

INTER-AMERICAN AFFAIRS

ISSUES IN GULF OF VENEZUELA DISPUTE EXPLAINED

Bogota EL TIEMPO in Spanish 17 Aug 75 p 8-A

[Excerpts] Negotiations between Colombia and Venezuela to delimit the marine and underwater areas of their common border have been going on for almost 10 years, but there are still many people in both countries who do not know what the discussion is about.

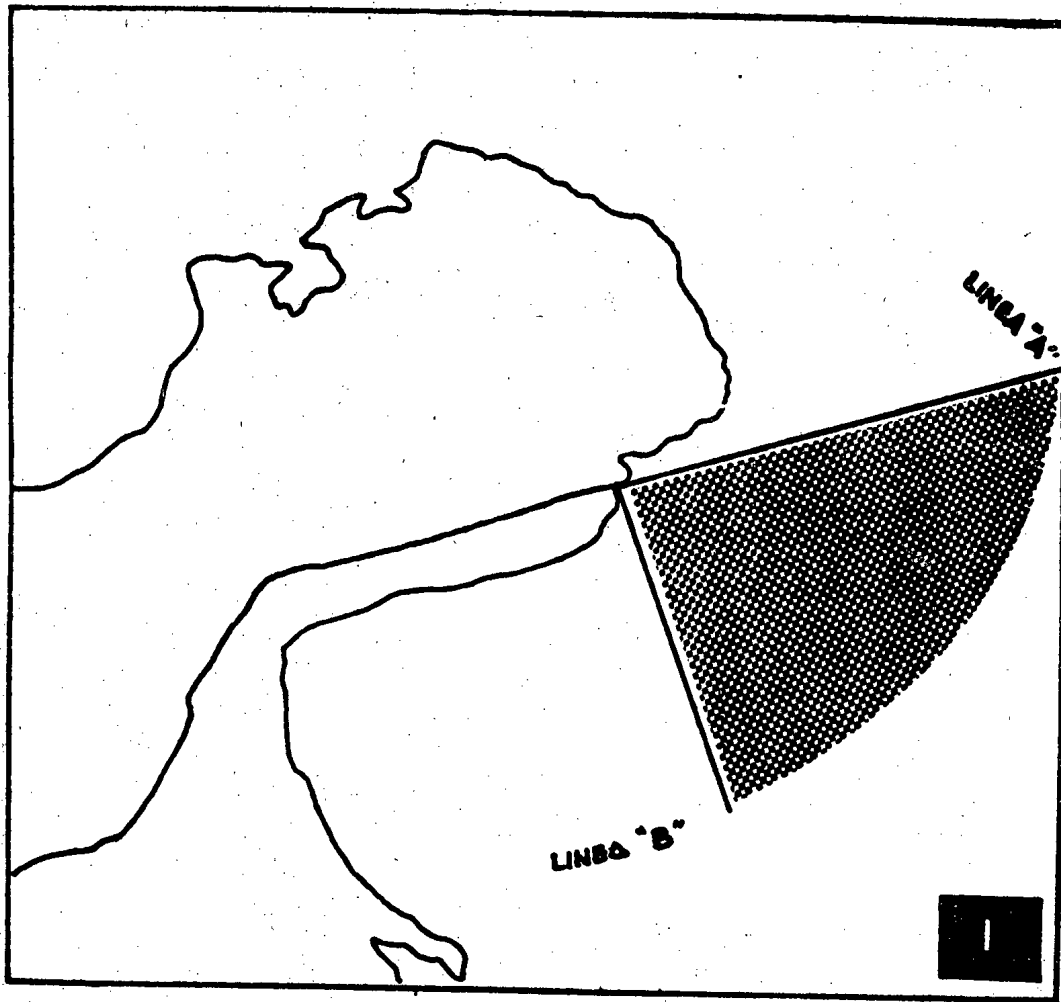
The maps reproduced below can be explained as follows:

Map 1--A Swiss arbitration award made Castilletes the limit of the land frontier between Colombia and Venezuela, and this was later ratified in the boundary treaty of 1941. Since then there have been no disputes concerning land frontiers. Both the award and the treaty are considered valid by both countries. But those agreements made no mention at all of the extension of the frontier beyond the coastline, among other reasons because the subject was of no great importance at the time.

Awareness of the importance of the marine and underwater areas is so recent that there are no treaties or even universal doctrines to facilitate the boundary delimitation. In the case of Colombia and Venezuela, the Venezuelan politicians complained to President Raul Leoni's government in 1965 that Colombia was granting underwater petroleum rights in zones which they considered Venezuelan. That was the signal for the negotiations to begin.

Specialists in maritime law have maintained two extreme theses with respect to marine and underwater frontiers. Some maintain that those frontiers should be the extension in a straight line of the land frontier. This would be Line A in Map 1, and it obviously favors Venezuela. Others feel that a line perpendicular to the coast should be drawn at the spot where the land frontier ends. That would be Line B.

The shaded area in Map 1 shows graphically the area open to dispute if one upholds one or the other of the two extreme theses. Between those two extremes there are several variants arrived at through complicated topographical measurements. One of the most widely accepted variants results in a line almost exactly halfway between the two extremes.



Map 1

Key:

1. Line A 2. Line B

Basic Positions

Map 2--This map shows the positions adopted by Venezuela and Colombia in the negotiations which preceded the proposal by President Lopez Michelsen on 20 July 1975.

Line 1-1--The "Castilletes parallel," south of which all the waters in the Gulf of Venezuela are inland waters. Venezuela does not agree to any negotiation concerning this area.



Line 2-2-2-2--This represents the Venezuelan thesis of the "extension of the land frontier." Opposite the tip of La Guajira, it intersects with the "territorial sea" of Los Monjes (4).

Line 3-3-3--This represents the Colombian "maximum" thesis, called the Boggs line after the American geographer who marked it out. Its basis is the "median line" and it makes no allowance for the Los Monjes Archipelago, on the grounds that a few uninhabited keys do not create a territorial sea.

4. Los Monjes and the 12-mile territorial sea claimed by Venezuela. This territorial sea is superimposed on the territorial sea of La Guajira (shaded area) in a small strip of water which would have to be negotiated.

5. The Colombian territorial sea generated by La Guajira.

6. The Venezuelan territorial sea off the Paraguana Peninsula, north of the Castilletes parallel.

7. The Aruba territorial sea (12 miles), superimposed on a small strip of Venezuelan territorial sea. That strip of sea is an object of dispute between Aruba and Venezuela.

Condominium Area

Map 3--This map, which was published by RESUMEN, attempts to interpret the geographical area of the "condominium" proposed by President Lopez Michelsen on 20 July. It takes as its basis the maximum and minimum alternatives set by the Venezuelans.

1-1--The Castilletes parallel, south of which all the waters are Venezuelan inland waters.

2-2--The Point Espada-Point Macolla line, the "minimum" entrance line for the Gulf of Venezuela.

3-3--The Point Gallinas-Cape San Roman line, the "maximum" entrance line for the Gulf of Venezuela.

4. Territorial sea of the Colombian coast (12 miles).

5. Territorial sea of the Venezuelan coast (12 miles).

6. Territorial sea of Los Monjes.

7. Territorial sea of Aruba (the black triangle would be the confluence of this territorial sea with the entrance line of the gulf).

8-A--The area covered by the possible condominium if the minimum entrance line for the Gulf of Venezuela is adopted.



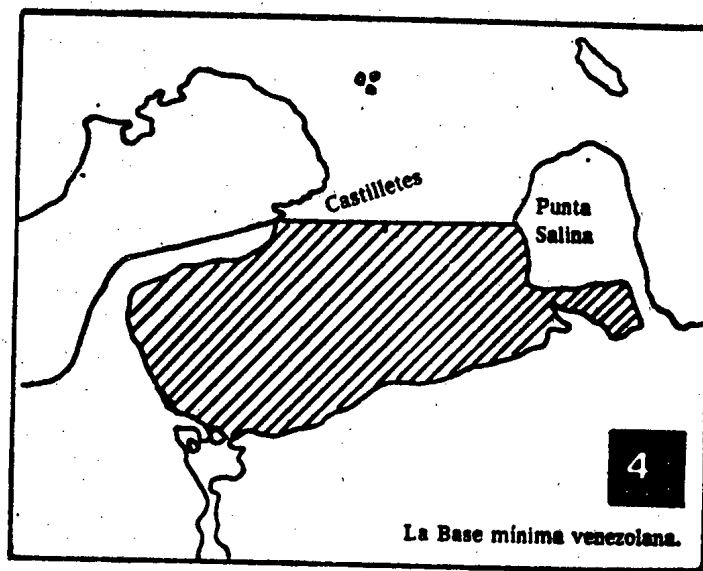
8-A + 8-B--The area covered by the possible condominium if the maximum entrance line for the Gulf of Venezuela is adopted.

9. The territorial sea of area 8-A + 8-B (the territorial sea of area 8-A would be approximately equal to area 8-B).

10. The area of coincidence between the territorial sea of the most extensive condominium area and the territorial sea of Aruba.

Venezuelan Minimum Base

Map 4--The shaded area, south of the so-called Castilletes-Point Salina parallel, is what the Venezuelans call the minimum base. They consider the waters south of that line to be a Venezuelan "inland sea." Colombia has not accepted this thesis, because it "bites off" a piece of the median line (Map 2) from the possible extension of the frontier.



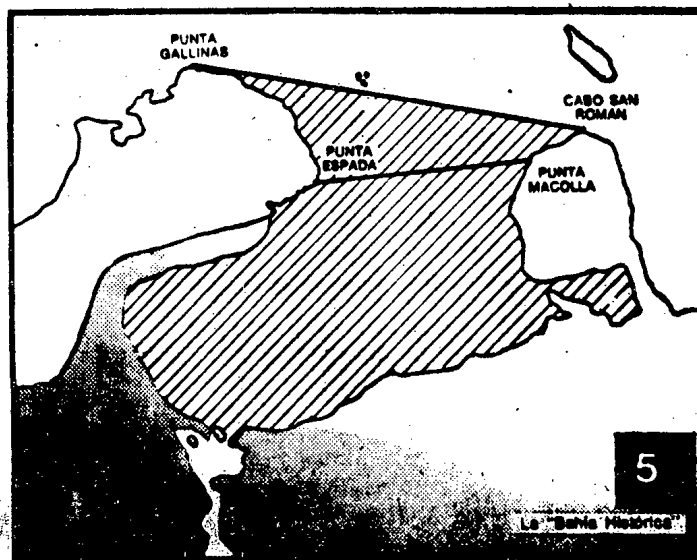
Map 4

Key:

1. Point Salina
2. Venezuelan minimum base

"Historical Bay"

Map 5--This map is from the magazine RESUMEN. The Venezuelans consider that the only possible zone to which the condominium suggested by President Lopez could be applied is the area situated between the Castilletes [sic; presumably Point Espada intended]-Point Macolla parallel and the Point Gallinas-Cape San Roman parallel. This would be the "historical bay."



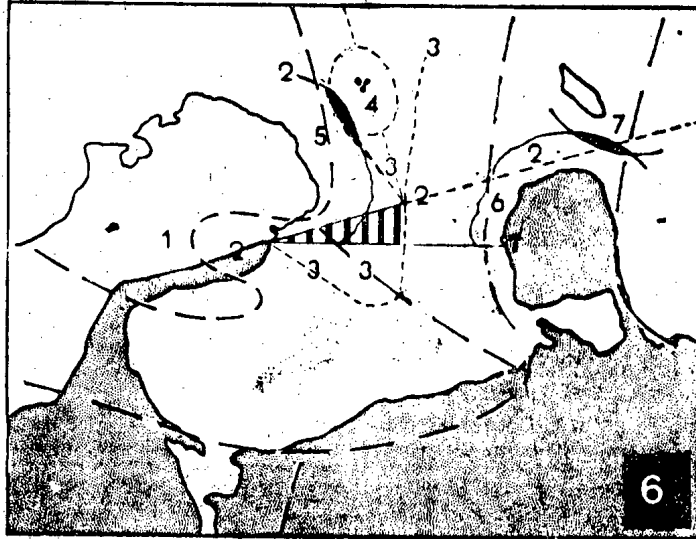
Map 5

Key:

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|-------------------|-------------------------|
| 1. Point Gallinas | 4. Point Macolla |
| 2. Cape San Roman | 5. The "historical bay" |
| 3. Point Espada | |

Is There Petroleum?

Map 6--Is there petroleum in the Gulf of Venezuela? Geologists do not know where petroleum is. But they do know where it cannot be. The studies show unmistakably that nowhere in the maximum area sought by Colombia is there any possibility of geological formations capable of containing hydrocarbons. In this map, the broken lines indicate the geological basins, while the shaded areas show the zones where there is the greatest probability of locating petroleum. (Map and text from RESUMEN.)



Map 6

Basic Dictionary of the Dispute

High seas: any expanse of the sea open to free navigation. On the high seas, for example, ships are subject only to warships of their own nationality, except when suspected of piracy, the slave traffic, culpable concealment of their true flag, and so on.

Territorial sea: the strip of sea bordering on a country's coasts. Sovereignty is exercised as though on dry land. There are certain limitations, such as the "innocent passage" of ships and so on. Its extent is variable (3 miles, 12 miles, or more). There is no universally accepted norm or authority for imposing it.

Inland waters: These are seas, lakes, or waterways within the territory of a state or closely associated with it for geographical, economic, and even "historical" reasons. A state's sovereignty over its inland waters is absolute.

Territorial waters: the combination of territorial sea and inland waters.

Contiguous zone: This is the zone contiguous to the territorial sea. States exercise jurisdiction in these zones for purposes of surveillance and policing, but without sovereignty.

Patrimonial sea: This is the zone adjacent to the territorial sea. It extends for 200 miles (theoretically) or to the point where the rights of a bordering state are encountered. This is a vital thesis for fishing states such as Peru, which maintain that the 200-mile zone constitutes a "territorial sea," and it is also very important for mankind in order to prevent contamination and to safeguard the sea's geological resources. It also tends to safeguard the rights of the bordering states with respect to the possible exploitation of mineral resources on the seabed.

Continental shelf: a geological fact, which does not always coincide with the legal conception of the overlying sea. It is the extension of the submerged land to an edge called the slope, which descends to greater depths as far as the sea or ocean bottoms. According to the law of the sea, the shelf begins not at the coast but at the limit of the territorial sea. Its depth has been set at the isobath (line of depth) of 200 meters, although actual exploitability tends to be the dominant criterion. The legal problem is complex, since the criteria which seemed valid and equitable at one time as far as mineral resources are concerned are not easily applied to fish, mollusks, and so on. For example, there is one set of rules for fishing, and there is another for petroleum.

Bay: (Article 7 of the Geneva Convention) "...a bay is any well-defined indentation whose penetration into the land, in relation to the width of the entrance, is such that it contains waters surrounded by the coast and constitutes somewhat more than a simple irregularity in the coastline. However, the indentation will not be considered a bay if its area is not equal to or greater than that of a semicircle whose diameter is the entrance to the said indentation."

Gulf: similar to a bay but larger in size, although there is no general rule in the matter.

Historical bay: There are many definitions included in the doctrine of international law, in its practice, and in decisions and arbitration awards, but they can all be reduced to three basic characteristics: 1) the bordering state must invoke its authority over the area in a sovereign manner; 2) the bordering state must in fact exercise and have exercised its sovereignty for a sufficiently long period of time; and 3) the exercise of that sovereignty during that time must have been peaceful and continuous, with the acquiescence of the international community (L. J. Bouchez).

Condominium: joint sovereignty by two states over a particular area. There are several examples, the most interesting being the case of the Gulf of Fonseca between El Salvador, Honduras, and Nicaragua. In case Colombia and Venezuela decide to declare a particular zone in the gulf a condominium, the two countries would have to agree on limitations to navigation by third parties and decide on the conditions for its surveillance and patrolling. (Data taken from the magazine RESUMEN of Caracas.)

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BOLIVIA

GOVERNMENT DEFINES FIVE-YEAR PLAN

La Paz PRESENCIA in Spanish 11 Sep 75 pp 1, 11

[Text] The government has concluded the definition of the "directives for intermediate-range economic and social management" which will serve as the political framework for the preparation of the five-year plan and to which the choice of development projects, the priority allocation of resources for project implementation and the orientation of the industrial growth of the country will be subordinated.

In a message sent to the minister and high executives of the public sector, the President of the Republic, Gen Hugo Banzer, says that these directives "constitute the economic and social doctrine of the government of the armed forces" and that they were prepared on the basis of the governmental statute of 9 November 1974 and the presidential messages of 31 December of that year and 6 August of this year.

The governmental document notes that in order to achieve the long-range national objectives, it is essential to delineate a medium-range policy (five years). As a previous and necessary condition, however, it supports the need for finding a satisfactory solution to the landlocked status, which, it says, "has represented and represents the principal obstacle to national development."

This objective will receive maximum priority within intermediate-range governmental action.

On the socioeconomic level, emphasis will be given to increasing the per capita gross national product without neglecting other objectives such as fair distribution of income, regional balance, full employment and financial stability. However, all of these will be subordinated to growth of the GNP.

The orientation of the development strategy will be limited to the following aspects:

1. An increase in internal savings as a proportion of the GNP through rationalization of consumption and the adoption of mechanisms that will encourage saving by the population.

2. Selective complementation of internal savings with appropriate external financing.

3. Channeling of internal savings and external resources toward increased investment, giving priority to sectors, programs and projects that permit:

The exploitation, processing and marketing, both internal and external, of products, goods and services in which the country has a comparative advantage and/or is able to achieve it within a reasonable period of time. Within this framework, priority projects will be those which have high economic profitability from the national point of view because of their favorable effect on increased per capita GNP growth, which generate or conserve foreign exchange at reasonable costs and that reinvest a high proportion of their surpluses in new programs and projects which in turn induce greater development.

Self-sufficiency in basic foodstuffs, even though the programs or projects might not fully meet the criteria of economic efficiency above, but taking care to see that this strategic objective is met at a reasonable cost for the economy.

A total or partial contribution toward the objectives of income redistribution, regional balance and employment, to the extent that there is no conflict with the criterion of economic profitability and the consequent primary objective of rapid growth in the per capita gross national product.

4. Incorporation of the peasant population into national life through integrated rural development programs and projects which, within the conceptual framework described in the previous paragraph, will permit both the socioeconomic consolidation of areas with heavy population concentrations and the redistribution of population with a view to opening new regions that offer better development opportunities. In addition to the favorable impact which they will have on the national integration process, these programs and projects are priority in nature because they make it possible to harmonize the objective of increasing the per capita GNP growth with the simultaneous accomplishment of improved income distribution and higher employment levels.

Other Priorities

The governmental document points out that "the existing limitations with respect to the availability of foreign exchange to sustain a rapid development process" and the search for rapid growth in the per capita gross national product make it necessary to give priority to increasing exports and to selective substitution of imports in production sectors.

In the field of hydrocarbons, emphasis will be given to exploration programs and an effort will be made to increase petroleum and gas production, as well as to find solutions to the problems of hydrocarbon transportation, storage and refining.

The goals include increased export volumes and market diversification. On the other hand, the need to intensify industrialization plans that use hydrocarbons as raw materials is noted, giving special attention to the petrochemical sector.

In the mining sector, the processing of ores into metals and the establishment of derivative industries will be sought. Economically profitable mining investments will have priority.

One of the government objectives in the field of agriculture is to achieve total self-sufficiency in basic foodstuffs, as well as increased production that could be used in agroindustry or to generate nonindustrial surpluses.

With respect to industry, the government has posed the need to strengthen this activity, so long as it is efficient. The document says, "Experience shows that an inefficient import substitution industry such as the current one represents an unjustified cost to the economy and to the people. It has been proven that tariffs and other protectionist instruments only increase the profits of the companies, without any benefit for anyone."

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BOLIVIA

PRIVATE AND PUBLIC SECTOR FUNCTIONS OUTLINED IN FIVE-YEAR PLAN

La Paz PRESENCIA in Spanish 12 Sep 75 p 8

[Text] The policy outlined by the government for the next five years establishes the functions that should be carried out by the public and private sectors, opening the field of the latter to the development of directly productive and service sectors.

The document, which will serve as a foundation for governmental action until 1980 through preparation of the 5-Year Plan, stresses the determination to demand maximum efficiency from private enterprise and to put an end to subsidies and protectionism, especially in the industrial field.

The government says, "It is essential that the development plans make realistic projections of the participation of the private sector in the accomplishment of the goals outlined, and that they design the tools of economic policy that will make their effective contribution to these objectives possible."

Elsewhere, it provides that private enterprise of whatever size "must be modern and dynamic and must be aware of its obligations to the state, paying its taxes and debts correctly and punctually." With respect to the workers, it says that their fair participation in the fruits of the operation must be sought.

The document says that business judgment must take account of the higher interests of the nation, investing in projects that not only are beneficial to the company, but also contribute to the overall development of the country.

Public Sector

The intermediate-range policy directives indicate that the efforts of the state sector must be concentrated on the overall planning task and on the adoption of legal and administrative norms that are adequate for promoting the development process.

The sectors that are considered "strategic" are reserved to the state. These include metallurgy and basic steelmaking, petrochemicals, energy, railway and domestic air transportation, and mass visual communication through television.

In order to achieve efficiency in management and administration, the same economic and business criteria applicable to private enterprise will be required.

The other objectives related to the state power to complement the activity of the private sector through the provision of the infrastructure, the creation of mixed enterprises when combined efforts become necessary, promotion of the formation of agricultural production and marketing cooperatives, and the development of priority production activities.

In this case, provision is being made for the creation or strengthening of development mechanisms, including principally financial development and technical aid institutions and institutions for the promotion of exports.

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