INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING

ARBITRAL AWARD OF 3 OCTOBER 1899

CO-OPERATIVE REPUBLIC OF GUYANA

v.

BOLIVARIAN REPUBLIC OF VENEZUELA

WRITTEN OBSERVATIONS OF GUYANA ON VENEZUELA'S PRELIMINARY OBJECTIONS

15 JULY 2022

I. INTRODUCTION

1. On 7 June 2022, Venezuela filed "Preliminary objections to the admissibility of the application", a formal written pleading consisting of 10 pages. By an Order of 13 June 2022, the Court fixed 7 October 2022 as the time limit within which Guyana may present a written statement of its observations on Venezuela's submission. The present Written Statement of Guyana's Observations is submitted pursuant to the Court's Order.

2. Before addressing the specific grounds asserted by Venezuela for its "preliminary objections," Guyana considers that some comments of a more general nature are in order.

3. First, while Venezuela uses the plural in its submission to the Court, it actually raises only a single preliminary objection: that the United Kingdom of Great Britain and Northern Ireland (the "U.K.") is an indispensable third party to these proceedings, in the absence of which the Court should decline to exercise jurisdiction, notwithstanding its Judgment of 18 December 2018, in which it found that it has jurisdiction over (i) Guyana's claim that the Arbitral Award of 3 October 1899 is valid and binding on the Parties, including Venezuela; and (ii) the related claim that the international boundary between Guyana and Venezuela is the boundary established by the Arbitral Award. Henceforth, for the sake of precision, Guyana refers to Venezuela's "preliminary objection" in the singular.

4. Second, Venezuela's objection to the "admissibility" of Guyana's Application is nothing more than a thinly disguised attack on the Court's Judgment, holding that it has jurisdiction over Guyana's claims, and it is a misguided attempt to persuade the Court to revisit and revise that Judgment. Indeed, Venezuela complains that "it has been drawn into a dispute deliberately excluded by the Geneva Agreement of February 17, 1966, on which *the Court* claims to base its jurisdiction,"[1] and it claims that the alleged inadmissibility of Guyana's Application arises directly from "*the terms of the said Judgment* of the Court on jurisdiction."[2] This is because, Venezuela asserts, "When the Court … decides that this is the object of the dispute — the validity of the 1899 award — on which it has to rule, *the Court abducts* a dispute that can only be settled between those who were parties to the arbitration proceeding that

[1] *Venezuela's Preliminary Objections to the Admissibility of the Application*, 7 June 2022, para. 47 (emphasis added).

[2] *Ibid.*, para. 19 (emphasis added).

resulted in [the 1899] award."[3] In Venezuela's view, the Court's decision was erroneous because it neglected to apply the rule established in the *Monetary Gold* case: "Had the Court taken into account" *Monetary Gold*, "the Judgment of December 18, 2020 would have been different."[4]

5. Venezuela's preliminary objection is thus an appeal from the Court's Judgment on Jurisdiction, masquerading as a challenge to the admissibility of Guyana's Application to escape the *res judicata* effects of the Judgment. Although the Statute of the Court allow parties to challenge a Judgment by seeking clarification or revision,[5] Venezuela has done neither; and, in any event, it has offered no grounds that would satisfy the requirements for calling into question the Judgment of 18 December 2018.

6. Venezuela also appears to have styled its objection as one of inadmissibility, rather than lack of jurisdiction, in an attempt to avoid the effects of the Court's Order of 19 June 2018, in which the Court decided that "in the circumstances of the case, it must resolve first of all the question of the Court's jurisdiction," and that, for it to do so "it is necessary for the Court to be informed of all of the legal and factual grounds on which the Parties rely in the matter of its jurisdiction."[6] To this end, the Court directed the Parties to submit "written pleadings [that would] first be addressed to the question of the jurisdiction of the Court".[7] Venezuela elected not to comply with the Court's Order and refrained from filing a Counter-Memorial. Instead, it informally submitted to the Court, on 28 November 2019 — *i.e.*, more than seven months after the date fixed for the filing of its Counter-Memorial — a document entitled "Memorandum of the Bolivarian Republic of Venezuela on the Application filed before the International Court of Justice by the Cooperative Republic of Guyana on March 29th, 2018". As Venezuela admits,[8] its "Memorandum" did not address the issue it now raises by way of preliminary objection.

7. This is fatal to Venezuela's current submission, because it should have raised any jurisdictional objection it might have wished to make at *that* stage, as requested by the Court in

[3] *Ibid.*, para. 49 (emphasis added).

[4] *Ibid.*, para. 27.

[5] Respectively, Articles 60 and 61 of the Statute.

[6] *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Order of 19 June 2018, I.C.J. Reports 2018, p. 403 (emphasis added).

[7] *Ibid.*

[8] *Venezuela's Preliminary Objections to the Admissibility of the Application*, 7 June 2022, para. 8.

its Order of 19 June 2018. A *Monetary Gold* objection is jurisdictional in nature, and thus should have been raised in response to that Order. As the Court explained in that case, the absence of Albania precluded it from exercising "the *jurisdiction* conferred upon it by the common agreement of" the parties.[9] In the same vein, the Court in *East Timor* ruled that "*it cannot*, in this case, *exercise the jurisdiction it has* by virtue of the declarations made by the Parties under Article 36, paragraph 2, of its Statute…."[10] By contrast, in the present case the Court has already decided, with *res judicata* force, that it has "*jurisdiction to entertain*" Guyana's Application "in so far as it concerns the validity of the Arbitral Award."[11]

8. As made clear by Article 79*bis* of the Rules of Court, pursuant to which Venezuela purports to have filed its preliminary objection, a respondent is not entitled to raise a preliminary objection that, in substance, concerns questions of jurisdiction raised *proprio motu* by the Court and already decided in a binding Judgment. Accordingly, on these procedural grounds alone, Venezuela's purported challenge to the "admissibility" of Guyana's Application is itself inadmissible, and should be dismissed by the Court forthwith, without the need for any further proceedings on the matter.

9. Third, even if, *quod non*, Venezuela's objection were well-founded (which it plainly is *not*), it would not preclude the Court from issuing a Judgment on the Merits in this case. This is because, as Venezuela's submission makes perfectly clear, the objection is addressed to only one of the two claims over which the Court has decided to exercise its jurisdiction. In Venezuela's words:

> "The exception is raised on the basis that the judgment of December 18, 2020 ruled exclusively on the issue of jurisdiction *and is pertinent insofar as the Court has assumed its jurisdiction on one point*, the validity of the arbitral award of October 3, 1899, which -in the opinion of Venezuela- is manifestly outside the object of the Geneva Agreement."[12]

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[9] *Case of the Monetary Gold Removed from Rome in 1943 (Preliminary Question) (Italy v. France, United Kingdom of Great Britain and Northern Ireland and United States of America)*, Judgment, I.C.J. Reports 1954, p. 34 (emphasis added).

[10] *Case Concerning East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, para. 35 (emphasis added).

[11] *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Jurisdiction of the Court, Judgment, I.C.J. Reports 2020, p. 493, para. 138 (1) (emphasis added).

[12] *Venezuela's Preliminary Objections to the Admissibility of the Application*, 7 June 2022, para. 20 (emphasis added).

10. Venezuela makes a similar statement at the end of its Submission, in the last numbered paragraph:

> "The objection is raised on the basis that the judgment of December 18, 2020 ruled exclusively on the issue of jurisdiction *and is pertinent to the extent that the Court has assumed its jurisdiction on one point*, 'the validity of the arbitration award of October 3, 1899', which causes an admissibility problem due to lack of legitimation, but which also is - in Venezuela's opinion - manifestly outside the scope of the object of the Geneva Agreement."[13]

11. As shown below, Venezuela is wrong on this "one point". There is no basis, within or beyond the scope of the 1966 Geneva Agreement, for arguing that Guyana's claim regarding the validity of the 1899 Arbitral Award is inadmissible. However, the issue here is that Venezuela does not even attempt to argue that Guyana's related claim, over which the Court has also accepted jurisdiction, regarding the location of the international boundary between the two Parties, is inadmissible. Even Venezuela recognizes that it cannot claim that the U.K. is an indispensable party to a boundary dispute between two other sovereign States, concerning territory over which the U.K. has no entitlements and has long ago (in 1966, upon the independence of Guyana) relinquished all claims.

12. In the remainder of these Written Observations, Guyana demonstrates that the U.K. is, in any event, not indispensable to the resolution of Guyana's claim concerning the validity of the 1899 Arbitral Award.

II. THE U.K. IS NOT INDISPENSABLE TO THE COURT'S DETERMINATION OF THE VALIDITY OF THE 1899 ARBITRAL AWARD

13. The Parties are agreed on the applicable legal principles.

14. Venezuela quotes the relevant text from *Monetary Gold*, where the Court explained why Albania was an indispensable party to that case, without whose presence it could not exercise its jurisdiction over Italy's claims:

> "In the present case, Albania's legal interests would not only be affected by a decision, *but would form the very subject-matter of the decision*."[14]

[13] *Ibid.*, para. 54 (emphasis added).

[14] *Case of the Monetary Gold Removed from Rome in 1943 (Preliminary Question) (Italy v. France, United Kingdom of Great Britain and Northern Ireland and United States of America)*, Judgment, I.C.J. Reports 1954, p. 32 (emphasis added).

15. To the same effect, Venezuela cites the *East Timor* case, in which the Court declined to exercise jurisdiction over Portugal's claims in the absence of Indonesia. Venezuela quotes, in particular, the following passage from the Court's Judgment:

> "Indonesia's rights and obligations *would thus constitute the very subject-matter of such a judgment* made in the absence of that State consent."[15]

16. On the same point, Venezuela also cites the *Nauru* case, in which the Court invoked the same principle as in *Monetary Gold* and *East Timor*, but ruled that it *could* exercise jurisdiction over Nauru's claims despite the absence of the United Kingdom and New Zealand, which were alleged by Australia to be indispensable parties. The Court rejected Australia's preliminary objection because, as Venezuela quotes:

> "In the present case, the interests of New Zealand and the United Kingdom *do not constitute the very subject-matter of the judgment to be rendered on the merits of Nauru's Application* and the situation is in that respect different from that with which the Court had to deal in the *Monetary Gold case*."[16]

17. The question presented by Venezuela's preliminary objection is thus well defined: (1) does the U.K. have any interest in the subject matter of the judgment to be rendered on the merits of the claim set out in Guyana's Application that the Arbitral Award of 3 October 1899 is valid and binding, and (2) if so, does that interest "constitute the very subject matter of the judgment"?

18. Although Venezuela argues that the U.K. is an indispensable party based on the precedents cited above, it nowhere answers either of these two critical questions. Tellingly, its submission fails to specify any "interest" that the United Kingdom might have, or demonstrate why it would "constitute the very subject-matter" of the Judgment the Court is called upon to render in this case.

19. This is not surprising. The U.K. simply does *not* have legal interests that could be affected by the Court's determination of the validity of the 1899 Award, let alone interests that "constitute the very subject matter" to be decided. The only parties whose interests could be affected by a Judgment on this subject matter are Guyana and Venezuela.

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[15] *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, para. 34 (emphasis added).

[16] *Certain Phosphate Lands in Nauru (Nauru v. Australia)*, Preliminary Objections, Judgment, I.C.J. Reports 1992, para. 55 (emphasis added).

20. This may be demonstrated in a simple way. Assume that the Court rules that the 1899 Award is valid and binding: in that event, the effect would be to confirm the international boundary between Guyana and Venezuela as described in that Award. The U.K. has no legal interest in or claim to the territory in question, and it would not be — and could not be — affected by the judgment. Then suppose, in contrast, the Court were to decide that the Award is not valid and binding. This would remove the Award as a source of entitlement for both Guyana and Venezuela in respect of the territory they both claim; but it would not in any way affect the U.K., which has no claim to any such territory, having relinquished all territorial claims when it granted independence to Guyana in 1966. Accordingly, however the Court might rule on the validity of the 1899 Award, the U.K. has no current legal interest in the matter, let alone a legal interest that would constitute the very subject matter of the proceedings.

21. Nor would the lawfulness of any conduct by the U.K. be subjected to evaluation by the Court, as Indonesia's conduct would have been in *East Timor*. Venezuela offers no support, because none exists, for its contention that "the conduct of the United Kingdom of Great Britain and Northern Ireland in the arbitration which resulted in the award of October 3, 1899 is the very object of the decision that Guyana requests from the Court."[17] To begin with, Venezuela does not specify what conduct it is referring to. It does not even attempt to identify any particular conduct by the U.K. that could plausibly be the "very object" of the Court's decision on the Award's validity. That decision depends on the lawfulness of *the conduct of the Arbitral Tribunal*, not on that of the U.K., including whether the Tribunal exceeded its authority, or failed to carry out its mandate, or whether it was guilty of fraud or corruption in rendering its Award. There is no prerequisite for the Court, in reaching such decision, to pass judgment on the lawfulness of any conduct by the U.K. prior to the Award.

22. Venezuela does not address these issues. It never identifies, specifically, what legal interests of the U.K. would be affected by the Court's decision on the validity of the Arbitral Award, or what particular conduct by the U.K. would have to be evaluated by the Court for its lawfulness, let alone how those interests or conduct might constitute the very subject matter of the issue the Court has been called upon to decide. Instead, in language that is entirely opaque, Venezuela asserts "that the object of the decision requested from the Court not only involves

[17] *Venezuela's Preliminary Objections to the Admissibility of the Application*, 7 June 2022, para. 51.

the United Kingdom, but also that the disposition of its commitments and responsibilities constitutes its very essence".[18]

23. What "commitments and responsibilities" are these? And how do they constitute the "very essence" of the matter to be decided by the Court? The closest Venezuela comes to an explanation is found at paragraph 43 of its Submission:

> "The United Kingdom of Great Britain and Northern Ireland was and remains to be a party to the Geneva Agreement. It is their commitments and responsibilities that are at stake, these commitments and responsibilities are indispensable components of the very subject-matter of the contention arising from the judgment of December 18, 2020."[19]

24. This is a manifestly ill-conceived and indefensible argument. First, Venezuela avoids reference to any "interests" of the U.K. that might be at stake, speaking only of its alleged "commitments and responsibilities" under the 1966 Geneva Agreement, none of which it spells out. Second, and equally fatal to its preliminary objection, the 1966 Agreement is not a source of any legal interests of the U.K. pertinent to, let alone that constitute, the "very subject matter" of the issue to be decided in these proceedings: whether the 1899 Arbitral Award is valid and binding on the Parties.

25. This is because the 1966 Agreement does not confer any rights or obligations, or create any legal interests, concerning the *validity* of the 1899 Award, a subject that it nowhere addresses. Instead, the Agreement is exclusively concerned with the *procedures* for resolving the dispute over that issue. Under those procedures, as the Court determined in its Judgment of 18 December 2020, the Secretary-General decided that the dispute should be resolved by the Court. Whatever "commitments and responsibilities" the U.K. may have had, or theoretically may still have, under the 1966 Agreement, they are irrelevant to the dispute now before the Court, because they do not bear on the validity of the 1899 Award. They cannot, therefore, constitute "indispensable components of the very subject-matter" of the dispute over this issue.

26. Venezuela asks: "If … the validity of the arbitral award of October 3, 1899 were at stake in a judicial setting, should not Venezuela be the plaintiff?"[20] A good question, the answer to which is an emphatic: *Yes*. Once the Secretary-General decided that the dispute over the validity

[18] *Ibid.*, para. 33.

[19] *Ibid.*, para. 43.

[20] *Ibid.*, para. 47.

of the Award should be resolved by the Court, it was just as possible for Venezuela to have instituted proceedings as it was for Guyana. And, as the party challenging the validity of the long-settled Arbitral Award, it would indeed have been quite natural for Venezuela to be "plaintiff."

27. Yet, despite this, Venezuela claims that the Court has set a trap for it by holding that it has jurisdiction to decide this issue. It accuses the Court, in the penultimate numbered paragraph of its Submission, of having "prejudged the merits in favour of the validity of said arbitral award":

> "Thus, if the Court continues with the proceedings to adjudge the validity of the arbitral award of October 3, 1899 without the participation of the United Kingdom of Great Britain and Northern Ireland as a party - participation that, on the other hand, would pose a problem at this time due to lack of jurisdiction - *it would then be inferable that the majority of the judicial college has prejudged the merits in favour of the validity of said arbitral award*, protecting the interests of a party in the proceeding, which is as indispensable as absent, to the detriment of the rights of the other party, Venezuela, which is forced to litigate for nothing."[21]

28. Venezuela's argument that it "is forced to litigate for nothing" is based on the false proposition that a Judgment of the Court holding that the 1899 Award is invalid would be without meaning or effect unless the U.K. were a party to these proceedings and bound by the Court's Judgment. According to Venezuela, because the U.K. (and not Guyana, which did not yet exist as a sovereign State) was a party in the arbitration that resulted in the 1899 Award, a Judgment invalidating the Award would be ineffective unless it were binding on the U.K.:

> "In any case, if, according to the decision on jurisdiction of December 18, 2020, Venezuela had had to litigate on the validity of the arbitral award of October 3, 1899, and prove its nullity, its opponent could not have been the Co-operative Republic of Guyana, but the United Kingdom of Great Britain and Northern Ireland."[22]

29. This is plainly wrong, for at least five reasons.

30. First, it is contrary to the Judgment of 18 December 2020, in which the Court found that the validity of the 1899 Arbitral Award *could* be litigated by Venezuela and Guyana, and decided to exercise its jurisdiction over that subject matter. Specifically, the Court found that

[21] *Ibid.*, para. 53 (emphasis added).

[22] *Ibid.*, para. 50.

"it has jurisdiction to entertain the Application filed by the Co-operative Republic of Guyana on 29 March 2018 in so far as it concerns the validity of the Arbitral Award of 3 October 1899 and the related question of the definitive settlement of the land boundary dispute between the Co-operative Republic of Guyana and the Bolivarian Republic of Venezuela."[23] The Court's Judgment is *res judicata* on this issue.

31. Second, Venezuela ignores, and contradicts, the legal principles that, in its own words, govern the issue of whether the U.K. is an indispensable third party. Under *Monetary Gold*, *East Timor* and *Nauru*, what matters is not whether the U.K. was a party to the 1899 arbitral proceedings, but whether its legal interests "constitute the very subject-matter" of the dispute over the validity of the Arbitral Award. As demonstrated above, Venezuela has not identified any particular interests of the U.K. that could be affected by the Court's Judgment on the validity of the Award, much less that such interests "constitute the very subject matter" to be ruled upon. Plainly, the U.K. has no legal interest in the resolution of this issue, which can only affect the disposition of the territory claimed by both Guyana and Venezuela, over which the U.K. relinquished all claims when its colonial relationship ended and Guyana became an independent State in 1966.

32. Third, Venezuela's argument contradicts the law on State succession. Under those well-established rules, from the moment of Guyana's independence, the U.K. ceased to have any legal interest in: the 1897 Treaty of Washington by which it was agreed that the territorial dispute between the U.K. (in respect of British Guiana) and Venezuela would be submitted to binding arbitration; or the 1899 Arbitral Award rendered pursuant to that Treaty; or the 1905 Boundary Agreement implementing the terms of the Award. Whatever interests the U.K. had in the 1897 Treaty, the 1899 Award or the 1905 Boundary Agreement passed to Guyana upon the latter's emergence as a sovereign and independent State in 1966. Venezuela conveniently ignores this indisputable legal outcome of the decolonization process. Indeed, its preliminary objection is premised on the existence of an ongoing legal interest of the U.K. in its former colony's territorial limits with another State. If this alleged interest were accepted to exist, and Venezuela's objection upheld, it would fly in the face of the law of State succession by indicating that a post-colonial border dispute that predates the independence of the former colony or engages colonial titles could not be decided without the participation of the former

[23] *Arbitral Award of 3 October 1899 (Guyana v. Venezuela*), Jurisdiction of the Court, Judgment, I.C.J. Reports 2020, para. 138 (1).

colonial power(s). This would be an absurd result that would gravely offend not only the law of State succession, but the fundamental rules on decolonization and self-determination of peoples. It is not surprising, therefore, that the Court has regularly decided boundary disputes between former colonies of different colonial powers based on colonial era treaties without the participation of the former colonial parties to these treaties.[24]

33. Venezuela's only reference to State succession is its denial that Guyana succeeded to the U.K.'s obligations under the 1966 Geneva Agreement:

> "[T]he Co-operative Republic of Guyana does not become a party to the Geneva Agreement through the application of the rules related to the succession of States, inheriting or subrogating itself in the obligations of the United Kingdom of Great Britain and Northern Ireland, but rather by virtue of a clause - article VIII - of the same Agreement, freely consented to by the Chief Minister of the Non-Self-Governing Territory, Forbes Burnham".[25]

34. From this, Venezuela argues that:

> "Guyana is not outlined in the Agreement by way of succession to the rights of the United Kingdom, but by way of addition to the original parties that fully maintain their commitments, rights and obligations."[26]

35. It is a fact that, upon its independence, Guyana became a party to the 1966 Agreement directly, by virtue of Article VIII. But this is entirely irrelevant and provides no support whatsoever to Venezuela's preliminary objection. As shown above, even if Guyana's accession to the Agreement was not in substitution of the U.K., and even if, thereby, the U.K. could be said to retain "obligations" under that Agreement, this would still not save Venezuela's objection, because the U.K.'s obligations under the Agreement, like those of Guyana and Venezuela, were purely in regard to the procedures to be followed for the resolution of the dispute over the validity of the 1899 Arbitral Award; the Agreement bestowed no rights or obligations on any of the parties in regard to the substantive issue of whether the Award was valid or not. And it is that substantive issue over which the Court decided to exercise its jurisdiction in its Judgment of 18 December 2020.

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[24] *See e.g. Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, Judgment, I.C.J. Reports 2002; *Kasikili/Sedudu Island (Botswana/Namibia)*, Judgment, I.C.J. Reports 1999; *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, Judgment, I.C.J. Reports 1994.

[25] *Venezuela's Preliminary Objections to the Admissibility of the Application*, 7 June 2022, para. 38.

[26] *Ibid.*, para. 39.

36. Fourth, Venezuela's own conduct over the half century between Guyana's accession to the 1966 Agreement and the Secretary-General's decision that the dispute over the validity of the 1899 Arbitral Award should be resolved by the Court belies its assertion that Guyana "cannot dispose of the commitments and the responsibilities of the United Kingdom *vis-à-vis* Venezuela"[27] under that Agreement. In fact, Venezuela engaged with Guyana alone, without the U.K., at every stage of the dispute resolution process under Articles I to IV of the Agreement — including participation in a mixed commission, the good offices of the Secretary-General and enhanced mediation by the Secretary-General. Venezuela has thus demonstrated by its conduct over fifty years that it regards Guyana as fully able to "dispose of the commitments and responsibilities" imposed on it, or initially on the U.K., by the Agreement.

37. Fifth, although no further evidence of the U.K.'s lack of legal interest in the subject matter of the present dispute is required, it is significant that the U.K. itself has never claimed, after Guyana's independence in 1966, any legal interest in the validity of the Award or the course of the boundary between Guyana and Venezuela. To the contrary, its public position on the subject matter is supportive of the Court's exercise of jurisdiction to resolve the dispute. This is exemplified by the Communique of 25 June 2022 issued by the Commonwealth Heads of Government, including the Prime Minister of the U.K., upon the conclusion of their summit meeting in Rwanda:

> "Heads noted the decision made by the ICJ on 18 December 2020, that it has jurisdiction to entertain the Application filed by Guyana on 29 March 2018, paving the way for the ICJ to consider the merits of the case concerning the Arbitral Award of 3 October 1899 (Guyana v. Venezuela). They also noted that Guyana had submitted its Memorial on 8 March 2022, in accordance with the schedule set by the ICJ to hear the case, concerning the validity of the Arbitral Award of 1899 and the related question of the definitive settlement of the land boundary between the two countries. *Heads reiterated their full support for the ongoing judicial process that is intended to bring a peaceful and definitive end to the long-standing controversy between the two countries. Heads reaffirmed their firm and unwavering support for the maintenance and preservation of the sovereignty and territorial integrity of Guyana*."[28]

[27] *Ibid.*, para. 34.

[28] Communique of the Commonwealth Heads of Government Meeting ("CHOGM"), "Delivering a common future: connecting, innovating, transforming", 25 June 2012, para. 112 (emphasis added), *available at* https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2022-06/CHOGM%202022%20Communique.pdf?VersionId=sqWEwpE4gyzg8wIdTCoPO0yQgVNZ7Izy.

SUBMISSIONS

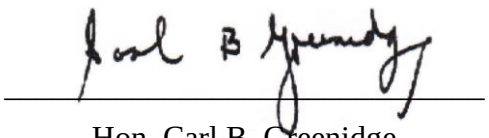
For the foregoing reasons, Guyana respectfully submits that:

(1) Pursuant to Article 79*ter*, paragraph 2, of the Rules, the Court should dismiss forthwith Venezuela's preliminary objection as inadmissible or reject it on the basis of the Parties' written submissions without the need for oral hearings; or, alternatively

(2) Schedule oral hearings at the earliest possible date, to avoid needless delay in reaching a final Judgment on the Merits, and reject Venezuela's preliminary objection as early as possible after the conclusion of the hearings; and

(3) Fix a date for the submission of Venezuela's Counter-Memorial on the Merits no later than nine months from the date of the Court's ruling on Venezuela's preliminary objection.

15 July 2022



Hon. Carl B. Greenidge
Co-operative Republic of Guyana
Agent