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REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON
THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 23 November 1981 from the Permanent Representative
of Venezuela to the United Nations addressed to the
Secretary-General

I have the honour to request you to be good enough to have distributed as an official document of the General Assembly the attached memorandum prepared by the Ministry of Foreign Relations of Venezuela on the subject of the document issued by the Government of Guyana, which requested its distribution on the pretext that it related to item 58 of the agenda of the present session of the General Assembly of the United Nations. The said document was distributed as document A/C.1/36/9 of 9 November 1981.

(Signed) Alberto MARTINI URDANETA
Ambassador
Permanent Representative

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MEMORANDUM OF THE MINISTRY OF FOREIGN RELATIONS OF VENEZUELA
REGARDING THE GUYANAN DOCUMENT DISTRIBUTED AS UNITED NATIONS
DOCUMENT A/C.1/36/9

The Government of Venezuela was surprised and greatly disturbed to receive the memorandum, distributed as document A/C.1/36/9, prepared by the Government of Guyana, on the pretext that it related to item 58 of the agenda of the present session of the General Assembly of the United Nations. Utilizing an indefensible propaganda manoeuvre whose fantastic aim is to present Venezuela as a country that is threatening to attack another, that Government is trying to conceal an intention that is becoming increasingly clear, namely, to evade compliance with its international commitments.

Venezuela regrets that once again the Government of Guyana is showing its determination to raise in a multilateral context a problem for the handling of which between the parties an instrument already exists, the Geneva Agreement, freely entered into by both countries and the United Kingdom. However, this eagerness to divert attention, including the propaganda manoeuvre, would cause us no great concern were it not for the fact that they are grounded on false accounts and on slanted and slanderous interpretations and because more importantly, they reveal once more Guyana's intention not to comply with its international commitments and duties.

It is not the first time that allegations and improper statements by Guyanese representatives to the Organization have compelled the Government of Venezuela to distribute informative material in order adequately to illustrate the territorial spoliation to which we were subjected through the acts of imperial and colonial Powers. The Minister for Foreign Relations, Dr. José Alberto Zambrano Velasco, had to exercise the right of reply in the General Assembly on 24 September 1981 in response to the tendentious statement of the Prime Minister of Guyana. Venezuela does not wish to become embroiled in a sterile and repetitious debate but the Guyana document before it demands a brief commentary that will reveal its false premises and its dangerous intent.

I. Guyana's distortion of the truth

1. Venezuela is a democratic State that has amply demonstrated to its nationals and to the world that it respects its Constitution and laws, human rights and its international commitments. Since the War of Independence, over a century and a half ago, Venezuela has never been involved in armed conflict with its sister countries in the American continent. Venezuela has never been a belligerent nation and has no military forces abroad to serve imperialist Powers. It is therefore shocking and unpardonable that our claim should be described as expressing a hankering for territorial conquest by countries that are far from observing the respectful attachment to law and justice that Venezuela has demonstrated. What our people is calling for is reparation for the monstrous spoliation to which it was subjected

by the colonial imperialism of the last century, and this aspiration must be understood by all countries of the world, especially by those - many of them represented in the United Nations - which have endured similar outrages, in times fortunately a thing of the past for mankind. We accordingly declare categorically false presentation of this matter which seeks to present us as a strong country about to destroy or enslave a weaker one. This manoeuvre ignores our history and our own position as a free and democratic developing country and its aim is to consolidate an injustice and frustrate a just claim for the benefit of Guyana, as the heir to colonial spoliation.

Contradictions and falsehood are to be found in the very words of the Guyanese memorandum:

Guyana carefully conceals the fact that when England recognized our independence it referred to Venezuela as "that fine rich country that extends by the Northern Sea from the Essequibo River or boundaries of the Province of Guyana". Indeed, the Government of Guyana boasts instead that just before the ostensible arbitral tribunal in the last century, "the British rested their case on concrete acts of extensive occupation, possession and development ...".

What meaning can those acts have in the face of that statement if it is not to disregard, de facto and through the law of the strongest Venezuela's legitimate eastern frontier? Can Guyana's position be interpreted otherwise than as sheltering behind the laws of imperialism and its forcible reasoning in order to inherit and avail itself of a colonial spoliation?

It seems inconceivable that Guyana, a country which, like Venezuela, belongs to the community of nations that has suffered colonialism, should find it natural that in an alleged arbitral tribunal, while England appointed as arbitrators its Lord Chief Justice and an English Justice of Appeal, Venezuela should be represented by a former Chief Justice and a member of the Supreme Court of the United States. Venezuela hopes that this is not the concept of the equality of the States that Guyana maintains vis-à-vis all countries.

Most disturbing of all is that the Guyanese memorandum describes the President and fifth member of the alleged tribunal as "a distinguished Russian jurist". He was Frederick de Martens, who in his book "Russia and England in Central Asia", in defending the alliance between those powers in the Asian continent, asserted that "the future of Asia and the future fate of its possessions require Russian and England not to lose sight of the sublime role that Divine Providence has imposed upon them for the welfare of the half-savage and barbarian nations of that part of the world". Venezuela is certain that the Government of Guyana conceals its admiration for that "distinguished jurist" when it makes use, for any purpose, right or wrong, of its status as a third-world country.

It is paradoxical that Guyana should go so far as to assert that the country which led the fight for Latin American independence is relying on legal doctrines inherited from the colony. The legal position of Guyana is that which is closely bound up with these doctrines. De Martens, "the distinguished Russian jurist" who organized the arbitral fraud of 1899, emphatically maintained that "European international law is not applicable to the relations of a civilized power with a half-savage nation". That was the ethical basis of the so-called award of 1899. The political basis was the pursuit of Anglo-Russian understanding. What is missing is the legal basis, unless force and unilateral "extensive occupation" constitute an argument.

More paradoxical still is the fact that the alleged legal doctrine inherited from the colony that Venezuela was said to be invoking is none other than the doctrine of "uti possidetis juris", the very one that Guyana invokes in support of its territorial claims east of the Essequibo.

When recognizing the independence of Guyana, Venezuela expressly reserved its rights up to the Essequibo but it has, obviously, refrained from carrying out the "concrete acts of extensive occupation, possession and development" that, according to Guyana, constitute the legal basis for Great Britain's penetration west of the Essequibo, despite the fact that no such reservation was made by Britain when it recognized Venezuela - on the contrary, it accepted the extension as far as the Essequibo of "this fine and rich country".

Finally, the accusations of the Government of Guyana were apparently intended to conceal what is undeniable, which is that its position is based in the ethics and practice of imperialism.

2. Guyana, falsely, affirms that Venezuela has never impugned the non-existent award of 1899 and that its argumentation derives from a posthumous memorandum of Severo Mallet-Prevost, of whom Guyana dares to insinuate that he was bought over by means of a decoration.

This is to ignore the fact that, on the occasion of an arbitration case at the Hague Court in 1903, the Venezuelan representatives stated for the record that that legal farce had "left a feeling of bitterness in the heart of Venezuela". It is possible to cite at least 12 occasions on which Venezuela publicly demanded and through official spokesmen reparation from Great Britain for the injustice perpetrated in 1899.

The Government of Guyana deliberately omits any reference to a letter written by Mallet-Prevost 20 days after the so-called award of 1899, of the same tenor as his posthumous memorandum.

The Mallet-Prevost memorandum discloses how the farce of the Paris arbitral hearings was arranged. The conviction that what was achieved in Paris was a "deal" and a "farce" is attested to by at least two British documents.

Internal repression may well keep the people of Guyana ignorant of the facts, but other countries can and must get to know the historical and legal background that makes the Venezuelan position so strong.

The complicity in the fraud of the Russian de Martens, referee-arbitrator of the tribunal, is revealed to us by Mallet-Prevost, but its scope is testified to more eloquently in a letter from one of the British judges, Charles Russell, to the British Prime Minister, Lord Salisbury, three days after the Paris award.

Only a few of the reasons for Venezuela's demonstrating the nullity of the award of 1899 have been mentioned. Others could be adduced, such as the alteration of original maps submitted to the Arbitral Tribunal, the official notes giving instructions to be transmitted to the English arbitrator, thus interfering with their function as judges of law, or the maps which prove that the "line of the award" had been substantially arranged in the Colonial Office three months prior to the award. These facts are expounded in the documentary pamphlet circulated by Venezuela at the current session of the Assembly.

3. The memorandum of the Guyana Government claims that Venezuela has never advanced her rights or titles in the present claim and has not submitted evidence in support of its arguments. This is to ignore the declaration of the Foreign Minister of Venezuela of 9 December 1965, which gives an account of all the legal aspects of the matter, none of which was refuted or answered by the British Government.

4. An attempt is made to accuse Venezuela of failing to comply with the Geneva Agreement and using the dispute in an endeavour to explain the revolt of sectors of the population against a Government known to be tyrannical, when it is an obvious fact that Venezuela keeps out and always has kept out of all political processes connected with the Government of Guyana: it is obvious, moreover, that Venezuela has pursued no methods other than legal methods in seeking reparation for the injustice committed against it.

On the contrary, it is Guyana that has systematically violated the Geneva Agreement of 1966 by refusing to seek "a satisfactory solution for the practical settlement of the controversy" (art. 1) so that it might be "amicably resolved in a manner acceptable to both parties" (preamble). Guyana has consistently refused to negotiate with Venezuela a solution of the type described in that treaty.

5. In patent disregard of the truth, it has been asserted that Venezuela opposed the independence of Guyana, thereby ignoring the declaration of the Chamber of Deputies of 1962, which proclaimed "that, by vocation and principles, Venezuela has been a State which pioneered full independence for British Guiana and for all the colonial possessions still existing in the Americas".

Likewise ignored is the statement of Minister Iribarren Borges, more than a year before Guyana's independence, that "that my country is maintaining its claim even if a change of status occurs in the present colony of British Guiana by no means signifies that we are obstructing the independence of that colony".

6. An effort is made to present Venezuela as a country that has outstanding territorial disputes with all its neighbours. This overlooks the fact that in recent years Venezuela has concluded maritime delimitation treaties with the Netherlands Antilles, the United States and the Dominican Republic. That Venezuela has signed a similar treaty with France, which is in the process of approval and ratification. That Venezuela is engaged in fruitful negotiations with Trinidad and Tobago with a view to adjusting its maritime frontier to the law of the sea as it now stands. That Venezuela has been engaged in negotiations on maritime delimitation with Colombia, in which, notwithstanding the difficulties of the issue in this particular case, Venezuela's unquestionable readiness to negotiate in good faith has been patent. And, above all, that the only case in which Venezuela has been unable even to start real negotiations is precisely with Guyana, in consequence of the stubborn refusal of the only government which that country has had in its 15 years of independence to comply with the obligations imposed on it by the Geneva Agreement.

This set of circumstances causes the Venezuela Government serious concern.

II. The memorandum of the Government of Guyana causes serious concern

It is a matter of record that, as a consequence of British territorial spoliation, Venezuela made a strong claim against England for reparation of the grave injustice committed against our country. These claims led, in 1966, to the signing of the Geneva Agreement, the parties to which are Venezuela, Guyana and Great Britain and whose objective, stated in the preamble and article 1, is to seek by peaceful means a satisfactory solution for the practical settlement of the controversy. The text of the Geneva Agreement has been made available to delegations in order to help them to form a clearer idea of the real scope of the issues involved. The Geneva Agreement therefore constitutes the legal statute for Venezuela's territorial claim and it is the product of the freely expressed will of Venezuela and Guyana. Both countries have found a mechanism for settling a dispute which is the result of the transgressions of colonialism. The international community, for its part, has recognized the dispute and the agreed instrument for settling it through the acceptance by the Secretary-General of the United Nations of the function assigned to him in article IV of that treaty.

It was in this way that we came to a formal agreement by which the three parties involved committed themselves to a political search for peaceful solutions to a dispute inherited from colonialism. And Venezuela did so through the open method of a negotiation process in which representatives of British Guiana were always present. The Venezuelan Government did not want them to be excluded, even though some Venezuelans demanded that, because it did not want to repeat the mistakes of the Award of 1899 and the arbitral treaty of 1897 that preceded it, when the ploys of the Powers arranged political deals in their own interests at the expense of our country.

The period of validity of a Protocol of the Geneva Agreement, signed at Port of Spain in 1970, which suspended the application of article 4 of that Agreement on the procedure for utilizing the means of peaceful settlement of

disputes set forth in Article 33 of the United Nations Charter, is now about to expire. Naturally, because of this circumstance Venezuela is preparing to act diligently to ensure that the letter and spirit of the Geneva Agreement are applied and that Venezuela and Guyana, in compliance with their legal commitments can find a satisfactory solution for the practical settlement of the dispute. The Venezuelan Government, accordingly, does not believe that there is any point in raising in a multilateral context a matter that already has a legal statute accepted by Venezuela and Guyana which, if applied in good faith and with the firm intention of overcoming outstanding problems, will undoubtedly serve to bring about a final settlement of this dispute in all harmony. Venezuela reiterates that it is prepared to comply with its international commitments, as has been its tradition and as is proper for it as a legally organized democratic State.

However, the fact that Guyana insists on raising the matter within a multilateral context may reveal, apart from a desire to make propaganda, an intention to disavow the bilateral instrument which, by our joint will, was to be the means for the settlement of the dispute.

On this occasion the Government of Guyana raised this matter under item 58 of the Assembly's agenda, i.e., in connexion with the Declaration on the Strengthening of International Security. One may well ask how international security can be affected if a treaty, article 4 of which refers expressly to the means of peaceful settlement of disputes provided for in Article 33 of the United Nations Charter, is complied with in good faith. Venezuela fears that the unusual behaviour of Guyana reflects its decision to evade compliance with that undertaking and means of peaceful settlement for the present territorial dispute. As that, if it were the case, would indeed endanger international security, just as would any outside intervention in the matter, the Government of Venezuela earnestly urges the Government of Guyana to comply with the provisions and the intent of the Geneva Agreement and to keep this matter between the parties themselves.

A further cause for concern is that, in its publicity manoeuvre, Guyana is trying to present Venezuela as a belligerent country, to the point of daring to assert that the Caribbean region has faced a constant threat to its peace and security as a result of the Venezuelan claim. This entirely false assertion is no more than a vain attempt to create friction and tension in a region which is already disturbed, for the sole purpose of gaining political advantage. This is not a serious and responsible way to conduct international relations, and, the Government of Venezuela accordingly urges the Government of Guyana to put an end to these intrigues and prepare itself for a joint effort to find a satisfactory solution to the dispute.

The Venezuelan Government wishes to reiterate that it is well aware that Guyana is not the British Empire and is not the direct perpetrator of the injustice that was committed against us. We have affirmed and still affirm that all these circumstances must be borne in mind when, in pursuance of the Geneva Agreement, we propose to seek, by peaceful means, a satisfactory solution for the practical settlement of the dispute.

For this reason, and because we again reiterate our willingness to find a practical solution to the present problem within the framework of the Geneva Agreement and through frank and, ideally, fraternal dialogue, we again regret that the attention of this important meeting has been diverted to a problem which is governed, diplomatically and legally, by a treaty statute. It is therefore not in order for the Assembly to consider it.

We again invite the Republic of Guyana to observe its international commitments and to prepare itself to comply in good faith with the agreed obligations of the Geneva Agreement, in the assurance that if both countries are equally willing to take the road towards overcoming the pending dispute the matter will be satisfactorily resolved, and the world will be given an example of how developing countries can tackle and solve the most difficult problems.

Caracas, 20 November 1981
