

November 20th, 2023

President

H.E Judge Joan E. Donoghue

International Court of Justice

Peace Palace

Carnegieplein 2

2517 KJ The Hague

The Netherlands

Anna Bonini

Special Assistant to the President

International Court of Justice

Peace Palace

Carnegieplein 2

2517 KJ The Hague

The Netherlands

Vice President

Kiril Gervorgian

International Court of Justice

Peace Palace

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Subject: Lack of Jurisdiction of the International Court of Justice
in the Dispute Over the Esequibo Territory

Dear President Judge Joan E. Donoghue, Vice President Kiril Gervorgian, and Assistant Anna Bonini,

We, on behalf of Prociudadanos, a political party in opposition to the regime in Venezuela, humbly address this letter to express our concerns regarding the jurisdiction of the International Court of Justice (ICJ) in the ongoing dispute between Venezuela and Guyana over the Esequibo Territory.

First and foremost, we would like to clarify that Prociudadanos is a duly registered political party with the Electoral Authority of Venezuela, known as the National Electoral Council. As representatives of Prociudadanos and acting in the best interests of our constituents, we write to reaffirm our position that the ICJ does not possess the jurisdiction to act as an impartial arbitrator in the controversy concerning the Esequibo Territory.

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Our stance is based on careful consideration and consultation with legal advisors within our party. We firmly believe that the dispute over the Esequibo Territory falls under the purview of the Geneva Agreement of 1966, which established a mechanism for resolving the matter through direct negotiations between Venezuela and Guyana. This bilateral framework, agreed upon by both parties, clearly outlines the agreed-upon course of action for settling territorial disputes.

Furthermore, it is important to note that the principle of consent is a fundamental aspect of international law. The consent of both parties involved in a dispute is required for the ICJ to exercise jurisdiction. In this case, Venezuela has consistently upheld the position that the ICJ lacks jurisdiction in matters related to territorial disputes. The Venezuelan government has consistently asserted its right to resolve this issue through direct negotiations with Guyana, in accordance with the Geneva Agreement.

Additionally, esteemed members of the International Court of Justice, the Geneva Agreement pertains to the question of the validity of the 1899 Award and its legal implications for the border line between Guyana and Venezuela. There is a misinterpretation on your part regarding the means of settlement.

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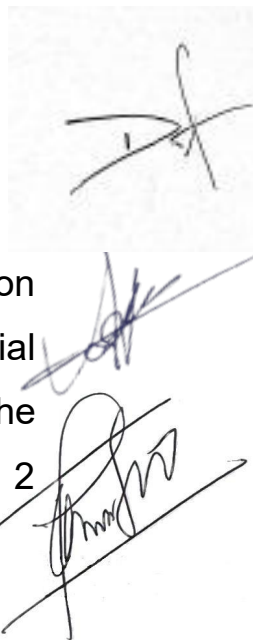
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The Parties have consented to the settlement of their dispute under paragraph 2 of Article IV of the Geneva Agreement – a binding decision by the Secretary-General for the Parties. Paragraph 2 of Article IV refers to Article 33 of the United Nations Charter, which includes judicial settlement as a means of dispute resolution.

However, the consent granted by the Parties for the judicial settlement of their dispute was subject to a condition. That condition is that both parties agree to resort to judicial settlement, but in order to do so, they must first exhaust diplomatic and negotiation channels, which Guyana has publicly failed to fulfill by allowing oil exploitation in the disputed territory's waters.

Jurisdiction of the Court.

Question of the conformity of the Secretary-General's decision with paragraph 2 of Article IV – The Court constitutes a means of "judicial settlement" within the meaning of Article 33 of the Charter – The Secretary-General's decision adopted in accordance with paragraph 2 of Article IV.



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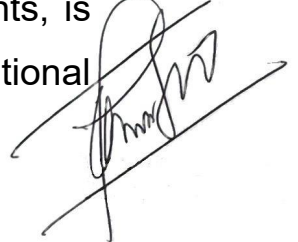
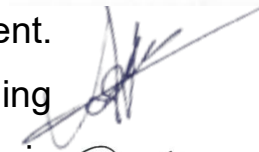
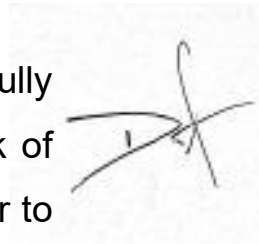
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The Parties expressed their consent at the time through the mechanism established under paragraph 2 of Article IV, which relates to settlement by consensus. For there to be a judgment, it would require the additional consent of the parties.

When one of the parties, namely Venezuela, has not given its consent to the jurisdiction of the Court, an agreement between the parties through negotiation is necessary. To appear before the Court jointly – a validly constituted court – the agreement of both parties accepting the jurisdiction is required. This is not the case.

Based on the aforementioned legal considerations, we respectfully request that the International Court of Justice acknowledges its lack of jurisdiction over the Esequibo Territory dispute and defers the matter to the established bilateral mechanism outlined in the Geneva Agreement. We believe that upholding the principles of international law, including the respect for consent and the adherence to bilateral agreements, is essential for maintaining the integrity and fairness of the international legal system.



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Thank you for your attention to this matter.

Yours sincerely,

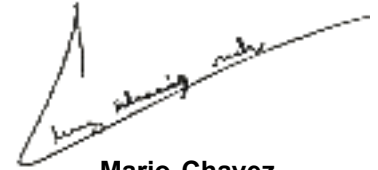


Leocenis Garcia

Coordinador Nacional de Prociudadanos.



Daniel Tineo
Secretario General



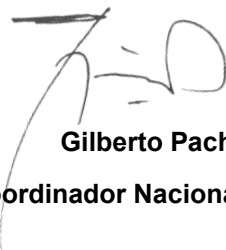
Mario Chavez
Secretario de Organización



Andrés Cedeño
Jefe de Asuntos Internacionales



Rafael Andrade
Jefe político Nacional



Gilberto Pacheco

Asesor político del Coordinador Nacional y del Partido Prociudadanos.

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