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# THE VENEZUELAN NATIONAL CONGRESS DEBATE ON THE GENEVA AGREEMENT

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## Abstract:

This article analyzes the implications of direct and indirect deep forces in the context of the signing of the Geneva Agreement of February 1966 as a mechanism for finding a satisfactory practical solution to the Essequibo territory issue. This article is based on official sources (debate journal of the Venezuelan Congress and Yellow Books) and the Venezuelan press between January and February 1966. Deep forces, a category analyzed by Duroselle and Renouvin, aim to analyze the interrelationship between the statesman and society, which is influenced by psychological and sociological factors that determine not only their identity but also their historical consciousness. The purpose of this article is to analyze the legal, political, and historical elements in which various sectors of Venezuelan society considered possible solutions to the dispute with Great Britain, which can offer important insights for the historical and legal understanding of the actions taken by Venezuela, as well as those objective and subjective elements that influence the Venezuelan understanding of Guayana Esequiba, factors that need to be analyzed, considering other border disputes between Venezuela and its neighbors.

Keywords: Deep Forces, Foreign Policy, Venezuelan Congress, Geneva Agreement, International Law, Guayana Esequiba, Uti possidetis iuris, Uti possidetis facto.

Abstract: This article analyzes the implications of deep forces, direct and indirect windows, within the framework of the signing of the Geneva Agreement of February 1966, as a mechanism to solve in a practical and satisfactory way the surroundings of the Essequibo territory. This

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## INDEX

## I. Introduction

The Geneva Agreement signed by the governments of Venezuela, the United Kingdom, and the representatives of British Guiana on February 17, 1966, is a document that has regained importance as a result of the case being heard by the International Court of Justice, which on December 18, 2020, issued a ruling in favor of the request by the Cooperative Republic of Guyana on whether or not to interpret the validity of the Paris Arbitration Award issued on October 3, 1899.

For fifty-seven years, Venezuela and Guyana have held opposing positions on both the validity of the Paris Award of October 3, 1899, and the objectives of the Geneva Agreement as a mechanism for resolving the dispute between the two nations over the Essequibo territory. The Cooperative Republic of Guyana considers that the Geneva Agreement defines "(...) a legally binding mechanism to ensure a peaceful resolution of the dispute (...)" (ICJ, 2018, paragraph 1.33, p. 14), but maintains that it does not affect "(...) the validity of the 1899 Award." (ICJ, paragraph 6.2, p. 147) For its part, Venezuela maintains that the Geneva Agreement of February 17, 1966, aims to "(...) seek satisfactory solutions for the practical settlement of the dispute between Venezuela and the United Kingdom (...)" (Rodríguez, 2022), with the Venezuelan delegation adding that: "Nothing in the Geneva Agreement indicates that the parties agreed to resolve the nullity or validity of the award. This is an absolutely irrelevant issue considering that it was resolved by the Geneva Agreement itself."

Both positions, reflected in the judicial process currently being pursued by the International Court of Justice, lead to an analysis of the actions taken by the Venezuelan government during the negotiations at the Palais des Nations (Geneva) on February 16 and 17, 1966— represented by Foreign Minister Ignacio Iribarren Borges— understanding the scope of the Geneva Agreement for the parties and its reception by the political parties represented in the Congress of the Republic, whose topic was addressed and debated in the sessions of March 17 and 24, April 1 and 11, 1966, where the presentation by Foreign Minister Iribarren Borges, his questioning by the legislative body, and the debate among the different political factions allow us to observe the interpretations of the Geneva Agreement by both academics and protagonists of the negotiations years later, pointing out that although the Agreement did achieve that "(...) Great Britain to recognize our claim internationally and that its colony also sign the 'Geneva Agreement'" (Sureda, 1984, p. 158), at the same time: "The Geneva Agreement

has not yet achieved the solution that its negotiators hoped for (...) But it was undoubtedly a commendable effort, an interesting effort (...)" (Falcón, 1983, pp. 71-72).

In view of the above, the purpose of this article is to address the Venezuelan parliamentary debate on the Geneva Agreement of February 17, 1966, analyzing the statements made by Dr. Ignacio Iribarren Borges and Venezuelan parliamentarians, their impressions, concerns, and analysis regarding the document signed by Venezuela, the United Kingdom, and British Guiana, as well as possible future scenarios in the development of the controversy.

Although the presentation by the Venezuelan Foreign Minister has been analyzed by various authors, Professor Rafael Sureda Delgado, in his work *Betancourt y Leoni en la Guayana Esequiba* (1984), studied in detail the sessions of the Venezuelan National Congress in March and April 1966. For this reason, this work, based on Professor Sureda Delgado's theoretical framework, studies the parliamentary debate on the Geneva Agreement. Finally, the assessments presented in the reports drafted by the United Nations International Law Commission, which took the Geneva Agreement as an example, in the context of the debates on the Draft Convention on Succession of States in Respect of Treaties, known today as the Vienna Convention on Succession of States in Respect of Treaties, adopted in 1978 and in force since 1996.

## II. Political considerations on the reactivation of the Essequibo controversy: The debate in the Venezuelan National Congress on October 13, 1965.

The Legislative Branch is the highest political forum where citizens, represented by political parties, debate and analyze draft laws and consider issues of national interest. It is the space in which the nation's various political groups determine the national interest, as expressed in the experiences and expectations of society, in order to define precise objectives in internal and external political situations, considering that, as Pierre Renouvin points out, the memory of what has happened determines the honor that each people defends based on the national interests built up throughout its history (Renouvin and Duroselle, 1991, p. 230), a memory that can be determined by successful experiences or failures that influence the formation of an official history.

In this sense, the means of action that the state must implement to deal with various internal and external situations require popular support. On this point, Hans J. Morgenthau points out that one of the bastions of the democratic regime is the fact that debate among different political sectors contributes to the formulation of both internal and external policies, which, although both are distinct, strengthen the objectives of the national interest as the will of the nation, and are executed by the executive branch in order to defend national honor

(Morgenthau, 1986). Therefore, the decisions adopted by the Legislative Branch, which are the result of debate among different sectors of national society, although they may differ from those designed by the government, legislative action, both in debate and in the oversight of the Executive Branch, define the course that must be taken in order to defend national interests.

With regard to the reactivation of the controversy over the Essequibo territory, the context in the period 1962-1965 offered the Venezuelan government the opportunity to reactivate the controversy over the Essequibo territory where, the *Declaration on the Granting of Independence to Colonial Countries and Peoples,* Resolution 1514 (XV), approved by the United Nations on December 14, 1960, and the subsequent announcement of British Guiana's independence in 1962 (UN, 1962), promoted Venezuela's integration into the Committee of Seventeen[1] in that same year. A second aspect is the appointment of Venezuela as a non-permanent member of the United Nations Security Council (1962-1963). Both factors allowed the National Government to promote internationally that the recognition of Guyana as an independent state required the nascent state to acknowledge that it was receiving from Great Britain a territory where part of it was subject to controversy with Venezuela.

The efforts promoted by Drs. Marcos Falcón Briceño and Carlos Sosa Rodríguez at the UN opened the negotiation process that culminated in the signing of the Geneva Agreement in 1966. [2]Given this new dynamic generated at the United Nations, the National Congress of Venezuela fulfilled its role in leading the national debate on the National Government's request to review the Paris Award of October 3, 1899. These debates took place between 1944 and 1965, The position taken by the Venezuelan parliament in the request for revision of the 1899 Paris Award was observed in these debates, pointing out that it contained elements of nullity.

In 1964, Rómulo Betancourt, in presenting his last message to the National Congress as President of the Republic, took stock of the negotiation process that began in 1962 with the statements made by Ambassador Carlos Sosa Rodríguez and Minister of Foreign Affairs Marcos Falcón Briceño before the United Nations, who presented the elements supporting the request for revision of the 1899 Paris Award. In his speech, Betancourt emphasized that: "The negotiations have continued and, for the good of the Republic and to repair an injustice done to Venezuela, they must be continued" (Leoni, 1964, p. 11). These actions continued during the presidency of Raúl Leoni (1964-1969), However, the reluctance of the British authorities to review the elements of nullity of the 1899 Award prompted a response from the Minister of Foreign Affairs, Dr. Ignacio Iribarren Borges, who, in a radio and television address on

1 Also known as the "Committee responsible for examining the situation with regard to the implementation of the declaration on the granting of independence to colonial countries and peoples," created by Resolution 1654 (XVI) adopted by the General Assembly on November 27, 1961.

2 References and analyses of the statements made by the Senate and Chamber of Deputies of the National Congress of Venezuela are included in the brochure *Informe que los expertos venezolanos para la cuestión de límites con Guayana Británica presentan al Gobierno Nacional (Report presented by Venezuelan experts on the border issue with British Guiana to the National Government*); Caracas, Ministry of Foreign Affairs of the Republic of Venezuela, 1967, paragraph 34.

September 16, 1965, expressed, on behalf of the National Government, its dissatisfaction with the British position.

The statements made by the Foreign Minister in response to the British Government prompted the National Congress of Venezuela to convene a special session on October 13, 1965, where a draft Congressional Agreement was debated regarding providing full support to the National Executive Branch in demanding the review of the 1899 Paris Award. Senator Luís Beltrán Prieto Figueroa (President of Congress) stated that the objective of the special bicameral session was to promote "(...) in the spirit of Venezuelans the clear and precise notion that something that belongs to them was taken away and that the country has the right to reclaim it" (1965, p. 291). The draft agreement contained two provisions: a) to provide full support to the National Executive in its diplomatic efforts to reclaim Guayana Esequiba from the British Government, and b) to state that the Venezuelan claim process does not interfere with the aspirations of the people of British Guiana for independence. The Agreement was unanimously approved by the National Congress that same day. From the debate held on October 13, 1965, two important issues can be extracted that were most addressed by parliamentarians: 1. What territory is being claimed from the United Kingdom and how large is it? 2. What mechanisms should be implemented to achieve the objectives of Venezuela's claim against Great Britain?

Regarding which territory was being claimed from Great Britain and its size, the positions of the parliamentarians varied, as the size of the "usurped" territory was not clearly defined. Direct positions can be observed, such as that expressed by Senator Horacio Cabrera Sifontes (URD), who stated that Venezuela is claiming "(...) the western part of the Essequibo, that is, the part that belongs to us (...)" (1965, p. 392). Deputy Rubén Carpio Castillo (AD), for his part, stressed that Great Britain must return the "usurped territory" to Venezuela (1965, p. 298); Senator Edecio La Riva Araujo (COPEI) emphasized that the ruling deprived the Republic of "(...) one hundred and fifty thousand kilometers (...)" (1965, p. 301), a view supported by Senator Arturo Uslar Pietri (FND), who emphasized that the 1899 Paris Award was an "unjust (...)" process (1965, p. 304), a position also supported by Senator Claudio Bozo (Liberal Party).

Given the different extensions of the claimed territory presented by the parliamentarians, Senator Miguel Acosta Saignes, at the beginning of his speech, called the Chamber's attention to these conflicting versions and the problem that this posed in order to define a firm position of the Venezuelan Parliament on the work being carried out by the National Executive in the negotiations with Great Britain. In his speech, Senator Acosta Saignes pointed out:

> "(...) what are the historical boundaries of Venezuela? This is a question that must be answered by the commissions referred to by senators and deputies, and it is a question that, curiously, no one has raised tonight, because what is being discussed here and in the writings is the entire process that has taken place around the famous arbitration award." (1965, pp. 328-329)

The question, posed in an educational manner by Senator and university professor Miguel Acosta Saignes, leads to the second central theme of the debate on October 13, 1965, which concerns what mechanisms the Venezuelan State should use to achieve its objectives in the territorial claim. The positions in this regard are found in the interventions of Representative Rubén Carpio Castillo (AD), proposing an equitable mechanism between Venezuela and the Government of British Guiana focused on "(...) effective development, peaceful development of our natural resources, in common if possible (...) (1965, p. 300);Senator Edecio La Riva Araujo (COPEI) highlighted the need for "(...) direct negotiation (...) [which, if it does not offer solutions, the nation will have] the obligation to choose other paths (...)" (1965, p. 301).

The question raised by Senator Miguel Acosta Saignes in his speech, pointing out the inaccuracies of Venezuelan congressmen regarding what is being demanded of Great Britain, was reflected in the Venezuelan press in the midst of the Geneva Agreement process, an aspect that will be analyzed in the next section of this article.

## III. Presentation and questioning of Dr. Ignacio Iribarren Borges, Minister of Foreign Affairs of Venezuela, in the National Congress of Venezuela.

On March 11, 1966, twenty-two days after the Geneva Agreement was signed, the President of the Republic, Dr. Raúl Leoni, presented his Report and Accounts to the National Congress. In his presentation, when analyzing the Geneva Agreement and what it meant for the resolution of the dispute over the Essequibo, he pointed out that it should be addressed without resorting to intransigent positions:

> "Radicalism, like excessive patriotism, can only cause irreparable damage to the supreme interests of the Nation. It is the responsibility of the honorable Legislative Chambers to decide on the solution that, in their opinion, is most conducive to achieving Venezuela's great objective of recovering the Guiana territory usurped by Great Britain." (1966, p. 10)

The Foreign Minister of the Republic attended on March 17 of that same year. It should be noted that before the joint session began, Representative Jorge Olavarría requested that the Foreign Minister's presentation be public, but that the questioning be held in a closed session, which was approved. However, at the session on March 24, Senator Horacio Cabrera Sifontes requested that the session be public "(...) because the people of Venezuela now, more than ever, have an interest in learning about the details and specifications of the Geneva Convention (...)" (1966, p. 98). Nevertheless, even though the Foreign Minister's statement was recorded in the Journal of Debates, the first round of questions from parliamentarians was not recorded in the journal, remaining under the heading of "Closed Session." However, at the session on

March 24, Senator Cabrera Sifontes requested that the entire questioning session be made public, and it was recorded in the Journal of Debates.

The Foreign Minister's presentation, made on March 17 and 24, 1966, can be divided into three parts for analysis and understanding for the purposes of this paper: a) Reactivation of the controversy between Venezuela and Great Britain after the interventions of Carlos Sosa Rodríguez and Marcos Falcón Briceño at the United Nations in 1962, b) The negotiation process that concluded with the Geneva Agreement, and c) Analysis of possible scenarios within the framework of the application of the Geneva Agreement[3] .

## A. Status of the dispute between Venezuela and Great Britain following the interventions of Carlos Sosa Rodríguez and Marcos Falcón Briceño at the United Nations in 1962

The first part of Dr. Ignacio Iribarren Borges' presentation was devoted to taking stock of the efforts made by Dr. Carlos Sosa Rodríguez, Venezuela's representative to the United Nations, and Dr. Marcos Falcón Briceño, Venezuela's Minister of Foreign Affairs, between 1962 and 1964, highlighting that they promoted the need to negotiate a solution to the controversy before the United Nations. The actions highlighted by the Minister of Foreign Affairs at the beginning of his presentation to Parliament emphasized the position taken by Venezuela at the 16th General Assembly of the United Nations on the statement made by Cheddi Jagan, Prime Minister of British Guiana, indicating British Guiana's interest in achieving independence, a fact that was considered by Dr. Marcos Falcón Briceño as an opportunity to reactivate the discussion on the Essequibo issue, an aspect highlighted by Minister Falcón Briceño in the introduction to the 1962 Yellow Book.

Taking advantage of this opportunity, on February 22, 1962, Dr. Carlos Sosa Rodríguez, Permanent Representative of Venezuela to the United Nations, made a presentation at the Fourth Committee Meeting of the United Nations (February 22, 1962), expressing Venezuela's support for British Guiana's independence process and taking the opportunity to refer to the Essequibo issue, demanding an equitable solution to it. Subsequently, on October 1 and November 12, 1962, Dr. Marcos Falcón Briceño, Minister of Foreign Affairs of Venezuela, presented to the United Nations the elements that supported Venezuela's demand for a solution to the border dispute with both Great Britain and British Guiana, highlighting the need to negotiate on the basis of principles of justice and emphasizing the Venezuelan position that the award of October 3, 1899, was invalid.

3 There are two further aspects addressed in the presentation and questioning of Minister Iribarren Borges: the nature and scope of the application of Article V of the Geneva Agreement and whether the negotiation and signing of the Geneva Agreement without consultation with the National Congress was legal or not.

At the beginning of his presentation to the National Congress on March 17, 1966, Dr. Ignacio Iribarren Borges emphasized that Venezuela's objective before the United Nations with the appearances of Carlos Sosa Rodríguez and Marcos Falcón Briceño on February 22, October 1, and November 12, 1962, was to highlight the series of irregularities in the 1899 Paris Award, which made it necessary to request that the United Kingdom and British Guiana begin negotiations so that the dispute could be resolved through equitable mechanisms.

The Venezuelan strategy pursued at the United Nations succeeded in getting Great Britain not only to commit to reviewing the information relating to the Award, but also to participate in the negotiations alongside representatives of British Guiana, a fact that was highlighted by Dr. Ignacio Iribarren Borges at the beginning of his presentation to the National Congress on March 17, 1966, to discuss the Geneva Agreement, pointing out that: "I wish to emphasize the fact that since 1962, that is, since the very origins of the diplomatic process that led to the Geneva Agreement, when our conversations have been tripartite in nature (...)" (1966, p. 86). The tripartite nature of the negotiations will be discussed in greater depth in the following pages, noting that the incorporation of British Guiana into the talks and subsequent signing of the Geneva Agreement was even important for the analysis carried out by the United Nations International Law Commission when addressing the succession of States in international treaties, where the Geneva Agreement was taken as an example.

In his presentation, the Foreign Minister emphasized that, within the framework of the negotiations, on February 2, 1965, Venezuela applied various pressure strategies: 1) the incorporation of the Essequibo territory into the maps of the Republic under the title "Zone in Dispute" and, 2) the issuance of postage stamps referring to the controversy, measures that were rejected by the British authorities, who emphasized that the award was an intangible issue. (1966, p. 87)

In addressing the events of the Second London Conference, Foreign Minister Iribarren Borges noted that between October and December 1965, the British government presented three proposals that reduced the negotiation process to a simple review of documents, listed in three alternatives: 1) Analysis of the Reports Presented by the Experts regarding the documents of the 1899 Paris Award, 2) Joint report of the United Nations Special Political Committee, in accordance with the 1962 Declaration; and 3) Joint communiqué of the parties on the negotiations. Venezuela, for its part, presented three counterproposals to satisfactorily resolve the dispute, 1) –which were actually two proposals in one–1.a.) Return the territory that rightfully belongs to Venezuela and 1.b) Establish a "legitimate" border between Venezuela and Great Britain; 2) Joint administration of the territory claimed by Venezuela "upon recognition of sovereignty over it" (1966, p. 90); and, 3) Resolution of the dispute through three consecutive stages: Joint Commission, Negotiation, and International Arbitration, all of which were rejected by both the United Kingdom and British Guiana.

Of the proposals presented by the Venezuelan government, it should be noted that Venezuela (contrary to what was presented to the public, claiming the entire Essequibo territory, according to the map presented in 1965 by the MOP), proposed that Great Britain find a practical solution whereby Venezuela would be granted the territory that corresponded to it, that is, a precise extension of the territory was not defined, but rather would be the result of negotiations. This duality of positions was addressed by Rafael Sureda Delgado (1984) in his work *Betancourt y Leoni en la Guayana Esequiba,* who raised the following question in relation to the statements made by Foreign Minister Iribarren Borges in his appearance before the National Congress:

> "(...) Was the Venezuelan people told that what would be sought was a 'practical' solution and not the return of the territory? Of course not. The public was led to believe, and from there the government obtained full support, that the goal was the recovery of the dispossession, but not a partition, which is apparently nothing other than the so-called 'practical arrangement.'" (p. 103)

The basis for the negotiated solution was addressed by Dr. Ignacio Iribarren Borges in his presentation to parliament, pointing out that it sought to be presented as a counterproposal to the British initiative to submit the dispute to a document similar to the Antarctic Treaty (1951), proposing to suspend any claims by the parties for thirty years, in addition to leaving the matter in the hands of the United Nations General Assembly.

Faced with such a proposal, the Foreign Minister emphasized in his response that: "Once the debate was reopened, I stated that it made no sense to take the matter to the United Nations, as it could do nothing more than urge the parties to continue talking as we were doing at that time." (1966, p. 90), also expressing Venezuela's refusal to sign a document similar to the Antarctic Treaty because it was not applicable to the Essequibo controversy. Given the stalemate in negotiations at the Second London Conference, the Venezuelan and British representatives considered holding a new conference in Geneva, which would take place in February 1966.

## B. Analysis of the Geneva Agreement, main features highlighted by Minister Iribarren Borges.

The second part of the Foreign Minister's presentation was devoted to analyzing the main features of the Geneva Agreement, based on the conclusions reached in the meetings with representatives of the United Kingdom and British Guiana. The main aspects of the Geneva Agreement, as presented by the Minister of Foreign Affairs, focused on: 1. The incorporation of British Guiana as a signatory, 2. The issue of the Joint Commission, and 3. The negotiation mechanisms.

a. The incorporation of representatives of British Guiana as signatories:

One of the central aspects highlighted by Dr. Iribarren Borges in his analysis of the Geneva Agreement was the participation of British Guiana's representatives in the signing of the agreement, emphasizing that British Guiana participated throughout the negotiations, considering that, although during the negotiation process, Her Majesty the Queen remained the highest authority in British Guiana, its impending independence obliged Venezuela to incorporate it as part of the country, an issue that generated differing positions in the Venezuelan political and academic debate.

When studying the Geneva Agreement, the document should not only be approached from the context of the negotiations held by Venezuela, the United Kingdom, and British Guiana between 1962 and 1966; it is also necessary to understand how this document has been interpreted by the United Nations in subsequent years. The issue of the incorporation of British Guiana—a controversial topic both for parliamentarians and for Professor Rafael Sureda Delgado in his work (Sureda, 1984)—requires a review of the study presented in the Report on the Succession of States in Respect of Treaties, a topic studied in the Report of the United Nations International Law Commission in 1974. – requires a review of the study presented in the Report on the Succession of States in Respect of Treaties, a topic studied in the Report of the United Nations International Law Commission in 1974, during its XXVI session, where the Agreement signed by Venezuela, Great Britain, and British Guiana on February 17, 1966, is taken as an example.

In the aforementioned Report, the International Law Commission presented the opinions of the States regarding the Draft Convention on the Succession of States, highlighting in said report that the Geneva Agreement (1966) was a precedent that supported the content of Art. 10 (paragraphs 1 and 2) of the Draft Convention, which deals with treaties providing for the participation of a successor state[4] , highlighting in the aforementioned report that:

> "An example of a bilateral agreement containing a clause providing for the future participation of the territory after independence is the Agreement to settle the border dispute between Venezuela and British Guiana (Geneva, 1966), concluded between the United Kingdom and Venezuela shortly before the independence of British Guiana. The Agreement, whose preamble states that it was made by the United Kingdom 'in consultation with the Government of British Guiana' and that it took into account the forthcoming independence of the latter." (International Law Commission, 1974, paragraph 9, p. 196)

4 It should be noted that in the aforementioned yearbook of the International Law Commission, in the "First report on the succession of States in respect of treaties," written by Sir Francis Vallat as Special Rapporteur, the article referring to treaties in which the participation of a successor State is envisaged appears as Article 9 (pp. 37-38). However, in the "Report of the International Law Commission on the work of its 26th session, May 6-July 26, 1974," it appears as Article 10, as it appears in the aforementioned Convention, approved by the United Nations General Assembly in 1978.

A second aspect of the Geneva Agreement, analyzed by the Special Rapporteur of the International Law Commission, was the position of the representative of Venezuela in the observations in paragraph 2 of the article—relating to the acceptance or non-acceptance of a successor State to a treaty—emphasizing that:

> "The delegation of Venezuela pointed out that, nevertheless, practice showed, at least in one valuable case of precedent [the Geneva Agreement], that such consent could be given at the very act of signature, which would bind and make the future successor State a party to the instrument, or perhaps through acts of the successor State clearly indicating its intention to remain bound by the treaty." (Vallat, 1974, paragraph 191, pp. 37-38)

Both assessments set forth in the reports of the International Law Commission allow us to observe how Venezuela, upon joining the Committee of Seventeen and the non-permanent seat on the United Nations Security Council, became aware of the series of documents issued by the United Nations in the context of the decolonization process and their progressive nature once the new States emerged, where the Geneva Agreement acquired international legitimacy, generating obligations for Guyana, as the successor State, to continue negotiating with Venezuela a practical solution to the dispute. Hence the importance of presenting in this paper the considerations made by the United Nations International Law Commission in its 1974 sessions, as they allow us to observe—from the United Nations' analysis—the reasons Venezuela had for recognizing British Guiana as a party to the Agreement even though it had not yet achieved independence.

### b. The issue of the Mixed Commission: Political considerations as a mechanism for resolution.

A second element that has generated controversy in the interpretation of the Geneva Agreement was that relating to the Mixed Commission and its raison d'être, mainly because the four-year deadline for finding a satisfactory solution raised the question "(...) for whom was the creation of such a Mixed Commission a satisfactory solution?" (Sola, 1966, p. 24) The concern raised by René de Sola in 1966 was similar to that expressed by parliamentarians when they questioned the Minister of Foreign Affairs on the subject of the Joint Commission.

During the session on March 24, 1966, while questioning Minister Iribarren Borges, Senator La Riva Araujo asked the Foreign Minister whether the decisions adopted by the Joint Commission were binding on the parties, because in the absence of binding clauses in the Geneva Agreement, Guyana could claim not to adhere to its decisions. In response, Dr. Iribarren Borges emphasized that although the decisions of the Mixed Commission are not binding, they are decisions of the governments of Venezuela and British Guiana, and their documents take on the character of bilateral agreements between two foreign ministers (1966).

The role of Great Britain in the Geneva Agreement was not entirely clarified by Foreign Minister Iribarren Borges, who, in responding to a question from Deputy Jaime Lusinchi about the role that Great Britain would play in the Geneva Agreement, indicated that England would have direct participation, even after the incorporation of British Guiana as an independent state. The Foreign Minister's response has generated two interpretations in the academic world regarding the role of the United Kingdom in this controversy. Two examples of these interpretations can be found in the works of Dr. Antonio Remiro Brotóns and Dr. Sadio Garavini di Turno, where the former highlights that the Geneva Agreement is a "composite or trilateral agreement [because] (...) the United Kingdom remains a party to the Geneva Agreement. It is a full-time party (...)" (2022, 356)[5] . Dr. Garavini di Turno, on the other hand, considers that the United Kingdom viewed the Geneva Agreement as "(...) an elegant formula for 'washing its hands' (...)" (2016, p. 16).

The opposing positions of both academics regarding Britain's role in the Geneva Agreement require a historical understanding of this document from the perspective of Geoffrey Barraclaugh, who emphasizes that contemporary history develops from "(...) boundaries and content that are constantly changing and with material in continuous flux (...)" (1979, p. 15). Applying Barraclaugh's hypothesis to the study of the Geneva Agreement requires that it be viewed not only from the perspectives that Venezuela or Guyana may have on the document, but also from the interpretations of the Agreement in the international system.

One element supporting this hypothesis is the statement made by the United Kingdom before the United Nations during the debate on the Draft Convention on Succession of States in Respect of Treaties, reminding the General Assembly of the communication submitted by its delegation on July 2, 1962, concerning Tanganyika, in which Great Britain stated that it was disassociating itself from its obligations as the predecessor State in relation to the treaties it had signed, and that this disassociation extended to the rest of its former colonies once they became independent (United Nations International Law Commission, 1974). An analysis of this document would provide an understanding of the trilateral and bilateral stages of the Geneva Agreement. The note from Great Britain dated July 2, 1962, to the United Nations General Assembly, allows us to understand Venezuela's strategy in incorporating British Guiana as an active party even though it had not yet achieved independence:

> "The Government of Tanganyika understood that the effect of an agreement such as the one mentioned above could be to allow third States to request Tanganyika to fulfill certain treaty obligations from which Tanganyika would have been released by its emergence as an independent State. They were informed that such an agreement would probably not, in itself, enable them to insist that third States fulfill

5 Antonio Remiro Brotóns: "The Geneva Agreement and the Essequibo Controversy"; in: Héctor Faúndez Ledesma and Rafael Badell Madrid (Coordinators): *The Essequibo Controversy,* Caracas, Academy of Political and Social Sciences, 2022, p. 356

> towards Tanganyika the obligations they had assumed under treaties with the United Kingdom." (United Nations, 1967, pp. 178-179)

The United Nations' analysis of the impact of the United Kingdom's declaration in relation to the Tanganyika case allows us to understand why Venezuela considered it appropriate to reactivate the Essequibo case before the independence of British Guiana and not after[6] . In his presentation, Dr. Iribarren Borges, without referring to the British Government's statement in 1962, reflects that the Geneva Agreement was in line with the new international reality resulting from the process of decolonization and the resolutions being adopted by the United Nations on the matter:

> "(...) Great Britain cannot constitutionally enter into an agreement which, although belonging to the international sphere, directly affects the internal affairs of British Guiana, which are within its jurisdiction. Thus, its exclusion from the Geneva Agreement or from the negotiations that preceded it would have been a mistake with serious consequences for Venezuela. In any case, the Agreement took into account the fact that it was not yet independent, and Article 8 provides that it will be a party to the Agreement from the moment of its independence." (1966, pp. 93-94)

Therefore, the thesis put forward by Dr. Antonio Remiro Brotóns, pointing to the Geneva Agreement as a composite bilateral or trilateral agreement, corresponds to an analysis based on international law. However, the statement by Foreign Minister Iribarren Borges, as well as the report of the International Law Commission in 1974, can offer important input to corroborate or ratify the thesis presented by Dr. Remiro Brotóns.

### c. The mechanisms for resolution.

On the issue of resolution mechanisms in the event that the Mixed Commission fails to reach an agreement on the Essequibo dispute, Dr. Iribarren Borges presented a summary of the debate between the British, Guyanese, and Venezuelan delegations within the framework of the Geneva Agreement on how to adopt the mechanisms provided for in Article 33 of the United Nations Charter. On this particular point, Great Britain proposed that the mechanisms be decided by the United Nations General Assembly, which was rejected by Venezuela on the grounds that the General Assembly, being a deliberative political body, would cause the

6 In the ruling of the International Court of Justice of April 6, 2023: "Arbitral Award of October 3, 1899 (Guyana v. Venezuela), concerning the Preliminary Objections submitted by Venezuela, the Court noted that the Geneva Agreement determined that "(...) the dispute that existed between the United Kingdom and Venezuela on February 17, 1966, would be resolved by Guyana and Venezuela through one of the dispute settlement procedures provided for in the Agreement." International Court of Justice, April 6, 2023: *Arbitral Award of October 3, 1899 (Guyana v. Venezuela);* The Hague, International Court of Justice, 2023, p. 27, paragraph 96. Online document: https://www.icj-cij.org/sites/default/files/case-related/171/171-20230406-JUD-01-00-EN.pdf , retrieved on July 20, 2023.

problem to be delayed, especially since the Assembly meets in regular session once a year with a predetermined agenda, not to mention that if the issue were to be addressed in a special session, it would require the prior approval of the Security Council and a majority of the members of the General Assembly.

In contrast, Minister Iribarren Borges (1966) proposed that the International Court of Justice should decide on the mechanisms for resolution, but this was rejected by the United Kingdom. In view of the British rejection, the Venezuelan delegation presented a third proposal, suggesting that the Secretary-General of the United Nations be responsible for deciding on the means of settlement stipulated in Article 33 of the United Nations Charter, which was approved by the British delegates.

To delve deeper into the issue, the Foreign Minister, in response to a question from Deputy Tarre Murzi about whether the means set forth in the Geneva Agreement, in reference to Article 33, were illustrative or exhaustive, Dr. Iribarren Borges emphasized that, although in the United Nations Charter they appear to be illustrative, for the purposes of the Geneva Agreement they are limited and exhaustive, leaving it to the United Nations Secretary-General to choose the appropriate mechanism provided for in Article 33.

In response to the Foreign Minister's answers and analysis, Deputy Pedro Amaré del Castillo expressed his concern to the Foreign Minister, pointing out that, given the composition of the Joint Commission and the role of the Secretary-General of the United Nations, everything pointed to the Joint Commission being a "freezing" commission (1966, p. 107); arguing that the role of the Secretary-General in the search for solutions would cause the negotiation process to end in permanent deadlock. Similar concerns were expressed by Senator Edecio La Riva Araujo, who, upon analyzing the Foreign Minister's presentation, did not understand the role of the United Nations Secretary-General in choosing the means of solution under Article 33, wondering whether that role would be as an arbitrator or as a mediator.

Taking stock of the role of the Joint Commission and the Secretary-General of the United Nations under the provisions of the Geneva Agreement, Senator Claudio Bozo, after analyzing the Foreign Minister's presentation and his responses to the questioning, expressed his concern, stating:

> "What we are sure of, those of us who read between the lines, rather than the lines written in the texts of this Agreement, is that this claim will continue, it will last many more years than fifty, possibly, because this agreement provides all the conditions for Venezuela's claim to continue for the period of time we have just mentioned. Senator Faraco asks me what the four-year period is for. That four-year period is for the parties to reach an immediate agreement and then submit it to a court for consideration; and we already know how courts work, especially when it comes to international courts." (1966, p. 111)

When analyzing the Foreign Minister's presentation and questioning in the National Congress regarding the Geneva Agreement and its application, it can be seen that the Minister of Foreign Affairs sought at all times to present to the National Congress that the Agreement proposed a political and diplomatic solution to the Essequibo territory dispute, a solution that conflicted with the statements made by the Foreign Minister and other measures adopted by the National Executive, in which it was stated that Venezuela would claim all the territory west of the Essequibo River. However, when the ideas of negotiation, practical solutions, or equity were raised, the Legislative Branch observed that the signing of the Geneva Agreement was Venezuela's surrender of its claims under the 1899 Paris Award.

## IV. The impact of the Geneva Agreement on public opinion and interpretations in academic literature:

The Geneva Agreement generated a series of reactions after its signing. These reactions were not only observed in Venezuela; public opinion in Guyana also reacted negatively to the signing of the agreement, considering that Prime Minister Forbes Burhan, by signing it, had made a serious mistake in compromising territorial integrity months before independence:

> "It was very unwise for the Guyanese government to say that it considered the 1899 Award to be a definitive solution and then offer, in the Geneva Agreement, to work toward a practical solution acceptable to both parties. No cover-up can hide the fact that the regime made a serious mistake" (Jagan, 1975, p. 395, as cited in Garadivini, 2016, p. 18).

The signing of the Geneva Agreement sparked diverse opinions in the Venezuelan press. In several articles published in the Venezuelan newspaper *El Universal*, positions for and against the signed agreement can be observed. In statements made by Dr. Miguel Zuñiga Cisneros (1966), President of the Pro-Rescue Commission of Guayana Esequiba, he pointed out that Venezuelan territory had been ceded. In the opinion column "Signos," Pablo Dominguez (1966) pointed out that in the Geneva Agreement, "(...) the British have laughed at us again." (p. four), Guillermo Meneses (1966), in his column "Comentarios," points out that those who oppose the Geneva Agreement behave "(...) like spoiled children (...) [adding that] It is clear that Venezuela's position cannot be to judge on its own and take away from its neighbor without listening to it (...)" (p. four). In an interview with reporters from El Universal, Dr. Eduardo Tamayo Gáscue (1966), Councilor for the Federal District (COPEI), in relation to the Geneva Agreement, pointed out that "Who can see any triumph in the conclusions?" (p. one), in his column "Brújula," Guillermo José Schael (1966), analyzing the scope of the Geneva Agreement, stated that "(...) it seems to demonstrate that there was a predetermined attitude on the part of England to disregard our rights." (p. sixteen)

In 1983, Dr. Ignacio Iribarren Borges, at an event organized by the Academies of History and Political and Social Sciences, presented his views on the Geneva Agreement. In response to a series of accusations made against the Venezuelan delegation in the negotiations and the content of the Agreement itself, he emphasized that:

> "Some still insist that Venezuela should have opposed the independence of the former colony in order to maintain the confrontation solely with Great Britain (...) This may be true, but Venezuela's position could not have been other than the one it adopted, not only because it imposed it as a convenient and unyielding anti-colonialist attitude, but also as a logical consequence of a reality that was beyond our power to change." (p. 44)

For his part, Dr. Pedro José Lara Peña (1983) accused the Joint Commission and the election of the United Nations Secretary-General to decide on the mechanisms for resolution, according to Article 33 of the United Nations, of being "(...) a never-ending cycle (...)" (p. 333). The weakness of the Geneva Agreement, as accused by Dr. Lara Peña, was viewed differently by Dr. René de Sola (1983), who considered that the factor that influences the achievement of diplomatic objectives for a nation lies exclusively in how citizens promote the defense of national interests, noting in this regard that: "(...) we tend to wake up from time to time to proclaim our old and unwavering desire for justice (...)" (p. 75).

A third aspect that has been criticized about the Geneva Agreement is that relating to the Joint Commission and the incorporation of British Guiana as part of it months before its independence. In this regard, Rafael Sureda Delgado (1984) pointed out that this recognition was a mistake because "(...) it was establishing the existence of an entity with political sovereignty, but which did not exist (...)" (p. 145). With regard to the Mixed Commission, Dr. Sadio Garavini di Turno (2016) considers that it presents a number of problems:

> "(...) a Joint Commission is a purely political institution and it would be difficult to expect it to issue a legal ruling, especially since the parties themselves are members of the Commission. If its mandate were legal, the Commissioners would find themselves in the untenable position of being both judge and party. Negotiating the validity or nullity of an award, especially in a joint commission with equal representation, is inconceivable. Legal reasoning is not negotiable: you either have it or you don't. And it would be difficult to entrust diplomatic negotiators with the task of awarding rights." (p. 374)

This research presented an analysis of how the dynamics within the United Nations prompted the Venezuelan State to take certain measures in order to achieve recognition by both the United Kingdom and British Guiana of Venezuela's appeal against the 1899 award. In this sense, the Geneva Agreement represented a diplomatic triumph for Venezuela because it:

> "(...) in the circumstances in which it was signed, on the eve of British Guiana's independence, represented a step forward in the process of reclaiming Guayana Esequiba. Venezuela, victim of the abuse and injustice of the 1899 Award, maintained its consistent and uninterrupted anti-colonialist position, hastening to recognize the new State of Guyana by means of a Note dated May 26, 1966." (Donis, 2016, p. 124)

In this regard, in order to analyze the Geneva Agreement and its impact, not only on the positions of Venezuela and Guyana, but also its assessment at the international level, it is necessary to return to the words of President Raúl Leoni in his speech to the National Congress on March 11, 1966, pointing out that the Agreement must be approached without radicalism or excessive patriotism; It is necessary to understand the context in which the Agreement was signed and its applicability within the framework of international law.

## V. Conclusions

For Venezuela, the Geneva Agreement represents the reopening of the controversy over the Essequibo, where the circumstances that allowed for its negotiation and signing were determined by the dynamics between 1962 and 1966, which offered Venezuela a series of opportunities that it took advantage of for such purposes. The debate in the Venezuelan National Congress, based on the presentation and questioning of the Minister of Foreign Affairs, Dr. Ignacio Iribarren Borges, on March 17 and 24; April 1 and 11, 1966, show that Venezuela succeeded in getting the United Kingdom and British Guiana, by signing the Geneva Agreement on February 17, 1966, to recognize that the Paris Arbitration Award of October 3, 1899, did not resolve the border dispute with Venezuela. However, a review of both the Venezuelan Foreign Minister's statement and the position of columnists and interviewees in the Venezuelan press shows that public opinion considered this document to be detrimental to the interests of the nation.

Understanding the Geneva Agreement requires understanding not only the internal context of Venezuela and British Guiana in the 1960s, but also going further, understanding the international context and the position that the United Kingdom was taking with regard to its colonies once they achieved independence, declaring that Her Majesty was disassociating herself from any obligation with regard to them in the fulfillment of treaties. The above raises a question that this paper attempts to answer, namely whether the Geneva Agreement is bipartite or tripartite.

This question continues to be analyzed, both by the National Government and in Venezuelan academic circles, where interpretations give Britain a diffuse character, a situation that was analyzed by the International Court of Justice in its ruling of April 6, 2023, regarding the Preliminary Objections presented by Venezuela, highlighting that the Geneva Agreement is a bilateral arrangement between Venezuela and the Cooperative Republic of Guyana, in which the United Kingdom has no participation whatsoever.

Upon observing the presentation and questioning of the Venezuelan Minister of Foreign Affairs in the National Congress on March 17 and 24, 1966, it can be seen that the Minister contradicted himself on several occasions when defining the role that Great Britain would have in the Agreement. This position was possibly taken in response to the level of excitement in national public opinion regarding the document and the danger that a negative perception of it would cause the National Congress to reject the Geneva Agreement, leaving the Executive Branch in a compromised situation, because it would have been forced to renegotiate, but only with the authorities of British Guiana once it had become independent, which would very possibly have meant a stalemate in the negotiations regarding the Essequibo.

For this reason, it is necessary for researchers, when analyzing the Geneva Agreement, to go beyond reading "between the lines" and instead understand the document as the product of the progress that was being made at that time the international system was making in the process of decolonization and the series of documents that were debated and approved within the United Nations. That is why this study incorporates the study carried out by the aforementioned Commission on the Geneva Agreement, within the framework of state succession.

Exacerbated nationalism has been a constant feature of Venezuelan public opinion and parliament when dealing with issues related to Venezuela's border disputes and controversies with its neighbors, as was the case in the debate on the Boundary Treaty with Colombia in 1941 and the approach to the Geneva Agreement. Added to this is the issue of the current litigation in the International Court of Justice in the case against Guyana. In all these cases, the analysis has been carried out by interpreting the problem solely from Venezuela's point of view, neglecting what has been approved at the international level, thus creating new realities for interpreting the problem.

Therefore, even if the International Court rules in favor of Venezuela in the case against Guyana, this does not mean that Venezuela's border problems with other neighboring countries have been resolved, because in the dynamics of international relations, nations observe a country's response capabilities, measuring its strengths and weaknesses in order to exploit them to their advantage.

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