



INTERNATIONAL COURT OF JUSTICE

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Press Release

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

The Court finds that it has jurisdiction to entertain the Application filed by Guyana 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 Guyana and Venezuela

THE HAGUE, 18 December 2020. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, has today delivered its Judgment on the question of its jurisdiction in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*.

History of the proceedings (see also press releases Nos. 2018/17, 2018/31, 2020/15 and 2020/18)

In its Application filed on 29 March 2018, the Co-operative Republic of Guyana (hereinafter “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 (‘1899 Award’)”. The Applicant contends 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.

The Applicant sought to found the jurisdiction of the Court, under Article 36, paragraph 1, of the Statute of the Court, on 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 the Secretary-General of the United Nations taken on 30 January 2018, to choose, pursuant to this last provision, the Court as the means to be used for the solution of the controversy between the Parties.

On 18 June 2018, the Bolivarian Republic of Venezuela (hereinafter “Venezuela”) stated that it considered that the Court lacked jurisdiction to hear the case and that Venezuela would not participate in the proceedings. The Court was of the view that in the circumstances of the case, it was necessary first of all to resolve the question of its jurisdiction, and that this question should accordingly be separately determined before any proceedings on the merits.

A public hearing on the question of jurisdiction was held in hybrid format on 30 June 2020, with some Members of the Court and the Registrar attending in person in the Great Hall of Justice of the Peace Palace in The Hague, and the remainder of the judges and Guyana's delegation participating remotely via video link. Oral arguments were presented by Guyana. Venezuela did not participate in the oral proceedings.

At the end of the oral proceedings, Guyana made the following submissions to the Court:

“On the basis of its Application of 29 March 2018, its Memorial of 19 November 2018, and its oral pleadings, Guyana respectfully requests the Court:

1. To find that it has jurisdiction to hear the claims presented by Guyana, and that these claims are admissible; and
2. To proceed to the merits of the case.”

The Court's Judgment of 18 December 2020

In its Judgment, which is final, without appeal and binding on the Parties, the Court:

(1) By twelve votes to four,

Finds that 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;

IN FAVOUR: *President* Yusuf; *Vice-President* Xue; *Judges* Tomka, Cançado Trindade, Donoghue, Sebutinde, Bhandari, Robinson, Crawford, Salam, Iwasawa; *Judge ad hoc* Charlesworth;

AGAINST: *Judges* Abraham, Bennouna, Gaja, Gevorgian;

(2) Unanimously,

Finds that it does not have jurisdiction to entertain the claims of the Co-operative Republic of Guyana arising from events that occurred after the signature of the Geneva Agreement.

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Judge TOMKA appends a declaration to the Judgment of the Court; Judges ABRAHAM and BENNOUNA append dissenting opinions to the Judgment of the Court; Judges GAJA and ROBINSON append declarations to the Judgment of the Court; Judge GEVORGIAN appends a dissenting opinion to the Judgment of the Court.

A summary of the Judgment appears in the document entitled “Summary 2020/5”, to which summaries of the opinions and declarations are annexed. This press release, the summary and the full text of the Judgment are available on the Court’s website (www.icj-cij.org), under the heading “Cases”.

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, through judgments which have binding force and are without appeal for the parties concerned, 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.

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