

Introduction to Public International Law for Caribbean Students

States, sources, treaties, courts and the small state, read from Guyana

Naomi Eglantine Christie

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Naomi Eglantine Christie · LL.B. (Distinction) · L.E.C. (Honours) · LL.M., New York University, 2015 — International Legal Studies · Attorney-at-Law, admitted to the Bar of Guyana, October 2013, and to the Bar of Grenada, 2014. These notes are free for students. Correspondence: naomi@christiejustuslaw.com.

Abstract

What you will learn. This lecture introduces public international law from where a Caribbean student stands: a small state that cannot enforce anything against its neighbour and therefore uses the law as infrastructure. It covers the subjects of the system and how Guyana became one of them on 26 May 1966; the sources listed in Article 38 of the Statute of the International Court of Justice and the standards that article does not list but that Guyana obeys; how a treaty is read, using the Geneva Agreement of 1966 and the Court's reading of its Article IV; how international law enters Guyanese law through a dualist constitution, articles 39(2) and 154A and the statute book; the settlement of disputes without power, through the four decisions the Court has so far given in *Arbitral Award of 3 October 1899 (Guyana v Venezuela)*; the law on the use of force and the conduct of hostilities in outline; and method: how to read a judgment, a treaty and a resolution, how to cite them, and how to describe a pending case without predicting it.

Keywords: public international law; sources of international law; treaties; customary international law; International Court of Justice; *Guyana v Venezuela*; Geneva Agreement 1966; dualism; CARICOM; Caribbean Court of Justice; small states; legal method

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I. Where to stand

On 11 May 2026 the Registry of the International Court of Justice issued a press release of a page and a half. The public hearings on the merits in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v Venezuela)* had "concluded today with the final submissions of Venezuela"; they had opened on Monday 4 May and "comprised two rounds of oral argument". Then two sentences: "The Court will now begin its deliberation. The Court's decision will be delivered at a public sitting, the date of which will be announced in due course."¹ As these notes are written, no judgment has been delivered and no date has been announced.²

Every student of law in Guyana should be able to explain what that Court is, why Guyana is before it, what law it will apply, and why a state of fewer than a million people would choose to be there at all. That is the whole of this lecture, drawn as a map from the one point on it where you already stand.

One sentence organises everything that follows. For a state that cannot make its neighbour do anything, international law is not an ideal. It is the infrastructure through which the state does its business: the treaty that made it, the resolution that admitted it, the court that hears it on equal terms, the standards that govern its banks. Ask of every rule below what it does for a small state.

II. States, and how Guyana became one

The primary subjects of international law are states. The classical test is in Article 1 of the Montevideo Convention of 1933: a permanent population, a defined territory, a government, and the capacity to enter into relations with other states.³ Textbooks then spend a chapter on hard cases. Guyana is an easy one, and instructive, because it was made a state by instruments you can read.

Section 1(1) of the Guyana Independence Act 1966, an Act of the Parliament of the United Kingdom, fixed the day: "[o]n and after 26th May 1966" Her Majesty's Government would have no responsibility for the government of the territory.⁴ Admission to the United Nations followed within four months, on the recommendation of the Security Council and by resolution of the General Assembly on 20 September 1966.⁵ From that day Guyana held the status the Charter gives every member in Article 2(1): "The Organization is based on the principle of the sovereign equality of all its Members."⁶ Sovereign equality is a rule of law, not a description of fact. In the General Assembly and before the Court, Guyana and its largest neighbour are the same size. Nowhere else are they.

¹ International Court of Justice, Press Release 2026/13, 'Arbitral Award of 3 October 1899 (Guyana v. Venezuela) — Conclusion of the public hearings on the merits held from Monday 4 to Monday 11 May 2026' (11 May 2026).

² The Court's case page and list of press releases were checked on 4 September 2026: no judgment on the merits had been delivered and no date of delivery announced. Nothing in these notes predicts the outcome.

³ Convention on Rights and Duties of States (adopted 26 December 1933, entered into force 26 December 1934) 165 LNTS 19 (Montevideo Convention) art 1.

⁴ Guyana Independence Act 1966 (UK) c 14, s 1(1).

⁵ UNSC Res 223 (1966); UNGA Res 2133 (XXI) (20 September 1966).

⁶ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 2(1).

There is a detail in Guyana's birth that no other textbook example offers. Three months before independence, on 17 February 1966, the United Kingdom, "in consultation with the Government of British Guiana", and Venezuela signed at Geneva an agreement to resolve the controversy over the frontier. Its preamble opens "[t]aking into account the forthcoming independence of British Guiana", and its Article VIII provides that "[u]pon the attainment of independence by British Guiana, the Government of Guyana shall thereafter be a party to this Agreement".⁷ The Court has recorded the consequence: "On 26 May 1966, Guyana, having attained independence, became a party to the Geneva Agreement".⁸ The state acquired a treaty obligation on the day it acquired statehood. It was born inside a dispute-settlement clause.

States are not the only subjects. The Caribbean has built two international organisations that a Guyanese lawyer meets constantly. The Caribbean Community operates under the Revised Treaty of Chaguaramas, signed at Nassau on 5 July 2001 and in force on 1 January 2006.⁹ The Caribbean Court of Justice was established by an Agreement signed on 14 February 2001 and inaugurated at Port of Spain on 16 April 2005; it is both the final court of appeal for Guyana, as Open Lecture 1 explained, and a court of original jurisdiction over the Revised Treaty.¹⁰ Individuals, too, are in the system. In *Shanique Myrie v The State of Barbados* the Court held that a Jamaican national had a right, under the Revised Treaty read with a decision of the Conference of Heads of Government, to enter Barbados and remain for six months, and awarded damages against the State that had turned her away.¹¹ A political conference's decision became an individual's right, enforceable against a sovereign state. Keep that case in mind when you reach the sources.

III. Sources: Article 38 and what it leaves out

Article 38(1) of the Statute of the International Court of Justice directs the Court to apply international conventions "establishing rules expressly recognized by the contesting states"; "international custom, as evidence of a general practice accepted as law"; "the general principles of law recognized by civilized nations"; and, "subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law".¹² Read it exactly. It is a direction to a court about what to apply, which has become, by repetition, the standard list of the sources of international law. Two of its heads need your attention now; the other two can wait for a course.

⁷ Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana (adopted 17 February 1966, entered into force 17 February 1966) 561 UNTS 322 (Geneva Agreement), preamble and art VIII; UK Treaty Series No 13 (1966) Cmnd 2925.

⁸ *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Jurisdiction of the Court)* [2020] ICJ Rep 455, para 42.

⁹ Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy (signed 5 July 2001, entered into force 1 January 2006).

¹⁰ Agreement Establishing the Caribbean Court of Justice (signed 14 February 2001); the Court was inaugurated at Queen's Hall, Port of Spain, on 16 April 2005. On the appellate jurisdiction see Open Lecture 1, section V.

¹¹ *Shanique Myrie v The State of Barbados* [2013] CCJ 3 (OJ) (4 October 2013).

¹² Statute of the International Court of Justice, art 38(1)(a)–(d).

A. Treaties, and how to read one

A treaty is an agreement between states governed by international law. Learn to read the Geneva Agreement first, because everything in the current case turns on its words. Its full title is the Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana. It was signed at Geneva on 17 February 1966 and, as the United Kingdom's Treaty Series print records, "entered into force on signature".¹³ It was "registered with the United Nations Secretariat on 5 May 1966", and the Court cites it to volume 561 of the United Nations Treaty Series at page 322.¹⁴ That citation, 561 UNTS 322, is the one you use.

Article I establishes a Mixed Commission "with the task of seeking satisfactory solutions for the practical settlement of the controversy between Venezuela and the United Kingdom which has 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".¹⁵ Article IV is the clause that matters. If the Commission fails, the Governments of Guyana and Venezuela "shall without delay choose one of the means of peaceful settlement provided in Article 33 of the Charter of the United Nations"; and if within three months they cannot agree on one, "they shall refer the decision as to the means of settlement to an appropriate international organ upon which they both agree or, failing agreement on this point, to the Secretary-General of the United Nations", who is to choose means after means "until the controversy has been resolved or until all the means of peaceful settlement there contemplated have been exhausted".¹⁶

Watch what the Court did with those words in 2020. It noted that "shall" in a treaty "should be interpreted as imposing an obligation on States parties"; that "[t]he verb 'refer' in the provision at hand conveys the idea of entrusting a matter to a third party"; and that the word "decision" "is not synonymous with 'recommendation'".¹⁷ It read the title and the preamble, both of which speak of resolving the controversy, and found that the object and purpose of the Agreement "is to ensure a definitive resolution of the controversy between the Parties".¹⁸ It concluded that "the Parties conferred on the Secretary-General the authority to choose, by a decision which is binding on them, the means to be used for the settlement of their controversy".¹⁹ Three ordinary words, weighed one at a time against the purpose of the whole. That is treaty interpretation, the craft you learned for statutes in Open Lecture 1, with one difference: no Parliament stands behind a treaty to amend it. The words are all there is.

B. Custom

Custom binds a state whether or not it has signed anything. Its two elements are in the Statute's own phrase: "a general practice accepted as law". In 1986 the Court held that the prohibition of the use of force is a rule of customary international law, binding independently of the Charter

¹³ Geneva Agreement (n 7), Treaty Series print, title page ("The Agreement entered into force on signature").

¹⁴ 2020 Judgment (n 8) para 41.

¹⁵ *ibid* para 43, quoting art I of the Geneva Agreement.

¹⁶ Geneva Agreement (n 7) art IV(1)–(2).

¹⁷ 2020 Judgment (n 8) para 72.

¹⁸ *ibid* para 73.

¹⁹ *ibid* para 74.

that also states it.²⁰ In 1996 it described the fundamental rules of the law of armed conflict as "intransgressible principles of international customary law".²¹ For a small state this matters in two directions. Custom protects it against a neighbour that has not ratified a treaty; and custom binds it in fields where its own ratification record is thin. Guyana's record in the law of armed conflict is not thin: it acceded to the four Geneva Conventions on 22 July 1968 and to the two Additional Protocols of 1977 on 18 January 1988.²² The point is that even had it not, the core rules would apply to it, and for it.

General principles of law fill gaps. Judicial decisions and the writings of publicists are, in the Statute's word, subsidiary: Article 59 confines the binding force of a judgment to "the parties and in respect of that particular case".²³ In practice the Court cites its own decisions constantly, as the Orders discussed below show, and so does every counsel before it.

C. What Article 38 does not list

Now the part of the subject a Caribbean lawyer cannot afford to learn late: a great deal of the law that governs Guyana day to day is in none of Article 38's categories.

Take the Security Council. Resolution 1373, adopted on 28 September 2001 under Chapter VII of the Charter, "[d]ecides that all States shall" prevent and suppress the financing of terrorism, criminalise it, freeze the funds of those who commit it, and deny them safe haven.²⁴ It names no state and has no end date. Under Article 25 of the Charter the members "agree to accept and carry out the decisions of the Security Council", and under Article 103 Charter obligations prevail over any other treaty.²⁵ Fifteen states, five of them holding a veto, thereby legislated for every member of the United Nations. Guyana did not vote. Guyana complied.

Take the Financial Action Task Force. Its forty Recommendations are not a treaty; Guyana has never joined the body that writes them. Yet Guyana's own statute now defines it: the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act 2022 inserts into the principal Act the definition "'Financial Action Task Force' means the task force established by the Group of Seven (G-7) Summit that was held in Paris in 1989, to develop and provide national and international policies to combat money laundering and terrorist financing".²⁶ Every few years assessors from the Caribbean Financial Action Task Force arrive to measure the statute against

²⁰ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America) (Merits)* [1986] ICJ Rep 14, para 188.

²¹ *Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion)* [1996] ICJ Rep 226, para 79.

²² ICRC, *States Party to the Following International Humanitarian Law and Other Related Treaties as of 16 July 2026*, entry for Guyana (Geneva Conventions I–IV, 22 July 1968; Additional Protocols I and II, 18 January 1988).

²³ Statute of the International Court of Justice, arts 38(1)(c)–(d), 59.

²⁴ UNSC Res 1373 (28 September 2001) UN Doc S/RES/1373, para 1(a)–(d).

²⁵ Charter of the United Nations, arts 25, 103.

²⁶ Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act 2022 (Guyana), Act No 12 of 2022, s 2, inserting the definition into s 2(1) of the Anti-Money Laundering and Countering the Financing of Terrorism Act 2009, Act No 13 of 2009.

the Recommendations; the last on-site visit ran from 4 to 15 September 2023, and the report was adopted at the regional body's plenary in May 2024.²⁷ It rated Guyana compliant or largely compliant on thirty-five of the forty Recommendations, and its effectiveness moderate on nine of the eleven outcomes assessed.²⁸ A recommendation that is assessed, graded and priced through the banking system is not, in any sense a Minister of Finance would recognise, optional. José Alvarez has described this law, made by international organisations where the doctrine of sources cannot see it; the Caribbean is where it presses hardest.²⁹

So carry two lists in your head. Article 38's list tells you what a court will apply. The second list, of decisions, standards and assessments, tells you what your country will actually do. A lawyer who knows only the first will be surprised by every second Act of Parliament.

IV. How international law enters Guyanese law

Guyana is a dualist state, and Open Lecture 1 promised that this lecture would develop the point. The Constitution is "the supreme law of Guyana" and any inconsistent law is void to the extent of the inconsistency.³⁰ A treaty is made by the executive and binds Guyana on the international plane from ratification. It becomes part of the law that a magistrate in New Amsterdam applies only when Parliament says so. The statute book shows the doors.

The oldest door is the applied Act. The Geneva Conventions of 1949 reach Guyanese courts through the United Kingdom's Geneva Conventions Act 1957, extended to the colony by an Order in Council of 1959, and supplemented in 1962, still before independence, by a four-section Act whose long title is a lesson in itself: "An Act to supplement the applied Act entitled the Geneva Conventions Act, 1957, so as to enable full effect to be given in relation to Guyana to certain International Conventions done at Geneva on the twelfth day of August, nineteen hundred and forty-nine."³¹ Guyana acceded to the Conventions in its own name six years later. The domestic machinery was older than the international obligation.

The modern door is the implementing Act. Guyana became a party to the 1988 Vienna Convention against illicit drug traffic on 19 March 1993, to the 2000 Convention against transnational organised crime on 14 September 2004, and to the 1999 Convention for the

²⁷ CFATF, *Anti-Money Laundering and Counter-Terrorist Financing Measures — The Co-operative Republic of Guyana: Mutual Evaluation Report* (CFATF, July 2024), Executive Summary (on-site visit 4–15 September 2023) and front matter (adopted at the May 2024 Plenary, Port of Spain).

²⁸ *ibid*, Tables 1 (effectiveness) and 2 (technical compliance): eighteen Recommendations rated compliant, seventeen largely compliant and five partially compliant; Immediate Outcomes 1 and 6 rated substantial, the other nine moderate.

²⁹ José E Alvarez, *International Organizations as Law-Makers* (OUP 2005).

³⁰ Constitution of the Co-operative Republic of Guyana, Cap 1:01, art 8.

³¹ Geneva Conventions (Supplementary Provisions) Act, Cap 15:04 (Act 4 of 1962, 3 March 1962), long title and ss 2–3; the Geneva Conventions Act 1957 (5 & 6 Eliz 2 c 52) is noted in the chapter as "[e]xtended to Guyana by applied law S.I. 1301/1959".

suppression of the financing of terrorism on 12 September 2007;³² the Anti-Money Laundering and Countering the Financing of Terrorism Act 2009 is the statute through which their offences and their machinery became Guyanese law.³³ When you read that Act you are reading three treaties and forty Recommendations, translated.

The Constitution opens two further doors of its own. Article 39(2) requires a court interpreting the fundamental-rights provisions to "pay due regard to international law, international conventions, covenants and charters bearing on human rights".³⁴ Article 154A(1) provides that "every person, as contemplated by the respective international treaties set out in the Fourth Schedule to which Guyana has acceded is entitled to the human rights enshrined in the said international treaties, and such rights shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government"; the State is to work towards them "within its available resources"; and, by paragraph (2), those rights "do not include any fundamental right under this Constitution".³⁵ The Fourth Schedule lists seven human-rights treaties; they are set out in Open Lecture 1, section VII.³⁶ A second tier of rights, written into the Constitution by reference to treaties and kept apart from Title 1: an unusual design, and a dualist one, because the treaties enter by being named, not by being ratified.

Beyond these doors the Caribbean Court of Justice has held the line. In *Attorney General v Joseph and Boyce* it restated the rule that an unincorporated treaty does not change domestic law, and recognised only a narrow legitimate expectation, on the facts before it, that a ratified treaty's procedures would be followed.³⁷ The lesson for practice is short. Before you plead a treaty in a Guyanese court, find the Act, the article or the Schedule that lets it in. If there is none, you are pleading an expectation, not a right.

V. Settling disputes without power

Article 2(3) of the Charter obliges members to settle their disputes by peaceful means, and Article 33(1) lists the means: "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".³⁸ Article IV of the Geneva Agreement adopts that list and adds a referee.³⁹ The road from the Agreement to the Court shows how the list works, and every step of it is in the Court's 2020 Judgment.

³² United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (adopted 20 December 1988, entered into force 11 November 1990) 1582 UNTS 95 (Guyana a party from 19 March 1993); United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 29 September 2003) 2225 UNTS 209 (Guyana accession 14 September 2004); International Convention for the Suppression of the Financing of Terrorism (adopted 9 December 1999, entered into force 10 April 2002) 2178 UNTS 197 (Guyana accession 12 September 2007).

³³ Anti-Money Laundering and Countering the Financing of Terrorism Act 2009 (Guyana), Act No 13 of 2009 (Official Gazette, Legal Supplement A, 14 August 2009).

³⁴ Constitution of the Co-operative Republic of Guyana, Cap 1:01, art 39(2).

³⁵ *ibid* art 154A(1)–(3).

³⁶ *ibid* Fourth Schedule.

³⁷ *Attorney General v Joseph and Boyce* [2006] CCJ 3 (AJ) (8 November 2006), discussed in Open Lecture 1, sections VI–VII.

³⁸ Charter of the United Nations, arts 2(3), 33(1).

³⁹ Geneva Agreement (n 7) art IV.

The controversy began with an arbitration. By the Treaty of Washington of 2 February 1897, Great Britain and Venezuela agreed that "[a]n Arbitral Tribunal shall be immediately appointed to determine the boundary-line between the Colony of British Guiana and the United States of Venezuela", and in Article XIII engaged to treat the result "as a full, perfect, and final settlement of all the questions referred to the Arbitrators".⁴⁰ The tribunal gave its Award on 3 October 1899; a joint commission demarcated the line between November 1900 and June 1904 and signed an agreement on 10 January 1905 accepting the co-ordinates.⁴¹ On 14 February 1962 Venezuela told the Secretary-General that it considered the matter a dispute.⁴² Then Geneva, 1966; a Mixed Commission that did not settle it; a Protocol signed at Port of Spain in 1970 suspending Article IV for twelve years; and from 1990 a good-offices process under successive Personal Representatives of the Secretary-General.⁴³ On 30 January 2018 the Secretary-General wrote to both parties that, "significant progress not having been made toward arriving at a full agreement for the solution of the controversy", he had "chosen the International Court of Justice as the means that is now to be used for its solution".⁴⁴ Guyana filed its Application on 29 March 2018.⁴⁵

Notice the sequence: arbitration, negotiation, a treaty about means, a commission, mediation and good offices, and only then adjudication. Article 33 is not a menu from which a state picks once. It is a ladder, and a small state may have to climb every rung.

A. Consent

No state can be brought before the Court without its consent. Article 36(1) of the Statute gives the Court jurisdiction over "all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force".⁴⁶ The Geneva Agreement never names the Court, so the question in 2020 was whether an agreement that refers to Article 33 of the Charter, and lets the Secretary-General choose among its means, amounts to consent to judicial settlement. The Court held that by referring to Article 33, which includes judicial settlement, "the Parties accepted the possibility of the controversy being settled by that means", and concluded that "the Parties consented to the judicial settlement of their controversy".⁴⁷ Consent, in other words, can be given in 1966 to a choice made in 2018.

Venezuela did not appear. The Court recorded that, "[s]ince the Government of Venezuela filed no pleadings and did not appear at the oral proceedings, no formal submissions were presented by that Government", and recalled Article 53 of its Statute: where a party "does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim", but the Court "must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law".⁴⁸ Non-appearance does not win a case for the state that stays away, and it does not lose it either.

⁴⁰ 2020 Judgment (n 8) paras 32–33, quoting arts I and XIII of the Treaty of Washington of 2 February 1897.

⁴¹ *ibid* para 34.

⁴² *ibid* para 35.

⁴³ *ibid* paras 43–57 (the Mixed Commission; the Protocol of Port of Spain of 18 June 1970 and the suspension of art IV for twelve years; the good-offices process from 1990).

⁴⁴ *ibid* para 59.

⁴⁵ *ibid* para 60.

⁴⁶ Statute of the International Court of Justice, art 36(1).

⁴⁷ 2020 Judgment (n 8) paras 82, 88.

⁴⁸ *ibid* paras 22, 24, quoting art 53 of the Statute.

The Court decides.

The operative clause of 18 December 2020 is in two parts. By twelve votes to four the Court found that it has jurisdiction over Guyana's Application "in so far as it concerns the validity of the Arbitral Award of 3 October 1899 and the related question of the definitive settlement of the land boundary dispute"; unanimously, it found that it has no jurisdiction over claims "arising from events that occurred after the signature of the Geneva Agreement".⁴⁹ Learn to read a dispositif that way: the number of votes, the names for and against, and the exact reach of each finding.

B. The absent third party

Venezuela then appeared, for the purpose of objecting. It argued that the United Kingdom, which had signed the 1897 Treaty and the 1966 Agreement, was an indispensable third party whose conduct the Court could not judge in its absence, relying on the *Monetary Gold* line of cases.⁵⁰ On 6 April 2023 the Court unanimously found the objection admissible and, by fourteen votes to one, rejected it, finding that it can adjudicate the merits within the scope of its 2020 finding.⁵¹ The one vote against was the judge ad hoc chosen by Venezuela; each party without a judge of its nationality on the Bench may appoint one, and the appointee votes.

C. Provisional measures: the peacetime shield

Article 41 of the Statute lets the Court "indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party".⁵² In the weeks before a Venezuelan referendum on the territory in December 2023, Guyana asked for them, and the Order of 1 December 2023 walks through the test in numbered paragraphs: whether the right claimed is plausible (it found that "Guyana's right to sovereignty over the territory in question is plausible"); whether the measures sought are linked to that right; and whether there is a risk of irreparable prejudice and urgency, "a real and imminent risk that irreparable prejudice will be caused to the rights claimed before the Court gives its final decision".⁵³ It recalled that such orders "have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed".⁵⁴ Then, unanimously, it ordered that "[p]ending 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", and that "[b]oth Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve".⁵⁵

⁴⁹ *ibid* para 138.

⁵⁰ *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Preliminary Objection)* [2023] ICJ Rep 252, paras 75–77.

⁵¹ *ibid* para 108.

⁵² Statute of the International Court of Justice, art 41(1).

⁵³ *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Provisional Measures)* [2023] ICJ Rep 655, paras 23–28.

⁵⁴ *ibid* para 44.

⁵⁵ *ibid* para 45.

Seventeen months later, after Venezuela announced elections for a governor of the territory, Guyana asked the Court to modify its Order.⁵⁶ On 1 May 2025 the Court unanimously reaffirmed the 2023 measures and, by twelve votes to three, indicated a further one: Venezuela "shall refrain from conducting elections, or preparing to conduct elections, in the territory in dispute, which the Co-operative Republic of Guyana currently administers and over which it exercises control".⁵⁷ Three judges dissented jointly, and their opinion is as much a part of the record as the Order.

Put the three decisions together and you have the small state's use of the Court in miniature. It could not compel its neighbour to arbitrate, to negotiate in good faith, or to leave the frontier alone. It could ask a court to say what the law required, and the court, on each occasion, answered. Whether that answer will be obeyed is a question of politics. What the answer is, is a question of law, and law is the one field on which the two parties are equal.

D. Other tribunals

The Court is not the only room. The 1899 Award was itself an arbitral award, and in 2007 a tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea delimited the maritime boundary between Guyana and Suriname.⁵⁸ In the region, the Caribbean Court of Justice sits in original jurisdiction over the Revised Treaty: in *Trinidad Cement Limited v The Caribbean Community* it granted a private company special leave to sue the Community itself.⁵⁹ A Guyanese lawyer may never see The Hague. The regional court, and the treaty it reads, will be on the desk within a year of admission.

VI. Force, and the law that governs it

Article 2(4) of the Charter is the rule on which everything in section V depends: members "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state".⁶⁰ Article 51 preserves "the inherent right of individual or collective self-defence if an armed attack occurs".⁶¹ The Court has held the prohibition to be customary law as well as Charter law.⁶² A state that cannot defend itself by force has an interest in that rule which the great powers do not share, and Guyana's Constitution says so: the State's defence and security policy "shall be to defend national independence, preserve the country's sovereignty and integrity, and guarantee the normal functioning of institutions and the security of citizens against any armed aggression".⁶³

If force is nonetheless used, a second body of law governs its conduct. The Court has called its two "cardinal principles" the distinction between combatants and civilians and the prohibition of

⁵⁶ *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Provisional Measures, Order of 1 May 2025)* [2025] ICJ Rep 13; the request was filed on 6 March 2025 after Venezuela's announcement of 7 January 2025 of elections for a governor of the territory (Court's summary of the Order of 1 May 2025).

⁵⁷ *ibid* para 46.

⁵⁸ *Guyana v Suriname* (Award, 17 September 2007) PCA Case No 2004-04.

⁵⁹ *Trinidad Cement Limited v The Caribbean Community* [2009] CCJ 2 (OJ) (5 February 2009).

⁶⁰ Charter of the United Nations, art 2(4).

⁶¹ *ibid* art 51.

⁶² *Nicaragua* (n 20) para 188.

⁶³ Constitution of the Co-operative Republic of Guyana, Cap 1:01, art 197A(1).

unnecessary suffering, and described its fundamental rules as intransgressible.⁶⁴ Guyana is party to the four Geneva Conventions of 1949, the Additional Protocols of 1977, the Third Additional Protocol of 2005, the Rome Statute of the International Criminal Court, and the Arms Trade Treaty, which it signed on 3 June 2013 and ratified on 4 July 2013.⁶⁵ The domestic implementing law is the applied Act of 1957 and the supplementary Act of 1962 described in section IV. A state that never expects to attack anyone wants every other state bound, and that explains a ratification record which is, for a state of this size, unusually complete.

VII. Reading a live case

Return to where we began. The hearings closed on 11 May 2026 after two rounds of argument; the final submissions are in the verbatim records of 8 and 11 May.⁶⁶ The Court is deliberating. As at 4 September 2026 there is no judgment and no date.⁶⁷

The discipline for a lawyer, and it is a discipline of professional ethics as much as of scholarship, is to describe that record and stop. You may set out the questions the parties have put: the finality promised by Article XIII of the 1897 Treaty; the grounds on which an arbitral award may be held a nullity; the demarcation of 1905 and the decades of conduct after it; the effect of the Geneva Agreement itself. You may state each party's position in its own words from the pleadings. You may not say who will win. Nobody knows, and a Caribbean lawyer who speculates in print about a pending case involving her own country has stopped being useful to it.

How to read the judgment when it comes. Every decision of the Court is numbered by paragraph, and you cite the paragraph, never the page alone. The reasoning ends in an operative clause that opens "For these reasons, The Court," and gives each finding with the vote and the names.⁶⁸ After the signatures come the individual opinions: a declaration is short, a separate opinion agrees with the result on different reasoning, a dissenting opinion disagrees. The Order of 1 December 2023 carries a declaration and two separate opinions; the Order of 1 May 2025 carries a joint dissent by three judges.⁶⁹ Read them. The majority's reasoning is the law; the dissent is where the next argument starts.

The texts are public: the Court's website carries its judgments, orders, press releases and verbatim records, the United Nations Treaty Collection the treaty series, the Caribbean Court of Justice its judgments, and the Ministry of Legal Affairs the Laws of Guyana by chapter. Cite what you have read.

⁶⁴ *Nuclear Weapons* (n 21) paras 78–79.

⁶⁵ ICRC list (n 22), entry for Guyana (Additional Protocol III, 21 September 2009; Rome Statute, 24 September 2004); Arms Trade Treaty (adopted 2 April 2013, entered into force 24 December 2014), United Nations Treaty Collection, chapter XXVI-8, status as at 4 September 2026 (Guyana signature 3 June 2013, ratification 4 July 2013).

⁶⁶ Press Release 2026/13 (n 1): verbatim records CR 2026/28 (Guyana, 8 May 2026) and CR 2026/29 (Venezuela, 11 May 2026).

⁶⁷ See n 2.

⁶⁸ See, for the form, 2020 Judgment (n 8) para 138; 2023 Judgment (n 50) para 108; 2023 Order (n 53) para 45; 2025 Order (n 56) para 46.

⁶⁹ 2023 Order (n 53): declaration of Judge Sebutinde; separate opinions of Judge Robinson and Judge ad hoc Couvreur. 2025 Order (n 56): joint dissenting opinion of Judges Xue, Bhandari and Nolte; declarations of Judge Brant and Judge ad hoc Wolfrum; separate opinion of Judge ad hoc Couvreur.

VIII. Method

A. Reading a treaty

Read a treaty in four parts. The title gives the parties and the object; the preamble gives the purpose, and the Court will use it, as it used "to resolve" in 2020.⁷⁰ The operative articles give the obligations: find the verbs, and weigh "shall" against "may" and "decision" against "recommendation" as the Court did. The final clauses say who may join and when the instrument binds. The Council of Europe's Framework Convention on Artificial Intelligence, opened for signature at Vilnius on 5 September 2024, is a clean modern example: Article 30 opens it to the member states, the non-member states that helped to draft it and the European Union; Article 31 lets any other state accede on the invitation of the Committee of Ministers; Article 1 states the object in a sentence, that activities within the lifecycle of artificial intelligence systems be "fully consistent with human rights, democracy and the rule of law".⁷¹ A student who reads final clauses knows, before anyone else in the room, whether her country can join.

B. Citing

These notes follow OSCOLA, as Open Lecture 1 did. A judgment of the Court is cited by case name, year, report and page, then paragraph: *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Jurisdiction of the Court)* [2020] ICJ Rep 455, para 138. A treaty is cited by title, dates of adoption and entry into force, treaty series and article: 561 UNTS 322, art IV(2). A resolution by number, date and document symbol: UNSC Res 1373 (28 September 2001) UN Doc S/RES/1373, para 1. A book by author, title, publisher and year; an article by author, title, year, volume, journal and first page: Harold Hongju Koh, 'Why Do Nations Obey International Law?' (1997) 106 Yale LJ 2599.⁷² Pinpoint always. Quote exactly or paraphrase openly.

IX. Closing

You now hold the outline: subjects, sources, doors, tribunals, force, and the case that is pending. The outline is not the subject. The subject is the habit of asking, of every rule, what it does for a state that cannot enforce it, and the answer, for Guyana, has been the same since 26 May 1966. The law is what the state has instead of size. Learn it as carefully as a larger country's lawyers learn their army.

Instrument	Adopted	In force	Guyana
Charter of the United Nations	San Francisco, 26 June 1945	24 October 1945	admitted 20 September 1966
Treaty of Washington (Great Britain–Venezuela)	2 February 1897	—	predecessor's treaty; Award of 3 October 1899

⁷⁰ 2020 Judgment (n 8) para 73.

⁷¹ Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (opened for signature 5 September 2024) CETS No 225, arts 1(1), 30(1), 31(1).

⁷² Harold Hongju Koh, 'Why Do Nations Obey International Law?' (1997) 106 Yale LJ 2599. For the forms used here see OSCOLA: *The Oxford University Standard for Citation of Legal Authorities* (4th edn, Hart 2012).

Instrument	Adopted	In force	Guyana
Geneva Agreement, 561 UNTS 322	Geneva, 17 February 1966	on signature	party from 26 May 1966 (art VIII)
Geneva Conventions I–IV	12 August 1949	21 October 1950	accession 22 July 1968
Additional Protocols I and II	8 June 1977	7 December 1978	18 January 1988
Revised Treaty of Chaguaramas	Nassau, 5 July 2001	1 January 2006	party
Arms Trade Treaty	2 April 2013	24 December 2014	signed 3 June 2013; ratified 4 July 2013

Date	Step in <i>Guyana v Venezuela</i>	Result
29 March 2018	Application filed by Guyana	—
18 December 2020	Judgment on jurisdiction	jurisdiction, 12–4; no jurisdiction over post-1966 events, unanimous
6 April 2023	Judgment on Venezuela's preliminary objection	objection admissible, unanimous; rejected, 14–1
1 December 2023	Order on provisional measures	two measures, unanimous
1 May 2025	Order on Guyana's request for modification	2023 measures reaffirmed, unanimous; no elections in the territory, 12–3
4–11 May 2026	Public hearings on the merits	closed; Court deliberating; no judgment as at 4 September 2026

Reading list

Primary sources

- Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, arts 2(1), 2(3), 2(4), 25, 33, 51, 103; Statute of the International Court of Justice, arts 36, 38, 41, 53, 59
- Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana (Geneva, 17 February 1966) 561 UNTS 322; UK Treaty Series No 13 (1966) Cmnd 2925
- *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Jurisdiction of the Court)* [2020] ICJ Rep 455
- *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Preliminary Objection)* [2023] ICJ Rep 252
- *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Provisional Measures)* [2023] ICJ Rep 655
- *Arbitral Award of 3 October 1899 (Guyana v Venezuela) (Provisional Measures, Order of 1 May 2025)* [2025] ICJ Rep 13
- International Court of Justice, Press Release 2026/13 (11 May 2026)
- Constitution of the Co-operative Republic of Guyana, Cap 1:01, arts 8, 39(2), 154A, 197A and the Fourth Schedule
- Geneva Conventions (Supplementary Provisions) Act, Cap 15:04

- Anti-Money Laundering and Countering the Financing of Terrorism Act 2009, Act No 13 of 2009; Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act 2022, Act No 12 of 2022
- Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (Vilnius, 5 September 2024) CETS No 225
- CFATF, *Anti-Money Laundering and Counter-Terrorist Financing Measures – The Co-operative Republic of Guyana: Mutual Evaluation Report* (CFATF, July 2024)
- ICRC, *States Party to the Following International Humanitarian Law and Other Related Treaties as of 16 July 2026*
- *Attorney General v Joseph and Boyce* [2006] CCJ 3 (AJ); *Shanique Myrie v The State of Barbados* [2013] CCJ 3 (OJ); *Trinidad Cement Limited v The Caribbean Community* [2009] CCJ 2 (OJ)

Secondary sources

- James Crawford, *Brownlie's Principles of Public International Law* (9th edn, OUP 2019), ch 2
- James Crawford, *The Creation of States in International Law* (2nd edn, OUP 2006)
- José E Alvarez, *International Organizations as Law-Makers* (OUP 2005)
- Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1995)
- Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules* (CUP 2005)
- Harold Hongju Koh, 'Why Do Nations Obey International Law?' (1997) 106 Yale LJ 2599
- Harold Hongju Koh, 'Transnational Legal Process' (1996) 75 Neb L Rev 181
- Otto Schoenrich, 'The Venezuela–British Guiana Boundary Dispute' (1949) 43 AJIL 523
- *OSCOLA: The Oxford University Standard for Citation of Legal Authorities* (4th edn, Hart 2012)

Five questions for discussion

1. Article VIII of the Geneva Agreement made Guyana a party "upon the attainment of independence". Using the Montevideo criteria and paragraph 42 of the 2020 Judgment, explain how a state can be bound by a treaty concluded before it existed, and what that tells you about the capacity criterion. 2. The Court read "shall", "refer" and "decision" in Article IV(2) one word at a time. Take Article 33(1) of the Charter and do the same for "shall, first of all, seek a solution". Is it an obligation to succeed or an obligation to try? 3. Resolution 1373 is not a treaty and the FATF Recommendations are not law. Both are in Guyana's statute book. Explain, using Articles 25 and 103 of the Charter and section 2 of the 2022 amending Act, by what route each arrived, and which of the two Guyana could lawfully refuse. 4. Article 154A(2) keeps the Fourth Schedule rights apart from the fundamental rights in Title 1, and *Joseph and Boyce* keeps unincorporated treaties out of domestic law. Are these two rules in tension, or two expressions of the same dualist idea? Write the answer as a short opinion. 5. The Order of 1 May 2025 carries a joint dissent by three judges against the measure on elections. Without reading the dissent, list the arguments you would expect it to make from the test in the 2023 Order (plausibility, link, irreparable prejudice, urgency); then read it and mark yourself.