

INTERNATIONAL COURT OF JUSTICE

YEAR 2021

**2021
8 March
General List
No. 171**

8 March 2021

ARBITRAL AWARD OF 3 OCTOBER 1899

(GUYANA v. VENEZUELA)

ORDER

Present: President DONOGHUE; *Vice-President* GEVORGIAN; *Judges* TOMKA, ABRAHAM, BENNOUNA, CAÑADO TRINDADE, YUSUF, XUE, SEBUTINDE, BHANDARI, ROBINSON, CRAWFORD, SALAM, IWASAWA, NOLTE; *Judge ad hoc* CHARLESWORTH; *Registrar* GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 44 and 79*ter*, paragraph 5, of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 29 March 2018, whereby the Government of the Co-operative Republic of Guyana (hereinafter “Guyana”) instituted proceedings against the Bolivarian Republic of Venezuela (hereinafter “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”,

Having regard to the fact that, on 18 June 2018, at a meeting held by the President of the Court with the representatives of the Parties, the Vice-President of Venezuela, H.E. Ms Delcy Rodríguez Gómez, stated that her Government considered that the Court manifestly lacked jurisdiction to hear the case and that Venezuela had decided not to participate in the

proceedings, and handed to the President of the Court a letter dated 18 June 2018 from the President of Venezuela, H.E. Mr. Nicolás Maduro Moros, communicating the position of Venezuela,

Having regard to the Order dated 19 June 2018, by which the Court held, pursuant to Article 79, paragraph 2, of the Rules of Court of 14 April 1978 as amended on 1 February 2001, 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, 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 on the question of jurisdiction,

Having regard to the Memorial of Guyana on the question of the jurisdiction of the Court, which was filed within the time-limit thus fixed,

Having regard to the fact that Venezuela did not file a Counter-Memorial, but that on 28 November 2019, it 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”,

Having regard to a letter dated 10 February 2020, whereby Venezuela indicated that it did not intend to attend the oral proceedings on the question of the jurisdiction of the Court,

Having regard to a public hearing held on 30 June 2020 by video link, at which Guyana presented its oral arguments and submissions on the question of the jurisdiction of the Court;

Whereas, by its Judgment dated 18 December 2020, the Court found that it has jurisdiction to entertain the Application filed by 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 Guyana and Venezuela;

Whereas time-limits now have to be fixed for the written proceedings on the merits;

Whereas, at a meeting held by video link by the President of the Court with the representatives of the Parties on 26 February 2021, pursuant to Article 31 of the Rules of Court, Guyana requested a period of nine months, from the date of the Order fixing the time-limits, for the preparation of its Memorial;

Whereas, at the same meeting, Venezuela expressed its disagreement with the Judgment rendered by the Court on 18 December 2020, arguing that 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 could not afford a basis for the Court’s jurisdiction as it provided that the controversy had to be amicably resolved in a manner acceptable to both parties;

Whereas Venezuela further indicated that it has not yet decided on its position in relation to the proceedings and that, in light of the alleged serious implications of the Court’s Judgment of 18 December 2020 for its sovereignty, it was required by its Constitution to conduct popular consultations on the matter, which would require a significant amount of time, and that it also faced a number of other difficulties in preparing its pleading; and whereas Venezuela therefore requested a period of 12 to 18 months for the preparation of its Counter-Memorial;

Whereas, in reply to the views expressed by Venezuela, Guyana indicated that a period of 12 months for the filing of each Party’s written pleading would also be acceptable;

Taking into account the views of the Parties,

Fixes the following time-limits for the filing of written pleadings on the merits:

8 March 2022 for the Memorial of the Co-operative Republic of Guyana;

8 March 2023 for the Counter-Memorial of the Bolivarian Republic of Venezuela; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this eighth day of March, two thousand and twenty-one, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Co-operative Republic of Guyana and the Government of the Bolivarian Republic of Venezuela, respectively.

Joan E. DONOGHUE,
President.

Philippe GAUTIER,
Registrar.
