

The Gulf of Venezuela Sea Boundary: A Problem Between Friends

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ABSTRACT

The purpose of this study is to examine the factors which have hampered a diplomatic settlement of the maritime boundary between Colombia and Venezuela in the Gulf of Venezuela. Efforts to demarcate the ocean division are hampered by a history of earlier negotiations in which changes in the land boundary granted Colombia control over most of the Guajira Peninsula. Venezuela bases its claims over gulf waters in part on its possession of Los Monjes islands in the gulf entrance. Nationalist sentiments in each country and the need for elected leaders to placate diverse constituencies has impeded ratification of a negotiated agreement.

INTRODUCTION

National concerns about maritime boundaries have intensified worldwide since the late 1940s as the concept of off-shore exclusive economic zones has gradually been accepted. Three United Nations Conventions on the Law of the Sea (LOS), one of which was held in Caracas in 1974, have added a legal dimension formerly absent even though not all countries have fully ratified the final act of 1982 (U.S. Department of State 1982). Application of the provisions of the LOS everywhere encounters special circumstances.

The purpose of this study is to examine the factors which have hampered a diplomatic settlement of the maritime boundary between Colombia and Venezuela in the Gulf of Venezuela. However, both countries each have other boundary issues which have not been fully resolved. Colombia's most pressing concern is the refusal by Nicaragua to accede to Colombian sovereignty over the San Andrés Archipelago in the Western Caribbean. Although the Esquerra-Barcenas Meneses Treaty of 1929 acknowledged Colombian sovereignty over the islands and associated keys, subsequent Nicaraguan governments under both Somoza and the Sandinistas have asserted that the treaty is not binding because it was signed while U.S. military forces occupied the country (Curry and Curry 1984,5-11). Revival of the issue has generated a white paper by each government (Uribe Vargas 1981; Nicaragua 1980), other books, articles, and a torrent of rhetoric (U.S. Department of State 1986b, 10-11). In addition to the matter of national pride, Colombia and other countries fear that Nicaraguan possession of the archipelago coupled with its claims to a 200-mile-wide territorial sea (U.S. Department of State 1981) could have adverse implications for freedom of navigation in a large segment of the western Caribbean and especially to the usual ocean routes between the Panama Canal and the Yucatan Channel.

Over the past two decades, Colombia has settled marine boundaries with Ecuador, Costa Rica, Panama, the Dominican Republic, and most recently with Honduras in August 1982 (U.S. Department of State 1986, 10). Remaining to be adjudicated are treaties with Jamaica, the Cayman Islands, and Venezuela, which according to former Colombian president Alfonso López Michelsen is the "toughest nut to crack" (FBIS 1986b).

Venezuela's boundary issues are on both land and sea. Demarcation of a sea boundary in the Gulf of Paria by Venezuela and the then-British rulers of Trinidad in the Treaty of Paris in 1942 was the first such marine agreement in the world and was subsequently ratified by an independent Trinidad and Tobago in 1971 (Child 1985, 166). Recent difficulties in this area are based upon fishing rights and the potentials for petroleum exploitation in the shallow intervening seabed (Ewell 1978, 78-79; FBIS 1986a).

An agreement on the maritime boundaries between Venezuela and the Netherlands Antilles entered into force on December 15, 1986 (U.S. Department of State 1986a, 1, 14-23). This agreement included those limits based upon Isla Aves in the eastern Caribbean. Venezuelan sovereignty over this islet is

undisputed, but its lack of permanent inhabitants has caused its status as a basis for Exclusive Economic Zone claims to be questioned by several of the island mini-states of the nearby Lesser Antilles (Prescott 1985, 352-53). As is the case in the Gulf of Paria, fishermen who are perceived to stray into the wrong national waters can be arrested by authorities of states such as Grenada (FBIS 1986f).

The land boundary dispute with Guyana, however, has greater geopolitical significance and has been more difficult to resolve. Based upon interpretations of Spanish Crown holdings prior to independence, Venezuela regards its rightful boundary as reaching to the Essequibo River. About 60,000 square miles or roughly sixty percent of the current area of Guyana is involved. Claims over the adjacent ocean and seabed resources, which, respectively, are rich in shrimp and have petroleum potential are also involved (Ewell 1978, 75-77). Although this issue is not a burning one between the current governments it is a persistent media item with wide public consciousness in both countries. Former Venezuelan president Jaime Lusinchi called it "an historical debacle" during a conference in Port-of-Spain in 1986 (FBIS 1986c, 27).

This background is cited in order to provide geopolitical perspective to the difficulties that impede a mutually satisfactory delimitation of a marine boundary in the Gulf of Venezuela. Colombians are reluctant to concede potentially productive ocean off the Guajira Peninsula in part because of the Nicaraguan threat to their claims in the San Andrés Archipelago. Few observers doubt that Colombian reluctance to join sister Hispanic republics in their condemnation of Britain during the Falklands/Malvinas conflict was motivated by fears that arguments similar to the Argentine ones of proximity and continental shelf location would be used against their own claims by Nicaragua and perhaps by Venezuela as well. At the same time, Venezuela's perception of past territorial losses to Colombia and to Guyana fuel popular opposition to any agreements that do not grant their maximum aspirations.

THE SETTING OF THE DISPUTE

The Gulf of Venezuela and its southern freshwater extension, Lake Maracaibo, occupy a structural basin of marine sedimentary strata that lies between the Sierra de Perija to the west and the Andean Cordillera de Mérida to the east. The gulf itself is semi-enclosed by the Guajira Peninsula, which is largely part of Colombia, and by the Paraguaná Peninsula, which is entirely Venezuelan (Figure 1). North of the Paraguaná Peninsula the island of Aruba is part of the Netherlands Antilles although it is scheduled to become semi-autonomous in 1996.

The ocean floor drops steeply to depths of over 250 fathoms only a few miles off the northern tip of the Guajira Peninsula but between that point and Aruba lies a continental shelf generally less than 50 fathoms in depth. South of that line, depths decrease gradually but are at least seven fathoms within two miles of shore nearly everywhere in the gulf (Defense Mapping Agency 1975). The entrance to the Strait of Tablazo that connects with Lake Maracaibo is shallow with sand bars. However, dredging maintains a navigation channel of over seven fathoms. Such work provides access to general cargo ships and tankers of moderate draft to the port of Maracaibo as well as to various oil terminals within the lake. Channel depths in the middle of the lake exceed fourteen fathoms (Defense Mapping Agency 1985, 277).

Significant geopolitical features are Los Monjes. These are a group of barren islets and rocks located off the northeast tip of the Guajira Peninsula. Monjes del Sur, the two southernmost isles rise sharply out of the sea, the highest to 70 meters. Monje del Este, about three miles to the east rises sheerly to nearly 43 meters. Monjes del Norte are seven and a half miles NNW of Monje del Este and consist of five rocks, the highest of which is 41 meters. There is virtually no shelf and the intervening channels exceed 30 fathoms in depth so that the principal danger to navigation is the absence of warning lights on the islets (Defense Mapping Agency 1985, 273). Venezuela claims, and Colombia has conceded, sovereignty based upon historical precedence. But the fact that they are uninhabited and uninhabitable in the permanent sense has caused Colombia to question their validity as a basis for the determination of marine boundaries and the extension of Exclusive Economic Zone jurisdiction (Sandner 1987, 12).

This is an objection raised in other circumstances elsewhere in the world. However, the Law of the Sea

(LOS) Convention chose to define an island as a "naturally formed area of land, surrounded by water, which is above water at high tide." Thus, as one source has phrased it, "This definition removes all doubts as to whether in addition an island had to be inhabitable to be capable of effective occupation by making clear that this is not a necessary condition" (Churchill and Lowe 1983, 53). The phrasing provides a loophole which has been used by dozens of countries besides Venezuela to extend their territorial zones. [end p. 98]

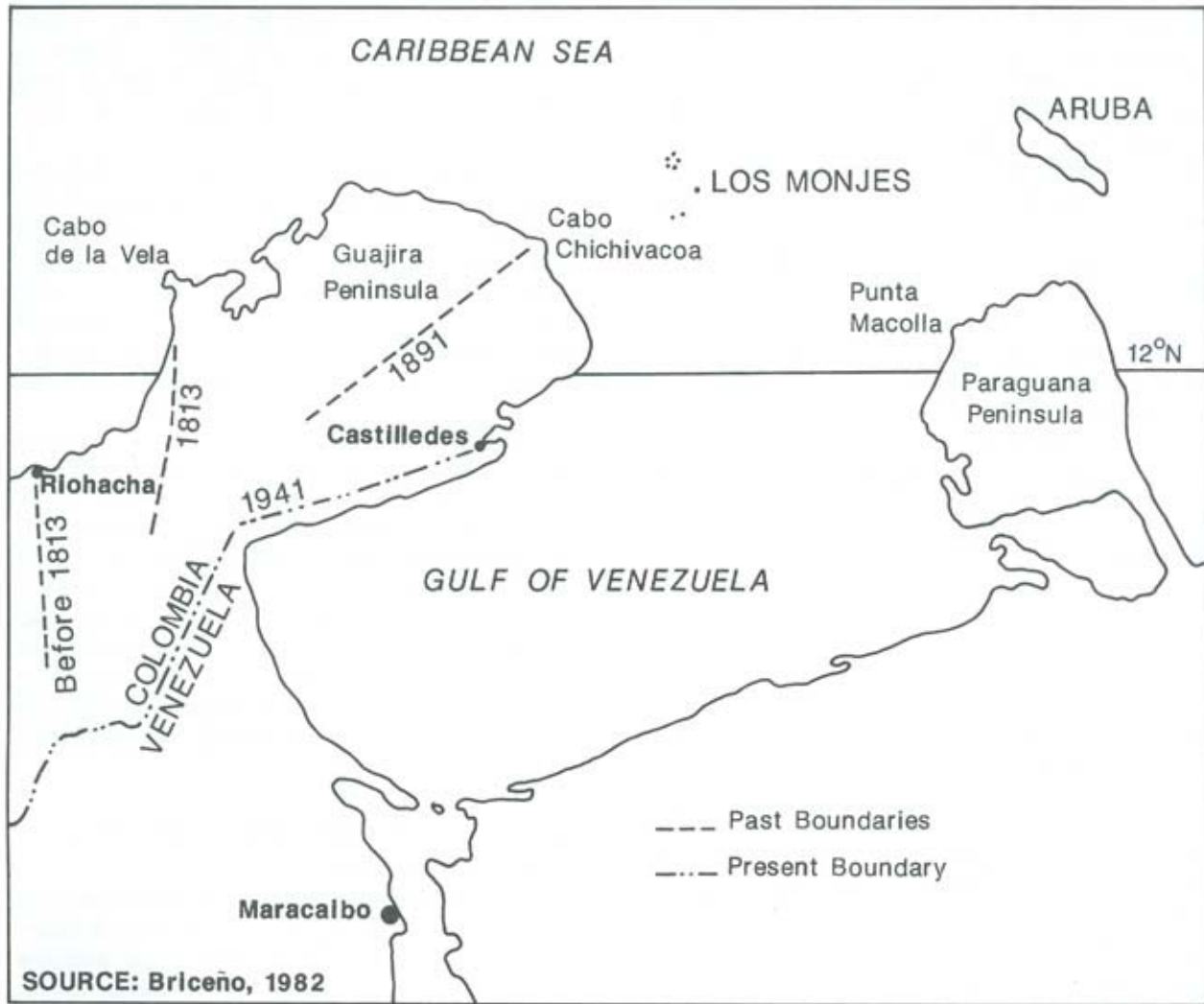


Fig. 1. The Gulf of Venezuela and the setting of the conflict.

HISTORIC LAND BOUNDARY CHANGES IN THE GUAJIRA PENINSULA

Despite its complexity, the history of the region contains two common threads: (1) Colombia and Venezuela traditionally have had friendly relations, and (2) since independence Venezuela has gradually and peacefully lost territory to Colombia. The friendship stems from a common struggle for independence from Spain under the leadership of the Venezuelan, Simón Bolívar. Following the end of Spanish rule, the extent of the newly proclaimed countries on the continent basically reflected the territorial divisions recognized by the colonial administrators. This principle became part of Hispanic-American public law known as *uti possidetis* of 1810 (Ojer 1982, 563).

However, because the details of these boundaries were little known in the more remote areas, an early post-independence task was to fix on the ground and in maps the political extent of the various recognized national cores. Toward that end, in 1833, a Venezuelan delegation went to Bogotá and by year's end

announced an agreement. This Treaty of Pombo-Michelena stated in part that in the Guajira Peninsula, the frontier line began at the Cabo de Chichivacoa and extended southwestward in the direction of hills called "Las Tetas" (Briceño 1982, 40-41). One problem was that even at the very start of the negotiations, determination of a boundary in the Guajira was expected to be difficult because no one involved was familiar with the terrain and no reliable maps existed of the interior (Briceño 1982, 42-43).

Although this treaty was ratified by Colombia, Venezuela regarded its provisions as an unacceptable loss of territory and refused to sign. The reason was that for several centuries of the colonial period the conventional dividing point between the two entities had been the town of Riohacha [end p. 99] along the coast (Sandner 1987, 12). Subsequently a commission called in 1810 to determine the maritime jurisdiction of the royal forces based in Venezuela had identified Cabo de la Vela as the dividing location (Figure 1). For Venezuela now to agree to a treaty that named Cabo Chichivacoa as the base of the dividing line would cause it to lose 72 miles of coastline from the 1810 understanding as well as the larger part of the area of the Guajira Peninsula (Briceño 1982, 43-46). Cabo de la Vela had been first mentioned in a Royal Order of 1790 for the purpose of apportioning the responsibility for defense of the Guajira between forces stationed in Riohacha and in Maracaibo. The sense of the order was to establish a line southward from Cabo de Vela to a fort (named Pedraza) situated along the base of hills known as "La Teta Guajira." Such accounts make clear that the geography of the region was poorly known by the Spanish. Another contributor to confusion was the fact that Cabo de la Vela was the name of a province as well as of a coastal feature (Ojer 1982, 63-65).

Diplomatic conversations on the issue continued until 1882 at which time the two governments agreed to seek arbitration from the Spanish Crown. Unfortunately settlement of the matter was delayed by the death in 1885 of the king, Alfonso XII, and it was 1891 before a decision was announced by the regent, María Cristina. This arbitration decision addressed unsettled boundaries to the south in the upper Orinoco drainage as well, but for the north it noted that the disputed territory "formed a broad zone that divided somewhat north of the 12° N parallel in the Guajira Peninsula." The two countries named a joint commission to supervise execution of the settlement but domestic disturbances caused postponement of a number of the early scheduled meetings (Briceño 1982, 52-53). The work of this commission was hampered as the earlier ones had been by a lack of accurate maps. It was difficult to locate the arbitrator's imprecise designations. For example, one of the reference points was low hills referred to as "Los Frailes." These features never were found. In their bewilderment the joint commission members searched for the hills by walking south of the 12th parallel N in the area between Punta Cechepe and the Laguna de Tucacas and then up to the source of the small stream known as the Río de Oro (Briceño 1982, 53).

The results of such confused actions pleased neither government and led in 1916 to the calling of the Convention of Bogotá which had as arbitrator the President of the Swiss Confederation. His decision in 1922 was to support the findings of the 1891 arbitration. The most enduring feature of this announcement was selection of the small town of Castilledes as the coastal point from which the international border was to be extended southwestward (Figure 1). The Treaty of 5 April 1941 affirmed officially the existing delimitations of the boundary between the countries as well as mutual navigation rights on jointly-owned rivers. P> The four boundary lines on Figure 1 show the progressive retreat of Venezuelan jurisdiction in the Guajira Peninsula. Prior to 1890 Venezuela exerted control over eighty percent of the peninsula and Colombia did not border the Gulf of Venezuela. Following several arbitrations by outsiders and the resultant treaties, Colombia held over eighty percent of the Guajira and shared the opening of the gulf.

It was this series of events that has colored public opinion and which has continued to hamper diplomatic efforts to resolve the dispute. It is important to recognize that despite resentments in Venezuela based on perceptions of past territorial losses the land boundary in the Guajira is not the focus of concern. Rather this history of progressive retreat on land engenders a widespread mood not to make concessions with regard to the sea boundary and resources. This attitude is expressed vividly in the title of a recent book by Pérez Luciani (1988), *Con Colombia Ya Basta!*

MARINE BOUNDARY NEGOTIATIONS AND POSITIONS

Colombian interests in the Gulf of Venezuela were dormant for a number of years. Indeed, a diplomatic note from the Colombian Foreign Ministry in November 1952 renounced Colombian claims to Los Monjes (Briceño 1982, 93). However, by 1965 requests by multinational oil companies for drilling concessions offshore in the Gulf of Venezuela sparked greater official interest in the seaward expansion of the Colombian offshore economic zone. This new interest was stimulated as well by the United Nations conferences aimed at formulation of a Law of the Sea.

Several approaches to the marine boundary issue in the gulf have been advanced. In 1975 Colombian President Alfonso López Michelsen proposed the idea that the waters be declared an "historic bay," a plan under which the two countries would hold common sovereignty over the entire Gulf. This proposal was rejected quickly by Venezuela (Sandner 1987, 13). Among the objections raised in Caracas were the facts that the name of the natural feature is the Gulf of Venezuela and that the name Venezuela resulted from the observation by Amerigo Vespucci of the overwater stilt houses of the Amerindian inhabitants near present-day Maracaibo. More substantive, although not necessarily more influential politically, were the **[end p. 100]** geopolitical observations that the gulf is the only entrance to Venezuela's second-leading port and that national control over the waters was essential to the function and security of one of the leading cores of development in Venezuela, whereas the area is of only minor importance to Colombia (Briceño 1982, 98-100). An interesting sidelight to this historic bay proposal is that Louis Alexander (1986, 89) in an unpublished report did not include the Gulf of Venezuela as even possibly qualifying for historic bay status.

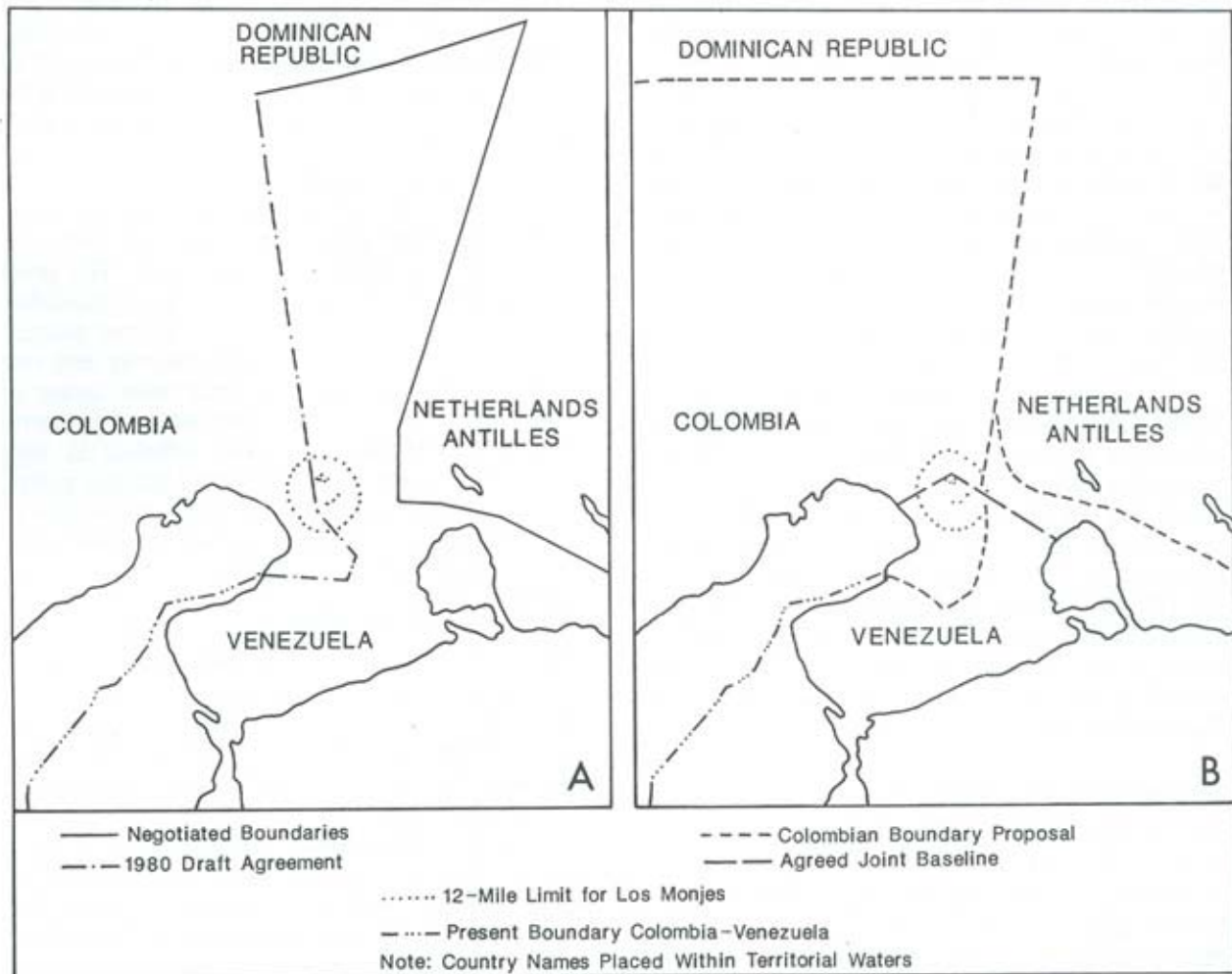


Fig. 2. Negotiated and proposed maritime boundaries between Venezuela and Colombia in the Caribbean Sea and the Gulf of Venezuela.

The greatest progress towards settlement of the boundary occurred during a series of negotiations in 1979-1980. They began in Medellín and shifted to five other cities as they alternated between the two countries. They are known as the Caraballeda Accords after the site where the eventual agreement was reached (Briceño 1982, 77). During the discussion the position of Colombia was that of a median line drawn from Castilledes based on the principle of equidistance and which extended northward to end at the juncture of the previously negotiated limit of exclusive economic zone with the Dominican Republic. This line corresponded essentially with that published by S. W. Boggs (1951, 261) of the Office of The Geographer of the U.S. Department of State nearly twenty years earlier. Near the mouth of the gulf this line was predicated on a common Exclusive Economic Zone limit between Colombia and Aruba. To the west the line was supplemented by an extension of Venezuelan sovereignty around Los Monjes (Figure 2-A). Venezuela, however, insisted that no concession of the gulf surface be made south of the parallel of Castilledes ($11^{\circ} 51'N$). Its version was that the path of the land boundary be extended northeastward to a point from Monje del Sur and the Colombian coast on the Guajira, and thence northward to the Dominican limit (Prescott 1985, 350).

In October 1980 the negotiations produced a draft agreement on a line shown on Figure 2-A. Its [end p. 101] draft agreement on a line shown on figure 2-A. Its sense is to give credence to the Castilledes parallel, the shorelines of the Guajira and Paraguaná Peninsulas, and Venezuelan sovereignty over Los Monjes. The last

element had been a sticking point in the sessions due to Colombian reluctance to concede the relevance of the uninhabitable features as a basis for a marine boundary. This objection had been finessed by the agreement to establish a joint baseline that ran from Cabo Chichivacoa on the Guajira to Monjes del Norte and then to Punta Macolla on the Paraguaná. This diplomatic device advanced Venezuela's traditional baseline further seaward and extended Colombia's baseline and associated territorial waters northward as well. Its effect for Colombia was to extend the baseline and territorial water claims decreed in 1984 (U.S. Department of State 1985).

Despite the concurrence of the negotiating teams, the draft agreement encountered public opposition in Venezuela and it was rejected. Without question a factor in the public mood and the government's unwillingness to act was concern about the reaction of the military. In 1974 some 400 retired Venezuelan military officers signed a published statement that warned the government not to concede "one more millimeter" of land or sea beyond Castilledes to Colombia (Ewell 1982, 310). Although the army has scrupulously kept out of politics since democracy was restored in 1958, its role during much of the national history was familiar enough to cause the national leadership to take the warning seriously.

Less ominous but influential also were emotional stances adopted by newspaper editors and columnists in Caracas and Maracaibo. Nationalist intellectuals produced books and maps which traced the era of negotiator ineptitude and ignorance of the terrain in the Guajira (Trego 1975; Padrón 1978; Castillo 1981; Herrera 1981; Rosales Gil 1982). One version of national history is that modern Venezuela is only 44 percent as large as it was at the time of independence from Spain as a result of territorial concessions to Colombia and Guyana (Briceño 1982, 122).

DOMESTIC POLITICAL OBSTACLES TO A MARINE BOUNDARY SETTLEMENT

Evidence exists that antagonism toward a compromise settlement of the marine boundary in the gulf does not stem from the respective foreign ministries. The author's conversations with diplomatic personnel on the topic in the two embassies in Washington, D.C. in 1986 elicited fervent expressions of mutual friendship between the two peoples. Both sides maintained that only the opposition of various politicized factions at home hindered a speedy amicable solution. The fact that past negotiators have been able to reach agreements suggests that such protestations are more than the usual diplomatic "flim flam."

The public positions of government figures in both countries also support this interpretation. For example, General Julio Londoño, the author of *Nueva Geopolítica de Colombia* (1964), is regarded as Colombia's foremost authority on boundary issues. In neither his writings nor speeches does Londoño convey an aggressive tone on such matters. While serving as foreign minister in 1986, he re-opened discussion of the gulf boundaries with his Venezuelan counterpart, Simón Alberto Consalvi, who also is a moderate in his domestic statements (FBIS 1986b). During this period Venezuelan President Jaime Lusinchi stated, "No difficulty shall stand in the way of traditional friendship between Colombia and Venezuela" and Colombian President Virgilio Barco Vargas said, "Fortunately, our governments are determined to prevent secondary problems from undermining the harmony which we are prepared to preserve at all costs" (FBIS 1986e).

Admittedly, rhetoric of this sort should be accepted with a degree of caution, but both countries have plural political systems with two main parties and a number of small ones. The press and media are vigorous and can be combative with official positions. Politicians do not succeed without support from a voting majority and one can assume that both presidents were aware of how their words would be received by the general populace. At the same time, officials in both countries are wary of strengthening national groups whose agendas are less benevolent. Advocates of the "living frontier" concept of an organic state, especially in Venezuela, are zealous if not very numerous. Formation late in the 1970s of a Venezuelan movement called the *Nueva Generación* was a political effort to coalesce the "authentic right" of the country. One of their stated aims is a national referendum on any boundary agreement, an objective that reflects fears that without public scrutiny diplomats will give away even more of Venezuela (Ewell 1982, 310).

Several other issues cause tensions between the two countries besides Venezuelan perceptions of Colombian

historical territorial expansion. One of these is the massive immigration of Colombians into Venezuela; a movement partly pushed by demographic growth and a sluggish economy at home and perhaps more importantly pulled by perceptions of economic opportunities. During the 1970s and early 1980s when the Colombian government was allocating land to farmers and establishing settlements of army reservists along its eastern margins, as many as two million Colombians entered Venezuela seeking work. Most were undocumented migrants. Because so many entered illegally and the constant rate of returnees is high, the actual number within Venezuela at a given time cannot be determined. However, one estimate early in the 1980s was that ten percent of Venezuela's population consisted of Colombian illegals—a so-called "peaceful invasion" (Briceño 1982, 107). Even critics of the situation admit that such people serve labor needs and spur economic growth, especially in agriculture in a country which has become nearly 80 percent urban. At the same time they introduce ethnic diversity and drain the national economy by means of remittances and money simply carried home after a period of work.

Colombia's domestic tranquillity is disturbed by several armed rebellions led by Marxists, the largest of which is a group called the M-19 and which has been supported by Cuba and Nicaragua. More serious are the disruptions of the legal and social order by the leaders of the illicit drug trade. Colombia is the site of major marijuana growing and the processing into cocaine of coca paste brought in from growing areas in Bolivia and Peru. These activities and the smuggling of the drugs into Anglo America and Western Europe are conducted by several ruthless, very wealthy, and very powerful combines, the best-known of which is called the "Medellín Cartel." Efforts to suppress what have become virtual shadow governments and at the same time to maintain constitutional government and legitimate economic order have diverted the resources of the state to an extraordinary degree. A system of price controls also has stimulated a vigorous smuggling activity that also has disturbed the social fabric.

Progress on the marine boundary issue has been further complicated by the fact that in Colombia presidents serve four-year, non-successive terms and in Venezuela they serve five-year, non-successive terms. A result is that during election campaigns the elected leaders are reluctant to make decisions likely to provoke criticism that could strengthen opposition parties. In addition, newly-elected administrations commonly devote their early months in office to implementation of domestic programs and leave foreign policy initiatives for later. The effect has been to restrict the periods in any decade when the settlement of controversial issues between the two countries is most likely. Regardless, public awareness of the matter remains high. One visitor to the two countries in late 1988 related that he stopped his count of newspaper references to the gulf boundary dispute when his count reached 250 articles (Sandner 1988).

CONCLUSION

This account of the background of the boundary dispute between Colombia and Venezuela in the Gulf of Venezuela can be viewed both as a case study and as an example. Involved are frictions based on contemporary problems as well as resentments derived from past boundary adjustments, all in the context of new world understandings of coastal states' jurisdiction over their ocean margins. The details, of course, are unique. Still problems of a similar nature exist elsewhere in the Americas and the world. Both Colombia and Venezuela, for example, have other marine boundary disputes, with Nicaragua and with Guyana, respectively. To what extent a successful approach to the ending of anyone of the controversies can provide a model for the settlement of the others is a matter of interest to political geographers.

The historical friendship between the countries, based upon their struggle for independence from Spain under the common leadership of Bolívar, makes this dispute more of a case study. No other two neighbors in Latin America have older nor stronger fraternal bonds and few have been so peaceful. Venezuela's territorial diminishment, for example, resulted from the actions of diplomats at the conference table and not from those of generals on the battlefield. On the other hand, democratically-chosen governments have become the norm in Latin America (Anderson 1987). Examination of the problems encountered by governments who attempt to conclude delicate agreements in the full scrutiny of an informed public can have some wider applications. Autocrats can, and have, arbitrarily taken prompt actions in the past in the region. Recognition that international agreements now necessitate that governmental leaders run a gauntlet of criticism means that

students of the region can increasingly search for parallels to events there in First World rather than in Third World countries.

Even though the issues differ, efforts to conclude a treaty on a marine boundary in the Gulf of Venezuela have evoked opposition by nationalists comparable to that which for so long impeded conclusion of the Panama Canal Treaty in the United States. The lesson seems to be that all societies contain ranges of opinion from radical to reactionary but that only in democracies do all have free expression and the opportunity to influence political events. Fuller understanding of such circumstances in one part of the world may help the analysis of events elsewhere. One of the aims of this study is to further such comprehension.

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RESUMEN

En los últimos años el establecimiento del límite marítimo en el Golfo de Venezuela ha sido un problema diplomático tanto para Colombia como para Venezuela. La demarcación del mar se ha complicado por una historia de negociaciones en las que las alteraciones territoriales han conferido a Colombia el control sobre la mejor parte de la península Guajira. Las pretensiones sobre el Golfo de Venezuela se basan en la posesión de las islas denominadas Los Monjes las cuales se encuentran en la entrada del golfo. La ratificación de un acuerdo ha sido impedida por otras disputas marítimas, por los sentimientos nacionalistas de ambos países, y por la necesidad por parte de los líderes elegidos de aplacar las demandas de diversos grupos sociales. **[end p. 105]**