

**BRITISH GUIANA BOUNDARY:
ARBITRATION WITH THE UNITED
STATES OF VENEZUELA; THE CASE
ON BEHALF OF THE GOVERNMENT
OF HER BRITANNIC MAJESTY**

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British Guiana Boundary: Arbitration with the United States of Venezuela; The Case on Behalf of the Government of Her Britannic Majesty by Various

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ARBITRATION WITH THE UNITED STATES OF VENEZUELA.

THE CASE

ON BEHALF OF

THE GOVERNMENT OF HER BRITANNIC
MAJESTY.



LONDON,
PRINTED AT THE FOREIGN OFFICE,
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1898.

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References to Maps are to the Atlas accompanying the Case.

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ARBITRATION WITH THE UNITED STATES OF VENEZUELA.

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THE GOVERNMENT OF HER BRITANNIC MAJESTY.

Terms of Treaty.

ON the 2nd day of February, 1897, a Treaty was concluded between Great Britain and Venezuela in order to provide for an amicable settlement of the question which has arisen between the respective Governments concerning the boundary 5 between the Colony of British Guiana and the United States of Venezuela. The full text of the Treaty is as follows :--

" Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of Venezuela, being desirous to provide for an amicable settlement of the question which has arisen between their respective Governments concerning the boundary between the Colony of British Guiana and the United States of Venezuela, have resolved to submit to arbitration the question involved, and to the end of concluding a Treaty for that purpose have appointed as their respective Plenipotentiaries: 10 15

" Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Julian Pauncefote, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath and of the Most Distinguished Order of St. Michael and St. George, and Her Majesty's Ambassador Extraordinary and Pleni- 20 25 potentiary to the United States ;

" And the President of the United States of Venezuela, Señor José Andrade, Envoy Extraordinary and Minister Plenipotentiary of Venezuela to the United States of America ; 30

" Who, having communicated to each other their respective full powers, which were found to be in due [1056]

and proper form, have agreed to and concluded the following Articles:—

“ARTICLE I.

“An Arbitral Tribunal shall be immediately appointed to determine the boundary-line between the Colony of British Guiana and the United States of Venezuela.

“ARTICLE II.

“The Tribunal shall consist of five Jurists: two on the part of Great Britain, nominated by the Members of the Judicial Committee of Her Majesty's Privy Council, namely, the Right Honourable Baron Herschell, Knight Grand Cross of the Most Honourable Order of the Bath, and the Honourable Sir Richard Henn Collins, Knight, one of the Justices of Her Britannic Majesty's Supreme Court of Judicature; two on the part of Venezuela, nominated, one by the President of the United States of Venezuela, namely, the Honourable Melville Weston Fuller, Chief Justice of the United States of America, and one nominated by the Justices of the Supreme Court of the United States of America, namely, the Honourable David Josiah Brewer, a Justice of the Supreme Court of the United States of America; and of a fifth Jurist to be selected by the four persons so nominated, or in the event of their failure to agree within three months from the date of the exchange of ratifications of the present Treaty, to be selected by His Majesty the King of Sweden and Norway. The Jurist so selected shall be President of the Tribunal.

“In case of the death, absence, or incapacity to serve of any of the four Arbitrators above named, or in the event of any such Arbitrator omitting or declining or ceasing to act as such, another Jurist of repute shall be forthwith substituted in his place. If such vacancy shall occur among those nominated on the part of Great Britain, the substitute shall be appointed by the members for the time being of the Judicial Committee of Her Majesty's Privy Council, acting by a majority; and if among those nominated on the part of Venezuela, he shall be appointed by the Justices of the Supreme Court of the United States, acting by a majority. If such vacancy shall occur in the case of the fifth Arbitrator, a substitute shall be selected in the manner herein provided for with regard to the original appointment.

“ARTICLE III.

“The Tribunal shall investigate and ascertain the extent of the territories belonging to, or that might lawfully be claimed by, the United Netherlands or by the Kingdom of Spain respectively at the time of the acquisition by Great Britain of the Colony of British

Guiana, and shall determine the boundary-line between the Colony of British Guiana and the United States of Venezuela.

"ARTICLE IV.

"In deciding the matters submitted, the Arbitrators shall ascertain all facts which they deem necessary to a decision of the controversy, and shall be governed by the following Rules, which are agreed upon by the High Contracting Parties as Rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to be applicable to the case:—

"*Rules.*

"(a.) Adverse holding or prescription during a period of fifty years shall make a good title. The Arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or to make title by prescription.

"(b.) The Arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of international law which the Arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing Rule.

"(c.) In determining the boundary-line, if territory of one party be found by the Tribunal to have been at the date of this Treaty in the occupation of the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the Tribunal, require."

"ARTICLE V.

"The Arbitrators shall meet at Paris, within sixty days after the delivery of the printed arguments mentioned in Article VIII, and shall proceed impartially and carefully to examine and decide the questions that have been, or shall be, laid before them, as herein provided, on the part of the Governments of Her Britannic Majesty and the United States of Venezuela respectively.

"Provided always that the Arbitrators may, if they shall think fit, hold their meetings, or any of them, at any other place which they may determine.

"All questions considered by the Tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

"Each of the High Contracting Parties shall name one person as its Agent to attend the Tribunal, and to represent it generally in all matters connected with the Tribunal.

"ARTICLE VI.

"The printed Case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall
5 be delivered in duplicate to each of the Arbitrators and to the Agent of the other Party as soon as may be after the appointment of the members of the Tribunal, but within a period not exceeding eight months from
10 the date of the exchange of the ratifications of this Treaty.

"ARTICLE VII.

"Within four months after the delivery on both sides of the printed Case, either Party may in like manner deliver in duplicate to each of the said Arbitrators, and
15 to the Agent of the other Party, a Counter-Case, and additional documents, correspondence, and evidence, in reply to the Case, documents, correspondence, and evidence so presented by the other Party.

"If in the case submitted to the Arbitrators either
20 Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may
25 call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case, and the original or copy so requested shall be delivered as soon
30 as may be, and within a period not exceeding forty days after receipt of notice.

"ARTICLE VIII.

"It shall be the duty of the Agent of each Party, within three months after the expiration of the time
35 limited for the delivery of the Counter-Case on both sides, to deliver in duplicate to each of the said Arbitrators, and to the Agent of the other Party, a printed argument showing the points, and referring to the evidence upon which his Government relies, and
40 either Party may also support the same before the Arbitrators by oral argument of counsel; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed
45 statement or argument, or oral argument by counsel upon it; but in such case the other Party shall be entitled to reply either orally or in writing, as the case may be.

"ARTICLE IX.

"The Arbitrators may, for any cause deemed by
50 them sufficient, enlarge either of the periods fixed by Articles VI, VII, and VIII by the allowance of thirty days additional.

"ARTICLE X.

"The decision of the Tribunal shall, if possible, be made within three months from the close of the argument on both sides.

"It shall be made in writing and dated, and shall be 5 signed by the Arbitrators who may assent to it.

"The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of Great Britain for his Government, and the other copy shall be delivered to the Agent of the United States of Venezuela for his 10 Government.

"ARTICLE XI.

"The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them. 15

"ARTICLE XII.

"Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it, and of the Arbitrators appointed by it or in its behalf, and for the expense of preparing and 20 submitting its case to the Tribunal. All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moieties.

"ARTICLE XIII.

"The High Contracting Parties engage to consider 25 the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all the questions referred to the Arbitrators.

"ARTICLE XIV.

"The present Treaty shall be duly ratified by Her 30 Britannic Majesty and by the President of the United States of Venezuela, by and with the approval of the Congress thereof, and the ratifications shall be exchanged in London or in Washington within six months from the date hereof. 35

"In faith whereof we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

"Done in duplicate at Washington, the second day of February, one thousand eight hundred and ninety- 40 seven.

(L.S.) "JULIAN PAUNCEFOTE.
(L.S.) "JOSÉ ANDRADE."

This Treaty was ratified on the 14th June, 1897.

The accompanying Case, together with the 45 documents, official correspondence, and other evidence on which the Government of Great Britain relies, is delivered pursuant to Article VI of the Treaty.