

THE TREATY OF WASHINGTON, 1897

In 1962, four years before Guyana's Independence, the then Venezuelan Government had taken advantage of Guyana's pending freedom to try to reopen with Britain a long-settled border controversy involving almost three-quarters of Guyana's land area. It was a spurious and, in some ways, a sinister scheme to rob Guyana of its patrimony. In its outturn, three months before Guyana's Independence, in early 1966, Britain invited the 'about to be independent' Guyana to join in its conversations with Venezuela in the hope that the new country could be rid of Venezuelan greed at birth.

The outcome was the Geneva Agreement of 1966 between Venezuela and the United Kingdom, to which on attaining independence, Guyana became a party 'in addition to' Britain. It was Guyana's first international foray; and but for Venezuela's unwarranted intervention in the self-determination process, should not have been necessary for British Guiana's boundary with Venezuela had been formally settled over sixty years previously by an International Tribunal of Arbitration under a Treaty freely signed by Venezuela and ratified by its Congress: The Treaty of Washington 1897. The 1962 attempt to undo history signalled a Venezuelan land-grab - a shameful crusade of greed.

PRESIDENT JOAQUIN CRESPO COMMENDING THE TREATY OF WASHINGTON TO THE VENEZUELAN CONGRESS ON 20 FEBRUARY 1897 FOR RATIFICATION

"It is eminently just to recognise the fact that the great republic (the United States of America) has strenuously endeavoured to conduct this matter in the most favourable way, and the result obtained represents an effort of intelligence and good will worthy of praise and thanks from us who are so intimately acquainted with the conditions of this most complicated

question. It is your duty according to the constitutional law of the republic to examine the treaty which the Venezuelan Minister Plenipotentiary signed in accordance with the bases referred to and the change proposed by the executive power in regard to the formation of the arbitral tribunal. And as this is an affair of such importance involving as it does such sacred interests, I beg you that from the moment it is presented for your consideration you will postpone all other business until you shall decide upon it." (Translation)

Venezuela had long cast envious eyes on the Essequibo region of Guyana almost two-thirds of its neighbour's land. Britain had claimed in turn the Orinoco Delta of Venezuela. It was the days of the Monroe Doctrine and the United States of America, acting as Venezuela's patron, had pressured Britain at Venezuelan insistence into agreeing to signing a Treaty of Arbitration with Venezuela under threat of war - so fierce was America's hemispheric posture. That was 2nd February 1897. It was a Treaty to settle for all time the boundary between Venezuela and Britain's colony of British Guiana. Venezuela and Britain undertook in solemn terms "to consider the results of the proceeds of the Tribunal of Arbitration as a full, perfect and final settlement of all the questions referred to the Arbitrators."

THE ARBITRAL TRIBUNAL

Venezuela claimed that they were the heirs of Spanish colonialism and that Spain had occupied more than half of the British colony before the British came. The Tribunal went into the most elaborate examination of the history of the occupation of the territory. The arguments took four hours each day, four days each week and occupied a period of nearly three months. The verbatim records of the hearings fill 54 printed volumes - with cases and counter-cases, and additional documents, correspondence and evidence. The Tribunal was presided over by M. de Martens, Professor of International Law at the University of St Petersburg, perhaps the most eminent international lawyer of the time. The other

judges were: on the part of Venezuela, US Chief Justice Weston Fuller, nominated by the President of Venezuela; Justice David Josiah Brewer, of the US Supreme Court, nominated by the President of the United States and, on the part of Great Britain, Lord Russell of Killowen (Lord Chief Justice of England) and Sir Richard Henn Collins, a Lord Justice of Appeal of the English High Court. It is these four Judges that together chose Professor de Martens as the President of the Tribunal.

RULES OF PROCEDURE OF THE TRIBUNAL OF ARBITRATION, RULE XXIV

"The final award, duly declared and communicated to the Agents of the two Governments being in dispute shall be deemed to decide definitely the points in dispute between the Governments of Great Britain and of The United States of Venezuela concerning the lines of their respective frontiers, and shall finally close all Proceedings of the Tribunal of Arbitration established by the Treaty of Washington."

VENEZUELA APPLAUDS THE AWARD

On 3 October 1899, the International Tribunal of Arbitration presented its Award. In the words of the law firm handling Venezuela's case, written in the American Journal of International Law as late as 1949: "The Award secured to Venezuela the mouth of the Orinoco and control of the Orinoco basin, these being the most important questions at issue". Britain was awarded the less 'important' underdeveloped rest. It was a success for Venezuela; the law firm used the prestigious Journal's account of the Award to adorn its credentials. Their exuberance was not without reason. In the days following the Award, on 7 October 1899, Venezuela's Ambassador to Britain, Jose Andrade the brother of the then Venezuelan President commented: We were given the exclusive dominion over the Orinoco, which was the principle aim we sought to achieve through arbitration.

THE JUSTICE OF THE AWARD

Sr. Andrade, Venezuelan Minister to London, 7 October 1899

"Greatly indeed did justice shine forth when, in spite of all, in the determining of the frontier the exclusive dominion of the Orinoco was granted to us, which is the principal aim which we set ourselves to obtain through arbitration. I consider well spent the humble efforts which I devoted personally to this end during the last six years of my public life."

Two months after the Award the American President William McKinley (Venezuela's patron) confirmed the mood of satisfaction in Caracas - in his State of the Union Message to Congress on 5 December 1899.

PRESIDENT MCKINLEY'S STATE OF THE UNION MESSAGE TO CONGRESS, 5 DECEMBER 1899

"The International Commission of Arbitration appointed under The Anglo-Venezuelan Treaty of 1897 rendered an award on October 3 last whereby the boundaries line between Venezuela and British Guiana is determined; thus ending a controversy which had existed for the greater part of the century. The award, as to which the Arbitrators were unanimous, while not meeting the extreme contention of either party, gives to Great Britain a large share of the interior territory in dispute and to Venezuela the entire mouth of the Orinoco, including Barima Point and the Caribbean littoral for some distance to the eastwards. The decision appears to be equally satisfactory to both parties."

DEMARCATION OF THE BOUNDARY

As required by the Treaty and the Award, the boundary as determined by the Award was demarcated on the ground between 1900 and 1904 by Commissioners appointed by Britain and Venezuela. For Venezuela, the Commissioners were Dr Abraham Tirado, Civil Engineer of the United States of Venezuela and Chief of the Boundary Commission and Dr Elias Toro, Surgeon General of 'the Illustrious Central University of Venezuela' and Second Commissioner on behalf of Venezuela. On 7 January 1905, an official boundary map delineating the boundary as awarded and demarcated was drawn up, signed by Dr Tirado and Dr Toro, and by the British Commissioners H.J. Perkins and C. Wilgress Anderson, and promulgated in Georgetown at the Combined Court.

The Report submitted to the Venezuelan Government by Dr Tirado, the head of the Venezuelan Boundary Commissioners, speaks voluminously of Venezuelan recognition and satisfaction with the Treaty, the Award and the Map-as the Closing words of his report conveyed.

DR TIRADO'S REPORT FORWARDING THE OFFICIAL BOUNDARY MAP

The honourable task is ended and the delimitation between our Republic and the Colony of British Guiana an accomplished fact.

I, satisfied with the part which it has been my lot to play, congratulate Venezuela in the person of the patriotic Administrator who rules her destinies and who sees with generous pride the long-standing and irritating dispute that has caused his country so much annoyance settled under his regime.

Abraham Tirado March 20, 1905

VENEZUELA PROTECTS THE BOUNDARY

That this was no pretence of respect for the Award and the related delimitation was well borne out in 1911 in replacing the Marker at the northernmost point of the Boundary (Punta Playa) when it was found to be washed away. Venezuela insisted that the replacement be strictly in accord with the 1899 Paris Award. The then President of Venezuela specifically authorised the undertaking.

GENERAL JUAN VICENTE GOMEZ PRESIDENT OF THE US OF VENEZUELA

WHEREAS I confer FULL POWERS that in his capacity a Commissioner following the instructions given will proceed to replace the post which was washed away by the sea in the extreme of the frontier between Venezuela and British Guiana at Punta Playa with another which necessarily will be placed at the precise point where the boundary line cut now the line fixed in nineteen hundred in accordance with the Award signed at Paris the 3rd of October by the Mixed Commission Anglo- Venezuelan.

(Sgd) J. V. Gomez

Translation (sgd) Antonio G Monagas

Consul for the U.S. of Venezuela

It was the boundary as shown on that definitive map of 1905, authenticated with pride by their Minister of Internal Relations, F. Alientaro, that the then Venezuelan Government used to celebrate their first one hundred years of Independence in 1911. A century and five years later, as Guyana celebrated its first fifty years of independence,

Venezuela had cast that map aside the map it celebrated in the name of Bolivar for over sixty years - to deny the new Guyana its own patrimony.

THE TRI-JUNCTION POINT

It was not always so; in 1931, for example and there are many such instances of Venezuelan official fidelity to the 1899 Award - in the context of the tri-junction point of the boundary between Brazil, Guyana and Venezuela, Venezuela insisted on staying strictly in accord with the 1899 Award and the Official Boundary Map. To a British proposal for a minor adjustment by agreement Venezuela argued that, for constitutional reasons, they would not depart from the letter of the 1899 Award. The Venezuelan Minister of Foreign Affairs, P. Itriago Chacín wrote (translation) on 31 October 1931 explaining their objection in principle to any change in the established border.

VENEZUELA REJECTS ANY CHANGE FROM THE LINE OF THE 1899 AWARD

"At the present time also there exist objections of principle to an alteration by agreement to the frontier de droit, since, as this frontier is the result of a public treaty ratified by the Venezuelan legislature, it could only be modified by a process which would take considerable time even supposing that other difficulties, also of principle, could be got over."

As the Venezuelan Foreign Ministry had recorded assertively on 16 October 1931: "This solution (of rejected adjustment) is the only one which allows of making the boundary one straight line between the sources of the Wenamo and Roraima, as required by the terms of the Award."

The entire exercise of marking the tri-junction point in 1931 was affirmative of the location of Guyana's boundary with Venezuela and of

Venezuela's acknowledgement of it on Mount Roraima, as determined by the 1899 Award. It was the starting point of marking Guyana's boundary with Brazil. Brazil borders Guyana and Venezuela: Guyana to the north; Venezuela to the north-west. The three boundaries meet at a point of intersection - the 'tri-junction' point the point where the boundaries converge and from which the boundary with Brazil would be marked. Venezuela was not involved in the course of the Guyana-Brazil boundary but was centrally involved in its commencement on the Guyana-Venezuela border. And, it was an exercise for Governments. The Guianese official, C.P. deFreitas, was appointed to the British Guiana Commission and in his memoir *On the Frontier* he explained how Venezuela's involvement worked:

ON THE FRONTIER, BY C.P, DE FREITAS:

"It was decided that the two Commissions (for British Guiana and Brazil) would meet a Venezuelan Commission in the savannahs at the base of Mount Roraima, on the summit of which the boundaries of the three countries converge and meet. The three sections would then, as a mixed British-Brazilian- Venezuelan Commission decide on the location of this point and define and mark it. After this the Venezuelans would leave us and the British and Brazilian Commissions would, commencing from that point, start on the reconnaissance, surveys, definition and demarcation of the boundary between their two respective countries."

The tri-junction point on the plateau of Roraima was duly fixed and marked with a pyramid erected by the three Commissions. It was marked on its three faces pointing west, south and east: VENEZUELA. BRAZIL and BRITISH GUIANA respectively.

And the written records attest it: pp.48/9 of App.9 of UK Cmd. 6965 confirm as follows:

"Mark B/BG O at the Junction of BRITISH GUIANA, BRAZIL and VENEZUELA on Mount RORAIMA

"The pillar, on the side facing British Guiana, has a brass plate inscribed 'BRITISH GUIANA' in relief, and on the side facing Brazil, the arms of the Republic of Brazil, and below it "BRASIL-C.D.F.S.N.-1931" outlined in quartz crystal. On the side facing Venezuela it has the Arms of the Republic of Venezuela and "VENEZUELA" outlined in quartz crystal."

VENEZUELAN GREED REVIVED

Guyana's controversies with Venezuela have always had a sharper edge than any other; perhaps because the former derive to a greater degree from cultivated avarice and calculated stratagems -all sustained by awareness of unequal strengths. These are not attributes of the Venezuelan people; they dwell within coteries of Venezuelan power, both civilian and military; and they are self-sustaining, feeding on their co-mingled myths and ambitions, and generating new falsehoods which they begin to believe.

For sixty years, Venezuelan Governments respected, adopted, even protected the 1899 boundary; yet today President Maduro can say in a studied distortion of history: With the 20th century came the third stage. The Treaty of Paris was denounced as invalid. By 'the Treaty of Paris' he means the Arbitral Tribunal that met in Paris and the Award of 1899 and the demarcated boundary that Venezuela respected for sixty years of that 20th century another distortion on which is being built another stratagem of dispossession: one that may have as much, or little, to do with Venezuela's internal political maelstrom as Guyana- Venezuela relations.

In 2016, as Guyana looked to marking with pride the 50th Anniversary of its Independence, the settlement of its border with Venezuela secured by the 1899 Arbitral Award and its formal demarcation that settlement was brusquely threatened by forces in Caracas in furtherance of their earlier efforts to subvert the rules of international law and virtually steal Guyana's substance.

Satisfied initially with its achievements under the 1899 Award, though not without the grumbles of the greedy who wanted even more, Venezuela proceeded toward fulfilment of the destiny which the vast mineral wealth its land yielded - including from the Orinoco Basin that the Award gave them; and without which that region would still be in contention. Through most of the first half of the 20th century, as has been shown, official Venezuela found no quarrel with the Award; and when in 1962 it chose to reopen it with Britain some sixty years after it had insistently closed it - it did so with restraint and circumspection in the manner of equals. But time was on the side of those in Venezuela for whom, with national wealth now assured, eastward expansion had become an imperial crusade. And the ground was well prepared.

THE MALLET-PREVOST STRATAGEM

At the first sign of Guyana's movement to independence, the Venezuelan Government initiated a vigorous boundary controversy on the most tenuous of grounds. The single source of these grounds was, and remains to this day, a memorandum written by an American lawyer, Severo Mallet-Prevost, who was one of the junior counsel for Venezuela during the Arbitral Tribunal's hearing. It was written in 1944 just after he had received from the Government of Venezuela the Order of the Liberator for his services to the Republic. But the slanderous tale was not told then. It was embedded in a secret memorandum dictated to his law partner in Washington in 1944 with strict instructions that it be opened and published only after his death. He died in 1949 when every other participant in the arbitral proceedings had themselves long since died.

The posthumous memorandum contended by conjecture ("I became convinced and still believe") that the Arbitral Award of 1899 was the result of a political deal between Britain and Russia carried into effect by collusion between the British Judges and the Russian President of the Tribunal and agreed to in the interest of unanimity by the American Judges

- after they had consulted with the American lawyers (including himself) who were Venezuela's chosen counsel. How callous a conjecture!

Yet, it was on this flimsiest pretext of an old and disappointed man's posthumous memoirs set down some 45 years after the events these shreds and patches embroidered with speculations, ambiguities and allusions to new but undisclosed evidence, these calumnies against five of the most eminent jurists in the world of their time - that Venezuela mounted its international campaign against Guyana as it approached independence.

After Dr Jagan had raised the issue of Guyana's Independence in the United Nations in late 1961 and spoke in the Fourth Committee on 18 December 1961, Venezuela for the first time questioned in that organisation their border with then British Guiana. It did so in February 1962 in the Fourth Committee, but was at pains to emphasise its innocence as in the conversation of the Minister Counsellor of the Venezuelan Mission to the UN, Walter Brandt, which the US Mission recorded on 15 January 1962 referring to an Aide Memoire of 12 January 1962; both records now declassified.

***EXTRACT FROM THE US STATE DEPARTMENT'S MEMORANDUM
OF CONVERSATION DATED 15 JANUARY 1962 WITH MR WALTER
BRANDT OF THE VENEZUELAN PERMANENT MISSION TO THE UN***

"He explained that Venezuela was not questioning the legality of the Arbitral Award but felt it only just that the Award should be revised since it was handed down by a Tribunal of five judges which did not include on it any Venezuelans; Venezuela considers the Award to have been inequitable and questionable from a moral point of view (viciado).

"Mr Brandt indicated that Venezuela's contemplated action in the Fourth Committee was not intended to be construed as a Venezuelan request to

re-open the boundary question, nor was it an attempt to block any possible UN gesture in favour of British Guiana's independence."

Of course, as events were to confirm, these contentions of innocence were soon abandoned. The Arbitral Award became not 'immoral' but 'null and void'; and no 'block' on British Guiana's Independence became insistence that it should not happen unless the border was revised. As the date for Independence drew nearer the agitation grew fiercer threatening in veiled and indirect ways the advance to Independence itself. Hence the British conversations in Geneva in 1966-three months before Guyana's Independence.

THE 'COLD WAR' DIMENSION

But there was more, until now, hidden in archival secrecy. Though long suspected, American State Papers (both White House and State Department Papers since declassified) have now revealed a darker plot. In the 1950s and 1960s, in a cold war' context, there was serious Western concern, mainly driven by the United States, that Guyana's independence under a Jagan-led Government would see another Cuba, this time on the South American Continent. In 1962, the then Venezuelan President, Rómulo Betancourt, chose to take advantage of this fear of another Cuba' in an independent Guyana by proposing a plan to develop the Essequibo region by US and British investors no longer as part of British Guiana - but under *Venezuelan sovereignty' - a pretext for intervention and acquisition under the guise of curbing the spread of 'communism'.

***A DESPATCH OF 15 MAY 1962 FROM THE AMERICAN
AMBASSADOR IN CARACAS (C. ALLAN STEWART) CONVEYED TO
THE STATE DEPARTMENT BETANCOURT'S VIEWS ON THE
"BORDER QUESTION" AS GLEANED "DURING THE COURSE OF
SEVERAL MEETINGS" WITH HIM. HE WROTE WITH THE
ASTUTENESS OF A SEASONED DIPLOMAT:***

"President Betancourt professes to be greatly concerned about an independent British Guiana with Cheddie Jagan as Prime Minister. He suspects that Jagan is already too committed to communism and that his American wife exercises considerable influence over him... This alarm may be slightly simulated since Betancourt's solution of the border dispute presupposes a hostile Jagan.

"His plan: Through a series of conferences with the British before Guiana is awarded independence a cordon sanitaire would be set up between the present boundary line and one mutually agreed upon by the two countries (Venezuela and Britain). Sovereignty of this slice of British Guiana would pass to Venezuela.

"Of course, the reason for the existence of the strip of territory, according to the President, is the danger of communist infiltration of Venezuela from British Guiana if a Castro-type government ever were established... It would seem logical that Venezuela will from now on pursue the idea of the cordon sanitaire to protect itself from a commie-line independent British Guiana rather than send support to the Burnham opposition."

A year later, on 30 June 1963, President Kennedy was meeting Britain's Prime Minister Macmillan at Birch Grove in England and, on the American side, the issue of British Guiana was the "principal subject the President intend(ed) to raise with Macmillan". So wrote Dean Rusk (the American Secretary of State) the week before in a secret telegram to Ambassador Bruce (the U.S. Ambassador in London) seeking his thoughts "on how best to convince our British friends of the deadly seriousness of our concern and our determination that British Guiana shall not become independent with a Communist government." The commonality of motivation between Kennedy and Betancourt was quite remarkable. Much more remarkable is the inheritance, adoption and vigorous pursuit of an abandoned CIA legacy by an avowed, radical, anti-

imperialist Venezuelan Government of the present - and in the name of Bolivar.

Of course, none of this was ever revealed to the Venezuelan people whose patriotism was infused with the simplistic fallacy that Venezuela was 'robbed' by Britain of the Essequibo region of Guyana. On their maps, and in their minds, it was the 'Zona en Reclamacion'. As it transpired, it was Jagan's political opponent, Burnham, who led the Independent Guyana. But by then, driven by Venezuela's greed, the 'controversy' had taken on a life of its own, certainly for the chauvinistic forces that had nurtured it. For those forces the Mallet-Prevost fable would suffice to perpetuate the contention that the 1899 Arbitral Award is 'null and void' and the Essequibo region automatically Venezuelan, studiously ignoring the implications of the nullity contention for their own Orinoco Delta which the same Award had given to them. That was and is today Venezuela's basic contention that the 1899 Arbitral Award is 'null and void' because of the Mallet-Prevost posthumous memoire.

THE 'DAVID AND GOLIATH' TORMENT

The young, and powerless, Guyana faced this 'David and Goliath' situation, and its attendant harassment, from birth. Its only defence was diplomacy: an appeal to the international community to save the infant state from the machinations of its large, wealthy, powerful and alas, unscrupulous neighbour. And in those days, Venezuela pursued its territorial ambitions shamelessly. Guyana was kept out of the Organisation of American States (OAS) until 1991 and, within months of independence, it brazenly breached the border (on Ankoko Island) in defiance of the Geneva Agreement. The same year it began interfering in Guyana's internal affairs through attempted subversion of Guyana's indigenous people. In 1968, as Guyana's Prime Minister paid an official visit to Britain, Venezuela unashamedly bought advertising space in the London Times (of 15 June), announcing its non-recognition of concessions granted by Guyana in the area it 'claimed'. Later that year,

contemptuous of international law, President Leoni issued a 'decree' purporting to annex a strip of territorial waters adjacent to Guyana's coast. It refused, of course, to sign the Law of the Sea Convention - one of the few countries in the world to exclude itself from the Constitution for the Oceans'. The young Guyana faced fearful odds. Surmounting, them became Guyana's mission in the world.

In the General Debate of the 23rd session of the United Nations General Assembly (on 3 October 1968), Guyana devoted its entire Address to the issue of Venezuela's attempts to stifle Guyana at birth. It was called; Development or Defence: the Small State threatened with Aggression. It was to continue to be an apt description of Guyana's predicament throughout the ensuing years.

It has been earlier indicated how, in rejecting Venezuela's devious attempts to defer Guyana's Independence, Britain sought to rid the new Guyana of the Venezuelan 'plague'. February 17th, 2016 was the 50th anniversary of the signing of the 1966 Geneva Agreement. It is not coincidental that 2016 was also the 50th Anniversary of Guyana's Independence; for the Geneva Meeting represented the last effort from Caracas to prevent Guyana's Independence.

THE GENEVA AGREEMENT, 1966

The Geneva Agreement was between Britain and Venezuela; Guyana only became a party on attaining Independence. And that is what it was essentially about-Guyana's Independence. Until then, Venezuela had indulged an argument with Britain that Bolivar's legacy could never have blessed, namely, to retain the status of colonialism in British Guiana until the boundary with Venezuela was changed. The Geneva Agreement ended that un-Bolivarian argument. Guyana would be free with its borders intact. That is why Guyana believed the Geneva Agreement was worth commemorating; and it said so. It is part of the founding instruments of Guyana's freedom.

In that context, the Agreement carefully identified the nature of Venezuela's on-going controversy with Britain as "the controversy between Venezuela and the United Kingdom which has arisen as a result of the Venezuelan contention that the arbitral award of 1899 about the frontier between British Guiana and Venezuela is null and void." It was with this controversy' that the Geneva "conversations", and their outcome in the form of the Geneva Agreement, was concerned. Having identified the controversy as that raised by Venezuela's contention of nullity of the 1899 Arbitral Award, the Geneva Agreement went on to stipulate the means which the Parties agreed must be followed to resolve that controversy.

The Agreement provided a clear path to settlement ending in judicial process. First, there would be a four-year Mixed Commission of Guyanese and Venezuelan representatives, and if the Commission could not settle the matter and the Governments could not agree on the next means of doing so, the United Nations Secretary-General would be the arbiter of the "means of settlement" from those set out in Article 33 of the Charter of the United Nations. U Thant was the UN Secretary-General in 1966 and on receipt of the Agreement he replied on 4 April 1966 without equivocation.

UNITED NATIONS SECRETARY-GENERAL'S ACCEPTANCE OF OBLIGATIONS UNDER THE GENEVA AGREEMENT

H.E. U Thant, 4 April 1966 to the Foreign Minister of Venezuela -

"I have made note of the obligations that eventually can fall on the Secretary-General of the United Nations by virtue of Paragraph 2 of Article IV of the Agreement and it pleases me to inform you that the functions are of such a nature that they can be appropriately carried out by the Secretary-General of the United Nations."

The Mixed Commission did not succeed in resolving the controversy. Guyana's Representatives were Sir Donald Jackson (a former Chief Justice of British Guiana) and Dr Mohammed Shahabuddeen (later, a Judge of the ICJ). The Commission held many meetings during their four-year existence. At the very first meeting Guyana invited Venezuela to produce its evidence and arguments in support of its claim that the Arbitral Award was 'null and void'. Venezuela's response was that the issue of 'nullity' was not an issue with which the Mixed Commission should concern itself. The only issue before the Mixed Commission was how much of the Essequibo region was Guyana prepared to cede either directly or within the framework of a 'Joint Development' programme. The minutes of the Meetings of the Mixed Commission were carefully recorded and signed with copies attached to the Final Report and Interim Reports were issued to both Governments signed by the Commissioners.

In declining to address their basic legal contention of nullity in the Mixed Commission, the Venezuelan Commissioners did, however, concede that the question of judicial settlement could arise at a later time.: 'The juridical examination of the question (of nullity) would, if necessary, be proceeded with, in time, by some international tribunal in accordance with article IV of the Geneva Agreement'. So said Venezuela at the end of 1966 in the First Interim Report signed in Caracas by the Venezuelan Commissioners Luis Loreto and G Garcia Bustillos. Today, fifty-five years on, Venezuela still argues that that later 'time' has not yet come.

FIFTY YEARS OF VENEZUELAN 'FILIBUSTER'

The Mixed Commission's failure to find a resolution to the controversy was due as much to what was said in the Commission as to what was done by Venezuela beyond the discussions. There has been allusion to some of them above, namely, Venezuela's:

- ✓ Violation of Guyana's territorial integrity on Ankoko Island
- ✓ The Leoni attempt to appropriate Guyana's off-shore waters
- ✓ Economic aggression through campaigns against investment in Guyana
- ✓ Intervention in Guyana's internal affairs through the Rupununi 'uprising'.

And there were others. What the experience of the Mixed Commission revealed was a strategy which Venezuela has pursued for over fifty years, namely: a façade of peaceful but fruitless discussion masking a policy of studied political, economic and increasingly militaristic aggression. When the Geneva meeting was held in 1966, the expectation was a process of some ten years to solution. Under the Protocol of Port of Spain, a moratorium of twelve years followed the Mixed Commission, with similar periods of renewal as a guarantee of peaceable neighbourly relations. But Venezuela found it too cramping of its strategy and refused to extend the moratorium. Then followed twenty-seven years of a UN 'good offices' process which yielded nothing by way of solution but suited Venezuela's strategy of filibustered belligerence. With the untimely death of the last Personal Representative of the Secretary-General under that process, the much respected Dr Norman Girvan, Guyana in September 2014 communicated to the Secretary-General of the United Nations its firm view that the process had run its course.

Yet Venezuela ensures that it remains a matter of contention, though not surprisingly (given President Betancourt's' manoeuvres) less rancorous in the time of Hugo Chavez than in earlier years. However, beyond Chavez, his successor President Nicolás Maduro, whatever the internal political influences, has carried Venezuela's campaign of usurpation to even more outrageous lengths threatening both the maritime and territorial integrity of Guyana and reaching beyond Guyana, to the maritime space of other Caribbean Community countries. And abandoning every vestige of civility.

DESTROYING INTERNATIONAL AGREEMENTS

A former Foreign Minister of a Central American country once described successive Governments of his neighbouring country as "serial killers of international agreements". It was an apt description. It could not be bettered as a description of Venezuela in its relations with Guyana: SERIAL KILLERS OF INTERNATIONAL AGREEMENTS: the charge is a serious one; it should not be advanced without good reason and irrefutable evidence; for its proof proclaims the lowest rank of internationalism and shameful conduct in a time when the world has set high standards of civilized behaviour for nations no less than people. But it is a charge that Venezuela invites -with good reason and irrefutable evidence.

Let a start be made with the Treaty of Munster of 1648. The middle of the 17th century was a long time ago. Venezuela as a State was yet to be born. European powers were contending for space in South America. The Treaty of Munster between Spain and the Netherlands was essentially about their occupancies; and in particular about the assured place of the Dutch in the region that would be Brazil, Venezuela and the Guianas. From the Essequibo to the Orinoco, watched over by Kyk Over Al, from the Atlantic through the Pomeroon region, the Treaty of Munster laid out Guyana's Dutch beginnings. As Justice Brewer suggested in the 1899 Arbitral proceedings [vol. 8 p. 2234, etc]:

"the Spanish authorities recognized that the concession, or confirmation, or whatever you call it, in the Treaty, was not that simply the island of Kijkoveral, but of territory appurtenant thereto and considered that the Pomeroon was really appurtenant to the Essequibo..."

and, later [in vol.9 at p.2648-9],

"whether we are to look upon them in that attitude or whether we should look upon them then as coming into vacant territory. nobody being in Kijkoveral, nobody being in the Essequibo, and occupying possessions and territory not then occupied, and therefore entitled not to the mere area on which it rests, but to all the fringe, as my Lord Justice Collins happily hexpressed it and all the surroundings which become appurtenant to that occupation."

But that did not suit Venezuelan ambition and so the Treaty had to be transfigured - this interpretation had to be killed. So, according to Venezuela, the Treaty of Munster - with which they had nothing to do - must be understood, 250 years later, to mean that Spain ceded to the Dutch only the places they actually possessed by then in Guiana, and that what was not ceded was retained by Spain. The British argument was that Holland did not derive title by cession, and was not so limited; that the Treaty did not give any paramount effect to Spain's alleged title by discovery and that Holland was at liberty to expand her possessions into areas of Guiana not actually held and possessed by Spain at the date of the Treaty.

The British argument was one more in accord with the actual language of the Treaty and was one that the Tribunal clearly adopted.- as had the United States Commission that preceded it - and of which Justice Brewer was Chairman. It is a view that accorded with the views afterwards expressed by Huber in his authoritative and closely reasoned award in the Island of Palmas Case where he said that the Treaty of Munster prescribed no frontiers and appointed no definite regions as belonging to one power or the other, but established as a criterion "the principle of possession". He also took the view that the Treaty indirectly refused to recognize the title based on discovery.

These arguments are not for review as in the nature of an appeal, but Venezuela understood that they had to be killed off in support of a historical argument assuming success for their concocted argument that the Award of the Tribunal is 'null and void'. Their first act of assassination of the relevant international agreements was the hallowed Treaty of

Munster of 1648 - first targeted during the hearing of the Court of Arbitration of 1899.

They did quite well in the Arbitration: in the words of their lawyers "securing to Venezuela the mouth of the Orinoco and control of the Orinoco Basin, these being the most important questions at issue."

And, as we have seen, for sixty years afterwards they adopted, respected - even protected - the boundary as awarded by the Tribunal and demarcated on the ground: all under the Treaty of Washington of 1897, which they concluded with Britain and ratified by their Congress.

But there came a time when the forces of greed became ascendant in Venezuela and they had to find ways to abandon their satisfaction with the boundary. They turned to many devices: posthumous memoirs, even 'cold war' artifices. But the biggest impediment of all was the Treaty of Washington itself under which the Arbitration Tribunal was set up, the Award made, and the Boundary established. For the covetous forces in Venezuela the answer was clear - the Treaty of Washington had to go. Another assassination of an age old Treaty.

The most recent description of the killing of this venerable international agreement which had brought peace and calm and good neighbourliness to the frontier of Guyana and Venezuela for over sixty years was given on 28 March 2016. The words are those of President Maduro himself in a studied and much publicized interview to teleSUR:

"The plundering of Venezuela, as I have described, was carried out via a flawed treaty, which Venezuela considers invalid and does not recognize."

Not all Venezuelans, assuredly, will interpret history thus; but President Maduro speaks for the Government of Venezuela. As such, he seems to have forgotten that Venezuela's title to the Orinoco basin about

which his lawyers were so pleased in 1899, derives from that 'flawed treaty' and the Award of the Tribunal under it. Guyana has not forgotten

But not all crimes follow the same path. Unlike the Treaty of Washington which is declared invalid and no longer recognized by Venezuela, the Geneva Agreement, 1966 is recognized but distorted. A distortion of its intent and meaning is fundamental to Venezuela's strategy for stealing from its young neighbour more than a half of its land. The Geneva Agreement, which ended Venezuela's desperate effort to forestall Guyana's Independence with its borders intact, set out a clear path for bringing finality to Venezuela's basic contention that the Arbitral Award of 1899 is 'null and void'.

THE SANCTITY OF TREATIES

Nothing can be clearer from the text of the Agreement and its history that this is the issue for which the Agreement provides a path of settlement through the authority it entrusts to the United Nations Secretary-General - a path which could lead to a definitive settlement by judicial process. But Venezuela's conduct is in violation of the rule of international law and the last thing it wants is the application of law to its lawless behaviour. So, they must distort the Agreement to ignore the contention of 'nullity' and go back to the Treaty of Munster of 1648, and indeed, before that to a Papal Bull of the fifteenth century, or better still - since (in Venezuelan eyes) the Treaty of Munster is really gone and the Treaty of Washington is invalid pursue a strategy of continuous but fruitless discussion as a cover for constant harassment of a weak neighbour. So the real Geneva Agreement is disposed of and a falsified one celebrated.

Despite Venezuela's efforts, the Treaty of Munster retains its ancient meaning, the Treaty of Washington continues to sustain all that has been done in its name and the Geneva Agreement in its true meaning subsists to secure the definitive settlement of the controversy of nullity that plagues Guyana-Venezuela relations. Being a serial killer of international

agreements is often, therefore, a matter of intent. and injurious to the party against whom directed only if allowed to be. But there could be a wider impact. At stake, if such conduct is not denounced, is the sanctity of treaties at a global level.

International comity rests on the preservation of such sanctity; and every effort to dethrone it anywhere hurts the international community everywhere. Venezuela's efforts to destroy international agreements in its relations with Guyana, inflicts a global wound and calls for global condemnation.

Venezuela describes itself as the Bolivarian Republic of Venezuela. Simon Bolivar is a great hero of the Hemisphere whose name is a symbol of freedom from colonialism, Spanish colonialism specially. Yet it is in the name of Spanish colonialism that Venezuela seeks to hoist its flag over Guyana's Essequibo region more than half of Guyana. It was to become a voracious craving of Venezuela - already nearly 4½ times the size of Guyana; with a population of 28.8 million, almost 3,600 per cent more than Guyana.

With these gross David and Goliath disparities Venezuela's crusade is being driven now by a regime that presents itself as the Hemisphere's anti-imperialist champion. The Maduro regime is a contradiction in terms. In its reliance on propaganda and demagoguery it has abandoned even a semblance of argument. For sixty years Venezuela cherished the 1899 Award; now President Maduro discards even the need to explain that away and resorts to bluster and flagrant falsehoods.

ROGUE STATES

How can that happen in a world in which relations between nations are governed by acceptable universal norms and the rule of law is supposed to prevail in a world in which all countries are pledged to respect and uphold the principles and purposes of the Charter of the United Nations? The answer is that States which consistently flout international law are 'rogue states'; and this is a title which Venezuela should be careful to avoid. It is in this sense that Guyana calls upon Venezuela to change course and to abide by the rule of law.

What Venezuela describes as its 'claim' to Essequibo is rooted, as shown, in its rejection of every relevant international agreement over five centuries from the Treaty of Munster in 1648, to the Treaty of Washington in 1897, to the Geneva Agreement in 1966. Is it any wonder that the place Venezuela least wants to go is the International Court of Justice? They are afraid of internationalism, they are afraid of judicial process, they are afraid of what justice will require of them.

It follows that the cause is not only Guyana's. Were Venezuela's stratagems to prevail, the frontiers of innumerable countries the world over would be in jeopardy; for the sanctity of treaties which is the glue holding the international community of states together, would have melted. Guyana's resistance of Venezuela's perverse contentions is a global service.

The Venezuelan claim of a massive chunk of Guyana's territory is a calumny born of greed, nurtured by falsity and fable, and maintained by political demagoguery. It is a claim that is contemptuous of the rule of international law and scornful of the sanctity of treaties. It is a claim that threatens the sovereignty and territorial integrity of Guyana and the peace of its region of the world. The 55th year of Guyana's Independence cries out for release from this iniquity.