

The settlement dispute of Venezuela's referendum on Guyana's indigenous communities' territorial concerns by ICJ

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Abstract

Introduction to The Problem: Venezuela held a referendum on December 3, 2023, within its own borders, to address territorial matters with the indigenous communities of Guyana. The referendum was conducted in accordance with the indigenous Pemon community's desire, originating from the Essequibo area of Guyana. Guyana asked the International Court of Justice (ICJ) to block the act of Venezuela, but the voters rejected the ICJ and continued doing the referendum.

Purpose/Objective Study: This study aims to examine the settlement dispute, especially between Venezuela and Guyana, through the International Court of Justice (ICJ). Does the ICJ have jurisdiction over the territorial dispute between Venezuela and Guyana, particularly concerning the potential impact of the Venezuela referendum on the land rights and self-determination of indigenous peoples of Guyana? How did the ICJ handle the dispute from the Venezuela referendum, and what legal principles and precedents were used in resolving the territorial dispute?

Design/Methodology/Approach: This research adopts a socio-legal approach to analyze the dispute resulting from the Venezuelan referendum regarding the territorial issues of the Indigenous Community of Guyana.

Findings: The ICJ thoroughly examined the legality of the 1899 arbitration decision, carefully assessed the established territorial boundaries, and considered the potential harm to the rights and interests of the Guyanese people. These findings underscore the complex interplay between legal principles and practical challenges, highlighting the need for cooperation and diplomacy in effective international dispute resolution. The ICJ holds jurisdiction over the longstanding territorial conflict between Venezuela and Guyana as outlined in the 1966 Geneva Agreement and reinforced by the December 2020 resolution. The court's recent decision to delay Venezuela's planned referendum reflects its recognition of the potential consequences that unilateral actions might have on the land rights and self-determination of Guyana's indigenous communities, emphasizing the court's commitment to balanced and careful adjudication.

Paper Type: Research Article

Keywords: Dispute; Referendum; Settlement; Territorial



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Introduction

Venezuela held a referendum on the territorial issues of Guyana's indigenous groups on December 3, 2023, in Venezuela. This referendum was held in response to a request made by the indigenous Pemon community in the Essequibo region of Guyana. The Pemon tribe originates from the Gran Sabana region, which stretches across southeastern Venezuela, Guyana, and Brazil. In Guyana, the Pemon are mainly located in the western region of the country, particularly in the Rupununi Savannah and Pakaraima Mountains. The exact number of Pemon in Guyana is difficult to ascertain due to their presence across national borders and their migration patterns. However, it is estimated that the Pemon population in Guyana ranges from several hundred to several thousand individuals. Comprehensive and up-to-date census data are often lacking but estimates suggest a significant presence worthy of attention for indigenous peoples' rights and conservation efforts. The Pemon have a deep spiritual and cultural connection to their land, which has guided their environmental management for generations. Their traditional knowledge and practices play an important role in the conservation of biodiversity and ecosystems in their region. The Pemon practice sustainable land use, including traditional agriculture with shifting cultivation and polyculture techniques that increase soil fertility and reduce pest outbreaks, maintaining ecological balance and preventing large-scale deforestation. Their deep knowledge of local flora and fauna contributes to sustainable forest and wildlife conservation through activities such as selective logging and collection of non-timber forest products, ensuring these resources are not depleted.

The Pemon also use controlled burning techniques to manage savanna and forest landscapes, helping to prevent larger, uncontrolled forest fires that can damage ecosystems. Additionally, many natural sites in the Pemon region are considered sacred and are protected from exploitation, often coinciding with areas of high biodiversity, thus indirectly contributing to conservation efforts. The Pemon's contribution to environmental conservation underscores their deep connection to their land and supports their right to self-determination, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 3 of UNDRIP states: "Indigenous peoples have the right to self-determination. Based on this right, they are free to determine their political status and are free to carry out economic, social, and cultural development." Article 26 of UNDRIP emphasizes the rights of indigenous peoples to the lands, territories, and resources that they traditionally own, occupy, and use. For a long time, members of the Pemon community have been complaining to the government of Guyanese about discrimination and abuses of human rights. In addition to this, they assert that the



government of Guyana has not been able to safeguard their land adequately against the extraction of natural resources (Padula et al., 2023). The territorial dispute in Essequibo started to take shape in 1841, when the Venezuelan government made its initial complaint against what it considered to be an "invasion" of British prospectors in its territory. During that time, Guyana was still a colony of the British. Consequently, the Venezuelan government was concerned about the presence of prospectors from the United Kingdom (Tamboli, 2019).

Since the Essequibo was incorporated into Caracas's limits during the time of Spanish colonial control, Caracas asserts its territorial sovereignty over the Essequibo (Gunawan & Yogar, 2020). Through an arbitration court, the government of Guyana has unequivocally and unequivocally declared its commitment to the maintenance of the borders that were established in Paris in the year 1899. They asserted that Venezuela had initially accepted this ruling, but that it had subsequently turned its position around in 1962. Caracas asserts that the Essequibo River, which is situated to the east of the region, functions as a natural barrier and has been acknowledged as providing such a boundary ever since the year 1777. 1889 was the year that the ruling was reversed. During the hearings, the United States of America served as Venezuela's representative on the panel. This was because the Venezuelan administration decided to eliminate diplomatic relations with the United Kingdom (Albert, 2023). ExxonMobil and other firms' offshore oil exploration efforts in locations that overlap with the disputed zone have exacerbated tensions between the states since 2015 (Melimopoulos, 2023).

Although being under Guyana's legal possession, Venezuela asserts ownership of the Essequibo zone, which covers two-thirds of Guyana's land in the western part of the country and has a significant potential for natural resources. Not only does the claim cover the continental region, but it also includes two maritime regions known as Exclusive Economic Zones (EEZ) (Padula et al., 2023). Due to the previously indicated desire, one of these pertains to its coastal extension into the ocean. Additionally, it asserts an alternate projection of a 70-degree angle originating from the present border, commencing at the mouth of the Orinoco River, which also intersects with Suriname's territorial sea (EEZ) (Nte et al., 2022).

Guyana was asking the International Court of Justice (ICJ) to block the referendum from taking place (Wires, 2023). The ICJ has issued a prohibition on Venezuela from conducting any activities that might impact the existing situation in the area. However, Venezuelan voters rejected the ruling, and President Nicolas Maduro's government proceeded with the referendum that consisted of five questions (Buitrago, 2023).

In a recent press release, the ICJ reported that Guyana has formally sought the Court to suggest temporary steps in the continuing action respecting the Arbitral Award on October 3, 1899 (Guyana v. Venezuela) (Herd, 2020). The key points highlighted

include Guyana's plea for provisional measures to prevent Venezuela from proceeding with a scheduled referendum on December 3, 2023, which Guyana alleges is designed to undermine its sovereignty over territory awarded in the 1899 boundary settlement (Bordin, 2021). The proposed provisional measures by Guyana involve halting the referendum, eliminating specific questions, restraining Venezuela from posing relevant questions in future referendums, preventing actions demonstrating sovereignty over the disputed territory, and avoiding actions that could escalate or complicate the resolution of the dispute. Additionally, the press release clarifies that it is not an official ICJ document, directs readers to the ICJ website for comprehensive case details, and provides contact information for further inquiries (Verzijl, 2023).

The ICJ is one of the United Nations' several branches. According to Akonye (2019), it is an organization established by the United Nations to promote peace, develop peace, manage conflicts, or resolving conflicts, as well as resolving disputes between sovereign nations and governments. The ICJ acts as a mediator between sovereign governments to promote peace and resolve disputes. It consists of both consultative and advisory functions (Nwapi, 2019).

According to the ICJ Statute, Chapter I, Article 2, the Court will be made up of independent justices. These judges will be chosen from individuals of high moral character, regardless of their nationality, those who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or those who are jurisconsults with recognized competence in international law.

In previous research conducted by Victor Bulmer and Thomas in the Global American Paper entitled *The Guyana-Venezuela Dispute in Historical Perspective*, the focus was more on the history of the dispute until the dispute was recognized as having jurisdiction by the ICJ (Bulmer & Thomas, 2024). However, in the journal, researcher examine more specifically the jurisdiction and role of the ICJ in handling the dispute between Venezuela and Guyana using an international legal perspective.

The main question at hand is whether the International Court of Justice (ICJ) possesses the authority to adjudicate the territorial conflict between Venezuela and Guyana, specifically with regards to the potential ramifications of the Venezuelan referendum on the land entitlements and self-governance of the indigenous populations of Guyana. Furthermore, it is crucial to analyze the approach taken by the International Court of Justice (ICJ) in addressing the conflict that emerged from the Venezuelan referendum. Considering the specific legal concepts and precedents utilized to settle the territorial issue is crucial. This research will outline the applicable legal structure and assess the judgments made by the International Court of Justice (ICJ) regarding this territorial conflict.

In the end, this paper explained the settlement dispute between Venezuela and Guyana by ICJ, the ICJ's jurisdiction is in this case, and how the ICJ itself handled the case. The ICJ's jurisdiction in this case is grounded in the mutual consent of the



involved nations, allowing the Court to assess the legal validity of historical agreements and proposed actions affecting territorial boundaries. The ICJ employs a comprehensive approach, considering factors such as the Applicable Title and a Hierarchy of Sources while emphasizing principles like the prohibition of force and the delicate balance of self-determination. The paper further explores how the ICJ handles the case, detailing the Court's scrutiny of the 1899 Arbitral Award's validity, assessment of territorial delineation, and evaluation of potential infringements on Guyana's rights. The ICJ's intervention, exemplified by the granting of provisional measures, showcases the complex interplay of legal principles, and underscores the importance of cooperation between disputing nations in the pursuit of a resolution through international legal avenues.

Methodology

This research adopts a socio-legal approach to analyze the dispute resulting from the Venezuelan referendum regarding the territorial issues of the Indigenous Community of Guyana (Mulcahy, 2019). This approach includes interviews, observations, and reviews of published materials to understand the interactions between law, society, and social context. This approach allows analysis of how positive law and customary law interact in situations of territorial disputes. The aim of this study is to offer a theoretical framework for solving complex territorial problems.

Results and Discussion

The Jurisdiction of ICJ Over the Territorial Dispute Between Venezuela and Guyana

The indigenous populations in Guyana are concerned about the potential implications of the Venezuelan vote on their land rights and ability to practice self-governance (Ramcharan, 2023). The referendum, held on December 3, 2023, sought to establish dominion over a territory that is currently in dispute. The Essequibo area, primarily occupied by indigenous communities, is included in the territory (Watson et al., 2020). According to the reports of the local population, which is primarily made up of Indigenous people, they have expressed feelings of neglect and lack of information about the referendum's influence on their livelihoods and land rights. Uncertainty lingers regarding the legal and practical consequences of the vote, raising concern among impacted residents (García-Huidobro, 2023).

The indigenous people of Guyana are at significant risk of losing their land rights and autonomy due to Venezuela's upcoming vote on establishing a new state in the Essequibo area on December 3, 2023. This referendum directly threatens Guyana's sovereignty and territorial integrity, significantly impacting the indigenous communities that have historically inhabited the Essequibo region (Arumbinang et al., 2023). Within its legal authority, Venezuela has shown a dedication to safeguarding the rights of indigenous peoples, as stated in its 1999 Constitution. Article 119 of the Venezuelan Constitution specifically recognizes the presence of



indigenous peoples and communities, confirming their social, political, and economic structure, as well as their cultural traditions, customs, language, religion, and habitat. Crucially, this constitution acknowledges the indigenous population's entitlement to the land they have historically and hereditarily inhabited and categorizes these entitlements as fundamental human rights that are critical for the preservation and perpetuation of their culture (Soraya et al., 2024). The Constitution requires the National Executive, in collaboration with indigenous peoples, to define and protect the communal ownership of their lands. This guarantees that the Constitution and relevant laws prohibit the sale, takeover, or transfer of these lands.

Considering the country's constitutional responsibilities, Venezuela's actions in establishing territorial claims over the Essequibo region, home to Guyana's indigenous groups, present a complex legal and ethical issue. The Venezuelan constitution provides robust safeguards for the rights of indigenous peoples inside the nation's borders. However, the possible incorporation of the Essequibo region contradicts these ideals by endangering land rights and the ability to govern oneself. The indigenous population of Guyana is confronted with a significant threat to their territorial rights and autonomy because of Venezuela's upcoming vote on establishing a new state in the Essequibo region, scheduled for December 3, 2023. Here is a breakdown of the several possible outcomes (Jacqueline A, 2019):

1. **Loss of traditional lands:** The Essequibo region and indigenous areas, notably the Wapishana, Arawak, and Carib peoples' territories, share a substantial amount of territory. Indigenous peoples are concerned about the probable loss of their traditional territories and resources if Venezuela takes control of the region. This may be due to potential displacement, infrastructure developments, or changes in land management techniques.
2. **Weakening legal protections:** Existing legislation in Guyana recognizes indigenous tribes' rights to their territories and provides some protection. However, it is unclear if these safeguards would be enforced if Venezuela took control of the region. Given Venezuela's track record of failing to protect indigenous rights, there is reason to be concerned about the loss of land ownership and autonomy.
3. **Environmental degradation:** The escalation of development activities in the Essequibo region, maybe motivated by resource exploitation, carries the risk of environmental harm, which is crucial for the survival and cultural traditions of indigenous communities.
4. **Loss of autonomy:** Because of the ongoing boundary dispute, the indigenous population in the Essequibo region has been limited in their ability to exercise their right to self-determination. If Venezuelan influence is exerted over them, it may limit our ability to uphold their traditions, govern ourselves, and make future judgments.

The concrete actions undertaken by Venezuela, the stance of the global community, and the resolve of indigenous groups to assert their rights are all pivotal aspects that will significantly shape the outcome. Conversely, there is a high likelihood that the



scenario will result in significant negative consequences. This emphasizes the need for vigilant monitoring and advocacy efforts to protect the land rights and self-determination of indigenous peoples in the Essequibo region. In this condition, it is essential to see whether the ICJ has jurisdiction in resolving this dispute ([Dhanotia et al., 2019](#)).

The ICJ, as one of the United Nations' six principal organs, serves two primary duties. Based on the theory of Ruslijanto, in the context of sovereignty and jurisdiction theory, choosing the ICJ to resolve a case is crucial because the ICJ offers a neutral and impartial platform that respects state sovereignty and ensures decisions are made based on principles of international law. Article 2, paragraph (3) of the UN Charter obligates UN members to settle their disputes peacefully so that international peace, security, and justice are not endangered. Thus, choosing the ICJ helps disputing countries, including Venezuela, comply with this obligation and avoid violent resolutions, which should only be used as a last resort ([Ruslijanto et al., 2022](#)). The Court's primary purpose is to exercise contentious jurisdiction, which pertains to the power of an international court to peacefully resolve disputes between nations that are presented to it within its jurisdiction and in accordance with international law ([Crawford et al., n.d.](#)). The second role is The ICJ, which offers advisory opinions on international law matters to designated UN organizations and specialized agencies, exercising its advisory jurisdiction ([Young & Charlesworth, 2021](#)).

Article 65 of the ICJ Statute grants the international organization the jurisdiction to petition the ICJ for an advisory opinion on any legal matter ([Aqimuddin & Latipulhayat, 2023](#)). It is stated in Article 96 of the United Nations Charter that the Security Council and the General Assembly are the only entities that have the authority to act. Other bodies, provided that they have been accepted by the General Assembly, are also able to take action ([Mišev & Bošković, 2022](#)).

The ICJ assumes its role as the primary UN judicial authority with the agreement of the conflicting parties. States have the right to bring their issues to the ICJ under different treaties, conventions, and agreements that recognize the Court's authority. Furthermore, as stated in Article 36(2) of the ICJ Statute, governments may submit to the ICJ's mandatory jurisdiction. However, a declaration to that effect is required, and not all countries choose to make it ([Mahabir & Ganpat, 2023](#)).

Venezuelan voters have rejected the authority of the ICJ in a territorial conflict with neighboring Guyana ([Gunawan et al., 2020](#)). Additionally, they have endorsed the creation of a new state in the mineral-rich Essequibo region. The ICJ has issued a prohibition on Venezuela, restraining them from engaging in any activities that could lead to Guyana's loss of authority over the disputed property. For almost a century, Guyana has governed the area, comprising around two-thirds of the country.

The Venezuelan government conducted a consultative referendum consisting of five questions, all of which received approval with an overwhelming support score of 95%

(Mahabir & Ganpat, 2023). While the Court did not prohibit the referendum, it declared that any measures to alter the present circumstances must be stopped. Given the absence of agreement over the border's location between the two nations, Guyana has expressed apprehension that the public vote may enable Venezuela to seize the territory unlawfully and independently.

Handling the Dispute from Venezuela Referendum by ICJ

The ICJ holds a pivotal role in the resolution of territorial disputes between nations, wielding influence derived from a nuanced understanding of legal principles and past precedents. The Venezuelan referendum disputes serve as a testament to the intricate approach adopted by the ICJ, guided by several foundational elements.

The concept of the "Applicable Title" is a cornerstone of the ICJ's decision-making process (Fitriyanti & Gunawan, 2019). This refers to the legal or factual evidence that supports a state's purposeful declaration of sovereignty over disputed territory or the origin of the state's right to a certain piece of land. In its pursuit of justice, the Court carefully assesses the legitimacy and substance of these arguments (Kersten, 2020).

The hierarchy of sources is another key facet shaping the ICJ's methodology (Prost, 2017). Boundary treaties between the involved states take precedence, followed by agreements between their colonial predecessors. The actions of the litigating states, demonstrating their authority over the disputed area, are also considered in descending order of significance. This hierarchical approach ensures a comprehensive examination of historical and contemporary agreements, establishing a thorough foundation for decision-making (Wasserfallen et al., 2019).

The ICJ's framework includes the "Prohibition of the Use of Force," a concept specifically stated in the United Nations Charter. This restriction emphasizes the importance for member nations to keep away from using threats or acts of coercion when settling disputes. Instead, it underscores the paramount importance of diplomatic negotiations and peaceful resolutions in addressing territorial conflicts (Schenoni et al., 2020).

The principle of "Self-Determination" may be factored into the ICJ's deliberations, although its practical implementation may not fully accommodate the contributions of local populations to the delineation of boundaries (Gururagavendran, 2023). This nuanced consideration reflects the complex interplay between state sovereignty and the rights of individuals residing within disputed territories.

An inherent challenge in the ICJ's established approach is revealed in the persistence of disputes, as exemplified in cases like the Hawar Islands and the island of Janan. Despite the Court's efforts, a resolution is not guaranteed, emphasizing the intricacies and challenges inherent in addressing territorial conflicts through legal means (Rakhmawati et al., 2023).



In the specific context of Venezuela and the referendum, the ICJ's intervention centered on scrutinizing the legal validity of the 1899 Award, assessing the delineation of the boundary between Guyana and Venezuela, and evaluating the potential infringement upon Guyana's rights (Ramírez, 2022). The Court recognized the risk of irreparable harm to Guyana's interests should Venezuela proceed unilaterally with the implementation of measures or policies implied by its planned referendum. In such instances, the ICJ's decisions contribute significantly to the evolution and clarification of international law, albeit contingent on the willingness of involved states to adhere to the Court's directives (Alter, 2021).

In essence, the ICJ's role in resolving territorial disputes is a complex interplay of legal principles, historical agreements, and contemporary actions. While it contributes to the development of international law, its efficacy relies on the cooperation and compliance of the disputing nations (Kahraman et al., 2020). The Venezuelan referendum case underscores the ongoing challenges and inherent limitations in the pursuit of global justice through legal avenues.

While agreeing with granting Guyana interim measures, Judge Robinson disagreed with some of the Court's reasoning, particularly the assertion that Guyana was merely administering and controlling the disputed territory, not exercising sovereignty (Yiallourides & Yihdego, 2019). The current situation in Guyana is no different from the period since 1899 when the territory was granted to British Guiana (Collins, 2022). Since 1966, independent Guyana has exercised sovereignty over the region, and the dispute with Venezuela does not change the fact that Guyana currently has sovereignty. The Court's failure to recognize this could be detrimental to Guyana, especially as the interim order does not affect the merits of the case (Contesse, 9 C.E.). Moreover, the Court's assessment of Venezuela's ambitions suggests an intention to exercise sovereignty, not just control, over the disputed territory, as seen in plans to create the State of Guyana Essequibo. Thus, maintaining Guyana's sovereignty over the territory is essential to protecting its rights (Robinson, 2023).

On the Declaration of Judge Sebutinde, Guyana has two reasonable rights arising from the application it has submitted. Both rights need to be recognized and maintained through interim measures ordered by the Court. Currently, the status quo that must be maintained between the Parties is that Guyana is exercising sovereignty over the disputed territory. Guyana manages the administration and control of the region. To maintain this status quo, the Court had to pass interim measures, requiring Venezuela not to take any steps that could jeopardize or alter Guyana's sovereignty over the disputed territory (Sebutinde, 2023).

The judge gives majority support to the order requesting indications of interim measures submitted by Guyana (Herdt, 2019). Judges agree that Guyana has reasonable rights that could be threatened by irreparable prejudice if Venezuela implements the measures or policies contained in the planned referendum on

December 3, 2023. Therefore, temporary measures are necessary to protect Guyana's rights until the Court's final decision. On March 29, 2018, Guyana applied to the Court to confirm the validity of the 1899 Award. The Award was deemed to be a full, perfect, and final settlement of all issues relating to the delineation of the boundary between the colonies of British Guiana and Venezuela ([Rodriguez, 2023](#)).

In its Jurisdiction Award dated December 18, 2020, the Court recognized a problematic matter that the Parties decided to handle through the procedures of the 1966 Geneva Treaty ([Anderson, 2022](#)). This is about the legitimacy of the 1899 Award and how it affects the boundary line between Guyana and Venezuela. Guyana's appeal for interim measures attempts to defend its rights to sovereignty and territorial integrity under the 1899 Award ([Bulkan, 2021](#)). The Court should recognize both rights as reasonable and take adequate measures. There is a link between Guyana's rights and the requested interim measures, particularly measures to prevent Venezuela from taking steps that could alter Guyana's sovereignty over the disputed territory ([Nte et al., 2022](#)).

The judge believes that the conditions of urgency and irreparable prejudice have been met for both of Guyana's above-mentioned rights. Courts must take this into account when deciding on both rights. The Court should consider statements by high-ranking Venezuelan officials that indicate serious risks for Venezuela, given the strong tensions in relations between the two parties ([Panelli, 2019](#)).

The result of the Arbitration of October 3, 1899 (Guyana vs. Venezuela), pronounced on December 1, 2023, responded to Guyana's request for interim measures. The Court has already determined its authority to adjudicate the legitimacy of the 1899 Arbitration Award and the resolution of geographical borders between Guyana and Venezuela, Guyana submitted the request regarding Venezuela's plans for a consultative referendum on December 3, 2023. Guyana is concerned that a positive result in the referendum could lead to the annexation of the Essequibo region and result in irreparable harm to Guyanese rights ([Donoghue & Gautier, 2023](#)).

The Court found that Guyana's right to sovereignty over the territory appeared reasonable, and there was a link between that right and the interim measures requested ([Gregory & Vaccaro, 2015](#)). The Court also assesses the risk of irreparable harm and the urgency of the situation, especially with reference to the statements and actions of the parties involved. Therefore, the Court established two interim measures. First, Venezuela should refrain from taking any action that could change the current situation in the disputed region. Second, Guyana and Venezuela should refrain from any action that could exacerbate or prolong the dispute, ensuring that the situation is not more difficult to resolve. This decision is valid until the Court makes a final decision in the case ([James & Camacho, 2023](#)).

Conclusion

In the December 2023 referendum in Venezuela regarding the disputed Essequibo region, which is abundant in resources and contested with Guyana, worries were expressed regarding the impact on indigenous tribes, thereby exacerbating the conflict. Despite the authoritative status of the International Court of Justice and its injunctions to cease activity, voters defied these directives, therefore exposing the constraints of legal remedies. This momentous occurrence revealed the profound interconnectedness of indigenous rights, the exploitation of resources, territorial aspirations, and the complex network of international relationships. The International Court of Justice (ICJ) has jurisdiction over the territorial conflict between Venezuela and Guyana as stipulated by the 1966 Geneva Agreement and the resolution made in December 2020. The ICJ's decision to delay the Venezuelan referendum demonstrates the court's recognition of the potential consequences of unilateral actions on the land rights and self-determination of Guyana's indigenous people. Hence, it is imperative to seek a permanent solution that precedes diplomacy, legal frameworks, and the perspectives of those suffering the most.

In conclusion, the referendum conducted by Venezuela on December 3, 2023, aimed at asserting control over the Essequibo region, has far-reaching consequences for indigenous communities. The ICJ's jurisdiction in the ongoing dispute offers a legal framework for resolution, but the rejection of its directives by voters complicates the path to a peaceful settlement. The intricacies of this case underscore the challenges in balancing legal principles, international relations, and the rights of indigenous populations. As the situation unfolds, it becomes imperative for the international community to engage in collaborative efforts that prioritize the well-being of indigenous communities and work towards a just and sustainable resolution.

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Declarations

Author contribution : Author 1: was instrumental in conceptualizing the research, developing the methodology, and making significant contributions to the initial manuscript; Author 2: curated and managed research data, conducted and played a key role in the manuscript's review and editing; Author 3:

provided expertise in formal analysis, visualization, and project supervision. Collectively, all authors validated the research and granted final approval for submission, demonstrating a collaborative commitment to the journal.

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