



Security Council

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Letter dated 12 January 2021 from the Permanent Representative of Guyana to the United Nations addressed to the President of the Security Council

I am writing further to the letter dated 8 January 2021 from the Permanent Representative of the Bolivarian Republic of Venezuela, Ambassador Samuel Moncada ([S/2021/25](#)), which he requested to circulate “to member States of the Security Council for their due information and as an official document of that body”.

As an immediate and preliminary response to that letter, I request that you circulate to the States members of the Security Council, as a matter of urgency, an address by the President of the Co-operative Republic of Guyana, His Excellency Irfaan Ali, which was delivered to the people of Guyana on 7 January in the wake of provocative actions by the Government of Venezuela (see annex). I also request that the address be made available as a document of the Council.

I further advise that the content of Ambassador Moncada’s letter of 8 January was of such an egregiously misleading nature that it demands a full response, which my Government will address to you shortly, requesting that it be circulated to States members of the Security Council as a document of the body.

(*Signed*) Carolyn **Rodrigues-Birkett**
Permanent Representative of the Co-operative Republic of Guyana
to the United Nations



Annex to the letter dated 12 January 2021 from the Permanent Representative of Guyana to the United Nations addressed to the President of the Security Council

Address to the Nation by His Excellency Dr. Irfaan Ali, President of the Co-operative Republic of Guyana and Commander-in-Chief of the Armed Forces regarding actions of the Government of the Bolivarian Republic of Venezuela

I had not anticipated speaking to you in a national broadcast so soon after my New Year's Day statement.

But a troubling event has occurred concerning our territorial integrity that requires that I speak to you directly, in full transparency, and to keep you fully informed.

As you are aware, Guyana has maintained an Embassy in Venezuela accredited to the Government.

Equally, we have continued to welcome a Venezuelan Embassy in Guyana accredited to our Government.

In other words, Guyana has scrupulously kept all official channels of communication open to the Government of Venezuela.

We have done so even as we pursued our right to request the UN Secretary-General to refer to the International Court of Justice (the ICJ) the long-standing contention with Venezuela over the 1899 arbitral award.

At no time have we engaged in making any statements regarding the continuing inflammatory remarks, emanating from the Government and other parties in Venezuela, except to continue to affirm our nation's sovereignty and territorial integrity.

We have always chosen a path of peaceful resolution of the Venezuelan issue within international law.

It is, therefore, deeply disturbing that, on January 7th, the President of Venezuela, Mr. Nicolas Maduro, issued a decree claiming for Venezuela sovereignty and exclusive sovereign rights in the waters and seabed adjacent to Guyana's coast, west of the Essequibo River.

I remind that sovereignty over this coast, and the land territory to which it is attached, were awarded to Guyana (then British Guiana) in the 1899 Arbitral Award, whose validity and legally binding character Guyana is confident the International Court of Justice (ICJ) will uphold unequivocally.

Regrettably, by decreeing that the seas adjacent to this territory belong to Venezuela, at least two fundamental principles of international law have been violated.

The first violation is that no State can unilaterally determine its international boundaries, whether they are land boundaries or maritime boundaries.

The fixing of an international boundary under international law can only result from an agreement between neighbouring States, or a binding determination by an international court or arbitral tribunal.

Therefore, this attempt by Venezuela to attempt, unilaterally, to fix both its land and maritime boundaries with Guyana is a legal nullity, which cannot, and will not, be respected by any other State in the world, including Guyana.

The second violation of fundamental international law is based on the fact that, under well-established rules of international law, there is a fundamental principle that "the land dominates the sea".

This means that sovereignty, and sovereign rights in the sea and seabed, emanate from title to the land that forms the coast to which those seas and seabed are adjacent.

Since Guyana is sovereign over the coast west of the Essequibo River, as far as Punta Playa, it follows, consequently, that only Guyana can enjoy sovereignty and exclusive sovereign rights over the adjacent sea and seabed.

This is precisely the issue that is before the ICJ, and which, on 18 December 2020, the ICJ decided to resolve, i.e., whether Guyana or Venezuela is sovereign over that land territory.

Guyana is confident that the Court will resolve the issue in its favour, and that this will necessarily also settle the issue of maritime rights in the adjacent sea and seabed.

But, under international law, this is now for the International Court of Justice to decide.

In the meantime, Venezuela's attempt to claim for itself the seas and seabed adjacent to the coast west of the Essequibo River is another legal nullity, which will receive no legal regard from any other State in the world, including Guyana.

The second regrettable action that President Maduro took on January 7th was to reject the decision of the ICJ issued on December 18th, in that case it was decided it has jurisdiction to hear and rule upon the Arbitral Award, made on October 3rd, 1899, including that it remains valid and legally binding on both States.

Under international law, the Court's decision, which was adopted by an overwhelming majority of its judges, is final and legally binding on both Guyana and Venezuela.

To be clear, I point out the following two things:

One, it has long been a fundamental principle of international law that an international court, including the ICJ, has the competence to determine its own jurisdiction, as the ICJ did on December 18th, 2020.

Two, the United Nations Charter obligates all Member States to comply with their obligations under international law, including as determined by the ICJ.

In this connection, Venezuela does not have the "right" to "reject" the Court's binding decision.

What is more, its legal advisers would know that to do so, is a flagrant breach of its legal obligations, and will not be accepted by the ICJ, the United Nations or any other body that upholds international law, and its norms and practices.

As President of Guyana, I express the hope that the Venezuelan government will reconsider its position and will decide to participate in the remainder of the proceedings before the ICJ, as the Court decides upon the validity and binding character of the 1899 Arbitral Award and the international boundary that it created.

However, while I express that sincere hope, I also want to be clear that should Venezuela choose to boycott the ICJ's proceedings, it will not deter nor delay the Court from adjudicating the case.

The rules of the Court expressly provide that the deliberate absence of one of the parties shall not prevent it from deciding a case.

I draw attention to one further matter regarding the case before the ICJ.

Unfortunately, in an effort to discredit the oldest and most respected global Court, Venezuela has misrepresented the nature of the ICJ's recent administrative acts.

That act was to invite the parties to meet the President of the Court to ascertain the parties' views on the scheduling of the written pleadings for the merits phase of the case.

This is standard practice for the Court.

The purpose is for the parties to indicate how much time would be required for the preparation and submission of the Memorial of Guyana and the Counter-Memorial of Venezuela.

This is the only issue to be discussed at the meeting.

Therefore, it is inaccurate, and misleading, for Venezuela to state that the Court has scheduled a "hearing" on the substance of the 'case without giving it sufficient time to prepare its case.

In fact, Venezuela will have more than a year to prepare its case.

Fellow Citizens, I have taken note that one newspaper in Guyana has attributed to President Maduro a tweet in which he is alleged to have "vowed to reconquer the Essequibo".

Research done by my Government of President Maduro's tweeted statements does not substantiate the allegation in the newspaper.

Therefore, my Government intends to act only upon those official statements, emanating from Venezuela that have been substantiated.

In this regard, earlier today, I instructed Foreign Minister, Hugh Todd, to summon the Officer-in-Charge of the Venezuelan Embassy in Georgetown to the Foreign Ministry to express Guyana's deep concern about the decree issued last Thursday.

The Officer-in-Charge has been told to convey to the Venezuelan authorities in Caracas, that, in accordance with international law, and its assertion of its sovereignty and territorial integrity, Guyana rejects entirely the decree issued by President Maduro.

Guyana will continue on the path of peaceful resolution of this matter in keeping with international law and the jurisdiction of the ICJ.

We urge our neighbour Venezuela to do the same.

In the meantime, we are alerting the International Community, including our sister-states in the Caribbean Community (CARICOM) and in the Americas of the danger to international peace and security that is being threatened by last Thursday's Venezuela decree which violates fundamental principles of international law.

My fellow citizens we will continue our bipartisan and national approach to this matter, secure in the knowledge that the right and law are on our side.

Be assured that my Government – and I personally – will continue to keep you informed as any further developments take place in this matter.

Guyana is our land – the land of Guyanese – one people, united and committed in our devotion to it.

Thank you for listening.

God bless Guyana, God Bless the Guyanese people.

His Excellency Dr. Mohamed Irfaan Ali
President of the Co-operative Republic of Guyana
and Commander-in-Chief of the Armed Forces