

THE THINKER

Volume 10

January - June 2024



**SPEECH BY AMBASSADOR GUO HAIYAN
ON THE 10TH ANNIVERSARY OF THE
“BELT AND ROAD” INITIATIVE**

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**LENIN: THE PROFOUND
THINKER AND REVOLUTIONARY**

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**VERBATIM RECORD OF
SA SUBMISSIONS**

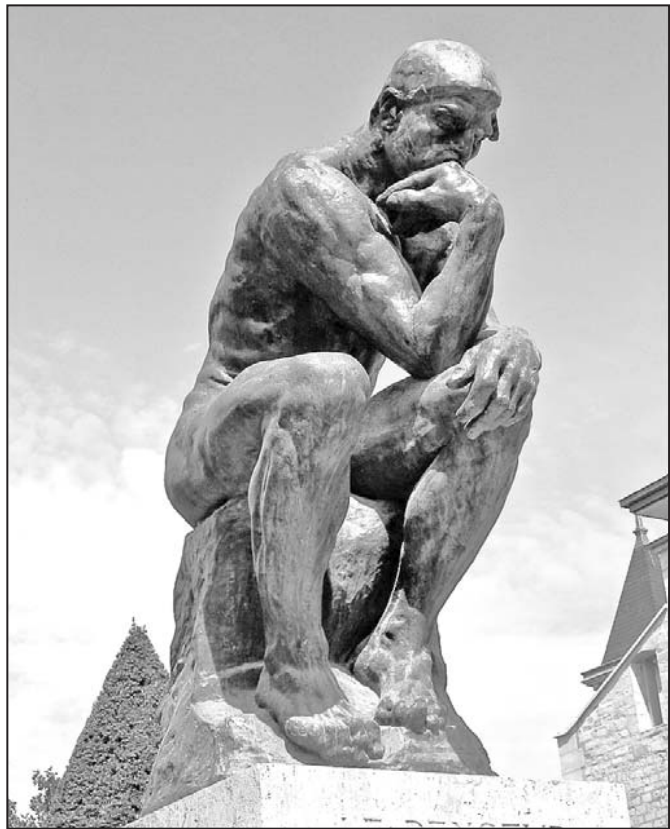
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**“BORDER DISPUTES AND
SOVEREIGN RIGHTS...”**

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The Thinker (French: Le Penseur) is a bronze sculpture by Auguste Rodin.



Genocide continues against the Palestinians



EDITORIAL

The world ushered in the year 2024 with entire nations and peoples going through extremely difficult times, in fact, very dangerous times. We are witnessing some serious conflicts in various parts of the world. According to the Geneva Academy of International Humanitarian Law and Human Rights there are more than 45 armed conflicts in the Middle East and North Africa; in Africa there are more than thirty five; Asia, twenty one; Seven in Europe and six in Latin America.

The most acute and dangerous at the time of writing is the situation in the Middle East where the conflict between Israel and Palestine continues to rage with Israel, every hour of every day extending its incursions into Palestine committing the most brutal genocidal acts. That conflict is steadily expanding and now threatens to engulf the entire region.

This situation became very acute since October 7, 2023, when resistance fighters in the Gaza broke out of their open-air prison to strike a blow for their liberation.

The response from Israel has been genocidal. Almost thirty thousand Palestinian civilians have been brutally killed. The carpet bombings have left more than 70,000 injured, most of whom have lost one or more limbs.

The people in Gaza are also subjected to starvation as food and water are prevented from going in. More than 70% of residential buildings have been destroyed and people living in tents and on the streets, exposed to the elements .

The majority of the population are existing in the open without sanitation and other very basic needs. The dangers of mass outbreak of diseases lurk close to the people at all times.

A worse humanitarian disaster is hard to imagine. This is a huge blow on our humanity.

Sadly, this wholesale murder of innocent Palestinians are allowed to continue because the United States, the United Kingdom and E.U countries have continued to give support to Israel in this industrial scale slaughter of human beings. The U.S. in particular have not only continued to supply Israel with the bombs and other sophisticated weapons to the murderous army of Israel but has vetoed every motion taken before the Security Council of the United Nations that called for a cease fire. That makes them the main facilitator of the genocide.

The other very dangerous conflict is in Europe, involving Russia and Ukraine. This conflict need not to have happened, in the first at all. The Russians did almost everything to avoid the war. However, NATO countries eager to destroy Russia armed Ukraine to the teeth, supplied it generously with cash and encouraged them to fight Russia.

This was the chance that NATO was waiting for. Even before Russia sent its troops into Ukraine the West had prepared the most comprehensive economic sanctions on Russia. NATO strategists had expected that Russia would have collapsed due to the economic and military measures imposed on it.

That did not happen. Indeed, the opposite occurred. Russia has overtaken Germany to become the most powerful economy in Europe and the fifth largest in the world.

While Ukraine is badly damaged by the conflicts it is still being prevented by the West from negotiating an end to the war with Russia. The US, UK and Germany continue to pour weapons into Ukraine to fight Russia to the last Ukrainian.

These two major conflicts in our world serve to tell us that the international system in which we operate is in need of serious and far reaching reforms.

The dominant socio-economic relations in the world are now absolute and generating wars instead of promoting peace. In fact, it appears that the most powerful bloc, the NATO group of countries, seems to have concluded that it cannot continue its global domination without wars and therefore is at the heart of most of the conflicts in our world today.

The time has come for the working people and the democratic forces the world over to urgently come out and demand an end to wars!

The world needs Peace for the survival of life on earth. It needs peace to end poverty and injustice. The time to end conflicts is now!

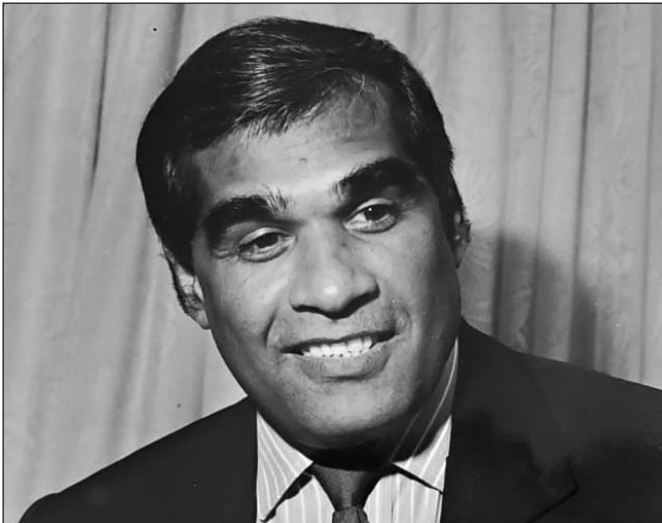
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In Memory and Honour of Shree Chan and Dr. Moti Lall



January 11 and 12 commemorates the passing of two major senior cadres of the People's Progressive Party, Michael Shree Chan and Dr Moti Lall.

Dr. Moti Lall died on January 11 2012, whilst Shree Chan departed this planet on January 12 2002. Both of these comrades could be considered relatively young men and gave their entire adult lives in services to the PPP.

Shree as everyone called him as well as 'Doc' as the political community called Moti Lall, were trained and educated in political affairs, especially political history by the country's first major, mass working class party.

The Sugar Belt Environment

Shree Chan was born in the East Coast Demerara Village of Enterprise whilst Moti Lall hailed from Buxton also on the East Coast, and it would be no exaggeration to say that these political leaders were nurtured, tempered and profoundly influenced by the military of the Demerara sugar belt in equal measure to the doctrines of Marxism Leninism espoused by the PPP, and of course the Progressive Youth organisation.

Enmore, La Bonne Intention and Ogle estates commencing from the period of Bookers and the Sugar Producers Association, and thereafter the corporation GuySuCo as work production sites or factors, were as significance as the PPP groups and districts that included Enterprise, Buxton, Friendship, Annandale, Lusignan and Mon Repos.

But whilst Moti Lall obtained a scholarship to study medicine in Cuba and also the territory of East Germany, Shree remained engaged in the Accounts department of

Enmore Demerara Estates. Moti Lall became a specialist in pulmonary ailments and a competent authority in the treatment of tuberculosis. Shree was to prepare himself as a political manager.

It is at times such as the present conjuncture when there is the need to review various aspects of PPP radicals who came into the political arena during the early and mid-1960s, and remained with the Jagan PPP throughout the opposition years, that there emerges insights and conscious illustrations of the political administrative process adhered to by the PPP.

Technical and Professional Extensions of Senior Cadres

One of the lasting memories that remain of Shree Chan as well as in a somewhat different way Moti Lall, is the ability these two former Central/Executive Committee PPP members set about mobilising fund raising activities over the years.

Most likely Shree Chan due to his involvement as an Organiser for the PYO Became more recognised at this level. In the early 1970s events such as raffles, corn houses and bingos were regular parts of a yearlong programme. Barbecue "take away" and "fun days" were not as common due to the constraints of the PNC dictatorship. However, fund raising Gymkhanas were very popular in community such as LBI and Better Hope. Montrose as well as Success, where community or sports grounds were accessible

Shree Chan's competence as an accountant again played a significant role as he was able to advise group secretaries and chairmen as to the soundest way to

proceed with a community event, especially those that involved paying for or hiring artistes or performers.

In due course he was selected to become a manager of the New Guyana Company Limited (Mirror Newspaper). Shree Chan served the NGCL for some years whilst over the same phase Dr Moti Lall was a major stake holder on the Board of NGCL.

Dr Cheddi Jagan with the benefit of the historical experience as guidelines, would have been availed with PYO Secretariat reports compiled by Shree Chan, and there would have been no doubts as to his abilities in specific areas of work.

Similar to several others who have worked their way up to the PPP from the PYO, both Shree Chand and Moti Lall were recruited into the Party's youth arm. Shree Chan represented the PYO at conferences sponsored by the World Federation of Democratic Youth.

The fact that Moti Lall was to become linguistically versatile in both Spanish and German, whilst Shree Chan had years of office experience in the accounting field, would also have convinced the PPP leadership that these two comrades would make good leadership material.

Innovations and Projections of Shree Chan and Moti Lall

There has been a considerable amount of coverage in the local media concerning Dr Moti Lall's professionalism and his contribution in the fight against Tuberculosis (TB) as well as other pulmonary type of diseases, especially during the months before his death two years ago.

Amongst the interventions he made were the informative and valuable presentations he provided as a member of the PPP/C in the Parliament. During these debates, and speaking in his capacity as (then) head of the Chest Clinic, Moti Lall spoke about the dangers and risks of TB. He referred to the progress made in eradicating the disease whilst at the same time noting that many HIV AIDS victims who died, passed away as a result of contracting TB.

In December 2009 he was largely instrumental in coordinating a Media Sensitisation Workshop on Tabaco Control that was hosted by the Guyana Chest Society in collaboration with other stakeholders- PAHO, the Ministries of Health and Education, the Guyana National

Bureau of Standards as well as the Guyana Press Association.

It was at this structured yet informal level that Dr. Moti Lall made a great peer review type of impact.

At the point in time when Shree Chan and Moti Lall were both included in the PPP's list, or to be more precise, the PPP/Civic list of candidates for the 1992 General elections, it was absolutely certain that Shree Chan and Dr Moti lall would play critical roles in the campaign. Dr Moti Lall was selected to be the Government's main support on health issues in the National Assembly, and to head the crucial Central Housing and Planning Authority (CHPA) Board. He also had the responsibility for oversight roles in other areas including the vetting of medical students selected for specialist training and linking with the West Demerara neighbourhoods.

For his part Shree Chan was appointed to the cabinet as Minister of Trade and Tourism. Immediately, Shree Chan began to introduce significant changes. Amongst these were the launching of GuyExpo as a regular annual event showcasing local products and items. GuyExpo many people believe served to provide a window of opportunity for the local private sector that was historically unprecedented. He also encouraged and supported the participation of local companies and business in trade fairs held in Toronto, London and the United States as well as the Eastern Caribbean.

Shree Chan took the initiative of laying the infrastructures for Industrial Sites at Eccles, Land of Canaan and Colingen, and he restructured the PNC institution set up by the Hoyte Administration to spur investments and privatisation. The office of GuyInvest was opened with Geoff Da Silva as head.

Shree Chan further introduced policy changes designed to guarantee stability and continuity for the national economy especially rice exports to the Caricom region.

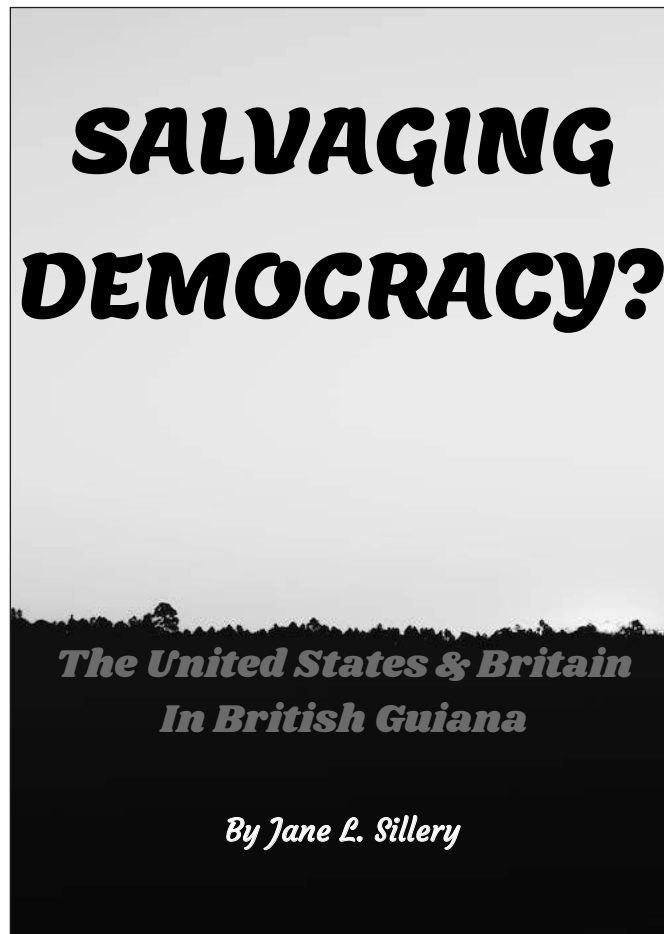
At the political level he continued to be involved in PPP mobilisation. Activities that were enhanced by the fact that he had the experience of representing Guyanese in Suriname during a two-year period in the 1980s. Additionally, he retained his connections with the Enterprise PPP group as an active unit.

These two fallen comrades will always be remembered well into the 21st Century.



Eddie Rodney is a Senior Journalist for the Weekend Mirror newspaper. He was a former Member of Parliament.

Book Review: Salvaging Democracy? The United States & Britain in British Guiana



Jane L Sillery has produced a brilliant work in her thesis on the politics of the then colony of British Guiana during the 1961-1964 period, arguably one of the most tumultuous in the history of the then British colony. The thesis was submitted for the degree of Doctor of Philosophy.

The writer, Jane Silerry, was born in Belfast, Northern Ireland and grew up there during the period of civil conflict known as 'The Troubles.' She was educated at the Methodist College, Belfast before moving on to Brasenose College at the University of Oxford to study Modern History. She completed a Doctorate in Philosophy at the Queen's College in 1997 before taking up a teaching post at Eton College. In over 25 years at Eton, she has undertaken a variety of educational management and leadership roles.

As noted by former President Donald Ramotar who was instrumental in the publication of the thesis into a book, the work is, without doubt one of the most important contribution towards an appreciation of a pivotal period of our history.

According to the former President, the primary objective of the doctoral thesis was to examine the foreign policy objectives of the United States and Great Britain especially in relation to countries of the developing world. British Guiana was singled out by the author as a case study from which to approach broader alliances and hemispheric issues.

This led her to thoroughly investigate events in British Guiana between 1961-1964 primarily through an analysis of US State Department and United Kingdom Foreign Office documents. The work is rich in history and

research by way of first hand and original records and material and included detailed communication between the Governor and the Colonial Office on the evolving situation in the then colony of British Guiana. Several interviews were also done with some of the leading players of that period who were still around at the time of her field research.

These investigations, as noted by former President Donald Ramotar, took the writer into the midst of that tumultuous and highly charged period when the country was on the verge of attaining its political independence from Great Britain. It also coincided with a period when the Cold War was raging in intensity following the Cuban Revolution in 1959 which in significant ways influenced and shaped United States foreign policy behaviour towards British Guiana.

The writer must be commended for so ably and objectively bringing alive the events and actors of that troubled period and for identifying the root causes of the turbulence which continue to weigh heavily on the Guyanese people as they seek to move forward.

Dr. Silery's work, it should be noted, is that of an academic and not a politician. In this regard she brings to bear a level of objectivity and impartiality in the treatment of the issues than can only be described as commendable. As pointed out by former President Donald Ramotar in the foreword to the book, the work represents a valuable contribution to our national conversation which can provide a greater understanding of events in Guyana today. As such the book should be read by all who are interested in what actually transpired during the period leading up to the conferral of independence status to the then colony of British Guiana.

As pointed out by the writer in the abstract to the book, the thesis examines the sources of the Kennedy administration's hostility to the Jagan government, locating its concerns in the demands of American domestic politics and in the perceived need to preserve the international credibility of the United States in the bi-polar zero-sum context of the Cold War.

According to the writer, the administration realized its objectives in British Guiana through a multi-track process of intervention in the political, economic and industrial life of the colony and through sustained diplomatic pressure on the British Government. The thesis examines the instruments of intervention employed in

Jagan's removal highlighting the role of the American and international trade union movements as agents of American foreign policy and the political ramifications of American economic aid or non-aid for developing countries. It also examines the symbiotic relationship between Washington and leaders of British Guiana's political opposition who encouraged and facilitated intervention in the colony.

The thesis, now a published documentary, is more of a self-contained case study in the methodology and motives of intervention. It places the intervention in British Guiana as a base from which to approach Cold War, alliance and hemispheric issues. By situating events in the colony in the multiple contexts of the Cuban Revolution, the globalization of the American doctrine of 'containment' and the colony's volatile internal political situation, the thesis examines how an ostensibly peripheral country of little demonstrable interest to the United States became drawn into the vortices of the Cold War. Of no less significance, is the emphasis placed on how the policy articulations of both Britain and the United States vis-a-vis the colony were not exactly symmetrical but which Britain eventually acquiesced in order to preserve the 'Special Relationship' with the United States.

Looking back with the benefit of hindsight, United State's attitude towards the Jagan administration in the early 1960's was at best misguided. As pointed out by Dr. Silery, Jagan's nationalism was mistaken for 'communism'. This observation was made by none other than Sir Ralph Grey, the then Governor-General to the colony when he posited that the problems in the colony were basically economic and not political. British Guiana, he said, was faced with an unbalanced economy dependent on the export of primary products, growing unemployment and underemployment and a rapidly increasing population. The issue of communism in British Guiana was diversionary and misleading. The international attention to the communist question, which the British themselves had encouraged through their actions in 1953, had inflated the relative importance of British Guiana in the international arena and deflected attention from the colony's real problems. According to Governor Grey, Dr. Jagan's economic thinking might be Marxist, but the PPP government since 1957 had never attempted to further communist ends. Dr. Jagan and his

party may be critical of Britain and the United States but that seemed 'to spring from nationalism rather than from Communism'.

In her concluding assessment, Dr. Sillery was critical of the fact that the full operational details of the Kennedy administration's campaign against the Jagan government is still to emerge after over five decades since the removal of the PPP government in 1964. According to State Department and CIA officials, the reason for withholding some of the records is their desire to avoid the 'embarrassment' to the United States which would be attendant upon their release.

But according to Dr. Jagan, 'Everybody in Guyana knows what happened. I'm not going to use these documents to blackmail the United States'.

The book is certainly worth reading. According to the writer, 'it has been the product of thirty years of research work. Thinking back on it now, it was an extraordinary challenge, but it was for me a fascinating one and a remarkable experience. Researching in the early 1990's meant that British Colonial Office and Foreign Office documents on 1960s Guyana were literally just being released under the 'thirty year rule' that then applied: sitting at a desk in the Public Records Office in London where I began my research, and opening up these folders, I felt that I was the first person to do so since the 1960's'.

That may very well be the case for which Dr. Sillery must be congratulated. But the writer did not take all the credit. She has acknowledged the contributions of several others who she interviewed both in and out of Guyana.

In her remarks at the launch of the publication at the Cheddi Jagan Research Centre she said:

'I am hugely grateful to President Donald Ramotar for his enthusiasm for my work and for giving me the opportunity to have it published, and to the Cheddi Jagan Research Centre for all they have done to bring

this to fruition. I imagine that readers will reflect on aspects of this book as flawed or needing refinement... but I hope nevertheless that this book will constitute a useful contribution to the understanding of Guyana's past and can in some small way support and inform discussions about Guyana's past and can in some small way support and inform discussions about Guyana's present and future.'

The sentiments expressed by the writer are indeed modest and an understatement of her contributions to the literature on politics not only in Guyana but in the hemisphere as a whole.



Hydar Ally is the holder of a Master's Degree in Political Science from the University of Guyana. He is the Author of two Publications, "Insightful Views on Guyana" and "Pragmatism or Opportunism: Guyana's Foreign Policy Behaviour". He is also Chairman of the Cheddi Jagan Research Centre and a Central Committee member of the PPP.

A Decade of the PRC's Belt and Road Initiative (BRI): a preliminary assessment

Presentation to:
Seminar on the Ten Years of the Belt and Road Initiative



Introduction

Co-Chairs, the Hon Mme Guo Haiyan and Mr Hydar Ally

Former President of the Cooperative Republic, Mr Donald Ramotar

Former Ministers of Guyana Mr Clement Rohee, Kit Nascimento et al

Ambassadors R. Collins and David Hales

Representatives of the University of Guyana and NGOs, including the Association of Friendship and Culture with China and the Confucius Institute

Other Distinguished guests and invitees

Introduction

The year 2023 marks the 10th anniversary of the launch of the Belt and Road Initiative (BRI) by the People's Republic of China. Whilst it has been said that BRI seeks to merge domestic economic interests with a grand international geopolitical gambit it has also been suggested that no other developmental initiative has stirred such heated debate among academics, policymakers and entrepreneurs internationally.

On one of the bookshelves close to my bed are some classic pieces of literature. Among them is, 'Il milione' or 'The Million', known in English as 'The Travels of Marco Polo' (translated and introduced by R.E. Latham. Penguin Classics. 1958). The BRI could be seen as an attempt to christen a 21st century initiative by re-kindling a remarkable 13th century feat of travel and exploration. Publication of the latter work gave rise to a great deal of excitement and spawned a brand. Many writers have speculated as to the goals which the Chinese Government had in mind when they launched the BRI. Some argued that it was intended to capitalize on the iconic 'Silk Road' brand associated with China's glorious past.

The BRI may be said to be the modern counterpart of the Silk Road and, like its forbear, is imbued with considerable flexibility. More specifically, the intention of the more recent initiative is to improve and to put in place transport and communications infrastructure by way of roads and railways in particular as well as power and telecommunications. In truth however, the criteria governing the classification of BRI projects remains vague with the consequence that it is often impossible to determine a priori what are BRI projects. Another consequence of this vagueness is that political considerations are the primary determinants of what is and what is not a BRI project.

The Caribbean & Latin American Region and the BRI

When the Caricom and CELAC Ministers first discussed the idea of joining the BRI, they were attracted to the implicit flexibility – in scope and in the absence of conditionality as regards access and eligibility a la Bretton Woods - that seemed to characterize the initiative.

In this Group's consideration of options, the region's position was influenced by two overarching considerations. First, we recognized that recent economic growth of the subregion has been severely constrained by inadequate physical and social infrastructure which in turn adversely influenced levels of Foreign Direct Investment (FDI) and GDP growth. Numerous regional and UN studies attest to this phenomenon. As a result of financial and other challenges the region faced, governments' ability to meet the demands of their populace was limited by inadequate funds from traditional sources of development finance. The policies of the MFIs, driven and controlled by the OECD states, have given rise to further challenges, such as rising external indebtedness and consequential difficulty borrowing, for fixed capital and infrastructure, in particular.

As China emerged as one of the world's main trading nations there has been in most of the globe an interest in doing business with China, in securing improved terms for trade and/securing greater market access. The L.A and Caribbean regions have been facing the challenge of raising resources from traditional sources for the funding of key investment projects. Those sources have been hamstrung by the 'Iraq syndrome', by the drying up of resources available to the Multi-lateral Financial Institutions (MFI) for development and by decisions such as graduation of CARICOM, and especially the Eastern Caribbean States, and out of soft capital sources. There has also been pressure to mobilize private sector funding to complement and partly replace the traditional MFI funds. Success in pursuit of this initiative has had predictable cost consequences. Thus, both the volume and cost of borrowing has been rising for these states. At the same time, it has been widely accepted that the ongoing technological, digital and trade revolutions require extensive funding if they are to realize their full potential. As regards the latter, the financing requirements of supply chain development, including the establishment of transport infrastructure, has made participation in global trade more demanding and expensive. Pressure on overseas aid, US federal research and development resources, and, from multilateral fora such as the Trans-Pacific Partnership have all made life more difficult for states such as Caricom.

CHINA and the Relevance of the BRI to the LA and Caribbean

In the world of development finance, China has long demonstrated a willingness to be identified with the

developing states and to support those developing states in material as well as in political terms. Reflecting this goal, in recent years China has become an important donor to the concessional window of the World Bank, which finances the poorest countries, mostly in Africa. At the discussions on replenishment in December 2019, for example, China was the sixth largest donor behind the United Kingdom, Japan, United States, Germany, and France and ahead of G7 members, Canada and Italy.[6] In addition to being a major contributor to the World Bank's concessional window China supports the IMF's debt sustainability approach. While China's relationship with the World Bank has largely been positive, China has criticized the Bank's shift away from infrastructure and growth, its slow preparation times and its costly bureaucracy. China has, with this in mind, established the Asian Infrastructure Investment Bank (AIIB) as a new multilateral development bank, one that has attracted over 100 members and is off to a good start, working closely with the existing development banks. In other words, China's political ambition and vision have also driven its policies and actions in the arena of trade and international finance.

Whilst on the one hand Latin America and the Caribbean have had difficulty accessing traditional development funds for infrastructure in particular, China has been in a position to assist due to its high savings rate and the absolute size of this economy. The latter has been growing very rapidly relative to the global economy at something like 4.5%pa.

In the last 20 years alone trade between China and LA has grown by some 2600% leaving the former state as South America's main trading partner and Central America's second most important partner. China's infrastructure investment in South America may have many goals but there is a consensus that it impacts its political influence favourably. In this regard, a recent OAS study undertaken by George Meek, has suggested that between 2001 and 2021 countries in which China has displaced the USA economically were 26 percentage points less likely to vote in alignment with Washington than other member states. This geostrategic power he attributed to the relative increase in China's economic influence in the region which in turn he attributed to economic cooperation and investment. (Wilsonceter.org/blog-post/economic-displacement-chinas-growing-influence-latin-america).

The BRI

It is widely recognised that the BRI has important political goals China's goals for the BRI are not all either clear or understood outside of China. Amongst the most interesting of these goals is that which relates to rivaling the USA in particular. More to the point, in the last few years some observers believe that the intention has been to form an alliance with Russia as a counterweight

to the USA. If that is too far-fetched, at least the idea of a growing convergence of interest between Beijing and Moscow on geopolitical issues is not. A more recent variation of this thesis is that one of China's goals in reaction to the USA's treatment of China since 2018. There is therefore an intention to 'needle the USA'. There are many authors speculating on these matters. (China Foreign Policy: throwing out the rule book. FT.com; Global Times)

Another alleged goal has been to develop significant Chinese business capacity in strategic world markets and in developing states. It has been said that BRI seeks to merge China's domestic economic interests with a grand international geopolitical gambit. In that regard the intention is to expose domestic Chinese industry to the workings and mechanisms of the West. One author has claimed that the Chinese leadership intends to use the BRI to deepen its reforms of China's debt-laden state-owned enterprises (SoEs) and to expand their global footprint. Presumably this would arise from exposure to competition in the international market-place. The global market can be a two-edged sword and a persuasive model for this transition has yet to be elaborated. In spite of the obvious size advantage Chinese firms may enjoy, 'they remain short of global business exposure, general market knowledge and corporate governance and as a consequence many run into problems abroad.'

The UN and the BRI

In 2019, the UN established the Belt and Road Initiative International Green Development Coalition (BRIGC) specifically to oversee BRI projects in order to ensure compliance with UN sustainability standards. The BRIGC involves 134 partners, which include 26 Environmental Ministries of UN Member States.

In its supervision of the BRI, the UN set out to mitigate what it sees as the worst effects of the Chinese project.

The contentious issue of indebtedness

Since being launched, the BRI has become to some observers an open, inclusive, and a win-win platform for international cooperation. It has been welcomed by many members of the global community. During an interview with China News Network, Erik Solheim for example, former UN Environment Executive Director and Under-Secretary-General of the United Nations, spoke in glowing terms of the BRI, noting that many significant projects have taken place thanks to the BRI, therefore benefiting people all over the planet. In his opinion, the BRI has made massive contributions to the development of many participating countries. "10 years ago, it took maybe two hours to travel from the airport in Colombo to the capital city of Sri Lanka, Colombo. Now half an hour, on Chinese-built roads," said Solheim, "These roads go on massive services to Sri Lanka."

Transport in general and rail transportation in particular has been one of the focuses of BRI cooperation and Mr. Solheim has listed projects including the Kunming-Vientiane Railway, Jakarta-Bandung Railway, Hanoi Metro, etc. and praised their significance in linking the inland area to the coast to boost the local tourism industry and make export and economic development much easier. Solheim explained that, "establish[ing] modern time Silk Road, it's of course about making high-speed rail and good connectivity, making it easy to sell goods".

The UN Under Secretary contended that since its launch the BRI has demonstrated that it is not only an initiative of economic prosperity, but one of green development. In his words, "Now all BRI energy investments go into solar, wind and hydropower, so I think the BRI is now one of the massive opportunities for green investments in the world". In addition, he also emphasized China's achievements in electric vehicles (EVs), saying it is "very smart economics and also good for Mother Earth..... There is also an increasing focus on a digital Belt and Road,". Solheim added that Chinese investments in 5G and artificial intelligence can benefit other nations that are left behind in these areas.

Reacting to some of the Western media's attempts to stigmatize BRI cooperation, he continued, "Blaming China's BRI for debt burden is completely untrue." That is American propaganda because America feels threatened by the rise of China, so we see so much untrue and fake news about China coming up from American sources..... Such propaganda should simply stop ,,,,,,We need more, not less, cooperation to address challenges including global economic recovery and climate change, and the BRI has contributed to investments, trade and people-to-people contacts, and provided solutions to those challenges. After all, the whole universe is born family,"

Actual Achievements to date

Through its BRI, China has been lending \$40-50 billion per year to developing countries for projects in transport and power infrastructure.

There is much evidence to suggest that, "Trade and investment have expanded steadily between China and other BRI countries in the past decade," Vice Commerce Minister Guo Tingting said at a recent press conference. From 2013 to 2022, the cumulative value of imports and exports between China and other BRI countries reached 19.1 trillion U.S. dollars, with an average annual growth rate of 6.4 percent, said the white paper. The cumulative two-way investment between China and other BRI countries reached 380 billion U.S. dollars, including 240 billion U.S. dollars from China. It has been contended that the BRI has connected the vibrant East Asia economic circle at one end with the developed European economic circle at the other and includes the countries in between with huge potential for economic development, and also

fostered closer economic cooperation with African and Latin American countries, according to the white paper. China has signed BRI cooperation documents with almost 150 countries and 30-plus international organization and these include 21 from LA and the Caribbean over the past decade. What is more from 2013 to 2022, the cumulative value of imports and exports between China and other BRI countries reached US\$19.1 trillion, with an average annual growth rate of 6.4 percent (recent Chinese white paper). The cumulative two-way investment between China and other BRI countries reached 380 billion U.S. dollars, including 240 billion U.S. dollars from China. To facilitate two-way trade, Chinese official Guo said China will work actively towards joining the Comprehensive and Progressive Agreement for Trans-Pacific Partnership and the Digital Economy Partnership Agreement. Promised to deepen cooperation in the green economy, digital economy and other fields, to achieve sustainable development in BRI countries.

Guyana and the BRI

On July 27th 2018, I was privileged to sign on behalf of the Government of Guyana the Memorandum of Understanding between the Governments of the Cooperative Republic of Guyana and The People's Republic of China. That Memorandum on "Cooperation within the Framework of the Silk Road Economic Belt and the 21 st Century Maritime Silk Road Initiative" was also signed by H.E Ambassador Cui Jainchun China's Ambassador to Guyana. The instrument formally launched Guyana's involvement in the BRI. In my statement on that occasion, I explicitly referred to the significance of the signing and of our commitment to the further strengthening of the existing ties of friendship and cooperation since the establishment of diplomatic relations with China in 1972. More importantly, I highlighted our intention to seize the opportunity to look beyond our immediate horizon and our historic relations with the traditional metropolis, to the vast political and economic space that lies also in the east and elsewhere. The immediate and specific goals of the initiative were:

- Policy Coordination;
- Facilities Connectivity;
- Trade and Investment;
- Financial Integration;
- People-to People interaction;

The areas of cooperation flagged included; economic and technological exchange and joint research programmes; information sharing between the two countries, as well as capacity building, exchange of personnel and training opportunities. The agreement also speaks to cooperation in areas of education, culture, health, tourism and other relevant fields. Public/private partnerships and free market principles were also to apply between Guyana

and China. The MoU had a lifespan of three years in the first instance and could be automatically renewed for another three years and, unless terminated, would stand indefinitely.

For Guyana this matter was so important that we made a special effort to secure a clear understanding of the proposed workings of the project particularly as regards criteria and process. To this end, in addition to collaborating with the CELAC group I had a special meeting with the Special Envoy from Beijing to L.A and the Caribbean, H.E Hon Yin Hengmin, in the margins of the 28th Inter-sessional Meeting of the Conference of the Heads of Government of CARICOM from 16-17 Feb 2017.



In reality, Guyana and China never concluded the Plan of Action associated with the 2018 MOU. Without that Plan Of Action there could be no agreement on eligible projects or on implementation of those projects. In spite of Guyana implementing no BRI projects the very idea of the BRIs has been the subject of sustained attacks by the local press.

No sooner had the MOU been signed than the Press, formal and social media, embarked on a concerted attack on the BRI, OECD and US-inspired, on the perceived intent and impact of the agreement. They criticized the MOU as though it was a loan agreement with debt obligations and claimed that the Guyana Government had signed it without fully considering its implications and had burdened the country with unsustainable debt, they also speculated about its unfavourable implications for bilateral relations with traditional partners such as the ABC states. A campaign demanding that the Government publish and make available to the public copies of the MOU, hinting in the process that there had been a hidden, more binding and unreleased agreement. Although one newspaper cited the World Bank as explaining that the agreement and related trade expansion, 'often leads to economic growth, improved productivity and brings down the price for goods and service through increased competition...'; that paper's editor could not resist mention of the perceived

drawbacks which he attributed to, crowd[ing] out domestic business, threaten[ing] and local competitors and also, caus[ing] the Treasury to lose revenues as a result of the waiving of import tariffs.

Some implementation constraints faced by BRI Projects

It has been said that few people, even in China, understand who in Beijing decides on BRI projects and how the overall budget is distributed and that although it is widely assumed that the initiative is politically managed, that projects are carefully planned and that orders from the upper echelons of Beijing's team are implemented assiduously, that is not the reality. There is a 'many a slip between the cup and the lip'. One Chinese commentator has described the process as being, '..... fluid in nature, opaque in implementation and flexible in the measures used to deliver projects.' Apparently, this is an approach spawned by Deng Xiaoping, in his ethos for reform in 1978, described as "crossing the river by feeling the stones".

The design fluidity of BRI leaves much room for mandarins in Beijing to veto loans and governors from provinces to jostle for their favoured interpretations of the BRI. The BRI has been a romantic idea without a detailed execution road map.

Ironically, Western criticism about the BRI projects being primarily political stands in contrast to Western unhappiness about Chinese refusal to explicitly take into account political factors. As Guyanese well know there have been several cases in which a single member of a Bretton Woods Institution has blocked key loan agreements which have met all technical conditions stipulated by the rules of the institution. In an infamous case the US through its Executive Director, blocked Guyana's application for a loan to develop the MMA development (Drainage and Irrigation) scheme at the time the largest D&I scheme of its kind in the region due to the failure of a US-favoured US corporation to win the tender.

China's "whole industry chain export" model—in which everything from feasibility studies to post-completion maintenance are provided by Chinese contractors – has also been criticized. The contention is that such an approach has limited economic benefits and skills-transfer in local communities. Although this criticism and the broader claim of "debt-trap diplomacy" in which China lures poor countries into unsustainable debt, still dominates U.S. and European conversations it has been largely debunked.

It is frequently alleged by Western observers that inexperience and lack of accountability of Chinese companies have caused environmental damage in the states in which BRI projects are implemented. In reality this is not a peculiarity restricted to BRI projects.

The Future of BRI and New Flagship Initiatives:

Amongst the observers in the West, it has been argued that the BRI as an initiative is too nebulous to pin down as a real global initiative, It has come to mean all things to all men. For some of these criticisms see YE. Time magazine had called it therefore merely 'a, branding exercise'.

However, one view of the future of the BRI contends that in time China will be constrained the post-COVID economic slump. The opportunity to mobilize and channel excess capacity and capital into projects outside of China will therefore be much diminished. At the same time the extensive funding of poorly conceived projects is likely to pose a 'reputational risk' and the diminished success from poorly thought-out BRI projects will run counter to China's overall national interest. A switch in priorities can therefore be anticipated.

More specifically, China is likely to switch from quantity to quality in its pursuit of projects. Thus, if the BRI was initially about economics first and geopolitics after, new initiatives in the pipeline will be aiming to 'flip' the equation and will involve far more central control by Beijing and building consensus on China's preferred norms in the process. It has been suggested that the switch will take the following forms:

- the Global Development Initiative, linked to the U.N.'s Sustainable Development Goals
- the Global Security Initiative, intended to secure consensus on a security landscape governed by the principle of mutual non-interference and,
- the Global Civilization Initiative, advocating "respect for the diversity of civilizations" as opposed to the idea of "universal values" which Beijing sees as fundamentally western. (Bye Bye BRI? Why 3 New Initiatives Will Shape the Next 10 Years of China's Global Outreach | TIME)

In this regard it is instructive to look at the joint statement emanating from the Guyana /PRC Press conference in July 30th / August 3 2023 which seeks to elaborate the scope of the areas of future bilateral cooperation under the 2030 Agenda for Sustainable Development. The countries also signed a related Memorandum of Understanding on the establishment of an investment and economic cooperation working group.

Conclusion

The BRI as a concept and idea has many fans but as result of international rivalry China's achievements in this regard have been mired in controversy. The fact that the rise of this initiative coincides with the rise of China's global ambitions and military power means that it will be viewed largely in the light, or as product, of international and regional political conflict. Many of its achievements

go unacknowledged and in Guyana, assessment is made more challenging by the confusion and conflation of all Chinese cooperation, including the extensive range of areas of cooperation in health, the military, cultural fronts and oil and gas with BRI. The same may be said of complaints about mechanisms of indebtedness although some of these areas under discussion involve grant assistance. It needs to be reiterated that to date and notwithstanding the statements to be found in Guyana's newspapers and informal press, no BRI project has been formally approved by the two partners. The issues of debt and crowding out therefore are merely propaganda informed or manufactured from cases outside of Guyana. The impression that this initiative is primarily a political tool to entice small and vulnerable states is not helped by the fact that while Guyana, along-standing public ally of China is facing an existential threat in 2023 from Venezuela, the Guyana/China joint declaration in July/August could only find space to mention Guyana's embrace of China's 'One China Policy' but not a single word or hint of support by China for Guyana's

territorial integrity, without which China's involvement in the exploitation of the Stabroek Block with EXXON and Hess/Chevron would be in jeopardy. There can be little doubt however that in many parts of the world and for the globe as a whole the BRI has made an impact and for the most part and that impact has been positive and long lasting. It remains to be seen whether the policy-makers in China's developing country partner states can manage their affairs with an eye on national priorities.



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Speech by Ambassador Guo Haiyan at the Seminar on the 10th Anniversary of the “Belt and Road” Initiative

October 11, 2023



Good afternoon! First of all, I'd like to thank Cheddi Jagan Research Center (CJRC) for co-hosting this seminar, and I also thank all the participants for your presence here today. This year (2023) marks the 10th anniversary of the “Belt and Road” initiative. Next week, the 3rd “Belt and Road International Cooperation Summit” will be held in Beijing. Yesterday, China’s State Council Information Office published a white paper titled “The Belt and Road Initiative: A Key Pillar of the Global Community of Shared Future”, to review and preview the landmark initiative. Coincidentally, this year is also the 5th anniversary of the signing of the “Belt and Road” MoU between China and Guyana. Guyana will also attend the High Level Forum on Connectivity of the 3rd “Belt and Road International Cooperation Summit”. At this commemorative moment, we gather together to share our understanding, experiences and opinions on the BRI, not only to commemorate, but also to have a better start. I’m looking forward to the discussion this afternoon. It’s my great pleasure to share my points of view first. I’ll share from 6 aspects.

Background: the “Belt and Road” initiative is an

innovative platform to answer the questions of our time. In March 2013, President Xi Jinping proposed the vision of a global community of shared future. In September 2013, he proposed to jointly build the “Silk Road Economic Belt” for the first time during his visit to Kazakhstan. Shortly thereafter in October of the same year, he proposed the initiative of the “21st Century Maritime Silk Road” in Indonesia. These 2 initiatives collectively are referred to as the “Belt and Road” initiative, or BRI, providing a platform for building a global community of shared future.

The BRI is the continuation and development of the spirits of the Chinese ancient silk roads. Thousands of years ago, the Chinese ancestors opened the overland silk road connecting Asia, Europe, and Africa, and explored the maritime silk road connecting the East and the West. The 2 silk roads break a new era for friendly culture exchange between peoples, and created pioneer of cooperation among countries.

Since entering into the 21st Century, especially after the 2008 financial crisis, some countries adopted unilateralism and protectionism approaches, some

even called for decoupling policies. This upset tendency increased the risk and uncertainty of the world economy, the endogenous momentum of global economic growth has been weakened. Certain developing countries benefit little or even have been excluded from the economic globalization, with deterioration of deficits on peace, development, security and governance. Various challenges have posed threat to the world, urgent solutions were needed to navigate the challenges.

Under such circumstances, President Xi Jinping put forward China's solution of jointly building the "Belt and Road". The BRI is aiming to enhance regional connectivity and promote economic cooperation. It has been created as a solid foundation for intensifying trade, economic, culture and people to people exchanges, to inject new impetus into the world development.

This year is also the 10th anniversary of President Xi's proposal of building a community with a shared future for mankind. On Sept. 29, China's State Council Information Office released a white paper "A Global Community of Shared Future: China's Proposals and Actions". The main idea of the concept is to collaborate with the international community to build an open, inclusive, clean and beautiful world that enjoys lasting peace, universal security and common prosperity. It is the overall goal of China's diplomacy in the new era, and has been written into the Chinese Constitution. It's China's solemn commitment to the world and embodies the common aspirations of the Chinese People. The concept of "a community with a shared future for mankind" is supported by several pillars, of which the BRI is the key one, combined with initiatives on global development, global security and global civilization. These concepts and initiatives are integrated into the Xi Jinping Thought on Socialism with Chinese Characteristics for the New Era.

Concepts: the "Belt and Road" initiative is rich in connotation, broad in scope and inclusive in benefiting. The BRI aims at high standards, sustainability and better lives by raising cooperation standard, investment effectiveness, supply quality and development resilience. The initiative upholds the principles of extensive consultation, joint contribution, and shared benefits. It's committed to open, green and clean cooperation. It follows the silk road spirit featuring peace and cooperation, openness and inclusiveness, mutual learning and mutual benefit. It focuses on policy coordination, connectivity of infrastructure, unimpeded trade, financial integration, and closer people-to-people ties. It has turned ideas into action, vision into reality, and the initiative itself into a public product widely recognized by the international community.

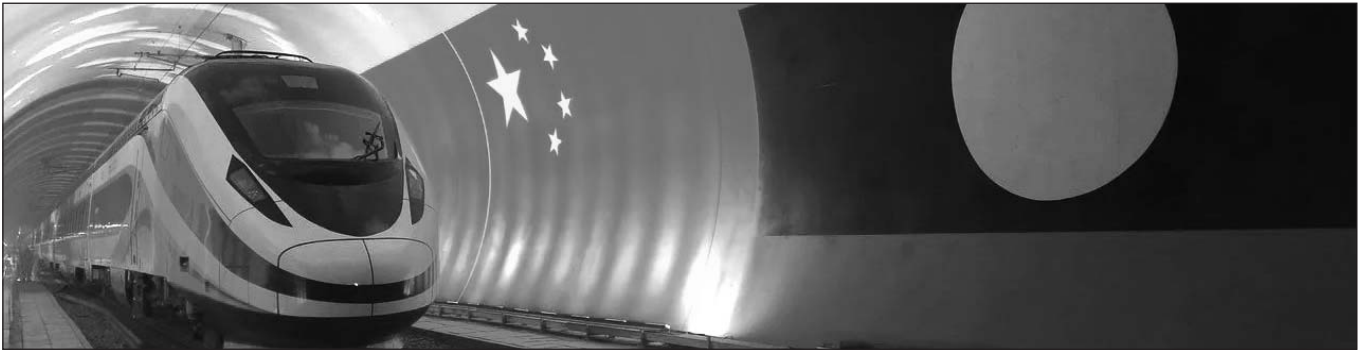
"Belt and Road" are not simply as some random roads or economic belts, but an initiative facilitating the modernization drive of the world especially the developing countries.

Achievements: the "Belt and Road" initiative is a widely popular international public goods and international cooperation platform.

You will find plenty of facts and figures in the white paper. Over the past decade, together with other participating countries, China has built 6 major international economic cooperation corridors, which have facilitated the connectivity of these countries. Up to now, 152 countries and 32 international organizations have signed more than 200 cooperation documents on "Belt and Road" with China, covering more than three quarters of the countries around the world. Ideas and claims of the initiative have been written into many documents of international organizations, that indicates the BRI has become a global initiative.

From 2013 to 2022, the mutual FDI between China and other "Belt and Road" countries has exceeded 380 billion USD, the trade volume has expanded from 1.04 trillion US dollars in 2013 to 2.9 trillion USD in 2022, with an average annual growth of 8%. According to a World Bank Report, annually the "Belt and Road" initiative has contributed to a 4.1% increase in trade among participating countries, a 5% increase in FDI, and a 3.4% increase in the GDP of low-income countries. It has also created 420,000 jobs for countries along the Belt and Road, lifting nearly 40 million people out of poverty. It is estimated that by 2030, the BRI will generate 1.6 trillion USD in revenue for the world every year, accounting for 1.3% of global GDP. The implementation of transportation projects within the BRI framework is expected to increase global revenue by 0.7%- 2.9%. According to some analysis, the average completion time of the Chinese projects is less than half of the multilateral institutions.

As the biggest developing country, China has all the industrial categories listed in the United Nations Industrial Classification. China ranks first in production of over 40% of the world's 500 major industrial products. The added value of China's manufacturing industry accounts for nearly 30% of the world, ranking globally first. The output and market share of China's steel, petrochemical, machinery, light textile and other industries consistently rank first too. The innovation capacity of some industries such as new energy vehicles, high-speed railway, marine engineering equipment, wind and solar power, ultra-high voltage transmission have reached or approached the world's advanced level. Over the past 3 years of Covid-19 Pandemic, China has efficiently conducted epidemic prevention and control



while ensuring economic development. During the difficult period, China had achieved an average annual growth rate of 4.5%, 2.3 percentage points higher than the world average. In the first half of this year, China's GDP grew by 5.5%, making it the fastest growing major economy in the world.

The outstanding performance of China's economy indicates its vitality, resilience, and longstanding prosperity. It will ensure successful implementation of the BRI. Of course, the success of the BRI is also the results of joint efforts of its participating countries. BRI is initiated in China, but benefits the world.

China-LAC: Cooperation under the "Belt and Road" initiative shows rapid progress and great potential

At early stage, the participating countries of the BRI were mainly Asian and European countries, gradually expanded to other regions. In November 2017, Panama became the first Latin American and Caribbean country to join the BRI. Currently, 22 of the 33 Latin American and Caribbean countries have signed the "Belt and Road" cooperation documents with China.

Over the past years, in order to promote China and LAC cooperation, the People's Bank of China(the Central Bank) has joined the Inter-American Development Bank. Besides the AIIB and Silk Road Fund, China has established platforms of the China Latin America Cooperation Fund(operated by Exim Bank), the China Latin America Capacity Cooperation Investment Fund, the China Latin America Infrastructure Special Loan (operated by Development Bank). As of 2022, China has signed bilateral currency swap agreements with the central banks of Argentina, Brazil, Suriname and Chile. Confucius Institutes or classrooms established in LAC have been increased to 52 , China Studies academic networks, such as the Red ALC-China based in Costa Rica and RBCHINA based in Brazil) have been set up, effectively enhancing mutual understanding and exchanges.

With the deepening of our cooperation, LAC has become an important destination of China's overseas direct investment and engineering contracting market, China has become the second largest trade partner of LAC.

Notably, there are some voices saying that, compared with other regions, the LAC's participation in the "Belt and Road" initiative is insufficient. But my opinion is that, on the contrary, it indicates the big potential for China-LAC cooperation.

China and Guyana: Looking forward to refined cooperation plan and more fruitful results

On July 27, 2018, China and Guyana signed the MoU on jointly building the "Belt and Road", that injected new impetus into our cooperation. Over the past 5 years, adhering to the principals of mutual benefit and common development, our trade volume has increased and investment cooperation expanded, culture and people to people exchanges enhanced, benefiting the people of the two countries.

Exchanges of visits became frequent, broadly involving government, business organizations, civil society, culture entities, education institutions, tourists etc. During the pandemic, we collaboratively fought against the Covid-19. Guyana was the first country in the Caribbean receiving Chinese vaccine. The most noteworthy event was H.E. President Ali's historic visit to China this July, greatly enhancing our mutual understanding and strengthening our cooperation ties. During the visit, the two countries issued a joint statement expressing the wishes to discuss and sign Belt and Road cooperation plan.

Great achievements have been made in the field of infrastructure cooperation. Chinese companies actively participate in the infrastructure development of Guyana, some important projects have been successfully built, including water plants, transmission power grid, East Coast Demerara Road, the expansion of Cheddi Jagan International Airport, national broadband network, the new Pegasus Hotel and Movie Towne etc., some others are under construction including ECD Road Phase II, the New Demerara River Bridge and 6 Regional Hospitals. I believe that the infrastructure cooperation will greatly help expedite Guyana's socioeconomic development and transformation.

Bilateral trade is increasing rapidly. The trade volume in goods has increased from 265 million USD in 2018

to 1.88 billion USD in 2022, expanded by 6.1 times in 4 years. Guyana was China's largest trade partner in the Caribbean in 2022 and for the first time enjoyed a trade surplus of 820 million USD with China. I'd like to clarify that, China not only imports Guyana's oil and gas, but also Guyana's agriculture, forestry and fishery products, which is substantially increasing in recent years.

Investment cooperation has yielded fruitful results. With the booming of Guyana's economy, more Chinese companies are interested in investing in Guyana. CNOOC has made huge investment in oil and gas industry, the Chongqing Bosai Group has increased its investment to launch new production. The manganese mine enables Guyana to resume manganese production and export after 54 years' suspension. Zijin Mining Group has resumed Aurora Gold production, providing more than 1000 jobs for local people.

Human resources and education cooperation are on the fast track. In the past 5 years, more than 400 Guyanese participants have completed training courses online or in China, covering vast fields of agriculture, fisheries, manufacturing and others. Around 50 Guyanese young students have won the Chinese Government scholarships. Since 1980s, the cumulative number has increased to over 200. The Chinese medical team has actively conducted programs of lectures and training for local doctors.

Prospects: the "Belt and Road" initiative is a path to peace, prosperity, openness, innovation and social progress

From lots of successful stories, the momentum of BRI is going strong, jointly building the "Belt and Road" will be steady and far-reaching. It has attracted more countries. Broad recognition has been achieved on its vision and mission. More consensus has been reached on its inclusiveness, flexibility, vitality and creativity, along with its core value of people centered. BRI is a path to peace, prosperity, openness, innovation and social progress.

Openness leads to prosperity, closeness leads to backwardness, which is unchanging truth. Openness and cooperation are the only choice to achieve world's common development and common prosperity. China has 1.4 billion population, owns the biggest market, holds the world's most complete industrial system. We will continue to expand high-level opening-up and conduct high-level "Belt and Road" cooperation firmly and unswervingly. The door of China will open wider and never close down.

Guyana enjoys natural resources endowment, favorable ecosystem, inclusive society and culture. Benefiting from strong economic growth, a general openness to foreign investment, political stability, and efforts to achieve socioeconomic transformation, Guyana is ushered into a bright future. China values the friendship and cooperation with Guyana, is willing to align the BRI with Guyana's development strategies to deepen our cooperation in various fields. I believe with our joint efforts, our friendship will go stronger, our cooperation will achieve more remarkable results.

Thank you!



Ambassador GUO Haiyan is the Chinese Ambassador to Guyana. She is a career diplomat and University graduate.

Lenin: The Profound Thinker and Revolutionary



This year on January 21, progressive mankind marked the centenary of the passing of Vladimir Lenin. This was the man that led the first successful socialist Revolution and sought to put an end to the exploitation of man by man.

His life was a relatively short one, but his contribution to social thinking, to revolutionary thought can only be equaled but not surpassed.

He was a Marxist who was born on April 22, 1870 in one of the less developed capitalist country of his time, Russia. However, from a very young age he decided to dedicate himself first to the overthrow of the Tzarist government and later the removal of the Russian bourgeois regime. In the course of his activities Lenin made a very deep study not just of Russian society but of the whole world. That was necessary to allow him to understand the forces of reaction and to identify the measures to transform society.

From his early writings we see how profound he was. He demonstrated creativity in his application of Marxism to the condition of the world after Marx and Engels had passed away.

One of the early proposals he made was in identifying the vehicle needed for the overthrow of the oppressors and for the construction of a new society based on the principle of democracy and moving towards socialism. Quite early in his political life he concluded that for the working class to be successful in its quest for building a new world it needed a party of a new type. From the very beginning Lenin had to debate against many in his own party on the necessity of transforming the Social Democratic party into a tightly organized force. That debate led him to write some profound works in

which he argued his case and proved it by his application of Marxism. These works are very relevant to our situation even today. They are “What Is To Be Done,” “What The Friends Of The People Are And How They Fight The Social Democrats” and “Two Tactics Of Social Democracy In The Democratic Revolution”. In those works, are deposited cogent arguments on the need for a more disciplined and dedicated force made up of the most class-conscious section of the working class.

Lenin and Imperialism

Lenin was among a relatively small group of thinkers who recognized early that free competition capitalism was being replaced by monopoly capitalism.

Here again he applied his powerful intellect to the new situation. This development was anticipated by Marx, but it did not materialize until Marx had passed away.

Lenin made an in-depth study of the new stage of Capitalism. In it he showed how the various branches of Capital i.e. Industrial Capital, Finance Capital, Commercial Capital, etc. were merging and controlling the economies of the capitalist world and indeed the whole world.

Here, he also brought to the attention of the world that capitalism was no longer developing in an even way. The domination of Monopoly Capital had created a new situation in which some countries were advancing faster than others. Many of the developed capitalist countries were colonial powers and therefore they strengthened the colonial system.

Lenin predicted that as a result of the uneven development of capitalism that the dangers of war were

very real. Monopoly capitalist competition was pushing the states to acquire more colonies creating tensions in the world and moving towards a war of redistribution of colonies.

He sought to organize left forces internationally to oppose war and call on the soldiers who were mainly from the working people (workers and farmers) to overthrow their respective capitalist regimes.

Unfortunately, the socialist in the countries of the west did not go along with this. When the first world war started many, on the basis of a reactionary nationalism, supported their local capitalist in the war.

Lenin's party, popularly known as the Bolshevik remained loyal to the principled stance that he advocated. This was internationalism at its finest.

At this juncture Lenin creative Marxist approach came to the fore.

In Russia he saw that conditions were emerging for a revolution. Many socialist in the West were arguing that a socialist revolution in Russia was not possible because Russia was not developed enough for this. They dogmatically quoted Marx who had expected that the workers would win power in the most developed capitalist countries first. Indeed, Marx believed that not one, but a group of the most developed capitalist states would be the first to break the capitalist chains.

Here Lenin once more displayed his creative thinking. He argued that since capitalist countries were developing unevenly it would not necessarily be the most developed that would have a worker revolution. He argued that the breaking of International Capitalism's chain would begin at its weakest link.

That weakest link he identified as Russia. The country had many contradictions and most importantly it had a party with the most advanced forces of the working people.

Lenin Revolution and Democracy

One of the many distortions of Marxism-Leninism by imperialist writers and even some social democrats is to portray socialism as being undemocratic. Yet both Marx and Lenin were democrats and worked strenuously for democracy as an essential ingredient for the socialist revolution.

In the "Communist Manifesto" Marx and Engels were explicit as to the importance of democracy. Here is how they expressed it "... the first step in the revolution by the working class, is to raise the proletariat to the position of ruling class, to **win the battle for democracy...**"

Democracy and democratic revolutions are very important for socialism. It is seen as indispensable in the struggle for socialism/ communism. In his book "Two Tactics of Social-Democracy..." Lenin in debating the anarchists who were accusing the Bolsheviks of putting off the socialist revolution Lenin said, "... we are not putting it off (Socialist Revolution), but are taking

the first step towards it in the only possible way, along the only correct path, namely, the path of a democratic republic ..." He went on to state emphatically that **"whoever wants to reach socialism by any other path than that of political democracy, will inevitably arrive at conclusions that are absurd and reactionary both in the economic and political sense."**

Subsequent events substantiated this statement fully.

In later works such as the "State and Revolution" and "Left Wing Communism and Infantile Disorder" he returned to that subject very forcefully.

Lenin and the Building of Socialism

As was mentioned earlier Lenin developed Marxism in new circumstances. This was seen in a stark way in the construction of socialism in Russia and the USSR. The expectations of Marx, Engels, and revolutionaries of their day that the revolution would triumph in a highly developed society did not materialize. That meant that while Marx envisaged resistance from the bourgeois, he felt that it would have been more a resistance of the local capitalist class.

What was new in the circumstances of the Great October Socialist Revolution was that it occurred during an active world war, it was a war of the imperialist nations seeking to re-divide the world.

Those same nations that were fighting each other united to attack the new workers republic. Recall Winston Churchill's infamous remarks about "stifling Bolshevism in its cradle." The Russian Federation was attacked by fourteen foreign countries. At the same time, it had to face down its own reactionary forces, Tzarism, the bourgeoisie and even a section of the petty bourgeoisie.

This meant therefore that the state could not have withered away as Marx and Lenin had predicted. Instead, the new workers state had to build a new army to defeat the local and international reaction.

This it successfully did.

The Economic Issues

Russia, which was one of the least developed countries in Europe before the start of the first World War was now devastated. It was in these conditions that Lenin and his comrades had to operate. They were helped at the very early stage by the sheer enthusiasm of the working people. Workers toiled heroically and accomplished great feats by their labor that are still remembered to this day.

The voluntary work that gave rise to subotnix and the Stakhanov Movement inspired by the labor accomplishments by a worker of the said name.

The new government had to take some drastic measures as well to confront the powerful imperialist forces. At the beginning it introduced a system that was called war communism! It was necessary since Russia was in

a very, very difficult situation. It was forced to centralize everything at a time when the young workers state was in grave danger.

However, Lenin knew that the high enthusiasm for the revolution which produced phenomenal output could not last as conditions began returning to normal. He recognized that to build the new society he had to rely on material production and strong moral and material incentives.

It was this that pushed him and the Bolsheviks to change tactics in relation to the economy. He came up with a new economic program known as "The New Economic Policy". This policy was necessary for many reasons.

In the first place it had to do with the underdeveloped conditions in Russia made even worse by the Civil War and the Imperialist interventions.

The new policy envisaged that the transition from Capitalism to socialism would take a very very long time. Workers had to be educated and trained to manage the society. This of course could not be accomplished overnight.

A huge discussion began on this new approach because Lenin was even returning some of the nationalized industries to the local capitalist. He reorganized that that class still had an important role to play in Russia for some time to come.

He had to build up institutions to allow Russia's economy to benefit from science and technology. He placed much store on those two aspects. The revolution began to create those conditions. A mass literacy campaign began to educate workers and prepare them for the task at nation building.

Lenin was standing on firm theoretical grounds. Even though Marx and Engels did not anticipate the terrible resistance from international capital they did recognize that taking political power was just one act, but to arrive at communism a lengthy transaction period was a necessity.

In the Communist Manifesto Marx and Engels mentioned this. Here is how they put it "... The proletariat would use its political supremacy to wrest, by degrees, all capital from the bourgeoisie ..." Clearly, they did not envisage taking over all the means of production in one blow.

Indeed, in the "Principles of Communism" Engels was even more specific. In answering the question about the possibility of abolishing private property in one blow, Engels replied "No, such a thing would be impossible ... Hence, the proletarian revolution ... will only be able gradually to transform existing society, and will abolish private ownership only when the necessary quantity of means of production has been created..."

In the same article he spoke about the means to end private ownership. Here, he had put emphasis on using progressive income taxes, high inheritance taxes and through competition with state industries and by buying out the capitalists. The only time he mentioned expropriation of capitalist property was when they acted

hostile towards the working-class administration.

In Marxism there is a philosophical concept of a "new man". The emergence of the new mass is only possible to occur under socialism/ communism. Clearly creating such a person would take very long. It entails an evolution of people to become selfless and when greed would not be the main motivating factor for self-development. Indeed, the evolution of a person in which his/her best human qualities would be amplified.

Lenin developed many of those concepts. He spoke about using the state in agriculture to create state farms as a demonstration to peasants about the advantages of large-scale production, thus the need for cooperation. He never advocated forced collectivization, that is a Stalinist concept.

The NEP brought many positive developments in Russia and in the Soviet Union, which was born at the end of 1922. Material production increased and the basic needs of the people were being fulfilled.

Unfortunately, shortly after Lenin's death that policy was abandoned, and Stalin relied on more centralist forms of management.

Without doubt even with that type of governance the Soviet Union made great strides. It became the second largest economy in the world; it overtook many capitalist countries in production. It became the largest producer of steel for example and blazed the trail in many aspects of socio-economic life. It led the way in many fields, most notably in the exploration of outer space. Here the Soviet Union was a pioneer.

NEP in Operation Today

While Stalin prematurely abandoned the NEP in the late 1920s, it rose again in China during the 1970s. It is clear that even before Chairman Mao died, discussions began in the Chinese Communist Party about changing the statist method of governance for a more suitable form to suit the specific conditions of China. We saw some steps towards reform and then reversals.

It was only when Comrade Deng Xiaoping took power in the late 1970s that a decisive change took place. This new position of opening up to the world and to reform relations of the means of production to reflect the stage of China's productive forces proved to be a great success. In a historically short period of time the People's Republic of China (PRC) overcame economic backwardness to become the second largest economy in our world today.

It has become one of the most creative economies as can be seen from the amount of patents that are registered by Chinese people and companies. Deng and successive leadership of the CPC have managed to apply many of the principles of NEP in the conditions of China, thus the categorization of "Socialism with Chinese characteristics".

It is socialist China that has become the strongest driver

of the international economy. It's bold initiatives such as the Belt and Road, have exited mankind and most countries of the world have embraced this program. Other countries are learning from the Chinese experiences and are also adopting the principles to their conditions. Vietnam is among the fastest growing economies in the world today.

Lenin thoughts and the Collapse of the Soviet Union

The Soviet Union of which Lenin was the principal architect, collapsed in 1991. That was one of the worse blows to the international working class. Since then, the workers and the left movement became very fragmented. The onslaught of capital continues unabated.

The possibility of this must have haunted Lenin a year or so before he died. He was seeing tendencies that obviously worried him. Physically he was greatly weakened and was unable to give the kind of leadership which he had done up to 1918 when he was shot. He really never recovered from the attempted assassination, his health declined relatively rapidly.

He did the next best thing and expressed his opinions and fears in writing.

In the first place he appeared to have been concerned about the erosion of democracy in the USSR and in the Communist Part. This was most likely uppermost in his mind when he wrote to the delegates of the Party's congress advising them to remove Stalin as the General Secretary. Clearly, he saw the negative tendencies in Stalin's personality that he was gravely concerned about. Another suggestion he made which revealed his worry about anti-democratic tendencies was his advice to enlarge the leadership of the party.

He was most concerned about the economy and the need to enhance the conditions of the working people. He expressed the view that socialism would be irreversible when it outperforms capitalism in the economic sphere. The fact it was falling behind became evident in the first half of the 1970s when the Soviet Union seem to have been falling back in the application of science and technology to the economy. Probably the leadership was afraid of unemployment that could have resulted. Full employment was one of the advantages that was propagated to demonstrate the superiority of socialism to capitalism. This mistaken analysis led to the Soviet Union to fall behind the imperialist states.

The other important warning that Lenin gave to his

comrades was that of the dangers of bureaucracy. He thought it was an issue that had to be constantly evaluated.

He proved to be right in every respect. One of the major reasons for its downfall was the fact that a bourgeois class emerged in the Soviet Union, i.e. the Bureaucratic Capitalist class, which grew apart from the working people. This new class emerged from the state sector and began to use the state as an instrument for enrichment.

The Future of Socialism

The time has come for the revival of socialism. The situation in the world today is telling us that capitalism/imperialism has outlived its usefulness. It is driving us to destructive wars and environmental degradation.

Imperialism is responsible for the horrendous wars in the Middle East; indeed, the major capitalist powers are complicit with the genocide in the Gaza in which children and women are the majority of the dead and wounded. It is fighting a proxy war against Russia in the Ukraine in which hundreds of thousands of Ukrainians and Russians are dying. It is responsible for the wars in Africa in which millions of civilians are dying and poverty is perpetuated so that the Military Industrial Complex can rake in billions of dollars in profits.

Today a peaceful future is being blazed by the People's Republic of China. It has successfully applied Marxism to its own conditions and is rapidly becoming the number one economic power in the world.

In politics China is promoting world peace. Its economic relations with other countries is based on a policy of win-win. This concept is steadily gaining greater acceptance. That is why the US has "pivoted" to Asia to try to impede China's growth. The US is using militarism as a tool to try to weaken China.

However, the majority of the countries around the world are beginning to learn from China's experience and are making rapid progress. Perhaps the most successful in this regard is Vietnam, another Socialist country. Vietnam has made great progress in fighting poverty and enhancing the quality of life of its people. The world community wants peace!

Lenin's ideas are the living guide in the socialist countries of today. His genius is recognized by all struggling for a better tomorrow.

A brighter future, envisaged by Lenin, is still possible.



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Editor's Note:

The Editorial Committee of *The Thinker*, expects that the foregoing Article, by someone who is an academic and passionate about the subject, would generate some amount of discussion and or comments. It would be appreciated if such comments would be done in a civil manner and with respect for the views of the author. Any comment can be sent to cjresearchcentre@gmail.com

Meat production generates more than 50% of the World's Greenhouse Gases with terrible environmental consequences

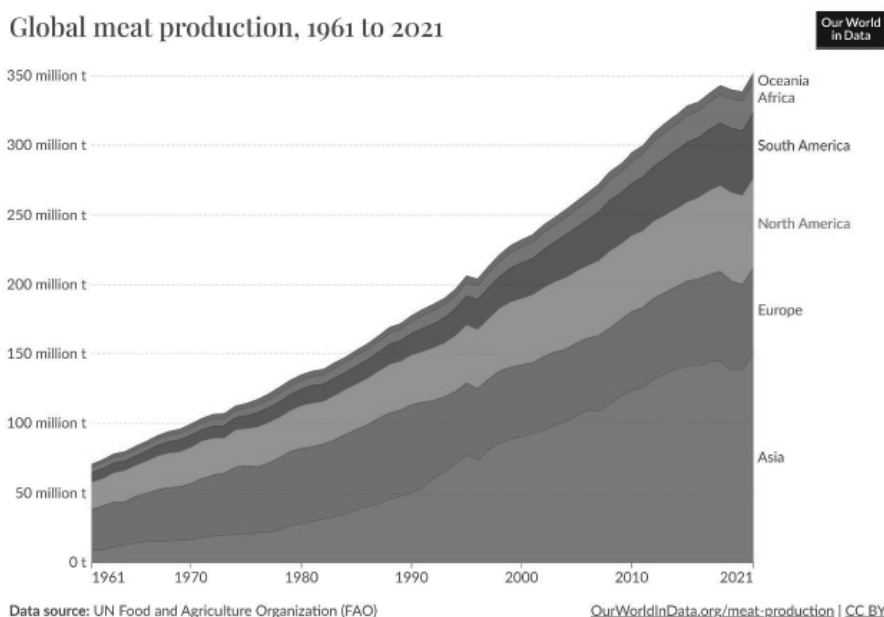
Most of us are familiar with global warming and its devastating impact on the climate and subsequent health of the planet. Global warming is defined as the unusual rapid increase in the earth's average surface temperature primarily due to greenhouse gases (GHG) like carbon dioxide and methane. Most of us know - and have read about it countless times - that the burning of fossil fuels is a major cause of GHG emissions. However, what we don't read about frequently is that the contents of our plates, namely meat and dairy, are huge contributors to GHG emissions. According to Nature Food (2021, 2, 724-732) "Global GHG emissions from the production of food was found to be 17.3 billion metric tonnes of which 57% corresponds to the production of animal-based food (including livestock feed), 29% to plant-based foods and 14% to other utilizations." For comparison, according to Our World in Data, the transport industry (cars, planes, trains) generated about 6 billion metric tonnes of GHG emissions. This article details how animal-based food production and consumption is a major contributor to

GHG emissions and the climate crisis, environmental destruction and the rise in infectious diseases; needless to say, meat consumption has a huge negative impact on our health in the form of cardiovascular disease and cancer.

Meat and dairy vs. plant-based foods

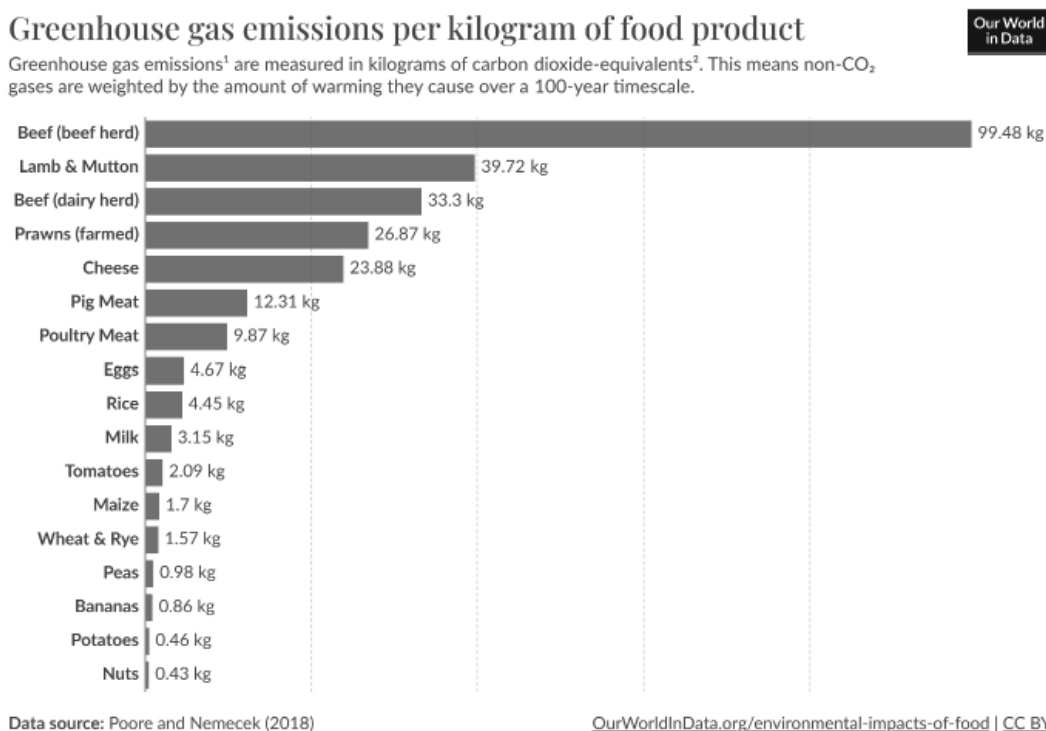
According to Katare, et al. (American Journal of Agricultural Economics, 2020, 102, 662–680) global meat consumption has risen as high as 500% from the 1960s to current times. In the 1960s proteins were primarily derived from plant-based products, while in current times we get more than 50% of our protein from animal-derived products (Bonnet, et al. Food Policy. 2020 doi:10.1016). Meat consumed globally, mainly comes from chicken, pork, sheep and cattle with a total meat consumption per capita worldwide of 34.1 kg/year (Statista).

Currently, about 5% of the global population consider



themselves vegetarian, while 14-60% of people say they are flexitarian (they reduce meat consumption but it's not eliminated from their diet). Studies show that following a vegetarian diet reduces GHG emissions and an even greater reduction is seen with a vegan diet. For example, Scarborough et. al. (Climatic Change. 2014;125(2):179–192) deduced that a high-meat diet emitted 7.19 carbon dioxide equivalents per day (kgCO₂e/day) while this

upon is the removal of meat from the diet (there is no cholesterol in plants). That there is a lack of awareness of the huge negative impact meat production has on the environment is exemplified by a survey conducted in Australia (Reducing meat consumption: The case for social marketing) where 47% of the participants believed that meat was good for health and 0.9% said they know of the environmental impacts.



value is halved on a vegetarian diet (3.81 kgCO₂e/day) and even further reduced on a vegan diet (2.89 kgCO₂e/day). If you need even more reason to reduce or eliminate meat from your diet, Sabaté, et al. (Public Health Nutrition, 2015, 18, 2067–2073) calculated the huge environmental cost of producing meat: 1 kg of protein from beef needs 18 times more land, 10 times more water, 9 times more fuel, 12 times more fertilizer, and 10 times more pesticides than the same amount of protein obtained from kidney beans. Most recent data from Our World in Data (below) shows that meat and dairy production produces greater than 90% of greenhouse gases with beef production alone contributing about 40%. Numerous other investigations provide evidence of the significant environmental impact of meat production however, the problem lies in many people's perception of what is good for them. There is this myth that meat is necessary for optimal health even though when diagnosed with cardiovascular disease one of the first adjustments doctors insist

Meat and dairy production in industrialized farming

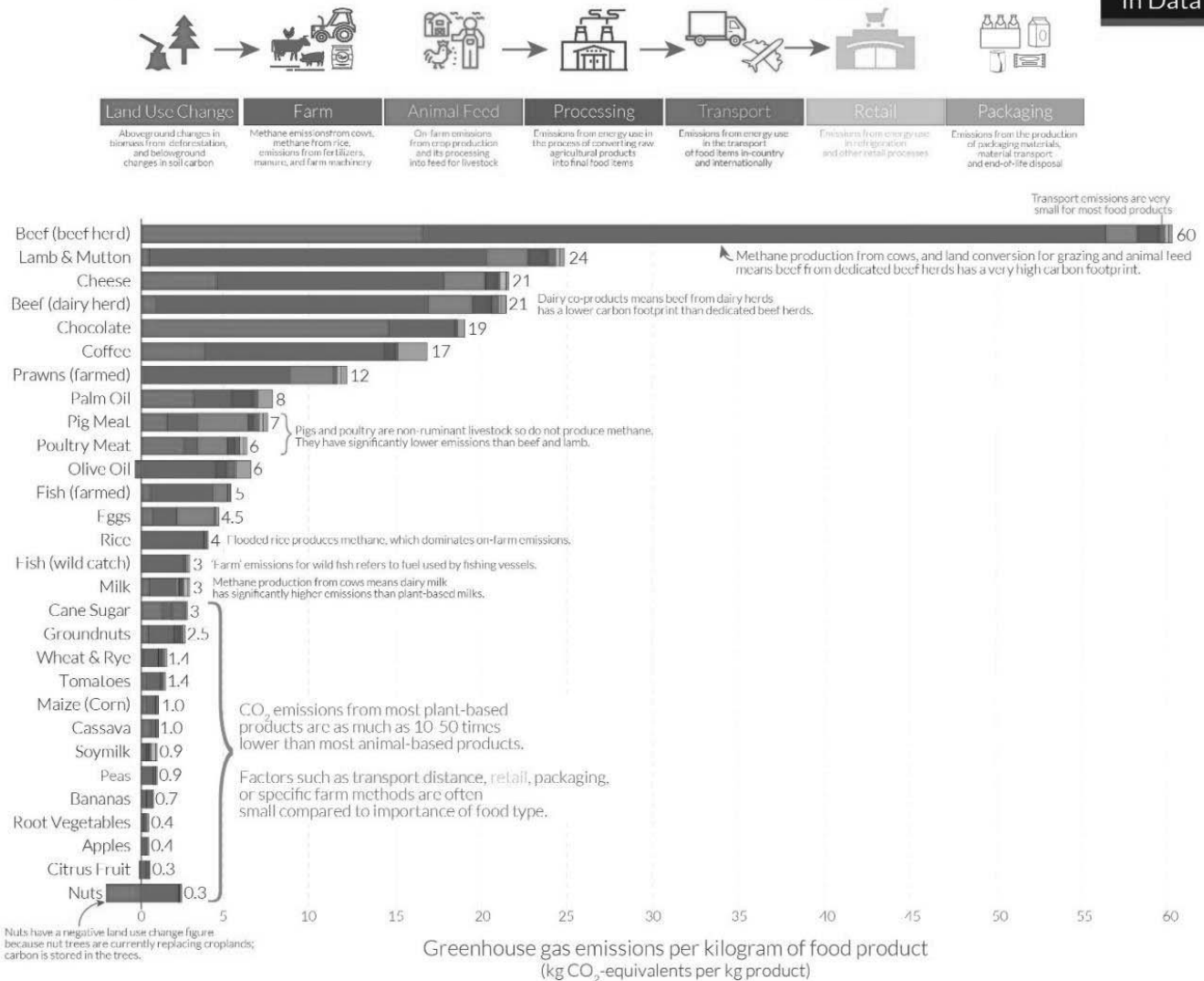
It's impossible to talk about the devastating impact of meat production on the environment without delving into factory farming. Factory farming or modern industrial farming is large scale farming intended to maximize production and profit and minimize costs. Thousands of animals are confined to small spaces usually indoors and raised to grow quickly to be turned into meat and meat products (like dairy). It is very difficult to argue that any part of this process is humane – cows, pigs, and sheep routinely have their tails removed and are castrated without anaesthetic, calves are separated from their mothers and dairy cows have their heads fixed in position for all their lives. The environmental impact is massive because raising animals for food is resource intensive; they require food, shelter, water, medication and climate control, all heavily dependent on fossil fuels. Vast swaths of land are planted with crops such as corn or soy for animal feed thus a driver of deforestation.

Pollution is rampant, contaminating the surrounding land, water and air. For example, the US Food and Water Watch reports a single hog produces 1.5 tonnes of manure per year and all the hog farms in the US produce a total of 167 million tonnes of waste (which half of the country's human population produces). Hog waste is not usually treated and therefore, when released into the environment, surface and groundwater contamination occurs. Factory farming (animal agriculture) is called

study published in Science (Poore and Nemecek, 2018) where data was combined from 38000 commercial farms in 119 countries, meat production is a massive producer of greenhouse gases. From this data they calculated that the production of 1 kg of beef results in 60 kg of greenhouse gases while 1 kg of peas produces 0.9 kg of greenhouse gases. Overall, animal products generate enormous amounts of greenhouse gases compared to plant products (see Figure below).

Food: greenhouse gas emissions across the supply chain

Our World in Data



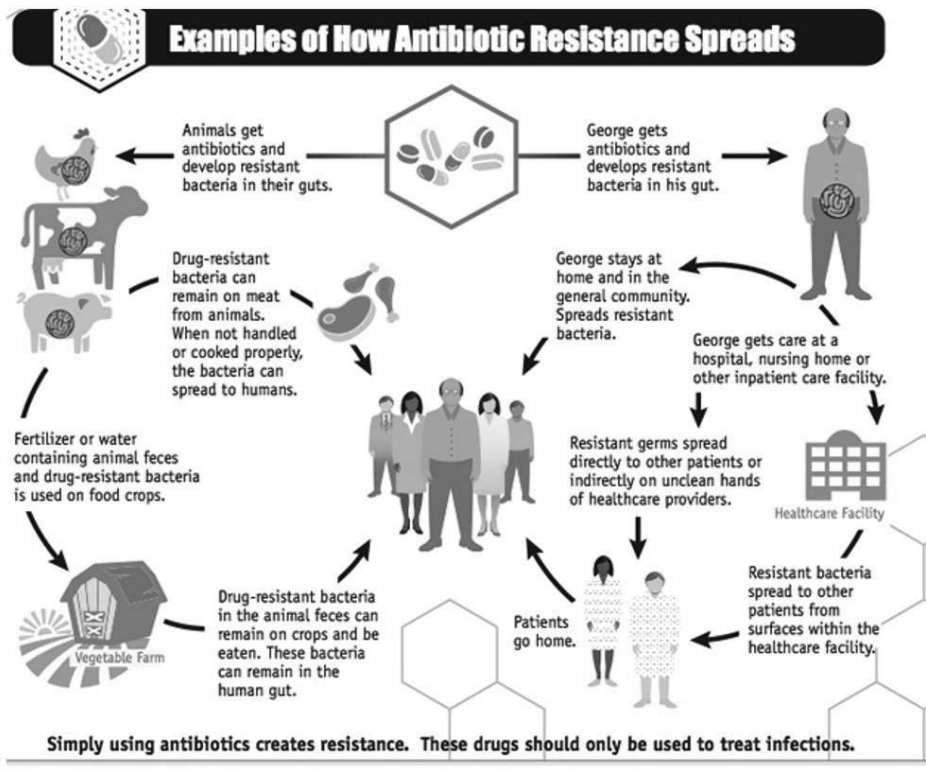
an “environmental catastrophe” in the Encyclopedia Britannica because it is responsible for about 18.4% of global greenhouse gases. In fact, animal agriculture generates more global greenhouse gases than transport vehicles (cars, planes, trains, ships, etc.) combined. In a

Meat production, the spread of pathogens and antibiotic resistance

We have all lived through the recent COVID-19 pandemic and are therefore familiar with the terrible

consequences of the spread of infectious diseases. As such, the countless warnings that scientists have been making for decades show their relevance – that our poor relationship with the environment, the encroachment on and destruction of animal habitats and, meat production and consumption are major epidemic and pandemic risks. About two-thirds of human pathogens (viruses, bacteria) are zoonotic (diseases transmitted from animals to humans). Agricultural and meat trade practises, deforestation, urbanization and destruction of wildlife habitats all contribute to the emergence of infectious diseases. Food production systems such as factory farming for livestock production are a major factor in food-borne zoonoses and include E. coli, campylobacter and salmonella infections. Chicken production in factory farms is notorious for the spread of bacterial infections. It's a tremendous understatement to say that these farms are overpopulated. The average chicken has less than one square foot of space per bird and birds are bred to grow so quickly in broiler operations that they are often unable to walk. These animals spend most of their lives sitting in faeces; illness, injury and death are common occurrences. Therefore, antibiotics are routinely administered to all animals to not only help prevent illness and death, but they also cause the animals to gain weight faster. This continued administering of a low dosage of antibiotics allows the weak bacteria to die and the strong (antibiotic resistant

bacteria) to survive, grow, reproduce and thrive. Herein lies the problem, industrialized (factory) farming provides the perfect breeding ground for harmful antibiotic resistant bacteria. Ever wonder where your food poisoning from meat consumption came from? From these confined-space meat production methods used in factory farming. The US Government requires meat testing to track bacteria and bacterial resistance. Recently, the US Food and Drug Administration (FDA) found in testing ground turkey, 73% of bacteria found were resistant to tetracyclines; the most widely used antibiotic in factory farms and, used by doctors to treat bacterial infections in humans. The US Centres for Disease Control (CDC) reports E. coli contamination in 40% of raw chicken tested and, one in five strains of Salmonella in chicken meat were resistant to amoxicillin (the second most frequently used antibiotic for livestock and the number one antibiotic prescribed to children for bacterial infections). Basically, our meat production system is creating superbugs that are making us sick and increasingly difficult for our drugs to kill. Now there are numerous media posts of food recalls of vegetables (usually lettuce and tomatoes) due to E. coli contamination. Where is it coming from? This happens because the animal factory farm is usually upstream from the vegetable farm and the vegetables get contaminated from the water runoff of the animal farms; animal farms' runoff get into our water systems spreading pathogens.



Infographic source: CDC

Reining in the harmful effects of meat and dairy production with policy

At the recent Cop28 in Dubai, the UN's Food and Agriculture Organization (FAO) outlined that food systems must change for the world to stay within the globally agreed goal of limiting temperature rise to 1.5C before the climate catastrophe becomes irreversible. They highlighted research that showed that the meat and dairy industry (industrial farms) have to cut back significantly from their continued growth if targets to halve emissions by 2030 and reach net zero by 2050 are to be met. "Cops have, historically, significantly overlooked the role of farming, both as a major contributor to global climate change, as a potential solution to climate change, and also in the context of the significant impact climate change is having – and will have – on farming communities across the world... if world leaders could come together to discuss commitments to looking at the link between food and climate, this would be historic" said Edward Davey of the World Resources Institute. Regulating the harmful effects of meat and dairy production (industrialized farming) is vital to a sustainable future and a healthy planet. This is where the role of policy makers is vital. Save from a downright ban on industrialized farming, governments can devise and implement policies to phase out these large-scale industrialized meat and dairy farms. Funding can be prioritized for small scale local farms, the plant-based industry and plan-based technology for food production. Environmental laws must be expanded to address agriculture's major role in climate change. Set and implement policies for sustainable land use to reduce wildlife habitat loss and fragmentation. This mass dosing of livestock by administering antibiotics to animals' feed and water systems must be prohibited or who knows what superbugs we will have to deal with; informed veterinary diagnosis should be used to treat animals. There must be laws that set humane care standards for animals in industrialized farming.

Humans are accustomed to animal slaughter for food being the norm. However, it is ever increasingly becoming clear – with more scientific evidence – that

meat is not necessary for human survival. This begs the question, what did our ancestors, without large-scale industrialized farming, eat? The hunter-gather idea of a paleo diet (heavily meat based) was and still is popular, but how much meat do we think was available to the early humans?

Professor Herman Pontzer, an evolutionary anthropologist at Duke University thinks it's a myth that early humans existed on meat-heavy diets. According to Pontzer's research, the diet of early humans was heavily dependent on circumstances. Our present circumstances point to meat and dairy production being very destructive to our environment and the long-term health of the planet. Solutions to this would be to eliminate industrial farming and support more plant-based farms and technology, rewild land to help wild animals and work towards transitioning to a plant-based diet. Our personal health will certainly be thankful! In addition, meat production and industrialized farming is downright inhumane to animals, which are sentient beings. Why do we love our pets but are fine with eating other animals? Is it because most of us only see the end product (meat) at the grocery store and, so to quote Sir Paul McCartney from the Beatles, "If slaughterhouses had glass walls, everyone would be vegetarian?" Researchers at Leiden University calculated that 18 billion animals being killed for food globally every year ends up going to waste - in farming, production, transport, by retailers and households. To end this cycle of destruction, we need to change how we see animals. If we start with this, then we can improve our food production system to allow the mitigation of detrimental environmental impacts.



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The Leonora Strike and Riots of 1939



February, 2024 marks the 85th anniversary of the 1939 Leonora Strike and Riots . At that juncture of our country's history [1939] Plantation Leonora on the West Coast of Demerara as one of the 27 functioning sugar estates in colonial British Guiana.

During the first half of the 19th century, ownership of Plantation Leonora was in the hands of McInroy, Sandbach and Company. Following the dissolution of that conglomerate in 1854, Plantation Leonora was transferred to Sandbach , Tinne and Company, the London and Liverpool - based parent company of Sandbatch Parker and this situation was to persist for some time. Subsequently,in 1891 all of Sandbach 's plantation holdings in the then British Guiana came under direct control of the Demerara Company.

In addition to Plantation Leonora, the Company also owned and controlled Plantations Diamond, Farm, Providence, Ruimveldt and Cornelia Ida. Of the remaining 21 sugar plantations in the late 1930's 15 were under the control of Booker Brothers, Mc Connell and Company Limited while 3 each were in the hands of Curtis Campbell and S. Davson respectively..

The strike and riot of 1939 at Plantation Leonora emerged against the background of the Great Depression of the 1930's which was particularly due to the impact of World War 1 . By the 1920's and 1930's workers 'wages were depressingly low in the face of an alarmingly high cost of living , there was acute poverty , the unemployment rate was high and diseases and malnutrition were rife. It was not surprising , therefore, that the Caribbean region including colonial Guyana was swept by a wave of unprecedented labour unrests including strikes and disturbances in the 1930's.

This period of upheaval against social and economic distress had also witnessed the emergence of several trade unions in the Caribbean and more particularly Guyana. The British Guiana Labour Union, our oldest trade union, had by this time emerged under the dynamism and influence of Hubert Nathaniel Critchlow and it had begun to make an impact on the working class. Moreover,it influenced the formation of other trade unions in the country at this crucial period of our history.

In the sugar belt the ManPower Citizens' Association

[MPCA] was formed under the leadership of Ayube Edun, a goldsmith and publisher of The Guiana Review newspaper and Mr C. R. Jacob, a successful merchant and a member of the Legislative Council. The MPCA was officially registered on November 5, 1937 and it concentrated its energies on organising primarily among workers in the sugar industry. At the same time, The British Guiana Workers' League also solicited members in the industry with emphasis on factory and clerical workers.

By 1939 labourers at Plantation Leonora were already well known for their militancy. For example, Leonora workers were among the earliest to resist the indentured system when they protested in August, 1869 against an arbitrary reduction in wage rates. Furthermore, in 1909 Leonora workers demonstrated over a wage rate dispute and as recently as 1938 many of them downed tools over the low level of pay for loading punts.

It is against this background of workers' struggle in the sugar industry that the strike and subsequent riot at Plantation Leonora in February, 1939 has to be considered.

The protest in February, 1939 at Leonora has variously been labelled by interest groups and scholars to connote the view in which it was held; as a strike, a riot, a disturbance or even an uprising. Regardless of whatever description is involved one fact is inescapable, that is, the protest or unrest possessed almost all the elements one would normally associate with a struggle between the forces of capital and labour, hence, a conflict between two contending classes in society.

Leonora sugar workers, like workers in other sectors of the economy, were prepared to vent their feelings against the acute social and economic hardships they were experiencing. Commenting on the Leonora crisis, The Daily Argosy in February, 1939 acknowledged "the general complaint is that earnings are inadequate and not commensurate with the work done." The first sign of discontent at Plantation Leonora was evidenced on Monday, February 13, 1939 when 10 estate firemen staged a half-day strike protesting the rather lengthy working day of eleven and a half hours and requested an extra hour's pay. The firemen were employees retained to stoke the wood-burning furnaces. Their grievance was lodged with Mr Prentice, the overseer, who promised to refer the matter to Mr Leonard Lywood, the then Estate Administrative Manager.

Lywood subsequently deferred taking a decision on the matter in order to consult with the Manager of the neighbouring Uitvlugt estate. Referring to the issue, the Administrative Manager himself admitted; "that was the first indication we had that trouble was brewing." A representative group of concerned firemen met Mr.

Lywood and repeated their demands on Thursday, 14th February. They resumed work following a promise by the manager to review the issue. Nonetheless, the protest action by the firemen apparently led other groups on the estate to seek redress for either outstanding or current issues. For example, the same morning about 80 to 90 members of Shovel Gang No.2 refused an offer of eight and nine cents per bed for work on a field at Groenveldt, some distance from their homes.

A small delegation of these field workers met manager Lywood and demanded 12 cents per bed instead of the original offer. Lywood promised to inspect the field the following day but he withheld the prospect of upping the pay rate, claiming that he considered nine cents a sufficiently good price. This merely served to infuriate the shovel gang who then conveyed their displeasure to the District Superintendent of Police, Mr. Webber.

Eventually, a meeting was arranged among Lywood, the District Commissioner of Labour, Mr. Gray, and a workers' delegation. Unfortunately the intervening discussion did very little to resolve the issue. Lywood stuck to the original price offer and Gray openly acknowledged his effectiveness at the negotiations.

The workers, for their part, restated their dissatisfaction and requested that the MPCA boss, Mr. Ayube Edun, be involved in the discussions. This latter request found favour with the Commissioner of Labour but not with the Administrative Manager of Leonora Estate.

Perhaps, it is worthwhile to point out that the MPCA as a union was still not yet officially recognized by the Sugar Producers Association {SPA} as the bargaining agent for sugar workers. Such a situation undoubtedly contributed to the unrelenting attitude of the Estate Management. Clearly an explosive situation was at hand at Plantation Leonora in February, 1939.

With a stalemate in talks in relation to the pay rate controversy workers took a bold decision to travel to the City of Georgetown to air their grievances before the then visiting West Indian Royal Commission in an apparent belief that the Commissioners would be sympathetic to their cause. According to Dwarka Nath, "they were no doubt influenced by some strong remarks made by Sir Walter Citrine against some employees in the course of evidence given before the Commission."

Industrial action at Leonora escalated on Wednesday, February, 15, 1939. Almost the entire field workforce joined in the strike and took part in picketing exercises on both the 'sideline' and 'middle walk' dams. While factory workers initially reported for normal duty, the factory was brought to a standstill as canes were not readily available for processing. The Leonora field workers then embarked on a plan to board the 7.40 am train with their tools of trade and without tickets. They

were eventually dissuaded from this aggressive response by a police detachment under Superintendent Webber. The strikers subsequently proceeded on foot along the railway track to Vreed-en-Hoop , the eastern terminus of the West Coast of Demerara railway and the point of embarkation of the Vreed-en-Hoop _ Georgetown ferry. At Vreed- en- Hoop the workers were addressed by C.R. Jacob. He promised them that the union would seek redress for their grievances which included wage rates, hours of work and method of loading punts. This union official also advised the strikers to return to their homes. The protestors, however, were not satisfied with the union's response. Instead , they wanted an immediate settlement of their concerns.

C.R. Jacob departed for Georgetown to attend the afternoon's sitting of the West Indian Royal Commission and it appears as if his visit to Vreed-en-Hoop was largely ineffective. By about 1.30 pm that very day , the striking workers were joined by another contingent which was conspicuous by the dominance of females. While some were obviously the wives of striking sugar workers ,it is reasonable to conclude that a good many of them were sugar workers themselves as women then formed approximately 30 percent of field labour and were very prominent in the weeding gangs.

The growing crowd of protesters renewed their efforts to cross to Georgetown but were prevented from boarding the 'M V. Pomeroun' by a party of policemen. While the protesters chanted loudly , they were by no means violent . This fact was highlighted by Mr Jacob in his testimony before the West Indian Royal Commission when he said; "They were discontented but quite peaceful "

By 4.pm. it was clear that the situation at the Vreed-en-Hoop terminal had become chaotic. Twice the ferry had to make premature departures and police reinforcements from the city and elsewhere did little to quell the protesters. The growing crowd intensified its efforts to board the ferry but the police foiled their actions.

Some of the strikers then began to board the West Demerara train without tickets after realizing the difficulty in getting to the capital city.. This act of boarding the train without tickets was certainly an act of civil disobedience and such a defiant spirit must have convinced the police, rail and district authorities to accede to the workers demand for free transportation home.

Additional carriages were attached and following instructions from the Commissioner of Labour and Local Government, Mr Laing, the train with the striking workers departed to Leonora. Obviously, some of the strikers,if not all, must have viewed this development as a sort of moral victory.

CONFRONTATION

The unrest at Leonora worsened on the morning of Thursday, February, 16, 1939. Very early on that day a group of striking workers entered the sugar factory and urged factory workers to support the strike. It would appear that the strike call was heeded as most of the factory workers, including the factory's firemen who had earlier in the week protested, joined in the overall struggle.

With tension running high a detachment of policemen, armed with rifles and batons and commanded by the District Superintendent of Police, arrived on the scene. The police presence seemed to have heightened the animosity of the striking workers. Some of them stoned the police bus and they even resisted arrest.

Meanwhile some strikers congregated near the Administrative Manager's house and again demanded higher pay and even requested the presence of union leaders, Edun and Jacob. Lywood attempted to address the gathering but was quickly greeted by flying debris. Everything at Leonora was pointing to an explosive situation.

Incidents of sporadic violence increased as the day progressed and the striking workers at Plantation Leonora once again demanded the presence of union officials. This demand however was not taken seriously because of the estate administration's refusal to allow the MPCA officials to enter the estate compound in the absence of a union recognition agreement.

The strikers subsequently moved towards the factory.. In the meantime, the District Superintendent of Police instructed his men to prevent their entry into the factory at all costs.

The workers continued to advance while throwing missiles at the police . Constable Bijadder was pursued by a small party of labourers and three policemen went to his rescue.. Blows were exchanged between the striking workers and policemen and injuries were sustained by both groups.

As the strikers became more and more threatening orders were made to open fire on the ringleaders. The colonial police obeyed and four strikers, including a woman , were killed while four others were seriously injured. The crowd quickly dispersed as people ran helter skelter and the strikers were subdued. By the following day the strike was over and work eventually resumed at Plantation Leonora. Regarding the incident , The Daily Argosy of Friday 17, had as its headline, ' Bloodshed at Leonora. Police compelled to fire on mob'

COMMISSION OF INQUIRY

Governor Wilfred Jackson promptly appointed a Commission of Inquiry To investigate the circumstances relating to the Leonora disturbances of 1939. The Commission of Inquiry comprised Chairman Justice Verity, First Puisne Judge, Mr J.A. Luckhoo and retired Immigration Agent-General, Mr Arthur Hill. According to Chairman Verity the Commission of Inquiry 'should be conducted thoroughly but with expedition and we rely on every person concerned to support us in our determination to do so," After 12 days of intense hearing involving the Police Department, the Demerara Company Limited, the relatives of the deceased through the British Guiana East Indian Association and a total of 69 witnesses, the Commission laid blame on the Sugar Producers Association {SPA} for its failure to grant recognition to the MPCA. At the same time it did not think that the existing conditions at Plantation Leonora justified the level of discontent of the workers.

CONCLUSION

The Leonora Strike and Riots of 1939 in the end undoubtedly helped to hasten the recognition issue surrounding the MPCA ,even though sugar workers were to be disenchanted with this very move in a few years time.. This was evidenced in the late 1940's when they broke away in favour of the Guiana Industrial Workers Union { GIWU } , the forerunner of the Guyana Agricultural and General Workers Union [GAWU], with its most radical and militant leadership and outlook.

The protest action was also significant from the point of view that it witnessed prominent roles of women and the unified action of field and factory workers., especially in the latter stages of the strike. It was another instance of supreme sacrifice paid by sugar workers in their quest for social and economic betterment.

The 1939 protest at Plantation Leonora was indeed part of a wider , on-going working class struggle and increasing political consciousness in this crucial pre-independence period of Guyana's history.



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Verbatim Record of SA Submissions on 11 January 2024



Introduction

FOUR months have gone and the GENOCIDE of the Palestinian people, old and young, men and women, children and babies, and even the unborn, continues unabated. Palestinians are being murdered, in the streets, in their homes, in sanctuaries, on an hourly/daily basis. Doctors and other essential medical personnel are being sought after and murdered in cold blood, journalists are targeted and at least one entire family has been killed, UN representatives are not spared, and the GENOCIDE persists.

Food is unavailable, people are dying in the streets from starvation. Medical facilities and medication are virtually non-existent, major surgical procedures, are being performed without anesthesia, necessary minor operations are being neglected, mothers give birth without essential medical supervision, and the GENOCIDE continues. THIRTY THOUSANDS innocent Palestinians and hundreds of other nationalities, have been killed so far, and the killings continue

A trillion words may have been written, millions have demonstrated, many thousands of debates and discussions have taken place, while thousands of popular movements, individual politicians, parliamentarians and political parties and trade unions, worldwide have expressed outrage, but only dozens of World “Leaders” have publicly spoken out in defense of the Palestinian people and their desire to have a homeland, which has been denied them for over SEVENTY FIVE YEARS, while they suffer the consequences of GENOCIDE.

A number of countries, including Bangladesh, Bolivia,

Brazil, Colombia, Jordan, Maldives, Malaysia, Namibia, Pakistan and Turkey have publicly expressed support for the case brought by SOUTH AFRICA, accusing Israel of GENOCIDE.

However, while support for the Palestine people is heartening, South Africa stands out as a beacon of respect, commendation, and congratulations for having the courage to bring to the world’s attention the case of GENOCIDE against Israel. In the true spirit of Mandela, South Africa challenged the silence of the world, especially the majority of Islamic nations, and stepped forward in defense of a People being threatened with decimation.

All progressive and freedom-loving people the world over, salute South Africa in its heroic fight against GENOCIDE against the Palestinian People, not only in the court of public opinion, but in the International Court of Justice (The World Court).

Even though, total victory was not achieved (as yet) the case of GENOCIDE was so eloquently and convincingly prosecuted that the Editorial Committee of THE THINKER decided that it was important to share with its readers the presentations of the Lawyers for South Africa.

The “notes” referenced by numbers 1 through 331, have been deliberately excluded, due to space constraints. However, should anyone wishing to refer to these, can contact The Cheddi Jagan Research Centre by email or tel. number, stated at the back of this publication.

So far twenty-eight thousand people have lost their lives and to date the GENOCIDE goes on.

Harry Narine Nawbatt

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Uncorrected**

CR 2024/1

**International Court
of Justice**

**Cour internationale
de Justice**

THE HAGUE

LA HAYE

YEAR 2024

Public sitting

held on Thursday 11 January 2024, at 10 a.m., at the

Peace Palace, President Donoghue presiding,

***in the case concerning Application of the Convention
on the Prevention and Punishment of the Crime of
Genocide in the Gaza Strip
(South Africa v. Israel)***

VERBATIM RECORD

The PRESIDENT: Please be seated. The sitting is open.

The Court meets today and will meet tomorrow, under Article 74, paragraph 3, of the Rules of Court, to hear the oral observations of the Parties on the Request for the indication of provisional measures submitted by the Republic of South Africa in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.

The Court does not include upon the Bench a judge of the nationality of either Party. Accordingly, both Parties availed themselves of the right, under Article 31, paragraph 3, of the Statute, to choose a judge ad hoc. South Africa has chosen Judge Dikgang Ernest Moseneke, and Israel, Judge Aharon Barak.

Article 20 of the Statute provides that “[e]very Member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously”. Pursuant to Article 31, paragraph 6, of the Statute, that same provision applies to judges *ad hoc*.

Before inviting Judge Moseneke and Judge Barak to make their solemn declarations, I shall first, in accordance with custom, say a few words about their careers and qualifications.

Judge Dikgang Ernest Moseneke, of South African nationality, has had a distinguished career as a judge, law practitioner and academic. After obtaining degrees in English, Political Science and Law from the University of South Africa, he practised as an attorney and an advocate with the Pretoria Bar. In 2001, he was appointed a judge on the High Court in Pretoria and, a year later, he became a judge on the Constitutional Court of South Africa, where he was Deputy Chief Justice for more than a decade and Acting Chief Justice in 2013 and 2014. Judge Moseneke is also an Honorary Professor in the Department of Jurisprudence at the University of Pretoria and has served as a Chancellor of the Pretoria Technikon and the University of Witwatersrand in Johannesburg. Judge Moseneke has received numerous honorary doctorates and awards.

I shall now say a few words about the career and qualifications of Judge Barak.

Judge Aharon Barak, of Israeli nationality, has had an eminent career as a judge and law professor. He holds a PhD in Law from the Hebrew University of Jerusalem and served as the Dean of the Faculty of Law of that university between 1974 and 1975. He was appointed to the Israeli Supreme Court in 1978 and served as its President from 1995 to 2006. Prior to joining the Supreme Court, Judge Barak served as the Attorney General of the State of Israel between 1975 and 1978. He has taught law in a number of law schools, including Yale University, the Hebrew University of Jerusalem and the Reichman University in Herzliya, Israel. Judge Barak has also written extensively in law and has received numerous honorary degrees and awards.

In accordance with the order of precedence fixed by Article 7, paragraph 3, of the Rules of Court, I shall first invite Judge Moseneke to make the solemn declaration prescribed by the Statute, and I request all those present to rise. Judge Moseneke, you have the floor.

JUDGE *AD HOC* MOSENEKE:

“I solemnly declare that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously.”

The PRESIDENT: I thank Judge Moseneke, and I now invite Judge Barak to make the solemn declaration prescribed by the Statute. Judge Barak, you have the floor.

JUDGE *AD HOC* BARAK:

“I solemnly declare that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously.”

The PRESIDENT: I thank you, Judge Barak. Please be seated. I take note of the solemn declarations made by Judge *ad hoc* Moseneke and Judge *ad hoc* Barak and I declare them duly installed as judges *ad hoc* in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.

*

I shall now recall the principal steps of the procedure in the present case.

On 29 December 2023, the Government of South Africa filed in the Registry of the Court an Application instituting proceedings against the State of Israel, alleging violations by the latter of its obligations under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. I shall refer to this Convention as the "Genocide Convention". To found the jurisdiction of the Court,

South Africa invokes Article 36, paragraph 1, of the Statute of the Court and Article IX of the Genocide Convention.

South Africa states that its Application concerns acts threatened, adopted, condoned, taken and being taken by the Government and military of Israel against the Palestinian people, a distinct national, racial and ethnical group, in the wake of the attacks in Israel on 7 October 2023. South Africa contends that the acts and omissions by Israel of which it complains are genocidal in character because "they are intended to bring about the destruction of a substantial part of the Palestinian national, racial and ethnical group, that being the part of the Palestinian group in the Gaza Strip". South Africa asserts that the relevant acts are attributable to Israel, which has failed to prevent genocide and is committing genocide, and which has also violated and continues to violate other fundamental obligations under the Genocide Convention.

The Application contains a Request for the indication of provisional measures, pursuant to Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court. According to South Africa,

"[p]rovisional measures are necessary in this case to protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention, which continue to be violated with impunity. South Africa requests that the Court indicate provisional measures to protect and preserve those rights as well as its own rights under the Convention, and to prevent any aggravation or extension of the dispute, pending the determination of the merits of the issues raised by the Application."

The Registrar will now read out the passage from the Request specifying the provisional measures which the Government of South Africa is asking the Court to indicate. You have the floor, Mr Registrar.

The REGISTRAR: Thank you, Madam President. I quote:

1. "The State of Israel shall immediately suspend its military operations in and against Gaza.
2. The State of Israel shall ensure that any military or irregular armed units which may be directed, supported or influenced by it, as well as any organisations and persons which may be subject to its control, direction or influence, take no steps in furtherance of the military operations referred to point (1) above.
3. The Republic of South Africa and the State of Israel shall each, in accordance with their obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the Palestinian people, take all reasonable measures within their power to prevent genocide.
4. The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the Palestinian people as a group protected by the Convention on the Prevention and Punishment of the Crime of Genocide, desist from the commission of any and all acts within the scope of Article II of the Convention, in particular:
 - killing members of the group;
 - causing serious bodily or mental harm to the members of the group;
 - deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
 - imposing measures intended to prevent births within the group.
5. The State of Israel shall, pursuant to point (4) (c) above, in relation to Palestinians, desist from, and take all measures within its power including the rescinding of relevant orders, of restrictions and/or of prohibitions to prevent:
 - the expulsion and forced displacement from their homes;
 - the deprivation of:
 - access to adequate food and water;
 - access to humanitarian assistance, including access to adequate fuel, shelter, clothes, hygiene and sanitation;
 - medical supplies and assistance; and
 - the destruction of Palestinian life in Gaza.
6. The State of Israel shall, in relation to Palestinians,

ensure that its military, as well as any irregular armed units or individuals which may be directed, supported or otherwise influenced by it and any organizations and persons which may be subject to its control, direction or influence, do not commit any acts described in (4) and (5) above, or engage in direct and public incitement to commit genocide, conspiracy to commit genocide, attempt to commit genocide, or complicity in genocide, and insofar as they do engage therein, that steps are taken towards their punishment pursuant to Articles I, II, III and IV of the Convention on the Prevention and Punishment of the Crime of Genocide.

7. The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide; to that end, the State of Israel shall not act to deny or otherwise restrict access by fact-finding missions, international mandates and other bodies to Gaza to assist in ensuring the preservation and retention of said evidence.
8. The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one week, as from the date of this Order, and thereafter at such regular intervals as the Court shall order, until a final decision on the case is rendered by the Court.
9. The State of Israel shall refrain from any action and shall ensure that no action is taken which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

The PRESIDENT: I thank the Registrar. Immediately after the Application containing the Request for the indication of provisional measures was filed, the Deputy-Registrar transmitted an original copy thereof to the Government of Israel. He also notified the Secretary-General of the United Nations.

According to Article 74, paragraph 1, of the Rules of Court, a request for the indication of provisional measures shall have priority over all other cases. Paragraph 2 of the same article states that the Court shall proceed to a decision on the request as a matter of urgency. This imperative must, however, be balanced with the need to fix a date of oral proceedings in such a way as to afford the parties an opportunity to be represented at the hearings. Consequently, the Parties were informed that the date for the opening of the oral proceedings, during which they could present their observations on the Request for the indication of provisional measures, had been fixed for Thursday 11 January 2024, at 10 a.m.

I would now like to welcome the delegations of South Africa and Israel, and I note the presence before the Court of the Agents and counsel of both Parties. This morning, the Court will hear the single round of oral argument of South Africa, which has submitted the Request for the indication of provisional measures. It will hear Israel tomorrow morning at 10 a.m. For purposes of this single round of oral argument, each Party will have available to it a three-hour sitting.

In this first sitting, South Africa may, if required, avail itself of a short extension beyond 1 p.m. today, in view of the time taken up by these introductory remarks.

Before I give the floor to the Agent of South Africa, I wish to draw the Parties’ attention to Practice Direction XI, which states as follows:

“In the oral pleadings on requests for the indication of provisional measures parties should limit themselves to what is relevant to the criteria for the indication of provisional measures as stipulated in the Statute, Rules and jurisprudence of the Court. They should not enter into the merits of the case beyond what is strictly necessary for that purpose.”

I now give the floor to the Agent of South Africa, His Excellency Mr Vusimuzi Madonsela.

You have the floor, Excellency.

Mr MADONSELA:

1. Madam President, distinguished Members of the Court, it is an honour and a privilege for me to appear before you today, on behalf of the Republic of South Africa.
2. I wish to express my gratitude to the Court for convening this hearing on the earliest possible date to entertain South Africa’s Request for the indication of provisional measures in this matter.
3. In our application, South Africa has recognized the ongoing Nakba of the Palestinian people through Israel’s colonization since 1948, which has systematically and forcibly dispossessed, displaced, and fragmented the Palestinian people, deliberately denying them their internationally recognized, inalienable right to self-determination, and their internationally recognized right of return as refugees to their towns and villages, in what is now the State of Israel.
4. We are also particularly mindful of Israel’s institutionalized régime of discriminatory laws, policies, and practices designed and maintained to establish domination, subjecting the Palestinian people to apartheid, on both sides of the Green Line. Decades-long impunity for widespread and

systematic human rights violations, has emboldened Israel, in its recurrence and intensification of international crimes in Palestine.

5. At the outset South Africa acknowledges that the genocidal acts and omissions by the State of Israel (“Israel”) “inevitably form part of a continuum”, of illegal acts perpetrated against the Palestinian people since 1948. The Application places Israel’s genocidal acts and omissions within the broader context of Israel’s 75-year apartheid, 56-year occupation and 16-year siege imposed on the Gaza Strip - a siege which itself, has been described by the Director of UNRWA Affairs in Gaza, as “a silent killer of people”.
6. As the Committee on the Elimination of Racial Discrimination (hereinafter “CERD”) warned on 21 December, “hate speech and dehumanising discourse targeted at Palestinians” is raising “severe concerns regarding Israel’s and other State parties’ obligation to prevent crimes against humanity and genocide” in the Gaza Strip. This warning has been followed by a succession of warnings including by 37 United Nations Special Rapporteurs, of “the failure of the international system to mobilise to prevent genocide” in Gaza.
7. Today, we are joined in Court by representatives of the Palestinian state, the Palestinians who work in the field of human rights, including residents of Gaza who were in Gaza just a few days ago. They are some of the lucky ones who managed to get out of Gaza - their future, and the future of their fellow Palestinians who are still in Gaza, depend on the decision this Court will make on this matter.
8. With the leave of the Court, I now call upon His Excellency Mr Ronald Lamola, Minister of Justice of the Republic of South Africa, to make South Africa’s substantive opening remarks.

The PRESIDENT: I thank [the Agent of South Africa] for his statement. And I now invite the Minister of Justice and Correctional Services of the Republic of South Africa, His Excellency Mr Ronald Lamola, to take the floor. You have the floor, Excellency.

Mr LAMOLA:

OPENING REMARKS

1. Thank you. Madam President and distinguished Members of the Court, it is an honour for me to stand here in front of you on behalf of the Republic of South Africa on this exceptional case. “In extending our hands across the miles to the people of Palestine, we do so in the full knowledge that we

are part of a humanity that is at one”. These were the words of our founding President Nelson Mandela. This is the spirit in which South Africa acceded to the Convention on the Prevention and Punishment of the Crime of Genocide (“the Convention”) in 1998.

2. This is the spirit in which we approach this Court. As a Contracting Party to the Convention, this is a commitment we owe to the people of Palestine and Israelis alike.
3. As previously mentioned, the violence and the destruction in Palestine and Israel did not begin on 7 October 2023. The Palestinians have experienced systematic oppression and violence for the last 76 years, on 6 October 2023 and every day since 7 October 2023. In the Gaza Strip, at least since 2005, Israel continues to exercise control over the airspace, territorial waters, land crossings, water, electricity and civilian infrastructure, as well as over key government functions. Entry and exit by air and sea to Gaza is strictly prohibited with Israel operating the only two crossing points. Given that continuing effective control by Israel over the territory of Gaza, Gaza is still considered by the international community to be under belligerent occupation by Israel.
4. South Africa unequivocally condemned the targeting of civilians by Hamas and other Palestinian armed groups and the taking of hostages on 7 October 2023, and has again expressly recorded this condemnation, most recently in its Note Verbale to Israel on 21 December 2023.
5. That said, no armed attack on a State’s territory no matter how serious — even an attack involving atrocity crimes — can provide any justification for, or defence to, breaches of the Convention, whether as a matter of law or morality. Israel’s response to the 7 October 2023 attack has crossed this line and gives rise to the breaches of the Convention.
6. Faced with such evidence, and our duty to do what we can do to prevent genocide as contained in Article 1 of the Convention, the South African Government initiated this case.
7. South Africa welcomes the fact that Israel has engaged with the case, in order to have the matter resolved by the Court, after careful and objective consideration of the facts and submissions put before it, as the Parties to the Genocide Convention have intended.
8. This hearing is concerned with South Africa’s request to the Court for the indication of provisional measures and will necessarily have a narrow and particular focus. I invoke the words of Martin Luther

King when he said: “The arch of the universe is long, always bending towards justice.”

9. South Africa’s case will be presented by a team of six legal counsel, comprising Dr Adila Hassim, Mr Tembeka Ngcukaitobi, Professor John Dugard, Ms Blinne Ni Ghrálaigh, Mr Max du Plessis and Professor Vaughan Lowe.
 - Dr Adila Hassim, Senior Counsel, will provide an overview of the risk of genocidal acts and the perpetual vulnerability to acts of genocide;
 - Mr Tembeka Ngcukaitobi, Senior Counsel, will examine Israel’s alleged genocidal intent;
 - Professor John Dugard, Senior Counsel, will focus on prima facie jurisdiction;
 - Professor Max du Plessis, Senior Counsel, will discuss the various rights currently under threat;
 - Ms Blinne Ní Ghrálaigh, King’s Counsel, will present the argument of urgency and potential irreparable harm; and
 - Professor Vaughan Lowe, King’s Counsel, will speak on provisional measures.
10. I now request, Madam President, the Court to call on Dr Hassim. I thank you.

The PRESIDENT: I thank His Excellency Mr Lamola, and I now invite Ms Adila Hassim to address the Court. You have the floor, Madam.

Ms HASSIM:

GENOCIDAL ACTS

1. Thank you. Madam President, distinguished Members of the Court, it is a privilege to appear on behalf of the Republic of South Africa in this case of exceptional importance. It is a case that underscores the very essence of our shared humanity as expressed in the preamble to the Genocide Convention.
2. It is my task to address the Court on the genocidal acts that have led to this urgent request for provisional measures under Article 41 of the Statute of the Court. South Africa contends that Israel has transgressed Article II of the Convention, by committing actions that fall within the definition of genocide. The actions show a systematic pattern of conduct from which genocide can be inferred.

Overview

3. Allow me to place these acts in context. Gaza is one of the two constituent territories of the occupied Palestinian territories, occupied by Israel since

1967. It is a narrow strip, of approximately 365 sq km, as depicted in the map now displayed. Israel continues to exercise control over the airspace, territorial waters, land crossings, water, electricity, electromagnetic sphere and civilian infrastructure in Gaza, as well as over key governmental functions. As the honourable minister has said, entry and exit by air and sea to Gaza is prohibited with Israel operating the only two crossing points. Gaza, which is one of the most densely populated places in the world is home to approximately 2.3 million Palestinians, almost half of them children.

4. For the past 96 days, Israel has subjected Gaza to what has been described as one of the heaviest conventional bombing campaigns in the history of modern warfare¹⁶. Palestinians in Gaza are being killed by Israeli weaponry and bombs from air, land and sea.
5. They are also at immediate risk of death by starvation, dehydration and disease as a result of the ongoing siege by Israel, the destruction of Palestinian towns, the insufficient aid being allowed through to the Palestinian population and the impossibility of distributing this limited aid while bombs fall. This conduct renders essentials to life unobtainable.
6. At this provisional measures stage, as this Court has made clear in *The Gambia v. Myanmar* case, it is not necessary for the Court to come to a final view on the question of whether Israel’s conduct constitutes genocide. It is necessary to establish only “whether . . . at least some of the acts alleged . . . are capable of falling within the provisions of the Convention”. On analysing the specific and ongoing genocidal acts complained of, it is clear that at least some, if not all, of these
7. in detail in South Africa’s Application and confirmed by reliable, often United Nations,
8. sources. It is thus acts fall within the Convention’s provisions. These acts are documented unnecessary and impossible for me to recount all of them. I will highlight only some in order to illustrate the pattern of genocidal conduct. The United Nations statistics that are relied upon are up to date as of 9 January 2024.
9. In South Africa’s oral submissions, we will illustrate the facts that we rely on with limited use of audiovisual material. Madam President, we do so with restraint and only where necessary, and always with respect to the Palestinian people.
10. Against this background, I move now to demonstrate in turn how Israel’s conduct violates Articles II (a), II (b), II (c) and II (d) of the Convention.

The genocidal acts

Article II (a): killing Palestinians in Gaza

11. The first genocidal act committed by Israel is the mass killing of Palestinians in Gaza in violation of Article II (a) of the Genocide Convention.
12. As the UN Secretary-General explained five weeks ago, the level of Israel's killing is so extensive that "nowhere is safe in Gaza". As I stand before you today, 23,210 Palestinians have been killed by Israeli forces during the sustained attacks over the last three months, at least 70 per cent of whom are believed to be women and children. Some 7,000 Palestinians are still missing, presumed dead under the rubble.
13. Palestinians in Gaza are subjected to relentless bombing wherever they go. They are killed in their homes, in places where they seek shelter, in hospitals, in schools, in mosques, in churches and as they try to find food and water for their families. They have been killed if they failed to evacuate, in the places to which they have fled and even while they attempted to flee along Israeli declared "safe routes".
14. The level of killing is so extensive that those whose bodies are found are buried in mass graves, often unidentified.
15. In the first three weeks alone following 7 October, Israel deployed 6,000 bombs per week. At least 200 times, it has deployed two-thousand-pound bombs in southern areas of Palestine designated as "safe". These bombs have also decimated the north, including refugee camps. Two-thousand-pound bombs are some of the biggest and most destructive bombs available. They are dropped by lethal fighter jets that are used to strike targets on the ground, by one of the world's most resourced armies.
16. Israel has killed an "unparalleled and unprecedented" number of civilians, with the full knowledge of how many civilian lives each bomb will take.
17. More than 1,800 Palestinian families in Gaza have lost multiple family members and hundreds of multigenerational families have been wiped out, with no remaining survivors — mothers, fathers, children, siblings, grandparents, aunts, cousins — often all killed together.
18. This killing is nothing short of destruction of Palestinian life. It is inflicted deliberately. No one is spared, not even newborn babies. The scale of Palestinian child killings in Gaza is such that United Nations chiefs have described it as "a graveyard for

children". The devastation, we submit, is intended to and has laid waste to Gaza beyond any acceptable legal, let alone humane, justification.

Article II (b): causing serious mental and bodily harm to Palestinians in Gaza

19. The second genocidal act identified in South Africa's Application is Israel's infliction of serious bodily or mental harm to Palestinians in Gaza in violation of Article II (b) of the Genocide Convention.
20. Israel's attacks have left close to 60,000 Palestinians wounded and maimed - again the majority of them women and children. This in circumstances where the healthcare system has all but collapsed. I return to this later in my speech. Large numbers of Palestinian civilians including children are arrested, blindfolded, forced to undress and loaded onto trucks, taken to unknown locations. The suffering of the Palestinian people - physical and mental - is undeniable.

Article II (c): deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

21. Turning to the third genocidal act, under Article II (c): Israel has deliberately imposed conditions on Gaza that cannot sustain life and are calculated to bring about its physical destruction. Israel achieves this in at least four ways.
22. First, by displacement. Israel has forced the displacement of about 85 per cent of Palestinians in Gaza. There is nowhere safe for them to flee to - those who cannot leave or refuse to be displaced have either been killed or are at extreme risk of being killed in their homes³⁹. Many Palestinians have been displaced multiple times, as families are forced to move repeatedly in search of safety.
23. Israel's first evacuation order on 13 October required the evacuation of over 1 million people — including children, the elderly, the wounded and infirm; entire hospitals were required to evacuate, even newborn babies in intensive care. The order required them to evacuate the north to the south within 24 hours. The order itself was genocidal. It required immediate movement, taking only what could be carried, while no humanitarian assistance was permitted, and fuel, water and food and other necessities of life had deliberately been cut off. It was clearly calculated to bring about the destruction of the population.
24. For many Palestinians, the forced evacuation from their homes is inevitably permanent. Israel

has now damaged or destroyed an estimated 355,000 Palestinian homes - leaving at least half a million Palestinians with no home to return to. The Special Rapporteur on the human rights of internally displaced persons explains that houses and infrastructure “have been razed to the ground, frustrating any realistic prospects for displaced Gazans to return home, repeating a long history of mass forced displacement of Palestinians by Israel”. There is no indication at all that Israel accepts responsibility for rebuilding what it has destroyed.

25. Instead, the destruction is celebrated by the Israeli army: soldiers film themselves joyfully detonating entire apartment blocks and town squares; erecting the Israeli flag over the wreckage, seeking to re-establish Israeli settlements on the rubble of Palestinian homes — and thus extinguishing the very basis of Palestinian life in Gaza.
26. Second, together with the forced displacement, Israel’s conduct has been deliberately calculated to cause widespread hunger, dehydration and starvation. Israel’s campaign has pushed Gazans to the brink of famine. An “unprecedented 93% of the population in Gaza is facing crisis levels of hunger”. Of all the people in the world currently suffering catastrophic hunger, more than 80 per cent are in Gaza.
27. The situation is such that the experts are now predicting that more Palestinians in Gaza may die from starvation and disease than airstrikes and yet Israel continues to impede the effective delivery of humanitarian assistance to Palestinians, not only refusing to allow sufficient aid in, but removing the ability to distribute it through constant bombardment and obstruction.
28. Just three days ago, on 8 January, a planned mission by United Nations agencies to deliver urgent medical supplies and vital fuel to a hospital and medical supply centre was denied by Israeli authorities. This marked the fifth denial of a mission to the centre since 26 December, leaving five hospitals in northern Gaza without access to life-saving medical supplies and equipment.
29. Aid trucks that are allowed in are seized upon by the hungry. What is provided is simply not enough. [Video playing] Madam President, Members of the Court, this is an image of an aid truck arriving in Gaza.
30. Third, Israel has deliberately inflicted conditions in which Palestinians in Gaza are denied adequate shelter, clothes or sanitation. For weeks, there have been acute shortages of clothes, bedding, blankets

and critical non-food items. Clean water is all but gone, leaving far below the amount required to safely drink, clean and cook.

31. Accordingly, the WHO has stated that Gaza is “experiencing soaring rates of infectious disease outbreaks”. Cases of diarrhoea in children under five years of age have increased 2,000 per cent since hostilities began. When combined and left untreated, malnutrition and disease create a deadly cycle.
32. The fourth genocidal act under Article II (b) is Israel’s military assault on Gaza’s healthcare system, which renders life unsustainable. Even by 7 December, the United Nations Special Rapporteur on the right to health noted that “[t]he healthcare infrastructure in the Gaza strip has been completely obliterated”.
33. Those wounded by Israel in Gaza are being deprived of life-saving medical care. Gaza’s healthcare system — already crippled by years of blockade and prior attacks by Israel — is unable to cope with the sheer scale of the injuries.

Article II (d): reproductive violence

34. Finally, the United Nations Special Rapporteur on violence against women and girls has pointed to acts committed by Israel that would fall under the fourth category of genocidal acts, in Article II (d) of the Convention.
35. On 22 November she expressly warned the following: “the reproductive violence inflicted by Israel on Palestinian women, newborn babies, infants, and children could be qualified as . . . acts of genocide under Article 2 of the [Genocide Convention] . . . including ‘imposing measures intended to prevent births within a group’”.
36. Israel is blocking the delivery of life-saving aid, including essential medical kits for delivering babies, in circumstances where an estimated 180 women are giving birth in Gaza each day. Of these 180 women, the WHO warns that 15 per cent are likely to experience pregnancy or birth-related complications and need additional medical care. That care is simply not available.

Pattern of conduct indicates intent

37. In sum, Madam President, all of these acts, individually and collectively, form a calculated pattern of conduct by Israel, indicating a genocidal intent. This intent is evident from Israel’s conduct in:
 - specially targeting Palestinians living in Gaza;

- using weaponry that causes large-scale homicidal destruction, as well as targeted sniping of civilians;
- designating safe zones for Palestinians to seek refuge and then bombing these;
- depriving Palestinians in Gaza of basic needs — food, water, healthcare, fuel, sanitation and communications;
- destroying social infrastructure: homes, schools, mosques, churches, hospitals; and
- killing, seriously injuring and leaving large numbers of children orphaned.

38. Genocides are never declared in advance. But this Court has the benefit of the past 13 weeks of evidence that shows incontrovertibly a pattern of conduct and related intention that justifies a plausible claim of genocidal acts.

39. In *The Gambia v. Myanmar* case, this Court did not hesitate to impose provisional measures in relation to allegations that Myanmar was committing genocidal acts against the Rohingya within the Rakhine State⁶⁷. The facts before the Court today are, sadly, even more stark, and like *The Gambia v. Myanmar* case, deserve and demand this Court’s intervention.

Conclusion

40. Every day there is mounting irreparable loss of life, property, dignity and humanity for the Palestinian people. Our newsfeeds show graphic images of suffering that has become unbearable to watch. Nothing will stop this suffering, except an order from this Court. Without an indication of provisional measures, the atrocities will continue; with the Israeli Defense Forces indicating that they intend pursuing this course of action for at least a year.

41. In the words of the United Nations Under-Secretary General on 5 January 2024:

“You think getting aid into Gaza is easy? Think again. Three layers of inspections before trucks can even enter. Confusion and long queues. A growing list of rejected items. A crossing point meant for pedestrians, not trucks. Another crossing point where trucks have been blocked by desperate, hungry communities. A destroyed commercial sector. Constant bombardments. Poor communications. Damaged roads. Convoys shot at. Delays at checkpoints. A traumatized and exhausted population crammed into a smaller and smaller sliver of land. Shelters which have long exceeded their full capacity. Aid workers themselves displaced, killed. This

is an impossible situation for the people of Gaza, and for those trying to help them. The fighting must stop.”

42. Madam President, Members of the Court, that concludes my section on the genocidal conduct of Israel. I thank you for your patient attention, and I ask that you call Advocate Ngcukaitobi to the podium to address the Court on genocidal intent.

The PRESIDENT: I thank Ms Hassim, and I now invite Mr Tembeka Ngcukaitobi to address the Court. You have the floor, Sir.

Mr. NGCUKAITOBI:

GENOCIDAL INTENT

1. Madam President and distinguished Members of the Court, it is a privilege to appear before the Court on behalf of South Africa. I will address Israel’s genocidal intent.

2. At this stage, the Court is not required to determine that the only inference to be drawn from the available evidence is genocidal, to order provisional measures, as that is to decide the merits. Rather, the assessment of the existence of an intent to destroy “could be made by the Court only at the stage of the examination of the merits”. That some of the alleged acts may also amount to atrocities other than genocide does not exclude the finding of plausible acts of genocide.

3. Madam President, South Africa is not alone in drawing attention to Israel’s genocidal rhetoric against Palestinians in Gaza. Fifteen United Nations Special Rapporteurs and 21 members of the United Nations Working Groups have warned that what is happening in Gaza reflects “a genocide in the making” and an overt intent to “destroy the Palestinian people under occupation”.

Intent from conduct

4. Israel has a genocidal intent against the Palestinians in Gaza.

5. That is evident from the way in which Israel’s military attack is being conducted, which has been described by Ms Hassim, SC. It is systematic in its character and form: the mass displacement of the population of Gaza, herded into areas where they continue to be killed and the deliberate creation of conditions that “lead to a slow death”.

6. There is also the clear pattern of conduct: the

targeting of family homes and civilian infrastructure, laying waste to vast areas of Gaza, and the bombing, shelling and sniping of men, women and children where they stand, the destruction of the health infrastructure, and lack of access to humanitarian assistance, so much so that as we stand today, 1 per cent of the Palestinian population in Gaza has been systematically decimated, and 1 in 40 Gazans have been injured since 7 October. These two elements alone are capable of evidencing Israel's genocidal intent in relation to the whole or part of the Palestinian population in Gaza.

7. However, third, there is an extraordinary feature in this case: that Israel's political leaders, military commanders and persons holding official positions have systematically and in explicit terms declared their genocidal intent; and these statements are then repeated by soldiers on the ground in Gaza as they engage in the destruction of Palestinians and the physical infrastructure of Gaza.
8. We show this third element next.

Intent from genocidal speech by leaders and military officials

9. Israel's special genocidal intent is rooted in the belief that in fact the "enemy" is not just the military wing of Hamas, or indeed Hamas generally, but is embedded in the fabric of Palestinian life in Gaza.
10. On 7 October, in a televised address, Israeli Prime Minister Benjamin Netanyahu declared war on Gaza, Israel had started "clear[ing] out the communities that have been infiltrated by terrorists" and he warned of an "unprecedented price" to be paid by the enemy.
11. There are more than 2.3 million Palestinians in Gaza. Israel is the occupying Power, in control of Gaza; it controls entry, exit and the internal movements of inside Gaza⁷⁹. And qua Prime Minister, Mr Netanyahu exercises overall command over the Israeli Defense Forces and in turn the Palestinians in Gaza.
12. Prime Minister Netanyahu, in his address to the Israeli forces on 28 October 2023 — preparing for the invasion of Gaza — urged the soldiers to "remember what Amalek has done to you". This refers to the biblical command by God to Saul for the retaliatory destruction of an entire group of people known as the Amalekites: "Put to death men and women, children and infants, cattle and sheep, camels and donkeys". The genocidal invocation to Amalek was anything but idle. It was repeated by Mr Netanyahu in a letter to the Israeli armed forces on 3 November 2023. Madam President, let the Prime Minister's words speak for themselves.
13. The Deputy Speaker of the Knesset, Israel's Parliament, has called for the erasure of the Gaza Strip from the face of the earth.
14. The Defense Force agrees. On 9 October, the Defence Minister Yoav Gallant gave a "situation update" to the army where he said that as Israel was "imposing a complete siege on Gaza", "there would be no electricity, no food, no water, no fuel". "Everything would be closed", because Israel is "fighting human animals". Speaking to troops on the Gaza border, he instructed them that he has "released all the restraints" and that "Gaza won't return to what it was before. We will eliminate everything . . . we will reach all places." Eliminate everything. Reach all places. Without any restraints.
15. The theme of destruction of "human animals" was reiterated by an Israeli Army Coordinator of Government Activities in the Territories (COGAT) on 9 October 2023 who — in an address to "Hamas and the residents of Gaza" — stated that Hamas has become ISIS and that "the citizens of Gaza are celebrating instead of being horrified". He concluded that, "human animals are dealt with accordingly", "Israel has imposed a total blockade on Gaza, no electricity, no water, just damage. You wanted hell, you will get hell." The language of systematic dehumanization is evident here: "human animals". Both Hamas and civilians are condemned.
16. Within the Israeli cabinet, this is also a widely held view. The Minister of Energy and Infrastructure, Israel Katz, called for the denial of water and fuel as "this is what will happen to a people of children killers and slaughterers". This admits of no ambiguity: it means to create conditions of death of the Palestinian people in Gaza. To die a slow death because of starvation and dehydration or to die quickly because of a bomb attack or snipers. But to die, nevertheless. In fact, Heritage Minister, Amichai Eliyahu, said that Israel "must find ways for Gazans that are more painful than death". It is no answer to say that neither are in command of the army. They are ministers in the Israeli Government; they vote in the Knesset and are in a position to shape State policy.
17. The intent to destroy Gaza has been nurtured at the highest levels of State, as President Isaac Herzog has joined the ranks of those signing bombs destined for Gaza — having previously noted that the entire population in Gaza is responsible and that "this

rhetoric about civilians not aware, not involved, is absolutely not true . . . we will fight until we break their backbone". Later attempts by the President and others to neutralize this speech have not altered the sting of his words - which was to tar all Palestinians, as responsible for the actions of Hamas. Nor, as I will show below, it has affected how State policy is understood within government.

18. The Minister of National Security repeated the President's statements that Hamas and civilians are responsible in equal measure. On 10 November 2023, in a televised interview, he stated that "when we say that Hamas should be destroyed, it also means those who celebrate, those who support, and those who hand out candy - they're all terrorists, and they should also be destroyed".
19. These are orders to destroy. And to maim what cannot be destroyed. These statements are not open to neutral interpretations, or after-the-fact rationalizations and reinterpretations by Israel. The statements were made by persons in command of the State. They communicated State policy. It is simple. If the statements were not intended, they would not have been made.

Intent from genocidal speech by soldiers

20. The genocidal intent behind these statements is not ambiguous to the Israeli soldiers on the ground. Indeed, it is directing their actions and objectives.
21. On 7 December 2023, Israeli soldiers proved that they understood the Prime Minister's message to "remember what the Amalek has done to you" as genocidal. They were recorded by journalists dancing and singing: "We know our motto: there are no uninvolved . . ."; that they obey one commandment, "to wipe off the seed of Amalek". The Prime Minister's invocation of "Amalek" is being used by soldiers to justify the killing of civilians, including children. These are the soldiers repeating the inciting words of their Prime Minister.
22. Israeli soldiers in Gaza were filmed dancing, chanting and singing in November: "May their village burn; may Gaza be erased."⁹² There is now a trend among the soldiers to film themselves committing atrocities against civilians in Gaza, in a form of "snuff" video. One recorded himself detonating over 50 houses in Shujaiya⁹³; other soldiers were recorded singing: "We will destroy all of Khan Younes and this house"; "we will blow it up for you and for everything you do for us". These are the soldiers putting into effect their command.

23. The commanders of the army are also of the same mind. Israeli army Commander Yair Ben David has stated that the army had done in "Beit Hanoun and did there as Shimon and Levi did in Nablus" and that "[t]he entire Gaza should resemble Beit Hanoun".
24. Israeli soldier Yishai Shalev published a video against the backdrop of the ruins of what was the site of Al Azhar University with the caption "once upon a time there was a university in Gaza and in practice - a school for murderers and human animals".
25. Soldiers obviously believe that this language and their actions are acceptable because the destruction of Palestinian life in Gaza is articulated State policy.
26. Senior political and military officials encouraged without censure the 95-year-old Israeli army reservist Ezra Yachin — a veteran of the Deir Yassin massacre against the Palestinians in 1948 — to speak to the soldiers ahead of the ground invasion in Gaza⁹⁷. In his tour, he echoed the same sentiment while being driven around in an official Israeli army vehicle, dressed in Israeli army fatigues:

"Be triumphant and finish them off, and don't leave anyone behind. Erase the memory of them. Erase them, their families, mothers and children. These animals can no longer live . . . If you have an Arab neighbour, don't wait, go to his home and shoot him . . . We want to invade, not like before, we want to enter and destroy what's in front of us, and destroy houses, then destroy the one after it. With all of our forces, complete destruction, enter and destroy. As you can see, we will witness things we've never dreamed of. Let them drop bombs on them and erase them."

27. As recently as 7 January 2024, a video of a soldier was posted online where he boasts that the army had destroyed the entire village of Hirbet Ahza. For two weeks, he said, they had worked hard to bomb the village and executed their mandate.
28. Any suggestion that senior politicians did not mean what they said - much less that the meaning was not understood by soldiers in Gaza - would be without any merit. The scale of destruction in Gaza, the mass targeting of family homes and civilians, the war being "a war on children", all make clear that genocidal intent is both understood and is being put into practice.
29. The articulated intent is the destruction of Palestinian life in all its manifestations.

Intent from public incitement of genocide

30. The genocidal rhetoric is also commonplace within the Israeli Knesset. Members of the Knesset (MKs) have repeatedly called for Gaza to be “wiped out”, “flatten[ed]”, “eras[ed]”, and “[c]rush[ed] . . . on all its inhabitants”. They have deplored anyone “feel[ing] sorry” for the “uninvolved” Gazans, asserting repeatedly that “there are no uninvolved”, that “[t] here are no innocents in Gaza”, that “the killers of the women and children should not be separated from the citizens of Gaza”, that “the children of Gaza have brought this upon themselves”, and that “there should be one sentence for everyone there — death”. Finally, the lawmakers have called for “mercilessly” bombing “from the air”, with some advocating for the use of nuclear (“doomsday”) weapons, and a “Nakba that will overshadow the Nakba of 48”.
31. The Prime Minister’s genocidal speech has gained ground among some elements of civil society. A famous singer has repeated Mr Netanyahu’s Amalek reference, stating that “Gaza must be wiped out and be destroyed with every Amalek seed . . . we simply must destroy all of Gaza and exterminate everyone who is there”; another has called to “erase Gaza, not leave a single person there”. Journalists and commentators have announced that “the woman is an enemy, the baby is an enemy . . . the pregnant woman is an enemy”; that it is necessary to “turn the strip into a slaughterhouse”, to “demolish every house our soldiers come across”. Exterminate everyone.
32. The intentional failure of the Government of Israel to condemn, prevent and punish such genocidal incitement constitutes in itself a grave violation of the Genocide Convention. We should recall, Madam President, that in Article 1 of the Convention, Israel confirmed that “genocide, whether committed in time of peace or in time of war, is a crime under international law” and it undertook “to prevent and to punish” it as such. This failure to prevent, condemn and punish such speech by the Government has served to normalize genocidal rhetoric and extreme danger for Palestinians within Israeli society. As MK Moshe Saada, from the Likud Party, has said, the Government’s own attorneys share his views that Palestinians in Gaza must be destroyed: “You go anywhere, and they tell you to destroy them. In the kibbutz, they tell you to destroy them, my friends at the State Attorney’s office who’ve fought with me on political issues, in debates, said to me . . . ‘it is clear that we need to destroy all Gazans.’” Destroy all Gazans.

Knowledge of the destruction

33. Israel is aware of its destruction of Palestinian life and infrastructure. Despite this knowledge, it has maintained - and indeed intensified - its military activity in Gaza.
34. As to full awareness, in the week after 7 October, non-governmental organizations and the United Nations warned of an “unprecedented” humanitarian crisis in Gaza. The United Nations stated that “actors must allow humanitarian teams and goods to immediately and safely reach the hundreds of thousands of people in need”. So right from the beginning Israel knew that it was depriving water, food, electricity and essentials for survival. It said so: “Everything is closed.” It has known that it was depriving Palestinians of healthcare and treatment for injury in the middle of an unprecedented bombardment, of food and water, and of other essentials for survival. This prompted the WHO to say: “We are on our knees asking for sustained, scaled up, protected humanitarian operations”, appealing “to all those in a situation to make a decision or influence decision makers, to give us the humanitarian space to address this human catastrophe”.
35. Despite this knowledge, Israel continues to target infrastructure essential for survival: water and sanitation infrastructure, solar panels, bakeries, mills, crops¹²⁸. It bombs hospitals, decimating the healthcare system¹²⁹. It targets aid workers and the infrastructure of the United Nations. It is because of the policy of Israel that Gaza has become a place of “death and despair”.

Conclusion

36. In conclusion, Madam President, many propagators of grave atrocities have protested that they were misunderstood; that they did not mean what they said; and that their own words were taken out of context. What State would admit to a genocidal intent? Yet, the distinctive feature of this case has not been the silence as such, but the reiteration and repetition of genocidal speech throughout every sphere of State in Israel.
37. We remind the Court of the identity and authority of the genocidal inciters: the Prime Minister; the President; the Minister of Defence; the Minister of National Security; the Minister of Energy and Infrastructure; members of the Knesset; senior army officials; and foot soldiers. Genocidal utterances are therefore not out in the fringes; they are embodied in State policy.

38. The intent to destroy is plainly understood by soldiers on the ground. It is also fully understood by some within the Israeli society, with the Government facing criticism for allowing in any aid to Gaza, on the basis that it is recanting on its “promise” to starve Palestinians¹³². Any suggestion that Israeli officials did not mean what they said, or were not fully understood — by soldiers and civilians alike — to mean what they said, should be rejected by this Court. The evidence of genocidal intent is not only chilling, it is also overwhelming and incontrovertible.
39. Madam President, it is now my honour to request you to call Mr John Dugard on the subject of jurisdiction.

The PRESIDENT: I thank Mr Ngcukaitobi, and I now invite Prof. John Dugard to take the floor. You have the floor, Professor.

Mr DUGARD:

JURISDICTION

1. Madam President, distinguished Members of the Court. It is a great privilege to appear before you today on behalf of the Republic of South Africa. In my speech I will address the question of jurisdiction.
2. The people of South Africa and of Israel both have a history of suffering. Both States have become parties to the Genocide Convention in the determination to end suffering. In this spirit neither has attached a reservation to Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide.
3. It is in terms of this Convention, dedicated to saving humanity, that South Africa brings this dispute before the Court.
4. The prohibition of genocide is a peremptory norm. Obligations under the Genocide Convention are erga omnes, obligations owed to the international community as a whole. States parties to this Convention are obliged not only to desist from genocidal acts but also to prevent them.

That the obligation of States parties to prevent acts of genocide is the foundation of the Convention is clear from its placement in Article I of the Convention.

5. Article IX of the Genocide Convention makes it clear that States parties are guardians of the Genocide Convention. Unlike other treaties designed to protect human rights, it does not oblige States to pursue negotiations as a prelude to approaching

this Court. It does not treat the ending of genocidal acts as a bilateral affair between States. Instead, it envisages a situation in which a State, acting on behalf of the international community as a whole, seizes the jurisdiction of the Court as a matter of urgency to prevent genocide.

6. South Africa has a long history of close relations with Israel. For this reason, it did not bring this dispute immediately to the attention of the Court. It watched with horror as Israel responded to the terrible atrocities committed against its people on 7 October 2023 with an attack on Gaza that resulted in the indiscriminate killing of innocent Palestinian civilians, most of whom were women and children.
7. The South African Government repeatedly voiced its concerns, in the Security Council and in public statements, that Israel’s actions had become genocidal. On 10 November, in a formal diplomatic démarche, it informed Israel that while it condemned the actions of Hamas, it wanted the International Criminal Court (ICC) to investigate the leadership of Israel for international crimes, including genocide. As the Court will know, the definition of genocide in the Rome Statute repeats that of the Genocide Convention.
8. On 17 November South Africa referred Israel’s commission of the crime of genocide to the International Criminal Court for “vigorous investigation”. In announcing this decision President Ramaphosa publicly expressed his abhorrence “for what is happening right now in Gaza, which is now turned into a concentration camp where genocide is taking place”. To accuse a State of committing acts of genocide and to condemn it in such strong language is a major act on the part of a State. At this stage it became clear that there was a serious dispute between South Africa and Israel which would end only with the end of Israel’s genocidal acts.
9. South Africa repeated this accusation at a meeting of BRICS on 21 November 2023 and at an Emergency Special Session of the United Nations General Assembly on 12 December 2023. No response from Israel was forthcoming. None was necessary. By this time, the dispute had crystallized as a matter of law. This was confirmed by Israel’s official and unequivocal denial on 6 December 2023 that it was committing genocide in Gaza.
10. However, as a matter of courtesy, before filing the present Application, on 21 December 2023, South Africa sent a Note Verbale to the Embassy of Israel to reiterate its view that Israel’s acts of genocide in Gaza amounted to genocide — that it, as a State party to

the Genocide Convention, was under an obligation to prevent genocide from being committed. Israel responded by way of a Note Verbale that failed to address the issues raised by South Africa in its Note and neither affirmed nor denied the existence of a dispute. This was emailed late on 27 December 2023, this Note Verbale was received by the relevant South African team on 29 December 2023 after the present Application was filed.

11. On 4 January 2024, South Africa replied to this Note Verbale, highlighting Israel's failure to provide any response to the matters raised by South Africa over the previous months, as reiterated in its Note Verbale. South Africa made it clear that, given Israel's ongoing conduct against Palestinians in Gaza, the dispute referred to in its Note Verbale of 21 December 2023 remained unresolved and was "plainly not capable of resolution by way of a bilateral meeting". Nevertheless, South Africa proposed a meeting on 5 January 2023, again out of courtesy. Israel responded to this Note Verbale by proposing that "we reconnect to coordinate a meeting at the earliest opportunity" after the close of hearings in the present case. To this South Africa understandably replied that such a meeting would serve no purpose. Madame President, these Notes Verbales are to be found in the judges' folder.
12. The existence of a dispute is a matter to be determined by an objective determination of the facts¹⁴⁹ as they existed at the time of the filing of the Application¹⁵⁰. At this time South Africa had already accused Israel in the Security Council, the General Assembly and other public fora of engaging in genocidal acts. It had conducted a diplomatic démarche on Israel warning it that it viewed its conduct as genocidal. It had requested the International Criminal Court to vigorously investigate crimes under the Genocide Convention committed by Israel in the Gaza Strip and it accused Israel, inter alia, of the deliberate targeting of civilians, intentionally causing starvation and impeding relief supplies. It had accused Israeli leaders of expressing the "intent of committing genocide". Israel had flatly denied South Africa's accusations.
13. Despite these harsh accusations, Israel has persisted in its genocidal acts against the population of Gaza. What more evidence could be required to establish a dispute? It is precisely because of a situation of this kind, affecting the international community as a whole, that Article IX of the Genocide Convention does not require negotiations as a precondition to seising the jurisdiction of the Court. Certainly a respondent State cannot prevent a referral to the Court by claiming that there is no dispute and that it wants discussions on this matter when the existence of a dispute is clear. For a State to insist on a time frame for negotiations would simply be a licence to commit genocide and would run counter to the object and purpose of the Genocide Convention.
14. Madame President, the question of the crystallization of a dispute has been addressed by this Court in preliminary objections at the merits stage where the burden of proof is higher. Although the Court has generally adopted a flexible approach to this subject, it has laid down a number of tests for the existence of a dispute:
 - "It must be shown that the claim of one party is positively opposed by the other";
 - The date for determining the existence of the dispute is the date of the application but subsequent conduct may be considered;
 - Whether the dispute exists must be determined by an objective determination of the facts;
 - "[A] dispute exists when it is demonstrated, on the basis of the evidence, that the respondent was aware, or could not have been unaware, that its views were 'positively opposed'".
15. When these propositions are applied to the facts of this case it is incontrovertible that a dispute exists between South Africa and Israel. South Africa strongly believes that what Israel is doing in Gaza amounts to genocide; Israel denies this and claims that such an accusation is legally and factually wrong and moreover is obscene.
16. An objective determination of the facts shows that a dispute existed on the date of the submission of South Africa's Application and this has been confirmed by Israel's subsequent statements and by its continuing conduct in Gaza. Moreover, Israel must have been aware from South Africa's public statements, the démarche and the referral of the matter to the International Criminal Court of Israel's genocidal acts that a dispute existed between the two States.
17. Madame President, the Court has indicated that in an application for provisional measures it is sufficient to show that there is a prima facie basis for jurisdiction¹⁵⁹. It is submitted that South Africa has convincingly established the existence of a dispute between it and Israel over the fulfilment of the latter's obligations under the Genocide Convention.
18. Finally, it is submitted that regard should be had to the special considerations that apply to the existence of a dispute under Article IX of the

Genocide Convention between a State that brings an application in furtherance of its obligation to prevent genocide and a State accused of committing genocide.

This concludes my speech, Madam President. I thank you, Members of the Court, for your attention. I now ask you to call to the podium Professor Max du Plessis to address you on the nature of the rights requiring protection and the link between such rights and the measures requested. Thank you.

The PRESIDENT: I thank you, Professor Dugard. Before I give the floor to the next speaker, the Court will observe a coffee break of 10 minutes. The sitting is adjourned.

The Court adjourned from 11.35 a.m. to 11.55 a.m.

The PRESIDENT: Please be seated. The sitting is resumed. I now give the floor to Professor Max du Plessis. You have the floor, Professor.

Mr DU PLESSIS:

NATURE OF THE RIGHTS REQUIRING PROTECTION AND THE LINK BETWEEN SUCH RIGHTS AND THE MEASURES REQUESTED

Introduction

1. Madam President, distinguished Members of the Court. It is a privilege to appear before you. It is truly my honour to represent South Africa in these proceedings. I will be focusing on the nature of the rights that South Africa seeks to preserve through its Application and the link between such rights and the measures requested.
2. As well established in the Court's jurisprudence, and most recently in this Court's decision in *The Gambia* case, for the Court to exercise its power to indicate provisional measures, the rights claimed by South Africa on the merits — and for which it is seeking protection — must be "at least plausible".
3. This threshold does not require the Court to "determine definitively whether the rights which [South Africa] wishes to see protected exist".
4. Rather, the rights asserted must merely be "grounded in a possible interpretation" of the Convention and "the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by [it] to belong [to either party]".

Rights to be protected: core rights

5. Palestinians in Gaza — as a very substantial and important part of the Palestinian national, racial and ethnical group — simply but profoundly are entitled to exist.
6. As South Africa's Ambassador pointed out in opening, to situate the right to exist, and the threats to that right, requires the Court to appreciate that this Application by South Africa is brought within a particular context. What is happening in Gaza now is not correctly framed as a simple conflict between two parties. It entails, instead, destructive acts perpetrated by an occupying Power, Israel, that has subjected the Palestinian people to an oppressive and prolonged violation of their right to self-determination for more than half a century. And those violations occur in a world where Israel for years has regarded itself as beyond and above the law. As the UN Special Rapporteur on the Occupied Palestinian Territories explained in 2022: "The occupation by Israel has been conducted in profound defiance of international law and hundreds of United Nations resolutions, with scant pushback from the international community."
7. That context is important, as South Africa made clear in its Application. Where the international community has failed Palestinians for so long, and despite Israel's wilful defiance of Palestinians' rights, South Africa turns to this Court seeking to protect the core rights of Palestinians in Gaza to be protected from acts of genocide, attempted genocide, direct and public incitement to genocide, and complicity in and conspiracy to commit genocide. As the Court knows, the Convention prohibits the destruction of a group, or part of that group, including through killing, causing serious bodily and mental harm, and inflicting conditions of life calculated to bring about the group's physical destruction.
8. Through these core rights, the Convention further protects the rights of its members to life and physical and mental integrity. Palestinians in Gaza — women, men, children — because of their membership in a group, are protected by the Convention, as is the group itself.
9. The core rights are violated and threatened by a remarkable set of facts outlined by my colleagues and set out in detail in South Africa's Application with supporting evidence. In the speeches to this Court today, South Africa has chosen, as you have heard, to avoid the showing of graphic videos and photos. It has decided — against turning this Court

into a theatre for spectacle. It knows, as well as Your Excellencies, the temptation for both sides in a dispute to parade pictures to shock. But South Africa's Application, in this Court today, is built on a foundation of clear legal rights, not images. The detailed material before the Court is marshalled to show a case for provisional measures based firmly on this Court's prior decisions. And South Africa advances its case on the basis that Palestinians' rights are equally as worthy of protection - on the unprecedented evidence before you - as those of the victim groups that this honourable Court has previously protected, by its issuance of provisional measures in the past.

10. The material confirms the rights in issue and their violation: that Israel has committed and is committing acts capable of being characterized as "genocidal". You have heard from Ms Hassim about direct extermination of thousands of people and children of the Palestinian population in Gaza since 7 October last year; and South Africa and the world together stand witness to the forced evacuation of over 85 per cent of the population of Gaza from their homes and the herding of them into ever smaller areas, without adequate shelter or medical care, to be attacked, killed and harmed. So, the rights are immediately and urgently in need of protection because of the ongoing denial by Israel of the conditions necessary for life. It is difficult, with respect, to think of a clearer or more abundantly urgent case. Arif Husain, the chief economist at the United Nations World Food Program, chillingly warned a week ago, on 3 January:
"I've been doing this for the past two decades, and I've been to all kinds of conflicts and all kinds of crises. And, for me, this [the situation in Gaza] is unprecedented because of, one, the magnitude, the scale, the entire population of a particular place; second, the severity; and, third, the speed at which this is happening, at which this has unfolded, is unprecedented. In my life, I've never seen anything like this in terms of severity, in terms of scale, and then in terms of speed."
11. Madam President, esteemed judges, the core rights, on the evidence provided by South Africa in its Application, are demonstrably being violated. Multiple further statements by United Nations bodies and experts, as well as various expert human rights organizations and institutions and States, all of which is set out in South Africa's Application, confirm as much: they collectively have considered the acts committed by Israel to be genocidal, or at the very

least, warned that the Palestinian people are at risk of genocide. Since the Application was initiated, further States — 13 to date, including the Arab League and the Organisation of Islamic Cooperation, representing 57 States — as well as other experts have expressed their support for the case, thereby underlining the plausibility of South Africa's claim for provisional measures.

12. For the purposes of the indication of provisional measures, the rights asserted by South Africa under the Genocide Convention and their protection corresponds with the very object and purpose of the Convention. Based on the materials before the Court, the acts by Israel complained of are capable of being characterized as at least plausibly genocidal. As Mr Ngcukaitobi has explicated, the evidence of the specific genocidal intent is clear from the statements by Israeli government officials and soldiers towards Palestinians in Gaza and which may be characterized as at the very least "plausibly" genocidal. This at least "plausible" genocidal intent can also be deduced from the pattern of conduct against Palestinians in Gaza. It is also — again at the very least- plausible that Israel has failed to prevent or to punish genocide, conspiracy to commit genocide, direct and public incitement to genocide, attempted genocide and complicity in genocide, and it is further plausible that South Africa has an obligation to prevent genocide, including by taking all reasonable measures within its powers to influence effectively the actions of persons perpetrating and likely to commit genocide, or engaging in direct or public incitement to genocide. So let me be clear: South Africa's obligation is motivated by the need to protect Palestinians in Gaza, and their absolute rights not to be subjected to genocidal acts.
13. Notwithstanding the incontestably serious nature of the allegations against Israel, the Court should not be required, before granting provisional measures, to ascertain whether the existence of a genocidal intent is the only plausible inference to be drawn from the material before it. That would amount to the Court making a determination on the merits.
14. Moreover, South Africa has stressed that any motive or effort by Israel to destroy Hamas does not preclude genocidal intent by Israel towards the whole or part of the Palestinian people in Gaza. Evidence of other motives explaining its conduct as a perpetrator will not save Israel from a finding that it also possessed the requisite genocidal intent. And because of a fundamental feature of genocide - namely that the prohibitions on genocide and associated offences

are jus cogens in nature - they are subject therefore to no exception or qualification. They are absolute in nature, in times of war and peace, always, and everywhere.

15. Furthermore, the fact that the alleged acts may also be characterized as crimes other than genocide should not exclude the plausible inference of the existence of genocidal intent. As the United Nations Secretary-General has stated, the prevention of genocide is “intrinsically connected” to preventing crimes against humanity and war crimes, as these crimes “tend to occur concurrently in the same situation rather than as isolated events Consequently, initiatives aiming at preventing one of the crimes will, in most circumstances, also cover the others.” And as also set out in the ILC Articles on State responsibility, “the wrongful act of genocide is generally made up of a series of acts which are themselves internationally wrongful”.

Rights to be protected: South Africa / erga omnes

16. Madam President, honourable Members of the Court, South Africa’s claims thus concern, in the first place, its own obligations as a State party to the Genocide Convention to act to prevent and punish genocide. In the Application, South Africa has stressed that it “is acutely aware of its own obligation - as a State party to the Convention - to prevent genocide”¹⁷⁷. Indeed, this Court has recognized “the universal character both of the condemnation of genocide and of the co-operation required ‘in order to liberate mankind from such an odious scourge’”. As the prohibition of genocide is “assuredly a peremptory norm of international law (jus cogens)”, it is crucial that States pursue their interest under the Convention in ensuring acts of genocide are prevented.
17. Additionally, due to the “special characteristics” of the Genocide Convention, the respondent State owes this duty not only to the Palestinian people, but to all States parties to the Genocide Convention, including South Africa.
18. This has been emphasized repeatedly by this Court, and most recently in The Gambia case, where the Court held:
“all the States parties to the Genocide Convention have a common interest to ensure that acts of genocide are prevented and that, if they occur, their authors do not enjoy impunity. That common interest implies that the obligations in question are owed by any State party to all the other States

parties to the Convention.”

19. Similarly, the Court has reiterated that: “In such a convention the contracting States do not have any interests of their own; they merely have, one and all, a common interest, namely, the accomplishment of those high purposes which are the *raison d’être* of the convention.”
20. Accordingly, “any State party to the Genocide Convention, and not only a specially affected State, may invoke the responsibility of another State party with a view to ascertaining the alleged failure to comply with its obligations *erga omnes partes*, and to bring that failure to an end”¹⁸³. That means that South Africa is asserting both a collective and an individual right.
21. It is thus beyond doubt that South Africa is entitled to invoke the responsibility of Israel under the Genocide Convention. Through South Africa’s interest in the “common interest”, and as a State party to the Genocide Convention itself, it is entitled to safeguard compliance with that instrument.

Comparisons with other cases

22. As has been explained, the events unfolding in Gaza at the hands of the Israeli forces are frighteningly unprecedented. Yet what this Court is being asked to do in these proceedings - interdicting genocidal acts on an interim basis - is sadly by no means novel. In relation to genocide, the Court has indicated provisional measures in analogous circumstances to these, in The Gambia case, where, as here, a State sought provisional measures on the basis of the *erga omnes* right that the Genocide Convention be complied with. Also in respect of genocide, the Court did the same in the Bosnia and Ukraine cases¹⁸⁶. And most recently, this Court further accepted the *erga omnes* character of parties’ rights in relation to the Torture Convention.
23. South Africa respectfully contends that, in this case, the rights of the Palestinians in Gaza are no less worthy of this Court’s considerable protective power under Article 41 to issue provisional measures. This Court cannot but find as it did in The Gambia case, where this Court held “that there is a correlation between the rights of members of groups protected under the Genocide Convention, the obligations incumbent on States parties thereto, and the right of any State party to seek compliance therewith by another State party”.

Article 41 compliance - rights of Palestinians and South

Africa — Convention rights

24. South Africa's request therefore complies with Article 41 of this Court's Statute and engages the power of this Court "to preserve by such measures the rights which may subsequently be adjudged by it to belong to either party". South Africa requests this Court to discharge that critical protective power, and South Africa does so by virtue of its own clear right, and solemn obligations held towards the international community as a whole.
25. For the Court to indicate one or more provisional measures, there must also be a link between the rights the protection of which is sought and the provisional measure being requested. Such a link manifestly exists, we say, between the rights claimed by South Africa in its Application and the provisional measures requested, which are directly linked to the rights which form the subject-matter of the dispute. The provisional measures sought therefore ensure the protection of rights "which might ultimately form the basis of a judgment in the exercise of [the Court's] jurisdiction" in due course.
26. The rights at stake in these proceedings are certainly "at least plausible", "grounded in a possible interpretation" of the Convention, as the Convention imposes on parties the obligation to prevent and punish genocide under Article I, and in doing so intends to protect groups and parts of groups from genocide.
27. The Convention was designed to protect both States parties and human groups. When acts in breach of the Convention are perpetrated, it is the fundamental rights of people, and the relevant group, that are violated. Those fundamental rights - of Palestinians in Gaza - would be the subject of any judgment by this Court on the merits.
28. Madam President, Members of the Court. To find otherwise would not only be to treat Palestinians differently, as less worthy of protection than others. It would also be for the Court to unduly limit its own competence, to turn its back upon its extensive prior jurisprudence, and to close its eyes to the breach of the rights which lie at the heart of the Convention, and which breaches are taking place in Gaza right now, as I close.

Madam President, I ask you now to call Ms Ní Ghrálaigh, KC, to the podium, who will address you on the risk of further genocidal acts, the risk of irreparable harm and urgency, and I thank you for your attention.

The PRESIDENT: I thank Professor du Plessis. And I now invite Ms Blinne Ní Ghrálaigh to take the floor. You have the floor, Madam.

Overview

1. Madam President, Members of the Court, there is an urgent need for provisional measures to protect Palestinians in Gaza from the irreparable prejudice caused by Israel's violations of the Genocide Convention.
2. The United Nations Secretary-General and its Chiefs describe the situation in Gaza variously as "a crisis of humanity"¹⁹³, a "living hell", a "blood bath", a situation of "utter, deepening [and unmatched] horror"¹⁹⁶, where "an entire population" is "besieged and under attack, denied access to the essentials for survival", "on a massive scale". As the United Nations Under Secretary-General for Humanitarian Affairs stated last Friday:

"Gaza has become a place of death and despair... Families are sleeping in the open as temperatures plummet. Areas where civilians were told to relocate for their safety have come under bombardment. Medical facilities are under relentless attack. The few hospitals that are partially functional are overwhelmed with trauma cases, critically short of all supplies, and inundated by desperate people seeking safety. A public health disaster is unfolding. Infectious diseases are spreading in overcrowded shelters as sewers spill over. Some 180 Palestinian women are giving birth daily amidst this chaos. People are facing the highest levels of food insecurity ever recorded. Famine is around the corner. For children in particular, the past 12 weeks have been traumatic: No food. No water. No school. Nothing but the terrifying sounds of war, day in and day out. Gaza has simply become uninhabitable. Its people are witnessing daily threats to their very existence — while the world watches on."

3. The Court has heard of the horrific death toll, and of the more than 7,000 Palestinian men, women and children reported missing, presumed dead or dying slow, excruciating deaths trapped under the rubble. Reports of field executions, and torture and ill-treatment are mounting, as are images of decomposing bodies of Palestinian men, women and children, left unburied where they were killed — some being picked upon by animals. It is becoming ever clearer that huge swathes of Gaza — entire

towns, villages, refugee camps — are being wiped from the map. As you have heard, but it bears repeating, according to the World Food Programme, “[f]our out of five people [in the world], in famine or a catastrophic type of hunger, are in Gaza right now”. Indeed, experts warn that deaths from starvation and disease risk significantly outstripping deaths from bombings

4. The daily statistics stand as clear evidence of the urgency and of the irreparable prejudice: on the basis of the current figures, on average 247 Palestinians are being killed and are at risk of being killed each day, many of them literally blown to pieces. They include 48 mothers each day — two every hour — and over 117 children each day, leading UNICEF to call Israel’s actions a “war on children”. On current rates, which show no sign of abating, each day, over three medics, two teachers, more than one United Nations employee and more than one journalist will be killed — many while at work, or in what appear to be targeted attacks on their family homes or where they are sheltering. The risk of famine will increase each day. Each day, an average of 629 people will be wounded, some multiple times over as they move from place to place, desperately seeking sanctuary. Each day, over 10 Palestinian children will have one or both legs amputated, many without anaesthetic. Each day, on current rates, an average of 3,900 Palestinian homes will be damaged or destroyed. More mass graves will be dug. More cemeteries will be bulldozed and bombed and corpses violently exhumed, denying even the dead any dignity or peace. Each day, ambulances, hospitals and medics will continue to be attacked and killed. The first responders who have spent three months — without international assistance — trying to dig families out of the rubble with their bare hands will continue to be targeted; on current figures one will be killed almost every second day, sometimes in attacks launched against those attending the scene to rescue the wounded. Each day yet more desperate people will be forced to relocate from where they are sheltering or will be bombed in places where they had been told to evacuate to. Entire multi-generational families will be obliterated; and yet more Palestinian children will become “WCNSF”: “Wounded Child – No Surviving Family” — the terrible new acronym borne out of Israel’s genocidal assault on the Palestinian population in Gaza.
5. There is an urgent need for provisional measures to prevent imminent, irreparable prejudice to the rights in issue in this case. There could not be a

clearer or more compelling case. In the words of the Commissioner-General of the United Nations Relief and Works Agency, there must be “an end to the decimation of Gaza and of its people”.

The Court’s case law

Criterion of urgency

6. Turning to the Court’s case law, as the Court has recently reaffirmed, “[t]he condition of urgency is met when acts susceptible of causing irreparable prejudice can ‘occur at any moment’ before the Court makes a final decision on the case”. That is precisely the situation here. Any of those matters to which I have referred can and are occurring at any moment. United Nations Security Council resolutions demanding “the immediate, safe, unhindered delivery of humanitarian assistance, at scale” throughout Gaza and “full, rapid, safe, and unhindered humanitarian access” remain unimplemented. United Nations General Assembly resolutions calling for a humanitarian ceasefire have been ignored. The situation could not be more urgent. Since these proceedings were initiated on 29 December 2023 alone, an estimated over 1,703 Palestinians have been killed in Gaza, and over 3,252 injured.

Irreparable prejudice: serious risks to human life and other fundamental rights

7. As to the criterion of irreparable prejudice, for decades now, the Court has repeatedly found it to be satisfied in situations where serious risks arise to human life or to other fundamental rights.
8. In the cases of Georgia v. Russia, and Armenia v. Azerbaijan, the Court ordered provisional measures having found a serious risk of irreparable prejudice where hundreds of thousands of people had been forced from their homes.
9. In ordering provisional measures in the latter case, the Court noted the context of “the long-standing exposure of the population... to a situation of vulnerability” including “hindrances to the importation . . . of essential goods, causing shortages of food, medicine, and other life-saving medical supplies”.
10. In Gaza, as you have heard, nearly two million people — over 85 per cent of the population — have been repeatedly forced to flee their homes

and shelters — not just once or twice but some three, four or more times over — into shrinking slivers of land, where they continue to be bombed and killed. This is a population that Israel had already made vulnerable through 16 years of military blockade and crippling “de-development”. Today, Israel’s “hindrances” to the import of food and essential items have brought Gaza “to the brink of famine”, with adults — mothers, fathers, grandparents — regularly foregoing food for the day so that children can eat at least something. Medicine shortages and the lack of medical treatment, clean water and electricity, are so great that large numbers of Palestinians are dying or are at imminent risk of dying preventable deaths, cancer and other services have long shut down, women are undergoing caesarean sections without anaesthetic, in barely functioning hospitals described as scenes from a “horror movie”, with many undergoing otherwise unnecessary hysterectomies in an attempt to save their lives.

11. In the *Canada and the Netherlands v. Syria* torture case, the Court made clear that “individuals subject to torture and other acts of cruel, inhuman or degrading treatment or punishment...are at serious risk of irreparable prejudice”. Palestinians in Gaza are also at risk of such irreparable prejudice, with videos of Palestinian boys and men, rounded up and stripped and degraded, broadcast to the world, alongside footage of serious bodily harm, and accounts of serious mental harm and humiliation.
12. In *Qatar v. United Arab Emirates*, the Court considered provisional measures to be justified having regard to the risk of irreparable prejudice deriving from factors such as: people being forced to leave their places of residence without the possibility of return; the “psychological distress” of “temporary or potentially ongoing separation from their families” and the harm associated with students being “prevented from taking their exams”. If provisional measures were justified there, how could they not be in Gaza, where countless families have been separated — with some family members evacuating under Israeli military orders and others staying behind at extreme risk to care for the wounded, infirm and the elderly; where husbands, fathers and sons are being rounded up and separated from their families, taken to unknown locations for indeterminate periods of time. In the *Qatar* case, the Court issued a provisional measures Order where harm to approximately 150 students was in issue. In Gaza, 625,000 school children have not attended school for three months, with the United Nations

Security Council “[e]xpressing deep concern that the disruption of access to education has a dramatic impact on children, and that conflict has lifelong effects on their physical and mental health”. Almost 90,000 Palestinian university students cannot attend university in Gaza. Over 60 per cent of schools, almost all universities and countless bookshops and libraries have been damaged or destroyed, and hundreds of teachers and academics have been killed, including deans of universities and leading Palestinian scholars, obliterating the very prospects for the future education of Gaza’s children and young people.

Provisional measures and genocide

13. Notably, the Court has found provisional measures to be justified in all three cases where they were previously sought in relation to violations of the Genocide Convention. It did so in *Bosnia v. Serbia* in 1993, finding — on the basis of evidence that was certainly no more compelling than that presently before the Court — that it was sufficient to determine that there was “a grave risk of acts of genocide being committed”. The Court found provisional measures to be justified in *The Gambia v. Myanmar* case, on the basis of a risk of irreparable prejudice to the Rohingya, “subjected to . . . mass killings . . . as well as beatings, the destruction of villages and homes, denial of access to food, shelter and other essentials of life”.
14. More recently, in indicating provisional measures in *Ukraine v. Russian Federation*, the Court considered that Russia’s military activities had “resulted in numerous civilian deaths and injuries” and “caused significant material damage, including the destruction of buildings and infrastructure”, giving rise to a risk of irreparable prejudice²⁶¹. The Court had regard to the fact that “[a]ttacks are ongoing and are creating increasingly difficult living conditions for the civilian population”, which it considered to be “extremely vulnerable”²⁶². The Court also considered the fact that “[m]any persons have no access to the most basic foodstuffs, potable water, electricity, essential medicines or heating” and that many were attempting to flee “under extremely insecure conditions”²⁶³. This is occurring in Gaza on a much more intensive scale, to a besieged, trapped, terrified population that has nowhere safe to go.

Provisional measures in situations of armed conflict

15. Lest the contrary be suggested, it is clear from *Ukraine v. Russian Federation* that the fact that the urgent risk of irreparable harm arises in a situation of armed conflict does not undermine much less preclude a request for provisional measures. That is also clear from the Court's other Judgments.
16. In the case of *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, for example, the Court ordered provisional measures based on its finding "that persons, assets and resources present on the territory of the Congo, particularly in the area of conflict, remain extremely vulnerable" and that there was "a serious risk that the rights at issue in this case . . . may suffer irreparable prejudice". Similarly, in *Costa Rica v. Nicaragua*, the Court indicated provisional measures in part on the basis that the presence of troops in the disputed territory gave "rise to a real and present risk of incidents liable to cause irremediable harm in the form of bodily injury or death".
17. In relation to the Genocide Convention in particular, the Court recalled in *The Gambia v. Myanmar*, that "States parties expressly confirmed their willingness to consider genocide as a crime under international law which they must prevent and punish independently of the context 'of peace' or 'of war' in which it takes place".
18. More recently, in the case of *Guyana v. Venezuela*, the Court considered that the serious risk of Venezuela "acquiring and exercising control and administration of the territory in dispute" gave rise to a risk of irreparable prejudice to the rights asserted in the case²⁶⁸. Similar factors are in issue here, having regard to the territorial ambitions and settlement plans for Gaza being raised by members of the Israeli Government, and the relationship of those factors to the very survival of Palestinians in Gaza as such.

Provisional measures and mitigation of risk

19. Similarly, any scaling up by Israel of access of humanitarian relief to Gaza in response to these proceedings or otherwise would be no answer to South Africa's request for provisional measures. In the case of *Iran v. United States*, the Court found a risk of irreparable harm from the exposure of individuals to "danger to health and life" caused by restrictions placed on "medicines and medical devices", "foodstuffs" and other "goods required for humanitarian needs". That was notwithstanding the assurances offered by the United States for it to expedite the consideration of humanitarian issues; and notwithstanding the fact that essentials were in any event exempt from the United States sanctions. The Court considered that the assurances were "not adequate to address fully the humanitarian and safety concerns raised" and that "there remain[ed] a risk that measures adopted" by the United States "may entail irreparable consequences".
20. In *Armenia v. Azerbaijan*, unilateral undertakings to alleviate restrictions alongside the full resumption of humanitarian and commercial deliveries did not defeat a request for the indication of provisional measures. The Court was clear that while contributing "towards mitigating the imminent risk of irreparable prejudice resulting from" the military operation, those developments did "not remove the risk entirely". Indeed, in *Georgia v. Russian Federation*, the Court made clear that it considers a "serious risk" to subsist where "the situation . . . is unstable and could rapidly change". The Court considered that "given the ongoing tension and the absence of an overall settlement to the conflict in this region...populations also remain vulnerable".
21. Israel continues to deny that it is responsible for the humanitarian crisis it has created, even as Gaza starves. The aid it has belatedly begun to allow in is wholly inadequate and does not come anywhere close to the average 500 trucks being permitted daily before October 2023, even under the blockade. Any unilateral undertakings Israel might seek to give about future aid would not remove the risk of irreparable prejudice, not least considering Israel's past and current conduct towards the Palestinian people, including the 16 years of brutal siege on Gaza.
22. In any event, as the United Nations Secretary-General has made absolutely clear, it is "a mistake" to measure "the effectiveness of the humanitarian operation in Gaza based on the number of trucks" allowed in²⁸¹. As he stressed, "[t]he real problem is that the way Israel is conducting this offensive" means that "the conditions for the effective delivery of humanitarian aid no longer exist"²⁸². That would require "security, staff who can work in safety, logistical capacity, and the resumption of commercial activity. It requires electricity and steady communications. All of these remain absent"²⁸³. Indeed, only shortly after Israel opened the Kerem Shalom crossing to goods in late December 2023, it was struck in a drone attack, killing five Palestinians and leading to another temporary closure²⁸⁴. Nowhere and nobody is safe. As the United Nations

Secretary-General and all its chiefs have made clear, without a halt to Israel's military operations, crossings, aid convoys and humanitarian workers²⁸⁵ — like everyone and everything else in Gaza — remain at imminent risk of further irreparable prejudice. An unprecedented 148 United Nations staff have been killed to date²⁸⁶. Without a halt to Israel's military activity in Gaza, there will be no end to the extreme situation facing Palestinian civilians.

Provisional measures and Gaza

23. Madam President, Members of the Court, if the indication of provisional measures was justified on the facts in those cases I have cited, how could it not be here, in a situation of much greater severity, where the imminent risk of irreparable harm is so much greater? How could they not be justified in a situation that humanitarian veterans from crises spanning as far back as the killing fields of Cambodia — “people who [in the words of the United Nations Secretary-General] have seen everything” — if they say it is so utterly “unprecedented” that they are “out of words to describe” it.
24. It would be a complete departure from the long and established line of jurisprudence that this Court has firmly established — and recently reconfirmed — for the Court not to order provisional measures in this case. The imminent risk of death, harm and destruction that Palestinians in Gaza face today, and that they risk every day during the pendency of these proceedings, on any view justifies — indeed compels — the indication of provisional measures. Some might say that the very reputation of international law — its ability and willingness to bind and to protect all peoples equally — hangs in the balance.

Elementary principles of morality

25. But the Genocide Convention is about much more than legal precedent. It is also fundamentally about the “confirm[ation] and endorse[ment] of elementary principles of morality”. The Court recalled the 1946 General Assembly resolution on the crime of genocide, which made clear that:

“Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented

by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.”

26. Notwithstanding the Genocide Convention's recognition of the need to rid the world of the “odious scourge” of genocide, the international community has repeatedly failed. It “failed” the people of Rwanda. It had failed the Bosnian people and the Rohingya, prompting this Court to take action. It failed again by ignoring the early warnings of the “grave risk of genocide to the Palestinian people” sounded by international experts since 19 October of last year.
27. The international community continues to fail the Palestinian people, despite the overt dehumanizing genocidal rhetoric by Israeli governmental and military officials, matched by the Israeli army's actions on the ground; despite the horror of the genocide against the Palestinian people being livestreamed from Gaza to our mobile phones, computers and television screens — the first genocide in history where its victims are broadcasting their own destruction in real time in the desperate — so far vain — hope that the world might do something. Gaza represents nothing short of a “moral failure”, as described by the usually circumspect International Committee of the Red Cross. As underscored by United Nations chiefs, that failure has “repercussions not just for the people of Gaza...but for the generations to come who will never forget these [over] 90 days of hell and of assaults on the most basic precepts of humanity”. As stated by a United Nations spokesperson in Gaza last week, at the site of a hospital clearly marked with the symbol of the Red Crescent, where five Palestinians — including a five-day-old baby — had just been killed: “The world should be absolutely horrified. The world should be absolutely outraged... There is no safe space in Gaza and the world should be ashamed”.

Conclusion

28. Madam President, Members of the Court, in conclusion I share with you two photographs. The first is of a whiteboard at a hospital — in northern Gaza — one of the many Palestinian hospitals targeted, besieged and bombed by Israel over the course of the past three brutal months. The whiteboard is wiped clean of no longer possible surgical cases, leaving only a hand-written message by a Médecins Sans Frontières doctor which reads: “We did what we could. Remember us.”

29. The second photograph is of the same whiteboard, after an Israeli strike on the hospital on 21 November that killed the author of the message, Dr Mahmoud Abu Nujaila, along with two of his colleagues.
30. Just over a month later, in a powerful sermon, delivered from a church in Bethlehem on Christmas Day — the same day Israel had killed 250 Palestinians³⁰⁰, including at least 86 people, many from the same family, massacred in a single strike on Maghazi refugee camp³⁰¹ — Palestinian Pastor Munther Isaac addressed his congregation and the world. And he said:

“Gaza as we know it no longer exists. This is an annihilation. This is a genocide. We will rise. We will stand up again from the midst of destruction, as we have always done as Palestinians, although this is by far maybe the biggest blow we have received.”

But he said:

“No apologies will be accepted after the genocide... What has been done has been done. I want you to look at the mirror and ask, ‘where was I when Gaza was going through a genocide’.”

31. South Africa is here before this Court, in the Peace Palace. It has done what it could. It is doing what it can, by initiating these proceedings, by seeking interim measures against itself as well as against Israel.
32. South Africa now respectfully and humbly calls on this honourable Court to do what is in its power to do, to indicate the provisional measures that are so urgently required to prevent further irreparable harm to the Palestinian people in Gaza, whose hopes — including for their very survival — are now vested in this Court.
33. Madame la présidente, Mesdames et Messieurs les juges, je vous remercie de votre bienveillante attention. Je vous invite à demander au professeur Lowe, KC, de prendre le podium pour décrire les mesures conservatoires revendiquées par l’Afrique du Sud de la part du peuple palestinien.

The PRESIDENT: I thank Ms Ní Ghrálaigh, and I now invite Professor Vaughan Lowe to address the Court. You have the floor, Professor.

Mr LOWE:

THE PROVISIONAL MEASURES SOUGHT

1. Madam President, Members of the Court: it is a privilege to appear before you, and an honour to do so on behalf of the Republic of South Africa.

Introduction

2. This case is brought under Article IX of the Genocide Convention, which entitles any Contracting Party to the Convention to submit to the Court disputes relating to the interpretation, application or fulfilment of the Convention.
3. The Court does not at this stage have to determine whether or not Israel has or has not acted contrary to its obligations under the Genocide Convention. That can only be done at the merits stage. It is concerned now only with the question of what provisional measures are required pending the Court’s final decision on the merits.

The Court’s requirements for the ordering of provisional measures

4. The Court’s jurisprudence points to five requirements for the ordering of provisional measures.
5. The first is that there should be prima facie jurisdiction. That was addressed by Professor Dugard.
6. The second is that there should be a link between the measures requested and the rights underlying the main claim. This requirement is plainly satisfied. The measures request an Order that Israel does not violate the very rights secured by the Genocide Convention, as set out in South Africa’s Application.
7. The third is the plausibility of the rights that are claimed. Professor du Plessis explained that this is clearly satisfied. The rights claimed are the very core of the Convention: notably the right not to be killed or seriously harmed, and the right of the group not to be physically destroyed.
8. Fourth and fifth, there must be a risk of irreparable prejudice capable of arising prior to the final determination of the dispute, and there must be urgency. Ms Ní Grálaigh addressed those points. Israel has for over three months been mounting a continuous siege and bombardment of Gaza of a ferocity and duration that can only be seen as an attempt to destroy Gaza and its citizens; and it is publicly asserting that it will continue to do so. You

are aware of the scale of the death and the scale of the destruction. And it is continuing at this very minute.

9. The Court has said that “a State’s obligation to prevent [sc., genocide], and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed. From that moment onwards, if the State has available to it means likely to have a deterrent effect on those suspected of preparing genocide, or reasonably suspected of harbouring specific intent . . . , it is under a duty to make such use of these means as the circumstances permit.”

That is what South Africa has done by making this Application.

The Court’s approach to provisional measures: protection of individuals

10. In cases such as LaGrand, Avena and Jadhav this Court has exercised its power to order provisional measures having regard to the impact not only of provisional measures on the States parties to a case, but also to the impact on the individuals directly affected and their rights. It has issued Orders to restrain States from killing individuals in a manner alleged to violate international law. And that is what South Africa is requesting, after more than 22,000 individuals have already been killed in the siege and bombardment of Gaza, the overwhelming majority of them innocent men, women and children.

The Court’s approach to provisional measures: protecting the integrity of the Court’s procedures

11. The Court also issues Orders to safeguard the integrity of its proceedings and the efficacy of its final ruling. In the Bosnia Genocide case, for example, you ordered that the parties “not take any action and . . . ensure that no action is taken which may aggravate or extend the existing dispute over the prevention or punishment of the crime of genocide, or render it more difficult of solution”. Without such non-aggravation orders, there is a real risk that a respondent will rush to complete its unlawful conduct before the Court’s final ruling, thus rendering the ruling, and the Court, an irrelevance.

The limited scope of South Africa’s request for provisional measures

12. South Africa has kept its Application in this case within the scope of the Convention.
13. First, some will ask why South Africa does not seek any Court order against Hamas. This case concerns Israel’s actions in Gaza, which is territory that, three weeks ago in resolution 2720, the United Nations Security Council stressed is “an integral part of the territory occupied in 1967” by Israel. As the Court will understand, Hamas is not a State and cannot be a party to the Genocide Convention; and cannot be a party to these proceedings. There are other bodies and processes that can address the questions of steps to be taken in respect of past atrocities and against other actors; and they are no doubt considering what they should do. But as a matter of law, under the Convention, South Africa cannot request an Order from this Court against Hamas.
14. Secondly, South Africa understands that not all violence constitutes genocide. Acts of ethnic cleansing, collective punishment, the targeting of civilians, attacks on hospitals, and other war crimes are all unlawful: but they do not always violate the Genocide Convention. Genocide requires an intent to destroy, in whole or in part, a national, ethnical, racial or religious group. But the fact that what Israel is doing in Gaza may also constitute war crimes or crimes against humanity is no defence and no bar to a charge of genocide.
15. South Africa has set out its request for relief in paragraph 111 of its Application, and its Request for provisional measures in paragraph 144.

The specific provisional measures requested by South Africa

16. The reasoning behind the requests is pragmatic. The first two paragraphs of the provisional measures request call for the suspension of Israel’s military operations in and against Gaza.
17. Israel’s continuing operation in Gaza since the 7 October attack is the focus of this case. Minister Lamola has recalled the fact that South Africa has condemned the 7 October attack. Israel says that Palestine and Palestinians are not its target, and that its aim is to destroy Hamas. But months of continuous bombing, flattening entire residential blocks and cutting off food and water and electricity and communications to an entire population, cannot credibly be argued to be a manhunt for members

of Hamas. It is an indiscriminate attack, killing, maiming and terrorizing the entire population of Gaza with no regard to questions of innocence or guilt, obliterating the homes and cities in which they live, and destroying any practical possibility of their return to make their homes amidst the rubble.

18. Israel's actions both attack Palestinians in Gaza directly and also prevent humanitarian relief reaching them. Palestinians face death from continuing bombardments and shootings, and death from starvation and disease, which is even more indiscriminate, but usually slower.
19. In recent days the United States has said again that far too many civilians are being killed; and the United Nations Secretary General, the United Nations Under-Secretary-General for Humanitarian Affairs and the Commissioner-General of UN Relief and Works Agency have asserted that it is imperative to halt military operations in order to enable the effective delivery of humanitarian relief.
20. That is why South Africa has requested an Order for the immediate suspension of Israel's military operations in and against Gaza. It is the only way to secure the humanitarian response and avoid yet more unnecessary death and destruction.
21. There is a point to emphasize. It is no use Israel saying that it does whatever it can to minimize the deaths of innocent men, women and children. The use of two-thousand-pound bunker-busting bombs and dumb bombs in residential areas, and the relentless bombardment of Gaza, and even of so-called "safe areas" to which Palestinians have been directed by Israel, tell another story. But that is not the only point. It is not just a question of scale and of indiscriminate killing. It is also a question of intention.
22. If any military operation, no matter how carefully it is carried out, is carried out pursuant to an intention to destroy a "people", in whole or in part, it violates the Genocide Convention and it must stop. That is why all military operations capable of violating the Genocide Convention must cease.
23. The third request is for an order that both Israel and South Africa, in accordance with their obligations under the Genocide Convention in relation to the Palestinian people, take all reasonable measures to prevent genocide.
24. The fourth and fifth measures then spell out these general obligations in terms of the specific instances of offences listed in Articles I, II and III of the Convention.
25. The sixth requested measure addresses the fact

that, aside from its own acts, the Government of Israel is legally bound to prevent and punish others who engage in or incite or actively support conduct that violates the Genocide Convention. Until the reported intervention of the Attorney General 36 hours ago, Israeli authorities appear to have done practically nothing to stop the flow of genocidal rhetoric, including statements emanating from the ranks of public officials. Indeed, the toleration, even normalization, of such incitement has become a matter of concern within Israel itself. That is why this measure is sought.

26. This case is important. Lives are at stake. Israel's credibility and reputation are at stake. Yet evidence that could determine whether or not particular acts violate the Genocide Convention is being lost or destroyed, while fact-finders and foreign journalists are unable to report freely from Gaza. Hence the seventh request, which is for an order directing the preservation of evidence.
27. Finally, South Africa asks that the Court require specific reports from Israel on what it is doing to implement the order. General assurances are not enough. Reports, published via the Court, are an essential element of accountability.

The exercise of the right of self-defence cannot justify or be a defence to genocide

28. I should address the question of self-defence. In its Advisory Opinion in the Wall case, the Court noted that the threat that Israel had argued justified the construction of the wall was not imputable to a foreign State, but emanated from territory - the Occupied Palestinian Territory - over which Israel itself exercises control. For those reasons, the Court decided that as a matter of international law the right of self-defence under Article 51 of the United Nations Charter had no relevance in such circumstances.
29. Twenty days ago, the Security Council affirmed yet again that Gaza is occupied territory. Though Israel refers to a complete withdrawal from Gaza, it has retained control over Gaza - over access by land, sea and air, and over key governmental functions and supplies of water and electricity. The tightness of its grip may have varied; but no one can doubt the continuous reality of Israel's grip on Gaza. The Court's legal holding from 2004 remains good.
30. A similar point is to be made here. What is Israel doing in Gaza, it is doing in territory under its own control. Its actions are enforcing its occupation. The

law on self-defence under Article 51 of the United Nations Charter has no application. But that is not the main point.

31. The main point is much simpler. It is that no matter how monstrous or appalling an attack or provocation, genocide is never a permitted response. Every use of force, whether used in self-defence, or in enforcing an occupation, or in policing operations, or otherwise, must stay within the limits set by international law, including the explicit duty in Article I of the Convention to prevent genocide.
 32. South Africa believes that the publicly available evidence of the scale of the destruction resulting from the bombardment of Gaza and the deliberate restriction of food, water, medicines and electricity available to the population of Gaza demonstrates that the Government of Israel - not Jewish people or Israeli citizens: the Government of Israel and its military - is intent on destroying the Palestinians in Gaza as a group, and is doing nothing to prevent or punish the actions of others who support that aim.
 33. The point is not simply that Israel is acting “disproportionately”: the point is that the prohibition on genocide is an absolute, peremptory rule of law. Nothing can ever justify genocide. No matter what some individuals within the group of Palestinians in Gaza may have done and no matter how great the threat to Israeli citizens might be, genocidal attacks on the whole of Gaza and the whole of its population with the intent of destroying them cannot be justified.
 34. And no exception can be made in a provisional measures order to allow a State to engage in actions that are capable of violating its obligations under the Genocide Convention. It is unthinkable that a court would ever do such a thing. That is the simple point in this case: genocide can never be justified in any circumstances.
 35. Israel’s actions will be examined closely and methodically at the merits stage, when the Court will want to hear what Israel has to say in its defence. What matters now is that the evidence indicates that Israel’s actions have violated its obligations under the Genocide Convention, that they continue to violate them and that Israel has asserted that it intends to continue them.
37. In this case, one reason for doubting the efficacy of any such unilateral undertaking is Israel’s apparent inability to see that it has done anything wrong in grinding Gaza and its people into the dust.
 38. Another reason is that a departure from or reinterpretation of any unilateral undertaking by Israel may lead to consequences so appalling that the risk simply cannot be taken.
 39. But there is a third reason. As was noted during the submissions to this Court in the case concerning the Reservations to the Genocide Convention in 1951, “the obligation to submit disputes concerning the interpretation or execution of the Convention to the International Court of Justice was regarded as one of the prime guarantees of the due fulfilment of the basic obligation to prevent and punish the crime of genocide”. The role of the Court which, unusually, extends not only to the interpretation and application of the Convention, but also to its fulfilment, is pivotal. In addition to their substantive obligations under the Convention it is vitally important that States respect the Court and their procedural obligations.
 40. This is not a moment for the Court to sit back and be silent. It is necessary that it assert its authority, and itself order compliance with the obligations under the Genocide Convention. Indeed, it is hard to think of a case in recent history which has been so important for the future of international law, and of this Court.
 41. Madam President, Members of the Court, that concludes my submission. I thank you for your attention and, unless I can help you further, I ask that you call on South Africa’s Agent to read out the request for relief.

The PRESIDENT: I thank Professor Lowe, and I now invite the Agent of South Africa, HE Mr Vusimuzi Madonsela, to address the Court. You have the floor, Excellency.

Mr. MADONSELA:

FINAL SUBMISSIONS

1. Madam President, it remains my honour to read to Your Excellencies the provisional measures that South Africa requests from the Court.
2. You have heard the reasons set out which justify the measures being sought. To sum up, the indication of provisional measures is, we recognize, without

Unilateral undertakings are not enough

36. Israel may say that it will comply with all of its obligations under the Genocide Convention and that Orders from the Court are not necessary. But in

prejudice to the merits of the underlying claim. Yet the evidence at this stage indicates grave violence and genocidal acts against the Palestinians in Gaza, in flagrant contravention of the Genocide Convention and in breach of their rights.

3. South Africa has come to this Court to prevent genocide and to do so in the discharge of the international obligation that rests on South Africa and all other States under the Convention. The consequences of not indicating clear and particularized, specific, provisional measures - and not taking steps to intervene while Israel disregards its international obligations before our eyes - would, we fear, be very grave indeed: for the Palestinians in Gaza, who remain at real risk of further genocidal acts; for the integrity of the Convention; for the rights of South Africa; and for the reputation of this Court, which is equipped with and must exercise its powers to afford an effective realization of the rights under the Convention.
4. That means, we respectfully submit, indicating the provisional measures being sought by South Africa, as well as any others in addition which the Court might deem appropriate. Justice, and equal respect for the rights of Palestinians, points overwhelmingly in favour of these critically required provisional measures.
5. Madam President, I now proceed to read the measures requested by South Africa. On the basis of the facts set forth above:

“South Africa, as a State party to the Convention on the Prevention and Punishment of the Crime of Genocide, respectfully requests the Court, as a matter of extreme urgency, pending the Court’s determination of this case on the merits, to indicate the following provisional measures in relation to the Palestinian people as a group protected by the Genocide Convention. These measures are directly linked to the rights that form the subject matter of South Africa’s dispute with Israel:

- The State of Israel shall immediately suspend its military operations in and against Gaza.
- The State of Israel shall ensure that any military or irregular armed units which may be directed, supported or influenced by it, as well as any organisations and persons which may be subject to its control, direction or influence, take no steps in furtherance of the military operations referred to point (1) above.
- The Republic of South Africa and the State

of Israel shall each, in accordance with their obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the Palestinian people, take all reasonable measures within their power to prevent genocide.

- The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the Palestinian people as a group protected by the Convention on the Prevention and Punishment of the Crime of Genocide, desist from the commission of any and all acts within the scope of Article II of the Convention, in particular:
 - killing members of the group;
 - causing serious bodily or mental harm to the members of the group;
 - deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
 - imposing measures intended to prevent births within the group.
 - The State of Israel shall, pursuant to point (4) (c) above, in relation to Palestinians, desist from, and take all measures within its power including the rescinding of relevant orders, of restrictions and/or of prohibitions to prevent:
 - the expulsion and forced displacement from their homes;
 - the deprivation of:
 - access to adequate food and water;
 - access to humanitarian assistance, including access to adequate fuel, shelter, clothes, hygiene and sanitation;
 - medical supplies and assistance; and
 - the destruction of Palestinian life in Gaza.
6. The State of Israel shall, in relation to Palestinians, ensure that its military, as well as any irregular armed units or individuals which may be directed, supported or otherwise influenced by it and any organizations and persons which may be subject to its control, direction or influence, do not commit any acts described in (4) and (5) above, or engage in direct and public incitement to commit genocide, conspiracy to commit genocide, attempt to commit genocide, or complicity in genocide, and insofar as they do engage therein, that steps are taken

towards their punishment pursuant to Articles I, II, III and IV of the Convention on the Prevention and Punishment of the Crime of Genocide.

7. The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide; to that end, the State of Israel shall not act to deny or otherwise restrict access by fact-finding missions, international mandates and other bodies to Gaza to assist in ensuring the preservation and retention of said evidence.
8. The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one week, as from the date of this Order, and thereafter at such regular intervals as the Court shall order, until a final decision on the case is rendered by the Court, and that such reports shall be published by the Court.
9. The State of Israel shall refrain from any action and shall ensure that no action is taken which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

Thank you, Madam President, and distinguished Members of the Court. That concludes South Africa’s address.

The PRESIDENT: I thank the Agent of South Africa, whose statement brings to an end the single round of oral argument of South Africa, as well as this morning’s sitting. The Court will meet again tomorrow, 12 January 2024, at 10 a.m., to hear the single round of oral argument of Israel. The sitting is adjourned.

The Court rose at 1.20 p.m.



“Border Disputes and Sovereign Rights - Issues facing the Co-operative Republic Of Guyana as well as CARICOM”



Members of the Delegation of Guyana seated at the International Court of Justice at the start of the public hearings on the request for the indication of provisional measures submitted by Guyana, November 14, 2023. (Photograph: UN Photo/ICJ-CIJ/Frank van Beek)

THE HISTORICAL BACKDROP

Article 1 (2) of the 1966 Independence Constitution of Guyana declares “The territory of the State comprises the areas that, immediately before 26th May 1966, were comprised in the former Colony of British Guiana together with such other areas as may be declared by Act of Parliament to form part of the territory of Guyana.” For the purpose of this presentation, the boundaries of this land mass, which we know as Guyana, were conclusively and lawfully carved out since the turn of the twentieth century, in 1905. So from this manifestly settled position, stretching over 100 years, —how have we arrived at this place, where Guyana faces an existential threat of conquest of nearly two-third of that very territory, by the Bolivarian Republic of Venezuela.

The controversy dates back to 1841 when Venezuela objected to the demarcation of British Guiana’s borders which had not been defined in the United Kingdom’s 1814 Treaty acquiring it from Netherlands. In the 1830s, the United Kingdom commissioned German Surveyor Robert Schomburgk to delineate the boundary. This delineation was referred to as the ‘Schomburgk line’. Venezuela contended that its borders were established since 1811 when it attained independence from Spain

and they extended east to the Essequibo river. After a large gold discovery in the disputed area in the 1850s, the United Kingdom claimed an additional 33,000 square miles west of the ‘Schomburgk Line’.

The dispute intensified, and in 1887 diplomatic relations broke down between the United States of Venezuela and the United Kingdom. Venezuela then sought and secured the assistance of the United States of America, praying in aid the “Munroe Doctrine”.

By this Doctrine the United States of America had pledged that it will resist territorial claims by European colonial powers in the Americas. Tensions arose to such a level that the United States even threatened war with Great Britain. Eventually diplomacy prevailed. Facilitated by the United States, in 1897, Venezuela and Great Britain concluded an agreement — the Treaty of Washington — by which they agreed to submit the dispute regarding the location of the boundary to binding arbitration before a tribunal of five eminent jurists. Under the terms of the Treaty of Washington, Great Britain and Venezuela agreed that they would “consider the result of the proceedings of the Tribunal of Arbitration as a full, perfect, and final settlement of all matters referred to the Tribunal.”

The five Jurists were: two members representing Great



Hon. Mohabir Anil Nandlall SC MP, Attorney General & Minister of Legal Affairs at the International Court of Justice attending the public hearings on the preliminary objections raised by Venezuela, November 17, 2022. (Photo: Anil Nandlall/Facebook)

Britain nominated by the members of the Judicial Committee of Her Majesty's Privy Council, namely, Charles Baron Russell of Killowen, Chief Justice of England (who replaced Baron Herschell, who died shortly after his appointment to the Tribunal) and Sir Richard Henn Collins, Justice, British Supreme Court of Judicature; two members representing Venezuela, Melville Western Fuller, Chief Justice of the United States of America nominated by the President of the United States of Venezuela (Jose Andrade) and David Josiah Brewer, Justice of the United States Supreme Court, nominated by the Justices of the Supreme Court of the United States of America. These four distinguished Jurists selected a fifth to serve as a Chairman of the Tribunal. They selected legal scholar Fyodor Fyodorovich Martens, Permanent Member of the Council of Russia's Ministry of Foreign Affairs.

On 3 October 1899, the Arbitral Tribunal delivered its Award, which determined the boundary between Venezuela and British Guiana. The 1899 Award was the culmination of arbitral proceedings during which the respective territorial claims of Great Britain and Venezuela were addressed at great length and in detail by

distinguished legal counsel representing the two States, including through many thousands of pages of written submissions and more than 200 hours of oral hearings before the Arbitral Tribunal, which sat and determined the case in the neutral territory of Paris.

The Arbitral Award gave Venezuela the mouth of the Orinoco River and a 5,000-square-mile extension around Point Barima, while Great Britain received the land to the east, including most of the Essequibo Basin. The total land mass that Venezuela received through this awarded measures approximately 350,000-square-miles which is more than 4 times the size of what is now Guyana. Indeed, history has recorded Venezuela as interpreting the Award as favourable to them and celebrated it as a victory. In fact, the brother of the then President of Venezuela publicly proclaimed the victory as a large part of his life-long efforts in respect of this dispute.

For more than six decades after the 1899 Award was delivered, Venezuela treated the Award as a final settlement of the matter: it consistently recognised, affirmed and relied upon the 1899 Award as "a full, perfect, and final" determination of the boundary with British Guiana. In particular, between 1900 and 1905, Venezuela participated in a joint demarcation of the boundary, in strict adherence to the letter of the 1899 Award, and emphatically refused to countenance even minor technical modifications of the boundary line described in the Award. Venezuela proceeded to formally ratify the demarcated boundary in its domestic law and thereafter published official maps and stamps, which depicted the boundary following the line described in the 1899 Award.

In July 1928, Venezuela concluded a boundary agreement with Brazil that expressly confirmed the tri-junction point of the boundaries of British Guiana, Venezuela and Brazil as described in the 1899 Award. For more than sixty years, Venezuela gave full effect to that Award, and never raised a concern as to its validity and binding legal effects. As British Guiana's independence approached in the early 1960s, however, Venezuela abruptly and drastically changed track. After more than half a century of recognition, affirmation and reliance, Venezuela sought to repudiate the 1899 Award, for the first time. This radical change owes its genesis to certain allegations of impropriety, corruption and misconduct levelled against the five eminent Jurists that constituted the Arbitral Tribunal. The allegations were contained in certain testamentary papers of Severo Mallet-Prevost, a junior Counsel for Venezuela in the Arbitral Proceedings. Significantly, although these allegations were made decades prior, they were expressed in an Affidavit which was placed in a sealed envelope with instructions by its

author that the said envelope should not be open until he dies. The envelope was opened in 1949 upon his death. No corroborating evidence of any kind was cited or referenced in supporting these bizarre but serious allegations.

In short, the allegations accused the Russian Chairman of the Tribunal of conspiring with British Judges to give more land to Great Britain and in exchange Great Britain would allow Russian influence in the hemisphere.

At that time, not only was the maker of these allegations dead but all the persons against whom the allegations were made had also died. This state of affairs killed any possibility of these allegations being properly investigated and interrogated. The maker could not have been questioned nor were the subjects available to refute them. From an evidential perspective, these allegations would have been and still are inadmissible at worst, and at best if admissible, wholly incredulous.

On the basis of the departure from its longstanding recognition of the Award and on the flimsy and dubious basis just outlined, Venezuela began to make far-reaching and aggressive claims that it was entitled to three-quarters of Guyana's sovereign territory. In the decades since Guyana attained independence, Venezuela has continued to advance those claims, with increasing menace, and in disregard of the impact of its claims on Guyana and the wider region. Venezuela's words have been reinforced by aggressive actions, including unlawful occupation of Guyana's sovereign territory, interception of vessels in Guyana's territorial waters, and various other actions designed to interfere with and prevent economic development activities authorised by Guyana in its territory west of the Essequibo River.

Venezuela's contention of nullity on the eve of Guyana's independence set in train a protracted process during which Venezuela was given every opportunity to explain, investigate and substantiate the allegations underlying its new contention, including by appointing a panel of experts to review previously confidential archival materials relating to the 1899 Arbitration.

Despite this extensive investigation, Venezuela was unable to produce any documentary evidence to support its contention that the Arbitral Tribunal or any of its members acted improperly in carrying out their mission to determine the boundary between Venezuela and British Guiana. Nevertheless, Venezuela persisted in its claim that the Award was null and void due to such alleged impropriety.

On the 17th of February 1966, the Governments of the United Kingdom, Venezuela and British Guiana concluded the Geneva Agreement. This was intended to establish a binding and effective mechanism for

achieving a permanent resolution of the controversy arising from Venezuela's repudiation of the 1899 Award. Under the auspices of the Geneva Agreement, a Mixed Commission was established for the purpose of "seeking satisfactory solutions for the practical settlement of the controversy" arising from Venezuela's contention of nullity. The Mixed Commission held numerous meetings during its four-year term between 1966 and 1970 but was unable to make any progress towards the settlement of the controversy. Following a twelve-year moratorium between 1970 and 1982 and a seven-year period of consultations on a means of settlement between 1983 and 1990, the Parties then engaged in a twenty-seven-year Good Offices Process, under the authority of the United Nations Secretary-General, between 1990 and 2017, including a one-year Enhanced Mediation Process. Once again, this process yielded no significant progress towards the resolution of the controversy.

Venezuela has been afforded ample time and opportunity to explain and substantiate its contentions of nullity under the various procedures established under the Geneva Agreement in the six decades since it first formally sought to question the validity of the 1899 Award. Nevertheless, it has adduced no evidence that is remotely capable of substantiating its claims that the Award was the product of coercion, collusion, fraud or some other nullifying factor. On the contrary, the evidence overwhelmingly confirms what Venezuela itself accepted for more than half a century: namely, that the 1899 Award was a lawful, conclusive and binding delimitation of the Parties' boundary.

DELAYING THE INDEPENDENCE OF BRITISH GUIANA

On the 14th of December, 1960 the United Nations General Assembly passed a resolution "No. 1514 - the Declaration on the Granting of Independence to Colonial Countries and Peoples." This historic resolution called upon all Colonial Powers, inter alia, to respect the right of self-determination of their colonised peoples, including the right to choose independence from colonial rule.

One year later, on the 18th December, 1961 the Premier of British Guiana, Dr Cheddi Jagan, petitioned the Special Political and Decolonization Committee of the General Assembly to support the Political independence of his country. In response, the UK informed the General Assembly that it would soon hold a constitutional conference on the independence of British Guiana. Within one month of Dr Jagan's petition, on 15 January, 1962, Venezuela delivered a memorandum to the United States Department of State in Washington, indicating that it would bring its complaint to the attention of

the UN General Assembly to delay British Guiana's independence and calling for negotiations with the United Kingdom to reach agreement on a new boundary with British Guiana.

The memorandum to the U.S. Department of State took pains to make clear, however, that Venezuela "was not questioning the legality of the Arbitral Award". As reported by the U.S. Department of State:

"Inasmuch as Venezuela has long cherished the aspiration of having the 1899 Arbitral Award revised, it felt obliged to put its aspiration on the record of the United Nations. ...

Venezuela was not questioning the legality of the Arbitral Award but felt it only just that the Award should be revised since it was handed down by a Tribunal of five judges which did not include on it any Venezuelans; Venezuela believes that the two British judges and so-called neutral Russian judge had colluded in arriving at a decision to support the British claims; and only valiant action by the two US judges prevented the Award from recognising the extreme British claim. For these reasons Venezuela considers the Award to have been inequitable and questionable from a moral point of view (viciado)."

Despite Venezuela's assurances to the United States that it was not questioning the legality of the 1899 Award, just one month later it changed position and did exactly that. In a letter from its Permanent Representative to the United Nations, Dr Carlos Sosa Rodríguez, to U.N. Secretary-General, U Thant, dated 14 February 1962, Venezuela declared for the first time that "it cannot recognize an award" that was "the result of a political transaction".

Naturally, the British Government emphatically rejected Venezuela's 1962 contention at the UN and made it abundantly clear that this matter was already settled by the Arbitral Award of 1899 and consequently, that the frontier had already been demarcated by a boundary commission jointly appointed by the British and Venezuelan governments and recorded in an agreement signed on the 10th of January, 1905.

WITHER THE GENEVA AGREEMENT?

The question that one may now ask is, if this was the settled position of Great Britain, why then did it sign another agreement in Geneva on the 17th of February, 1966, arguably creating a new platform upon which the Arbitral Award can be revisited or reopened.

The Deputy Permanent Representative of the UK at the UN, Mr. Colin Crowe, who dealt with the matter, made it abundantly clear on repeated occasions that the British Government did not accept that there was a boundary dispute as it considered the matter conclusively and perfectly settled by the Arbitral Award. However, British Guiana was proceeding to independence and Britain feared that given Venezuela's change of position, a new and independent Guyana would be vulnerable to a military seizure of its territory by far superior Venezuelan armed forces. It is in those circumstances, and while maintaining most resolutely that Venezuela's claim was entirely without merit, that Mr. Crowe made a proposal to the UN for a peaceful resolution of the controversy.

Crowe made it clear that this was not "an offer to engage in substantive talks about revision of the frontier" as this had been settled by the Arbitral Award in 1899. Instead he explained, the British's offer was intended only "to dispel any doubts which the Venezuelan Government may still have about the validity or propriety of the arbitral award". Venezuela accepted the British proposal and that was how the Geneva Agreement was signed.

It is common knowledge that the Geneva Agreement outlined several processes for engagement. It is also common knowledge that several of these processes were activated but yielded no success. It is in these circumstances the Government of Guyana invoked Article IV of the Geneva Agreement.

In short, this Article prescribes that if the channels employed did not bring a resolution of the dispute, then the UN Secretary General can recommend any of the process laid out in Article 33 of the Charter of the United Nations. It is in the exercise of this power, upon a request from the Government of Guyana, that the UN Secretary General referred the controversy to the International Court of Justice, the Principal judicial arm of the United Nations, for resolution. And that is where the matter remains.

As a member of the United Nations and by virtue of the Charter of the United Nations which has the force of and is recognised as part of that corpus forming International Law, Venezuela is bound by the Charter and by decisions of the United Nations. It is also bound to comply with and accept the jurisdiction of all UN organs including the International Court of Justice, save on very limited grounds. As an expression of sovereignty, it can refuse to submit to the jurisdiction of that Court on certain grounds. Those grounds do not exist in this case.

It is for this specific reason that the Court chose to hear arguments on jurisdiction, in limine, before proceeding to deal with the merits of the case, as Venezuela strenuously objected to the jurisdiction of the Court to hear Guyana's



Guyana's team in the lobby of the International Court of Justice at the public hearings on the request for the indication of provisional measures submitted by Guyana, November 14, 2023 (Photo: News Room)

case. This jurisdictional question was thoroughly interrogated by the Court. Venezuela first refused to participate but eventually did. And, in a ruling delivered in December, 2020, the Court made it abundantly clear that it has jurisdiction to hear and determine the case. It is apposite to observe at this juncture that in the main the quintessential relief that Guyana requests of the Court is to adjudge and declare that the 1899 Award is valid and binding upon Guyana and Venezuela, and that and the boundary established by that Award and the 1905 Agreement is valid and binding upon Guyana and Venezuela. One would have thought that if Venezuela is contending that the Award is not valid and binding upon the alleged legal basis that it proclaims, then Venezuela would have welcomed the opportunity of presenting its case and establish to the satisfaction of the Court and the world that there is legal basis to invalidate, nullify and repudiate the Award. And where better to have these issues resolved than the ICJ? However, for inexplicable reasons, Venezuela is doing everything possible to avoid the opportunity of so doing.

THE REFERENDUM

Perhaps, Venezuela recognising that its case at the Court is hopeless and faced with an impending General Elections in an environment of great economic depression and resultant social chaos, the Maduro administration chose to embark upon a controversial Referendum as a silver lining in the dark clouds hanging over that country. On the 23rd of October 2023, the Government of

Venezuela, through its National Electoral Council, published a list of five questions that it plans to put before the Venezuelan people in a 'Consultative Referendum' on 3 December 2023." This Referendum purportedly called upon Venezuelans to express their support for, inter alia:

"(1) Do you agree to reject by all means in accordance with the law the line fraudulently imposed by the Paris Arbitration Award of 1899 that seeks to deprive us of our Guayana Esequiba?

(2) Do you support the 1966 Geneva Agreement as the only valid legal instrument to reach a practical and satisfactory solution for Venezuela and Guyana regarding the controversy over the territory of Guayana Esequiba?

(3) Do you agree with Venezuela's historical position of not recognizing the jurisdiction of the International Court of Justice to resolve the territorial controversy over Guayana Esequiba?

(4) Do you agree to oppose by all means in accordance with the law Guyana's claim to unilaterally dispose of a sea pending delimitation illegally and in violation of international law?

(5) Do you agree with the creation of the Guayana Esequiba state and the development of an accelerated plan for the comprehensive care of the current and future population of that territory that includes, among others, the granting of citizenship and Venezuelan



President Dr. Mohamed Irfaan Ali (centre) flanked by the Hon. Mohabir Anil Nandlall SC MP, Attorney General & Minister of Legal Affairs (left) and the Hon. Hugh Hilton Todd, Minister of Foreign Affairs and International Cooperation (right) at the Argyle Engagement on December 14, 2023.

identity card in accordance with the Geneva Agreement and international law, consequently incorporating said state on the map of Venezuelan territory?”

In the face of this Referendum, Guyana approached the International Court of Justice for certain provisional measures against Venezuela. On December 1, 2023, the International Court of Justice delivered the following unanimously Orders as provisional measures:

“(1) Pending 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;

(2) Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

THE ARGYLE DECLARATION

In short, while the provisional measures did not prohibit

the Referendum from taking place, it effectually prohibited any consequential actions flowing therefrom. Significantly, although the Maduro Government claimed that the Venezuelan population voted resoundingly at the referendum, objective press reports suggest otherwise. In the meanwhile, tensions continued to mount between Guyana and Venezuela. In this square off, Guyana continued to resolutely maintain its reliance on international law, diplomacy and the process engaged at the International Court of Justice. Additionally, Guyana was able to secure support and solidarity from some of the most powerful voices in the hemisphere, these include the United States, United Kingdom, Canada, the Caribbean Community, the Commonwealth, Organization of American States, European Union and Brazil. On the other hand, Venezuela continued with its bellicose threat and increasing military presence close to the borders of Guyana. They also moved a motion in the Parliament of Venezuela ratifying the Referendum. Both in their individual statements and in joint statements issued, Member States of CARICOM quickly and emphatically recognised repeatedly that the controversy which exists between Guyana and Venezuela and any escalation thereof would threaten not only peace and



President Dr. Mohamed Irfaan Ali and President President Nicolas Maduro and other officials at the Argyle Engagement on December 14, 2023.

stability in the CARICOM Region but would weaken the sovereignty of each individual States as well as other States in the hemisphere. It was specifically emphasized that Venezuela's refusal to recognise international law and the international legal processes and institutions such as the United Nations and the International Court of Justice continues to undermine international peace, international law and indeed international rule of law.

Amidst these tense circumstances arose the Argyle Engagement which birthed the Argyle Declaration. This initiative was pioneered by Dr. Ralph Gonsalves, Prime Minister of Saint Vincent and the Grenadines in his capacity as President Pro Tempore of the Community of Latin American and Caribbean States (CELAC) and Prime Minister of Dominica, Roosevelt Skerrit as chair of CARICOM. On the 14th of December, 2023 President Dr. Mohamed Irfaan Ali and a team from the Government of Guyana and President Nicolas Maduro and a team from the Bolivarian Republic of Venezuela at Argyle International Airport, Saint Vincent and the Grenadines. Present at this meeting were Prime Ministers Gonsalves, Skerrit, Rowley, Mottley, Davis and Mitchell of CAIRCOM along with a High Representative of President Luiz Inácio Lula da Silva of Brazil and many other officials of CARICOM who acted as facilitators and mediators. This engagement resulted in what is now known as the Argyle Declaration.

In the Argyle Declaration, Guyana and Venezuela declared, inter alii, as follows:

1. Agreed that Guyana and Venezuela, directly or indirectly, will not threaten or use force against one another in any circumstances, including those consequential to any existing controversies between the two States.
2. Agreed that any controversies between the two States will be resolved in accordance with international law, including the Geneva Agreement dated February 17, 1966.
3. Committed to the pursuance of good neighborliness, peaceful coexistence, and the unity of Latin America and the Caribbean.
4. Noted Guyana's assertion that it is committed to the process and procedures of the International Court of Justice for the resolution of the border controversy. Noted Venezuela's assertion of its lack of consent and lack of recognition of the International Court of Justice and its jurisdiction in the border controversy.
5. Agreed to continue dialogue on any other pending matters of mutual importance to the two countries.
6. Agreed that both States will refrain, whether by words

or deeds, from escalating any conflict or disagreement arising from any controversy between them. The two States will cooperate to avoid incidents on the ground conducive to tension between them. In the event of such an incident the two States will immediately communicate with one another, the Caribbean Community (CARICOM), the Community of Latin America and the Caribbean (CELAC), and the President of Brazil to contain, reverse and prevent its recurrence.

7. Agreed to establish immediately a joint commission of the Foreign Ministers and technical persons from the two States to address matters as mutually agreed. An update from this joint commission will be submitted to the Presidents of Guyana and Venezuela within three months.

This engagement had the immediate impact of lowering temperatures between the two disputants and by extension the Region to acceptable levels. Comparative normalcy returned in both countries. So much so that Venezuela recently accredited Guyana's Ambassador to that country and President Maduro at the Accreditation Ceremony conveyed best wishes to President Ali, the Government and people of Guyana. I am aware that arrangements are actively being made for another engagement to take place in Brazil upon President's Lula invitation. In the meanwhile, Guyana's case against Venezuela remains pending at the International Court of Justice and to date Venezuela is yet to file its Memorial in answer to Guyana's. The deadline for them to do so, fixed by the Court, is quickly approaching. Venezuela is yet to unconditionally submit to the jurisdiction of the Court. Whether they would do so is anyone's guess. I have every confidence that Guyana's case will eventually prevail at the ICJ. Whether Venezuela will consider itself bound by any such decision is still largely in doubt. Critically, Guyana has recently secured a seat at the United Nations Security Council, the principal enforcement arm of the ICJ, for a two-year term.

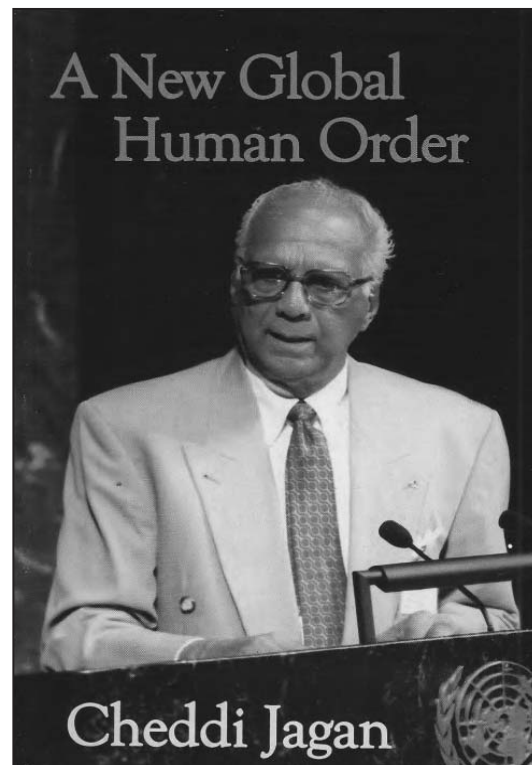
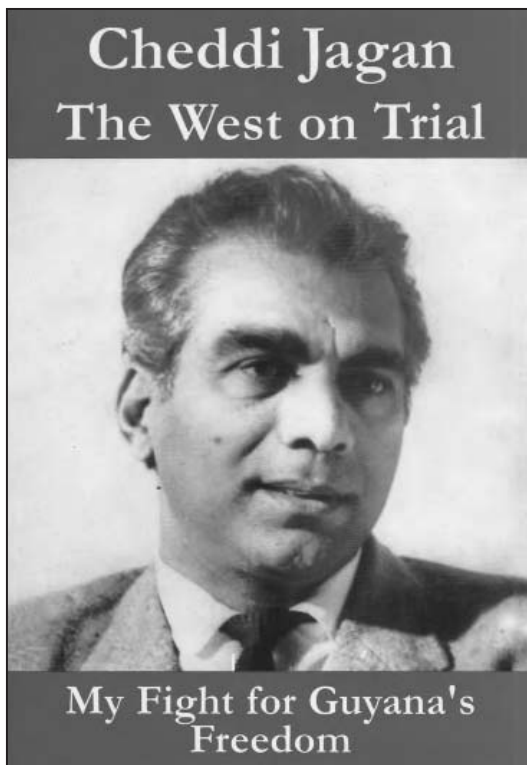
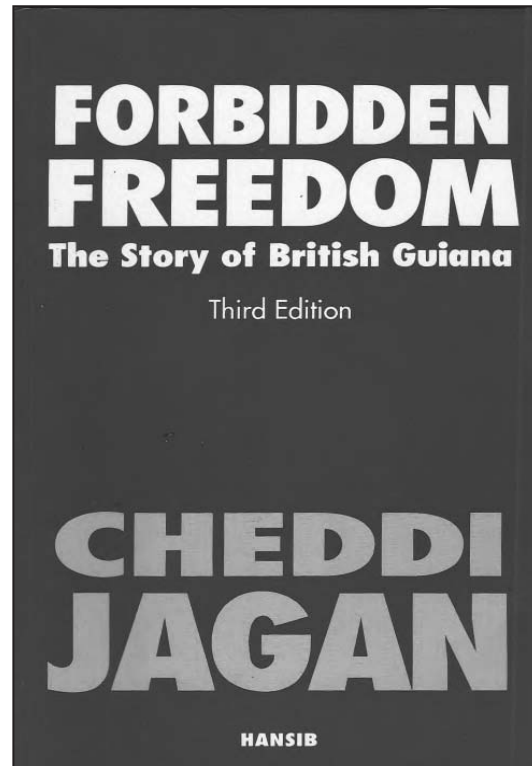
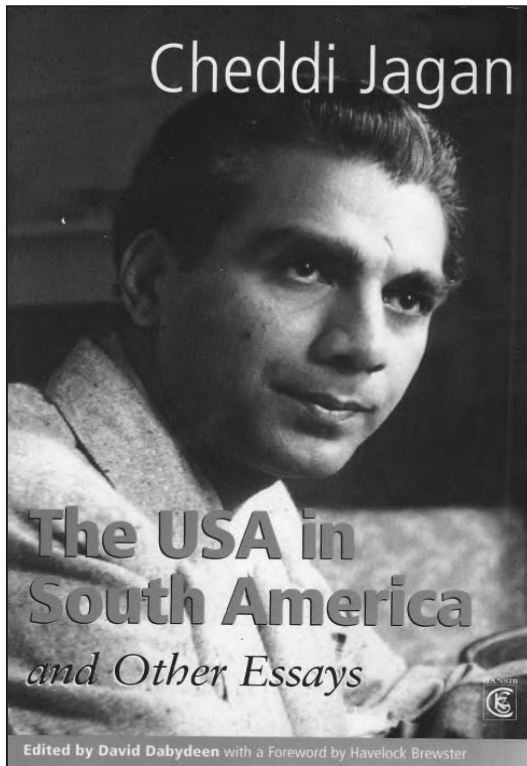
In closing, while much progress have been made in the advancement of a lawful and peaceful resolution

of this long-standing dispute, much is still left to be resolved. Largely, as a result of the Bolivarian Republic of Venezuela's refusal to adhere to International Law, international norms and practices and to accept the jurisdiction of the ICJ and be bound by any decision it renders. Venezuela's posture undermines International Law as well as the legal processes of settling international disputes. Since its establishment nearly three quarters of a century ago, the ICJ would have pronounced upon many binding arbitrations and border dispute resolutions which nations across the globe have accepted as a final and conclusive determination of those matters. Moreover, there are many such legal disputes pending before the ICJ. One can just imagine the international disorder that will result if Venezuela is allowed to disregard these legal concepts and realities with impunity and other territories are to follow suit. Such a precedent spells nothing else but unadulterated international chaos.

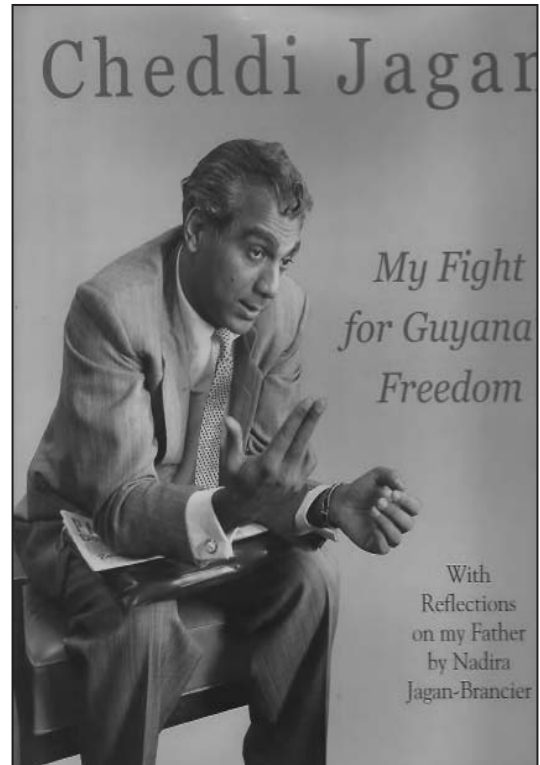
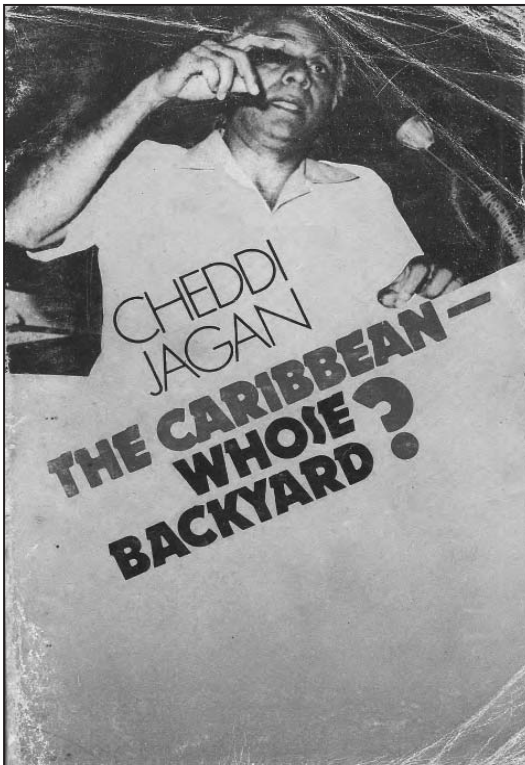
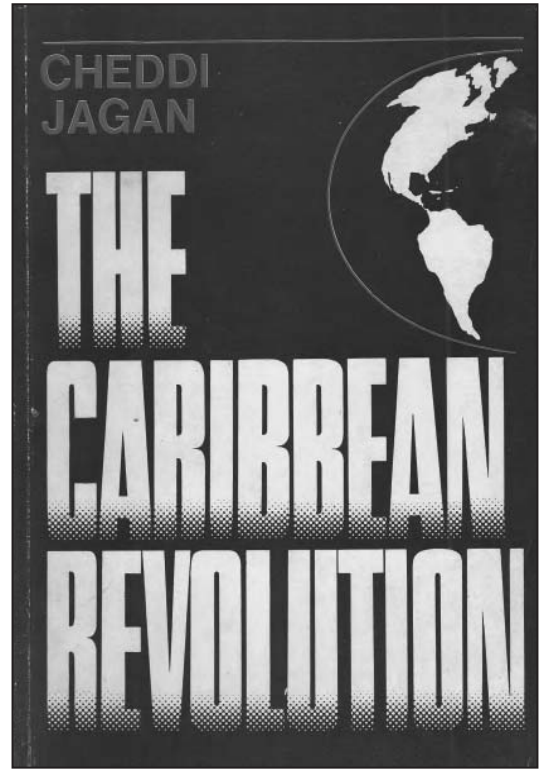
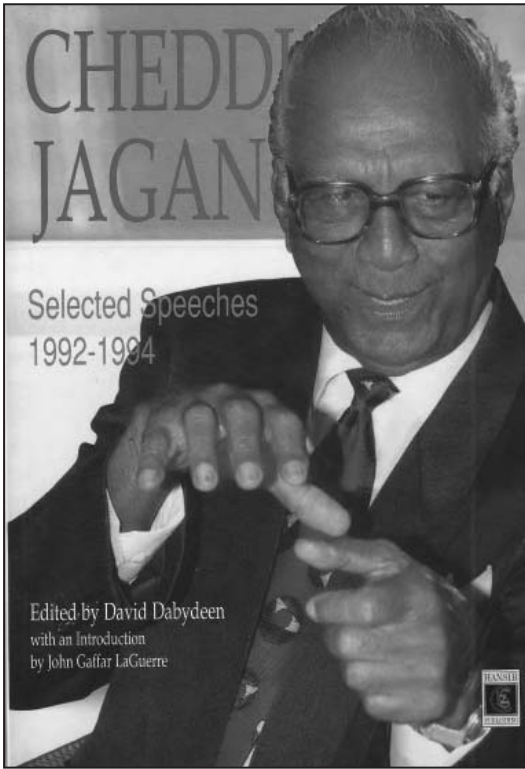


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Publications by Dr. Cheddi Jagan



Publications by Dr. Cheddi Jagan





Genocide continues in the GAZA



Cheddi Jagan Research Centre

The Cheddi Jagan Research Centre (CJRC) was officially opened on March 22, 2000 which was the 82nd birthday anniversary of Dr. Cheddi Jagan. The CJRC is dedicated to making available to Guyana and the world, the very rich collection of materials which captures the visionary thoughts and revolutionary ideas of the late President of Guyana, Dr. Cheddi Jagan (1918-1997)

The centre houses a large archival collection of papers, documents, photographs, audio and DVDs related to Dr. Jagan's long and enduring involvement in leading the political struggle in Guyana and at the global level. Dr. Cheddi Jagan is the Father of the Guyanese nation and a renowned and respected statesman. His immense stature in Guyana the Caribbean and the world at large stems from his ground-breaking contributions in numerous stages of the struggle for a better life for the people of Guyana and the world at large.

These include:

1. The struggle against the British to end colonial rule through political independence.
2. Governing for the benefit of the Guyanese people in the colonial period in 1953 and 1957 to 1964 and as the first democratically elected President of independent Guyana from 1992-1997.
3. The international struggle for an end to poverty and inequality through a New Global Human Order.

The CJRC's aims and objectives are to publish material and promote research on the life, work and ideas of Dr. Jagan which is intertwined with the history of Guyana as a whole from the early 1940's to the late 1990's.

Moreover, the collection is indispensable to any analysis of Guyana's post-war social, economic and political development, since Dr. Jagan's work and thoughts have had such a powerful resonance with his country and beyond.

Conference Room Rental

The Conference room is available for rental to host meetings, seminars and workshops

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Email: cjresearchcentre@gmail.com

Website: <http://jagan.org>

Opening hours: Monday – Friday (9:00 am – 4:00pm)

Admission – FREE!

The Cheddi Jagan Research Centre is dedicated to making available to the Guyanese and international communities the Legacy and Work of the Late President of Guyana, Dr. Cheddi Jagan, through research and education.

The Centre is a non-governmental, non-profit organisation located at the Red House.

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