TWELFTH PARLIAMENT OF GUYANA

FIRST SESSION (2020-2023)

NATIONAL ASSEMBLY

RESOLUTION NO. 66

WHEREAS the Arbitral Award of an Arbitral Tribunal constituted under the Treaty of Arbitration signed in Washington on 2 February 1897, determined the boundary-line between the Colony of British Guiana and the United States of Venezuela in 1899;

AND WHEREAS by the 1897 Treaty, the United Kingdom and Venezuela agreed that the results of the Arbitration would be a full, perfect and final settlement of the questions referred to the Arbitrators, and in 1905 signed the Agreement with regard to the Map of the Boundary which outlined the boundary and accepted the coordinates thereof;

AND WHEREAS, for over six decades, the boundary was internationally recognized, accepted and respected by Venezuela, Guyana and the international community as being the land boundary between the two States;

AND WHEREAS the Bolivarian Republic of Venezuela arbitrarily and unilaterally sought, from 1962, to challenge and impugn the 1899 Arbitral Award, thus, giving rise to a controversy over the validity of the Award;

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AND WHEREAS the Geneva Agreement of 1966 which was concluded among the Parties adumbrated the means of peacefully and legally resolving this controversy and in compliance with its terms, both the Cooperative Republic of Guyana and the Bolivarian Republic of Venezuela agreed and referred the choice of the means of settlement of the controversy to the United Nations Secretary-General;

AND WHEREAS the United Nations Secretary-General first selected a Good Offices Process in 1989 which was effected until 2016 with an enhanced mediation process in 2017, the entire period during which the Government of Venezuela was never able to prove its claim of nullity of the 1899 Arbitral Award, but instead embarked on a pattern of intimidation, threat, economic aggression and neo-colonialism against Guyana, using its superior military, economic and political power to try to weaken and force Guyana to agree to the nullification of the 1899 Arbitral Award;

AND WHEREAS, the Government of the Cooperative Republic of Guyana has always relied on international law and justice, and the support of its international partners including the Commonwealth, the Organization of American States, the Caribbean Community; and its bilateral partners and friends to secure its sovereignty and territorial integrity and to be able to withstand the continued and systematic onslaught from the Government of Venezuela, relating to its illegal and unjust claim to more than two-thirds of Guyana's territory;

AND WHEREAS the Cooperative Republic of Guyana despite the aggression of Venezuela, has always abided by the strict terms of the Geneva Agreement, in furtherance of which and in need of respite, invited the United Nations Secretary-General to refer the matter of the Venezuelan claim of invalidity of the 1899 Arbitral Award to the International Court of Justice, of which both the Cooperative Republic of Guyana and the Bolivarian Republic of Venezuela are members;

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AND WHEREAS the United Nations Secretary-General, having determined that no progress was made towards the resolution of the controversy after twenty- eight (28) years of bilateral dialogue between the Parties, did so in 2018 in accordance with the powers conferred upon him by Article IV(2) of the Geneva Agreement; and the matter remains extant before the International Court of Justice;

AND WHEREAS the Bolivarian Republic of Venezuela raised two preliminary objections to the Court's adjudication of the matter; first challenging the existence of the Court's jurisdiction then secondly, challenging the exercise of that jurisdiction, both matters of which were dispensed with by the Court which in its judgement of December 18, 2020 affirmed its jurisdiction based on the provisions of the Geneva Agreement and in its judgement of April 6, 2023 rejected the preliminary objection of Venezuela;

AND WHEREAS in another attempt to avoid the scrutiny of its illegal claim under international law and to nullify the binding legal process before the International Court of Justice, the Government of the Bolivarian Republic of Venezuela has demanded that the Government of the Co-operative Republic of Guyana return to the now defunct bilateral dialogue on the issue of Venezuela's illegal claim; the Government of the Cooperative Republic of Guyana refused to enter into such dialogue and reaffirmed its commitment to the process before the International Court of Justice;

AND WHEREAS the Government of the Bolivarian Republic of Venezuela on September 21, 2023 decided to hold a Referendum on December 3, 2023 where it will put to its populace, five questions relating to the controversy between the two States, including whether citizens "agree with the historic position of Venezuela not to recognize the jurisdiction of the International Court

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of Justice to resolve the controversy over the territory of 'Guayana Essequiba'" (Question Three); and in a most flagrant disregard for international law, Question Five speaks to the annexation of the territory awarded to Guyana (then British Guiana) by the 1899 Arbitral Award coupled with inter alia, granting Venezuelan citizenship and identification cards to Guyanese citizens in that region;

AND WHEREAS the Government and people of the Cooperative Republic of Guyana deem this purported Referendum to be contemptuous of the legal process prevailing before the International Court of Justice and repugnant to the accepted principles, tenets, norms and practices of international law;

RESOLVED:

That this National Assembly:

1. Affirms the sovereignty and territorial integrity of the State of the Cooperative Republic of Guyana;
2. Reaffirms its recognition and acceptance of the 1899 Arbitral Award as a "full, perfect and final" settlement of the boundary between Guyana and Venezuela and Article IV (2) of the 1966 Geneva Agreement as giving the mandate to the United Nations Secretary-General to select the means of resolving the controversy;
3. Denounces as provocative, unlawful, void, and of no international legal effect, the purported referendum in Venezuela that is scheduled for December 3, 2023;
4. Supports the Government in its pursuit to ensure a peaceful and lawful resolution of the controversy before the International Court of Justice and rejects the proposal to return to any form of dialogue with Venezuela on the controversy outside of the process before the Court;

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5. Supports Government's formal approach for the urgent protection of the International Court of Justice, with the filing with the Court a Request for Provisional Measures for an Order preventing Venezuela from taking any action to seize, acquire or encroach upon, or assert or exercise sovereignty over, the Essequibo Region or any other part of Guyana's national territory, pending the Court's final determination of the validity of the Arbitral Award;
6. Calls for the deepening of engagements among all national stakeholders on issues relating to the sovereignty and territorial integrity of the Cooperative Republic of Guyana, particularly within the context of the meetings of the bipartisan Ministerial Advisory Committee on the Guyana/Venezuela Controversy;
7. Encourages the citizens of Guyana to remain fully engaged on developments surrounding the controversy;
8. Expresses its appreciation to the partners and friends of the Cooperative Republic of Guyana for their support and expressions of affirmation of the sovereignty and territorial integrity of Guyana.

Passed by the National Assembly on Monday, 6th November, 2023.

S.E. ISAACS,

Clerk of the National Assembly

CLERK OF THE
NATIONAL ASSEMBLY