

Territorial Dispute Growing Between Guyana and Venezuela

By [Lucas Leiroz de Almeida](#)

Global Research, March 04, 2021

Region: [Latin America & Caribbean](#)

Theme: [Law and Justice](#)

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An old territorial dispute in South America is reaching its most tense point in decades. The territory known as Essequibo has been mutually claimed by Guyana and Venezuela since the 19th century when Guyana still belonged to the United Kingdom. In 1897, the Venezuelan and British authorities agreed to submit their dispute to an arbitrary international court in Paris, which ruled that the land belonged to the UK. For decades, the arbitration decision was accepted by Caracas, but in 1948 Venezuelan authorities revealed some irregularities in the trial, which were documented in old government files. As a result, the decision was considered null, and years later, in 1963, Venezuela formally submitted its territorial claim to the United Nations, and the dispute remains unresolved till today, when the interests of foreign oil companies threaten to increase the tensions.

As a region rich in oil, Essequibo has recently entered the map of the large multinationals in this sector, especially the American Exxon Mobil. More than that, the economic sanctions imposed on Venezuela and the political alignment of Guyana with Washington contribute to create an even more controversial scenario. Guyana has the support of the large private oil sector and the American government, while Venezuela remains alone. Last year, the case was filed with the International Court of Justice, but Venezuela did not accept it and remained out of the trial.

However, in a sentence on December 18, 2020, the Court proclaimed its competence to intervene in the dispute, despite Venezuela’s position. It is necessary to highlight that, regardless of any decision taken by the Court over who really has sovereignty in Essequibo, this sentence must be considered null, since the absence of Venezuelan consent prevents the execution of the sentence. The need for consent is one of the most elementary principles of international law and the very fact that the Court declares itself competent already leads us to question whether its judges are really impartial – clearly, the norms of international law are being violated in favor of Guyana.

Guyana has publicly admitted that its expenses for the court case in The Hague were paid by Exxon Mobil. Although the American oil company has been operating in Guyana for decades, its interest has been greatly increased with the recent discoveries of oil reserves and investors are willing to do anything to ensure the exploration of local natural resources. Currently, Exxon Mobil is interested in expanding its facilities over an area of more than 26,000 square kilometers, which not only crosses the disputed territory in Essequibo, but

also violates Venezuelan undisputed national territory.

With this scenario of clear attack on Venezuelan national sovereignty and possible collaboration of the International Court with one of the parties, Venezuela is at a disadvantage mainly due to its diplomatic weakness. Venezuela, at this point, lacks sufficient influence to cause the Court to review its decision or judge the case in a really partial way. For that, only strong international alliances can help Caracas. The large nations that are not aligned with Washington and have so far cooperated strongly with Venezuela, Russia and China, might be provoked by the Venezuelan government to incite international pressure in this regard. Only these two countries can mediate a parallel agreement that may be established between Caracas and The Hague in order to choose between two paths: either Venezuela agrees to submit to trial on the condition that there is a partial judgment and without the influence of private companies, or the Court declines jurisdiction. As the first scenario is unlikely and difficult to monitor, the most viable route would be for The Hague to abdicate any form of judgment.

It is important to mention that, in the absence of international judgment, what is in force in Essequibo is the Geneva Agreement of 1966, which did not decide on sovereignty in the region, but, in search of a peaceful solution, defined what activities would be allowed or prohibited in Essequibo. Oil exploration by foreign companies is not allowed, so, in principle, Guyana is violating the agreement and its activities could only become lawful if there was a decision by the International Court on the matter, allowing exploration. As Venezuela does not submit to the Court, the trial is impossible and, therefore, exploration remains prohibited and Guyana is committing an international offense.

However, more worrying than that is the fact that the American military is working in Essequibo, carrying out tests with the aim of intimidating Venezuela and pressuring Caracas to renounce its demands. There are American military ships in Essequibo “protecting” Exxon Mobil facilities and provoking Caracas. In addition, considering that the American company wants to publicly explore areas within Venezuelan territory, what will become of the American presence? If Caracas does not allow the activities of Exxon Mobil, it is the Venezuelan right to control or even destroy the facilities in its territory. And what would be the American reaction to that – considering Biden’s aggressive interventionist policy?

It is for these reasons that, more than ever, countries of greater international relevance must mediate the issue in order to maintain the status of illegality to the Exxon Mobil’s activities. With international pressure, it is possible that the American company will retreat or that at least the American military in the region will leave and with that we would have a reduction in tensions.

Still, it is possible that with international mediation a mutual exploration agreement will be reached that allows both countries to enjoy the local wealth, without, however, allowing companies that violate the Geneva Agreement to operate.

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This article was originally published on [InfoBrics](#).

Lucas Leiroz is a research fellow in international law at the Federal University of Rio de Janeiro.

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