



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Guyana files an application against Venezuela

THE HAGUE, 4 April 2018. On Thursday 29 March 2018, the Co-operative Republic of Guyana (hereinafter “Guyana”) filed an application against the Bolivarian Republic of Venezuela (hereinafter “Venezuela”) with the International Court of Justice (ICJ), the principal judicial organ of the United Nations.

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 (hereinafter the ‘1899 Award’)”. The Applicant claims that the 1899 Award was “a full, perfect, and final settlement” of all questions relating to determining the boundary line between the colony of British Guiana and Venezuela.

Guyana affirms that, between November 1900 and June 1904, a joint Anglo-Venezuelan Boundary Commission “identified, demarcated and permanently fixed the boundary established by the . . . Award” before the signing of a Joint Declaration by the Commissioners on 10 January 1905 (referred to by Guyana as the “1905 Agreement”).

Guyana contends that, in 1962, for the first time, Venezuela contested the Award as “arbitrary” and “null and void”. This, according to the Applicant, led to the signing 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 at Geneva on 17 February 1966 (hereinafter the “Geneva Agreement”), which “provided for recourse to a series of dispute settlement mechanisms to finally resolve the controversy”.

Guyana submits that the Geneva Agreement authorized the United Nations Secretary-General to decide which appropriate dispute resolution mechanism to adopt for the peaceful settlement of the dispute, in accordance with Article 33 of the United Nations Charter. The Applicant further argues that:

“On 30 January 2018, . . . Secretary-General [H.E.] António Guterres determined that the Good Offices Process had failed to achieve a peaceful settlement of the controversy. He then took a formal and binding decision, under Article IV, paragraph 2 of the Agreement, to choose a different means of settlement under Article 33 of the Charter. In identical letters to both Parties, he communicated the terms of his decision that, pursuant to the authority vested in him by the Geneva Agreement, the controversy shall be settled by recourse to the International Court of Justice.”

Guyana states that it “files [the] Application pursuant to the Secretary-General’s decision”.

In its Application, Guyana requests the Court to adjudge and declare that:

- “(a) The 1899 Award is valid and binding upon Guyana and Venezuela, and the boundary established by that Award and the 1905 Agreement is valid and binding upon Guyana and Venezuela;
- (b) Guyana enjoys full sovereignty over the territory between the Essequibo River and the boundary established by the 1899 Award and the 1905 Agreement, and Venezuela enjoys full sovereignty over the territory west of that boundary; Guyana and Venezuela are under an obligation to fully respect each other’s sovereignty and territorial integrity in accordance with the boundary established by the 1899 Award and the 1905 Agreement;
- (c) Venezuela shall immediately withdraw from and cease its occupation of the eastern half of the Island of Ankoko, and each and every other territory which is recognized as Guyana’s sovereign territory in accordance with the 1899 Award and 1905 Agreement;
- (d) Venezuela shall refrain from threatening or using force against any person and/or company licensed by Guyana or engage in economic or commercial activity in Guyanese territory as determined by the 1899 Award and 1905 Agreement, or in any maritime areas appurtenant to such territory over which Guyana has sovereignty or exercises sovereign rights, and shall not interfere with any Guyanese or Guyanese-authorized activities in those areas;
- (e) Venezuela is internationally responsible for violations of Guyana’s sovereignty and sovereign rights, and for all injuries suffered by Guyana as a consequence.”

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

The full text of Guyana’s Application of 29 March 2018 will be available shortly on the Court’s website.

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 seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. 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. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Court (ICC, the only permanent international criminal court, which was established by treaty and does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), the Mechanism for International Criminal Tribunals (MICT, mandated to take over residual functions from the International Criminal Tribunal for the former Yugoslavia and from the International Criminal Tribunal for Rwanda), the Kosovo Specialist Chambers and Specialist Prosecutor's Office (an ad hoc judicial institution which has its seat in The Hague), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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