

GUYANA – VENEZUELA BORDER CONFLICT

CENTER FOR INTERNATIONAL DEVELOPMENT
AND CONFLICT MANAGEMENT

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The purpose of this draft paper is to assess the long-standing border dispute between Guyana and Venezuela and discuss a proposed initiative for promoting its resolution. In developing the conflict assessment, a brief history will be provided, followed by an analysis of the current situation, and a discussion of possible futures for the region. The final section will introduce a proposed initiative on second track diplomacy. This will be a preventive effort to bring the parties together informally to explore creative new solutions to the problem and hopefully to develop a win/win consensus.

We apologize in advance for any inaccuracies in our account of the historical and current context of the conflict, and in our preliminary analyses. We have relied more on English rather than Spanish language sources, which may mean the parties' perspectives are not reflected in a fully balanced manner. The purpose of circulating this draft is to ask for comments and feedback from readers, so that a final version may be developed that can provide the basis for collaborative work among representatives of the parties based on mutual understanding and respect.

CONFLICT ASSESSMENT

Historical Background

The border dispute between Venezuela and Guyana goes back at least to the early 1840s when, soon after its independence from Spain, Venezuela protested that in its growth, British Guiana had made heavy inroads into the Essequibo region, which it claimed as part of Venezuela, since it had officially been part of the Spanish colony. The Essequibo (in Spanish, Esequibo) region is nearly sixty percent of modern Guyana, consisting of all its territory west of the Essequibo River.

From the Guyanese perspective, by 1831 the region had become firmly part of the British Empire, and the conflicting claims on this territory were rooted in the fact that the region had changed hands many times in its colonial history, between Spain, France, the Netherlands and Britain. In this account, when Venezuela first stated its claim to the Essequibo region it was simply reviving an older claim that Spain had back when Venezuela was a Spanish colony.

Venezuelan accounts, on the other hand, insist that the Essequibo had always been under control of the Spanish, who had forcefully repelled British and Dutch settlers. The Venezuelan Constitutions of 1811 and 1830 stated that its territory was the same as that of the colonial administrative entity (Capitanía General of Venezuela) in 1810—which included the Essequibo region. Despite good relations between Great Colombia (of which Venezuela formed part until 1830) and Britain, no effort had been made to officially demarcate the limits between the respective territories. By 1841, in light of the demarcation points proposed by a geographer sent by Britain, Venezuela started protesting what it saw as gross incursions into its territory, and in 1844, started demanding a final demarcation treaty.

In the late nineteenth century, as reports surfaced that the region was rich in mineral and resource deposits, particularly gold, tensions between the two countries intensified. Venezuela became increasingly persistent in its claim. Britain conditioned any negotiations on making the Orinoco (Venezuela's largest river, to some of which the disputed Essequibo territory then extended), free to international transit and commerce. Venezuela denounced the presence of British colonial officers ("rural constables") in her territories, and Britain announced that it would consider any Venezuelan concessions for economic exploitation in the disputed territories as a breach of

colonial laws. Venezuela broke off diplomatic relations with the British in 1887. For several years the situation was stalemated as neither Venezuela nor Britain were willing to give ground.

At the insistence of Venezuela, the US agreed to consider the case as falling within the Monroe Doctrine¹ The US pressured Britain (now more concerned with a rising German empire) into making an agreement with Venezuela in 1897 to submit the dispute to arbitration under the Treaty of Washington. Both sides agreed that the findings of the arbitration tribunal would be accepted as a “full, perfect, and final settlement.”

The tribunal was composed of five judges, two justices from the US (representing Venezuela) and two from the UK, plus a Russian scholar who was agreed upon by all sides as the fifth member. Venezuela was not directly represented, the country being very weak following internal wars that had lasted most of the century. This absence has fed Venezuelan arguments that the fate of its frontiers was determined by foreign potencies, the idea being that there was collusion among them against a small country.

For almost two years the tribunal studied the facts and reached a decision on October 3, 1899: the Paris Arbitral Award. Their decision was to grant Venezuela full control over the disputed area at the mouth of the very important Orinoco River (Delta Amacuro), and to grant Britain control over the remaining disputed land west of the Essequibo River. Here again the accounts vary on how the Arbitral Award was viewed by Venezuela and the UK. In the Guyanese version, neither side fully got what they wanted but both Britain and Venezuela declared themselves satisfied by the result and pledged to abide by it. Venezuelan reports emphasize that the Award was not wholly well received by the Venezuelan government, which, being weak internally, nevertheless accepted to begin joint demarcation under pressure from Britain, who threatened to go ahead on her own otherwise. In any case, over the next several years a Mixed Boundary Commission, appointed jointly by Britain and Venezuela, carried out the necessary survey and demarcation. When completed, Venezuela’s Minister of International Relations signed the final documents of the boundary, a fact that is taken as a concrete final acceptance of it by Venezuela. This, coupled with the “full, perfect and final settlement” clause of the Washington Treaty, are the key elements supporting the current Guyanese position, as generally reflected in maps of the region.

It was thought the issue was settled for good, although in Venezuela some voices were raised against the situation every now and then. In 1949 a memo from one of the lawyers at the arbitration was made public posthumously, in which he said that the American arbiters were pressured to agree to the final deal by the Russian one (who, Venezuela argued, had vested interests with the British and sided with them). Venezuela argued that these allegations had been further supported by the contents of recently opened official British archives. By the early 1950’s Venezuela again started publicly announcing its will to find redress to what it considered an injustice and a despoiling of its territory, on the basis that the Award was made in contravention of the terms of the Treaty of Washington. This decision was made official in 1962, when the Venezuelan government declared the 1899 agreement null and void and revived their claim for all of Guyana west of the Essequibo River.

This was the time that Guyana was making moves to get its independence from Britain. Venezuela wanted to have her claim settled in her favor before independence took effect, and was

¹ Venezuelan and Guyanese accounts differ as to the enthusiasm of the US in this stance. In Guyanese accounts, the US was eager to exert its influence in the hemisphere, and brashly championed the Venezuelan stance against imperial Britain, even appearing prepared to go to war over Venezuela’s claim. In Venezuelan accounts, at first the US was rather reluctant to get involved.

likely influenced by consideration of the impressive mining and logging potentials of the Essequibo, as well as new studies showing it to be a highly promising region for oil. One Guyanese source also points to the cold war context, suggesting another motivation for Venezuela in lessening the chances of a leftist regime taking over in Guyana, or at least in diminishing the size of the territory such a regime would control.

In 1966, when it seemed clear that the attempts to resolve the dispute before independence were not going to be fruitful, the UK, British Guiana and Venezuela signed the Geneva Agreement. This agreement took note of the fact that Venezuela was disputing the validity of the 1899 Arbitral Award. While it did not take any position about Venezuela's claim to the Essequibo, it committed Venezuela, Britain and British Guiana (and through her the soon-to-be-independent Guyana) to ensure that "any outstanding controversy...should (be) amicably resolved in a manner acceptable to both parties." To this end, a "Mixed Commission shall be established with the task of seeking satisfactory solutions for the practical settlement of the controversy between Venezuela and the UK which has arisen as the result of the Venezuelan contention that the Arbitral Award of 1899 about the frontier between British Guiana and Venezuela is null and void." (Art I). In the event that all bilateral efforts should fail to reach results, the Agreement gave the UN Secretary General the role of assisting the parties decide which of the methods for resolution contemplated in the UN charter should be used.

The agreement was very well received by the Venezuelan public, and it enabled the country to continue to express support for Guyana's independence without relinquishing her claim in the Essequibo. Not all Guyanese political parties approved of the agreement, since some (including the now ruling People's Progressive Party) thought it gave legal international standing to what they consider Venezuela's spurious case, and gave the UK unduly great say in the affairs of the soon-to-be independent state. In any event, shortly after becoming independent, Guyana officially became a party to the agreement. Even when the PPP came to power from 1992, the policy has been one of maintaining it, though there have also been public complaints about it.

Generally speaking, this agreement has provided the framework for all negotiations since then over the dispute. But it has not been an easy process, since both sides offer different interpretations over what it implies in some key points. For Guyana, the Geneva Agreement preserved the *status quo*, i.e. her dominion over the Essequibo and the validity of the Arbitral Award would stand unless the Mixed Commission, or a third party designated by it, determined it was indeed null and void. On the other hand, Venezuela contends that the Agreement implied that, since she considers the Award null and void, the Mixed Commission should seek an amicable, practical and satisfactory solution. Over the years, while Guyana has indicated her preference for some form of arbitration Venezuela, on the other hand, has preferred negotiations, direct or otherwise.²

These two very different visions of what the agreement implies have meant a lack of results from the Mixed Commission, and persisting differences in what each country sees as constituting a violation of the Geneva Agreement.

Guyana and Venezuela from the 1960's to 1990's

Independent Guyana is far weaker than its neighbor to the west, and sees Venezuela as using her overwhelming power to periodically threaten Guyana for its territory west of the Essequibo River.

² Venezuelans feel that, in the delimitation processes that the country has gone through, arbitration has always given her less than what it justly deserved. Indeed, the avoidance of means such as arbitration or international courts has become a pattern in Venezuela's foreign policy.

Venezuela's power comes from its substantially higher population, numbering about 24 million compared to Guyana's 600,000. A much stronger economy in Venezuela, largely dependent on oil, also allows her to spend \$934 million per year on the military, compared with Guyana's \$7 million military budget.

One source of Guyanese concern is Venezuela's constitutional framework. On the one hand, neither of its constitutions (of 1961 and 1999) consider war as a valid means, prohibiting war propaganda and speaking of the use of force only for defensive stances. Venezuela maintains that her armies have ventured outside of her frontiers only to help other peoples win their independence from colonial powers. On the other hand, both constitutions state that the national territory comprises the one inherited from the colonial provinces, as modified by "valid" treaties (in the 1999 version, "treaties not vitiated of nullity")³. So the concern is that Venezuela could construe the forceful takeover (or recovery) of the Essequibo region as an act of defense of her sovereignty.

The differences between the two countries go beyond perceptions. In the years following Guyana's independence there were a series of incidents that brought their relationship to a very low point.

In 1966 Guyana protested Venezuela's construction of an airstrip on Ankoko Island (Anacoco in Spanish), located in a junction on the Cuyuni River forming part of the border agreed in 1899. Guyana claimed that half of the island was hers under the 1899 agreement, and that Venezuela's actions constituted an invasion and annexation. There were violent demonstrations near Venezuela's consulate in Georgetown. Venezuela's response was that it had always held full possession of the island, and that there was nothing unusual in her actions.

In 1968, by the so called Decree of the Sea, Venezuela included as part of her territorial waters a nine nautical mile strip of waters along the coast of the disputed Essequibo territory. Since Guyana claimed only a three mile strip along its coast, and Venezuela now claimed a twelve mile strip, including off the disputed territory, this left a nine mile strip under Venezuelan control. This was rejected by Guyana as an illegal act of annexation.

In the same year Venezuela repeatedly stated that it would not recognize any contracts or economic concessions made by Guyana in the Essequibo region, alleging that, since it expected to receive full control of the region, Venezuela did not want to inherit "spurious" obligations to foreign companies made by Guyana. This stance was claimed to be a direct result of the Geneva Agreement⁴. Guyana disputed this and accused Venezuela of economic aggression, constituting a violation of the same Agreement. This kind of incident has repeated itself over the years. Guyana has worked to attract foreign investments in order to develop the Essequibo region, Venezuela

³ At least one prominent jurist has said that this reform could not affect the process with Guyana, since valid international treaties are automatically granted constitutional rank in Venezuela's legal system, and the Geneva Agreement is valid. In his view the inclusion of this phrase could mean some intention to contest the Arbitration Awards that demarcated Venezuela's limits with Colombia, another sore issue in Venezuela's narrative (Aguilar, Asdrúbal. 2000. *Revisión crítica de la Constitución Bolivariana*. Caracas. Los Libros de El Nacional. p. 37). Other experts have denied the legality of a unilateral denunciation of a treaty, since by definition, it is a law co-created by two or more parts.

⁴ "No acts or activities taking place while this Agreement is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in the territories of Venezuela or British Guiana or create any rights of sovereignty in those territories..." Geneva Agreement, 5.2

has manifested its strong objection,⁵ and Guyana has attempted to go ahead with such projects, asserting that no part of the Geneva Agreement puts any limit on her right to pursue economic development.

Another incident in 1968 further marred relations between the two countries. A secessionist uprising broke out in Rupununi, part of the Essequibo region, which purportedly received some support from the Venezuelan government. The dissidents, indigenous inhabitants (Amerindians) along with some landowners, expressed their intention to annex their territories to Venezuela and attacked the police station in Lethem, killing four. The rebellion was quickly put down, and some of those involved later settled in border regions controlled by Venezuela. Accounts vary regarding the role of Venezuela. In Guyana, some argue that the revolt was mainly organized by Venezuela, even training and arming the dissidents; others say Venezuela took advantage of an autonomous reaction against Georgetown's ruling party, seeing it as a useful fifth column. Venezuela's government vehemently denied supporting the rebellion, pointing out that it did not heed the calls for annexation. Some analysts consider that there was such support, albeit belated.⁶ In any case, the accusation was not new. In 1966 Guyana had expelled a Venezuelan diplomat on the grounds that he was trying to organize Amerindians to support the Venezuelan claim.

Another source of tension in this period was that, because of her territorial claim, Venezuela kept Guyana from being admitted to the OAS, and even from signing the Latin American Treaty of Denuclearisation (Tratado de Tlatelolco). Guyana could not enter the OAS as a full member because of a provision in its statutes that new members should have no outstanding territorial disputes with any of the member countries. Guyana interpreted Venezuela's stand as harassment. Only in 1990 did the OAS amend the rules, allowing Guyana to enter as a full member. By this time the relationship between the countries had improved enormously, and Venezuela did not object to the amendment.

In 1970, on the eve of Guyana's proclaiming herself a Republic, there were reports of another armed incident on Ankoko Island. Guyana denounced Venezuelan soldiers for firing with guns and mortar at the neighboring Guyanese outpost of Eteringbang. Venezuela denied opening fire, and argued that she had no interest in doing so. This kind of incident was to repeat itself over the years, sometimes coincident with an important date or when tensions over the claim had risen. Sometimes Guyana has taken her complaints to different forums, sometimes she has limited herself to normal diplomatic channels. Venezuela contends that Guyana's accusations are part of a plan to present Venezuela as a warmongering nation, and has expressed concern over this.⁷

By 1970, the lapse of the four years stipulated by the Geneva Agreement for the work of the Mixed Commission came to an end, without the parties being any closer to a settlement. The next step for the Commission should have been to inform the respective governments of any pending issues, and then they would choose other means of resolution. In light of the negative results and, most importantly, of the existing tensions, both nations agreed on a moratorium to the formal process of negotiation through the Protocol of Port of Spain (Trinidad), whereby the claims over the Essequibo region would be frozen for 12 years, followed by possible renewal. Guyana's National Assembly ratified the Protocol, over the objection of the opposition PPP party (which

⁵ In 1968, Venezuela went so far as to publish a letter stating this position in the Times of London to coincide with the visit of Prime Minister Burnham to Britain, in order to warn potential foreign investors against putting their money in the Essequibo.

⁶ Serbin, Andrés.

⁷ Since the disputed area is sparsely populated and relatively remote, most citizens of both countries know little of what really goes on there, relying on what their governments or the press convey.

had also opposed the Geneva Agreement). Venezuela's Congress did not ratify it; however, succeeding presidents kept to its terms until it lapsed in 1982.

The moratorium enabled a notable improvement in the atmosphere between the two neighbors⁸. The 1970s were a time of relative cordial relations between them, and there were a number of encounters, cultural exchange projects and economic cooperation. In 1978 they were co signers of the Treaty of Amazonian Cooperation (Tratado de Cooperación Amazónica), along with the other six countries of the basin.

In the 1970's, Guyana decided to undertake the Upper Mazaruni Hydro-Electric Project in the Essequibo Region. In 1976 Venezuela's government expressed her willingness to join the project in some form, and it was suggested that Venezuela would buy part of the energy produced. At the same time, there was talk that there could be a final settlement through the cession of part of the Essequibo to Venezuela. This second idea was rejected in Guyana. Venezuela's government then reconsidered her participation, for both economic (too costly and impractical) and political reasons (internal opposition to fostering development which might harm Venezuela's chances of recovering the Essequibo), and in 1979 decided against joining the project.⁹ In 1981, as Guyana continued to pursue the project and started looking for funds, Venezuela denounced it, declaring that "in the present conditions it was inadmissible," while Guyana defended her right to manage her development as she chose. Guyana obtained part of the needed financing, but then abandoned the project.¹⁰

Tensions between the two countries rose further when in 1982 Venezuela declined to renew the 12-year moratorium agreed in the Protocol of Port of Spain. Formally, this meant that the provisions of the Geneva Convention were fully taken up again. When the Protocol lapsed, Venezuela proposed to Guyana that they should start direct negotiations. Guyana declined, and in turn suggested that they go to the International Court of Justice, which was rejected by Venezuela. In the end both countries agreed to go to the General Secretary of the UN, as stipulated in the Geneva Agreement. The General Secretary named a Good Officer in charge of assisting the parties in choosing a means to settle the dispute. The first proposal put forward by the Good Officer, Venezuela deemed too rigid and taking too much decisional power away from the parties, and insisted rather on more flexible mechanisms.

Parallel to the Geneva process, in 1984, Venezuela tried to use secret, "back-channel" diplomacy, naming a special envoy to speak directly with Guyana's Foreign Minister. Information about it broke out in the Venezuelan press, and this stirred criticism from both government supporters and the opposition. Dissent was buttressed by the strong Venezuelan tradition of consensus in the political system, especially in matters regarding border disputes.

⁸ For Venezuela, the Protocol also enabled her to improve relationships with the rest of the nations of the Caribbean Community (Caricom), that had been marred by the dispute. Caricom, the Commonwealth and the Non Aligned (Noal) movement have tended to sympathize with Guyana, while several Latin American countries (seeing parallels with Falklands-Malvinas and Belize) and the OAS have also been receptive to Venezuela's position.

⁹ In the 60's there had been proposals from Venezuela for joint development of the Essequibo. These were rejected by the Guyanese who saw them as giving control to Venezuela over her development. It was argued that through the offers Venezuela was merely trying to assert sovereignty over the region.

¹⁰ Among the reasons reported for the lack of investors was opposition because the projected dam would flood the ancestral lands of an indigenous group. Still, for Guyana the affair reflected once more Venezuela's aggressiveness and its unfair blockage of Guyana's efforts at development.

In 1990, the Good Officer proposed a similar mechanism of discreet, unofficial exploration by “facilitators” – unofficial envoys acting on behalf of each country. In general, however, the Good Officer mechanism has not resulted in proposals acceptable to both countries. Some analysts point out that the controversy tends to stagnate, with occasional and very perturbing flare-ups.

The current situation

In 1998, both countries agreed to create a High Level Bilateral Commission (Comisión Bilateral de Alto Nivel – COBAN). This Commission has allowed the parties to explore systematically for opportunities for cooperation in different areas, even as the border dispute goes through the channels provided by the Geneva agreement.

In the same year a public debate started in Guyana over a proposal to sign with Venezuela a treaty for environmental protection. This was denounced as an attempt to try to control Guyana’s development of the Essequibo. Some Venezuelan proposals in 1999 for joint development in the area were similarly rejected, in part because Guyana feared their small companies could never compete with Venezuela’s. Tensions continued to rise that year when Venezuela sent troops temporarily into the Essequibo territory in what they claimed was a routine narcotics operation.

Over the years, the pattern of Guyana granting concessions in the Essequibo and Venezuela raising her protests has varied little. In 2000 the relationship was strained after Venezuela complained over Guyana’s leasing a site in the Essequibo to Beal Aerospace Technologies, a US company, for the construction of a satellite launch pad there. Chavez’ administration charged that the launch pad had potential for military use, and that members of the US armed forces would probably be guarding it, and so was adamant the project should be terminated.¹¹ Washington denied any such military component, but since the technology involved required approval from the US government, Venezuela lobbied hard against it with both the US and the leasing company. Venezuela also stated that she would grant oil drilling contracts in the Essequibo in response. The Good Officer made visits to both countries to dispel the tensions, which had been inflated by the rhetoric on both sides.¹² In the end, Beal declined to continue with the project, citing unfair competition from NASA.

Another source of tension was the Caracas Energy Agreement (Acuerdo Energetico de Caracas), a proposal put forth by Venezuela to mitigate the effects of rising oil prices on the countries of the Caribbean. The Venezuelan Foreign Minister’s first statement implied that Guyana was to be excluded, and it took some time before this statement was officially reversed. Guyana was concerned then that Venezuela would use this as a pressure tool, and sought and received support from potential beneficiaries of the deal in the Caribbean.

More recently, Venezuela has been experiencing domestic unrest with disillusionment over President Hugo Chavez’ apparent inability to promote economic growth. A large percentage of Venezuela’s citizens, and most opposition leaders, think the president should leave office. A coup by rightist military and economic interests in the spring of 2002 collapsed after it failed to attract the support of the masses and of many of the opposition, who for various reasons felt disenfranchised by the outcomes of their less violent efforts to oust the president. The coup was criticized, even condemned, by most of the international community, including the OAS. The US

¹¹ Venezuela’s present administration has a record of sensitivity about American military presence in the neighborhood. When struck by a great natural disaster in December 1999, Venezuela’s government rejected aid offered by the US that implied having American military personnel in Venezuela.

¹² The project also had some opposition within Guyana, where it was criticized for displacing an Amerindian community, and because of the way it was decided upon.

was alone in failing to object to the coup early on, a signal to some that it may have been involved in the uprising against a democratically elected but leftist leader styling himself a Bolivarian revolutionary (as a former lieutenant colonel he had previously failed in a coup attempt of his own). Disapproval from many sectors of society over his current “revolution” has also been fed by a slowing economy due in part to state-centered reforms and the dropping price of oil, on which the Venezuelan economy is dependent.

There has been no indication, however, that the Venezuelan government is disposed to make moves against Guyana to divert public opinion from the internal strife.¹³ Interestingly, Carlos Andres Perez, Venezuelan president between 1973-1978 and 1988-1993 (he was prematurely deposed) publicly stated in 2000 that Venezuela should renounce her claim, and exchange land for sea, an agreement he sought while president.¹⁴

In Venezuela, one of the arguments about the “need to recover” Essequibo is geo-strategic: the territorial waters of that region would be Venezuela’s Atlantic façade, her one guaranteed direct outlet to the ocean beyond the patchwork of territorial waters in the Caribbean Sea. Even though the treaty signed with Trinidad in the early 90’s helped take some of the pressure off this issue of access, it is one that is taken seriously even in the army. Another related concern is the impact that certain activities have on the environment on the Venezuelan side of the border. For instance, there have been repeated complaints about the levels of mining-related pollution that come with the river waters that flow out from the Essequibo region.

The real impact of the conflict on everyday life of most Venezuelans might be rather symbolic. Even though undoubtedly the country might benefit from an added source of income if the Essequibo went into her hands, the big issue for Venezuelans in the conflict is the sense that a great injustice has been committed against Venezuela, and that justice needs to be somehow restored. For the Guyanese, the issue is equally one of justice, but also of security (from illegal aggression by a powerful neighbor), which is required for desperately needed economic growth.

Linkages with other conflicts

For both countries, the border dispute is linked with disputes each has with other neighbors.

For Guyana, Venezuela’s claim over the Essequibo has had repercussions on her relations with Suriname. Suriname, a former Dutch colony to the east of Guyana, also has its own separate claims. One is on the New River Triangle territory in the southwest corner of Guyana, 150km across and constituting about 15% of Guyana’s territory. The other is over a triangle of water that covers roughly 7,700 square miles (19,700 square kilometers), running from near the mouth of the Courantyne River which divides the two countries, out to the limit of their territorial waters. It falls in the middle of the Guyana-Suriname Basin which could contain as much as 15 billion barrels of oil, or about 1 percent of the estimated world total. Suriname has seemed more willing to press her claim at the same time Venezuela was doing so. In fact, the Burnham-Sedney

¹³ In at least one statement Venezuela’s administration has expressed satisfaction over what it views as a more open discussion of the border issues among the respective constituencies, going so far as to say that “only through the discussion of the issues, broadly and without complexes, at all levels of civil society, will we reach...the goal of achieving a satisfactory and peaceful solution for the settlement of the territorial controversy; (one) just, durable and acceptable to both peoples...” (www.mre.gov.ve/Esequibo/capituloV-)

This statement fits well with the President’s ideology, and at first it looks promising. However, Guyanese may find it merely repetitive since Guyana’s stance is that the conflict should be settled by finding out whether Venezuela’s claim to invalidate the arbitral award is valid, while Venezuela has traditionally promoted the idea of an amicable and mutually satisfactory bilateral settlement.

¹⁴ El Nacional A72. Sept. 8, 2000.

agreement froze this dispute in 1970, just as the Protocol of Port of Spain froze the Essequibo dispute. Both conflicts have heated up again in recent years, as Suriname has begun to press her claims. Although Suriname does not pose the same threat as the richer and larger Venezuela, the former has been more willing to use her military capabilities. Suriname has been improving its military in recent years, and in June 2000 used gun-boats and overhead flights to stop oil exploration authorized by Guyana in the disputed coastal area.¹⁵

The effect of border disputes with both Venezuela and Suriname is to put Guyana in a very difficult situation economically. Threats of military or other retaliatory action seem to follow any attempt to allow foreign investment in the disputed areas, creating a huge barrier preventing the relatively poor Guyanese from developing their resource rich country. Few international investors are willing to risk engaging with Guyana under such conditions. Moreover, the fact that Venezuela's claim affects such a large part of the country is seen as a vital menace in itself. Not surprisingly, the need to preserve territorial integrity at all costs is paramount in Guyana. At the same, time, Guyanese leadership understands that the power imbalance implies the need to restrict themselves to peaceful means of defense.

For Venezuela, the dispute with Guyana has resonance with that with Colombia. Both conflicts are related to arbitral awards made by European powers in the late 19th century. In both cases Venezuela feels she has been despoiled by the arbitral awards, and part of the Venezuelan narrative includes the image of Venezuela's frontiers diminishing in size with each foreign intervention. Another common factor in both conflicts is the perception in Venezuela of the potential of nationalists to destabilize any government willing to openly explore integrative approaches on the border delimitation issue. An example of this is the outcome of the bi-national negotiations with Colombia that in 1980-81 resulted in a proposal, the "Hypothesis of Caraballeda." Some saw this proposal as giving some rights to Colombia over a small portion of the Gulf of Venezuela, to allow the joint exploitation of border marine oil deposits. The proposal was brought to a national consultation, and the opposition to it was so clamorous that finally the administration had to give it up. In the process many of the opposing voices raised the point that the previous treaties with Colombia were not valid, and the Foreign Ministry was accused of being antipatriotic.

In Venezuela's dispute with Guyana, even though the Venezuelan government has been talking of joint development in the Essequibo, it is not clear for public opinion that this could mean relinquishing some or all of the disputed region. Some analysts have pointed out that if Guyana had agreed to any of the more integrative proposals that Venezuela has put forth, the Venezuelan government would be in serious trouble with its own constituency. The two conflicts are said to be of such a nature that a weak leader trying to settle either of them could be toppled, and a strong one could be seriously weakened. Border disputes are issues upon which the military are considered to have veto power over any policy that might seem too soft or unpatriotic.

The main difference between the two disputes in Venezuela's frontiers is that Venezuela is willing to live with the status quo border with Colombia, as in this case it is Colombia who is claiming some of the sea area in the Gulf of Venezuela. Venezuela has tried to ignore the dispute, and Colombia has pressured to revive it. Another important difference is that, unlike the case with Guyana, the relationship between Venezuela and Colombia is enriched by many other shared issues, a fact which allowed them to go beyond the still unsettled dispute. These other issues are

¹⁵ In 1981 Guyana opposed Suriname's hydro-electrical project in Kabalebo, which affected waters of the New River Triangle. Interestingly, Guyana proposed that while the dispute went through settlement there could be joint investments in that area.

sources of both tension and of good ties. The two countries have established a fairly resilient trade: each is the other's second biggest trading partner, and for some time the trade volume between them was the largest of the Andean Pact. But the relationship between Colombia and Venezuela goes beyond trade. Even though there has been a measure of conflict and suspicion between them, their common history and culture, as well as migrations from one country to the other, have done much to ensure a level of familiarity.

Recent Attempts to Resolve the Conflict

In spite of the lull in conflict during the later half of the 1980's, new leaders in the 1990's aggravated the dispute yet again. More recent efforts to resolve the conflict have centered around mediation by the United Nations Good Officer. The UN appointed Alister McIntyre as the first UN Good Officer to the region in 1990, with the goal of bringing the two governments together so they could come to a resolution. McIntyre began to make progress in 1993 when President Jagan of Guyana visited Venezuela. Soon after this visit McIntyre held meetings with the foreign ministers of both countries to discuss the conflict, and the foreign ministers have since been meeting on a regular basis. McIntyre reported after these meetings that he was convinced both nations were committed to a peaceful resolution to the conflict and had no fears that military force would be used. Further progress was made in 1996 when Venezuela's foreign minister visited Guyana, where they discussed possible cooperation in the disputed region.

However the two could not come to a final solution on resource development cooperation within the disputed territory. Venezuela proposed such a solution in 1998 whereby the two nations would work together on considering mining and logging projects in the region, but Guyana found it unacceptable, largely because of internal opposition to the ruling party giving up any sovereignty in the Essequibo. There are significant segments of Guyana's population that strongly oppose any efforts toward reaching a compromise through joint development as a direct affront to their sovereignty.

In 1998 the two countries agreed to create a High Level Bilateral Commission (Comisión Bilateral de Alto Nivel – COBAN). This Commission has allowed the parties to explore systematically for opportunities for cooperation in different areas, even as the border dispute goes through the channels provided by the Geneva agreement.

However, while the Good Officer program persists, with Oliver Jackman the current representative of the Secretary General, disputes continue to flare up, dissipating the good relations which peaked around 1996.

Current Conflict Stage

A societal conflict may be classified as being in one of nine stages (Gurr and Davies, 2002). These are: conventional politics, unstable or militant politics, low-level or escalating hostilities, war, stalemate, deescalating or largely contained hostilities, contested settlement, settlement, or reconciliation. The appropriate response to conflict depends in large part on which stage the conflict is in. Currently (summer 2002) the Guyana-Venezuela border dispute may be classified as in an unstable or militant politics stage.

Parties and Perceptions

There are two primary parties involved in this dispute: the states of Guyana and Venezuela. Venezuela's claim is rooted in their belief that the Essequibo region was unjustly taken from them by meddling foreign powers. The state views the territory as part of Venezuela and in recent decades has included it within their borders on maps. Gaining control over the region is a matter of national integrity, made more tempting by the wealth of natural resources there. They have

extensive superiority in power over Guyana, but this power is limited by expected international backlash over any offensive action. Their present strategy seems to be to pressure Guyana without direct use of military force, toward a peaceful compromise to the dispute.

Guyana's position is that they are simply trying to defend the land that has been part of their country for almost 200 years, land they need to help develop their poor nation. They point out that Venezuela accepted the current boundary line in 1899 and pledged to abide by it. Guyana's agenda is to not only hold on to territory claimed by others, but also to resolve the dispute so that they can be seen by investors as a more stable prospect. However, they feel they have very little leverage power for proactive steps in pushing for a solution, and thus most of their efforts are defensive. Their power is weak but they have the sympathy of many in the international community.

Guyanese try to answer the question: How come such a relatively rich country vitally threatens such a needy neighbor, interfering time and again with her right to develop? Why does she want to revive a closed case, when right is not on her side? The answers expressed by Guyana's political elite have ranged from Venezuela being a puppet of imperialism – or an imperialist country in her own right – to her leaders (or people) being racist, colonialist, war mongering and greedy, a *soi dissent* democracy where jingoism takes over good sense. In Guyana reports surfacing every now and then about some kind of border incident do much to reinforce this perception, and Venezuela's denials cannot change this. From the Guyanese point of view, Venezuela's distaste for arbitration or international courts is a sign of the weakness of Venezuela's case. That same weakness would also explain the proposals for joint investment and/or environmental collaboration in Essequibo: since Venezuela has no case, she tries to get what she can by way of controlling the territory, as well as by limiting Guyana's right to self determination and development.

On the other hand, Venezuelans' perception of the Guyanese is vague. For Venezuelans, the conflict over Essequibo is with the UK, with the colonialist power that despoiled Venezuela and, alas, also mistreated its unfortunate colonial subjects. But the ordinary Venezuelan citizen is only dimly aware of what is Guyana, who her inhabitants are or how they live. The conflict itself only takes life whenever an incident occurs, like the concessions over Beal Aerospace. The common reaction then is that Venezuela's sovereignty is in danger, or that someone is threatening the environment of "her" land. Why does Guyana insist on unilaterally taking decisions on the future of a land that is in dispute? Paradoxically, the fact that Venezuelans do not feel comfortable with the role of being the bully or with the idea of using force against Guyana, might be a source of anger. Some Venezuelans have said that Guyana takes advantage of her relative weakness either by painting Venezuela as an unreasonable aggressor, or by disregarding Venezuela's concerns over the Essequibo and creating irreversible facts of the ground, counting on the assumption that, despite her relative military might, Venezuela would not dare use it against Guyana.

In both countries the common analysis is that "the other" leaders deny their citizens the truth of the situation, and that they use the border issue as a common weapon in internal affairs. While these assessments might have a grain of truth, the importance attached by ordinary citizens to this dispute should not be underestimated. The fact is that neither ordinary Guyanese nor Venezuelans know very much about each other, except through the lenses of their common conflict.¹⁶

¹⁶ Although there are some Guyanese immigrants in Venezuela, and vice-versa, their numbers are relatively small. Those few that come to Venezuela from the Essequibo are granted citizenship automatically.

In both Guyana and Venezuela there are important subgroups that are parties to the dispute. In Guyana there are three major ethnic groups that have a role in the conflict: Indo-Guyanese, Afro-Guyanese, and indigenous Amerindians. The Afro-Guyanese were the majority group at the time of independence, and held political power. However with a higher birth rate, the Indo-Guyanese became the new majority in Guyana, although they are still close in population size. The Indo-Guyanese translated their majority status into political office in 1992 and have held power since then. This change has not been taken well by the Afro-Guyanese, who see themselves as the true people of Guyana and challenge the legitimacy of the current government. Ethnic tension has run high, with periodic deadly protests including the storming of the presidential residence, furthering Guyana's instability and making her more vulnerable to outside pressure. Bharrat Jagdeo of the PPP is the current Indo-Guyanese president and following the death of former Afro-Guyanese president Desmond Hoyte in 2003, Robert Corbin of the PNC is the leader of the Afro-Guyanese opposition. Neither side of this ethnic division has any desire to see the disputed territories taken away, but there is a difference in their strategy in managing the dispute. The Indo-Guyanese have been more receptive to calls for negotiation and compromise with Venezuela over the border issue (at least since being in office), while the Afro-Guyanese have tended to be more nationalist, and thus more hard-line on the issue, being highly critical of Indo-Guyanese leaders who have negotiated with Venezuela.

The Guyanese Amerindians are the primary inhabitants of the disputed territory, at least of those areas away from the coast. The indigenous population consists of only about 4% of Guyana's population, and speaks a variety of local languages, but they are the vast majority in the sparsely populated inland areas of Guyana, including the Essequibo, since the majority ethnic groups are concentrated heavily along the coast. Over the past few years the Amerindians have been integrated more into Guyana and most speak English as a first or second language. This slow assimilation into the culture of Guyana has made them less likely to participate in any rebellion attempt supported by Venezuela.

Venezuela also has several internal parties. The country is deeply divided between those who support the controversial current president, Hugo Chavez, and those who oppose him. The supporters of the populist, statist policies of his "Bolivarian revolution" include much of a divided military and of the lower classes. His opponents include many from the labor unions, the upper and middle classes, and oil executives. This internal division will serve as a distraction from the border dispute, but the instability may also lessen the chances that a party in power will take risks for an integrative resolution of the border conflict, for fear of drawing popular anger.

The final group of parties are on the international stage. The Caribbean Community (Caricom) and Commonwealth countries, as well as some members of the Organization of American States (OAS), have generally been sympathetic to Guyana's situation and have acted as a major deterrent to Venezuela taking forceful action against its weaker neighbor. There is no reason to suspect that this support is going to disappear anytime soon. Another important class of international actor have been Suriname and Colombia, neighbors respectively to Guyana and Venezuela, each with their own territorial claims on their neighbors. Suriname has tended to take advantage of rising tensions between Guyana and Venezuela to press their own claims by force. While Colombia and Venezuela are generally on better terms, Chavez' sympathies with the left wing FARC revolutionaries there has raised tensions in both countries and reduced Chavez' support in Colombia and internationally.

Current Prospects for Dialogue

Currently there is little talk of bringing the parties together to find a solution, as the internal problems in Venezuela, as well as problems in Colombia, have pushed Guyana off the agenda. As

Venezuelans worry about the very real possibility of another, more violent coup in their country, the border dispute has become understandably less significant. With Guyana also embroiled in internal conflict, neither of the governments involved seem particularly interested in starting a dialogue to break the current stalemate. Under these circumstances, second track (citizens') diplomacy may provide the best opportunity to improve the understanding by the parties of each other's needs and concerns, and to explore integrative options which might feed into or complement UN efforts to allow the two states to move in the direction of a peaceful and sustainable resolution. This should be done with transparency, particularly vis-à-vis the governments, as civil society especially in Guyana has not developed traditions of constructive action independent of government direction or oversight, and international facilitators are likely to be viewed with suspicion if they do not leave the door fully open for government engagement.

ALTERNATIVE FUTURE SCENARIOS

Three plausible future scenarios for this conflict can be anticipated. The first is that the situation remains stalemated over the long term with nothing resolved, no development in the disputed areas and no military action taken. The second possible scenario is that as Guyana remains weak, divided and resistant to accommodation, Venezuela (and possibly Suriname) finds a pretext to use military force to assert its interests in the disputed territory, gradually extending its presence in, and exploitation of, the region. The third is that the two states work together to find a lasting solution to the border conflict and the issue is resolved to mutual satisfaction. For the short term, there will likely be a continuation of the status quo. However, this stalemated situation is untenable over the long term, particularly as demand for oil grows, the economies of both countries remain stagnant, and their politics volatile: a mutually acceptable solution will have to be found to remove the temptation for future leaders to use force.

The first scenario, whereby the situation remains stalemated, avoids a military conflict but is still damaging, particularly to Guyana. With a high poverty rate and under threat of hostilities with neighbors on both sides, Guyana is unable to develop its natural resources, or to develop trade with its neighbors, without which it will be difficult to achieve sustainable growth. Despite some impressive growth during the 1990's, Guyana is still a relatively poor country that badly needs foreign investment in order to grow and thus create a climate more conducive to resolving its ethnic tensions. Investment remains elusive as potential international investors find the most promising prospects are off-limits because of the border issues. With a continued status quo, neither country can benefit from resources in the disputed territory, or from improved cross-border trade. Internal divisions in both countries have pushed the border dispute off the agenda for now, but the combination of economic stagnation and political volatility limits the viability of this scenario in the long term.

The second scenario, where Guyana remains weak and divided, and Venezuela comes to see an advantage in taking military action, may emerge by degrees as opportunities or misunderstandings present themselves in the absence of constructive dialogue. The issue remains an emotional one for Venezuelans, who believe the land was unjustly taken from them by foreign powers. Guyanese determination to move ahead unilaterally in exploiting the Essequibo may provoke targeted military action by Venezuela, acting in the cause of self-defense or to defend development initiatives set up in reaction to unilateral Guyanese initiatives. If domestic instability should continue to deteriorate in Venezuela, such a move against an overly brash Guyanese administration might be seen as a way to rally the larger country around its leaders. However, Venezuela is still relatively stable, with a strong middle class (in contrast with the chronic instability of neighboring Colombia and its own earlier history), and there is little taste for military adventurism which would draw reprisals from the international community.

The third scenario, a negotiated settlement, is obviously the preferred outcome. Both nations have an incentive to reach this scenario, in that an agreement could help bring stability to the region to the extent that it allows the natural resources of the disputed territory to be utilized in a way that is beneficial to both states. For example, an agreement whereby Venezuela accepts the current reality of land borders as drawn in 1899 may be possible in exchange for Guyanese concessions over Venezuelan use of territorial waters off the Essequibo plus opportunities for Venezuelan private sector involvement in development activities in the Essequibo. This would have to include mechanisms to ensure a mutually acceptable balance between Venezuelan and Guyanese led projects, with clear benefits to the broader population in each country across internal fault lines, appropriate participation and consent by the indigenous people of the disputed territory, and regulations to protect the interests of all parties in maintaining environmental standards in the face of potentially extensive mining, drilling and logging activities. Some ideas in this direction have already been proposed by Venezuela but so far have been found unacceptable by Guyana in that they have fallen short of affirming its current border or offering other safeguards as above. Complementary to UN first track efforts, second track diplomacy could create opportunities for understanding in more detail the needs and concerns behind this impasse in the official process, and for joint unofficial exploration by all stakeholder communities into mutually beneficial options for moving forward.

Both Guyana and Venezuela appear to regard their best alternative to negotiated agreement (BATNA) as more of the same. For Guyana, the preference is to continue to resist Venezuelan (and Surinamese) claims to the disputed territory, whether direct or indirect, even if poor relations and stalled trade and development continue. Any risk of losing effective control of what constitutes most of its territory and resources through either military or commercial incursions by Venezuela is too great for a beleaguered government to contemplate. Venezuela's preference is also to continue the status quo, where it already controls disputed territorial waters, at least for shipping and strategic purposes, and to trust that since Guyana is under greater pressure to reach a settlement in order to develop, it can afford to wait for a more accommodating negotiating partner and avoid the risk of internal backlash from Venezuelan nationalists. In the meantime Venezuela can continue to act as a spoiler to prevent oil exploration or other development in the Essequibo region from changing the facts on the ground. Clearly, there are possibilities for outcomes more beneficial to both sides, and with the two governments currently disinclined to engage on the issue, second track diplomacy offers the best hope of a way forward.

PROPOSED INITIATIVE

In order to prepare the ground for Venezuela and Guyana to consider seriously a negotiated settlement, the Center for International Development and Conflict Management at the University of Maryland is exploring with potential partners in both the Universidad Central de Venezuela and the University of Guyana to begin a process of second track or citizens' diplomacy on the border issue. Beginning with academics, and later including journalists, business and/or community leaders, the objective is to open a long overdue constructive dialogue engaging the civil societies of the two nations, that could in turn inspire interest at the official level in working for a diplomatic solution. If a consensus can be reached between civil societal leaders of both countries on a strategy for at least moving toward solution of the dispute that can attract broad acceptance based on mutual benefit, it would provide governmental leaders with a good starting point as well as legitimacy for seeking an accommodation. Since the issue is so closely tied to the nationalist nerves of each nation, a government may find it too risky to accept any agreement that could make them look as if they are sacrificing the integrity and pride of the nation. But if a popular consensus can first be built on both sides for a mutually beneficial agreement through

citizens' diplomacy, the leaders may find it easier to accept the risks. Through integrative dialogue and collaborative work free of immediate political pressures, this approach facilitates more innovative thinking on how relations might be improved and a win/win consensus on the border issue ultimately reached.

It is anticipated that this work should begin with academics who can provide the initial groundwork, firstly in agreeing on basic principles that could define their common hopes and goals; and secondly in mapping out the issues, needs and interests at stake, generating a consensus report that could adequately define the problem and point to potential solutions. On this basis they would work toward developing specific options for addressing shared and complementary goals, which might ultimately provide the substance for a mutually satisfactory agreement at the official level.

It will be important, particularly in Guyana, that the main sectors of society are included in the process, even from the beginning step of bringing academics together. Though Indo-Guyanese have been more inclined to compromise on the issue, Afro-Guyanese must also be included because an agreement made that does not take into account their views will never be successfully implemented. It is also important to include representatives acceptable to the Amerindian people so that their concerns are addressed as well. In Venezuela the main societal divisions are more political than ethnic, so it will be highly advantageous to include academics acceptable to both sides of the political divide, to avoid the border issue becoming a partisan political issue.

A second group that may help facilitate more broad-based understanding and dialogue is the journalists. By agreeing to accept their responsibility for promoting sustainable peace through avoiding inflammatory and one-sided polemics in favor of more informed and balanced articles acknowledging and respecting viewpoints of other parties, journalists could serve to educate the public in both countries and thus help prepare them for constructive engagement.

Business leaders are another important group for citizens' diplomacy, since they have something tangible to gain through integrative dialogue and balanced relationship with their counterparts on the other side. With strengthened business ties the two neighbors may learn they both have much to gain through normalized relations. Together with businessmen it will be important to include environmentalists and experts on the needs and values of the indigenous peoples, who can provide guidance on how to develop the region in a sustainable way. To the extent that the final agreement involves increased resource sharing, it is essential that environmental issues be addressed, to avoid over exploitation despoiling the common resources or marginalizing local communities.

A multi-year commitment will be needed to accomplish the goals of this project. An appropriate framework to facilitate such longer-term engagement of the participants is through regular "innovative problem-solving workshops" (IPSWs—Davies and Kaufman, 2002) whereby academics from both countries could be brought together with CIDCM scholar-practitioners acting as neutral intermediaries. They will also provide appropriate training for Guyanese and Venezuelan colleagues to then join them as co-facilitators in mediating workshops among other sectors of civil society (journalists, businessmen etc.). This will provide a forum whereby the participants will be able to engage seriously in improving ties and working on integrative options for resolving the dispute. The goal is that eventually enhanced understanding, cultural exchange and business links will create the conditions needed for constructive official engagement to address the problem. A second goal is to build capacity for integrative conflict management in both countries that will strengthen their civil societies and promote internal as well as

international stability and sustainable development. The impact and outcomes of the initiative will be evaluated throughout using action evaluation methodology.

The Guyana-Venezuela border dispute has been a recurring problem for the region for over 150 years. But with civil society leaders and the larger communities becoming better connected through integrative communication and mutual understanding of needs and concerns, a basis can be provided for developing consensus on how to address the issues to mutual benefit, opening the door for governments to move toward agreement on what can work for both countries.