



Security Council

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Identical letters dated 6 December 2023 from the Permanent Representative of the Co-operative Republic of Guyana to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon the instructions of my Government, I have the honour to transmit herewith a letter dated 6 December 2023 from Hugh Hilton Todd, the Minister of Foreign Affairs and International Cooperation of the Co-operative Republic of Guyana (see annex).

I should be grateful if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

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



Annex to the identical letters dated 6 December 2023 from the Permanent Representative of the Co-operative Republic of Guyana to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to address you with regard to a grave matter that threatens international peace and security, including especially the peace and security of the Latin American and Caribbean region.

The matter concerns actions taken on 5 December 2023 by the Bolivarian Republic of Venezuela to formally annex, and incorporate into Venezuelan territory, the Essequibo Region of Guyana, which constitutes more than two-thirds of Guyana's sovereign territory.

In particular, the President of Venezuela: announced that the National Assembly would enact legislation formally incorporating Guyana's Essequibo Region into Venezuela, and granting Venezuelan citizenship to the population, all of which is Guyanese; ordered the execution of a census in Guyana's Essequibo Region and issuance of Venezuelan identity cards to the population; formally established the "Integral Defence Zone of Guyana Essequiba" and appointed Major General Alexis Rodriguez Cabello as the sole administrative authority; announced the termination of all concessions in the Essequibo Region and adjacent maritime area issued by Guyana, giving Guyana's licensees a deadline of three months to vacate the area, and directed Venezuelan state entities to issue all new licences for oil, gas and mining exploration and exploitation; gave instructions for the development of a "social attention plan" for the population of Guyana's Essequibo Region; and ordered the publication of a new official map of Venezuela incorporating Guyana's Essequibo Region.

The President of Venezuela also announced Venezuela's rejection of the International Court of Justice as the means of settlement of its dispute with Guyana over the Essequibo Region, despite your decision of 30 January 2018 that the dispute shall be settled by the International Court of Justice, and the Court's affirmation of its jurisdiction to settle the dispute on two occasions, by its judgments of 18 December 2020 and 6 April 2023.

As you may be aware, a unanimous arbitral tribunal established the international boundary between then-British Guiana and Venezuela in 1899, and the boundary was formally demarcated by the United Kingdom and Venezuela in 1905 in an agreement signed by both parties. For over 60 years, Venezuela accepted and recognized the boundary established in the 1899 Arbitral Award without question. Only in 1962, for the first time, did Venezuela belatedly challenge the validity of the award and the resulting boundary. In the 1966 Geneva Agreement, the parties agreed to specific procedures for resolving the dispute over the validity of the 1899 Arbitral Award. Those procedures were followed through the final stage, which was referral to the Secretary-General for a binding decision on the means of settlement of this dispute. Pursuant to this authority, the Secretary-General chose the International Court of Justice, and Guyana filed an application with the Court two months later, in March 2018. As indicated, the Court has twice ruled that it has jurisdiction to resolve the dispute based on the 1966 Geneva Agreement and the January 2018 decision by the Secretary-General.

On 23 October 2023, the government of Venezuela announced that it would hold a national referendum to seek a popular mandate, inter alia, to reject the Court as the means of settlement of this dispute, and to proceed unilaterally to annex Guyana's Essequibo Region, incorporate it into Venezuela, grant Venezuelan citizenship and national identity cards to the population and develop the territory. Guyana responded

by requesting that the Court order provisional measures to restrain Venezuela from carrying out any of these unilateral actions to change the status quo in the Essequibo Region pending the Court's final judgment on the merits of the case, and its binding determination of the validity of the 1899 Arbitral Award and the land boundary established by that award.

On 1 December 2023, the Court issued its order on Guyana's request for provisional measures. On 5 December 2023, the Secretary-General transmitted the Court's order to the Security Council. The Order states that it was issued unanimously, with the support of all sitting Judges. It provides:

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

Venezuela's actions on 5 December 2023 are flagrant violations of the Court's Order, which is legally binding on the parties. Under Article 94 (1) of the Charter of the United Nations, Venezuela is obligated to comply with the decisions of the International Court of Justice. Under Article 94 (2), if any party to a case fails to perform the obligations incumbent upon it, the other party (in this case Guyana) may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide on measures to be taken to give effect to the judgment.

Venezuela's actions also violate the most fundamental principles of international law enshrined in Article 2 (4) of the Charter, which make it unlawful for any State to use or threaten force against the territorial integrity or political independence of another State. The acquisition, or attempted acquisition of another State's territory constitutes aggression, which violates obligations under peremptory norms of international law. Venezuela is now guilty of breaching all these obligations, and the actions it has announced that it will soon take will only further aggravate the situation. Its conduct plainly constitutes a direct threat to Guyana's peace and security, and more broadly threatens the peace and security of the entire region.

For the foregoing reasons, pursuant to Article 35 of the Charter, Guyana respectfully requests that you, in the exercise of the authority vested in the President of the Security Council by rule 3 of the provisional rules of procedure of the Security Council, call urgently for a meeting of the Security Council to determine whether the situation described above is likely to endanger the maintenance of international peace and security.

(Signed) Hugh Hilton **Todd**
Minister of Foreign Affairs and International Cooperation
