Protocol between Great Britain and Venezuela
relating to the Settlement of the British Claims and other Matters

Signed at Washington, February 13, 1903

Whereas certain differences have arisen between Great Britain and the United States of Venezuela in connection with the claims of British subjects against the Venezuelan Government, the Undersigned, His Excellency the Right Honourable Sir Michael H. Herbert, K.C.M.G., C.B., His Britannic Majesty’s Ambassador Extraordinary and plenipotentiary to the United States of America, and Mr. Herbert W. Bowen, duly authorized by the Government of Venezuela, have agreed as follows:—

ARTICLE I.

The Venezuelan Government declare that they recognize in principle the justice of the claims which have been preferred by His Majesty’s Government on behalf of British subjects.

ARTICLE II.

The Venezuelan Government will satisfy at once, by payment in cash or its equivalent, the claims of British subjects, which amount to about £ 5,500, arising out of the seizure and plundering of British vessels and the outrages on their crews, and the maltreatment and false imprisonment of British subjects.

ARTICLE III.

The British and Venezuelan Governments agree that the other British claims, including claims by British subjects other than those dealt with in Article VI hereof, and including those preferred by the Railway Companies, shall, unless otherwise satisfied, be referred to a Mixed Commission constituted in the manner defined in Article IV of this Protocol, and which shall examine the claims and decide upon the amount to be awarded in satisfaction of each claim.

The Venezuelan Government admit their liability in cases where the claim is for injury to, or wrongful seizure of, property, and consequently the questions which the Mixed Commission will have to decide in such cases will only be —

(a.) Whether the injury took place, and whether the seizure was wrongful; and
(b.) If so, what amount of compensation is due.

In other cases the claims shall be referred to the Mixed Commission without reservation.

ARTICLE IV.

The Mixed Commission shall consist of one British member and one Venezuelan member. In each case where they come to an agreement, their decision shall be final. In cases of disagreement, the claims shall be referred to the decision of an Umpire nominated by the President of the United States of America.
ARTICLE V.

The Venezuelan Government being willing to provide a sum sufficient for the payment within a reasonable time of the claims specified in Article III and similar claims preferred by other Governments, undertake to assign to the British Government, commencing the 1st day of March, 1903, for this purpose, and to alienate to no other purpose, 30 per cent in monthly payments of the customs revenues of La Guayra and Puerto Cabello. In the case of failure to carry out this undertaking, Belgian officials shall be placed in charge of the customs of the two ports, and shall administer them until the liabilities of the Venezuelan Government, in respect of the above-mentioned claims, shall have been discharged.

Any questions as to the distribution of the customs revenues so to be assigned and as to the rights of Great Britain, Germany, and Italy to a separate settlement of their claims, shall be determined, in default of arrangement, by the tribunal at The Hague, to which any other Power interested may appeal.

Pending the decision of the Hague Tribunal, the said 30 per cent of the receipts of the customs of the ports of La Guayra and Puerto Cabello are to be paid over to the representatives of the Bank of England at Carácas.

ARTICLE VI.

The Venezuelan Government further undertake to enter into a fresh arrangement respecting the external debt of Venezuela, with a view to the satisfaction of the claims of the bondholders. This arrangement shall include a definition of the sources from which the necessary payments are to be provided.

ARTICLE VII.

The British and Venezuelan Governments agree that, inasmuch as it may be contended that the establishment of a blockade of Venezuelan ports by the British naval forces has, ipso facto, created a state of war between Great Britain and Venezuela, and that any Treaty existing between the two countries has been thereby abrogated, it shall be recorded in an exchange of notes between the Undersigned that the Convention between Great Britain and Venezuela of October, 29, 1834, which adopted and confirmed, mutatis mutandis, the Treaty of April 18, 1925, between Great Britain and the State of Colombia, shall be deemed to be renewed and confirmed, or provisionally renewed and confirmed, pending conclusion of a new Treaty of Amity and Commerce.

ARTICLE VIII.

Immediately upon the signature of this Protocol arrangement will be made by His Majesty’s Government, in concert with the Governments of Germany and Italy, to raise the blockade of the Venezuelan ports.

His Majesty’s Government will be prepared to restore the vessels of the Venezuelan navy which have been seized, and further to release any other vessels captured under the Venezuelan flag, on the receipt of a guarantee from the Venezuelan Government that they will hold His Majesty’s Government indemnified in respect of any proceedings which might be taken against them by the owners of such ships or of goods on board them.
ARTICLE IX.

The Treaty of Amity and Commerce of October 29, 1934, having been confirmed in accordance with the terms of Article VII of this Protocol, His Majesty’s Government will be happy to renew diplomatic relations with the Government of Venezuela.

Done in duplicate at Washington, this 13th day of February, 1903.

(Signed)  MICHAEL H. HERBERT.
(Signed)  HERBERT W. BOWEN.