

35046/1/34 [No. 17].

No. 25

PROOF.

FOREIGN OFFICE

to

COLONIAL OFFICE.

SIR,

Foreign Office, S.W.1, 24th April, 1934.

With reference to the semi-official letter from the Colonial Office of the 22nd of February last*, regarding the delimitation of the boundary between British Guiana and Surinam, I am directed by Secretary Sir John Simon to state that he agrees that it is desirable that the large measure of agreement reached between His Majesty's Government in the United Kingdom and the Netherlands Government in this matter should now be registered in some form. He is not, however, of the opinion that it would be practicable to negotiate a treaty covering such agreement until a final settlement has been reached regarding those points in the boundary which are still under delimitation by the Boundary Commissioners.

2. After consultation with representatives of the Departments concerned, it is now suggested that a skeleton treaty should be drawn up, embodying the points on which agreement has been reached, and leaving spaces for the insertion at a future date of the points which have not yet been determined. This draft would be submitted to the Netherlands Government, together with an explanation that when the boundary commissions have reached agreement on the remaining portions of the boundary, the treaty should be completed and signed by the two Governments.

3. A copy of the draft skeleton agreement as it has been drawn up in semi-official consultation with the Departments concerned, is enclosed herein. I am to enquire whether Sir P. Cunliffe-Lister concurs in the terms of this draft.

I am, &c.,

A. W. A. LEEPER.

Enclosure in No. 25

DRAFT TREATY.

His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and Her Majesty the Queen of the Netherlands,

Desiring that the frontier between Surinam and British Guiana shall be clearly defined and that provision should be made with regard to the exercise of rights over rivers which lie along the frontier, have decided to conclude a treaty for this purpose and have accordingly appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and of the British Dominions beyond the Seas, Emperor of India: (hereinafter referred to as His Majesty the King)
for Great Britain and Northern Ireland:

and

Her Majesty the Queen of the Netherlands:

who having communicated to each other their full powers found in good and due form have agreed as follows:—

Article 1.

- (1) The boundary between British Guiana and Surinam shall be formed by the line of the left bank of the River Courantyne from the sea southwards to its source.
- (2) The commencement of the left bank of the River Courantyne at the sea shall be deemed to be the point at which a line drawn on a true bearing of 28° from the known landmark or column on the left bank of the River Courantyne at latitude 6° 0' 25" and longitude 57° 8' 10" intersects the shore line.
- (3) The river named by Schomburgh the River Kutari shall be considered to constitute the upper reaches of the River Courantyne, and the boundary shall follow the left bank of the principal course of the Kutari to its source which shall be considered to be the source of the River Courantyne.
- (4) The longest of the branches of the River Kutari shall be deemed to be its principal course.
- (5) The source of the River Kutari shall be deemed to be at the point (to be filled in when boundary commissioners have ascertained what is to be regarded as source in accordance with principles already agreed in notes).

* No. 35046/1/34 [No. 12], not printed

B.G.—Surinam Boundary—(C.17881/18). 24.

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Article 2.

(Boundary between source of Kutari and tri-junction point of boundaries of British Guiana, Surinam, Brazil, to be filled in when commissioners have fixed tri-junction joint, in accordance with principles already agreed in notes.)

Article 3.

The boundary between the territorial waters of Surinam and British Guiana is formed by the prolongation seawards of the line drawn on a true bearing of 28° from the landmark referred to in Article 1(2) above.

Article 4.

The waters of the River Courantyne (as defined in Article 1 above) shall, whatever the fluctuations of its volume, be considered as being within the territory of Surinam and the land confining them on the left bank as being within the territory of British Guiana and no change of sovereignty over such land shall ensue upon any rise or fall of the waters of the river.

Article 5.

Over the whole course of the River Courantyne (as defined in Article 1).

- (1) The subjects of both High Contracting Parties shall enjoy freedom of navigation:
- (2) The subjects of His Majesty the King shall have full liberty to drive piles, construct wharves, boat houses, or any other structures, on the left bank of the river, always provided that such structures do not impede navigation, and do not project beyond the thalweg of the channel of the river which flows by that bank, or in any case more than 50 metres from the lowest recorded low-water mark into the water channel of the river. No prescriptive rights of any kind against Her Majesty the Queen of the Netherlands shall be derived from the existence of such works either on the river or on its bed.
- (3) The subjects of His Majesty the King shall be permitted to draw water from the river for irrigation and other purposes, provided that the navigability of the river is not interfered with, and that no works employing the waters of the river for the generation of power shall be constructed without the explicit and written authorization of the Government of Surinam.
- (4) All existing rights of the subjects of His Majesty the King in regard to fishing in the river and camping on islands in the river or on either bank thereof when travelling by boat shall be respected by Her Majesty the Queen of the Netherlands, provided such rights do not interfere with the navigability of the river.
- (5) Her Majesty the Queen of the Netherlands will not permit the navigability of the river to be affected or impeded by the withdrawal of water from the right bank of the river for irrigation or for the generation of power or for any other purpose, or by the erection of any structures on the right bank of the river.
- (6) The rights secured under the previous paragraphs of this Article for the benefit of the subjects of either High Contracting Party shall be enjoyed also by persons under the protection of, companies incorporated in any part of the territories of, and by any Government or administration of such High Contracting Party.

Article 6.

The High Contracting Parties agree that if in the future it should be found necessary to take steps with a view to the conservancy, improvement, or lighting of the River Courantyne and its estuaries or for the establishment of buoys or the erection of beacons, representatives of the Governments of Surinam and British Guiana shall be appointed to meet in order that the share of the cost to be borne by each of the above Governments in proportion to their respective interests may be determined by agreement, and that proposals with regard to any of these matters may be made by either Government to the other.

Article 7.

The present treaty shall be ratified and the ratifications shall be exchanged as soon as possible. It shall come into force on the date of exchange of ratifications.

In witness whereof the above named Plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done at this day of 193 in duplicate in the English and Dutch languages both texts being equally authentic.

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