



Ministry of Foreign Affairs & International Cooperation

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April 12, 2024

His Excellency Mr. Antonio Guterres
Secretary General of the United Nations
United Nations Headquarters
New York

Excellency,

I have the honour to refer to the correspondence of January 31, 2024 addressed to you by His Excellency Yvan Gill, Foreign Minister of the Bolivarian Republic of Venezuela, a copy of which is posted on the webpage of the Division of Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the United Nations.

The Government of the Cooperative Republic of Guyana wishes to recall that its Submission to the Commission on the Limits of the Continental Shelf (CLCS) made on September 9, 2011, was prepared containing data and information concerning the outer limits of the continental shelf beyond 200 nautical miles along the northern part of its continental margin. As established clearly in its Executive Summary, the Submission was made through the Secretary-General to the Commission:

- i) to fulfill Guyana's obligations pursuant to paragraph 8 of article 76 of, and article 4 of Annex II to the Convention;
- ii) in accordance with the methodology contained in paragraphs 1 to 7 of article 76 of the Convention; and
- iii) without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts as established in paragraph 10 of article 76.

Accordingly, the Co-operative Republic of Guyana reserved the right to determine the outer limits of the continental shelf beyond 200 nautical miles based on the recommendations of the Commission, and any potential maritime boundary agreements made with other States at a later date.

The Government of the Cooperative Republic of Guyana also wishes to recall that in its response of April 4, 2012 addressed to the Secretary General by Her Excellency Carolyn Rodrigues-Birkett, former Foreign Minister, to the correspondence of March 9, 2012 addressed to the Secretary General by His Excellency Nicolas Maduro Moros, former Foreign Minister of the Bolivarian Republic of Venezuela, it was clearly established that there is no “territorial dispute” between the Cooperative Republic of Guyana, and that the Bolivarian Republic of Venezuela had incurred in a number of fundamental inaccuracies and provided misleading information.

The Commission on the Limits of the Continental Shelf considered Guyana’s submission and the relevant correspondence and took a decision during its twenty-ninth session held in New York, 19 March-27 April 2012 (CLCS74) as quoted below from the report of that meeting:

“39. The submission was presented to the Commission on 11 April 2012 by Carolyn Rodrigues-Birkett, Minister for Foreign Affairs and head of delegation; Newell Dennison, Manager, Petroleum Division, Guyana Geology and Mines Commission; and Keith George, Ambassador of Guyana to Suriname. The delegation also included Elisabeth Harper, Director-General, Ministry of Foreign Affairs; George Talbot, Permanent Representative of Guyana to the United Nations; and a number of advisers.

40. Ms. Rodrigues-Birkett informed the Commission that one of its current members, Mr. Carrera, and one of the former members, Karl Hinz, had assisted Guyana by providing scientific and technical advice.

41. In relation to the communication from the Bolivarian Republic of Venezuela, dated 9 March 2012, as well as a responding note verbale from Guyana dated 4 April 2012, concerning the submission, Ms. Rodrigues-Birkett observed, inter alia, that there were no territorial disputes and no maritime boundary disputes or controversies which might affect the consideration of any portion of the outer limits of the submission. She also highlighted that the submission was made without prejudice to maritime boundary delimitation.

42. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the communications referred to above and the presentation made by the delegation, the Commission decided that, pursuant to article 5 of annex II to the Convention and rule 42 of the Rules of Procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the Rules of Procedure, at a future session. The Commission also decided that it would revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.”

In its latest correspondence of January 31, 2024, Venezuela:

- acknowledges that it is a non-State party to the United Nations Convention on the Law of the Sea;

- incorrectly invokes rights under international customary law that State practice and the international jurisprudence have not recognised; and
- refers to Rule 46 of the Rules of Procedure of the CLCS under the repeated unfounded allegation that there is a “territorial dispute”.

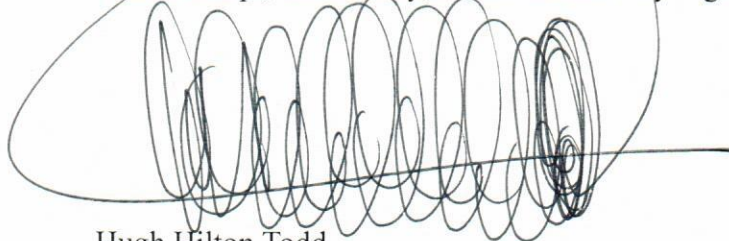
The Government of the Cooperative Republic of Guyana wishes to recall that:

1. On January 30, 2018, the Secretary-General of the United Nations decided to refer to the International Court of Justice (ICJ) the controversy arisen as the result of the Venezuelan contention that the Arbitral Award of 1899 about the frontier between British Guiana and Venezuela is null and void in accordance with the provisions contained in article IV (2) of the Geneva Agreement of 17 February 1966;
2. Under international law, an arbitral award is presumed valid and remains legally binding on the parties unless and until it is determined by a competent judicial authority to be invalid;
3. On March 29, 2018, Guyana made an application to the ICJ to confirm the legal validity and binding effect of the Award and the international boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899;
4. On December 18, 2020, the ICJ accepted jurisdiction of the Case;
5. On April 6, 2023, the ICJ confirmed its jurisdiction and reiterated that it would resolve the dispute on the merits; and
6. The Case is currently in the merits phase of the proceedings.

In light of all the above information, the Government of the Cooperative Republic of Guyana requests that the Commission on the Limits of the Continental Shelf continue to uphold its decision taken during its twenty-ninth session, and that any further consideration relating to the consideration of its submission be made at the time when it finally arrives at the top of the queue.

I kindly request Secretary General, that this communication be given due publicity to Member States and to the Commission on the Limits of the Continental Shelf.

Please accept, Excellency, the assurances my highest consideration.

A large, dense, and somewhat illegible handwritten signature in black ink, consisting of many overlapping loops and swirls.

Hugh Hilton Todd
Minister of Foreign Affairs and International Cooperation