

16. January

3.4.30.

(Enquire whether the C.O. agree that in order to complete demarcation of boundary between B.G. and Brazil it would not be necessary to do any thing towards demarcating the boundary between B.G. and Dutch Guiana beyond settling the point of convergence).

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We must now forward to the Foreign Office a copy of No. 14 and enclosures, referring to <sup>and (3)</sup> (9) on 65073/30<sub>1</sub> herein. The enclosures to 14 deal with two distinct questions, (a) how should the eastern or Dutch boundary of British Guiana, which has hitherto been held to be the Courantyne river, and in its upper reaches the main course or source of this river, be defined?; (b) is the Kutari in fact the main course or source of the river Courantyne in its upper reaches, and if not, how will any change affect the international boundary?

As regards (a), there was correspondence between the Secretary of State and the Governor in 1913, from which emerged the following definition, since embodied into the two British Guiana maps:- "The eastern boundary of the Colony is the deepest channel (thalweg) of the river Courantyne, or, when an island is passed, the middle of the deepest channel (thalweg) between that island and the west bank of the river".

In practice this definition does not meet the case, inasmuch as (a) the islands, of which there are thousands in the upper reaches, all

valueless

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Encl A 5  
(14)

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(14)

valueless, belong to the Dutch; (b) the deepest channel <sup>flows</sup> ~~are these~~ along the Dutch shore <sup>of</sup> the lower reaches, whereas <sup>the</sup> islands, shoals and sandbanks are <sup>here</sup> ~~along~~ the British shore; and (c) if the Netherlands Government agrees to accept the deepest channel as the boundary, but cede the islands to the west of it to the British, its demarcation would be a long and costly affair, as soundings would have to be taken to locate it and permanent marks be erected on each side of the channel. The channel which existed at the time of the demarcation would be the boundary for all time, no matter what changes occurred in the position of the deepest channel afterwards. The final suggestion is, therefore, that the extreme low water mark along the British or west bank should become the boundary, and that free navigation rights should be secured over the whole river beyond that zone for British and Dutch nationals.

As regards (B), <sup>which</sup> ~~is~~ the far more important question, The situation is briefly as follows: The Netherlands Government in 1699 objected to the definition that the boundary of British Guiana extended "to the source of the Corentin called the Cutari river", and suggested that the New River should be regarded as the boundary. Mr. Chamberlain definitely stated in 1900 that the Secretary of State could not assent to this suggestion that the New River should henceforth be regarded as the main source of the Courantyne river, and therefore as the boundary between Dutch

Dutch and British Guiana. After describing the discovery of the Kutari in 1843 by Schomburgk, Mr. Chamberlain draw attention to the publication of a map with the permission of the Dutch Government in 1899, showing the New River as the main source of the Courantyne, the New River having been discovered by Mr. Barrington Brown in 1871. The Secretary of State then set forth His Majesty's Government's opinion as at "A" on page 11 of enclosure B to 14. In 1910, Lieutenant Kayser of the Royal Dutch Navy discovered on the Eastern side of the Courantyne a third branch which he called the Lucie River, the Kutari thereafter forming the central branch of the three. This river has since been embodied in the <sup>1913</sup> 1939 and 1924 maps of British Guiana. No further representations were made by the Netherlands Government in regard to the Surinam boundary until 1923 and 1924, when their attitude was disclosed in statements made at the Hague and forwarded by His Majesty's Minister. The following extracts indicate the trend of opinion in the Netherlands in these years:-

b. 12 of vol. B.

"Monsieur de Graaf then turned to the question of the boundary of the colony of Surinam which is formed by the Corentyne River and to the doubtful point as to the extent to which the upper course of this river should be regarded as being continued in the Curuni River or in the so-called New River. He admitted that this was a problem which might give rise to difference of opinion in any future regulation of this boundary."

His Majesty's Minister at the Hague, in forwarding another statement made by the Netherlands Minister

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*in letter*  
in 1934, commented as follows:-

"..... the latter part of the statement leaves the impression that it is so drafted as to avoid excluding the possibility of reviving the Dutch claim that the New River should properly constitute the upper portion of the boundary instead of the Cutari-Curuni. Any revival of such a claim would be in direct opposition to the statement to the First Chamber made by the Netherlands Minister for Foreign Affairs in 1913."

The Netherlands Minister for the Colonies, in his statement referred to above, said:-

"As regards the boundary line between Surinam and British Guiana, there is no doubt that ever since Surinam was restored to Netherlands authority in 1916, the Corentin has always been regarded as a boundary river. That the left bank forms the boundary line and that the full width of the Corentin together with the islands situated in it belong to Netherlands territory, has long found confirmation in practice. ....

In 1899 the arbitral award was given in the case of the delimitation of the boundary between British Guiana and Venezuela. Besides fixing the boundary between these two countries, the award designated the Cutari river as the upper reaches of the Corentin.

The Netherlands Government thereupon notified the British Government that in its opinion the award of the arbitral tribunal

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*p. 14 7 End B*

*p. 15 7 End B*

could not in any way prejudice our rights to regard the New River as the boundary between the two Guianas. The British Government replied to this that as a definite boundary had been long accepted in good faith by both parties, they did not feel able to enter into an argument with regard to the true source of the Corentin as a matter which might affect the boundary between the two countries.

The succeeding Governments have had no reason for reverting to this question."

In 1925 His Majesty's Minister was of the opinion that the Netherlands Government had no intention of raising the boundary question at that time. In July, 1925, the Netherlands Minister for the Colonies made the following statement:-

"..... it is very doubtful whether a boundary dispute may be spoken of. But whatever the case may be, the relations as they are at this moment, de facto, leave no room for the assertion that we are faced here by an uncertain situation calling for immediate action. The desire may be cherished that at a future date it may transpire that the New River will be regarded on both sides as the right boundary, but to base political claims to it, on the existing data, seems to me to be precluded for the present."

The question appears to have died down from that time until at present, when the reported discovery of oil in Surinam and in British Guiana in the vicinity of the Courantyne river, together with the decision to demarcate the British Guiana - Brazil boundary, led to proposals from the Netherlands Minister for a definite fixation by

treaty

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Enclosure b  
to 14.

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treaty of the frontier between British Guiana and Surinam.

The vexed question of the true source of the Courantyne is evidently receiving a good deal of attention in the Netherlands at the present time, see the enclosure to 8 here-in, and to 16 in 65073, which has gone to the O.A.G. No reply has yet been received from him. The British Guiana - Brazil Boundary Commission does not appear to be concerned with ascertaining the true source of the river Courantyne. But I submit that the chief point at issue is to ascertain His Majesty's Government's reply to the question "Assuming there is ~~great~~ <sup>some</sup> doubt as to whether the Nutari is in fact the true course or source of the Courantyne river, and assuming that the New River may be finally determined upon as the main course or source, is it the intention of His Majesty's Government to deviate from the attitude adopted towards this matter by the Secretary of State ~~at the end of 1900?~~". That is to say, are we prepared even to discuss any change of boundary with the Netherlands Government? And in putting this point to the Foreign Office, I think we should answer this question for our part in the negative.

Recd. for 16.

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