
Guyana-Venezuela Border Dispute Strictly a Legal Matter, Experts Say

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“The conflict between Guyana and Venezuela is over a maritime delimitation, it is not a political conflict,” Paz Zarate, a Chilean specialist in international law, said in a telephone interview.

She acknowledged, however, the existence of historical and geographical factors that are hindering diplomatic efforts to resolve the century-old controversy.

The dispute goes back to the 19th century, but took on new urgency May 20, when a subsidiary of U.S.-based ExxonMobil announced the discovery of a significant oil deposit in the coastal waters of the contested Essequibo region.

A week later, Venezuelan President Nicolas Maduro issued a decree asserting his country’s sovereignty over the waters off the coast of Essequibo, a resource-rich area of 167,839 sq. kilometers (64,800 sq. miles) administered by Guyana but claimed by Caracas.

On July 6, Maduro took what Zarate called “a very important step” by amending the decree to recognize “certain pending limitations.”

The Chilean jurist, who has been involved in six border-related cases before the International Court of Justice, interpreted the amended decree as a sign that Venezuela is “preparing for a legal dispute.”

“This is not a dispute that can be resolved in a political way by its technical complexity,” Zarate said, suggesting that the process could take as long as 10 years.

Bringing the matter before the ICJ in The Hague “would be ideal,” international relations scholar Lajos Szaszdi told EFE, though he cautioned that “it is not a guarantee that justice will be done.”

Guyana, a former British colony, has been supported by Britain and the Caribbean Community, among other international actors, and that might influence the ICJ’s final decision, Szaszdi said.

Venezuela “will use all diplomatic resources available” before going to the ICJ, the expert said, declining to rule out a “demonstration of military force” by Caracas if Guyana “continues to ignore their claims.”

The director of the U.S.-based Council on Hemispheric Affairs, Larry Birns, told EFE that while tension has increased, the situation is “not worrisome” because both Venezuela and Guyana “have other primary foreign policy issues.”

Georgetown maintains that the 1899 Tribunal Award giving Essequibo to Guyana – then a British colony – should be accepted as final and definitive.

But according to Szaszdi, that ruling “lacked legitimacy” because Essequibo was part of Venezuela before the Andean nation declared independence from Spain in 1811.

“It was a political settlement not based on international law, therefore, it was not impartial,” Szaszdi said.

The Paris tribunal that heard the case in 1899 accepted the arguments of Britain, which based its claim on a 1840 map showing the mouth of the Orinoco River as the border between Venezuela and then-British Guiana.

Venezuela insisted on a border much farther to the east, through the midline of the Essequibo River.

Caracas revived the issue in the 1960s, leading ultimately to the 1966 Geneva Agreement, which mandated reconsideration of the 1899 settlement and established the possibility of mediation by the UN secretary-general.

“This goes beyond ExxonMobil, because it is a very large area,” Zarate said, adding that if the dispute reaches an international judicial body, “it is quite possible that the oil exploration or exploitation is paralyzed until it is finally resolved.”

She said it is unlikely the dispute will lead to military conflict, pointing out that “in Latin America, the vast majority of maritime or territorial delimitation conflicts since the late 1980s do not scale to a military level.”
