



Consultative Referendum Provides Support for Territorial Claims in Dispute with Guyana

By Holland & Knight

The government of Nicolás Maduro promoted a consultative referendum in Venezuela to support the territorial claims of the country in the dispute with Guyana. The consultation was held on Dec. 3, 2023, and consisted of five questions related to the position of the Venezuelan people regarding the government's rejection of the jurisdiction of the International Court of Justice over the disputed territory and the establishment of a state called "Guayana Esequiba," granting its population immediate Venezuelan citizenship. This referendum was one of the factors that contributed to the crisis between Guyana and Venezuela in 2023.

There were five questions proposed by the government. Among the most relevant:

1. Do you agree to reject by all means in accordance with the law, the line fraudulently drawn by the Paris Arbitral Award of 1899, which seeks to dispossess us of our Guayana Esequiba?
2. Do you agree to oppose, by all legal means, Guyana's pretension to unilaterally dispose of a sea pending delimitation, illegally and in violation of international law?

According to Venezuelan authorities, more than 95 percent of the voters responded affirmatively to each of the five questions on the ballot.

The questions proposed for the referendum aroused the rejection of the Guyanese government, which went to the International Court of Justice to request its intervention against Venezuela. Carlos Amador Pérez Silva, Venezuelan ambassador to Guyana, was summoned by Guyana as government authorities expressed the nation's "deep concern" over the proposed referendum.

Patricia Scotland, Secretary-General of the Commonwealth of Nations, condemned the proposed referendum on grounds of territorial sovereignty. Leaders of the Caribbean Community expressed support for Guyana, stating that the referendum would have no effect on international law and that international law prohibits the unilateral seizure of another country's territory by an individual nation.

In response to rising tensions in the region, Brazil increased its military presence along its northern border.

Luis Almagro, Secretary General of the Organization of American States (OAS), issued a statement condemning the consultation, considering it "illegal under the Geneva Agreement of 1966." In the statement, Almagro reiterated that both countries have the responsibility to resolve the dispute peacefully.

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