

Introduction

For almost two centuries, Venezuela and Guyana have been engaged in a territorial dispute over the border region of Essequibo, also known as Guayana Esequiba. This territory, situated on the Atlantic coast in the northwest of South America between the Orinoco and Essequibo rivers, spans approximately 159,000 km² and is home to 128,000 of the 800,000 inhabitants of the Cooperative Republic of Guyana. The dispute originated when the Venezuelan government accused the British Empire of an incursion into its territory, at a time when Guyana was still a British colony.

This region, which appears on Venezuelan maps as a claimed zone, represents approximately 60 % of Guyana's territory, which is largely covered by tropical rainforest that has been little exploited, and which also has an extensive network of rivers and 300 kilometres of coastline. These forestry, agricultural and fishing resources are fundamental to Guyana's economy, which is mainly based on extractive industries.

Similarly, the Essequibo is home to valuable reserves of gold, copper, iron and other minerals such as bauxite, diamonds and manganese, as well as deposits of natural gas, uranium and oil.

Moreover, the geopolitical and geostrategic relevance of the Essequibo touches upon key aspects of international maritime law, particularly concerning the delimitation of territorial waters and exclusive economic zones, as many of these resources lie within such areas, which ensures that both Guyana and Venezuela hold on to their claims over this region.

In recent years, tensions between the two countries have escalated, particularly after the US multinational ExxonMobil discovered an oil field in 2015 in waters that Venezuela considers disputed, but which Guyana has already begun to exploit (Romero, 2023). This situation prompted Venezuelan President Nicolás Maduro to speak openly about the reconquest of this region, which, according to him, has always belonged to Venezuela. The issue of the Essequibo remains a central issue in the Bolivarian Republic, especially domestically. This issue has become, albeit with nuances, a rare point of agreement between the opposition and the government, since an external conflict normally tends to generate cohesion and unity in a country.

In the context of the 28 July presidential election campaign and the consultative referendum held last December, the Law in Defence of the Essequibo (CLV, 2024) was

passed in response to the Georgetown government's auction of oil blocks and the intervention of the International Court of Justice. This law not only provides for the creation of the Essequibo State and the incorporation of the territory on official maps but also establishes sanctions of political disqualification for those who disagree with the government's position on the dispute.

Amid this situation, Maduro has accused the US company ExxonMobil of financing opposition politicians in Venezuela. As a result, Venezuelan Attorney General Tarek William Saab ordered the arrest of fourteen people, including several opposition politicians, on charges of treason for participating in an alleged ExxonMobil-financed conspiracy against Venezuela (BBC News, 2023).

Meanwhile, Guyana continues to engage in defence cooperation with the US and other strategic allies, while expressing deep concern over recent developments. Guyana's president, Irfaan Ali, publicly stated that his defence forces are on high alert and in constant communication with the US Southern Command (Infobae, 2023). At the same time, diplomatic efforts with Venezuela are ongoing, with Guyana mindful that the discovery of oil has helped transform the young nation into one of the fastest-growing economies globally, earning it the name of the *South American miracle* (Osorio Idárraga, 2023), although it faces the risk of becoming overly reliant on the economic benefits derived from the Essequibo.

Another key aspect of this conflict is that Guyana maintains control and dominance of the disputed territory, which gives it a significant advantage over Venezuela.



Background

The origin

To understand this dispute over the sovereignty of the territory of the Essequibo, it is necessary to go back beyond the existence of Guyana as a country, which became independent from the United Kingdom in 1966—relatively recently—or of the Bolivarian Republic of Venezuela as a nation. Only by returning to the colonial era can we begin to grasp the origins of the conflict.

Between 1499 and 1500, Alonso de Ojeda, together with Juan de la Cosa and Amerigo Vespucci, explored the northern coast of South America, prompted by the Catholic Monarchs' interest in pearl wealth and its possible allocation to Portugal under the Treaty of Tordesillas¹. Ojeda reached the mouth of the Oyapock River, travelled along the coast to the Gulf of Paria and sighted the Essequibo River². During the 16th century, the Spanish Crown granted several capitulations to conquer and colonise the Atlantic coast

¹ Signed in June 1494 between Spain and Portugal to separate the world into two spheres of influence with a line west of the Cape Verde Islands. Its aim was clear and ambitious: to divide the newly discovered and undiscovered lands outside Europe between these two crowns, avoiding conflict between them and establishing a framework for controlled imperial expansion. Archivo General de Indias, Patronato, 1, N.º 6, R.1

² Probanza del Fiscal, Santo Domingo, 7 December 1512. *Colección de Documentos Inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas en América y Oceanía* (CODAIN), II.

of South America, most notably the expedition of Gonzalo Jiménez de Quesada in 1568³. The province of Guyana was incorporated into the Audiencia of Santa Fe de Bogotá a few years later, in 1591.

However, despite the Treaty of Tordesillas, other European powers attempted to establish colonies in Guyana. Henry IV of France authorised a colony in Guiana in 1602. The English tried between 1602 and 1609, and the Dutch were more successful. The quintessential areas of expansion for the Dutch Republic were, from the late 16th century onwards, the Caribbean islands of the West Indies and Guyana. This period is characterised by the infiltration of Dutch fleets into the Castilian monopoly in America and the partial development of direct trade with some enclaves within the Hispanic monopoly in the Antillean area (Crespo Solana, 2008).

The Dutch West India Company, a trading company established in 1621, set out to colonise the Guyana region, which included Essequibo, Demerara and Berbice, areas located on the Atlantic coast of what is now Guyana.

But the borders between the Spanish and Dutch territories were not clearly defined. The Europeans concentrated mainly on the coast, leaving the vast Amazonian interior unmapped and with ambiguous borders. The region's dense jungle, rivers and mountains made formal demarcations difficult to establish.

However, the Dutch did not limit their presence to their colonies and began to attack Spanish positions west of the Essequibo River, succeeding on several occasions in establishing effective control over the territory and exploiting it economically.

These tensions between the Dutch Republic and the Spanish Empire were resolved with the signing of a peace treaty, the Treaty of Münster (1648), as part of the agreements that ended the Thirty Years' War. Through this pact, Spain legally recognised the Dutch colonies located on the coast of Guyana east of the Essequibo River, thus relinquishing the territorial right it had been granted by the Treaty of Tordesillas. In addition, Spain abandoned the island of St. Martin, which was then divided between France and the Netherlands.

³ Jiménez de Quesada presented this Royal Decree before the Audiencia of the New Kingdom of Granada the following year. *Royal Decree of 18 November 1568*. Archivo General de Indias, Escribanía de Cámara 1011 A, f. 34-34v.

However, relations between Spain and the Dutch Republic changed significantly after the War of the Spanish Succession (1702-1714). This conflict ended with the Treaty of Utrecht (1713-1714), which recognised Philip V as the legitimate king of Spain. As part of the agreements, Spain and the Dutch Republic confirmed the legitimacy of the Dutch colonies in the Guianas. In addition, both nations agreed, through a treaty signed in 1714, to guarantee the right of their citizens to trade freely (Hulsman, 2015).

Subsequently, the creation of the Captaincy General of Venezuela in 1777 played a crucial role in this conflict, as Venezuela used this as a central argument to claim its sovereignty over the Essequibo. It was established as an administrative entity with the aim of unifying, under a single military and governmental command, a set of provinces that had previously been under the jurisdiction of two different viceroalties and two different audiences, and thus strengthening control over its territories in the region—including those west of the Essequibo River. With the creation of the Captaincy, the provinces of Venezuela, Cumaná, Guyana, Maracaibo, Margarita Islands and Trinidad came under a single military authority, led by a Captain General in Caracas.

Venezuela gained independence from Spain in 1811, but it was not until the dissolution of Gran Colombia in 1830 that it became an independent state with its own borders, taking the Essequibo River as its eastern boundary, although its effective control over this region was brief and more nominal than real. The challenges of consolidating independence, along with internal and external wars, meant that the new Venezuelan authorities were unable to extend their administration to areas as remote as the Essequibo.

However, in 1814 (under the Treaty of London) the Dutch ceded the rights of the Demerara, Berbice and Essequibo territories to Britain. This pact with the Dutch had a key peculiarity in this history: it did not define where the western border of the territory was. The change in colonial control was fundamental to the development of the dispute. Britain began to expand its influence in the territory beyond the Essequibo River, westwards into areas that Venezuela considered its own. Interested in exploiting natural resources and securing trade routes, they encouraged exploration and settlement in the western areas of Guyana, heightening tensions with its neighbour.

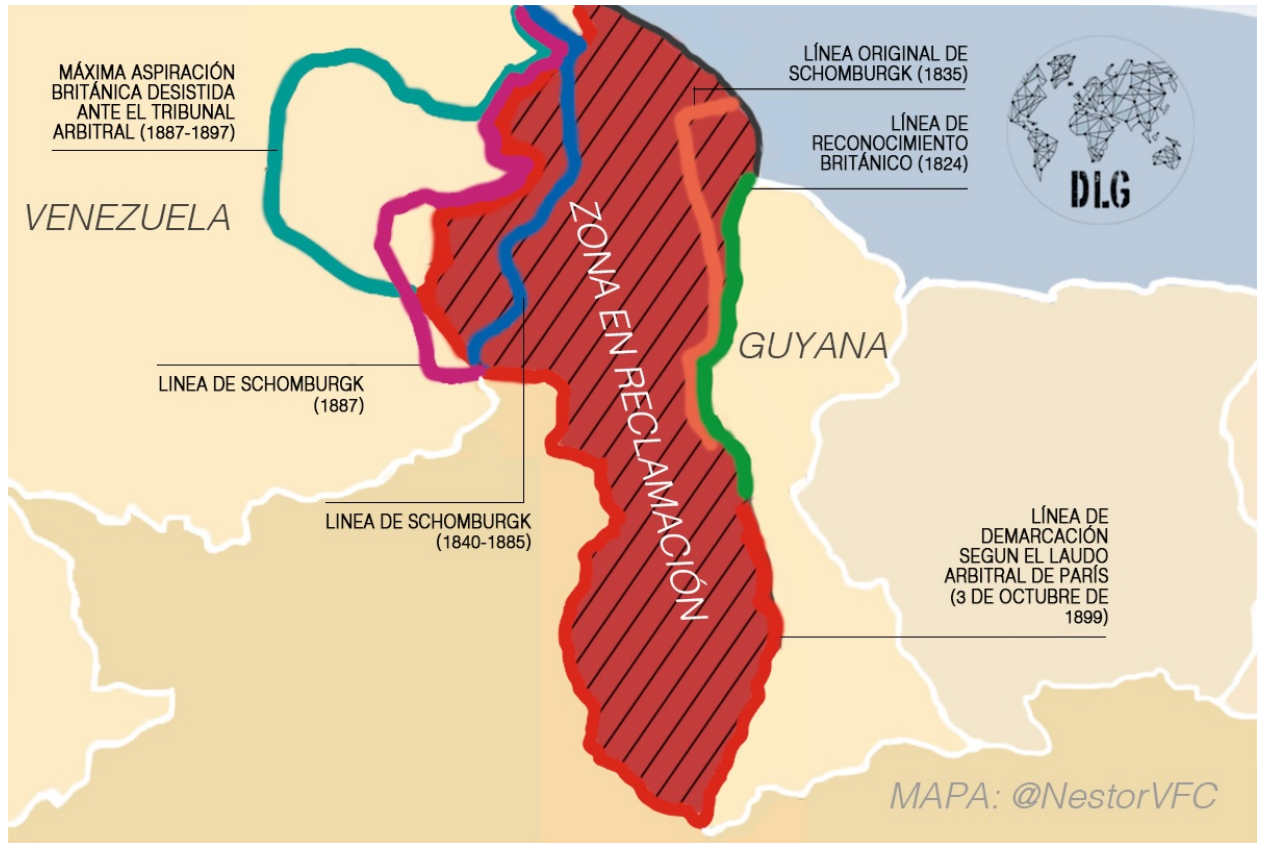
Nevertheless, both for Gran Colombia, founded in 1819, and later for the Republic of Venezuela, the border with British Guiana was clear and was naturally delimited by the

course of the Essequibo River, and for a time it seemed that the United Kingdom accepted this.

Rafael Badell, a member of the ACPSC, places the origins of the controversy in 1822, when English settlers were first detected west of the Essequibo River, beyond what was permitted under the 1814 Treaty of London (Badell Madrid, n.d.).

In addition, the discovery of gold in Venezuelan Guyana aroused the ambition of the British, and in 1840, the German explorer and cartographer Robert Schomburgk, in the service of the British, arbitrarily delineated the border between Venezuela and British Guyana, extending British territory by some 30,000 km², which Venezuela was not prepared to accept. In total, four maps were drawn up with different versions bearing Schomburgk's signature. Curiously, even after the explorer's death (Soto Cardozo, 2023), Britain used the so-called *Schomburgk Line* as the basis for its imperialist expansion, and in time there were still other lines further west. Alejo Fortique, Venezuela's minister in London, led negotiations to defend Venezuelan rights in Guiana Esequiba with Foreign Secretary Aberdeen, who, from the *Foreign Office*, proposed setting the Moruka River as the border, on condition that Venezuela did not cede that territory to another power (Consalvi, 1992). In time, new lines were to be drawn to the west.

In 1841 Venezuela formally denounced a territorial incursion by its neighbours and sought support from the United States, which was beginning to emerge as a global power.



The Paris Arbitral Award of 1899: Decision and Dispute

In the 1890s, the territorial dispute reached a critical point. Faced with the British threat of advancing towards the Orinoco Delta and the gold-rich Yuruari region, Venezuela — then weakened by poverty, depopulation, and internal conflicts—sought support from the United States, viewing the Monroe Doctrine, *America for the Americans*, as its only hope for preserving its territorial integrity.

In 1895, the Americans became involved in the dispute, recommending its resolution through international arbitration. Unwilling to confront the United States directly, London accepted the proposal, formalised in the 1897 Washington Arbitration Treaty, whereby both parties agreed to accept as final the decision rendered by an allegedly impartial tribunal in Paris.

Consequently, Venezuela allowed the United States to represent its international interests, with the US Navy as its main deterrent. This change in Venezuelan diplomacy,

during the government of Antonio Guzmán Blanco⁴, included the granting of exploitation rights to US companies in strategic areas.

In the long run, however, this strategy had mixed results. Although Venezuela achieved some US backing, avoiding a major territorial loss, the dispute over the Essequibo culminated in one of the biggest disasters in Venezuelan history (Straka and Mobilia 2019), which made significant concessions to Britain. Despite the US intervention, the outcome was unfavourable for Venezuela, although the policy of concessions initially helped to capture the attention and support of the US government and businessmen, especially during Cleveland's presidency.⁵

Venezuela sought to claim the territory as its own, relying on the principle of *uti possidetis iuris*, a tenet of international law granting states the right to govern territories that historically belonged to them. This claim rested on the inclusion of the disputed territory under the sovereignty of the Captainty General of Venezuela in 1777. However, the dispute was settled in Britain's favour and the Schomburgk Line was established as the boundary between the two territories, giving it most of the disputed territory, including almost all of the Essequibo except for an area near the mouth of the Orinoco River, which was awarded to Venezuela and, although Venezuela protested, it had no choice but to accept the result.

In 1949, however, the alleged discovery of documents casting doubt on the impartiality and integrity of Russian jurist Friedrich Martens—whose vote had been decisive—prompted Caracas to challenge the ruling before the United Nations. Severo Mallet-Prevost⁶ reported these irregularities in a *Posthumous Memorandum*, which was written by his colleague Otto Schoenrich and published in the *American Journal of International Law*, as per Mallet-Prevost's wish for it to be revealed after his death.

In 1962 Venezuela formally began questioning the 1899 award, claiming it was null and void due to an alleged secret agreement between Britain and Russia that had favoured British interests.

⁴ Venezuelan politician and military officer, he was president of the Republic in the last third of the 19th century and is considered by some historians to be one of the country's most controversial rulers, for despite being a dictator, he achieved the extraordinary enterprise of reforming the nation politically and culturally and positioning rural Venezuela on the international stage of his time.

⁵ Stephen Grover Cleveland, 22nd and 24th President of the United States (1885-1889, 1893-1897).

⁶ Mallet-Prevost, a partner in a renowned New York law firm, acted as counsel for the Venezuelan side during the Arbitral Award. He was appointed by the US government.

Three years later, the Venezuelan government presented a new official geographical map of the country, which highlighted a shaded area on the eastern border corresponding to the territory of Guiana Esequiba, labelled as the *Zona en Reclamación* (Zone in Dispute), which provoked a formal protest from the British government.



The 1966 Geneva Agreement: Negotiation and Mechanisms

Initially, the United Kingdom refused to reconsider the arbitral ruling, but historical circumstances compelled it to negotiate. In 1966, Venezuela—then experiencing an economic boom and the early years of democracy—and the United Kingdom signed the Geneva Agreement, which remains in force today. This agreement established a framework for resolving the territorial dispute through bilateral and multilateral mechanisms. Although the agreement did not achieve a final settlement, it did allow for the formation of a joint commission charged with seeking a practical and mutually acceptable solution. This agreement came about just as Guyana's independence was approaching, which intensified the urgency of the conflict, as Venezuela sought to reopen the discussion on the sovereignty of the territory before Guyana was fully consolidated as a state.

Even among the greatest detractors of the Geneva Convention, Venezuela's merit in breaking the legal invulnerability of the 1899 arbitral decision by allowing the case to be reopened is recognised (Orellana Yépez, 2001). Most significantly, this agreement reflected the recognition that the Paris arbitration decision had not definitively settled the territorial dispute. Moreover, by being signed by Venezuela, the UK and Guyana, all signatories, in theory, accepted the invalidity of the previous ruling.

However, when Guyana became an independent nation three months later, it inherited the borders established by Britain, including the Essequibo region, leaving the agreement uncertain.

Venezuela rejects the 1899 ruling and recognises the territory east of the Essequibo River as part of the new state but expressly makes it clear that it reserves its sovereignty rights over the entire area west of the river (Orellana Yépez, 2001), while Guyana insists that the Award must be respected. From the perspective of international law, this situation is problematic, as it implied recognising the sovereignty of a state exercising *de facto* control over a disputed territory claimed by another nation.

The Geneva Agreement provides that if a negotiated settlement between the two countries cannot be reached, the matter must be referred to one of the peaceful dispute resolution methods outlined Chapter VI of the UN Charter.⁷

Similarly, this Agreement introduced the figure of the "Good Officer", a mediator appointed by the UN Secretary-General to facilitate the peaceful resolution of the conflict. Although the agreement maintained relative peace, it did not resolve the conflict in its entirety. In fact, in these years Guyana granted for the first time economic rights over the Essequibo, which provoked the first conflict over the sovereignty of the territorial sea in the disputed area (Brizeño Monzón, 2016).

Due to these circumstances, in 1970 the Port of Spain Protocol was signed between Venezuela, Guyana and the United Kingdom in a context where the aim was to prevent the situation from turning into an open conflict and, aware of the international pressure in the midst of the Cold War, they decided to opt for an approach that would temporarily freeze the dispute of the last twelve years. After the expiry of the Protocol in 1982, the

⁷ The Charter was signed on 26 June 1945 in San Francisco at the conclusion of the United Nations Conference on International Organisation and entered into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter. Available at: <https://www.un.org/en/about-us/the-organization>

territorial dispute returned to the diplomatic agenda without being resolved and in 1983, both sides agreed to appoint the UN Secretary-General as mediator in the search for a solution to the conflict. Some analysts consider that the Chávez and then Maduro governments led the Bolivarian Republic to one of the worst possible scenarios in terms of the territorial dispute (Garavini di Turno, 2023).

Chávez's mandate could be interpreted as a real turning point as it lowers the tone of the dispute. With Maduro as foreign minister, the influence of Fidel—who consistently supported Guyana—and the desire to secure the votes of Caribbean countries in the OAS⁸ and the UN led to the Venezuelan claim being practically abandoned.

In 2004, the official position of the Venezuelan state underwent a significant change after President Hugo Chávez's visit to Georgetown, the capital of Guyana. This meeting inaugurated a new stage in relations between the two states, as the Venezuelan government adopted a more permissive and tolerant stance on concessions in the Essequibo Territory. Chávez surprisingly declared that Venezuela was not opposed to Guyana granting concessions and contracts to transnational companies in the Essequibo, provided they contributed to regional development (Gómez Herrera, 2004).

This decision undermined the work that Venezuelan diplomacy had been carrying out for almost 40 years by handing over one of its few bargaining chips without getting anything in return (Garavini di Turno, 2023). To make matters worse, in 2007, the Venezuelan president claimed that the reactivation of the Venezuelan claim over the Essequibo in 1962 had been driven by pressure from the United States, which was supposedly seeking to destabilise the left-wing, autonomous (though still dependent on Britain) government led by Prime Minister Cheddi Jagan in then British Guiana (Garavini di Turno, 2015).

Current situation

Guyana makes a move: territorial dispute reaches the International Court of Justice

In recent decades, interest in Guiana Essequiba has increased due to the discovery of significant oil deposits and other natural resources.

⁸ The Organisation of American States.

In fact, there were no major tensions between the two countries before 2015, when U.S. company ExxonMobil announced the discovery of substantial hydrocarbon deposits in the "Stabroek" block off the coast of Guyana. The company found the equivalent of 11 billion barrels of oil and gas offshore, less than 190 kilometres from the coast (Osorio Idárraga, 2023b).

This discovery led Venezuela to harden its stance, with tensions rising as it denounced ExxonMobil's activities as a violation of its sovereignty.

After decades of failed negotiations, Guyana decided to bring the case to the International Court of Justice in The Hague (ICJ), requesting a ruling on the validity of the 1899 arbitral award, and ExxonMobil announced that it would cover the defence costs, estimated at around fifteen million dollars (Oil News, 2018). This could be the first time in history that a state officially acknowledged in The Hague that it would receive funds from a private company to finance such expenses.

Of the issues to be resolved, the only conclusion unanimously adopted by both the fifteen Titular Judges and the *ad hoc* judge appointed by Guyana, Hilary Charlesworth (Australia), was that the ICJ only has jurisdiction to examine events that occurred before 1966, not after, as Guyana speculatively argued. In December 2020, the ICJ declared itself competent to rule on the validity of the 1899 arbitral award.⁹

For its part, Venezuela decided from the outset not to participate in the proceedings, firmly opposing Guyana's unilateral action and questioning the ICJ's competence to deal with this claim—a request that was decline—a request that was rejected. Venezuela argued the matter should be resolved through bilateral negotiations as stipulated in the 1966 Geneva Agreement and immediately rejected the ruling.

In relation to this development in the conflict, it has been argued that this was the right moment to appear before the ICJ and defend the rights claimed (Romero, 2021). Once the Court declared itself competent to examine the merits of the claim, Venezuela would have to be prepared to face and respond to the movements that would result from such a process.

⁹ See: International Court of Justice. Arbitral Award of 3 October 1899 (Guyana v. Venezuela). Judgment of 18 December 2020. Available at: <https://www.icj-ij.org/en/cases/08001>

Although it should be noted that by appointing an *ad hoc* judge and filing an appeal of inadmissibility against Guyana's claim, Venezuela effectively agreed to participate in the judicial process. However, following the ICJ's rejection of this appeal, a sector of the Venezuelan government has gained momentum, advocating the adoption of an anti-imperialist ideological narrative, accusing both the Guyanese government and the ICJ of being mere instruments of ExxonMobil. Interestingly, this position ignores the fact that Exxon's partners in Guyana include China's state oil company (CNOOC) and Chevron, which also operates in Venezuela.

In December 2020, Venezuelan Foreign Minister Jorge Arreaza declared that the 1966 treaty excludes the judicial route that the ICJ intends to apply, arguing that this approach would not guarantee the practical and satisfactory settlement that the agreement requires for both parties. Despite this, Guyana's position remains firm in respecting the ruling of the 1899 arbitral award.

It is worth noting that the Court, with or without Venezuela's participation, continues with the process and, in a few years, will issue a binding and unappealable judgement, establishing March 2022 as the deadline for the parties to present their memorials.

Caracas and Georgetown have never reached an agreement on the border demarcation. In January 2021, Nicolás Maduro launched a series of measures including the issuance of Decree No. 4,415 to protect the Essequibo region by creating a territory for the development of the Atlantic Frontier, which claimed exclusive rights over the waters and seabed extending two hundred nautical miles off the Orinoco Delta (Venezuela, 2021). This move was described by Guyana as extremely worrying and the country denounced an increased Venezuelan military presence in the area.

This decree could be seen as one of the most provocative Venezuelan measures, given the large area of Guyanese waters it claims and the already known oil reserves there. The Maduro government has stepped up its intimidation in this potentially lucrative maritime space.

In the framework of this defence promoted by the Bolivarian government, that same month the Venezuelan navy detained two Guyanese fishing boats that, according to Caracas, were in waters under its full sovereignty. Guyana, for its part, maintained that both vessels were operating within its jurisdiction, while the Venezuelan vessel was

illegally manoeuvring in its Exclusive Economic Zone (Díaz, 2021). In response to condemnation from Guyana and others, including the United States, the European Union, the Caribbean Community (CARICOM) and the Organisation of American States (OAS), the fishermen and vessels were subsequently released on 3 February (Lloyd Griffith, 2021).

A month later, Venezuela's National Bolivarian Armed Forces (FANB) accused the US of attempting to disintegrate Venezuelan territory through its transnational companies, which they claim are tasked with neo-colonialism, infiltration and penetration of the country (Sedano, 2021).

Nevertheless, on 7 June 2022, Venezuela raised preliminary objections to the admissibility of Guyana's application to the Hague Court, the central argument being that the United Kingdom and Northern Ireland are indispensable third parties who must be involved in the process, as they were part of the Geneva Agreement of February 17, 1966.

The Court set a deadline of 7 October 2022 for Guyana to submit its written observations and arguments on these preliminary objections. Subsequently, from 17 to 22 November, public hearings were held on the objections raised by Venezuela. Finally, on 6 April 2023, the ICJ almost unanimously rejected Venezuela's request to exclude the UK and Ireland as third parties of the dispute. The ruling was unfavourable to Venezuela with fourteen votes against and only one in favour. Maduro's preliminary objection was seen as a legal manoeuvre aimed at responding belatedly to delay or hinder the proceedings before the Court.

Inevitable collision: the struggle for resources

What is currently rekindling this dangerous situation in the region is that Guyana has granted permits for ExxonMobil and other international oil companies to obtain energy resources, oil and other minerals in this area of the Essequibo. This has provoked an immediate reaction from Venezuela, since the ICJ has not yet reached a conclusion on this territory.

Without taking these circumstances into account, Maduro has already modified the map of Venezuela to include the Essequibo region, although the cartographic and geographic

question has marked it as a claim zone since the beginning of the dispute, with a few strips, which recognises that it has historically fought for this area.

On the other hand, Guyana, despite significant macroeconomic growth—62% in 2022 and a projected 37% for 2023 according to the IMF—still has underdeveloped infrastructure, with only some progress in housing and bridges. Yet, almost 48% of the population lives in poverty, and it remains to be seen whether oil revenues will improve living standards, as the government claims it is saving for the future (Prazeres, 2024).

A major turning point occurred on December 3, 2023, when Venezuela held a non-binding referendum on the Essequibo controversy, which was approved by more than 95% of voters. The referendum was authorized the previous month by the National Electoral Council (CNE) but was immediately rejected by neighbouring Guyana.

Of the five questions put to the electorate, the first was whether they reject the Paris Arbitral Award of 1899, bypassing the ICJ process, with the clear intention of using the probable affirmative answer as an excuse to abandon the process initiated in the Court, which Venezuela has already accepted.

The second measures support for the 1966 Geneva Accord, considered "the only valid legal instrument" for reaching "a practical and satisfactory solution" to the conflict.

However, the most controversial question was the last one, which openly raised the idea of annexation—proposing the creation of a new Venezuelan region in the disputed territory and integrating it into the Venezuelan map. It also suggested fast-tracking citizenship and ID issuance for Essequibo residents.

This question is completely unrealistic and has served as a basis for Guyana and the CARICOM countries¹⁰ to accuse Venezuela before the international community of having intentions to militarily occupy the region. As has the OAS, which denounced the intimidatory tactics of the Venezuelan president. Its unreality lies, among other reasons, in the fact that it is absurd to suppose that the inhabitants of the Essequibo would be interested in acquiring citizenship of a country mired in a deep socio-economic crisis, from which more than eight million people have emigrated in recent years, including 35,000 to Guyana itself (Garavini di Turno, 2023).

¹⁰ Caribbean Community (CARICOM) is an international organisation for the strengthening of relations in the Caribbean region; its headquarters are in Georgetown, Guyana.

The "yes" vote overwhelmingly won all five questions, implying a national Venezuelan rejection of the ICJ's jurisdiction. It must be said that the Essequibo issue really unites the Venezuelan population like no other topic.

Rather than a referendum, the referendum appeared to be a diversionary manoeuvre to distract public opinion from the government's ongoing socio-economic failures, especially in the run-up to the July 2024 elections, using nationalism as a banner. And while there has been speculation that the referendum turnout figures may have been inflated, few question that an overwhelming majority of Venezuelans strongly support the recovery of the Essequibo. Similarly, in Guyana, the dispute is also a matter of national pride and of great significance due to the expectations generated by the exploitation of natural resources in the region.

Nicolás Maduro announced two days after the referendum the enactment of an organic law for the creation of the state of Guayana Esequiba, along with the formation of a specific military division to manage the disputed territory (France 24, 2023). As internal challenges to his regime have increased, he has reinforced and expanded his military capacity on the border with Essequibo.

Although he did not mention raids, he did detail the creation of the Zone of Integral Defence (ZODI) Guayana Esequiba, which will be made up of three development areas and will depend both militarily and administratively on the Guayana Strategic Region of Integral Defence (REDI). The new ZODI, a kind of territorial military division, will be provisionally based in Tumeremo, a mining town in Bolívar state, close to the border with Brazil and the disputed area (Bravo, 2023).

Additionally, the Venezuelan president approved the creation of subsidiaries of state oil company Petróleos de Venezuela (PDVSA) and Corporación Venezolana de Guayana (CVG) to operate in the Essequibo, which he has instructed to grant licences for the exploration and exploitation of oil, gas and minerals, according to an official government statement (BBC News Mundo, 2023).

For its part, Guyana reinforced the security of its borders and affirmed that Venezuela's plans are a threat to its territory and to world peace and warned that its military forces were on high alert. In the same vein, the United States announced plans for flight operations by the Southern Command (SOUTHCOM) in Guyanese territory in

cooperation with the Guyana Defence Force. Just prior to the referendum, senior commanders from the US military's 1st Security Forces Assistance Brigade had already visited Guyana for strategic planning sessions. The aim was to strengthen the military capabilities and preparedness of both countries against potential security threats (Berg and Hernandez-Roy, 2023).

At the same time, the Brazilian army confirmed that it would be sending troops and armoured vehicles to the north of the country, that is, to the border area with Venezuela and Guyana (EFE, 2023).

This situation raises the question of the real possibilities of an armed conflict between Venezuela and Guyana. It would be difficult since the Venezuelan armed forces are very weak; the annexation sought by Venezuela would imply military action, although there could be some action on the border. But it is true that, in terms of military balance, Venezuela maintains a visible superiority over Guyana. According to World Bank data, Caracas increased its military spending to 0.65 per cent of GDP in 2022, compared to 0.31 per cent in 2021¹¹. This growth could reflect the Venezuelan government's priorities in strengthening its defensive capacity in this context of regional tension, although it remains relatively low compared to other countries.

It is important to remember that Guyana is a member of the Commonwealth, which could secure it the backing of both the UK and other English-speaking Caribbean nations, playing a key role in defending their interests.

Under these circumstances, the leaders of Guyana and Venezuela pledged at a tense meeting in St. Vincent and the Grenadines on 14 December—the Argyle Agreement—that neither side would use threats or force against the other but failed to reach agreement on how to address the dispute.

The Venezuelan government's strategy combines diplomatic dialogue, symbolised by the Argyle Agreement, with latent military pressure—a tactic which academic Thomas Schelling referred to as *compellence* in his application of game theory to international conflicts. The aim is to force Guyana to reopen bilateral negotiations over the Essequibo, as well as to divert attention from the success of María Corina Machado's campaign at

¹¹ See: World Bank Open Data. <https://databank>.

the time and the regime's socio-economic failure, in view of the 2024 elections (Berg *et al.*, 2024). However, Guyana maintains that the dispute will be resolved exclusively by the International Court of Justice, rejecting any other mechanism until the court's final decision.

In any case, the Organic Law for the Defence of Essequibo Guyana was passed in March this year by the Venezuelan Parliament and enacted with the purpose of providing legal backing for Caracas' plans to reclaim the disputed territory. The law states that "while the internal situation of the entity is being resolved", the Venezuelan head of state will elect the governor, and the National Assembly will assume the legislative functions of the territory. Clearly, for Guyana, the law contradicts the letter and spirit of the Argyle Joint Declaration for Dialogue and Peace between Guyana and Venezuela.

Article 25 of the law states that any candidate for elected office who has endorsed Guyana's position may be disqualified from running for the elections held in July. This introduces a new mechanism that allows Maduro and the ruling *Chavismo* to eliminate potential opponents, also for the upcoming elections in 2025 and 2026, when deputies, governors and mayors will be renewed (Singer, 2024).

On 8 April, Venezuelan Vice-President Delcy Rodríguez led a delegation to present the country's so-called *counter-memorial* to the ICJ, while Caracas continues to refuse to recognise the ICJ or any future ruling on the border dispute with Guyana. Even so, they have ensured that they will continue to participate in the process and not lose the trial because they have renounced it.

Finally, both disputing nations participated in a virtual meeting convened by ICJ President Nawaf Salam to discuss the next steps in the judicial process examining the sovereignty of the disputed territory.

Despite attending the meeting, the Venezuelan government made it clear that its presence does not imply recognition of the ICJ's jurisdiction and continues with its arguments (Infobae, 2024). For its part, Guyana remains confident that the ICJ will confirm its sovereignty over the Essequibo. This dialogue marks a key step in the process, although the final resolution remains uncertain, given the divergent positions of both sides.



It is important to note that following the decision on the 1899 Arbitral Award and the definition of the land border, it is highly likely that the ICJ will also have to intervene in the delimitation of the marine and submarine areas (Treves, 2020). These includes hundreds of thousands of square kilometres corresponding to the Exclusive Economic Zone and the Continental Shelf projected from the Venezuelan territory of the Orinoco Delta, as Guyana has arbitrarily granted concessions to multinationals in marine and submarine areas that not only cover the disputed territory of the Essequibo, but also part of the Venezuelan state of Delta Amacuro, which further aggravates the tensions surrounding the conflict.

Role of external actors

The Essequibo dispute not only affects Venezuela and Guyana, but it also has significant implications for stability and relations across the Americas and the international community, particularly regarding the exploration and exploitation of energy resources in the area.

Organisations such as the Caribbean Community (CARICOM), or countries such as the United States have expressed their support for Guyana, while Venezuela has sought support in other international forums, but it would not be wrong to say that Guyana has

been strengthened by this support while the Bolivarian Republic has been left more isolated.

Washington, despite some initial distancing on the issue, but without losing sight of a resolution through the ICJ, adopted a position more favourable to Guyanese interests when Maduro held the referendum and given the notable involvement of US multinationals, including ExxonMobil, in Guyana's oil tenders.

More than two decades of *Chavismo* in power in Venezuela have led to an alteration of US geopolitical adjustments in the hemisphere. In distancing themselves from the *giant of the North*, both Chávez and Maduro have chosen to focus their efforts on strengthening relations with Washington's strategic rivals, such as Cuba, Russia, China and Iran, among others, in the military, political and energy spheres.

At this juncture, *a priori*, it is understandable that Washington would be more willing to respond to Guyanese interests. Nevertheless, the US also has vested interests in Venezuela, particularly in the energy sector—especially since the war in Ukraine, which Maduro used as an opportunity to reopen the Venezuelan oil market, allowing US companies like ExxonMobil and Chevron Texaco to benefit from tenders.

As for Cuba, it has been a strategic ally of Venezuela since Hugo Chávez came to power, but it has also maintained close relations with Guyana since the two countries established diplomatic ties in 1972. These relations reached a remarkable intensity, largely due to the model of cooperative socialism that Guyana implemented between 1964 and 1992. Internationally, Guyana has supported Cuba in its condemnation of the US embargo and the two nations have shared positions in forums such as the Non-Aligned Movement (Voice of America, 2024).

Although Cuba has acknowledged Venezuela's historical claims over the Essequibo, Havana has attempted to maintain a delicate balance in the framework of organisations such as CARICOM and the OAS. However, several current factors could force Cuba to revise its position on this issue.

The energy shortages facing the island, combined with difficulties in Venezuelan oil supplies, place Cuba in a vulnerable situation. This scenario is exacerbated by the normalisation of relations between the US and Venezuela. In addition, the oil fields in

Guyana through international tenders may modify regional balances and force Cuba to adopt a position closer to Guyanese interests in this conflict.

In the current context of rising oil prices, due to the wars in Ukraine and Gaza, Cuba and other countries dependent on Venezuelan oil may begin to pay closer attention to the energy opportunities offered by Guyana's bidding scheme.

Brazil, for its part, has reinforced its northern border due to tensions between the two countries. Any regional escalation stemming from a potential annexation would have major repercussions for Brazil, which shares borders with both Venezuela and Guyana. Brazil's response could be described as rather astute, with President Lula da Silva maintaining good relations with both the Guyanese and Venezuelan presidents and offering his country as a host for dialogue between the two sides.

The Brazilian president's interests are clearly affected by this controversy, as his efforts to reactivate regional integration mechanisms, which depend heavily on the perception of the region as a zone of peace, are weakened. Moreover, this complicates his international projection, as his global leadership has been largely linked to his image as a leader capable of maintaining stability in his regional environment, at a time when Brazil has an ambitious project as a member of the BRICS¹² and spokesperson for the global south, where it would prefer not to be so involved in regional conflicts.

Russia, while playing a less visible role in the Essequibo dispute, maintains a close relationship with Venezuela in diplomatic, geopolitical and energy areas. Although Moscow has adopted an official stance that promotes the resolution of the conflict through international bodies, it has avoided getting involved in a military escalation. Maduro's referendum is reminiscent of Russian precedents in Crimea and Donbas, with similar methods, but without direct military intervention. In addition, Russia may have strategic interests in Guyana, pushing for its energy companies such as Gazprom or Rosneft to gain access to the rich resources of the Essequibo.

The Kremlin could also be assessing its own strategic interests in relation to Guyana, seeking to influence Georgetown to facilitate the entry of its energy corporations

¹² A group of emerging countries that includes Brazil, Russia, India, China and South Africa. This grouping was created with the aim of promoting economic, political and social cooperation among its members and to represent the interests of developing countries on the global stage.

(Gazprom, LUKoil, Rosneft) into the promising market emerging on the offshore and subsea shelf of the Essequibo (Mansilla Blanco, 2024).

As for China, it is emerging as a key player, whose ambiguous stance raises doubts about its true role in the region's geopolitical landscape.

On the one hand, it has established itself as the main economic and military backer of the Maduro regime in Venezuela. The sale of advanced weaponry and assistance in digital surveillance technology have been crucial to *Chavismo's* hold on power. Beijing has also served as a financial lifeline for Caracas, purchasing millions of barrels of Venezuelan oil despite international sanctions. On the other hand, however, China also invests significantly in Guyana, participating in key infrastructure projects, tourism and, crucially, *offshore* oil exploitation. This duality in Chinese actions reflects a strategy of deliberate ambiguity (Global Scenario 2024).

Conclusions and foresight

The territorial dispute between Venezuela and Guyana over the Essequibo remains nowhere near a solution due to the rigid positions that both nations maintain. Venezuela, deeply rooted in its historical claim, has continually marked the Essequibo on its maps as part of its territory, while Guyana stands firm in its defence, backed by the 1899 Arbitral Award and the intervention of the International Court of Justice (ICJ). This conflict, which dates back to the colonial era, has intensified in recent decades due to the discovery of important natural resources in the region, such as oil, which has added a layer of geopolitical and economic complexity.

The ICJ's involvement represents a step towards a legal resolution of the dispute, but the situation is highly uncertain. Venezuela, weakened by its political crisis and internal economic crisis, has consistently rejected the Court's jurisdiction, insisting that the dispute should be resolved through bilateral negotiations, as stipulated in the 1966 Geneva Agreement. However, Guyana has relied on the ICJ to validate its sovereignty over the Essequibo, generating diplomatic tensions that complicate any possibility of a direct agreement.

The role of the international community will also be crucial in this process, as the dispute involves not only sovereignty issues, but also the control and exploitation of natural

resources that are key to both economies. The exploitation of oil in offshore and underwater areas, concessioned by Guyana to foreign companies, adds pressure to the already tense relations between the two countries.

Following Venezuela's presidential elections in July 2024, during which the Maduro government sought to consolidate its grip on power at any cost, the country's internal political landscape remains unstable—something that could affect how Caracas approaches the dispute going forward. With the country mired in economic and social crisis, this conflict becomes a politically sensitive issue for the government, which seeks to project a message of territorial sovereignty to the international community but lacks the capacity to engage effectively with the case.

Ultimately, resolving the dispute over the Essequibo will require a delicate diplomatic and legal approach that respects international law and the positions of both parties. Despite the ICJ's intervention, the process will be protracted and complex, and stability in the region will depend as much on the political will of Venezuela and Guyana as on the ability of both countries to find a peaceful and lasting solution that respects the rights and aspirations of their citizens. In the meantime, the people living in the disputed region continue to experience the uncertainty of a geopolitical limbo, facing the everyday challenges of life in contested territory, and hoping for a peaceful resolution that will bring stability and protection.

Only through sincere dialogue, based on mutual respect and fairness, can the conflict be transcended and transformed into an opportunity for understanding and cooperation.

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ANNEX

Conflict Chronology Table

CHRONOLOGY OF THE CONFLICT	
DATE	EVENTS
1825	Britain recognises that the Essequibo River demarcates the border between the Republic of Colombia (Greater Colombia) and British Guiana.
1835	The Prussian naturalist Robert H. Schomburgk makes his first expedition to British Guiana and marks his first border with the young Republic of Venezuela, occupying 4920 km ² .
1839	Second Schomburgk line: British occupation of Venezuelan territory extending over 142,000 km ² .
1850	Venezuela and Britain reach an agreement that neither will occupy the disputed territory.
1887	Britain publishes Hebert's map (1842) showing the third and fourth Schomburgk lines (British claim to occupy between 167,830 and 203,830 km ² west of the Essequibo River). Venezuela breaks off relations with Britain.
1897	The Treaty of Arbitration is signed between Venezuela and Great Britain to define their boundary line. The United States intervenes as mediator on behalf of Venezuela.

1899	On 3 October, the Paris Arbitral Award was signed, determining a boundary line giving Britain 159,500 km ² of the territory that belonged to the former Captaincy General of Venezuela.
1903	Venezuela denounces the Paris Award at the International Court of Justice in The Hague as unjust.
1949	Publication of the Memorandum by Severo Mallet-Prevost, one of the lawyers who participated in the arbitration that resulted in the Paris Award.
1966	The Geneva Agreement is signed on 17 February.
1970	On 18 June, representatives of Venezuela and the now independent Republic of Guyana sign the Port of Spain Protocol, which was not legislatively recognised by the Venezuelan Congress.
1986	Venezuela and Guyana accept the figure of the Good Officer as a mediation mechanism to find a peaceful solution to the dispute over the Essequibo.
2018	On 29 March, Guyana filed a claim with the ICJ against Venezuela, demanding recognition of the boundary delimitation set out in the Paris Award.
2020	On 18 December, the ICJ issued a ruling declaring that it has jurisdiction over the lawsuit brought by Guyana against Venezuela.
2021	The first hearing at the ICJ on Guyana's claim against Venezuela takes place on 26 February.

2022	On 17 November Venezuela submitted its preliminary objections to Guyana's claim to the ICJ in The Hague.
2023	Maduro's government calls non-binding referendum on the Essequibo dispute
2024	The Organic Law for the Defence of Essequiba Guyana was approved by the Venezuelan National Assembly on 21 March. On 8 April, Venezuelan Vice-President Delcy Rodríguez led a delegation to present the country's so-called <i>counter-memorial</i> to the ICJ.

In the tables below, data as of 3 July 2024 unless otherwise stated. Source CIA, The World Factbook.

TABLE OF GEOPOLITICAL INDICATORS	
VENEZUELA	
Area 912 050 square kilometres	
GDP in billions of dollars 269.68 billion (2018 est.)	
GDP structure	Agriculture 4.7 % (2017 est.)
	Industry 40.4% (2017 est.)
	Services 54.9% (2017 est.)
GDP per capita 7704 (2018 est.)	
GDP growth rate 19.67 % (2018 est.)	
Trade relations in billions of dollars	
(Exports): 83,401 million (2018 est.)	
Trade relations in billions of dollars	

(Imports): 18.432 billion (2018 est.)	
Population 31 250 306	
Age structure	0-14 25 %
	15-64 65,9 %
	Over 65 9.1% (2024 est.)
Population growth rate 2.34 % (2024 est.)	
Ethnic groups not specified Spanish, Italian, Portuguese, Arab, German, African, Indigenous	
Religions Roman Catholic 48.1 %, Protestant 31.6 % (Evangelical 31.4 %, Adventist 0.2 %), Jehovah's Witness 1.4 %, African American/Urban 0.7 %, Other 0.1 %, Believers 3.5 %, Agnostic 0.1 %, Atheist, 0.4 %, None 13.6 %, Unspecified 0.6 % (2023 est.)	
Literacy rate of the population (over 15 years old can read and write) 97.5%.	
Population below the poverty line 33.1% (2015 est.)	
GINI Index 39 (2011 est.)	
Military expenditure. % of GDP. 5.2% of GDP (2019 est.)	

TABLE OF GEOPOLITICAL INDICATORS	
GUYANA	
Area 214 969 square kilometres	
GDP in billions of dollars 40 539 million (2023 est.)	
GDP structure	Agriculture 15.4% (2017 est.)

	Industry 15.3% (2017 est.)
	Services 69.3% (2017 est.)
GDP per capita 49 800 (2023 est.)	
GDP growth rate 33.02 % (2023 est.)	
Trade relations in billions of dollars (Exports): 11 536 million (2022 est.)	
Trade relations in billions of dollars (Imports): 7067 million (2022 est.)	
Population 794 099	
Age structure	0-14 23,5 %
	15-64 68,4 %
	Over 65 8.1 % (2024 est.)
Population growth rate: 0.32 % (2024 est.)	
Ethnic groups: East Indians 39.8 %, Afro-descendants 29.3 %, Mestizos 19.9 %, Indigenous 10.5 %, Others 0.5 % (includes Portuguese, Chinese, Whites) (2012 est.)	
Religions: Protestant 34.8 % (Pentecostal 22.8 %, Seventh Day Adventist 5.4 %, Anglican 5.2 %, Methodist 1.4 %), Hindu 24.8 %, other Christian 20.8 %, Roman Catholic 7.1 %, Muslim 6.8 %, Jehovah's Witness 1.3 %, Rastafarian 0.5 %, other 0.9 %, none 3.1 % (2012 est.).	
Literacy rate of the population (15+ can read and write): 88.8%.	
Population below the poverty line: 35 % (2006 est.)	

GINI Index: 44.6 (2007 est.)
Military expenditure. of GDP: 0.6% of GDP (2023 est.)

Rocío de los Reyes Ramírez
Analyst at the Spanish Institute for Studies