



Venezuela's Territorial Dispute with Guyana Intensifies

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On 3 December, the Venezuelan regime of Nicolás Maduro held a referendum on Guyana's Esequibo region. The referendum decision strikes a blow to efforts to have the dispute between the two countries over the area settled by the International Court of Justice (ICJ). The escalation of tensions over this mineral-rich territory is aimed at consolidating the Maduro government's rule and providing social legitimacy for the threat of violence against Guyana. As a result, instability in the region is increasing.

What is the territorial dispute between Venezuela and Guyana?

The Esequibo dispute dates back to the 19th century when Guyana was a British colony. In 1899, an arbitral tribunal awarded the region to the United Kingdom. Venezuela challenged the validity of the award and the course of the border in 1962 following the UK's announcement that it was ready to accept Guyana's independence. In 1966, the UK and Venezuela concluded the so-called Geneva Accord, providing for a multi-stage mechanism to resolve the dispute and, if in case of failure, for the UN Secretary-General (SG) to choose further means of resolving the matter. The mechanism failed, so in the late 1980s the then SG Javier Pérez de Cuéllar decided to carry out a mission of good offices. However, the actions of successive SGs between 1990 and 2017 were unsuccessful, so the incumbent SG António Guterres referred the case to the ICJ. Guyana asked the Court, among other things, to confirm the validity of the 1899 judgment. Venezuela, on the other hand, challenged the ICJ's jurisdiction to decide the case. The Court, by its 2020 and 2023 judgments, rejected these objections, allowing the dispute to be judged on the merits.

What was the subject of the referendum in Venezuela?

The consultative (non-binding) referendum announced at the end of October included five questions on the status of Esequibo. They concerned, in turn: (1) rejection of the boundary line set out in the 1899 judgment, (2) recognition

of the 1966 agreement as the exclusive legal basis for resolving the dispute, (3) support for the position that Venezuela does not recognise the jurisdiction of the ICJ over the dispute with Guyana, (4) opposition to Guyana's exploitation of the maritime area adjacent to the Esequibo coast, and (5) consent to the creation of the state of Guayana Esequiba and its inclusion "in the maps of Venezuelan territory" (a veiled threat of annexation). The way the questions were phrased and the comments made by the Venezuelan authorities suggested a willingness to ignore the rulings of the ICJ, to whose statute Venezuela is a party, and a readiness to threaten the use of force against a neighbouring state. According to official data, the reliability of which is questionable, each of the questions received more than 95% support, with 10.4 million Venezuelans (out of more than 20 million eligible) voting.

What is known about the Venezuelan authorities' objectives?

The Maduro regime's increased activity in the Esequibo case is a response to the discovery in 2015 and exploitation of rich oil deposits off the coast of the disputed area, which has brought Guyana tens of percent increases in GDP over the past few years. The claims are based on economic grounds, including the belief that the lost profits would help Venezuela overcome a years-long economic crisis. More important, however, seems to be the political motivation—primarily Maduro's desire to consolidate power in view of the presidential elections scheduled for 13 October 2024. The regime wanted to mobilise the public around a common

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cause and shift responsibility for further steps in the Esequibo case to them. It also hoped to divert attention from continuing internal difficulties (including mass emigration) and to weaken the opposition, which produced a common presidential candidate, María Corina Machado, in October 2023.

What is Guyana's position?

From the perspective of the Guyanese authorities, the Esequibo (representing more than two-thirds of the national territory) is of crucial economic importance. They consider the judicial route to be the appropriate one for resolving the dispute. They have tried to pre-empt the referendum and have requested the ICJ to order so-called provisional measures to prohibit Venezuela from organising the vote, among other things. They argued that the referendum would sanction the plan to annex Esequibo. However, the Court limited itself to prohibiting the Venezuelan authorities from taking any action that would alter the situation in the territory controlled by Guyana. The country has also been supported in the dispute by, among others, the Community of Caribbean States (CARICOM), whose headquarters is based in the Guyanese capital Georgetown, and the Organisation of American States. At the end of November, Guyana's Vice President Bharrat Jagdeo declared that the establishment of foreign military bases in the disputed area was not out of the question, prompting accusations from Venezuela that it was collaborating with the U.S.

What are the international implications of the dispute?

The recent actions of the Venezuelan regime in the Esequibo case are striking a blow to the image of Latin America as an area of peace, which politicians of the region's countries are keen to invoke. The tensions between Venezuela and Guyana put particularly Brazil, which neighbours both countries, in a difficult situation. It has reinforced its borders and tried to mediate with both countries' leaders. Maduro's decision to organise the referendum may frustrate his successes in breaking international isolation over the past two years, including the normalisation of relations undertaken by Brazilian President Lula da Silva. It also calls into question the intentions of the Venezuelan authorities to fulfil the agreement with the opposition to break their conflict, adopted in Barbados on 17 October this year. It is in the interest of the EU, which has supported this process from the beginning, to call for the restoration of democratic order in Venezuela and to lift sanctions on the regime depending on progress. The referendum does not directly affect the subsequent course of the proceedings before the ICJ. However, enforcement of the Court's orders and rulings is a matter for the UN Security Council, and Russia—Venezuela's close partner—will be able to block them. By contrast, it is unlikely that Maduro will decide to use force against in Guyana.