



# 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 delivers its Judgment on the preliminary objection raised by Venezuela

THE HAGUE, 6 April 2023. The International Court of Justice, the principal judicial organ of the United Nations, has today delivered its Judgment on the preliminary objection raised by the Bolivarian Republic of Venezuela in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*.

In its [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

(1) Unanimously,

*Finds* that the preliminary objection raised by the Bolivarian Republic of Venezuela is admissible;

(2) By fourteen votes to one,

*Rejects* the preliminary objection raised by the Bolivarian Republic of Venezuela;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; *Judge ad hoc* Wolfrum;

AGAINST: *Judge ad hoc* Couvreur;

(3) By fourteen votes to one,

*Finds* 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.

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; *Judge ad hoc* Wolfrum;

AGAINST: *Judge ad hoc* Couvreur.

Judge BHANDARI appends a declaration to the Judgment of the Court; Judge ROBINSON appends a separate opinion to the Judgment of the Court; Judge IWASAWA appends a declaration to the Judgment of the Court; Judge *ad hoc* WOLFRUM appends a declaration to the Judgment of the Court; Judge *ad hoc* COUVREUR appends a partially separate and partially dissenting opinion to the Judgment of the Court.

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## 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 on 17, 18, 21 and 22 November 2022. Although Venezuela refers to “preliminary objections” in the plural in its final submissions, the Court, in its Judgment, understood it to be making in substance only a single preliminary objection.

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

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A summary of the Judgment appears in the document entitled “Summary 2023/4”, to which summaries of opinions and declarations are annexed. This press release, the summary and the full text of the Judgment are available on the Court’s website under the heading [Cases](#).

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

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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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