

**INTERNATIONAL COURT OF JUSTICE**

**ARBITRAL AWARD OF OCTOBER 3, 1899**

**(GUYANA v. VENEZUELA)**

**PRELIMINARY OBJECTIONS TO THE ADMISSIBILITY OF THE APPLICATION**



June 7, 2022

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## I. Introduction

1. On March 29, 2018, the Co-operative Republic of Guyana filed an application against the Bolivarian Republic of Venezuela requesting the Court to adjudge the “legal validity and binding effect of the arbitration award of October 3, 1899”, along with other requests.
2. Following the call of the President of the Court, Venezuela attended the meeting held in The Hague on June 18, 2018 through a mission headed by the Executive Vice President of the Republic, Mrs. Delcy Eloína Rodríguez, who delivered in hand to the President of the Court a letter from President Nicolás Maduro Moros informing of the non-appearance of Venezuela in a proceeding unilaterally opened by Guyana on a matter in which the Court manifestly lacked jurisdiction.
3. By Order of June 19, 2018, the Court decided to initiate a procedural phase limited to examining the jurisdiction of the Court, setting deadlines for the submission of a memorial by Guyana and a counter-memorial by Venezuela.
4. The Co-operative Republic of Guyana filed a memorial on November 19, 2018.
5. By means of a letter from the Foreign Minister of the Republic, Mr. Jorge Arreaza, dated April 12, 2019, Venezuela reiterated its decision not to participate in the proceeding, communicating at the same time the purpose of assisting the Court in the performance of its duty to *ex officio* satisfy itself that it has jurisdiction, as provided for in Article 53.2 of the Statute.
6. In a *memorandum* dated November 28, 2019, accompanied by an *annex*, Venezuela provided the Court with the appropriate information, making clear the reasons why the Court does not have jurisdiction to entertain Guyana’s Application.
7. Once the written phase was closed and the oral proceeding was called, Venezuela communicated by letter from the Foreign Minister, Mr. Jorge Arreaza, dated February 10, 2020, that it would not participate in the hearings, finally held via videoconference on June 30 of the same year.
8. Likewise, by means of a letter dated July 24 from the Foreign Minister, Venezuela stated that, given the manifest lack of jurisdiction of the Court, it was not necessary to deal with other issues, such as the admissibility or merits of the Guyanese claim. In its response of August 3, 2020, Guyana did not mention the question of admissibility.
9. By judgment of December 18, 2020, the Court decided, by twelve votes to four, that it had 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”.

10. By order of March 8, 2021, the Court ordered that the Co-operative Republic of Guyana would have twelve months to submit a memorial on the merits of the points in which the Court has declared jurisdiction and the Bolivarian Republic of Venezuela would then have another twelve-month term to file a counter-memorial on those same points.
11. The Co-operative Republic of Guyana submitted its memorial on March 8, 2022.
12. The Bolivarian Republic of Venezuela hereby files preliminary objections to the admissibility of the application of the Co-operative Republic of Guyana in the terms provided in Article 79 *bis* of the Rules of Court.

## II. Legal Basis

13. Article 79 *bis*, §1 of the Rules of Court provides that:

“When the Court has not taken any decision under Article 79, an objection by the respondent to the jurisdiction of the Court or to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits, shall be made in writing as soon as possible, and not later than three months after the delivery of the Memorial. Any such objection made by a party other than the respondent shall be filed within the fixed time-limit for the delivery of that party's first pleading.”

14. Pursuant to the Order of June 19, 2018, the proceedings have revolved exclusively around the question of jurisdiction and the judgment of December 18, 2020 has only ruled on jurisdiction. On the other hand, no question of admissibility was decided by the Court. The question of admissibility of the Application of the Co-operative Republic of Guyana arises from the subject-matter of the case as outlined by the judgment of the Court when establishing the terms of its jurisdiction, and the legitimation of the parties to appear.
15. The preliminary objections to admissibility are being filed within the time limit provided for by the Rules of Court.
16. Venezuela expressed in the memorandum forwarded to the Court to facilitate the Court's task of satisfying itself *ex officio* that it has jurisdiction, that Venezuela had not given its consent so that Guyana may, on the basis of Article IV.2 of the Geneva Agreement and the communication of the Secretary General of the United Nations of January 30, 2018, unilaterally file an application against Venezuela on the objective of the said Agreement, which objective and purpose was limited to establish a procedure to achieve a practical settlement of their territorial controversy, that is mutually satisfactory to the parties.
17. The absence of consent became even greater when the object of the Guyanese application slipped into the dispute over the validity of the arbitration award of October 3, 1899. This dispute had been circumvented by the Geneva Agreement to avoid that its prior consideration would block the purpose of

said Agreement, aimed at facilitating the rapid decolonization of a non-autonomous territory over which Venezuela maintained a legitimate and fair claim which, by the way, was the only claim provided for in the Geneva Agreement of February 17, 1966.

18. To subject the reaching of the practical arrangement referred to in the Geneva Agreement to a prior decision on the nullity of the arbitral award of October 3, 1899, is a thesis that has suddenly arisen from the plaintiff's new elaboration of its case and which, regrettably, the Court has endorsed in its judgment of December 18, 2020.
19. Venezuela, consistent with its prior positions, maintain that the Court lacks jurisdiction to entertain Guyana's Application. However, the purpose of the present preliminary objections is not to reiterate Venezuela's strong disagreement (which stands) with the Court's ruling of December 18, 2020, but to submit that, even if the Court were to have jurisdiction, Guyana's Application would be then inadmissible on the basis of the terms of the said judgment of the Court on jurisdiction.
20. 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. Only once the Court has ruled otherwise, has a problem of legitimation arisen and the impossibility of continuing the proceeding without the participation of the United Kingdom as a party.

### III. Jurisprudence of the Court

21. In *Monetary Gold*, the Court, in relation to a claim brought by Italy against Albania, noted that: "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.", concluding that "[i]n such a case, the Statute cannot be regarded, by implication, as authorizing proceedings to be continued in the absence of Albania"<sup>1</sup>.
22. This *dictum* has been evoked by the Court on numerous occasions. In the *East Timor* case, the Court mentions several decisions confirming the underlying principle, one of the fundamental principles of the Statute, namely that the Court "cannot decide a dispute between States without the consent of those States to its jurisdiction"<sup>2</sup>. "Whatever the nature of the obligations invoked, the Court could not rule on the lawfulness of the conduct of a State when its

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<sup>1</sup> *Case of the Monetary Gold Removed from Rome in 1943 (Preliminary Question) Judgment of June 15th, 1954, I.C.J. Reports 1954, p. 17.*

<sup>2</sup> *East Timor (Portugal v. Australia), Judgment, I.C.J. Reports 1995, p. 90, para.26.*

judgment would imply an evaluation of the lawfulness of the conduct of another State which is not a party to the case”<sup>3</sup>.

23. In this case, the Court admitted the objection raised by Australia to the admissibility of the application filed by Portugal, considering that “Indonesia's rights and obligations would thus constitute the very subject-matter of such a judgment made in the absence of that State consent ” and “in order to decide the claims of Portugal, it would have to rule, as a prerequisite, on the lawfulness of Indonesia's conduct in the absence of that State's consent”<sup>4</sup>.
24. This principle has always been respected. In *Nauru*, the Court rejected the Australian objection to the admissibility of the application and asserted its jurisdiction to decide on the claims raised “provided that the legal interests of the third State which may possibly be affected do not form the very subject-matter of the decision that is applied for”<sup>5</sup>. According to the Court's criteria: “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*”<sup>6</sup>.
25. That the legal interests of a State foreign to the proceeding are the very object of the decision and are not simply affected by it constitutes the red line that separates the admissibility from the inadmissibility of the claim.<sup>7</sup> As Judge Shahabuddeen noted in his individual opinion in the East Timor case, the principle established by the Court in *Monetary Gold* “remains intact, being directly founded on the consensual nature of the Court's contentious jurisdiction.”<sup>8</sup>

#### **IV. Legitimation problems arising from the decision of December 18, 2020: an unprecedented situation**

26. The Court decision, in affirming its jurisdiction over the issue of the validity of the arbitration award of October 3, 1899, has caused legitimation problems which cannot be covered under the cloak of *res iudicata*.
27. The Bolivarian Republic of Venezuela would have liked to invoke the Monetary Gold precedent to now challenge the legitimation of the Co-operative Republic of Guyana to bring forward the claim over which the Court has affirmed its jurisdiction. Had the Court taken into account this fundamental

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<sup>3</sup> *Ib.*, para. 29.

<sup>4</sup> *Ib.*, paras. 34-35.

<sup>5</sup> *Case concerning certain phosphate lands in Nauru (Nauru v. Australia), Preliminary Objections, Judgment, ICJ Reports 1992, p. 261, para. 54.*

<sup>6</sup> *Ib.*, para. 55.

<sup>7</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984, p. 392, para. 88; Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984, p. 3, para. 40; Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene, Judgment, I.C.J. Reports 1990, p. 92, paras. 52-56.*

<sup>8</sup> *East Timor (Portugal v. Australia), Judgment, I.C.J. Reports 1995, p. 90, Sep.Op. Shahabuddeen, p. 119, p. 122.*

principle - according to which the Court "cannot decide a dispute between States without the consent of those States to its jurisdiction"-, the judgment of December 18, 2020 would have been different. Venezuela has been drawn into a dispute beyond the object of the Geneva Agreement, and the Court, by accepting it, has attributed to the plaintiff the innovative coverage, the most unusual legitimation, to raise it.

28. In *Monetary Gold*, it was the plaintiff itself -Italy- which in a very honourable manner, raised the doubts over its legitimation to file an application against Albania which had not consented to the jurisdiction of the Court and the defendant -Albania-, which did not appear in court, did not have to spend an iota of energy for the Court to declare that: "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.", concluding that "[i]n such a case, the Statute cannot be regarded, by implication, as authorizing proceedings to be continued in the absence of Albania<sup>9</sup>.
29. In our case, the respondent -the Bolivarian Republic of Venezuela- wanted to emphasize its opposition to the jurisdiction of the Court by not appearing in the open proceeding on this issue, but it did spend its energy making its reasons available to the Court in one memorandum, accompanied by an annex, of November 28, 2019 and a letter of July 24, 2020, which reasons were not taken into account by the judgment of December 18, 2020.
30. The active legitimation problems in the cases of *Nauru* and *East Timor* were raised by the defendant -Australia- with uneven results. In one, the *Nauru* case, the Court rejected the Australian objection; in the other one, *East Timor*, the Court accepted it giving rise to the doctrine of the *indispensable third party*. The Court could not rule on Portugal's claim because the Court understood that, had the Court done so, it would be ruling on the rights and responsibilities of a third party -Indonesia- which was foreign to the proceeding.
31. The Court invoked *Monetary Gold* and wanted to expressly justify its different attitude in one (*Nauru*) and another case (*East Timor*). In the case of *East Timor*: "Indonesia's rights and obligations would thus constitute the very subject-matter of such a judgment made in the absence of that State consent" and "in order to decide the claims of Portugal, it would have to rule, as a prerequisite, on the lawfulness of Indonesia's conduct in the absence of that State's consent".<sup>10</sup> In the case of *Nauru*: "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

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<sup>9</sup> *Case of the Monetary Gold Removed from Rome in 1943 (Preliminary Question)*, Judgment of June 15th, 1954, I.C.J. Reports 1954, p. 17.

<sup>10</sup> *Ib.*, paras. 34-35.

respect different from that with which the Court had to deal in the Monetary Gold case”.<sup>11</sup>

32. The Court was not innovating, but rather reiterating a distinction that had already emerged in cases in which the possible intervention of third parties was raised.<sup>12</sup> That the legal interests and responsibilities of a State outside the proceeding are the very object of the decision and are not simply set aside marks the limit between the admissibility and the inadmissibility of the claim. The Court evaluates it in each specific case and its decision can satisfy some and upset others.
33. This distinction has a general value and can be used in our case. The Bolivarian Republic of Venezuela maintains that the object of the decision requested from the Court not only involves the United Kingdom, but also that the disposition of its commitment and responsibilities constitutes its very essence and, therefore, the Court cannot rule on the request of the application of the Co-operative Republic of Guyana, with such legitimation defect.
34. Furthermore, Venezuela would not see its rights duly protected if the procedural legitimation defect is not resolved and the United Kingdom is not a party to the proceeding. Whereas in the *Nauru* and *East Timor* cases the respondent requested the Court not to proceed with the claim because the respondent must necessarily be accompanied by others or had to be someone else, in our case, the legitimated party should be another one and, in any case, Guyana, as plaintiff, cannot dispose of the commitments and responsibilities of the United Kingdom *vis-à-vis* Venezuela, which are the very object of the decision on which the Court has affirmed -erroneously in Venezuela's opinion- its jurisdiction.
35. In this sense, an unprecedented judgment in the interpretation of the consent of the States has led to an unprecedented situation in terms of legitimation.

## V. The legitimation of the Co-operative Republic of Guyana

36. The Co-operative Republic of Guyana was not a party to the Washington Treaty of February 2, 1897, between the United Kingdom and the Republic of Venezuela on the basis of which the arbitral tribunal was established and the procedure that resulted in the award of October 3, 1899 was agreed. Neither did the Co-operative Republic of Guyana participate in the tasks of demarcating the border in accordance with the provisions of said award, nor was it able to pronounce itself in the following years on the vicissitudes of the

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<sup>11</sup> *Case concerning certain phosphate lands in Nauru (Nauru v. Australia), Preliminary Objections, Judgment, ICJ Reports 1992, p. 261, para. 55.*

<sup>12</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984, p. 392, para. 88; Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984, p. 3, para. 40; Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene, Judgment, I.C.J. Reports 1990, p. 92, paras. 52-56.*



disputed territory. The Co-operative Republic of Guyana simply did not exist. It was, at the time, a colony of the British Crown.

37. Guyana did not exist either as a sovereign State on February 17, 1966 when the Geneva Agreement was signed by the Foreign Minister of Venezuela, Ignacio Iribarren Borges, and the Secretary of the Foreign Office, Michael Stewart. The chief minister of the non-self-governing territory of British Guiana, Forbes Burnham, who was consulted, signed the instrument in advance, providing in article VIII that, upon gaining independence - which occurred a hundred days later- his Government would be "thereafter [be] a party to this Agreement, in addition to the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Venezuela".<sup>13</sup>
38. Therefore, the 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<sup>14</sup>.
39. 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.
40. The relevant role granted to Guyana in the implementation of the Agreement reveals, once again, what its purpose is, namely, to reach a practical and satisfactory settlement of the territorial dispute, not to pronounce itself on the validity of an award resulting from proceedings to which it had been completely oblivious. Had there been basis for jurisdiction, such pronouncement would correspond to the United Kingdom of Great Britain and Northern Ireland.
41. Guyana would therefore lack *ius standi* to request that the Court declare the validity of the arbitral award of October 3, 1899, had it not been for the decision of December 18, 2020.

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<sup>13</sup>The Independence of the new State of Guyana was recognised by Venezuela under a express reserve of the sovereign rights over the territory located on the left bank of the Essequibo river (Note of recognition of Venezuela of the new State of Guyana, Caracas, May 26, 1966), extract available in Annex 50 to the Memorial of Guyana, 19 November 2018, Vol. II. See also the full text of the Note in the original language at <http://esequibonuestro.blogspot.com/2011/11/nota-del-canciller-de-venezuela-al.html> (accessed 06 June 2022).

<sup>14</sup> See 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, 17 February 1966, available as Annex 4 to the Application of the Co-operative Republic of Guyana, 29 March 2018. *Ib.* "Article VIII. Upon the attainment of independence by British Guiana, the Government of Guyana shall thereafter be a party to this Agreement, in addition to the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Venezuela."

## **VI. The United Kingdom of Great Britain and Northern Ireland, an indispensable party**

42. The United Kingdom was a party to the commitment of February 2, 1897, a party in the arbitration that led to the award of October 3, 1899, a party in the commission constituted for the demarcation of the frontier established by the award, a party in the negotiation of the Geneva Agreement and a party in any events that occurred until October 17 February 1966, date of its signing and entry into force in accordance with its Article VII, a time limit that, on the other hand, the Court has set to its jurisdiction.<sup>15</sup> The title of the Agreement, let us not forget it, is “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” (emphasis added).
43. 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. It is the behaviour of the United Kingdom what can be denounced by Venezuela.
44. The Court cannot decide the annulment of an arbitral award in the absence of one of the parties to the proceeding that gave rise to that award. The United Kingdom of Great Britain and Northern Ireland has not waived its commitments and obligations, nor has it transferred them to the Co-operative Republic of Guyana, nor has Guyana -which may be, if anything, its beneficiary- subrogated to them or represents their holder.
45. Thus, the United Kingdom of Great Britain and Northern Ireland is an essential, necessary and indispensable party to the proceedings, without which the proceedings must not continue.

## **VII. The rights of the Bolivarian Republic of Venezuela**

46. If, as maintained by the Co-operative Republic of Guyana, the validity of an arbitral award is presumed, and whoever challenges it has to prove beyond any reasonable doubt the causes of its nullity<sup>16</sup>, it is not understood that the beneficiary of that presumption, comfortable for its interests, now requires Venezuela to prove otherwise, when it is neither in its duty nor in its commitment and obligations to discuss an issue that might have been, but it was not, the object of the Agreement.
47. If, really, the validity of the arbitral award of October 3, 1899 were at stake in a judicial setting, should not Venezuela be the plaintiff? Venezuela has been

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<sup>15</sup> Decision of December 18, 2020, para. 136.

<sup>16</sup> Guyana’s Memorial on the Merits, Vol. I, 8 March 2022, Ch. 6, paras. 6.29-6.42.

drawn into a dispute deliberately excluded by the Geneva Agreement of February 17, 1966, on which the Court claims to base its jurisdiction, even with the time limit to define such jurisdiction only until the signing and entry into force on February 17, 1966 of said agreement.

48. Why insist on an amicable and acceptable solution for both parties? Why seek a practical and satisfactory settlement for each of the parties of the territorial controversy to which the Agreement expressly refers in the third paragraph of its preamble<sup>17</sup> and in its article I<sup>18</sup>, if, after all, everything was limited to deciding whether the arbitral award of October 3, 1899 was valid or null?
49. When the Court, induced by the Co-operative Republic of Guyana, 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 resulted in said award.
50. 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.
51. Venezuela cannot litigate on the rights and obligations of the behaviour of a State absent from the proceeding and whose participation cannot be prescribed or imposed by the Court. In the case at hand, 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.
52. It would not be a question now of protecting the due process *vis-à-vis* the United Kingdom, but more firmly the one concerning Venezuela. A declaration of annulment of the arbitral award in a proceeding in which the United Kingdom is absent as a party would not bind the United Kingdom, in accordance with the relative effect of the Court's judgments (Article 59 of the Statute). But, furthermore, the rights, commitments and obligations of Venezuela, under the Geneva Agreement, prevent it from having the procedural legitimation of the

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<sup>17</sup> Preamble, third paragraph: "Convinced that any outstanding controversy between the United Kingdom and British Guiana on the one hand and Venezuela on the other would prejudice the furtherance of such cooperation and should therefore be amicably resolved in a manner acceptable to both parties ; In conformity with the agenda that was agreed for the governmental conversations concerning the controversy between Venezuela and the United Kingdom over the frontier with British Guiana, in accordance with the joint communiqué of 7 November, 1963, have reached the following agreement to resolve the present controversy(...)".

<sup>18</sup> Article I: "A Mixed Commission shall be established with the task of seeking satisfactory solutions for the practical settlement of the controversy between Venezuela and the United Kingdom which has arisen as the result of the Venezuelan contention that the Arbitral Award of 1899 about the frontier between British Guiana and Venezuela is null and void". With the same sense on the practical settlement see: The Joint Communiqué on the ministerial talks held in Geneva on February 16 and 17, 1966, between Dr. Ignacio Iribarren Borges, Minister of Foreign Affairs of Venezuela, the Honourable Michel Stewart, Minister of Foreign Affairs of the United Kingdom, and the Honourable Forbes S. Burnham, Chief Minister of British Guiana. Available as Annex 31 to the Memorial of Guyana, 19 November 2018, Vol. II.

defendant in a proceeding whose object would be the annulment of the award according to the judgment of December 18, 2020, as defendant.

53. 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.
54. 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. Venezuela could not be compelled to prove the validity or invalidity of the award, much less bear the burden of proof of its nullity, simply because it never committed to do so, and much less when it signed the Geneva Agreement in 1966. Venezuela has only undertaken to amicably achieve a settlement acceptable for the Parties.

***In conclusion,***

In accordance with the foregoing objections to admissibility, the Bolivarian Republic of Venezuela respectfully requests that the Court resolve them in accordance with the Rules of Court, Section D. Incidental Proceedings, Article 79 *bis*: “to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits”.

It is requested that while it resolves these requests, the Court suspends the proceeding referred to in the judgment of December 18, 2020, as provided in the Rules of Court, article 79.3 *bis*.

It is requested that the Court admits the preliminary objections to the admissibility of the application filed by the Co-operative Republic of Guyana and that it terminates the on-going proceeding.

The Bolivarian Republic of Venezuela will soon appoint its *ad hoc* judge, in accordance with Article 31 of the Statute of the Court and Article 35 of the Rules.

June 7, 2022

Carlos Rafael Faría Tortosa  
People's Power Minister for Foreign Affairs