives. Venezuelan historians immediately began studying these documents. These studies by Venezuelan researchers were conducted between 1950 and 1955. I would like to emphasize those two facts—the coincidence of both events—because they explain why Venezuela waited to formalize its denunciation of the Award and to make its “approach” to the British Government to discuss the documents related to the Award.

[...]

#### FATHER OJER

Once Venezuela had obtained the extensive documentation supporting its traditional position regarding the 1899 Award, it reaffirmed that position in February 1962 through its Ambassador to the United Nations, Dr. Carlos Sosa Rodríguez, who is now President of the General Assembly of the United Nations. My distinguished colleagues are familiar with these documents.

## ANNEX 31

Minutes from the meetings of the Ministers of Foreign Affairs Consalvi and Jackson, dated 24 September 1985

English Translation

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Minutes of the Meeting between Foreign Ministers Consalvi and Jackson, 1990, Caracas, File 53



**Bolivarian** Government  
of Venezuela

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

**OFFICE OF BORDER AFFAIRS**  
**DOCUMENTATION DIVISION**

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**FILE NUMBER:** 53

**ITEM:** \_\_\_\_\_

**GEOGRAPHICAL DESCRIPTOR:** VENEZUELA

**TOPIC DESCRIPTOR:** MINUTES OF THE MEETING  
BETWEEN FOREIGN MINISTERS  
CONSALVI AND JACKSON (IN  
ENGLISH AND SPANISH).  
FIGUEREDO-RAMPHAL TALKS (1984).  
VARIOUS HYPOTHESES FOR THE  
DELIMITATION OF THE BORDERS  
WITH THE TERRITORY OF THE  
ESEQUIBO.

**YEAR(S):** 1990

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**MINUTES OF THE MEETING BETWEEN SIMÓN ALBERTO  
CONSALVI AND RASHLEIGH JACKSON  
(Statements made by Consalvi)**

**January 1990**

**MINUTES OF THE MEETING BETWEEN FOREIGN MINISTERS  
SIMÓN ALBERTO CONSALVI AND RASHLEIGH JACKSON**

**24 SEPTEMBER 1985**

Attendees:

|                |                                                                                                |
|----------------|------------------------------------------------------------------------------------------------|
| For Venezuela: | Simón Alberto Consalvi<br>Emilio Figueredo<br>Jean François Pulvenis<br>Horacio Arteaga Acosta |
| For Guyana:    | Rashleigh Jackson<br>Noel Sinclair<br>Rudolph Collins                                          |

Formal exchange of words:

SAC: I am pleased we are holding this meeting aimed at exchanging views on our relations in this process of rapprochement and cooperation between Venezuela and Guyana. We had planned for the Foreign Ministers to meet elsewhere, but New York gave us the opportunity to meet here.

From our standpoint, we are interested in discussing two or three points. On the one hand, our relations, our bilateral cooperation programmes within the framework of what was agreed during Morales-Paul's visit to Georgetown. We are open to addressing this point.

And of course, we are interested in discussing the role of the United Nations and the Secretary-General (in the framework of the enforcement of the Geneva Agreement). This would be the focus of our conversation.

Then, finally, we could talk about the situation in Latin America, Central America and the Caribbean.

I have already had the opportunity to tell Ambassador Miles in Caracas that we were very interested in working on the agreements reached in Georgetown and that we could see how this cooperation process would develop; I even suggested that she and I could meet once a month. But we could leave this issue of cooperation to someone in our team, so that I could get in touch with you and discuss this point.

RJ: Thank you very much. I am pleased of our presence in New York for this gives us the opportunity of having discussions on the affairs affecting our relations. Among them, the issues raising in the border area, and also beyond it.

To make maximum use of the time, we should concentrate on two aspects:

First, the framework for cooperation which has been agreed in Georgetown in February; second, the issue of the implementation of the Geneva Agreement.

As to the first, we have no doubt of the existence of your desire to apply these agreements; I think once we agree on the mechanism for monitoring the development of our relations in this matter, in this regard, we make strong contribution to the process. May be we should not involve the Ministers themselves (he suggested that this matter be left to the consideration of a technical team); periodically we could review the process. We have not any particular issue to raise on this matter here in New York.

As regards the implementation of the Geneva Agreement, I am ready to hear any specific ideas.

SAC: From the political angle, it is very important for us in Venezuela that we find a solution mechanism that is as flexible as possible. I think it would be a mistake for the Secretary-General to point us down an inflexible route or method of solution. That is our primary approach.

RJ: Have you communicated this concern to the Secretary General?

SAC: No (in a categorical tone). We have the impression that the Secretary General is quite wary, and especially Cordovez. We believe that when two countries have a problem to resolve and there is a body such as the United Nations, which has to seek to harmonise their positions, the most logical thing, it seems to me, I don't know if this is reckless, is to try to advise or choose the method of solution that brings the parties closer together and creates the necessary environment for these things to come to fruition.

We have told Cordovez —I want to speak very candidly— that we are in favour of the mechanism being as flexible as possible. It is not in the interest of the countries, and not in the interest of the United Nations, to lead us into a dead end.

When I told Cordovez that dialogue between Venezuela and Guyana was perhaps positive, Cordovez said he disagreed and did not support the idea of dialogue.

RJ: I would like to raise a question. I understand the purpose was that the two parties should speak together with Cordovez? (Jackson had the impression that, because of contacts made by the parties, SAC y EFP refer to the need for tripartite contacts with Cordovez instead of the contacts that Cordovez has carried out with the parties separately.

EFP: He (Cordovez) said that all discussions between the parties should take place after choosing the mechanism and not before.

RJ: We represent two sovereign governments. We have an agreement (i.e. the Geneva Agreement) which sets out the basis for the resolution of the controversy between us. I do not see anything which might inhibit the parties to discuss between themselves.

SAC: (Insisting on the need to speak clearly and openly).

Cordovez knows where we stand. (Consalvi adds that Cordovez doesn't seem to like the idea of the Secretary General simply pointing to a very simple means of solution after so much time has passed and so much effort has been made). He relies too much on "originality". I do not know whether such originality is in the interests of our two countries.

It is in the interest of both countries that the mechanism be as conducive and as flexible as possible.

RJ: Do you detect anything in the present proposal which deters flexibility?

SAC: I think the approach is too rigid. This approach could create more problems than solutions. This is what we think.

RJ: I am going to tell you the approach we used. We started off with the recognition of the role of the Secretary General. We understand that the Secretary General has a mandate to choose the mean of settlement, and we give the Secretary General a free hand.

1. He (the Secretary General) said to us that he would like to (adopt, propose) his rule, on the presumption of acceptability by the two parties of his decision.

2. He could indicate not only the mean but also de mechanism for the implementation of the mean.
3. He, himself, would not be part of that mean, because he anticipates the possibility of failure of the mean, and he must keep apart, because the first mean might not be successful.
4. The Secretary General will not merely choose the mean; he will take an (interest, participation) either directly or through an agent, to see how the mean is implemented.

We said to him, then, fine, it is also our point of view.

He concluded that the intervention of a third party is necessary.

But we get the impression that the Secretary General would not press his mean if he feels that one of the parties is unhappy about it.

We are not adverse to conversation if you have particular concerns on the mean, but we must think that the Secretary General has a measure of independence that we are obliged to respect.

EFJ:

Our feeling is that the scheme (presented by Cordovez) is too elaborated and could lead us to the constitution of one big panel, etc., and that would force us to become tremendously specific about our own legal positions. Independently of the way we can explore, if we have a forum where we become very formal, we could create pressure in our public opinions to generate more and more arguments.

The Secretary General is free to choose. We consider, however, that the first mean should be more flexible, less cumbersome, less specific and more in the nature of good offices.

It is not said, for instance, (in the Proposal of Cordovez) how the decision is going to be taken. There is also the problem of the choice of the fifth.

RJ:

Twelve is too many, one is not enough. What would be your preference about the procedure,

EFJ:

We think that the best way is to reach a direct agreement between the parties. Everything would naturally and freely flow from this agreement.

We must make clear, as I had the opportunity of telling to Sinclair yesterday evening, that we are not here in a game to obtain little gains on procedural matters. We should not see this problem through exclusively legal eyes. We must look this with trust and confidence between the two parties.

It is important to stress that nobody can substitute himself to the will of the parties.

RJ: (He remains silent for a while)

There is an interesting question. I can not remember all the details of the proposal, about the decision making. There should be prior agreement on the rule for decision. We do not believe it should be a majority decision. Decision making must reflect the agreement or the absence of agreement between two parties. Once you pursue the idea, it seems clear that decision should be by unanimity.

You understand better your internal situation that I do, and we understand better our internal situation than you do. We do not want our publics to get an impression that what has been proposed is not acceptable to either government.

Do I get the feeling that you find the mechanism to be cumbersome, because of the number of members or because of the procedure, or both of them?

EFP: Both

The momentum of the procedure must be given by the parties and the parties must have room to be able to do any exercise that they might want to do.

During the informal conversations that I had with Shridath Ramphall, lastly in Geneva, we mentioned the Olaf Palme approach for the solution of the Iran-Irak controversy. We believe in a scheme which should be simple, a trusted person who could assess the solution without a too legalistic approach.

How can we simplify the Cordovez proposal if he has the approach that the parties should not discuss this point together?

RJ: Very fundamentally, it seems to me that you want a different mechanism, and not a modification of the Cordovez proposal? But, on the basis of similar concerns, we have ourselves suggested the extension of the number of members as an additional guaranty. In that sense, we do not see that there is a problem.

EFP: Anyway, as to the number, the problem is not how many members there are, because the important one is the fifth.  
But the real problem is that we have to avoid those mechanisms which drive us toward rigid positions and send us back to the time of the Mixed Commission and to have a series of claims and counterclaims.

RJ: But we consider that there is a sine qua non, that the Commission know the basic positions of the parties.  
The problem is how we manage the publics.

EFP: We must assess this problem in a very frank way, and to ensure that the procedural mean is neutral.

RJ: We must leave now because we have to listen to the statement of the President of Uruguay.  
(The meeting was adjourned; as Foreign Minister Jackson was leaving, he said that they would be in touch to determine the date and time of the next meeting).

JFP  
New York, 24-09-1985.

MINUTE OF THE CONSALVI-JACKSON'S MEETING  
Del 26-9-85. Hotel Barclays, N.Y.

9: 45 a.m.

Formal exchange of words.

RJ: When we left last time, there were some ideas that you elaborated. We gave some-thoughts to these ideas. If I may recapitulate, parts of your desire regarding the mechanism was to build some modalities in it in order to satisfy the interest of both countries. For instance, there was a question of the unanimity in the decision making, and also the question of the link with the informal consultations.

I would like to suggest – I gave the position when I met your predecessor Morales Paúl – having regard to the sensibility of the Secretary General or of Cordovez, but I want to concentrate for now on the Secretary General. We know that he is a cautious man and that he does not make proposals if he does not visualize chances of success, we see how he proceeds in the matter of Cyprus.

Tactically there are three approached which should be parallel and we should not care for now to see how they will converge:

1.- The Secretary General mechanism: I saw him and reaffirmed to him our confidence in his choice.

2.- The Ramphall conversations: now – I say this in a conversation with your predecessor Morales Paul—as you know, our approach to the Ramphall-Figueroa talks is that those talks are not inter-governmental their purpose acceptable to the governments, and that will be a new basis for (future evolution of the process)

3.- There should be continuing consultations at the level of the governments both to deal with bilateral relations and to see how evolve the two other tracks, but more specially the first one, so we might try to ensure that neither of the other two has a negative feedback.

Our conversations here are a manifestation of the third track. So, that would be my response to the conversation we had earlier.

I do not know what is your reaction.

SAC: I reacted positively to the three tracks. I do believe the three track approach involves, on the one hand, that the formulas agreed upon during the interviews with Morales Paul are fully in force, and that they are ratified and that the contacts you refer to as informal contacts between Ramphal and Figueroa are given the green light,

and without any doubt, to the mechanism the Secretary-General is to propose.

RJ: If we refer to the history of the controversy and if we have confidence in the informal contacts, I suggest we drop the “mister” so we might speak may be of the Consalvi-Jackson treaty. I am sorry to interrupt you.

SAC: In this sense, because we are confident in the rationale of the three tracks, we are strongly emphasising that it is necessary that the mechanism to be proposed by the Secretary General is such that it facilitates the other two tracks, and that we spare the whole process from the drawbacks of an overly formal and excessively rigid mechanism, where we would only reiterate positions.

We do believe that both for Guyana and for Venezuela, and for the United Nations as well, a Good Offices mechanism could be much more positive, and indeed it could be much more convenient, given the present climate.

Of course we recognise the sensitivity of the Secretary-General and Cordovez, but, at the same time, given their role in exploring possibilities and facilitating understanding between the parties, they should be receptive to our views. We should, if Guyana shares our opinion, see how best to express this to the Secretary-General or to Cordovez. This is our point of view.

RJ: This poses some difficulties for us.

I do not want to recapitulate the whole history, but we must remind that, first, Venezuela proposed negotiations and Guyana judicial settlement. We could not reach agreement, and so we invoked the Secretary General, which is a mechanism proposed in the Geneva Agreement.

I do not believe we know what you have said to the Secretary General and that you know what we have said to the Secretary General. Very frankly, we have not sought to ascertain from Cordovez what you have said to him.

We said to him that we were fundamentally in agreement with the mechanism he proposed but that we wanted to consider some points and that we needed time to study them. We studied these points and the Vice-president came to New York in April to clarify them.

In those circumstances, it would be difficult to steer the Secretary General in a direction which diverges substantially from what he proposes.

Of courses, I do not intend to tell to the Secretary General about our own conversation, unless he asks me. Then, I would say we had our discussion, I would repeat our position, and if he asks about your position I would tell him to speak with you.

We should look at the mechanism and see if there are points on which you might agree. One of the points is the unanimity.

The Secretary General is concentrating not on the (qualification) of the mean, but on the mechanism of the mean. Now, if he he can see the mechanism falling in the mean you are proposing, it is fine to him.

We have concentrated fundamentally on the mechanism, and we think it is possible to go ahead with that, and that this is really through diplomatic management skills that we must try to ensure that this mechanism does not transform itself into a dysfunctional one.

Another thing that we must concern about, particularly now that we are in New York is that of the attitude of the press. Venpres has already contacted me. I, of course, said that we met, that we are seeing each other everyday (in the meetings in the United Nations), but I think that at some stage the press might become more specific, for example, they might ask what you think about the role of the Secretary General. We might ourselves agree on what to say, but we cannot anticipate the reaction of the Secretary general to the press, for instance, if they ask him what he is going to propose under the Geneva Agreement. That is his problem.

SAC: I share your concern. The press is quite anxious about everything that goes on in the United Nations. At least, it is no surprise that we are talking. Now reporters have a very peculiar system. They say, "Minister Consalvi told me that you spoke to him." One can easily fall into the traps of reporters, but we need to be prepared to reply to them.

RJ: Fortunately, we can count on the Secretary-General's big caution. Could I say something else?

I have not spoken to the Secretary General since October 5<sup>th</sup> of last year, but he did, last year, raise the question of the Figueredo-Ramphall talks. I said to him what was happening.

He is so cautious that if we try to make a link, at this stage, between the Ramphall-Figueroa talks and his own efforts., his natural caution might make him to withdraw, and he might say to the press that, as the two parties are talking, he must wait for the result of their talks. That would bring us an internal problem.

In Venezuela, the Ramphall-Figueroa talks have surfaced in the press, in Guyana no. If it surfaces, the public would say: "what is this talking about?".

EFJ: I was present in the meeting between Ramphall and the Secretary General. The idea was that an very informal talk was handled and that whatever efforts in this sense would be independent from the process of the United Nations and that it is only in case of it being successful that its results would be incorporated in the United Nations process. That in any case we would not interrupt the action of the Secretary General and no way it could pass out that Guyana has renounced to its position and has agreed to negotiations.

This discussion which was to be held in the house of the Secretary General was interrupted by an attitude of Cordovez who was seriously concerned by any kind of movement. Cordovez was in the meeting, so the exchange of information was very tense.

Shortly after that, the leak came; I am not assuming from where.

Even this informal channel has been considered by Cordovez as inconvenient for the parties, unless there is a mechanism which monitor anything that can be done.

When we speak of neutrality of the procedure, it is that we are aware that for Guyana it is very difficult any form of negotiation, but for Venezuela also. The proposal for settlement must come through a third party, but this third party must co-operate with the parties. It must not interfere.

I believe that, speaking to the Secretary General separately, we could go along the media and tell him that what we want to avoid in the mechanism is the possibility of creating confrontation between the parties. We must avoid the institution of a forum for confrontations. We must avoid tactical advantages based on procedural considerations.

RJ: There is nervousness from Cordovez and the Secretary General. We must take caution. I told him that I met together with Morales Paúl. He tends to say, wait for the result of this (contact between the parties).

That is why I am extraordinarily cautious myself in appearing before the Secretary General as if we want to deviate him.

We must make the point that the mechanism do not create confrontational and do not interfere negatively with the two tracks. I do not see if I explained myself.

SAC: I truly believe that a conversation between the three of us would give the Secretary-General some confidence and would allow him to see the climate between us —a conversation without an agenda, without other witnesses.

EFP: He would be reassured that he acts in an objective way, and does not reflect one or the other party views and interests. The point is that there is no way we can be ruled. We must have room to explore freely on the side.

RJ: Are you seeing the Secretary General, as your President is here?

SAC: This morning we will give him the report on Contadora. On Monday we will visit him before the discourse of the President.

RJ: I am just thinking in terms of what I may say to him on Saturday. I do not intend to say that we were talking but I wonder now if this is the right attitude. Maybe I should day to him that we were talking.

EFP: He must really think that the parties really trust him and may speak to him without intermediary. He must receive the message: “We will abide by your mandate but we must help your mandate to work”.

SAC: He would feel satisfied or supported by such a meeting.

RJ: I had not thought of this possibility. How do we implement it?

EFP: To meet in his own house is the only possibility. Any public place is ruled out, and the meeting should take place early in the morning. (A long silence ensued).

SAC: Your meeting is on Saturday?

RJ: yes.

(A long silence ensued).

RJ: Let me see how things go on our meeting on Saturday, then I might be in touch with you.

SAC: we could be in touch on Saturday or on Sunday.

RJ: (laughs). Sunday, I need Sunday to write my speech!!

(After some banter, the meeting was adjourned.)

NEW York, 26-09-85.



## ANNEX 32

Minute of the meeting with the Good Officer, Oliver Jackman, on 22 February 2000, at the Venezuelan Embassy in Barbados

English Translation

Source: Ministry of People's Power for Foreign Affairs, Archives, Libraries and Dissemination, Yellow House, Minutes of the Meeting with the Good Officer Oliver Jackman on February 22, 2000, at the Embassy of Venezuela in Barbados, 2000



**Embassy of the Bolivarian Republic  
of Venezuela to Barbados**

**MINUTE OF THE MEETING WITH GOOD OFFICER  
OLIVER JACKMAN ON 22 FEBRUARY 2000  
AT THE VENEZUELAN EMBASSY IN BARBADOS**

1. Ambassador Jackman said that his courtesy visit was the beginning of a series of engagements he intends to carry out in both Guyana and Venezuela, as the Personal Representative and Good Officer of the UN Secretary-General.
2. He announced that on 7 March he would travel to Guyana to meet with government authorities and the Guyanese Facilitator, Mr Ralph Ramkarran. He will then go to Venezuela, where he intends to hold similar meetings at the highest level, including the possibility of meeting with representatives of the Venezuelan Armed Forces.
3. He voiced his intention to propose a meeting of the Facilitators of both countries in Barbados this year.
4. He said he hoped that, in his role as UN Good Officer, he could “help find a light at the end of the tunnel” in the border issue between Venezuela and Guyana.
5. He made positive remarks about Venezuelan Facilitator Carlos Ayala Corao.
6. For her part, the Ambassador of Venezuela, Corina Russian, thanked Ambassador Jackman for the initiative of his visit and expressed the willingness of this Embassy to collaborate in everything he deemed necessary to facilitate his communication with the Government of Venezuela.
7. Similarly, Ambassador Russian told Ambassador Jackman that she was cognizant of the Venezuelan Government’s confidence in the reactivation of the Good Offices efforts he is pursuing, adding that she was personally pleased that a well-seasoned Barbadian diplomat had been appointed as UN Good Officer.

**REPUBLIC OF VENEZUELA  
EMBASSY TO BARBADOS**



## ANNEX 33

Memorandum by The Ministry of Foreign Affairs of Venezuela: relative to the note of Lord Salisbury to Mr. Olney, dated 26 November 1895

Source: Ministry of Foreign Affairs, (1896), Memorandum by the Ministry of Foreign Affairs of Venezuela Relative to the Note of Lord Salisbury to Mr. Olney, dated November 26, 1895. On the Question of Boundary Between Venezuela and British Guiana, Caracas, pp. 3-67



MEMORANDUM

BY THE

MINISTRY OF FOREIGN AFFAIRS

OF VENEZUELA.

RELATIVE TO THE NOTE OF LORD SALISBURY TO MR. OLNEY, DATED  
NOVEMBER 26, 1895.

ON THE QUESTION OF BOUNDARY BETWEEN  
VENEZUELA AND BRITISH GUAYANA.

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ATLANTA, GEORGIA:  
Franklin Printing and Publishing Company.  
Geo. W. HARRISON, STATE PRINTER.  
1895.

[Translation.]

## MEMORANDUM.

As could not fail to be the case, the message sent by President Cleveland to the Congress of the United States of America on December 17, 1895, relating to the territorial dispute pending between the United States of Venezuela and Great Britain, as well as the printed correspondence sent as an appendix to said document, has been read with deep interest.

It is considered opportune to offer here some observations with respect to the note of Lord Salisbury therein published, and which, under date of November 26th last, treats exclusively of the boundary question as a means of contributing to its elucidation.

\* \* \* \* \*

Although the boundary dispute commenced in 1840, as regards Venezuela, ever since 1822 her predecessor, Colombia, had given her Agent in London, Señor José Rafael Revenga, instructions to present a *project* of a treaty containing articles relating to boundaries, observing to him that the Colonists of Demerara and Berbice had usurped a great part of the lands belonging to the Republic, and that it was indispensable that they place themselves under the protection of her laws or else withdraw.

In an article in the *London Times* of October 17th last, which appears to have been a reflection of the ideas of the Foreign Office, it is asserted that it is exactly a hundred years since the question of determining the true area possessed by Holland began.

The dispute between it and Spain had existed for a much longer time, as is proved, among other facts, by the assault in 1797 on one of the forts which the Dutch had constructed under the name of New Zealand and Middleberg, near the

Pumaron. Lord Salisbury himself mentioned that in 1759 and in 1769 there were complaints and claims by Holland for the incursions of the Spaniards into the settlements and establishment on the lower Cuyuni, and the advisability was expressed of a proper demarcation between the Colony of the Essequibo and the Orinoco river.

In 1781 the English, having only military occupation of the Dutch Colonies, could illy have laid out their boundaries on the upper Orinoco further than Punta Barima.

If Spain took part in the negotiations which led to the treaty of cession to Great Britain of the Dutch Colonies in 1814, and did not object to the boundaries claimed by her, although fully acquainted therewith, that fact does not appear in any article of the said Convention, to which the only parties were her Britannic Majesty and the United Provinces of the Netherlands. Article 1, principal, and the additional article 1, relating to the cession, speak only of the establishments of Demerara, Essequibo, and Berbice, without in any way establishing their boundaries. It is known that England has gone on advancing them progressively.

When Venezuela proclaimed as her boundaries those of the territory which had constituted the Captaincy-General of the same name, she did no more than to declare herself inheritor of the rights of Spain therein, without pretending to destroy international arrangements previously concluded by the nation from which she separated herself, as has been charged. There is no arrangement through which Spain established the dividing line between her possessions and those of the Dutch in Guayana. Did one exist there would be no ground for this dispute.

The argument of Lord Salisbury in this regard is a *petitio principii*.

He asserts that there is no authoritative statement by the Spanish Government in which the territories of the Captaincy-General of Venezuela are determined; for a decree which the Government of this Republic sets up, and which was issued by the King of Spain in 1768, in which the Province of Guayana

is described as bounded on the south by the Amazon and on the east by the Atlantic, cannot be so regarded. He adds that the decree utterly ignores the Dutch establishments, which not only existed *de facto*, but had been formally recognized by the Treaty of Munster; that it would, if now considered valid, transfer to Venezuela the British, Dutch, and French Guayanas, and an enormous tract of territory belonging to Brazil.

The Royal Rescript of 1768 has nothing absurd in it. This will be seen by any one who reads the instruction, issued on March 9, 1779, by the Intendant General of Venezuela to settle and occupy lands in the province of Guayana, which says: "The Dutch Colony of Essequibo, and the other colonies of the States-General on that coast were usually situated on the banks of the river near the seacoast without penetrating much into the interior of the country, and that therefore to the rear of the Essequibo and the other Dutch possessions, running towards the east as far as French Guayana, and on the south to the Amazon river, was the territory unoccupied by them, and only occupied by the heathen Indians and a large population of fugitive negroes, slaves of the Dutch; that the Commissioners should endeavor to occupy the said lands as belonging to Spain, their first discoverer, and not thereafter ceded to nor at any time occupied by, any other power having title thereto; advancing in the operation as far as possible to the extent of reaching French Guayana; and extending also as far to the south as possible until the boundaries of the Crown of Portugal should be reached; that the occupation of the lands of all the said Colonies should be made as though they were a part of the said Province of Guayana, and in the name of the Governor and Commandant thereof, as its head and chief, by command and appointment of H. M."

Therefore, it is clear that, saving the points of the seacoast where the Dutch, the French, and the Portuguese were established, Spanish Guayana was bounded on the south by the Amazon, and on the east, not only by the Atlantic, but (from the Essequibo) by the Dutch, French, and Portuguese Colonies.

It is true that by the boundary treaty of 1750 between Spain and Portugal, the former had ceded the portion which she had on the Amazon from the mouth of the Rio Negro; but as, in 1761, the parties agreed to rescind the said compact and to place things in *status quo ante*, Spain could, in 1768, declare herself riparian owner of the Amazon.

In 1777 the said parties revived the boundary treaty, and then Spain again relinquished her rights to a part of the great river of which she only retained the portion comprised from the mouth of the Jabari up to the westernmost point of the Yapurá, which empties into the Amazon on its northern bank.

Although Commissioners were sent for the purpose of effecting the demarcation, in 1780 it had not been done; nor was it ever concluded, because of the obstacles which the Portuguese obstinately interposed, as may be seen in the "Historical Memorial of the Demarcation of Boundaries of the Dominions of Spain and of Portugal in America, presented in 1797 by Don Vicente Aguilar y Turado, Clerk of the Second Class of the Department of State, and Don Francisco Requena, Brigadier Engineer of the Royal Spanish Armies."

From such a Royal Rescript it cannot be inferred, then, that British Guayana, part of the former Dutch Guayana and recognized by Spain, together with that bearing the same name to-day as belonging to the Netherlands, or that French Guayana, tolerated or virtually recognized by Spain in the compacts of alliances, of guarantee, and of family as a possession of France, or that Brazilian Guayana, recognized by Spain as the property of Portugal in the treaty of October 1 of 1777, belonged to Spain.

So much value is attributed by Spain to that Royal Rescript of 1768, that upon it, above everything else, did its Government (selected as arbitrator in the boundary dispute between Venezuela and Colombia) found its declaration that the latter was joint owner of the Orinoco from the entry therein of the Meta river to the Guaviare river, in the award made on the 16th of March of 1891, and adjudicating thereto several towns founded and possessed by Venezuela.

It may be added that even (according to the Annals of Guayana, published in 1888 by the Englishmen, Messrs. James Rodway and Thomas Watt) King James, learning that the King of Spain had actual possession of Guayana in 1620, revoked the patent that he had granted in 1617 to Captain Roger North to form the Amazon Company, and ordered the immediate return of himself and his companions in adventure, who found themselves called upon to appear before the said King James and renounce all the rights to them granted by the patent.

These compilers add that the Portuguese, when subjects of Spain, succeeded in establishing themselves at the mouth of the Amazon; and it is further recorded that the Spaniards were the discoverers and first occupants thereof.

That prior to 1750 the Amazon belonged to Spain, appears from the Preamble of the boundary treaty concluded between her and Portugal on the 13th of January of that year, which, in specifying the grounds therefor, says (Paragraph 2): "As the Crown of Portugal is occupying the two banks of the Marañon (or Amazon) river up-stream as far as the mouth of the Tabari river, which enters it on the southern bank, *it clearly results that it has introduced itself in the demarcations of Spain for the whole distance, from the said city [of Pará] to the mouth of that river, the same being the case in the interior of Brazil by the inland advances that this Crown has made as far as Cuyaba or Matogrosso.*"

Cayenne, near the Amazon, afterward a French possession, was first colonized by the Spaniards.

"1568. Gaspar de Sotelle, with 126 families from Spain, formed an establishment in Cayenne, whence he was driven out five years later by the Caribs." (Sloane, M.S., Description of Guayana.) *Passage taken from the said "Annals of Guayana."*

"But of the territories claimed and actually occupied by the Dutch, which were those acquired from them by Great Britain," says Lord Salisbury, "there exist the most authentic declarations. In 1759, and again in 1769, the States-General of Holland addressed formal remonstrances to the Court of

Madrid against the incursions of the Spaniards into their posts and settlements in the Basin of the Cuyuni. In these remonstrances they distinctly claimed all the branches of the Essequibo river, and especially the Cuyuni river as lying within Dutch territory. They demanded immediate reparation for the proceedings of the Spaniards and reinstatement of the posts said to have been injured by them, and suggested that a proper delineation between the Colony of Essequibo and the Rio Orinoco should be laid down by authority.

"To this claim the Spanish Government never attempted to make any reply. But it is evident from the archives which are preserved in Spain, and to which, by the courtesy of the Spanish government, reference has been made, that the Council of State did not consider that they had the means of rebutting it, and that neither they nor the Governor of Cumana were prepared seriously to maintain the claims which were suggested in reports from his subordinate officer, the Commandant of Guayana. These reports were characterized by the Spanish Ministers as insufficient and unsatisfactory, as 'professing to show the Province of Guyana under too favorable a light,' and finally by the Council of State as appearing from other information to be very 'improbable.' They form, however, with a map which accompanied them, the evidence on which the Venezuelan Government appear most to rely."

The Republic is not acquainted with all the documents here alluded to. It does know that, in 1769, the Dutch asserted the right they believed they had to fish at the entrance of the Orinoco, and that they complained of the actions of the Spaniards who were established there. Then all the data was collected with relation to the extension of the boundaries of the Dutch; which, however, was adverse to their pretensions, and the matter was laid before the Council. But the Dutch Government allowed more than fifteen years to pass without making any move in the premises; wherefore it was felt that, being better informed of the want of just grounds for their claim, they had desisted therefrom. Then came the

Treaty of 1791, which decided the question, describing the Spanish as owners of the establishments of the Orinoco, and the Dutch as owners of those of the Essequibo.

Several agents of Venezuela have inspected the old archives of Spain without discovering therein aught, save proofs in every way contrary to those now, for the first time, cited in the communication of Lord Salisbury.

For instance, it appears therefrom, that in 1757 the Commandant of Guayana sent against Cuyuni a detachment by which was destroyed a "post" which the Dutch had established some fifteen leagues from the mouth of this river, taking as prisoners the Dutch, the Indians, and the slaves found there; that in 1758 there was also destroyed the hut that the Dutch had on the island of Caramucuro, on the same river only a short distance from the Essequibo, taking its occupants, etc., prisoners.

Lord Salisbury also asserts that:

"The fundamental principle underlying the Venezuelan argument is, in fact, that inasmuch as Spain was originally entitled of right to the whole of the American continent, any territory on that continent which she cannot be shown to have acknowledged on positive and specific terms to have passed to another power can only have been acquired by wrongful usurpation, and if situated to the north of the Amazon and west of the Atlantic must necessarily belong to Venezuela, as her self-constituted inheritor in those regions."

Venezuela inherited the rights which Spain had in the Captaincy-General of that name, in accordance with the cession contained in the treaty of peace, amity and recognition, concluded at Madrid on March 30, 1845; and in the second article of which it appears, that "H. C. M. recognizes the Republic of Venezuela as a free, sovereign, and independent nation, composed of the Provinces and territories set forth in its Constitution and other subsequent laws, to wit: Margarita, *Guayana*, Cumana, Barcelona, Caracas, Carabobo, Barquisimeto, Barinas, Apure, Merida, Trujillo, Coro, Maracaibo, and *other territory or islands whatsoever that may belong to it.*"

Had not the territory occupied by the Dutch in Guayana constituted a part of the dominions of Spain, the mere fact of its occupation would have sufficed to confer upon them the right of property, without need of the Treaty of Munster in 1648 to perfect their title, stipulating, in Article III., that "The King of Spain and the States respectively shall remain in the possession and enjoyment of those seigniories, cities, castles, forts, commerce, and countries of the East and West Indies, as well as in Brazil and the coast of Asia, Africa, and America, respectively, which the said King and States had and possessed."

Without this treaty, it was then believed, the Dutch occupation would not have had the effect of conferring the title which is exclusively attributed to it.

If, then, what the Dutch occupied in the Essequibo was not considered as legitimately theirs until after, by the Treaty of peace of 1648, Spain ceded it to them, it is clear that prior to this the said territory belonged to Spain. And the same is equally true of territory which was not included in the cession, and which was adjacent to the part alienated. Towards the part not transferred, the Dutch could neither trade nor navigate because they were expressly prohibited therefrom by Article VI. of the said Treaty of Munster.

In like manner, Article VIII. of the Spanish-British Treaty of July 18, 1670, prohibited the English from carrying their commerce and navigation to the posts or localities which the Catholic King had in the West Indies.

Moreover, Great Britain, by the Treaty of July 13, 1713, concluded at Utrecht, had guaranteed to Spain the preservation of the limits of her dominions in America "as they existed in the time of Charles II."

By the Boundary Treaty that Spain and Portugal concluded on the 13th of January, 1750, Portugal obligated herself to uphold Spain in her original right to the territory which lay on the coast between the Amazon and the banks of the Orinoco; and in the interior of America the guarantee was

indefinite. The same guarantee was stipulated by both powers in the treaty of March 11, 1778.

The persistent efforts of Spain to drive the Dutch away from the Orinoco, the Moroco, the Pumaron, the Cuyuni, etc., constitute as many more evidences of her intent to retain the possession of those localities, and to exclude the intruders therefrom.

Title founded on discovery has been held generally as valid; and in their controversy with Great Britain regarding the Northwestern boundary, the United States invoked the same with respect to the mouth of the Columbia river and its sources. They also alleged the acquisition by them of all the titles of Spain, which had derived the same through having discovered the coasts of the region in dispute prior to their having been seen by any other people from a civilized nation.

Another ground upon which the United States based their contention was that of contiguity, arguing that if some few English trading-posts on the shores of Hudson Bay were considered by great Britain as conferring on it a right of property up to the Rocky Mountains; if its new and more southern establishments on the Atlantic coast justified the claim from there to the southern seas, which in effect was sustained to the Mississippi; then the rights of American citizens, already touching the said seas, could not be denied without inconsistency. And, they added that the doctrine was accepted in all its amplitude by Great Britain, as appears from all the privileges it gave to colonies then established only on the shores of the Atlantic, and which extended from that ocean to the Pacific.

Even leaving aside the Bulls of the Popes, who, according to the contemporary jurisprudence, distributed the lands to be discovered between the Spanish and Portuguese, if the practices of peoples who acted independently of the Holy See is examined, it will be found that, "notwithstanding some declarations merely theoretical, occupation is effected in a fictitious manner. Any manifestations, such as the erection of a monument, of a cross, the unfolding of a flag, suffices

to realize the occupation of the vast territories which provoke a thousand difficulties with the competitors as regards the exact limits of the territories belonging to each. Moreover, the religious prejudices from which Francisco Victoria could not free himself in his *Essay de Indis* (1557), make it appear that "the heathens are without any right of sovereignty, or even of *property which should be respected, and the covetous interest of colonizing countries still retains this view, when fanaticism no longer explains it.*"

"We must come down to contemporaneous times to find the condition of taking of *actual possession* of the territory practically demanded, in accordance with rational and juridical ideas of occupation, as it had been understood by the publicists of the XVIIIth century, notably Vattel."

"It is known that this new rule was formally accepted by the powers signing the last Protocol of Berlin, on February 26, 1885, Article 35, as regards *future* occupations of the coast of the African continent; and that the effective character of the taking of possessions, according to the same article, is shown by the fact of establishing or of *maintaining*, should it already exist, an authority sufficient to cause the required rights to be respected, and, should the case arise, the liberty of commerce and of transit." [*General Review of Public International Law, Paris, Nov. 2, 1894. Article on the occupation of Territories and the Process of "Hinterland," a German word which means the back territory.*]

The writer, Mr. F. Despagnet, professor of International Law in the University of Bordeaux, explains that the essence of the process consists in establishing, through an international agreement, a topographical line on this side of which each country has the right of occupation, or to establish a protectorate to the exclusion of the other contracting State; that is its *Hinterland*, or territory this side of the conventional line. On the other hand, each country binds itself to make no attempt at acquisition of territory or of a protectorate, and to not assail the influence of the other State beyond the line established. In practice, the *Hinterland* is the prolongation

towards the interior of the territory first occupied on the coasts up to the limits of the possessions of the other contracting State, or of its *Hinterland*, recognized in the treaty.

The author adds that as the German Foreign Office said on the 30th of December, 1886, "the purpose is not so much to establish the frontiers in accordance with the present possession, as it is to come to an understanding to determine the sphere of reciprocal interests in the future"; that much similarity exists between the present system of the *Hinterland* and the *a priori* limitations of the spheres of influence established in the XVth and XVIth centuries between colonizing countries by the Holy See; that the famous Bull of Alexander VI., of March 4, 1493, is nothing more than the limitation of a vast *Hinterland* divided among the Spanish and the Portuguese, and when these two countries, little satisfied with the Papal decision, modified the frontiers marked by the Sovereign Pontiff in the Treaty of Tordesillas, June 3, 1494, they concluded a convention which does not differ from the modern treaties regulating the *Hinterland*, save in the scope of its application and the spirit of submission to the Pope, to which it was subordinated, since Julius II. had to approve it in 1509: "that the same *Hinterland* system appears in various recent treaties made between France and England in 1847, relative to the Hebrides Islands, and those of the windward of Tahiti; that, with respect to Africa, in those concluded between England and Germany, in eastern Africa and in Zanzibar, in 1886 and 1890; between Germany and Portugal, also relating to eastern Africa in 1886; between France and England in 1889 respecting the western coast of Africa, and in 1890 with regard to the eastern coast of Zanzibar and Central Africa; between France and the Congo along the basin of the Oubangi, in 1887 and 1888; between England and Italy, touching eastern Africa, in March and April of 1891; between the Congo and Portugal regarding Guinea and the Congo, in 1886; and, lastly, between England and Portugal relative to the center of southern Africa, in August and November of 1890."

In the historical memorial regarding boundaries between the Republic of Colombia and the Empire of Brazil, by the national Librarian of the former, Señor Jose Maria Quijano Otero, there appears, in part 1st, paragraph 2 (speaking of the Bull of Pope Alexander VI., identical with that of his predecessors respecting Portugal):

"All the Christian Princes recognized the validity of these Bulls, and there is even cited the case where some English merchants desiring to carry on trade with Guinea, the King of Portugal, Don Juan II., called on the King of England, Edward IV., to prevent the same, relying on the dominion which was granted him by a Pontifical Bull over the same territory; and the prohibition was effected, the British monarch being convinced of the right of the claimant." In proof of this, he cites *Hackbly's Navigations, Voyages and Travels of the English*, vol. 2, paragraph 2, p. 2.

Add to this, as appears in Wharton's Digest, Appendix, sec. 2, that "when any European nation takes possession of any extensive seacoast, that possession is understood as extending into the interior country to the source of the rivers emptying within that coast, to all their branches and the country they cover; and to give it a right in exclusion of all other nations to the same."

"Whenever one European nation makes a discovery and takes possession of any portion of that continent, and another afterwards does the same at some distance from it, where the boundary between them is not determined by the principle above mentioned, the middle distance becomes such, of course." "Whenever any European nation has thus acquired a right to any portion of territory on that continent, that right can never be diminished or affected by any third Power by virtue of purchases made, by grants, or conquests of the natives within the limits thereof."

"The two rules generally, perhaps universally, recognized and consecrated by the usage of nations have followed from the nature of the subject. By virtue of the first, prior discovery gave a right to occupy, provided that occupancy took

place within a reasonable time and was ultimately followed by permanent settlement and by the cultivation of the soil. *In conformity with the second, the right derived from prior discovery and settlement was not confined to the spot so discovered or first settled. The extent of territory which would attach to such first discovery or settlement, might not in every case be precisely determined. But that the first discovery and subsequent settlement, within a reasonable time, of the mouth of a river, particularly if none of its branches had been explored prior to such discovery, gave the right of occupancy, and ultimately of sovereignty, to the whole country drained by such river and its several branches, has been generally admitted. And in a question between the United States and Great Britain her acts have with propriety been appealed to as showing that the principles on which they rely accord with their own.*"

The foregoing statements and citations have been made to demonstrate that the argument upon which Venezuela relies is not as groundless as Lord Salisbury asserts, and that Spain, as the first discoverer of the coasts of Guayana, could well be considered as owner of the territories thereof, for otherwise the Dutch would not need her recognition of them to make valid their acquisitions in the said territory.

Finally, as Story says in his Commentaries on the Constitution of the United States: "The discovery was the British title to the territory composing them. That right was held among the European nations a just and sufficient foundation on which to rest their respective claims to the American continent. Whatever controversies existed among them (and they were numerous) respecting the extent of their own acquisitions abroad, they appealed to this as the ultimate fact, by which their various and conflicting claims were to be adjusted. It may not be easy upon general reasoning to establish the doctrine that priority of discovery confers any exclusive right to territory. It was probably adopted by the European nations as a convenient and flexible rule by which to regulate their respective claims. For it was obvious that in the mutual contests for dominion in newly discovered lands,

there would soon arise violent and sanguinary struggles for exclusive possession unless some common principle should be recognized by all maritime nations for the benefit of all. None more readily suggested itself than the one now under consideration; and as it was a principle of peace and repose, of perfect equality, of benefit in proportion to the actual or supposed expenditures and hazards attendant upon such enterprises, it received a universal acquiescence, if not a ready approbation. It became the basis of European polity and regulated the exercise of the rights of sovereignty and settlement of all the cisatlantic plantations." It is also stated there that no one of the European powers gave its assent to this principle more unequivocally than England; that when she commissioned any one to acquire territory she limited the authority to countries "then unknown to Christian people;" that a great part of the territory of the United States, when transferred to them by the treaty of peace and recognition of 1782, was in the possession of Indians, as was a great part of Florida when Spain ceded it to the British in 1763, as was Louisiana almost entirely when Napoleon sold it in 1803, there being there numerous tribes of Indians really independent, etc.

It is seen in the communication of Lord Salisbury that upon the return of an exploration to the interior of British Guayana made by Mr. R. Schomburgk, he suggested to the English Government the necessity of a prompt demarcation of its limits; and that he was then named special commissioner to draw the plan thereof and to temporarily establish the same, notice of which was given to the interested Governments, including that of Venezuela.

It is not strange that this Commissioner, therefore, should endeavor to please the Government that had acceded to his suggestions by presenting it a line in accord with its desires.

It is true that the British Consul-General gave this Government notice of the charge entrusted to Mr. Schomburgk, but that was on the 13th of January of 1841, when he might

have already been in Guayana making the survey and demarcation. Not only was it not stated that the demarcation would be temporary, or that Venezuela was invited to take part on the operation, but the notification was coupled with the threat that there had been sent to the Governor of Demerara an order to resist the aggressions of the Republic in the territory near the frontier, up to that time inhabited by independent tribes, which signified at least that H. B. M. appropriated them to herself and defended them.

In vain did this Government urge the concluding of the boundary treaty.

That Schomburgk did not discover or invent any new boundaries, but relied on the history of the matter, and based his reports on his own explorations and *on information obtained from the* Indians and on the evidence of local remains, as at Barima, and local traditions as on the Cuyuni, and fixed the limits of the Dutch possessions and the zone from which all trace of Spanish influence was absent. That at the very outset of his mission he surveyed Point Barima, where the remains of a Dutch fort still existed, and placed there, and at the mouth of the Amacura two boundary posts, afterwards removed, at the urgent entreaty of the Government of Venezuela, but without prejudice to its (the British) rights to that position. This is what Lord Salisbury says.

Previously he asserted that from 1796, and at the time of a previous occupation of the Dutch settlements in 1781, the British authorities had marked the western limit of their possessions as beginning some distance up the Orinoco beyond Point Barima, in accordance with the limits claimed and actually held by the Dutch, and that from that time on this has always been the frontier claimed by Great Britain.

In the first place, it is not conceivable how the English, mere military occupants prior to 1814, could have made the demarcation of a territory which did not yet belong to them. In the second place, if the boundaries were already designated, what need was there to resort to the traditions of ignorant, barbarous men like the Indians? What did they know of the

Dutch or Spanish occupations? There might be no Spanish settlements, but this does not mean to say that they had not founded any. There was an absence of Dutch settlements also. It is not asserted that any such were found, but only remains of those that had disappeared. Such being the case, the reason for the preference in favor of the Dutch is not announced.

In a previous passage Lord Salisbury wrote that the Dutch claimed immediate reparation for the proceedings of the Spaniards and the reinstatement of the "posts" destroyed by them in 1759, and again in 1769, by reason of the incursions of the Spaniards into the "posts" and settlements in the basin of the Cuyuni. Therefore it is undeniable that the Spaniards did penetrate to that river and did destroy the works of the Dutch, considering them as intruders, and that the influence of the Spaniards made itself felt on the Cuyuni, as well as on the other affluents of the Essequibo.

Lord Salisbury also states that the States-General had suggested to the court of Madrid the feasibility of an authorized demarcation between the Colony of Essequibo and the Orinoco river. It is readily noticed that if this was demanded by the Dutch, their successors, the British, have carried their pretensions much further, as they have appropriated to themselves several tributaries of the Orinoco, among them the Barima, and the Amacuro.

There was no Dutch fort in Barima. According to the historian cited, Netscher, such a supposition is erroneous, and grew out of the fact that in the XVIIth and XVIIIth centuries, the Commandants of the Netherlands Colonies in Guayana established small "posts" in the most distant part of the territory to trade with the natives or Indians, and that in some maps, without reason and exaggeratedly, they are called "forts." "They were made up," he says, "of a guard—two or three subaltern Europeans and some twenty soldiers as assistants, besides a few Indian or negro slaves. The frame house or guard house was almost always surrounded by an earth-wall or a palisade, as a precaution against the occasional attacks

of the Indian enemy, and the holder of the post raised the flag of the West India Company."

"That in the middle of the XVIIth century there existed at the mouth of the Barima a post of that kind detached from the Essequibo, appears to be true. Hartzingck, at least, makes mention of it, and we follow his example on page 92 (last line), but after more accurate investigations in the archives of the Kingdom, we have become convinced that that post no longer existed from 1683 to 1684, and therefore it must have been either destroyed by the enemy or abolished."

Netscher concludes by observing that in the very exact correspondence of the Commandants of the Essequibo and of the Pumarón, no mention is made of the said post at Barima, but there is mention of others; and that this is not to be wondered at, for already in 1685, the West India Company had decided not to carry on any more trade by the Orinoco.

It results therefrom: 1st, that the "posts" were not military, but mercantile; 2nd, that that of Barima, if indeed there was any in the middle of the XVIIth century, was destroyed or abandoned.

Although the Dutch subsequently endeavored to return to Barima, the Commandant-General (Centurion) ejected them therefrom forever in 1768.

Schomburgk, on submitting his maps for adoption, as Lord Salisbury states, called the attention of the Government of Her Majesty to the circumstance that it might claim the whole basin of the Cuyuni and Yuruari on the grounds that the natural boundary of the Colony included any territory through which flowed rivers which fall into the Essequibo.

Great Britain, in her discussions with the United States, rejected the said principle which she now endeavors to apply to Venezuela. But she forgets that the Dutch did not discover the coast where the Essequibo empties. It was discovered by the Spaniards, from whom she derived the Dutch title conveyed in the Treaty of Munster.

At Cayena, near the Amazon, afterwards a French possession, the Spaniards began the establishment of a colony.

"In 1568 Gaspar de Sotelle, with 126 families from Spain, formed an establishment at Cayena, from which, however, he was expelled, six years afterwards, by the Carib Indians." [Sloane, M.S., "Description of Guiana." The passage is taken from the *Annals of Guayana, etc.*]

In a letter of the Duke de Lerma to the President of the Council of the Indies, dated February 2, 1615, the former reports that the Dutch General, Wilhelm Veelinex, was getting vessels ready to establish and found certain colonies upon three or four coasts in America, West Indies, the first in Wiapons, the second in Cayenne, and the third in Surinama, where there was a body from twelve to fifteen Spaniards, who tilled the soil there to raise *casabe*, from which bread is made, under the authority of the Governor of Trinidad and of Orinoco, Don Fernando de Borrás.

In the same cited Annals of Guayana, it is written (part 1, pages 1 and 2) that Lawrence Keymis, one of the early explorers of Guayana, and a captain under Raleigh when he endeavored to go inland in search of the El Dorado, set sail on the Corentin in the direction of the Essequibo, but *hearing that there were Spaniards on that river*, he did not think his attempted explorations safe."

Page 7: "It is supposed that Alonzo de Ojeda, in 1499, entered the mouths of the Essequibo and the Orinoco, but did not see any of the inhabitants until he reached Trinidad, or its neighborhood." Ojeda was a Spaniard.

Page 41: "He (Keymis) in 1596 has something to say of the greater part of the larger rivers. On the Corentin there was an abundance of honey; the Indians of the Orinoco from the east never came this side of Berbice; *and on the Essequibo the Spaniards attempted to found a town.* The last river flowed into a lake called Roponowini, which was supposed to be the locality of the 'situation of Manoa.' The Spanish had made so many inroads *between the Orinoco and the Essequibo* that the Caribs endeavored to combine among themselves in order to oppose resistance. *The Dutch say that their establishments on the Essequibo were destroyed during this year by the Spaniards and the*

*Arucas. Keymis, however, either did not know anything of this Colony or purposely failed to mention it, as it might invalidate Raleigh's rights of discovery."*

Page 117: "Leonard Berrie, who commanded the *Wat*, of Raleigh's expedition, in 1596, heard it said in Orcala, on the banks of the Corentin, that *there were three hundred Spaniards on the Essequibo*. Taking the two vessels up stream, they reached the town of Maruranano, and passing on thence in boats and canoes a part of the expedition reached the cataracts of this river, from which place they could not go on further in search of Parima Lake, which was reputed to be situated a short distance from the upper Essequibo, and which could be reached from the Corentin, owing to an affray which had occurred between the friends of Berrie, the Caribs and the Acaruayas. Less than a month before, the latter had come down from the upper part of the cataract and killed ten of the Caribs. Not desiring to be embroiled in the fight, which might bring about disturbances in the future, Berrie decided to return to the vessel. Here it was rumored that the Spaniards had left the Essequibo, and also that ten canoes filled with Spaniards had come to the Corentin, stories whose falsehood he discovered."

Schomburgk, in his description of Guayana, published in 1840, in speaking of the Essequibo river, on page 11, says, that this name comes from the surname of Don Juan Esquibel, one of the officers under Diego Colon; another proof of its discovery by Spaniards.

Great Britain also falls into another inconsistency which consists in not applying to the Orinoco the principle of which it here speaks, for if this river belongs to Venezuela, the right of property therein, perforce, includes that of its affluents, like the Barima, and the Amacura, for instance; and nevertheless H. B. M. following Schomburgk, places them within the limits of the English Colony.

To rebut the assertion of Mr. Olney that 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, Lord Salisbury, at the same time that he characterizes this idea as correct, says that in fact that line was a great reduction of the boundary claimed by Great Britain as matter of right, and its proposal originated in a desire to come to a speedy and friendly arrangement with a weaker power with whom Great Britain was at the time and desired to remain in cordial relations.

As appears from the communication which Lord Palmerston, Secretary of State for Foreign Affairs, instructed to be sent to Lord John Russel, Colonial Minister, on the 18th of March, 1840, published in a parliamentary document, the former suggested to the latter the making of a map of British Guayana, in accordance with the limits described by Mr. Schomburgk, accompanying it with a comprehensive report of the natural features of the line, and its transmission to the Governments of Venezuela and Brazil and of Holland *as an exposition of the British claim*; the appointment of British Commissioners, who should come to establish boundaries on the land, in order to mark with permanent posts *the frontier line thus claimed by Great Britain*; and, finally, the transmission to the three Governments of the said map and report, which done, it would be proper for each of them to make known any objections that might occur to them, with the grounds therefor, to which the Government of Her Majesty would make proper and just answers.

This and the circumstance that in the Schomburgk map the limits were marked with the notice that they were *those claimed by Great Britain* convinces one that she then aspired to nothing further, and that no reservations were made.

Another argument favoring the same conclusion grows out of the fact that when Lord Aberdeen made the Morocco proposition to Señor Fortique, he stated "*that it involved the cession or relinquishment to the Republic of the territory comprised between the mouth of the Orinoco and that of the Amacuro, and the chain of mountains in which it had its source.*" If Great Britain had considered herself as possessing the right to more territory,

that was the opportunity for stating it, in order to augment the proffered favor.

The Schomburgk line designated on the map annexed to a pamphlet on Guayana, published in 1840, and on that attached to the book in German of his travels, printed in Leipzig, in the year 1841, is very different from that claimed since 1886 and communicated to Dr. Urbaneja in 1890 by Lord Salisbury, as has been often pointed out. The new line by which it has been replaced sweeps inland much more considerably into the territory of Venezuela and reaches a point on the Cuyuni, situated in front of the mouth of the Yuruan, where for a short time past an English station has existed.

A single glance at the map of the various lines, made by order of Venezuela, will show the magnitude of the difference noted.

In no other way can be understood the increase of the territory of British Guayana, which in one year, from 1885 to 1886, grew 33,000 square miles, as the Government of the United States has itself observed, and as is evinced by the English publication, "The Statesman's Year Book," and the "British Colonial Office List."

Lord Salisbury, in referring to the negotiation initiated by Señor Fortique, and to which the Foreign office opposed many delays, characterized his arguments as obsolete, and as having no other support than quotations, more or less vague, from the writings of travelers and geographers, but adducing no substantial evidence of actual conquest or occupation of the territory claimed as far as the Essequibo, which he demanded as the boundary of Venezuela.

Although this is a vague charge at best, it will not seem improper to recall that the discovery of America by Spain is a fact which cannot be got away from in any discussion regarding the boundaries of regions of this continent, and that it is not Venezuela alone who has advanced it, as has been before said.

Calvo observes, book 5, section 283, that the dominion of Europe over the lands and islands of the New World did not

rest solely on the decisions of the Holy See and the precepts of canonical law; but that it had another basis, that of discovery, which Spain herself invoked more than once in support of her rights to the territories of which her daring navigators had succeeded in taking possession.

In his turn Lord Aberdeen made use of citations from writers and geographers, and did not adduce any proofs that the Dutch had conquered or legitimately occupied the territory claimed by Great Britain. He did say that Venezuela had no establishment whatever on the Essequibo, and that the acceptance of this river as a frontier involved the delivery of the half, more or less, of the Colony of Demerara, including Point Cartabo, and the Island of Kykoveral, where the Dutch founded their first establishment on the Mazaruni, the missions of Bartika Grove, and many settlements and establishments which existed on the coast of the Acarabisi, up to within fifty miles of the Capital. But even though the said establishments existed to-day, what is important is to demonstrate that they were founded, as Lord Aberdeen said, relying on the terms of some concessions to the West India Company, before the time of the Treaty of Munster of 1648; because what is therein recognized as Dutch is limited to the possessions at the date of the agreement, and advances towards the Spanish possessions were prohibited absolutely. For that reason the Treaty of 1791 between Spain and the Netherlands refers to the colonies of "Essequibo, Démerara, Berbice, and Surinam," and does not say those of Pumaron and the Cuyuni, much less of the Orinoco, because there the Spanish colonies were in front of the Dutch.

When Lord Salisbury refers to the proposition of Lord Aberdeen of 1844, he states that "no answer to the note was ever received from the Venezuelan Government; and that in 1850 Her Majesty's Government informed Her Majesty's Chargé d'Affaires in Caracas that as the proposal had remained for more than six years unaccepted, it must be considered as having lapsed, and authorized him to make a communication to the Venezuelan Government to that effect."

It is true that no immediate answer was made because Dr. Alejo Fortique, to whom it was entrusted, had died; but subsequently, upon the negotiations being renewed, the Minister of Venezuela, Dr. José Maria Rojas, in a note of February 13, 1877, informed Her Majesty's Secretary of State for Foreign Affairs (then Lord Derby) that this government had not accepted the proposal of Lord Aberdeen for such and such reasons. He repeated the same on the 19th of May, 1879, to Lord Salisbury himself, who was then exercising the same functions he now does.

As regards the assertion of having given out in 1850 for the information of the Government of Venezuela the lapsing of the proposal of Lord Aberdeen, what can be said is that the British Legation did not communicate it to the Minister of Foreign Relations of the Republic.

In 1857, on the 18th of December, Lord Clarendon wrote to Mr. Bingham, the British Chargé d'Affaires in Caracas, respecting the permission requested by English subjects to enter the gold lands which had just been discovered in El Caratal, and towards which a road was projected from Demerara; to which this Government could not consent, as entrance into Venezuela ought not to be allowed except through ports of entry, nor was it lawful to open any way through territory not demarked. His Lordship then stated, without in any way mentioning the lapsing of the proposal of Lord Aberdeen, as the occasion would seem to demand, as follows: "It is not impossible that the various questions which have arisen, and that are likely to arise in connection with the gold discoveries, may call the attention of the Venezuelan Government to the advantages which might result from a final settlement of the boundary between the territory of British Guayana and that of Venezuela, and you will point out that the Venezuelan Government in returning no answer to the proposals made by Her Majesty's Government in 1844 is responsible for any inconvenience which has resulted from the question being still undetermined."

There is brought to mind the declaration made in 1850 by

Great Britain that she did not propose, as had been reported, to seize Venezuelan Guayana, and that she would not view with indifference aggressions upon the disputed territory by the Republic, which territory both parties agreed not to occupy or usurp, at the suggestion of the *Chargé d'Affaires*, Belford Hinton Wilson. And then, to the frequent invocation of the same by Venezuela, it is objected that the Venezuelans repeatedly violated it in subsequent years.

These alleged violations were: 1st, the occupation of new positions to the east of their previous establishments, and the founding in 1855 of Nueva Providencia on the right bank of the Yuruary, all previous settlements being on the left bank; 2d, the granting of licenses in 1876 to trade and cut wood in Barima and eastward; 3d, the concession to General Pulgar, in 1881, which included a large portion of the territory in dispute; and 4th, two different grants made by Venezuela in 1883, which covered the whole of the territory in dispute and which were followed by actual attempts to settle there, by reasons of which the British Government could not remain longer inactive, and a British Magistrate was sent into the threatened district to assert the British rights, warning of which was given to the Venezuelan Government and to the concessionaires.

In this way it is endeavored to justify the violation of the Agreement of 1850 by the English Government, since it has occupied many places comprised within the disputed territory.

To appreciate that conduct it is very pertinent to state that the Agreement of 1850, proposed by Mr. Wilson for the acceptance of Venezuela, did not determine, as it should have done to prevent controversies, the territory in dispute by designating it with precision. Nor is there any place mentioned therein, except incidentally in a passage where the *Chargé d'Affaires* says he had transmitted to his Government letters from Ciudad Bolivar, in which he was informed "that orders had been communicated to the authorities of the Province of Guayana to place it in a state of defense, and to repair and arm the dismantled and abandoned forts; that the Governor, José Tomás Machado, had spoken of constructing

a fort at *Port Barima*, the right of possession to which is in dispute between Great Britain and Venezuela."

Point Barima is exactly the place where Sir Robert Ker Porter, Chargé d'Affaires of Great Britain, urgently asked the Government of Venezuela, in an official note of May 26, 1836, to locate a signal or lighthouse which should be sufficiently conspicuous. Sir Robert also spoke of the inefficiency of the pilotage of the Orinoco, recalling that a Venezuelan schooner had been detailed to go out daily from Point Barima and to cruise in aid of the vessels that might seek the entrance of the river; and he observed that the failure of the due arrangement, followed by its abandonment, caused that wise and well known plan of the Department of Marine to be frustrated. Then Venezuela did exercise jurisdiction over Point Barima, and could therefore order that its vessels should depart therefrom, and locate at the proper point the lighthouse whose erection had been recommended, and grant permission to trade therewith and to cut wood.

In the Annals of Guayana already cited, volume P, part first, page 8, we find this:

"1530. In this year the Spaniards who had succeeded in establishing themselves on *Terra Firma* made their initial attempt to settle in the country contiguous to Guayana. One Pedro de Acosta, with two small caravels and three hundred men, reached Barima probably from Cumana on *Terra Firma*. Nevertheless the party was repulsed from Barima in the same year by the Caribs, or it should be said rather, the remains of the expedition, because the cannibals had killed and ate many, and the few who succeeded in escaping with their lives were compelled to abandon all their goods and the houses they had erected."

Thus it is proven that the Spaniards were the first to discover and occupy Barima, and to set up and construct houses there; forcible ejection therefrom by the native Indians not destroying the right acquired, as the English alleged in the analogous case of their expulsion from the island of Santa Lucia.

In the concessions mentioned, and especially in the Manoa concession, it was stipulated in a conclusive manner that it ran to where British Guayana began, without designating the boundary with greater precision, as the demarcation had not been made.

Even though there may have been such violations of the Agreement of 1850, the appropriation by Great Britain of the territory in dispute cannot be justified thereby.

Lord Salisbury asserts that the Government of Venezuela never replied to the proposition of Lord Granville regarding boundaries.

Under date of October 15, 1883, the British Minister at Caracas, Colonel Mansfield, addressed to the Minister of Foreign Relations a note in which he solicited the simultaneous adjustment of the three questions then pending between the two countries, to wit: 1st, the question of limits between Venezuela and British Guayana; 2d, that of differential duties upon importations from British Colonies; and 3d, that of claims of British creditors of the Republic. "As preliminary to the taking up of the negotiations," said Mr. Mansfield, "Lord Granville considers it indispensable that a reply be made to the proposals of Her Majesty's Government in the matter of boundaries. If the reply should be in the affirmative, and if the other questions should be satisfactorily adjusted, the desires of the Government of Venezuela with respect to the island of Patos will obtain favorable consideration."

On the 15 of November following, the Government of Venezuela replied in these terms :

"The citizen President has for many years been consulting the opinion of jurisconsults and public men of great eminence, seeking light which should lead him to the solution of the Guayana boundary question in the form of a treaty; but, as all the documents and all the talent consulted have in each instance more strongly confirmed that the boundary, of right inherited by the Republic, between the former Dutch Colony, now the British Colony, is the Essequibo river, the impossibility of resorting to any other method of terminating that

discussion save the decision of an arbitrator who, by the voluntary and unanimous election of both Governments, shall hear and finally determine it, has been evident.

“This is the obstacle which His Excellency the President encounters in satisfying, as he would like to do, the desire of Lord Granville to determine all cause for discussion between the two Governments through a treaty.”

These words evidently involve the rejection of the proposal of Lord Granville, as it substitutes therefor the proposition to submit the whole matter to the decision of an arbitrator.

After having considered the latter proposition, Lord Granville, through Mr. Mansfield, and under date of March 29, 1884, replied thereto: “That the government of Her Majesty was not of the opinion that the boundary between this Republic and Great Britain should be submitted to arbitration, but at the same time they expressed the hope that some other method of bringing this matter to a satisfactory conclusion for both powers would be evolved.”

In the first months after his arrival at London, the Minister of Venezuela, Gen. Guzman Blanco, insisted that as the fundamental law of the Republic prohibited all alienation of territory, the boundary controversy could not be decided except through arbitration, and he proposed in place of arbitration by a friendly power the judgment of a judicial tribunal, to be made up of persons designated by the parties respectively.

On February 13, 1885, Lord Granville replied in the negative, as appears from these words: “I regret to inform you, Mr. Minister, that the said proposition presents constitutional difficulties which prevent the government of Her Majesty from acceding thereto, and it is not disposed to withdraw from the method proposed by the Government of Venezuela and accepted by the Government of Her Majesty to decide the question by adopting a conventional boundary established by mutual accord between the two Governments.”

Lord Salisbury says: “Mr. Olney is mistaken in supposing that in 1885 ‘a treaty was practically agreed upon 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.' It is true that Gen. Guzman Blanco proposed that the Commercial Treaty between the two countries should contain a clause of this nature, but it had reference to future disputes only. Her Majesty's Government have always insisted on a separate discussion of the frontier question, and have considered its settlements to be a necessary preliminary to other arrangements."

It might have been added that Lord Granville agreed to it on saying to the Venezuelan Minister, under date of May 15, 1885, that: "Her Majesty's Government agreed in that the obligation was to refer to arbitration all the disagreements that might arise between the High Contracting parties, and not those only growing out of the interpretation of the treaty."

Thus the respective article remained in the following terms:

"If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any differences which cannot be adjusted through friendly negotiations, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third power, or of several powers, in amity with both, without resorting to war; and that the result of such arbitration should be binding upon both Governments."

The article does not say "*future* disputes." The fact is that Lord Salisbury, successor to Lord Granville, thought it applicable to the pending boundary controversy. In that understanding he retracted it on the 27th of July of the said year in these words, which under any other hypothesis, would not have been opportune:

"Her Majesty's Government are unable to concur in the assent given by their predecessors to the general arbitration article proposed by Venezuela, and they are unable to agree to the inclusion in it of matters other than those arising out of the interpretation or alleged violation of this particular treaty. To engage to refer to arbitration all disputes and controversies whatsoever would be without precedent in the treaties made by Great Britain. *Questions might arise such as those*

*involving the title of the British Crown to territory or other rights of sovereignty which the Government of Her Majesty could not bind themselves beforehand to refer to arbitration."*

To wean him from this opinion, vain it was to recall to Lord Salisbury examples where Great Britain herself had applied arbitration to the settlement of frontier disputes with the United States of America in 1827 and 1871, in the last case on her proposal repeated as many as six times. Mr. Olney, in his note of the 20th of July last to Lord Salisbury, states that Great Britain has arbitrated the extent of her Colonial possessions, twice with the United States, twice with Portugal, once with Germany, and perhaps in other instances.

The Minister of Venezuela, in London, also recalled at that juncture that the proposition for arbitration had been made to Señor Fortique on this same subject, according to his correspondence; that Lord Salisbury had declared that he could not fail to carry out the promises made by his predecessors, even though they should be contrary to his ideas; and that the same had been done with the correspondence addressed to Russia, which was precisely on the subject of boundaries with Afghanistan, although the present Minister deemed it inexpedient.

Lord Salisbury writes: "Early in 1884 news arrived of a fourth breach of the agreement of 1850 through two different grants, which cover the whole of the territory in dispute, and as this was followed by actual attempts to settle on the disputed territory, the British Government could no longer remain inactive."

"Warning was, therefore, given to the Venezuelan Government and to the concessionaires, and a British Magistrate was sent into the threatened district to assert the British rights."

"Meanwhile, the negotiations for a settlement of the boundary had continued, but the only replies that could be obtained from Señor Guzman Blanco, the Venezuelan Minister, were proposals for arbitration in different forms, all of which Her Majesty's Government was compelled to decline as involving a submis-

sion to the arbitrator of the claim advanced by Venezuela in 1844 to all territory up to the left bank of the Essequibo."

*"As the progress of settlement by British subjects made a decision of some kind absolutely necessary, and as the Venezuelan Government refused to come to any reasonable arrangement, Her Majesty's Government decided not to repeat the offer of concessions which had not been reciprocated, but to assert their undoubted right to the territory within the Schomburgk line, while still consenting to hold open for further negotiations, and even for arbitration, the unsettled lands between that line and what they consider would be the rightful boundary, as stated in the note to Señor Rojas of the 10th of January, 1880."*

Lord Salisbury first said that the violations of the Agreement of 1850 had moved the British Government to remain inactive no longer ; to give notice to the Government of Venezuela and to the concessionaires of 1884, and to send to the threatened district a Magistrate to assert the British rights. But in the next line his Lordship adds: "The progress of settlement by British subjects made a decision of some kind absolutely necessary, and as the Venezuelan Government refused to come to any reasonable arrangement, Her Majesty's Government decided not to repeat the offer of concessions which had not been reciprocated, but to assert their undoubted right to the territory within the Schomburgk line."

Add to this the following paragraph from the same communication from Lord Salisbury:

*"Señor Rojas's proposal was referred to the Lieutenant-Governor and Attorney-General of British Guayana, who were then in England, and they presented an elaborate report, showing that in the thirty-five years which had elapsed since Lord Aberdeen proposed concessions, natives and others had settled in the territory under the belief that they would enjoy the benefits of British rule, and that it was impossible to assent to any such concessions as Señor Rojas's line would involve. They, however, proposed an alternate line which involved considerable reductions of that laid down by Sir Robert Schomburgk."*

From these citations, it results that from 1844 new settle-

ments began to be secretly founded on the territory to which Lord Aberdeen's line referred ; that the agreement of 1850 not to occupy any part of the territories in dispute, did not serve as an obstacle to the fresh occupations ; that consequently the British Government and its authorities violated it, notwithstanding the emphatic assertions and promises of Mr. Wilson ; and that, Venezuela, trusting, as she did, in the strict compliance with such solemn words, could not even suspect that the act which Lord Salisbury now for the first time confesses was being consummated.

Such acts cannot diminish the rights of the Republic, which, as has been said, has been protesting against them since they came to its notice.

So that even if Venezuela had committed the violations imputed to her, Great Britain, which had begun them, would not have the right to complain of her example being followed.

Let it be borne in mind that despite the alleged violations, H. B. M. considered the Agreement of 1850 to be in force, as appears from the official communication addressed on January 31, 1887, by Mr. F. R. Saint-John, Minister Resident of H. B. M. in Caracas, to the Minister of Foreign Relations of Venezuela, in which he says : "*That the intention to erect this lighthouse (at Point Barima) without the consent of the Government of H. M., would be a violation of the reciprocal obligation contracted by the Governments of Venezuela and England in 1850 to not occupy or usurp the territory in dispute between the two countries ; and that the Government of H. M. would have the right to oppose resistance to such a proceeding as an aggressive act on the part of Venezuela.*"

Although it is here called, and in the text, *reciprocal* agreement, Great Britain had been violating it for some time past, signally from 1884, and she was deaf to the complaints in this regard made on July 28, 1886, by the then Minister in London, General Guzman Blanco ; for she made no reply either during that year or subsequently. So that the said Agreement is valid as against Venezuela, but not in favor of Venezuela, to judge from the action of her opponent.

It was not until 1893, when replying to the proposal of

Señor Thomas Michelena to revive the Agreement of 1850, that the English Government, through Lord Rosebery, alleged as a ground for its refusal what Lord Salisbury now repeats with regard to violations by Venezuela, and which no other Minister had advanced.

According to that, then, the Agreement ceased to exist and the Republic is free from the obligation imposed by it, and consequently has recovered full authority to occupy what it understands to belong to it.

But there is more. When two States have subscribed a Convention, if one of them commits a breach thereof the injured party can demand its observance through every means, including the last and most formidable—war; or in case it does not desire to go so far, it may limit itself to the declaration that, on its part, it does not consider it as binding.

Let Vattel, an old and ever-respected master of the science, Book 2, Chapter 13, section 200, state it :

“Treaties contain promises that are perfect and reciprocal. If one of the allies fails in his engagements the other may compel him to fulfill them—a perfect promise confers a right to do so. But, if the latter has no other expedient than that of arms to force his ally to the performance of his promises he would sometimes find it more eligible to cancel the promises on his own side also, and to dissolve the treaty. He has undoubted right to do this, since his promises were made only on condition that the ally should, on his part, execute everything which he had engaged to perform. The party, therefore, who is offended or injured in those particulars which constitute the basis of the treaty, is at liberty to choose the alternative of either compelling a faithless ally to fulfill his engagements or of declaring the treaty dissolved by violation of it. On such an occasion, prudence and wise policy will point out the line of conduct to be pursued.”

Nevertheless, good faith should always govern the relations between States, particularly in the matter of treaties; it is inadmissible to act in a clandestine manner, but rather with loyalty and frankness on such occasions. To maintain silence

and wait until the last hour to justify acts the intention to execute which had not been announced, is not, and cannot be, permitted between nations, much less when such acts are at variance with the words of their authors.

Great Britain has never complained to Venezuela of the alleged violations of the Agreement of 1850 nor asked reparation therefor, nor given notice that in case of failure to obtain the same she would hold it as null. Nothing of this kind. It has already been seen that, in January of 1887, Lord Salisbury invoked the Agreement as valid, and still in force, in order to oppose the erection of a lighthouse at Point Barima without his acquiescence, and to assert that to attempt it would be a violation thereof, which he would have the right to resist as an aggressive act. This, long after the time when the violations attributed to Venezuela, had been consummated. It was only in 1885 that the British Legation in Caracas made known to the Government *that in certain districts the sovereignty over which was equally in dispute between the Government of H. M. and that of Venezuela* the Manoa Company was executing acts to which its attention was called, and requested moreover that steps be taken which should prevent the agents thereof (or of Mr. Gordon, who also had a concession for colonizing) from claiming or obstructing any part of the territory claimed by Great Britain. The Legation added that in the event of Venezuela refusing to take action, the Government of H. M. would feel called upon to adopt measures to prevent the usurpation of said Company, and that the Governor of Guayana would be authorized to employ police force for the purpose, and to maintain order, but that, nevertheless, the Governor would do nothing while this reference to the Government of Venezuela should be pending. So wrote the English Minister in Caracas under date of January 8, 1885. On the 25th of the same month and year, he gave notice that orders had been issued to the Governor of Guayana to send a Mr. Mac Turk, Stipendiary Magistrate, with a force of police to institute in the district on the eastern bank of the Amacuro River an inquiry as to the actions of the Manoa Company, and more especially as to the conduct

of Mr. Robert Wells and others, who were accused of having tortured some persons by hanging them for a long time by their ankles, etc. The Legation stated further that Mr. Mac Turk would act pursuant to the laws in force in other parts of British Guayana, remembering that the words of the contract with the Manoa Company are specifically *as far as British Guayana*.

Without awaiting, then, the result of the measures of the Government of Venezuela to elucidate the facts, and in contradiction to its spontaneous offers, the British Government hastened to send to those localities a police force to apprehend Mr. Robert Wells, Commissary of Venezuela, and to take him to Demerara for trial; to place a guard where the Commissary was; to visit the Amacuro, Barima, Morajuana, and Guaima Rivers; to place in the principal localities thereof notices in the English language stating that they were British property; to establish posts, and to exercise the other acts of jurisdiction which have given rise to the claims of Venezuela and which since that time have been followed by other and yet other acts. The British Government was informed of the astonishment caused by its failure to apprise Venezuela of any grounds of complaint it might have, before resorting to force, and because it had not employed the measures of conciliation and good understanding practiced by nations.

There is nothing more frequent in treaties than clauses like this, to be found in those that Colombia in 1824 and Venezuela in 1836 concluded with the United States of America, and which is also to be found, substantially, in those of this Republic with the Hanseatic Republics, of 1837, with New Grenada, of 1842, with France, of 1843, with Spain, in 1845, etc.:

“If (what, indeed, cannot be expected), unfortunately, any of the articles in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have presented to the other a statement

of such injuries or damages verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

This accords with what Vattel says: "If neither of the disagreeing nations finds it expedient to abandon its rights or its pretensions, natural law, which counsels peace, concord and charity, obligates them to try the most conciliatory means to terminate their controversies."

And this accords with what G. F. de Martens lays down: "The sovereign States themselves, when they complain of the infraction of their original or derivative rights, and the same is not apparent, must produce the evidence before the party of whom they demand satisfaction before resorting to force; that is to say, they should make the fact on which their complaint rests so clear (not only that on which their right is based, if an acquired one, but also that which constitutes the injury for which reparation is asked) that no reasonable cause for doubt may exist."

But, suppose that Venezuela did violate the Agreement of 1850, would such an offense justify the appropriation of the territory which Great Britain herself had declared in dispute? Nowhere has it been found that such a violation constitutes a method of acquisition among nations. The violation of a treaty, it has already been said, may lead to war, if satisfaction for the offense be denied; or to the invalidation of the compact, if the party injured considers it more in keeping with the circumstances. In case war is adopted, the outcome thereof may be conquests occasioning the loss of territory, when confirmed in the treaty of peace; but during the progress of the war, occupancy gives no right to the territory taken by force. Much less when that is done against the will of the owner, and in spite of oft-repeated protests, as in the present case.

From the first time that this Government knew what was occurring, besides sending Commissioners to the localities occupied to ascertain the truth of the usurpation, it seriously complained of the offenses of the invader, through the British Representative in Caracas, taking a firm stand on that of the

imprisonment and carrying off of the Venezuelan Commissary at the mouth of the Amacuro, and claiming satisfaction therefor. Immediately thereafter the Minister of the Republic in London, after stating the facts, demanded: 1st, the removal of all the evidences of British sovereignty located on the territory in dispute; 2d, the withdrawal of the public officials and force stationed there; 3d, satisfactory explanations for the failure to carry out the Agreement of 1850, and the violation of the laws of the Republic with respect to ports not open to foreign vessels; 4th, a dismissal of the case brought against the Venezuelan Commissary, his liberation and indemnity for the injuries to him caused by his arrest and imprisonment, subjection to trial and punishment, charged with an offense on Venezuelan territory; and 5th, complete restoration of things to their status in 1850, date of the said Agreement, and written orders to the Governor of British Guayana to scrupulously observe the said treaty while the two Governments settled the question of their boundaries.

The English Government paid not the slightest attention to this demand—quite the reverse of what took place in 1842, when Dr. Fortique, with great reason, demanded the removal of posts and other signs of dominion located by the Engineer Schomburgk in Barima and Amacuro. Lord Aberdeen ordered these removed, being no doubt convinced by the arguments of the Plenipotentiary of Venezuela. The British Minister apologetically explained that the marks did not signify sovereignty, but only a presumption of what were considered the English boundaries. Like explanations were given by the Governor of Demerara to the Commissioners, Señores Juan José Romero and José Santiago Rodríguez, sent there for the purpose of requesting them, and to protest in case they were refused.

Towards the end of 1886, after the visit of the new Commissioners, Señores Dr. Jesus Muñoz Tébar and General Santiago Rodil, information was had of the acts of jurisdiction which British authorities were exercising in Amacuro, Barima, Aruca, Cuabana, and Guaramuri, and of the work-

ing of gold mines situated between the Cuyuni, Mazaruni and Puruni rivers. For this reason (and the Governor of Demerara having written to the Commissioners that the said localities were included within the boundaries established by resolution of the Government of H. M., dated on the 21st of October, 1886, which declares them to be British, because they are in dispute with Venezuela) explanations were requested of the English Minister in Caracas, who gave no satisfaction. Then the evacuation of the territory occupied from the Orinoco to the Pumaron, and the submission to arbitration of the whole boundary question was demanded. As the British Government refused this, the Venezuelan Government on the 20th of January, 1887, declared the diplomatic relations between the two countries suspended, and protested against the acts of spoliation, which, to the prejudice of the Republic, Great Britain had consummated; declaring before her and before the whole world that at no time and for no reason would it recognize such acts as capable of altering in the slightest degree the rights that it had inherited from Spain, and which it was ready to submit to the decision of a third power.

It again protested on the 15th of June, 1888, by reason of the Governor of Demerara having created the new District of the Northwest in which he included Barima, and of having sent there as Commissary Mr. Bartholomew A. Day.

It again protested on the 29th of October, 1888, when it learned that the English had established in Barima a Custom House, an inspector and corps of police, a barrack and a coast-guard, which would not permit the Venezuelan pilots to cut wood, or the guard-ship (*Ponton*) to anchor within a mile from shore, and who had also occupied Amacuro.

It again protested on the 16th of December, 1889, on seeing the decree of the Colonial Government of Demerara, dated the 4th of that month, declaring Barima an English port; and also against the pretension, by that Colony, to exercise dominion over Venezuelan territory by the proposed construction of a road through the federal domain of the Republic in Yuruary.

It again protested before the Government of Demerara on the 2d of May, 1890, through the Consul of Venezuela there, and through Señor Rafael F. Seijas, Special Commissioner, sent to examine the condition of things in the neighboring territory, against all the official acts authorized by the Government of the Colony to the prejudice of the rights of Venezuela, of which a long list was made as a result of that agent's trip of investigation.

It again protested on the 1st of September, 1890, against the ordinance of the Government of Demerara, published on the 19th of July previous, which, under pretext of establishing an additional District under the name of Pumarón, and of changing the delineation of the district of the northwest, provided limits showing the design of incorporating another portion of Venezuelan territory into that occupied by England.

It again protested on the 30th of September, 1890, declaring, through its Confidential Agent in London, Señor Dr. Lucio Pulido, to the Government of Great Britain, that Venezuela would never recognize the territories of Guayana, declared to be in dispute and neutral in 1850, nor any steps that might be taken by the Colonial authorities of the Government of H. B. M. looking towards their permanent occupancy, reserving for all time its right to repossess them.

It again protested on the 30th of December, 1891, against a speech read by the Governor of Demerara before the Joint Court of that Colony, in which he spoke of the advisability of establishing on the upper Cuyuni a Station and police government, and against the authorization of the said court to apply a sum of money to that end.

It again protested to Lord Rosebery, Secretary of State for Foreign Affairs of H. B. M. on the 6th of October, 1893, against the actions of the Colony of Demerara; and against the reply of the said official, in which he asserted that the acts denounced by Venezuela as offending the sovereignty thereof were only measures of an administrative character, in his judgment in no wise antagonistic to the rights of the Re-

public, as was replied to Señor Michelena, who had made the complaint.

It protested again on the 15th November, 1894, when information was received that a project was before the Legislature of Demerara looking to the construction of a road from the sources of the Barima to the upper Cuyuni or to the Yuruán. The Government of the Republic looked upon that act as a direct aggression upon its territorial rights, in that it contemplated jurisdiction over lands which, in virtue of indisputable historical titles and natural geographical position, Venezuela considered her own exclusive property. That protest, as also the renewal and reaffirmation of all former ones, was communicated to the Government of the Colony of Demerara through the Venezuelan Consul at Georgetown.

It protested, finally, on the 3d of January last, before the Government of Demerara, through the Consul of Venezuela there, against two bills authorizing several persons to construct, maintain, and operate two railway lines from the right bank of the Barima river to the interior; against the concession to Messrs. Garnett and Company, to gather *purguos* at certain points on the right bank of the Cuyuni; and against the concession of lands situated on the right bank of the Cuyuni, for the organizing of the so-called "British Guayana Chartered Company."

With respect to maps lately published in which there is attributed to the Colony of Demerara more territory than belongs thereto, the Executive has taken the necessary steps to object to them, and to prohibit their introduction, sale and circulation in the country, as containing false notions regarding the frontier of Venezuela, and as having been drawn without the slightest idea of the antecedents, which the authors should have studied. And he is untiring in his efforts.

It has likewise, since 1876, addressed itself to the Government of the United States of America, stating its complaint and requesting its aid, as the great Republic of this continent, thereby, and because of its antecedents, called upon to lend

support to its sisters against the extravagant demands of the powerful.

And the cause of all the Republics of the New World being one, Venezuela took care also to inform them of the situation in which she had been placed, and to ask their moral support for the purpose of inclining Great Britain to agree to submit to arbitration the boundary controversy. Its aspirations have been limited to this.

Finally, Venezuela has never failed to declare that she rejects the imposition of force, and will continue to consider as hers the territories of which she has been dispossessed thereby, no case having arisen in which there could be attributed to her an assent to the cession or abandonment of her territorial rights.

As complementary to the measures taken at all times to oppose the publication and introduction into Venezuela of maps antagonistic to the rights thereof, on December 27th, 1893, the Government urgently demanded the correction of certain data concerning British Guayana, published by the International Bureau of Washington, which an association of Republics of the Western Hemisphere created and maintains, and which was principally intended for the compilation, arrangement, and circulation of statistical data regarding the wealth and commerce thereof. It had published a series of notices relative to the so-called mines of British Guayana. Nevertheless it treated of mines situated in regions which, being Venezuelan, are unlawfully held by the authorities of Demerara. Therefore this government deemed such data not only erroneous, but also antagonistic to the rights of the Republic, which served as a basis for the instructions communicated to the Minister of this country in Washington to make the proper complaint and demand in the premises.

Finally the result aimed at was secured. In one of the subsequent bulletins it was explained that in the November number, 1893,—the cause of the complaint—it was not intended to express any judgment regarding the merits of the controversy existing between Venezuela and Great Britain, nor to

advance an opinion respecting the right of either Government, but to give out notices deemed important for commerce. So that from nothing written could there ever be drawn any conclusion or argument unfavorable to Venezuela.

Previously Mr. Secretary Blaine had been requested to order the correction of a map issued by the International American Company, the errors in which had given rise to just observations by the Government of this Republic.

All this series of acts, the result of a plan thoughtfully conceived and firmly and perseveringly carried out, prove the intention of the Government of the Republic to never recognize on any ground whatever the forcible possession which the British have taken of places over which Venezuela asserts dominion, and to the evacuation of which they have tenaciously objected.

These are precisely the resources to be employed by States to prevent the effects of force as an element of prescription in the judgment of publicists.

It must be borne in mind that several of them hold opinions against prescription as between States; others admit, at the most, immemorial prescription; and others assert that uninterrupted possession of territory or other property for a certain time excludes the claim of any one else. It seems that the last case identifies itself with the second.

Eugène Ortolan has treated the subject *ex professo* in his work "On the Methods of Acquiring International Dominion or State Property between Nations according to Public International Law, compared with the methods of acquiring property between individuals according to private law, followed by an examination of the principles of political equilibrium."

He was a Doctor of Laws and an attaché of the Ministry of Foreign Relations of France.

He says that such methods are:

1. The occupation of things belonging to no one through possession, and the intent to appropriate them and hold them as one's own.

2. Effects of the changes arising in bordering waters and the springing up of islands or islets.

3. Agreement to transfer international dominion and taking of possession ; for example : treaties of cession in general, treaties of sale, of compromise, of exchange, of settlement of limits, or partition.

4. Arbitration decisions, not in general ; for they would be only the recognition, the declaration, in favor of the winning party, of the pre-existing right of property ; but only in cases in which disputing nations may have wished to conclude a compromise and had consented to reciprocally exchange, cede, or abandon territorial property rights, and had left the arbitrators at liberty to establish the bases and sacrifices of the compromise, obligating themselves beforehand to submit to the result of the arbitration ; a case in which the arbitrator may, without overstepping the authority conferred on him, not only recognize this or that pre-existing right, but may even create a new right of international property, by deciding in the compromise that such a power abandons the sovereignty of such a Province to transfer the same to the other State ; and his decision becomes the source of the acquisition of the ceded territories."

"It may also be supposed that the dispute has for object, a partition of land or a settlement of boundaries between the two States, and that they have referred the operation to arbitral decision, giving the arbitrators, in case of partition, authority to make the adjudications of the necessary parcels, or, in case of a settlement of boundaries, the power to effect reciprocal cessions between the two States, in order to establish the limits in a more convenient manner."

"Nevertheless those cases will not be frequently met in practice with such amplitude of powers conferred on the arbitrators. It is rare that two nations consent to confer, without any limitations, upon a third power the authority to decide, and much less to definitely settle, their territorial property rights. Nearly always disputants reserve the right to change the agreements that may be proposed to them, and, conse-

quently, the compromise offered them is only a *promise* which begets no obligation or right except in so far as it is ratified. The right grows out of the acceptance of these conditions, and not of the decision of the arbitrators."

Pradier-Fodere recognizes that the arbitrator determines disagreements *according to law*; he seeks out on what side it is to be found; examines in what way international law should be applied to the particular case forming the subject of the disagreement between the parties. To state the law; that is his trust. He is not charged with reconciling the parties—the office of the mediator—but with causing the disagreements to disappear through a friendly decision which he draws from the principles of law, and which is conventional, but morally binding upon the parties. This does not prevent them (it all depends on their will) from granting him the authority of a law arbitrator (*arbitrador amigable componedor*).

The most recent case of this kind occurred in the year 1890, between France and the Netherlands. Being engaged in determining the limits of their respective Guayanas, they decided on the 20th of November, 1888, to resort to arbitration in the premises. They entrusted it afterwards to the Czar of Russia with the understanding that he was to decide the question of law, that is, whose was the territory comprised between the Lava and Tapana rivers.

The Czar did not consent to accept a trust so limited and asked for an extension of authority. Whence it resulted that the same parties signed in Paris on the 28th of April, 1890, a new convention in which it was stipulated "that in case the arbitrator, after examination, should not succeed in designating as a boundary one of the two rivers mentioned in the Convention of 1888, he was authorized, as a compromise solution, to adopt and determine another limit that should pass through the disputed territory."

Some are of the opinion that this precedent should not be followed, because it distorts the nature of arbitration, which it confuses with mediation; since every one will wish to follow the example of the Czar of Russia, and because, if the parties

interested are disposed to compromise, they could do it directly without the necessity of calling in a third party.

5th. Conquests, but only when they have been confirmed in the treaty of peace which brings the war to a close: This is understood with reference to real estate, for personal property is acquired as booty in determinate cases, or as the result of a formal judgment when treating of maritime prizes.

The author maintains that the principles observed by ancient countries and in subsequent barbaric times, according to which war and conquest were the methods of acquiring property among nations, have been completely changed. That in civilized countries war ought not to be considered as a means of extending power or of enlarging dominions, but only as a fatal necessity, inevitable consequence of the right of independence; a necessity which would disappear were it possible to place over States a collective and common authority, and, consequently, taking from among the rights of nations the right of absolute independence which now exists. That it can only be undertaken when it is forced upon a State through the violation or serious questioning of an essential right, and when all the pacific means for preventing it have been vainly exhausted.

He attributes certain consequences to military occupation, which he does not consider forcible and contrary to law, but valid, and producing the same effects as possession in good faith, so that the possessor may collect imposts, exercise authority and jurisdiction. He also believes that military occupation may serve as a just ground, in international law, for the transfer of property effected in the convention which brings an end to the war; and, lastly, that, according to several publications, it may also serve as the foundation of prescription.

Although the author does not say it, it is to be admitted, with others, that not only does the treaty of peace confirm the conquests, but also the fact of complete subjection of one State to another as the result of war, because the former, becoming extinct, it is no longer admissible for it to retain territory.

6th. Finally, Ortolan includes prescriptive acquisition among the methods of acquiring international property.

After justifying the application thereof among individuals, he asserts that it should be equally extended to States, but with certain requirements.

The first is that it should be held in the capacity of owner and sovereign of the territory, and that therefore it would not suffice for some individuals belonging to the nation to have in their own name performed acts of private ownership of that territory, because the possession must be in the name of the State through acts of enjoyment, command, and jurisdiction, which constitute the exercise of international dominion.

The second is that the possession in the capacity of owner shall be public; would be manifested by open acts, visible to all, because in furtive and clandestine acts, which the true proprietor has been unable to see, there is wanting the fundamental fact of prescription, the rôle of proprietor assumed by one, and surrendered by another.

The third requisite is that the possession shall be continuous, as is always the essence, the character, of the rôle of proprietor which passing, transitory, intermittent acts cannot constitute.

So that if the possession be begun with the intention of continuity and it is abandoned and subsequently recovered, each interruption irrevocably destroys, as regards the unfinished course of prescription, the effect of the previous possession; the separate fragments of those several possessions not being unitable to form a whole. Each new entry into possession constituting a new starting point, the time being only reckoned from this new point. Ortolan lays down the rule that these three conditions of publicity, continuity, and absence of interruption, necessary in private law to prescriptive acquisition, are equally necessary in international law. Although he considers that between country and country clandestine territorial possession is barely possible, he finds cases of uninterrupted possession more feasible.

Passing on afterwards to examine the acts which give rise

to possession or the maintenance thereof, he finds that field full of difficulties. But he judges that force, during its continuance, cannot become legitimate and convert itself into a right; and that the longer it lasts the graver becomes the fault and the greater the offense against right. He adds that the possession which is only maintained through forcible means cannot be advantageously relied on, and that it is inadmissible to say that one who finds himself expelled and driven away therefrom by force abandons the rôle of proprietor.

Nevertheless, speaking of usurpations, of violent invasions, he says that they may serve as the origin of territorial occupation for the invading country which may retain the possession, and that even in this last case (and saving then the extension of the time required for prescription) it must be logically recognized that the force once terminated, and the dispossessed State being at liberty to claim, if it has not done so and has remained passive, prescription will have commenced to run in favor of the State possessing the territory, and by this means the possession will finally be changed into international dominion.

He also maintains that military occupation of a territory resulting from a formal war, although insufficient to convey the title to that territory, gives a possession thereof, which international usages liken to a possession in good faith.

He then passes on to study the question of the time necessary to prescription, and, recalling that the civil law distinguishes between cases of real and personal property, of presence or absence of good or bad faith, and that it establishes terms of 10, 20 or 30 years, proportionate to the life and the action of individuals, asserts that they are not applicable to cases of States; and that without determining the precise terms, and leaving the influence they should have to the circumstances of each case, it is thought that a long series of years is necessary to transfer the right of dominion and territorial sovereignty over a country, from one country to another.

What method there may be to arrest the course of the pre-

scription already begun, originating in the passiveness of the owner—the failure to exercise the rights and functions of ownership—Ortolan sets forth by suggesting that it is to emerge from the inertia to prosecute, or at least to claim, the exercise of his rôle of owner before the completion of the course thereof, and the realization of acquisition by the possessor. The civil law requires resorting to the judicial authority, extra-judicial claims, protests or even exhibiting of documents being insufficient, and only then is he considered as in fact replaced in possession; the delays in confirming the existence of his right depending only on the imperfections and slowness of human justice.

The same rule not being applicable in international law, owing to the absence of a common judge, States find themselves limited to claiming their rights one from the other through the channel of diplomatic negotiations, and, if necessary, do justice to themselves through their own strength. But he adds that in order to interrupt prescription war is not necessary; that a weak country or one placed temporarily in a difficult situation may find itself forced to await other resources or other times to take up arms, and until then to resort to diplomatic demands. That such demand interrupts prescription, because once made, the State in possession should satisfy, if it be just, and immediately restore the proprietor State to power.

He thinks that, as regards protests and exhibitions of documents, taking into account the difficult situation and the impossibility to act in an efficacious manner in which a power may find itself, it may be said in general that they will not produce the interruptive effect, save in so far as they may assume the character of a true diplomatic demand addressed to the adverse power; and that notifications to other States are only means of greater publicity, as though to make them witnesses to the violation of its rights for which the demand is made.

It appears to him that with greater reason attempts to recover in fact the possession of the disputed territory would be

cause for its interruption, even though they should have been unsuccessful; but provided they are made in the name of the State, as a public undertaking, and by it so recognized, and not by mere individuals who act without authority and in a private capacity.

Finally, that the recognition the State in possession may grant to the rights of the adverse power, or even the mere desire to submit the controversy to examination, to diplomatic discussion will likewise interrupt the course of the unfinished prescription.

The doctrines of the author named being once known (and they are the most favorable to the method of acquisition by prescription, since it is desired to place the matter in the furthest extreme), it is advisable to examine, whether in the light thereof the appropriation by great Britain, either from the year 1884, or from a previous date, more or less unknown, of territory in dispute with Venezuela, is justified.

It is unnecessary to dwell longer on the other means of acquisition before specified. Prescription will be spoken of principally for the reasons which will be set forth.

Not occupation, because the subject in hand is not things that were originally acquired, since the titles of Venezuela as well as of Great Britain are exclusively derivative.

Not the changes in bordering waters or the appearance of island—changes which can only occur between regions definitively delineated, which the Republic and the English Colony of Demerara are not.

Not agreements to transfer dominion, which in this case are the treaty of recognition of the independence of Venezuela by Spain on March 30, 1845, and that of 1814, in which Holland ceded to Great Britain its Colonies of Essequibo, Demerara, and Berbice. The question does not rest on the act of transfer itself, but on the extent of the territories therein included, which was absolutely not defined in either of the conventions.

Not the result of an arbitration decision where the arbitrator receives the authority of a friendly adjuster, and pursuant thereto adjudicates territories to one of the litigants or to

both. Venezuela has urged arbitration, but judicial, as the only one compatible with the constitutional provisions which prohibit the alienation of any part of her territory, and Great Britain has not accepted it, except under conditions evidently inadmissible.

Not conquests, which do not now constitute acquisition of international property, save when confirmed by the treaty of peace which puts an end to the war. Fortunately, there has been none between Venezuela and Great Britain, so it can have no bearing here, however much it may be endeavored to widen the sphere of conquests.

Therefore, there remains nothing but prescription, and in effect the English assert it. In an article in the London "*Times*," of January 18, of this year, a paper which follows the footsteps of the Foreign Office, appears the following:

"It should be borne in mind, in the first place, that neither this country nor Venezuela have an original title to the territory or can show the history of a very long possession. We derive ours from the Dutch, from whom we took the establishments of Demerara, Essequibo, and Berbice almost a century ago. Venezuela derives hers from the Spaniards, whose yoke she threw off at the beginning of this century. In 1796, as on another previous occasion in which the Dutch Colonies were occupied, this country claimed a boundary which began at Barima, on the banks of the Orinoco, and included practically all the basin of the Essequibo river. By the treaty of 1814 the results were finally sanctioned, *the Spanish Government having been a party to the negotiations and not having raised any objection against the boundary claimed by Great Britain.* At that time Venezuela was in rebellion against Spain, but had not obtained the recognition of her independence. Neither in 1814 or in 1819 when Venezuela was incorporated into the *United States of Colombia*, was any question raised by the former or latter with respect to the validity of the frontier that the Spanish tacitly accepted. On the contrary, the *United States of Colombia* frankly recognized what they owed to the friendly attitude of Great Britain, and when, in 1830, Vene-

zuela, on her own account, made herself an independent Republic, she also manifested her friendship with warm expressions, and likewise preserved silence on the boundary question.

*At that time therefore we had a prescription of twenty-five years in favor of our claims, or of fifty years, if we reckon from the first British occupation of the Dutch establishments in 1781.* In the Venezuelan Constitution, promulgated in 1830, it was not endeavored to attack the *frontier arrangements* which the British Government had laid down. The Constitution merely defined the territory of Venezuela as the extent of what the Spaniards had denominated the *Captaincy-General* of Venezuela. Naturally such a declaration has no binding force unless it be formally accepted by other interested nations. It is not an international instrument, but it is interesting because it gives the extreme measure of what Venezuela then claims."

Leaving aside the errors contained in that editorial of the "*Times*," such as that in the treaty of London of 1814, relating to the cession of the Dutch Colonies of Demerara, Essequibo and Berbice to Great Britain, the latter determined the boundaries she claimed therefor, and that no objection was made by Spain, a party to the negotiation of the treaty; that neither Venezuela nor Colombia said anything against those boundaries which Great Britain attributed to herself about 1830 when neither one nor the other ever knew them, and the former claimed the Essequibo in 1822; the only thing that will be refuted will be the allegation of prescription of twenty-five or fifty years, applying the rules laid down by Ortolan:

1st. Great Britain could not possess as owner territories not specified as belonging to the grantor, nor included expressly in the transfer made to her by Holland.

2d. Her possession has not been public, but clandestine, and therefore has not reached the knowledge of Venezuela; only since 1884, and with regard to places near her, has she given notice of her taking possession, against which there began then and there has been carried on uninterruptedly, a series of complaints, claims, protests and the establishment of posts and other measures of defense.

3d. Neither has there been continuity in the possession, because it must be considered as having been interrupted by the tenacious opposition of Venezuela.

4th. The English possession has been and is forcible, which renders it impossible of being converted into lawful origin, however long it may last; and it only serves to aggravate by its duration the offense against the proprietor.

England has herself maintained this doctrine. When her dispute with France touching the Island of Santa Lucia was referred, after the treaty of Aquisgran, to the decision of certain Commissioners, and gave rise to State Papers in 1751 and 1752, the French negotiators maintained that though the English had established themselves there in 1639 they had been driven out or massacred by the Caribs in 1640, and they had, *animo et facto* and *sine spe redeundi* (with the intention and in fact, and without hope of returning), abandoned the island. That Santa Lucia being vacant, the French had again seized it in 1650, when it became immediately and without the necessity of prescriptive aid, their property. The English negotiators contended that their dereliction had been the result of violence, that they had not *abandoned* the island, *sine spe redeundi*, and that it was not competent to France to profit by this act of violence and surreptitiously obtain the territory of another State; and that by such a proceeding no *dominium* could accrue to them. [See *Phillimore, International Law, "Prescription."*]

It is not stated there what the Commissioners decided, but as the English are seen ceding the island to France in 1763, it is to be inferred that the decision was in their favor.

If we go on to the requirement of time, which is to consist of a long series of years, saving the influence of special circumstances, illy could it be aspired to consider as sufficient the term of eleven years which elapsed since the beginning of the last invasions, which was in 1884. As regards the previous invasions they met with the obstacles that they were clandestine, as has been already observed. Aside from the fact that its course would have been arrested by the accumulation of

claims, protests and the creation of posts and other measures of forcible defense.

Consequently, even though twenty or fifty years may have elapsed since the occupation, it signifies nothing, because the requirements necessary to confirm it are wanting; and it is pertinent to reiterate with Heffter "that a century of unjust possession does not suffice to take therefrom the defects of its origin."

The doctrine implied in the assertion of Lord Salisbury means that Venezuela cannot claim as hers places colonized by natives and others in the belief that they would enjoy the benefits of British rule during the thirty-five years which have elapsed from the date of the proposed concession offered by Lord Aberdeen in 1844.

The claim seems to be indefensible, not only because it is incompetent to apply thereto the cited rules of international prescription, but also for the following reasons :

1st. Because Venezuela has not been able to colonize the said regions by reason of her deference to the proposal of the British Government to not occupy them during the boundary controversy, in the understanding that the obligation was reciprocal, and very especially in view of the credit it ought to give the solemn protestations of Mr. Wilson, Chargé d'Affaires in Caracas, that Great Britain had no intention to usurp Venezuela Guayana, and would not authorize or sanction acts of occupation by her authorities whom it would order, reiteratedly if necessary, to abstain from acts which the Venezuelan authorities might justly consider as aggressions.

2nd. Because, as Calvo says : "if the right of States to incorporate into themselves a larger extent of still savage regions than those that they can civilize or administer is disputed, this can only be applied to recent acquisitions or occupations," and not to old possessions, sanctioned at once by time and by historical right, which form, properly speaking, a generally admitted exception to the preceding rule. When a State finds itself in possession of a country all that that country includes becomes its property, even when the occupation

shall be actual only in a portion of the country. If it should leave therein uncultivated or deserted places, no one has the right to take possession thereof without its consent. Even though the possessing State may not actually use them, those places belong to it; depend upon its sovereignty; it has interest in retaining them for ulterior uses, and to no one has it to give account of how it uses its property. Such is the special position of the United States of North America, of the States of South America, which possesses several unpopulated territories, or inhabited by savage tribes."

3d. Because this same is the opinion of Vattel, from whom Calvo took it almost intact.

4th. Because the Colombian publicist, Doctor Madiedo, professes like principles, and maintains them thus: "There is no nation of the earth which possesses absolutely and materially and through actual and constant occupation all the territory that its geographical dimensions determine. The most populated nations of the earth have uncultivated wastes and deserts where not a single human habitation is to be found."

If we were to lay it down as a principle that a nation has no territorial sovereignty save over the soil it corporally and actually occupies, which is the principle which prevails among the savage hordes, according to the original *Jus Gentium*, there would result the admissible absurdity that no nation would have the right to all the territory marked for it on the map as an entity of international law.

"And not only that, but by a logical deduction from such a doctrine, it would have to recognize in any other foreign power the right to occupy those vacant portions, even within the national territorial boundaries, with the obligatory addition of recognizing in that foreign occupant the still stranger right to establish himself there under the jurisdiction of laws foreign to the sovereign on whose soil such vacant territories should exist, which includes all the sovereigns of the world."

"And what would then become of the sovereignty and independence of nations obliged to recognize such absurd solu-

tions of continuity in the exercise of their own power? Would not this be like sowing confusion to reap ceaseless discord and anarchy"?

5th. Because the English historian, Macaulay, on condemning the attempt by a Scotch expedition, headed by Patterson, to take possession, in 1699, of the Isthmus of Darien, which had been discovered and occupied by the Spaniards, but from which they withdrew afterwards to Panama, owing to the unhealthfulness of its climate, leaving the Indians there found to continue living after their own manner, says that regions of other countries are in like condition. He names as an example some mountainous districts situated not more than one hundred miles from Edinburgh where there lived clans who paid as little attention to the authority of the King, of Parliament, of the Privy Council, and of the Court of Sessions, as did the aboriginal population of Darien of the authority of the Spanish Viceroy and of Audiencias. The enlightened historian, statesman, minister, and Member of Parliament, concludes with these words: "It is safe to say that the taking possession of Appin and Lochaber by the King of Spain would not have been considered a less atrocious violation of the public law than that the Scotch should take possession of a Province situated in the very center of his possession under the pretext that it was in the same condition that Appin and Lochaber had been for centuries."—[*History of England.*]

6th. Because in recent cases the validity of the titles invoked by Venezuela has been admitted, as may be seen in the history of the question of the Caroline islands between Germany and Spain. Having been submitted to the mediation of the Pope, he made the following proposition to the parties: "The discovery by Spain in the XVIth century of the Caroline and Palen Islands, which formed part of the Archipelago, and a series of acts performed at different periods by the Spanish Government on the same Islands for the welfare of the natives, in the opinion of that Government and of that nation, have created for it title to the sovereignty, founded on the maxims of international law invoked and followed at that time in similar disputes. In

truth, when the history of the said acts is examined, the authenticity of which is confirmed by several documents in the Archives of the Propaganda, the beneficent work of Spain in those Islands cannot but be recognized. . . . On the other hand, Germany and England, in 1875, expressly informed the Spanish Government that they did not recognize the sovereignty of Spain over those Islands. On the contrary the Imperial Government thought that actual occupation of a territory is what creates sovereignty, an occupation which was never carried into effect on the part of Spain on the Caroline Islands. In accordance with this principle it acted on the Island of Yap and in that, as well as in what the Spanish Government has done on its part, the Mediator is pleased to recognize the complete *loyalty* of the Imperial Government."

In consequence, the Pope suggested the advisability of confirming the sovereignty of Spain over the Caroline and Palen Islands; of Spain making her sovereignty effective by establishing a regular administration, with force sufficient to guarantee order and the rights acquired; of offering Germany complete liberty of commerce, navigation and fishing, and the right to establish a naval and coaling station, and the liberty to found on the Islands agricultural establishments.

It was so agreed in a protocol signed in Rome on the 17th of December 1885, by the Ministers of Spain and Prussia before the Holy See,—a protocol which the respective governments approved. In 1886 the article V, regarding Germany's right to establish on the Islands a naval and coaling station was rescinded, whereby the sovereignty of Spain therein was restored.

7th. Because, according to the Monroe Doctrine, "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

Says Lord Salisbury:

"As regards the rest, that which lies within the so-called Schomburgk line, the Government of Great Britain do not

consider her rights open to question. Even within that line they have, on various occasions, offered to Venezuela considerable concessions as a matter of friendship and conciliation and for the purpose of securing an amicable settlement of the dispute. *If, as time has gone on, the concessions thus offered diminished in extent, and have now been withdrawn, this has been the necessary consequence of the gradual spread over the country of British settlements, which Her Majesty's Government cannot, in justice to the inhabitants, offer to surrender to foreign rule;*" and he considers such *withdrawal is amply borne out by the researches in the national Archives of Holland and Spain, which have furnished further and more convincing evidence in support of the British claims.*

Here it is seen repeatedly placed beyond doubt that the last settlements of Great Britain in the disputed territory are of recent date, and this explains the system of delay followed by her since 1841, in which year Venezuela urgently requested her to conclude the boundary treaty, of which the Agreement to her proposed, with an admixture of threats, by Mr. Wilson in 1850, appears to have been a part.

Strange, at least, seems the desire to insist on the Schomburgk line after it was abandoned by Lord Aberdeen in 1844, by Lord Granville in 1881, and by Lord Rosebery in 1886; it being particularly noticeable that the latter not only laid that line aside, but he furthermore proposed arbitration of a Joint Commission to divide equally what he denominated the territory in dispute, or be it that situated between the lines of Dr. I. M. Rojas and of Lord Granville, presented in 1881, and that Schomburgk himself characterized his map as incomplete, as many of its details were based on information obtained from the natives.

Lord Salisbury writes :

"The discrepancies in the frontiers assigned to the British Colony in various maps published in England and erroneously assumed to be founded on official information are easily accounted for by the circumstances which I have mentioned.

Her Majesty's Government cannot, of course, be responsible for such publications made without her authority."

Without doubt this paragraph is intended to meet the objection presented in the official communication of the Acting Secretary of State, of the U. S., who, as complimentary to the communication of Mr. Olney of July 20, wrote to Mr. Bayard on the 24th following regarding the sudden increase of the area of British Guayana from 1884 to 1886, and which was 33,000 square miles, thereafter asserting that such settlement was made on the authority of the British publication entitled the "Statesman's Year Book." He observes that it is corroborated by the British Colonial Office List, a Government publication, citing the proper passages, and he concludes by saying that the official maps in the two volumes mentioned (of 1885 and 1886) are identical; so that the increase claimed for British Guayana is not thereby explained; but that the latter map of the Colonial Office List show a varying sweep of the boundary westward into what previously figured as "Venezuelan Territory," while no change is noted on the Brazilian frontier.

If Lord Salisbury were referring to the "Statesman's Year Book," perhaps his explanation will have some weight, but it will not do to extend it to works issued from the Colonial Office. And there is no reason for denying a fact which agrees with the previous assertions of the Minister in which he says that the size of the concessions of his Government has diminished as a necessary consequence of the gradual spread of British settlements.

Attention has been called already to another point of his note in which he asserts that the progress of those settlements made a decision absolutely necessary, and that therefore the Government of H. M. resolved to make no more concessions and to assert its undoubted right to the territory comprised within the Schomburgk line.

As is notorious, such new settlements are due to the existence of gold mines in the regions where they have been founded, and it appears reasonable to suppose that they, and

not the alleged breaches by Venezuela of the Agreement of 1850, constitute the true motive of its disregard in 1893 by Great Britain; the fact being that even in 1887, that is, after the said breaches, she relied on it to oppose the erection of a light-house at Barima.

Lord Salisbury concludes with these words: "They (the Government of H. M.) have, on the contrary, repeatedly expressed their readiness to submit to arbitration the conflicting claims of Great Britain and Venezuela to large tracts of territory which from their auriferous nature are known to be of almost untold value. But they cannot consent to entertain, or to submit to the arbitration of another power or of foreign jurists, however eminent, claims based on the extravagant pretensions of Spanish officials in the last century, and involving the transfer of large numbers of British subjects, who have for many years enjoyed the settled rule of a British Colony, to a nation of different race and language, whose political system is subject to frequent disturbance, and whose institutions as yet too often afford very inadequate protection to life and property."

The arbitration to which Great Britain will lend herself relates to the territory situated to the West of the extended Schomburgk line, to pretensions which, owing to their novelty and unjustifiable nature, Venezuela ought to have rejected as often as they were advanced in 1890, 1891, and 1892.

The pretensions which the Republic upholds, it inherited, not from the Spanish officials, if by this it is desired to designate subordinates, but from the very Government itself of Her Catholic Majesty, as appears from several acts emanating from herself.

The argument of the injuries which will befall British subjects in being transferred from the settled rule of a British Colony to a nation of different race and language whose political system is subject to frequent disturbances, has no connection whatever with the matter under discussion. The purpose is to discuss the right of Venezuela and of Great Britain to certain portions of territory; not to put on trial the

institutions of the Republic ; neither in this nor in her other domestic matters is it proper for foreign nations to intervene, much less to characterize them offensively. In their infancy all have met obstacles more or less similar to those which have presented themselves to Venezuela in the path of her effort to consolidate herself, insuring the benefits of a permanent peace and order. But even States, the oldest, most populous, cultivated, and apt in the science of politics, do not succeed in overcoming the difficulties of the Government, and it can be asserted with the book of history in hand, that there is not in the universal world, even one capable of flattering itself as being unassailable and having carried out the ends of its establishment.

Very near the beginning of his reply to Mr. Olney, Lord Salisbury writes :

“ The definite cession of the Dutch settlements to England was placed on record by the treaty of 1814, and although the Spanish Government were parties to the negotiations which led to that treaty, they did not at any stage of them raise objection to the frontiers claimed by Great Britain, though those were perfectly well known to them.” At that time the Government of Venezuela had not been recognized even by the United States, though the province was already in revolt against the Spanish Government, and had declared its independence. No question of frontier was raised with Great Britain either by it or by the Government of the United States of Colombia in which it became merged in 1819. That Government, indeed, in repeated occasions, acknowledged its indebtedness to Great Britain for its friendly attitude. When in 1830 the Republic of Venezuela assumed a separate existence, its Government was equally warm in its expressions of gratitude and friendship, and there was not at the time any indication of an intention to raise such claims as have been urged by it during the latter part of this century.”

With respect to the participation of Spain in the treaty, or in the negotiations for the treaty, of 1814 regarding the trans-

fer of Essequibo, Berbice, and Demerara to Great Britain, it has already been noted that there is no document proving it.

Regarding Colombia, it has been recalled that in the instructions issued in 1822 to the agent appointed in London, Señor José Rafael Revenga, he was authorized to propose the delineations with British Guayana and to claim the Essequibo.

Dr. José Manuel Restrepo, Minister of the Interior of Colombia, in his history of the Revolution of that Republic, printed for the first time in 1827, established the same frontier.

As regards Venezuela, she had no opportunity to ventilate the subject till 1840, when she was informed of the appointment of the Engineer Schomburgk to survey British Guayana by himself, without the concurrence of this country. She at once urged a boundary treaty, and later on requested the removal of the posts and other signs of dominion, located at Barima and Amacuro. Thus advised of the danger which threatened the Republic in its essential part bathed by the Orinoco, except in some intervals, it has used its best efforts to seek the settlement of the question, and has claimed what it believes to be its rights; and it believes that the right of preservation and progress of sovereignty and independence, and that of property lay upon it the obligation to maintain them manfully. The English Government through its Ministers, Lord Aberdeen, Lord Granville, and Lord Rosebery, have recognized the importance to Venezuela of the free possession of the mouths of that, its principal, river. She understands that it will not be complete until the boundary shall be established according to law. Wherefore, Great Britain, which in every way seeks her own advantage, ought not to think it ill that Venezuela should in her turn work to secure the same object. By claiming the said boundaries she proposes to herself to perform a duty; not to be wanting in any duty of friendship or of gratitude with respect to Great Britain, towards whom during all the period of her existence she has endeavored to prove such sentiments.

She has not forgotten that she subserved the ends of justice

declining to enter into the Holy Alliance and in opposing the plans to aid Spain in reconquering her American colonies, acting in this in accord with the United States, whence was born the Monroe Doctrine ; and in recognizing, following their example in 1825, the independence of Colombia.

In the treaty referring thereto, British commerce was placed on the footing of the most favored nation unconditionally; the equality of the flag was stipulated; the English were placed on a par with the Colombians with respect to the acquiring of personal property of all kinds and classes, through sale, donation, exchange, or will; and with respect to the administration of justice they were granted several exemptions; and British and Colombian vessels were defined in like terms, demanding for the latter that they should have been actually constructed in Colombia, which was in the cradle. Finally her concurrence was promised for the abolition of the slave trade, which ever since 1810 the Supreme Junta of Caracas had spontaneously ordered suppressed. There was such a haste in the signing of the treaty that there was omitted therefrom the clause relating to its duration, which is so indispensable, and others which have not been added to it to complete it, as it was therein stipulated to do in a short time, for which reason it still exists without change, after seventy years, which have rendered it antiquated, as Lord Granville judged on negotiating its amendment, in 1884 and 1885.

Venezuela, adopting it in 1834, left it as it was.

Since that time, she has accepted other conventions which Great Britain has proposed relating to postal arrangements, the extradition of fugitive offenders with several English Antilles, pecuniary claims, and above all the convention of 1839, referring to the abolition of the slave trade. In it the Republic bound herself to preserve in force the Colombian law of 1825, which declares it to be piracy, and punishes it with the penalty of death ; and moreover, with a reciprocity notably illusory, she granted her the right of search in time of peace of merchant vessels, which in vain was requested of France and of the United States, and the arrogation of which even

in the absence of a convention she had to renounce. Neither was any term established therefor. But that accords with the Constitutions established by Venezuela since 1864, which have proscribed slavery forever, and assured liberty to slaves who tread her soil.

It also condescended to subscribe the Agreement of 1850, the origin of so many difficulties.

Venezuela has duly appreciated, as did Colombia in her turn, the personal co-operation which brave Britons, the friends of liberty, rendered them in the war of independence, generously shedding their blood for her cause, such as O'Leary, MacGregor, D'Everaux, Minchin, Chitty, Wilson, Fergusson, etc., and some of them occupy a place in the Pantheon of our national glories.

On decreeing thanks and honors to the victims in the battle of Carabobo, the Congress of Colombia in 1821 ordered them "to be especially extended to the valiant British battalion which could be even distinguished among so many brave men, and suffered the lamentable loss of many of its worthy officers, thereby contributing to the glory and existence of their adopted country."

Colombia and the Republics succeeding her carried their magnanimity to the extent of admitting without the inspection made necessary by the multifarious and enormous abuses committed by usury under the contemporaneous circumstances, the supplies of money, arms, munition, clothing, and other articles obtained in England to meet the necessities of the struggle with Spain. Venezuela is still paying to-day, with great punctuality, the balance of that debt, augmented, it is true, by subsequent loans; and the present government takes such great interest in the matter that it not only satisfies the current dividends, but moreover, at the same time, is paying off a large installment, the back payment growing out of the revolution of 1892. It also satisfies, month by month, the quota apportioned for the British credits growing out of diplomatic arrangements.

Behold numerous proofs of the gratitude of Venezuela and

of her earnest desire to preserve the friendly character which has always distinguished her relations with Great Britain, notwithstanding the inconsiderate attitude she has assumed in some of her claims.

In defending the integrity of the most valuable part of her territory, Venezuela carries out solemn obligations, without diminishing her sentiments of gratitude, without ceasing to preserve her desire to agree to the honorable and amicable settlement of the disputes which have divided the two countries, and for the settlement of which she has been perseveringly pressing.

Caracas, March 25, 1896.

## ANNEX 34

Resolutions and declarations in international forums on the territorial issue with  
British Guiana

English Translation

Source: Ministry of Foreign Affairs, Country: Great Britain, Subject: Boundaries  
between Venezuela and Guyana. Official Venezuelan Documents on the 1899  
Award and Relations with Great Britain and British Guiana, (1942-1952). File  
954, Caracas, pp. 22-23



# BOLIVARIAN REPUBLIC OF VENEZUELA

## Ministry of Foreign Affairs

**Country:** GREAT BRITAIN

**File N°** 954

**Item N°** \_\_\_\_\_

**Topic:**

VENEZUELAN BOUNDARIES WITH GUYANA

VENEZUELAN OFFICIAL DOCUMENTS RELATED TO THE 1899  
ARBITRATION AWARD

AND VENEZUELAN RELATIONS WITH GREAT BRITAIN AND  
BRITISH GUIANA

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**Year** 1942 – 1952

**Vault** I **Box N°** \_\_\_\_\_

**Module N°** \_\_\_\_\_ **Side** **A B**

**Section N°** \_\_\_\_\_

RESOLUTIONS ADOPTED AT THE INTERNATIONAL CONFERENCES OF  
AMERICAN STATES REGARDING THE EUROPEAN COLONIES IN THE  
AMERICAS

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STATEMENT BY LUIS EMILIO GÓMEZ RUIZ AT THE 4<sup>th</sup> MEETING OF  
CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS OF AMERICAN  
STATES

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COMMUNIQUÉ OF THE MINISTRY OF FOREIGN AFFAIRS ON THE  
POLITICAL EVENTS OF OCTOBER 1953 IN BRITISH GUIANA

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STATEMENT BY THE DELEGATE OF VENEZUELA AT THE TWELFTH  
PLENARY MEETING, TENTH INTERNATIONAL CONFERENCE OF  
AMERICAN STATES, ON THE ONGOING BORDER ISSUE WITH BRITISH  
GUIANA

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April 1948

### XXXIII

#### **COLONIES AND OCCUPIED TERRITORIES IN THE AMERICAS AND CREATION OF THE INTER-AMERICAN COMMITTEE ON DEPENDENT TERRITORIES**

##### **WHEREAS:**

The historical process of the emancipation of America will not be complete so long as there remain on the continent peoples and regions subject to a colonial regime or territories occupied by non-American countries;

The ideal that inspired the epic of the independence of the Americas will always animate our peoples and governments, united in their moral pledge to strive by all peaceful means within their power to banish from the continent any status of dependence, whatever its political, economic or juridical form;

Ever since they achieved their independence, the American States have had this common objective, which has lately been defined in precise terms at the Meetings of Consultation of Ministers of Foreign Affairs held at Havana and at Rio de Janeiro, in Resolutions condemning colonial regimes in the Americas and reaffirming the right of the peoples of this continent to freely determine their own destinies;

The American States have fixed a zone of continental security to which extra-continental conflicts should not extend, as might happen in consequence of the existence on the continent of territories dependent on or occupied by non-American countries;

The principle of peaceful settlement of international controversies is part of the juridical heritage of the Organization of American States, and controversies exist between American Republics and European countries over rights of sovereignty in respect to certain territories of the continent;

The *de jure* or *de facto* status of the colonies, possessions and dependent or occupied territories on the American continent or within its security region varies in each case, within the framework of their common status, making it necessary to carry out studies on a case-by-case basis in order to find a suitable solution in each case;

It is in the spirit of the American nations to preserve and strengthen the close solidarity of all the democratic nations of both hemispheres,

**DECLARES:**

That it is a just aspiration of the American Republics that colonialism and the occupation of American States by extra-continental countries be brought to an end; and

**RESOLVES:**

1. To create an "Inter-American Committee on Dependent Territories" to centralize the study of the problem of the existence of dependent and occupied territories, in order to find an adequate solution to that question.
2. The Committee shall be composed of one representative of each member of the Organization of American States, whose appointment shall, in each case, be communicated to the Council of the Organization before September 1, 1948, if possible. As soon as fourteen representatives have been appointed, the Council, in agreement with the Government of Cuba, shall convene the

Commission so it can be installed and perform its duties in the city of Havana.

3. The functions of the Committee shall be the following:
  - a) To centralise all information on the above issues submitted to it by the governments and entities concerned;
  - b) To study the situation of the colonies, possessions and occupied territories existing in the Americas, and the problems related to such situation, whatever their nature, with a view to seeking peaceful means for eliminating both colonialism and the occupation of American territories by extra-continental countries;
  - c) The Committee shall submit a report on each of such colonies, possessions and territories to the Council of the Organization of American States, which shall transmit copies to the governments of the States Members of the Organization for their information and study. These reports shall be considered at the first Meeting of Consultation of Ministers of Foreign Affairs that is held after their submission;
  - d) The Committee shall draw up its own regulations.
4. The creation of this Committee and the performance of its functions shall not exclude or limit the right and action of the interested States directly concerned with the problems to which this Resolution refers to seek a solution of such problems by themselves through peaceful means.

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**NOTE:** The Delegation of Brazil found it appropriate not to adhere to the Declaration on Colonies and Occupied Territories in the Americas.

“The stand of the Government of Venezuela is that none of the changes of status which may occur in British Guiana as a consequence of the international situation or of the measures which may be adopted in the future, or as a result of

the progress of the inhabitants of the said territory towards the determination of their own destinies, will be an obstacle for Venezuela—in view of the peculiar circumstances which prevailed when its boundaries with the said colony were demarcated—to avail itself of its just aspirations for reparation, through equitable rectification, of the damages suffered by the Nation on that occasion.”

(Statement made by Luis e. Gómez Ruiz at the Fourth Meeting of Consultation of Ministers of Foreign Affairs, held in Washington, D.C., from 26 March to 7 April 1951)

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### **March-April 1951**

## **REAFFIRMATION OF INTER-AMERICAN PRINCIPLES REGARDING EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS**

### **WHEREAS:**

The First Meeting of Consultation, held in Panama during October 1939, approved Resolution XVII, which contains provisions to be applied in case of a transfer of sovereignty in geographic regions of the Americas under the jurisdiction of non-American States;

At the Second Meeting of Consultation, held in Havana during July 1940, the Governments of the American Republics signed the “Act of Havana,” which contemplated emergency measures to determine the action those Republics should take in the face of a situation that might, because of World War II, affect the status of non-American possessions located in this Hemisphere;

At that Second Meeting of Consultation the “Convention on the Provisional Administration of European Colonies and Possessions in the Americas” was also

signed, which subsequently came into force in accordance with the provisions of the Convention itself; and

The American Republics declared, in Resolution XXXIII of the Ninth International Conference of American States, the continental aspiration that colonialism be brought to an end in the Americas,

**DECLARES:**

The firm adherence of the American Republics to the following principles adopted at the First and Second Meetings of Consultation:

1. The non-recognition and non-acceptance of transfers or attempts at transferring or acquiring interest or right, directly or indirectly, in any territory of this continent held by non-American States, in favour of another State outside the continent, whatever the form used to accomplish this purpose;
2. That, in case it should be necessary to apply the measures prescribed in the “Convention on the Provisional Administration of European Colonies and Possessions in the Americas,” the interests of the inhabitants of those territories should be taken into account, so that the gradual development of their political, economic, social, and educational life may be promoted.

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**Political Events in British Guiana**

**COMMUNIQUÉ OF THE MINISTRY OF FOREIGN AFFAIRS**

Considering the very special links of geographical community that exist between British Guiana and Venezuela, Venezuela is concerned about the situation that has arisen in that friendly country.

Having examined the question in a general way and without taking a stance on the present political trends or on the underlying immediate or mediate causes, because that would be tantamount to violating the principle of non-intervention which Venezuela has always advocated, the Government reaffirms its conviction that today more than ever the existence of vassal countries and the continuation of colonial regimes are inappropriate in the Americas.

The Government of Venezuela, convinced that equity must be the basis of any solution to international disputes, is confident that, faced with the problem posed in a continent for which law is the most solid bulwark, Great Britain will know how to respect the principle of self-determination.

Venezuela earnestly hopes that the conflict between Great Britain, with which it maintains firm relations of friendship, and British Guiana, to which it is linked by the solid ties referred to above, will be brought to a solution as ennobling for the former as it is satisfactory for the latter. Additionally, Venezuela, as the bearer of a tradition on which it bases its best title of glory, offers moral support to the same yearnings which in the past gave rise to the foundation of the Republic.

Caracas, 16 October 1953.

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**March 1954**

**XCVI**

## **COLONIES AND OCCUPIED TERRITORIES IN THE AMERICAS**

### **The Tenth Inter-American Conference**

#### **WHEREAS:**

The common devotion to liberty of the peoples of the Americas has its roots in the achievement of emancipation, and inter-American solidarity will not acquire

its true breadth and depth so long as there remain on the continent territories occupied by extra-continental countries and peoples deprived of the right to govern themselves;

The present stage of evolution of these peoples, which has given them the consciousness of their right to self-determination, makes more urgent than ever the final elimination of colonialism in any of its forms; and

As a result of their devotion to the peaceful settlement of international disputes, the use of force to maintain colonialism and the occupation of territories in the Americas affects the Republics of the Americas,

**RESOLVES:**

1. To declare that it is the will of the peoples of the Americas that both colonialism and the occupation of territories against the desire of peoples be definitively ended.
2. To express the sympathy of the Republics of the Americas for the legitimate aspiration of now-subject peoples to obtain their sovereignty.
3. To proclaim the solidarity of the Republics of the Americas with the just claims of the peoples of the Americas to the territories occupied by extra-continental countries.
4. To reiterate the faith of the Republics of the Americas in the methods of peaceful settlement set forth in treaties in effect, and to repudiate the use of force to maintain colonial systems and the occupation of territories in the Americas.

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## XCVII

### COLONIES IN THE AMERICAS

#### **The Tenth Inter-American Conference,**

#### **WHEREAS:**

Resolution XXXIII of the Ninth International Conference of American States expressed the common aspiration of the American States that the colonial system on the continent should be brought to an end;

The Inter-American Committee on Dependent Territories, appointed by the Ninth International Conference of American States, submitted a report, which had been entrusted to it by the aforementioned Conference;

The Americas will have fully realized their historical destiny and fulfilled their mission of liberty only when there are no more American territories under the colonial system of extra-continental nations;

It is necessary, through peaceful means and with the understanding and assistance of the interested extra-continental countries, to find the best way to enable the above-mentioned territories to organize their own autonomous existence, so that they will become sovereign members of the community of nations;

It is a permanent aspiration of the peoples of this hemisphere to contribute to the end that the aforementioned territories may emerge from the present regime of subordination in order to participate, on a basis of equality and independence, in the benefits of the American community and the responsibilities of international life;

The Charter of the United Nations assigns to the administering powers the “sacred trust” of developing the ability of non-self-governing territories to govern themselves, and to assist them in the development of their free political institutions;

The Member States of the Organization of American States are likewise members of the United Nations, of which the Organization is a regional agency, under Article 52 (2) of the United Nations Charter and Article 1 of the Charter of the Organization of American States; and

Accordingly, in addressing their common problems, both the American States and the extra-continental powers have the competence to examine and take an interest in promoting the application of the provisions of the Charter of the United Nations, with a view to the effective realisation of the lofty purposes which inspired them.

**RESOLVES:**

1. To declare the necessity for the extra-continental countries having colonies in the territory of the Americas not to delay in fully enforcing the measures set forth in the provisions of the United Nations Charter to enable the respective peoples to exercise fully their right of self-determination, so that colonialism in the Americas may be definitively eliminated.
2. To declare that this Resolution does not refer to territories that are the subject of disputes or claims between extra-continental countries and some Republics of the Americas.
3. To transmit to the United Nations all the texts of the discussions related to item 2 of the Agenda of the Tenth International Conference of American States.

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## XCVIII

### INTER-AMERICAN COMMITTEE ON DEPENDENT TERRITORIES

#### The Tenth Inter-American Conference

#### WHEREAS:

The report and “Proceedings” prepared by the Inter-American Committee on Dependent Territories,

#### RESOLVES:

1. To thank the Inter-American Committee on Dependent Territories for the admirable and detailed work it did and for its valuable conclusions, which have been taken carefully into account in the deliberations and resolutions of the Committee on Juridical-Political Matters.
2. To transmit to the United Nations the Report and “Proceedings” submitted by the Inter-American Committee on Dependent Territories.
3. To recommend to the Council of the Organization of American States that, in accordance with Resolution XXXIII of the Ninth International Conference of American States, it convene the Inter-American Committee on Dependent Territories when circumstances so advise.

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**STATEMENT BY THE VENEZUELAN REPRESENTATIVE AT THE  
TWELFTH PLENARY MEETING OF THE TENTH INTERNATIONAL  
CONFERENCE OF AMERICAN STATES**

Mr President,

The stand that Venezuela has maintained throughout its history with regard to the issue we are considering is well known, since it is linked to the very origin of our nationality, which sprang from our vocation to freedom and independence of the peoples, and from the efforts and sacrifices that contributed to the fulfilment of those ideals in a large part of the American continent.

However, for my Delegation, it is essential to insist on this occasion on this Venezuelan tradition and to recall, among the most significant recent events highlighting it, the statement made by the Venezuelan Representative to the Fourth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics, held in Washington in 1951, and the Communiqué issued by the Venezuelan Foreign Ministry on 15 October last, on the occasion of the events that took place in Georgetown.

Looking back now at this background, the Venezuelan Government wishes to reaffirm the criteria it upheld on those occasions and, accordingly, makes the following statement before this Meeting, the terms of which it requests to be expressly placed on record, as follows:

1. With regard to the general problem of colonialism in the Americas, the Government of Venezuela considers that today more than ever the existence of vassal countries and the continuation of colonial regimes are inappropriate in the New World,
2. With regard to the specific case of British Guiana, the Government of Venezuela declares that none of the changes of “status” that may occur

in that neighbouring country can be an obstacle for the National Government, interpreting the unanimous sentiment of the Venezuelan people, and in view of the peculiar circumstances that prevailed in relation to the demarcation of its border with the aforementioned country, to assert its just aspiration for reparation, through equitable rectification, for the damages suffered by the nation on that occasion.

In accordance with the foregoing, no decision taken at this Conference on the subject of colonies shall in any way prejudice the rights of Venezuela in this respect, or be interpreted as a waiver thereof.

FGP.

## ANNEX 35

Ministry of Foreign Affairs, Office of Information, Press and Publications.  
Bulletin No. 349-C, dated 26 January 1966

English Translation

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Bulletin  
No. 349-C, 1966, Caracas



## MINISTRY OF FOREIGN AFFAIRS

Office of Information, Press and Publications

BULLETIN No. 349-C

The National Assembly of Panama unanimously adopted the resolution presented by the Honourable Deputies René Crespo and Carlos Iván Zúñiga, whereby it expresses its best wishes for the sister Republic of Venezuela to recover the territory of Guayana Esequiba.

Below you will find the resolution, which textually reads as follows:

## “RESOLUTION

The National Assembly of Panama,

Whereas the sister Republic of Venezuela has submitted to the Special Political Committee of the United Nations a declaration of nullity of the Award of 3 October 1899, whereupon the Government of Great Britain and the Government of British Guiana have agreed to examine the documentation relating to said Award;

Whereas it is patently obvious that the Venezuelan people, like the Panamanian people, demand redress for the injustices that have occurred in the past as a result of the existence of a colonialist policy that is now obsolete;

## DOES HEREBY DECIDE AS FOLLOWS:

- 1.- To convey the wish that the aspirations of the Venezuelan Republic with regard to Guayana Esequiba will be successfully realised;
- 2.- To voice its confidence that the Government of Great Britain does not wish to perpetuate an era of colonialism on the American continent on the basis of territorial usurpation;

. / ..

- 2 -

3.- To place on record for history that, bearing in mind that it faithfully interprets the hopes and aspirations of the Panamanian people, it looks forward to the Republic of Venezuela recovering the territory of Guayana Esequiba through diplomatic procedures, thus fulfilling the long-standing and just aspirations of this brotherly people.

Raúl Arango Jr.  
President

Alberto Arango N.  
Secretary.”

Caracas, 26 January 1966.

## ANNEX 36

Ministry of Foreign Affairs of Venezuela, Office of Information, Press and  
Publications, Bulletin N°350-C, dated 8 February 1966

English Translation

Source: Ministry of People's Power for Foreign Affairs, Borders Archive, Bulletin  
No. 350-C, Caracas



## MINISTRY OF FOREIGN AFFAIRS

Office of Information, Press and Publications

**BULLETIN N° 350-C**

The Honourable Sir Anthony Lincoln, Ambassador of the United Kingdom to Venezuela, visited Foreign Affairs Minister Dr Ignacio Iribarren Borges this afternoon at 4 pm.

On behalf of the Government of Great Britain, the Ambassador reported that the statements of Lord Walston, Under Secretary of State for Foreign Affairs, had been mistranscribed. He also assured the Venezuelan Government on behalf of his Government that neither Lord Walston nor any other Representative of Her Majesty's Government has stated that the Geneva Conference "will not discuss the Venezuelan claim" over the Guayana Esequiba.

The British Government also ratified the Agenda for the Geneva Meeting in exactly the same terms as agreed in the Joint Communiqué of 10 December 1965.

For purposes of duly informing the public, the Joint Communiqué signed in London on 10 December 1965, which contains the full text of the agreed Agenda, is transcribed below:

- "1. As agreed in the Joint Communiqué of 7 November 1963, talks have been held in London on 9 and 10 December between the Foreign Minister of Venezuela, on the one hand, and the Secretary of State for Foreign Affairs of the United Kingdom and the Prime Minister of British Guiana, on the other hand, on the basis of the following Agenda:

.....

- 2 -

Agenda for the continuation at ministerial level of governmental talks concerning the dispute between Venezuela and the United Kingdom on the border with British Guiana, in accordance with the Joint Communiqué of 7 November 1963.

- 1.- Exchange of views on the Experts' Reports regarding the review of documents and discussion of the implications arising therefrom. Need for dispute settlement.
  - 2.- Seek satisfactory solutions for the practical settlement of the dispute that has arisen as a result of the Venezuelan contention that the 1899 Award is null and void.
  - 3.- Concrete plans for collaboration in the development of British Guiana.
  - 4.- Determination of deadlines for the fulfilment of what is agreed with respect to items 1, 2 and 3 above.
  - 5.- Joint communiqué on the present talks.
- 2.- In addition to considering the Experts' Reports on the documentary material relating to the 1899 Arbitral Award, the Ministers discussed ways and means of ending the dispute which threatens to break down the traditionally cordial relations between Venezuela on the one hand, and the United Kingdom and British Guiana on the other.
  - 3.- Ideas and proposals for a practical settlement of the dispute were exchanged. It was agreed that some of them should be submitted for further consideration and that Ministers should continue the present discussions during the week beginning 13 February 1966 in Geneva in order to examine the said proposals, as well as any others which might be raised in accordance with the above-mentioned Agenda. As neither

party was able to accept the conclusions of the experts appointed by the other party, item one will not be considered.

.....

- 3 -

It was also agreed that officials from the governments concerned will start preparatory talks shortly.

- 4.- The text of this Communiqué will be brought to the attention of the Secretary-General of the United Nations”.

Caracas, 8 February 1966



## ANNEX 37

Report from Luis Herrera to the Minister of Foreign Affairs, concerning the answer to Mr. Ralph Ramkarram about the role of the Good Officer, dated 11 July 2003

English Translation

Source: Ministry of People's Power for Foreign Affairs, Archives, Libraries and Dissemination, Yellow House, file number: 3, piece: 3.2, Geographic Descriptor: Special Unit of Guyana, Thematic Descriptor: Good Offices Process, years: 2000-2007



**Bolivarian Government  
of Venezuela**

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

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**SECTION:** Venezuela-Guyana Bilateral Relations

**FILE  
NUMBER:** 3

**ITEM:** 3-2

**GEOGRAPHICAL  
DESCRIPTOR:** \_\_\_\_\_

Special Unit for Guyana

**TOPIC  
DESCRIPTOR:** Good Offices

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YEAR(S):** 2000 - 2007

## REPORT

To: The Honourable Minister  
From: Luis Herrera Marcano  
Subject: Reply to Mr Ralph Ramkarram on the role of Good Officer

As you are fully aware, Ambassador Oliver Jackman, the Good Officer appointed by the Secretary-General of the United Nations in the Venezuela-Guyana boundary dispute, requested the Facilitator for Guyana, Mr Ralph Ramkarram, and the undersigned to submit a paper with our views on how good offices should be conducted.

Mr Ramkarram submitted a draft entitled *The Role of Good Officer* (Annex A). At yesterday's meeting between the Directors General for International Policy and for Sovereignty and Borders, accompanied by officials from their respective Directorates, as well as Special Adviser Admiral Elías Daniels and the undersigned, the document was discussed and found to be acceptable, with two minor changes.

Today I sent by e-mail to Mr Ramkarram, as agreed at said meeting, the communication the text of which is attached (Annex B).

Caracas, 11 July 2003.

Luis Herrera Marcano

ANEXO A

65

### ROLE OF GOOD OFFICER

1. The Good Offices of the Secretary General of the United Nations is offered as a mechanism to assist in the resolving of issues between countries or within a country in a large variety of circumstances.
2. In relation to the Venezuela Guyana Border Controversy, the Good Offices of the Secretary General was requested by the parties under the Geneva Agreement to which Venezuela and Guyana (then British Guiana) are parties. For this reason the Good Officer Process is driven by the parties themselves while at the same time they recognise its mandate in assisting the parties to resolve problems, differences, disputes and controversies.
3. Both parties have expressed their continuing support for and confidence in the Good Officer Process and continue to believe that it is playing an important role in providing a focus for and facilitating discussions.
4. The Good Officer facilitates meetings of the parties at such venues and with such regularity as they may determine and as are convenient to the Good Officer. The agenda for such meetings is set by the parties. However, the Good Officer may offer guidance, suggestions and recommendations in relation to these matters.



## ANNEX 38

Judge Brewer's Opinion in the New York Times, dated 5 October 1899

Source: Judge Brewer's Opinion, Venezuela's Arbitrator Tells How the Verdict  
Was Reached, The New York Times, 05 October 1895  
<https://www.nytimes.com/1899/10/05/archives/judge-brewers-opinion-venezuelas-arbitrator-tells-how-the-verdict.html>







## ANNEX 39

Letter from José Andrade to Pedro Ezequiel Rojas, dated 28 December 1896

English Translation

Source: Historical Archivo of the Ministry of the People' Power for Foreign Affairs (AHMPPRE-VEN), Old Archive, Guayana Boundary Dispute, vol. 179, 1986-1987.





# UNITED STATES OF VENEZUELA

MINISTRY OF FOREIGN AFFAIRS

GREAT BRITAIN

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BOUNDARIES OF GUAYANA

---

BASES PROPOSED BY THE UNITED STATES

---

1896 to 1897

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FOLIOS 303

Vol. 179

AHMPPRE

Confidential

LEGATION  
OF THE UNITED STATES OF VENEZUELA

Washington, D.C., December 28, 1896

Sir Minister:

The day before yesterday, at five o'clock in the afternoon, I disembarked at the Brooklyn pier which serves as the landing point for the steamers of the "Red D Line."

I departed from New York to this city on the 3:20 p.m. train, the fastest available, arriving here at 8:25. Mr. Storrow had taken the 11:00 a.m. train ahead of me, by agreement between us, so that he might have time to speak with Mr. Olney regarding the matter I had in hand.

To

Señor Don P. Ezequiel Rojas,

Minister of Foreign Affairs.

Caracas.

Number 393.

At home I found the note which I herewith insert:

'Personal: Dear Mr. Andrade – I have seen Mr. Storrow, and as your business needs despatch, can you not call here – at my house – at nine (9) o'clock tomorrow morning? He shall get rid of the reporters – among other advantages.

Very truly – Richard Olney. – 27 December.'

At nine this morning I attended Mr. Olney's appointment. He received me with cordial interest, and, excusing himself for having invited me to leave my residence so early, told me that, by fortunate chance, I had arrived in Washington at perhaps the most opportune moment—one which ought to be seized to obtain what Venezuela desired—and that he believed no time should be lost in beginning to work toward that end.

He then asked whether I bore full powers to sign the arbitration treaty with England on the basis agreed upon between Her and the United States. I replied in the affirmative, but added that my Government was intent upon securing from Great Britain acceptance of three additions, which I proceeded to specify in the order in which they appear in my instructions—giving the first part of the first addition the form recommended therein “at the eleventh hour”; namely, that Venezuela (the petitioner) be empowered to name one of the two arbitrators eligible by the Supreme Court of the United States.

As you will see, I added, the portion of the first addition concerning the manner of filling vacancies that may arise in the arbitral tribunal is necessary and does not alter the bases in the least. The same may be said of the third additional clause.

Even the second clause, which merely aims to explain or define the term “prescription,” though of great importance to Venezuela, due to the fear that said term, left without any qualifying language, might be interpreted in the sense that mere passage of time suffices to produce the acquisition of rights. In sum, only the part of the first addition relative to the appointment of arbitrators may be regarded as a modification of the Protocol. The Government proposes it to silence public clamor and to facilitate the treaty’s ratification by Congress, with the intention of naming one of the two individuals whom the Supreme Court of the United States may have considered as suitable for appointment as arbitrators.

Mr. Olney found all the additions commendable, save the one regarding prescription, about which he expressed with some discouragement that he deemed it superfluous, believing such an interpretation as that which concerned Venezuela to be neither possible nor likely, and that, without need, it would give occasion for Great Britain to delay us with a discussion lasting months or perhaps years, from which no benefit would ultimately result. I hinted that if such were his view, I would not insist upon submitting the aforementioned clarification to the British

Ambassador—and with a nod unmistakable in its meaning, he approved of such disposition.

Then, speaking of Sir Julian Pauncefote, he told me that he was expecting him at noon in order to discuss the final details of the general arbitration treaty between the United States and Great Britain, which is to be signed in these very days. He said he would inform him of Venezuela's endeavor, recommending it with interest, and would make known my desire to have a conversation with him today on the subject; that he was confident Sir Julian would agree to it, and would indicate an hour at which he could receive me.

Undoubtedly, the circumstance that the aforementioned treaty—long the desideratum of Her Britannic Majesty's Government—was on the verge of conclusion, and the opportunity thus afforded to incline that Government to accept any modifications to the bases proposed for resolving the Venezuelan question; no doubt to this did Mr. Olney refer when, in his telegram to Mr. Storrow, he warned that any delay in acting might prove fatal to Venezuela, and when this morning, at the very beginning of the interview of which I now render account, he told me I had arrived at the most opportune moment, one which ought to be seized.

I remain your most attentive and obedient servant,  
José Andrade

## ANNEX 40

Letter from Lord Playfair to Thomas Bayard, dated 19 January 1896

Source: Thomas F. Bayard Papers, 1780-1899, Manuscript Division, Library of Congress, Washington, D.C., MSS12088, General Correspondence (1780-1899)  
Box 163.



Copy of a letter read by  
Lord Playfair to Mr Bayard

Jan 19<sup>th</sup> 1896

My dear Playfair

Surely the Americans would be wrong not to accept a conference to adopt the Monroe doctrine. Such an international conference also would tend to clear the air, and remove from the minds of all the American people the idea - so extraordinary to us - that either we or any other European nation covets one additional inch of soil on the American continent.

Besides this advantage the plan would in our eyes appear to be more regular and more in accordance with the precedents of diplomacy.

However, if Mr Bayard does not like it, I am not inclined to press for it strongly.

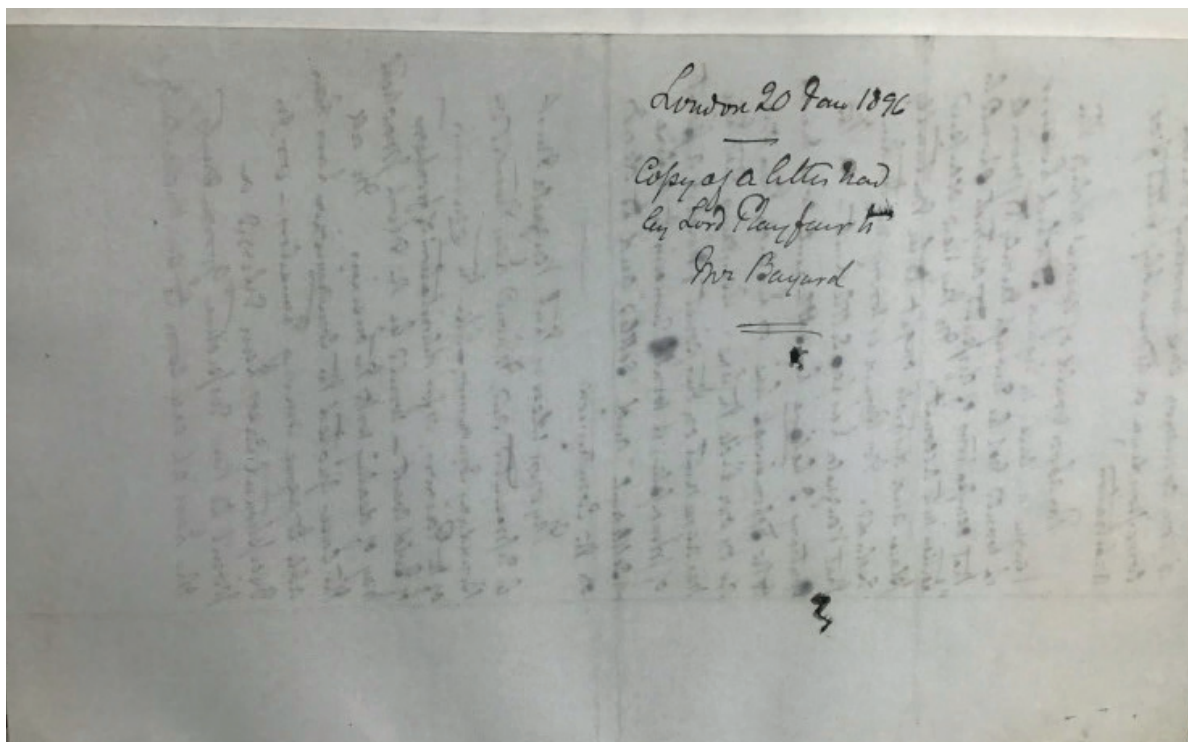
I think there would be no objection to introducing an article to some convention establishing a general arbitration between G. B. and U. S. for all cases of -

1. Disputed boundaries in unsettled territories.
2. Complaints by nationals of one side alleging injury by officials on the other. (This is

a very common case involving much  
correspondence & admirably fitted for  
arbitration.)

The above would of course include the  
Venezuela case, in regard to which however  
it would not be enough merely to provide  
that occupations of disputed districts should be  
"taken into account." In my view occupied  
places and districts ought to be mutually  
excluded. Mr Bayard is wrong in thinking  
that Venezuela has few settlements - on the  
contrary I believe her settlements come nearer  
to the Schomburgk line on her side than ours  
do on our side the line. Assuming that there  
was agreement on this point, which is a point  
of principle, it would remain to define  
"Settlement" and "Settled" and to decide  
on the Commission.

My own idea is that Venezuela must  
be represented and should have thought of  
Boundary Commission - like the Commission  
of the Parners, or for delimitation of frontiers  
of Gold Coast - would be the most practical  
way of dealing with the business. In all  
the cases quoted the Commission has been  
able to agree among themselves - or in  
exceptional cases has deferred a  
point to their respective Governments,  
who have at once come to an understanding.





## ANNEX 41

Email from the Freedom of Information Requests' Office  
The National Archives UK

Source: Email from FOIRRequests@nationalarchives.gov.uk  
to mctoro@venzlon.co.uk dated 31 January 2023



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From: **FOI Requests**<[FOIRequests@nationalarchives.gov.uk](mailto:FOIRequests@nationalarchives.gov.uk)>

Date: Tue, 31 Jan 2023 at 11:50

Subject: Freedom of Information Request: Reference CAS-96397-F0Z3T1 and CAS-96399-C3T2L1 CRM:0254575

To: Maia Toro <[mctoro@venczon.co.uk](mailto:mctoro@venczon.co.uk)>

Dear Ms Toro,

Thank you for your enquiries of 18/10/2022 07:00 regarding a review of:

**FO 420/401 Venezuela: British Guiana (Guyana) boundary; memoranda by Mr Reddan and Mr Harris; 1889-1891. With maps**

**FO 420/402 Venezuela: British Guiana (Guyana) boundary arbitration; various papers memoranda, memoire etc; 1895-1897. With maps and tables**

We wrote to you on 1 December to inform you that the information in these records are covered by a qualified exemption under the Freedom of Information Act 2000. This requires us to carry out a public interest test to determine whether the information can be released.

The test is still being considered and we hope to have reached a decision by 01/03/2023 19:00.

We hoped it would have been completed by this time but unfortunately a decision has not yet been reached. Under the FOI Act we are allowed a reasonable period of time to conduct the test, and where a case raises complex public interest considerations we are permitted to extend the time allowed to reach a decision.

To remind you, the exemption being considered is section **section 27 (1)(a)(c)(d)** of the Freedom of Information Act 2000.

**Section 27 (1)** of the Act exempts information that, if it was released, could put at risk; **(a)** relations between the UK and any other state, **(c)** the interests of the UK abroad, or **(d)** the UK's ability to promote or protect its interests.

When this exemption applies we are required to consider whether it is in the public interest to release the information. However, if it is decided that the public interest would not be served by releasing the information we will explain the reasons for this in our final response.

I would like to thank you for your continued patience in this matter. We will let you know the outcome of the public interest test as explained above. In the meantime if you have any queries regarding this email please do not hesitate to contact us. Remember to quote the reference number above in any future communications.

Yours sincerely,

FOI Assessor  
Freedom of Information Centre  
Public Access and Government Services Directorate  
The National Archives

Please don't print this e-mail unless you really need to.

----- National Archives  
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