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LETTER DATED 30 SEPTEMBER 1982 FROM THE PERMANENT REPRESENTATIVE OF
VENEZUELA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

I have the honour to refer to the communication from the Permanent Representative of Guyana to the United Nations addressed to the President of the Security Council, contained in document S/15398 of 17 September 1982, which once again makes clear the attempt of the Co-operative Republic of Guyana to divert attention from the fundamental elements of the relations between our two countries, based on friendship, mutual respect, non-intervention and observance of treaties, as is proper between peace-loving States which respect international law and the process of pacific settlement of disputes to which they are committed by the Geneva Agreement of 17 February 1966.

The comments made by the Government of Guyana are without foundation and can be attributed only to the repeated efforts of the Government of Guyana to falsify situations in order to serve its propagandistic campaign against Venezuela, in which it has once again involved the Security Council.

One cannot help wondering why reports of this nature are made simultaneously with the process of choosing a means of settlement of the territorial controversy over the frontier between Venezuela and British Guiana, today the Co-operative Republic of Guyana, which is the subject of the Geneva Agreement between Venezuela, the United Kingdom and Guyana, of 17 February 1966; this could be interpreted as an additional indication of an intention to disregard the primary interest of resolving the controversy between our countries, in the face of the urgent obligation to leave the choice of the means of peaceful settlement of the territorial controversy in the hands of an appropriate international organ or the Secretary-General of the United Nations as expressly agreed in the text of the Geneva Agreement itself.

As is well known, 18 September 1982 was the date of expiration of the time-limit specified in article IV, paragraph (2), of the said Agreement for Venezuela and Guyana to agree on the choice of a means of peaceful settlement.

Furthermore, the Government of Venezuela reaffirms the substance of the communication it sent earlier to the President of the Security Council, document S/15208 of 13 June 1982; the contents of that communication are fully applicable, today as yesterday, to the accusations circulated by the Government of Guyana.

The Government of Venezuela also considers it desirable to bring to the attention of the President of the Security Council the fact that Venezuela's willingness at all times to find a peaceful and negotiated settlement of this situation, an outgrowth of British imperialism, has been demonstrated throughout the history of the territorial controversy.

Moreover, the conclusion of the Geneva Agreement constitutes a reaffirmation of this purpose and a reiteration of Venezuela's devotion to a system of pacific settlement of disputes. In this connexion, I take pleasure in stating that the people and Government of Venezuela want the choice of a means of settlement to conform to the spirit and the letter of the Geneva Agreement, in order that a satisfactory solution for the practical settlement of the controversy may thus be reached.

As is evident, the Geneva Agreement is an application of the system of pacific settlement of disputes, and accordingly, the Government of Venezuela is determined that through the Agreement it should be able to reach an understanding with the Government of Guyana which will enable the peoples of Venezuela and Guyana to co-operate closely for their progress and development.

I should be most grateful if you would have this communication and its annex circulated as a document of the Security Council.

(Signed) Alberto MARTINI URDANETA
Ambassador
Permanent Representative
of Venezuela

Annex

Present status of the controversy

It is desirable to give a brief summary of the procedures agreed upon for the settlement of the controversy.

The territorial controversy over the frontier between Venezuela and British Guiana, today the Co-operative Republic of Guyana, has a legal instrument to regulate it: the Agreement to settle the existing claim of Venezuela against the United Kingdom concerning the frontier between Venezuela and British Guiana signed at Geneva on 17 February 1966. Its purpose and reason for being, as is clear from the spirit and the letter of the Agreement, is "seeking satisfactory solutions for the practical settlement of the controversy".

In order to find a settlement of the controversy within the terms of the Geneva Agreement, Venezuela and Guyana established a Mixed Commission, which met for four (4) years (1966-1970). When no satisfactory and practical arrangement was found during that time, it became necessary to apply the other procedures stipulated in the said Agreement for enabling the parties to choose a means of settlement of the controversy. In the circumstances, the Governments of Venezuela, the United Kingdom and Guyana agreed to freeze that procedural phase of the Geneva Agreement for a period of twelve (12) years. To that end, at the initiative of Prime Minister Eric Williams, they signed at Port of Spain, Trinidad, a new agreement known as the Protocol of Port of Spain of 18 June 1970.

That Protocol suspended for a period of twelve (12) years the application of the procedures provided for in article IV, paragraph (2), of the Geneva Agreement.

On 18 December 1981 the Government of Venezuela, resorting to the provisions of article V, paragraph (3), of the Protocol of Port of Spain, communicated to the Governments of Guyana and the United Kingdom its intention not to apply the Protocol beyond its period of validity, which had been fixed at 12 years from the date of its signature.

Thus, the Protocol of Port of Spain was terminated on 18 June 1982, reactivating the application of the procedures provided for in article IV, paragraph (2), of the Geneva Agreement. Consequently, the period of three (3) months stipulated for the Governments of Venezuela and Guyana to agree on one of the means for the pacific settlement of disputes provided for in Article 33 of the Charter of the United Nations began to run on that date.

To that end, on 1 July 1982 the Government of Venezuela proposed to the Government of Guyana the choice of direct negotiation between the parties. On 20 August 1982, Guyana informed Venezuela that it rejected direct negotiation and proposed, in turn, judicial settlement by the International Court of Justice.

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On 30 August 1982 Venezuela gave a negative reply to that Guyanese proposal and insisted on direct negotiation on the broadest terms. On 9 September 1982 Guyana rejected that offer and reaffirmed its intention to bring the matter before the International Court of Justice for judicial settlement.

The reasons stated by the Government of Venezuela for insisting on negotiation as the most suitable means for the settlement of the controversy are based on the purposes of the Geneva Agreement. The Agreement expressly states that its objective is to deal with the controversy in such a way that it will be "amicably resolved in a manner acceptable to both parties" (Preamble). It further defined, in its article I, the purpose aimed at by the signatories of the instrument, as well as its very nature, by stipulating as an obligation of the parties "seeking satisfactory solutions for the practical settlement of the controversy". Venezuela maintains that the solution of the controversy within the terms of the Geneva Agreement must meet two requirements: (1) it must be practical, that is to say, not theoretical, speculative or exclusively juridical, and (2) it must be acceptable to both parties.

Accordingly, the means proposed by the Government of Guyana is unsuitable for the purposes and objectives of the Geneva Agreement.

Upon the expiration of the time-limit specified for direct understanding between the parties, it becomes necessary to apply the other provisions of the Geneva Agreement, according to which the decision as to the means of settlement is to be referred to an international organ agreed upon by Venezuela and Guyana or to the Secretary-General of the United Nations, whose participation in the process has already been expressly accepted by the parties in the text of the Geneva Agreement.

The Secretary-General assumed that responsibility by a note dated 4 April 1966, signed by then Secretary-General U Thant.

That is how the situation remains between the parties to the controversy, since its handling and procedural conditions are expressly provided for in the Geneva Agreement.
