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# AIRGRAM

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SC	S/S	PM	S/PW
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AGR	COM	FRB	INT
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LAB	TAR	TR	XMB
AIR	ARMY	NAVY	OSD
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Original to be Filed in 29 Decentralized Files.

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FILE DESIGNATION

HANDLING INDICATOR ~~SECRET~~ RECEIVED A-565 GN/H NO.

TO : DEPARTMENT OF STATE

INFO : BOGOTA, PORT OF SPAIN, USCINCSO FOR POLAD

FROM : Amembassy CARACAS DATE: October 16, 1970

SUBJECT : VENEZUELA/COLOMBIA: Gulf of Venezuela Negotiations

REF : BOGOTA A-383, CARACAS A-390, Aug. 7/70; A-447, Aug 21/70; A-383, Jul. 31, 1970; A-404, Oct. 3/69 and A-130, March 20/70

Introductory Note: This is the first in a series of messages dealing with Venezuelan relations with Colombia. Others will deal with Venezuelan policy toward illegal immigrants and populating its borders, with the military position and with the policy implications for the United States.

Summary. The Venezuelan and Colombian negotiating positions on the definition of the continental shelf and territorial waters in the Gulf of Venezuela appear too far apart to augur well for an early resolution to the dispute. The complex legal, historical, political and economic factors involved suggest that there is little likelihood that the November meeting in Rome of the negotiating teams of both Governments will make much progress. Furthermore, in view of the domestic political storm that greeted the Caldera Government's decision to sign the Protocol of Port-of-Spain to suspend the border dispute with Guyana for twelve years, it is unlikely that the GOV will be in any hurry to sign an agreement with Colombia.

Another factor making Venezuela somewhat less anxious than Colombia to reach an early agreement is the fact that with the opening of the South Lake of Maracaibo to "service contracts" Venezuela does not have as urgent a need to expand its oil reserves as Colombia. Since the disputed portion of the shelf in the Gulf is thought

- Enclosures: 1. Positions on Continental Shelf (Maps).  
2. Positions on Territorial Seas (Maps).

### Group 3

Downgraded at 12-year intervals, not automatically declassified.

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Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Drafted by: POL:WHLuens:cr ECON:RVFmbres Drafting Date: 10/14/70 Phone No.: \_\_\_\_\_ Contents and Classification Approved by: CHARGE:FJDevine J.J.S.

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to contain significant petroleum deposits, Colombia, which may be facing shortages of petroleum soon, might want to press ahead on the Gulf negotiations so the drilling can commence. While GOV officials say the negotiations must be kept separate from the subject of oil, there is little doubt that oil is a central and vital issue.

We estimate that the Caldera Government will pursue its desire to reach a bilateral, diplomatic agreement with Colombia. And we seriously doubt that the present government will have any interest in bringing in third parties, in agreeing to arbitration or in submitting the dispute to the World Court.

End of Summary.

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Venezuela's Position on Gulf. On the basis of informal conversations with officials of the Foreign Ministry, the following points emerge as the basis for Venezuela's negotiations with Colombia on the questions of continental shelf and territorial waters in the Gulf of Venezuela (see map enclosure 1 for the two positions on the shelf and enclosure 2 for the two positions on territorial waters):

Venezuela maintains that

a. Historic Gulf. /the Gulf of Venezuela is not an international body of water but a gulf that has historically been Venezuelan; therefore, special legal arrangements must be worked out bilaterally with Colombia which is the only other state involved. Venezuela argues that the Gulf has historically been a thoroughfare for shipping to Maracaibo and the fishing grounds for Venezuelan fishermen. Venezuela, which controls 90% of the shores of the Gulf, accepts Colombia's right to a 12 miles of territorial seas off its coast and is prepared to discuss granting to Colombia a portion of the <sup>disputed part of the</sup> continental shelf based on Colombia's proportion of land bordering on the Gulf.

b. "Equidistant Line" Rejected. Venezuela holds that the line extending into the Gulf from Colombia's border should be an extension of the land frontier. Venezuela rejects the "equidistant line" concept which would, because of the peculiar coastline, result in a dividing line extending southward into the center of the Gulf. Venezuela cites the ICJ decision in the North Sea which ruled that the "equidistant line" need not be the only means of determining sea and continental shelf boundaries.

c. Median Line. Venezuela rejects the "median line" as the means of determining the continental shelf and did so at the 1958 Geneva Convention. For determining her territorial seas, Colombia can claim only 12 miles from its coast line beginning at the extension point of the land boundary and moving around the point. To determine the continental shelf there is room for negotiation beyond the 12 miles but only including a portion of the disputed continental shelf between the median line (claimed by Colombia) and the 12 miles. In any case Venezuela does not consider that Colombia can seriously claim that the median line would become a "Boggs line," that is, extend directly out into the open seas between the two points of land (Point Espada and Point Macolla) defining the Gulf. Venezuela considers that even as a negotiating position Colombia will eventually agree to draw the median line bending around to the West to pass midway between the islands of Los Monjes and the Colombian coast.

*12 mi pt 12 mi from shore along line of land boundary extended*

d. Los Monjes. The Islands of Los Monjes are Venezuelan as ratified by an exchange of notes between Venezuelan Ambassador Luis Gerónimo PIETRI and Colombian Foreign Minister Juan URIBE Holguin in

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in Bogota on November 22, 1952. Los Monjes give Venezuela a claim to 12 miles of territorial seas around them and to the continental shelf up to a middle line between the islands and the Colombian coast. Los Monjes, therefore, determine that a line defining the continental shelf and territorial seas between the two countries must bend around to the West between the islands and Colombia. Since there are about 20 nautical miles between Los Monjes and Colombia (at Cabo Falso), the Venezuelans expect to negotiate a median line at 10 miles to define both the territorial waters and the continental shelf.

e. Fishing and Navigation. Venezuela would find it intolerable to accept Colombia's maximum claim of continental shelf based on its view of the "equidistant line" extending nearly to the virtual center of Gulf. The exercise of Colombian sovereignty over such a shelf (oil rigs) would interfere with the direct line of navigation into Lake Maracaibo. Furthermore, the Gulf has traditionally been Venezuela's fishing grounds which are rich in shrimp and Venezuela does not intend to relinquish them.

f. Extension of Territorial Seas. Venezuela stands firmly opposed to recognizing that other nations have the right unilaterally to extend their territorial seas (see A-447 of August 21, 1970, for GOV position at Lima Conference on LOS) precisely because it is worried that if Colombia were to extend its claim (as the Colombian Congress has proposed) it would claim territorial waters extending into the very center of the Gulf of Venezuela.

Colombia's Position as Seen from Caracas. Briefly, as described by Venezuelan diplomats (and as reported by Embassy Bogota's very helpful A-383) Colombia: claims that the "equidistant line" determines both the sea boundary and the continental shelf boundary; uses the median line for the purpose of determining the continental shelf; claims 12 miles of territorial sea but views the waters beyond the twelve mile coast all around the Gulf as international waters since in Colombia's view the Gulf is an international body of water; and does not recognize any significant claim to territorial seas or to continental shelf stemming from Venezuela's title to Los Monjes Islands, since the islands are insignificant.

Negotiations. Negotiations between the two countries over these questions have gone on for years. They were suspended in the Spring of 1968 because of the Venezuelan elections. They were resumed in Bogota on March 14, 1970, at which time a new modus operandi was agreed on. The first substantive talks under the new terms of reference were held in Caracas June 8 - 13, 1970. The second round, originally set for September 7 in Bogota/<sup>were</sup> put off to allow time for the Pastrana Government to prepare its position and brief its new delegation. The GOV delegation

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(headed by Ambassador Carlos SOSA Rodríguez) and the new Colombian delegation (headed by ex-Foreign Minister Germán ZEA Hernández) now is planning to meet on neutral ground in Rome in November 1970.

Venezuelan View of Negotiations. The Venezuelan Government is in no hurry to reach an agreement on these negotiations with Colombia. Several top members of the Foreign Ministry have said that they expect the negotiations to continue for a long time. Foreign Ministry Foreign Policy Director Marcial PEREZ Chiriboga recently told an Embassy officer that in view of past weaknesses demonstrated by Venezuela in negotiations with Colombia on border questions and particularly in view of the GOV decision to sign the controversial Protocol of Port-of-Spain with Guyana, the Foreign Ministry has no intention of pushing for an early agreement with Colombia. Dr. Pérez said that virtually any agreement reached with Colombia, no matter how favorable to Venezuela, would be viewed by large segments of Venezuelan society as a sell out.

Dr. Luis HERRERA Marcano, a Foreign Ministry consultant and Dr. Pérez' predecessor as Foreign Policy Director, spoke more frankly. He predicted Venezuela would drag on the negotiations for years. If the Government were to reach a favorable agreement from its point of view the military particularly would be furious. Dr. Herrera said that for decades the Venezuelan military have been working only on military plans against Colombia, and the military must be satisfied before the Venezuelan Government can come to an agreement on such a major border issue as the Gulf of Venezuela. Foreign Ministry officials have also told us that Venezuela intends to begin negotiations on outstanding continental shelf and territorial sea questions with the Netherlands Antilles and Trinidad-Tobago only after agreement has been reached with Colombia.

The Oil Issue. While GOV officials say negotiations must be kept separate from the subject of petroleum, this is hardly realistic. From geological information available, the Venezuelans believe there are 42 structures in the Gulf with over 25 billion barrels in recoverable oil (A-480, October 4, 1970). The Colombians may also believe a great deal of petroleum exists through exchange of seismic information with the Venezuelan State Petroleum Corporation (A-404, October 3, 1970). Moreover, Colombia is soon expected to be in a difficult situation with respect to petroleum availabilities. By the beginning of next year, Colombia will begin to import crude oil and is expected to be a net crude importer in 1974 (A-521, September 28, 1970).

Accordingly, in terms of real national interest, what the two parties will be negotiating are potentially vast oil resources. Under the circumstances, for some time to come there may be little give in the position of both parties. Venezuela, however, may have the advantage:

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it can for some years forego access to oil reserves in the Gulf since Venezuela is just opening southern Lake Maracaibo for petroleum development. Moreover, in addition to South Lake, Venezuela probably has more attractive new areas to look for oil than does Colombia. This may explain their view that they will not permit drilling in the Gulf, even in areas undisputedly Venezuelan, to avoid any prejudice to their claim.

Arbitration or ICJ Not Likely. Venezuela, from present reading, is not likely to agree to arbitration on this dispute with Colombia and the Caldera Government has placed great stress on the importance of finding a diplomatic bilateral solution with its neighbor Colombia. Given the flury that raged here over the GOV effort to shelve the border dispute with Guyana for 12 years by signing the Portof-Spain Protocol and the still uncertain fate of that Protocol, we doubt very much that the Venezuelan Government will move ahead very rapidly on the negotiations. Indeed, we expect a "solution" to the Gulf problem is a long way in the future.

F. J. D.

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