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The Guyana-Venezuela Border Issue: Some Considerations

As the Cipriani College of Labour and Cooperative Studies prepares to host a forum “The Guyana- Venezuela border controversy: Perspectives from Guyana”, it is important to place the issue in historical context. It has been generally recognized that the controversy has remained one the major issues of concern not only for the small South American state, but also for its neighbours in the Caribbean, as well as the global community.

It is important to note that, in 1897, under the Treaty of Washington, the Anglo-Venezuela Arbitral Tribunal was established, and in 1899, at the end of the proceedings. both Venezuela and Great Britain, acting on behalf of its then-colony British Guiana agreed to the “full, final and perfect agreement “. A British-Venezuela Boundary Commission was then formed and physical markers defining the boundary line were put in place in 1905. After more than six decades, in 1962, Venezuela unilaterally declared the arbitral award ‘null and void ‘ at the United Nations, which agreed to examine Venezuela’s contention.

Even though the experts assigned to examine Venezuela’s claims found no evidence to support the claims, the country remained unconvinced and in 1966, just before Guyana’s independence, Great Britain, Guyana and Venezuela signed the Geneva Agreement which established a Mixed Commission comprising Guyanese and Venezuelan representatives, to seek to arrive at a full agreement to resolve the controversy . Even as deliberations were underway, acts of aggression by Venezuela were observed , including the occupation of Guyana’s half of the Anmoko island which had been adjudicated in the 1899 Arbitral Award. With no success after four years, Trinidad and Tobago, brokered the Protocol of Port of Spain between Guyana and Venezuela which was intended to be seen as a ‘cooling off’ period for ten years aimed at promoting friendly relations. With Venezuela signaling it’s intention not to renew the Protocol, both countries agreed to refer the issue to the United Nations Secretary-General, who introduced the Good Officer process which lasted until 2017.

In 2015, however, in the absence of any progress towards a resolution of the controversy, and in the midst of increasing levels of aggression , Guyana approached the U.N. Secretary General in accordance with his obligations under the 1966 Geneva Agreement, to choose another of the means of settlement to the controversy. Initially. Secretary General Ban

Kai Moon extended the Good Offices process for one year until the end of 2017 but no agreement on the controversy was reached. Once more, under the obligations of the 1966 Geneva Agreement, in January 2018 U.N. Secretary General Antonio Guterres after a comprehensive analysis of the issue, chose the International Court of Justice (ICJ) as the mechanism for determining the solution of the controversy related to the validity of the 1899 Arbitral Award. While Venezuela has raised questions related to the ICJ’s jurisdiction on more than one occasion, the Court established its legal authority to continue proceedings on the merit of the case.

While the judicial process unfolds, there have been unprecedented actions taken by Venezuela in 2023, most recently including the decision to hold a ‘Consultative Referendum’ on December 3 this year. The questions contained in the referendum include ones which asks:

“Do you agree with the creation of the Guyana Essequibo state and the development of an accelerated plan for the comprehensive care of the current and future population of that territory that includes among others, the granting of citizenship and Venezuelan identity card in accordance with the Geneva Agreement and international law, consequently incorporating said state on the map of Venezuelan territory?”

Arising out if this planned referendum. Guyana approached the ICJ with an application to seek the protection of the Court for urgent provisional measures to prevent the possibility of annexation of its sovereign territory, as contemplated in the referendum .Both Guyana and Venezuela have this week presented oral arguments to the Court on this issue as the Court continues its proceedings on the validity of the 1899 Arbitral Award .

As we wait to see how the process unfolds, we need to be mindful of obligations under international law, and reflect on the trends that have been happening not only in the region, but internationally as it relates to the sovereignty of nations, and attempts by other nations to annex states based on national priorities and other considerations.

