



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

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

The Court indicates provisional measures

THE HAGUE, 1 December 2023. The International Court of Justice today delivered its Order on the [Request for the indication of provisional measures](#) filed by Guyana on 30 October 2023 in the case concerning *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*.

It is recalled that in its Request, Guyana stated 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 these questions 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” (see press release [2023/58](#)).

Public hearings on the request submitted by Guyana were held on Tuesday 14 and Wednesday 15 November 2023.

In its [Order](#), which has binding effect, the Court indicates the following provisional measures:

“(1) Unanimously,

Pending a final decision in the case, the Bolivarian Republic of Venezuela shall refrain from taking any action which would modify the situation that currently prevails in the territory in dispute, whereby the Co-operative Republic of Guyana administers and exercises control over that area;

(2) Unanimously,

Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

Judge SEBUTINDE appends a declaration to the Order of the Court; Judge ROBINSON appends a separate opinion to the Order of the Court; Judge *ad hoc* COUVREUR appends a separate opinion to the Order of the Court.

History of the proceedings

On 29 March 2018, Guyana filed an [Application instituting proceedings](#) against Venezuela with respect to a dispute concerning “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. The Court then decided to address first the question of its jurisdiction.

In its [Judgment delivered on 18 December 2020](#), the Court 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.

Further to the filing of preliminary objections by Venezuela on 7 June 2022, the Court, in its [Judgment of 6 April 2023](#), rejected Venezuela’s preliminary objection concerning the exercise of the Court’s jurisdiction and found that it could adjudicate upon the merits of Guyana’s claims, in so far as they fall within the scope of the Court’s jurisdiction as defined in the operative clause of its Judgment of 18 December 2020.

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

A summary of the Order appears in the document entitled “Summary 2023/8”, to which summaries of the declaration and opinions are annexed. This summary and the full text of the Order are available on the Court’s website 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, 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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