



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

[Website](#) [X](#) [YouTube](#) [LinkedIn](#)

Press Release

Unofficial

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Arbitral Award of 3 October 1899 (Guyana v. Venezuela)

Request for the indication of provisional measures

Conclusion of the public hearings held on Tuesday 14 and Wednesday 15 November 2023

THE HAGUE, 15 November 2023. The public hearings on the request for the indication of provisional measures submitted by Guyana in the case concerning *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* concluded today.

The delegation of Guyana was led by the Hon. Carl B. Greenidge, as Agent. The delegation of Venezuela was led by HE Mr Samuel Reinaldo Moncada Acosta, Ambassador, Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations, as Agent.

The Court will now begin its deliberation.

The Court's decision will be delivered at a public sitting, the date of which will be announced in due course.

Requests of the Parties

At the end of the hearings, the Agents of the Parties made the following requests to the Court:

For Guyana:

“Having regard to the facts and law set out in its Request for Provisional Measures and its argument during the oral proceedings, the Co-operative Republic of Guyana respectfully submits that the Court should indicate the following provisional measures, which would remain in effect until the issuance of the Court's Judgment on the Merits:

1. Venezuela shall not proceed with the Consultative Referendum planned for 3 December 2023 in its present form;

2. In particular, Venezuela shall not include the First, Third or Fifth questions in the Consultative Referendum;
3. Nor shall Venezuela include within the ‘Consultative Referendum’ planned, or any other public referendum, any question encroaching upon the legal issues to be determined by the Court in its Judgment on the Merits, including (but not limited to):
 - a. the legal validity and binding effect of the 1899 Award;
 - b. sovereignty over the territory between the Essequibo River, and the boundary established by the 1899 Award and the 1905 Agreement; and
 - c. the purported creation of the State of ‘*Guayana Esequiba*’ and any associated measures, including the granting of Venezuelan citizenship and national identity cards.
4. Venezuela shall not take any actions that are intended to prepare or allow the exercise of sovereignty or *de facto* control over any territory that was awarded to British Guiana in the 1899 Arbitral Award.
5. Venezuela shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

For Venezuela:

“For the reasons explained during these hearings, the Bolivarian Republic of Venezuela asks the Court to reject the request for provisional measures filed by the Co-operative Republic of Guyana.”

History of the proceedings

On 29 March 2018, Guyana filed an Application instituting proceedings against Venezuela. In its Application, Guyana requests the Court “to confirm the legal validity and binding effect of the Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899”.

As basis for the jurisdiction of the Court, the Applicant invokes Article IV, paragraph 2, of the “Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana”, signed at Geneva on 17 February 1966 (the “Geneva Agreement”), and the decision of 30 January 2018 by which the Secretary-General of the United Nations, in accordance with that Agreement, chose the Court as the means to be used for the settlement of the controversy.

On 18 June 2018, Venezuela informed the Court that it considered that the Court manifestly lacked jurisdiction to hear the case and that it had decided not to take part in the proceedings.

By an Order of 19 June 2018, the Court decided that the written pleadings in the case must first address the question of the jurisdiction of the Court and fixed 19 November 2018 and 18 April

2019 as the respective time-limits for the filing of a Memorial by Guyana and a Counter-Memorial by Venezuela. Guyana's Memorial was filed within the time-limit thus fixed.

On 28 November 2019, Venezuela submitted to the Court 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". A public hearing on the question of the jurisdiction of the Court was held by video link on 30 June 2020, in which Venezuela did not participate.

On 18 December 2020, the Court rendered a Judgment in which it found that it had jurisdiction to entertain the Application filed by Guyana in so far as it concerned the validity of the Arbitral Award of 3 October 1899 and the related question of the definitive settlement of the land boundary dispute between Guyana and Venezuela. The Court also found that it did not have jurisdiction to entertain the claims of Guyana arising from events that occurred after the signature of the Geneva Agreement.

On 7 June 2022, Venezuela raised preliminary objections which it characterized as objections to the admissibility of Guyana's Application.

By an Order of 13 June 2022, the Court fixed 7 October 2022 as the time-limit within which Guyana could present a written statement of its observations and submissions on the preliminary objections raised by Venezuela. Guyana filed its written observations within the time-limit thus fixed. By a letter dated 28 July 2022, Venezuela commented on Guyana's written observations on the preliminary objections raised by Venezuela.

Public hearings on the preliminary objections raised by Venezuela were held from 17 to 22 November 2022.

On 6 April 2023, the Court delivered its [Judgment](#), in which it considered that the Bolivarian Republic of Venezuela was in substance making only a single preliminary objection. In that Judgment, the Court found that it "can adjudicate upon the merits of the claims of the Co-operative Republic of Guyana, in so far as they fall within the scope of paragraph 138, subparagraph 1, of the Judgment of 18 December 2020".

On 30 October 2023, Guyana filed a [Request for the indication of provisional measures](#). In its Request, Guyana states that, "[o]n 23 October 2023, the Government of Venezuela, through its National Electoral Council, published a list of five questions that it plans to put before the Venezuelan people in a . . . 'Consultative Referendum' on 3 December 2023". According to the Applicant, the purpose of this referendum is

"to obtain responses that would support Venezuela's decision to abandon [the current proceedings before the Court], and to resort instead to unilateral measures to 'resolve' the controversy with Guyana by formally annexing and integrating into Venezuela all of the territory at issue in these proceedings, which comprises more than two-thirds of Guyana".

Earlier [press releases](#) relating to this case are available on the Court's website.

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

Information Department:

Ms Monique Legerman, First Secretary of the Court, Head of Department: +31 (0)70 302 2336

Ms Joanne Moore, Information Officer: +31 (0)70 302 2337

Mr Avo Sevag Garabet, Associate Information Officer: +31 (0)70 302 2394

Email: info@icj-cij.org