

**1982 UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA**

**IN THE DISPUTE CONCERNING
THE MARITIME BOUNDARY
BETWEEN GUYANA AND SURINAME**

GUYANA v. SURINAME

**NOTIFICATION UNDER ANNEX VII, ARTICLE 3 (c) OF UNCLOS
REGARDING APPOINTMENT TO THE ARBITRAL TRIBUNAL
WITH RESERVATION**

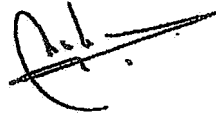
23 MARCH 2004

1982 UNCLOS-ANNEX VII ARBITRATION

NOTIFICATION

Subject to and without waiving its right to assert that an arbitral tribunal appointed pursuant to Annex VII of the United Nations Convention on the Law of the Sea would lack jurisdiction for the reasons, *inter alia*, (i) that the parties have not yet exhausted an exchange of views pursuant to Part XV of that Convention, (ii) that the Republic of Guyana has not made every effort to enter into provisional arrangements of a practical nature, as required by Articles 74 and 83 of that Convention, and (iii) that all or part of the dispute between the parties may not properly be within the jurisdiction of such an arbitral tribunal, the Republic of Suriname hereby appoints pursuant to Article 3(c) of Annex VII, Professor Hans Smit as a member of the arbitral tribunal and expressly reserves the right to present its views with regard to jurisdiction and any other preliminary matters to the full arbitral tribunal when it is constituted.

R/ fully submitted,



Hon. Maria E. Levens
Minister for Foreign Affairs
Republic of Suriname

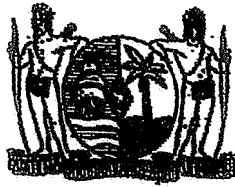
Agent

Paul C. Saunders

Hans R. Lim A Po

Co-Agents

23 March 2004



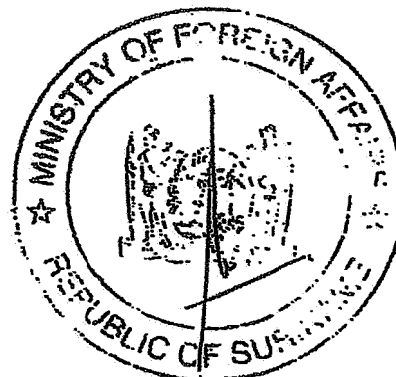
No. 672/EvFK/HRL/SK

The Ministry of Foreign Affairs of the Republic of Suriname presents its compliments to the Embassy of the Republic of Guyana and has the honor to request the Embassy's assistance in transmitting to the Government of the Republic of Guyana the attached communication in reference to the Embassy's Note no. 24/2004/DG of February 24, 2004.

The Ministry of Foreign Affairs would appreciate if the enclosed letter to His Excellency Bharat Jagdeo, President of the Republic of Guyana from his Excellency Runaldo Ronald Venetiaan, President of the Republic of Suriname could be transmitted to its highest destination.

The Ministry of Foreign Affairs of the Republic of Suriname avails itself of this opportunity to renew to the Embassy of the Republic of Guyana the assurances of its highest consideration.

Paramaribo, March 23, 2004





His Excellency Bharrat Jagdeo
President of the Republic of Guyana
Office of the President
Georgetown
Guyana.

Paramaribo, 23 March, 2004

Excellency,

The Government of Suriname has received your Notification regarding your invocation of the arbitration provisions of the United Nations Law of the Sea Convention in relation to the dispute concerning our maritime areas.

Since the discussions in the Joint Border Commissions of the two countries were still in progress, this action is viewed as premature and not in the spirit of our cooperation expressed during your visit to Suriname in 2002.

It has been the understanding, an understanding that was reiterated on numerous occasions, that every effort would be made to resolve our differences in a peaceful and good neighborly fashion, on a bilateral level.

In this respect I would like to bring to mind especially the moment when, under the auspices and good offices of the Prime Minister of Jamaica, a memorandum of understanding had been drawn up, after extensive discussions between high level parties of both sides. The momentum reached at this point was lost because of the fact that the Guyana delegation did not find themselves in a position to sign or even initial said memorandum.

Notwithstanding this setback, on the occasion of your visit to Suriname in January 2002, we discussed the issue of hydrocarbon resources. We decided at that time to request the Border Commissions to look at best practices and modalities that could assist the Governments in the taking of a decision regarding eventual joint exploration. It was agreed to establish a Subcommittee of the Joint Suriname and Guyana Border Commissions to address this issue.

The Subcommittee and the Joint Border Commissions met several times during 2002 – 2003. Throughout these discussions, Guyana took the position that any agreement should cover both exploration and exploitation of resources in the disputed maritime area. Suriname was of the opinion that no arrangement concerning exploration and/or exploitation of natural resources can be reached unless both parties have at their disposal the most complete geological and geophysical information available so that they can negotiate on a level playing field. Suriname has repeatedly requested access to the information Guyana has gathered and has made clear its willingness to reciprocate. Although Guyana agreed to provide such information following a meeting over a year ago, Guyana did not provide that information, but instead initiated the arbitration proceeding.

We may have been aware of obstacles, but I would have expected direct communication from you had you felt that the bilateral path to provisional arrangements of a practical nature was being exhausted.

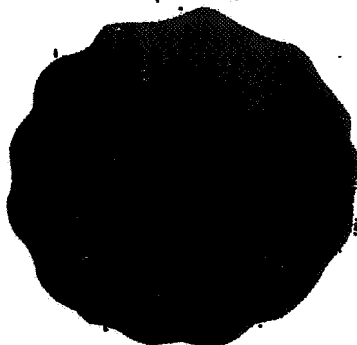
I take this opportunity to inform you that I have requested the Secretariat of CARICOM to allow for the agenda of the upcoming meeting of the Heads of Government to include this issue.

We will, of course, fully comply with our obligations as a signatory of the United Nations Convention on the Law of the Sea.

I would point out that the Convention calls upon State parties to attempt to resolve their differences through negotiation and cooperation. It also calls upon parties to make every effort to reach provisional arrangements of a practical nature in a spirit of understanding and cooperation. We have attempted to do so. We believe that it is important that any negotiated resolution, if one is possible, must take into account the historical relationship of our countries, geological and geophysical realities, political dimensions and, above all, fundamental and total fairness and understanding as that term is used in the Convention.

Although we are disappointed that Guyana has chosen this route rather than to continue to negotiate with us, we are confident that in the end we will prevail in the arbitration.


RUNALDO RONALD VENETIAAN
President of the Republic of Suriname



NOTULEN VAN DE DERDE ZITTING VAN DE COMMISSIE BELAST
MET HET BEPATEN VAN DE GRENS TUSSEN SURINAME EN
BRITSCH GUIANA.

De derde bijeenkomst van de Gemengde Commissie werd gehouden te Belém, in de Staat Pará, Brazilië, op den een en twintigsten December 1938. De volgende leden waren aanwezig:

Nederlandsche Afdeeling

Britsche Afdeeling

Vice-Admiraal h.d. G.C. Kayser Majoor K.M. Papworth M.C., R.E.

Mr. G. A. Hudson.

1. Majoor Papworth, de zitting openende, wees op paragraaf 5 van het Rapport betreffende het oprichten van het Baken aan het Noordelijke einde van de grens tusschen Suriname en Britsch Guiana, gedateerd 5 Juli 1936, en deelde mede, dat genoemd Baken dienovereenkomstig was opgericht op $05^{\circ} 59' 45'' .7$ Noorder Breedte en ----- $57^{\circ} 02' 52'' .7$ West Greenwich.

BESCHRIJVING VAN HET BAKEN.

2. Het Baken is gelegen op een open stuk onbebouwd land ongeveer 1400 meters Noord van Village 63 (Benab). Merk B, bedoeld in paragraaf 4(b) van bovengenoemd Rapport, ligt in rechtwijzende peiling Noord 10° Oost van het Baken, op ongeveer dertig meters afstand; in de zelfde peiling ligt de spring-laagwaterlijn op ongeveer 530 meters van het Baken. Het Baken is van hout gebouwd, in den vorm van een driekantige piramide, 10 meters hoog, op een basis waarvan de zijden 10 meters lang zijn en het is wit geschilderd. Op 5 meters boven den grond is een platvorm aangebracht en vanaf een hoogte van 7 meters tot aan den top van het Baken is op de zijden een houten beplanking aangebracht.

3. De Commissie besloot aan haar respectieve Regeeringen aan te bevelen regelingen te treffen voor periodieke inspecties en voor het onderhoud van het Baken.

4. De Commissieleden vergeleken en verifieerden ook de kaarten op de schalen 1/100.000 en 1/50.000 betreffende het Zuidelijke eindpunt van de grens tusschen Suriname en Britsch Guiana

Guiana aan de Boven-Kutari. Nadat deze kaarten juist waren be-
vonden werden zij ondertekend.

5. Nadat het aan de Commissie opgedragen werk aldus beein-
digd was, werd overeengekomen, dat genoemde documenten zoo spoedig
mogelijk aan de respectieve Regeeringen zouden worden ingediend.

De zitting werd daarna gesloten verklaard.

L. K. J. van
Hoofd van Australische Commissie

Vindiafounta
Major R.S.

Head of British Commission.

C. A. Hudson
Secretary & Interpreter

M I N U T E
OF THE THIRD CONFERENCE OF THE MIXED COMMISSION FOR THE
DEFINITION OF THE BOUNDARY BETWEEN BRITISH GUIANA AND SURINAM.

The Third Meeting of the Mixed Commission was held at Belem, in the State of Pará, Brazil, on the 21st December 1938.

The members present were as follows:-

<u>British Section.</u>	<u>Netherlands Section.</u>
Major K.M.Papworth, M.C., R.E. Mr. G.A.Hudson.	Vice-Admiral G.C.Kayser, (Retd).

1. Major Papworth, in opening the Conference, referred to paragraph 5 of the Inauguration Report of the Mark at the Northern Terminal of the British Guiana-Suriname boundary, dated July 5th 1936, and reported that the Beacon mentioned therein had been duly erected at Latitude 05° 59' 45.7" North and Longitude 57° 08' 52.7" West of Greenwich.

DESCRIPTION OF THE BEACON.

2. The Beacon is situated on a piece of open waste land about 1400 metres North of Village 63 (Benab). Mark B, referred to in paragraph 4 (b) of the above-mentioned Inauguration Report, is on a true bearing of 10° East from the Beacon and about 30 metres from it; on the same bearing the low-water line (Springs) is about 520 metres distant from the beacon. The Beacon is built of timber, in the shape of a triangular pyramid, 10 metres high, on a base of which the sides are 10 metres long, and is painted white. At 5 metres above the ground level there is a platform, and from a height of 7 metres to the top of the Beacon the sides are covered with wooden slats.

3. The Commissioners agreed to recommend to their respective Governments that arrangements should be made for the periodical inspection and maintenance of this Beacon.

4. The Commissioners.

4. The Commissioners then compared and verified the maps on the scales of 1/100,000 and 1/50,000, illustrating the Southern terminal of the British Guiana-Surinam boundary at the Kutari source. These having been found correct were duly signed.

5. The work entrusted to the Commissioners having thus been completed, it was agreed that the documents should be handed over to their respective Governments as soon as possible.

The Conference was then declared closed.

Vindapont
Major R.E.
Member of British Commission

C. H. D. J. O. J.
Secretary & Interpreter

W. J. G. J. G.
Major of the Netherlands Commission

No. A 1082/21

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20 NOV 1965
A 1082/21(6)

Her Majesty's Principal Secretary of State for Foreign
Affairs presents his compliments to His Excellency the
Netherlands Ambassador and has the honour to inform him of
the following.

The Netherlands Government will recall that attempts
have been made over a number of years to conclude a Treaty
for the final definition of the boundary between British
Guiana and Surinam. The British Guiana Government have
now informed Her Majesty's Government in the United
Kingdom that they would like negotiations to be reopened
as soon as possible, so that the Treaty can be concluded
before the territory attains independence in May 1966.

The British Guiana Government have suggested that the
negotiations should have as their basis the draft treaty
transmitted to the Government of the Netherlands by Her
Majesty's Embassy at the Hague on the 21st of December, 1961
(and referred to in Foreign Office Note No. A.1082/15 of the
11th of September, 1962) with amendments to Articles I and
VII of that draft. The purpose of these amendments is to
provide for the division of the territorial sea, the
contiguous zone and the continental shelf along the median
line; this would accord with the conclusions of the 1956
Conference on the Law of the Sea and with settlements of a
similar nature concluded since then. Three copies of the
amended British draft treaty are enclosed.

Her Majesty's Government hope that the Netherlands
Government and the Government of Surinam will agree to
negotiations opening on this basis and that it will be possible
to arrange for these to take place on the earliest date
convenient to all concerned.

FOREIGN OFFICE, S.W.2.
29 November, 1965

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No. A 1082/21

Her Majesty's Principal Secretary of State for Foreign Affairs presents his compliments to His Excellency the Netherlands Ambassador and has the honour to inform him of the following.

The Netherlands Government will recall that attempts have been made over a number of years to conclude a Treaty for the final definition of the boundary between British Guiana and Surinam. The British Guiana Government have now informed Her Majesty's Government in the United Kingdom that they would like negotiations to be reopened as soon as possible, so that the Treaty can be concluded before the territory attains independence in May 1966.

The British Guiana Government have suggested that the negotiations should have as their basis the draft treaty transmitted to the Government of the Netherlands by Her Majesty's Embassy at the Hague on the 21st of December, 1961 (and referred to in Foreign Office Note No. A.1082/13 of the 11th of September, 1963) with amendments to Articles I and VII of that draft. The purpose of these amendments is to provide for the division of the territorial sea, the contiguous zone and the continental shelf along the median line; this would accord with the conclusion of the 1956 Conference on the Law of the Sea and with settlements of a similar nature concluded since then. Three copies of the amended British draft treaty are enclosed.

Her Majesty's Government hope that the Netherlands Government and the Government of Surinam will agree to negotiations opening on this basis and that it will be possible to arrange for these to take place on the earliest date convenient to all concerned.

FOREIGN OFFICE, S.W.1

29 November, 1965

F/3504/66

Her Majesty's Principal Secretary of State for Foreign Affairs presents his compliments to the Netherlands Ambassador and has the honour to refer to his Note Verbale of the 3rd of February, 1966, about the boundary between Surinam and British Guiana.

Her Majesty's Government share the view of the Netherlands Government that negotiations on the delimitation of the frontier between Surinam and British Guiana should be begun as soon as possible, particularly in view of the forthcoming independence of British Guiana. They regret, however, that they cannot accept the views of the Netherlands Government as to the basis on which the negotiations should take place. In particular they must reassert that in their view the sea-boundary should be determined in accordance with the principle of equidistance as set out in Article VII of the draft Treaty presented to the Netherlands Government on the 29th of November, 1965. They must further state that they are unable to accept that the New River constitutes the continuation of the River Corentyne and that it should therefore be regarded as the frontier river. Her Majesty's Government have already protested at the decree of the Surinam Government of the 5th of May, 1965 to rename the New River, which lies entirely within the territory of British Guiana, as the "Upper Corentyne". They cannot accept that this decree of the Surinam Government constitutes a basis for establishing, or supporting a claim or basis of claim by the

/Netherlands

Netherlands Government to sovereignty over the territory lying between the Kutari and New Rivers. The Netherlands Government are aware that Her Majesty's Government are in no doubt whatsoever as to their sovereignty over this territory; and the latter note that on several occasions in the past the Netherlands Government have formally recognised this position, as for example in their aide-memoire of the 4th of August, 1931, which began as follows:-

"The Netherlands Government, although not accepting all the statements made by the British Government in their Note No. W10814/383/29 of 18 October 1930, is prepared to recognise the left bank of the Corentyne and the Kutari as the frontier between Surinam and British Guiana, both rivers to be recognised as Netherlands territory".

In the light of the foregoing, Her Majesty's Government in the United Kingdom consider that talks between experts of the kind suggested by the Netherlands Government would be premature until the Governments concerned have reached broad agreement on the basis for the boundary. The question of the boundary between Surinam and British Guiana was recently discussed between the Prime Minister of Surinam and the Prime Minister of British Guiana in Paramaribo, and at the end of their discussions they announced their agreement on procedure for pursuing discussions directly between the two Governments on the question. Her Majesty's Government consider that as a first step towards a settlement, the two Governments should pursue informal

/discussions

discussions with a view to finding a satisfactory basis for agreement, which could then be considered by the respective metropolitan governments and incorporated into a formal instrument. It would then be possible for experts to work out the details for the demarcation of the frontier, and if considered desirable, to draw up a boundary register as suggested in paragraph 7 of the Netherlands Ambassador's Note Verbale of the 3rd of February.

Foreign Office, S. W. 1.

18 March, 1966.

C O M M U N I Q U E

Informal discussions were held at Chaguaramas, Trinidad and Tobago between the Prime Minister of Guyana - The Honourable L. F. S. Burnham, and the Prime Minister of Surinam - Dr. the Honourable Jules Sedney, on Thursday 9th and Friday 10th April, 1970. Accompanying Mr. Burnham at the talks were the Attorney General and Minister of State - The Honourable S. S. Ramphal, S.C., and Guyana's Consul General in Paramaribo - Mr. W. O. R. Kendall. Accompanying Dr. Sedney at the talks were Mr. H. R. Lim A Po, Chairman of the National Border Commission and Mr. R. A. Kamperveen, M.P., Chairman of the Parliamentary Border Commission.

In their talks, the Prime Ministers discussed existing problems regarding the border between Guyana and Surinam as well as a number of matters of common interest to the two countries. They agreed to promote understanding and goodwill between the peoples of the two countries and to strengthen the traditional friendships that have existed between Guyana and Surinam.

With a view to ensuring peaceful relations between the two countries the Prime Ministers agreed in principle that there should be an early demilitarisation of the border area of Guyana and Surinam in the region of the Upper Corentyne, and to the promotion of practical co-operation between Guyana and Surinam in the economic and cultural fields. They entertain the expectation that such co-operation would extend to activity over all areas of common interest to the two countries, including activity in the abovementioned region.

plans for the effective implementation of these proposals, and that their meeting should commence not later than June 15, 1970. These plans should be submitted to the two Governments and will provide the basis for a further meeting between the Prime Ministers at which decisions will be taken on a programme of implementation.

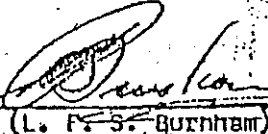
The Prime Ministers also agreed that the discussions between the parties which began in London in 1966 should be resumed in the then existing spirit.

Prime Minister Burnham and Prime Minister Sedney placed on record their appreciation of the good offices of the Prime Minister of Trinidad and Tobago - Dr. the Right Honourable Eric Williams - which made the meeting possible and of the facilities provided by the Government of Trinidad and Tobago at Crow's Nest, Chaguaramas, where the discussions were held.

The Prime Ministers expressed the hope that the discussions and the agreement reached at their conclusion would promote a climate of good relations between Guyana and Surinam and would prepare the way for a new era of friendship and co-operation between the two countries.

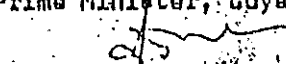
CROW'S NEST,
Chaguaramas,
Trinidad and Tobago.

Signed:



(L. P. S. Burnham)

Prime Minister, Guyana


(Jules Sedney)

Prime Minister, Surinam

10th April, 1970.

The Prime Ministers agreed that official relations between

the two Governments should be established as soon as possible.



6

ASG/017/89

The Embassy of the Republic of Suriname presents its compliments to the Ministry of Foreign Affairs of the Co-operative Republic of Guyana and has the honour to acknowledge receipt of the latter's note of January 11, 1989 (no reference number).

The Embassy wishes to advise that the contents of the note has been brought to the attention of the Ministry of Foreign Affairs of Suriname and other relevant authorities.

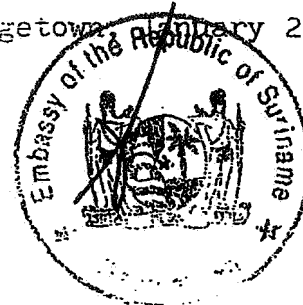
The Embassy would also like to draw the Ministry's attention to the fact that the western sea boundary of the Republic of Suriname is formed by the line N 10° E drawn from latitude 5° 59' 55" and longitude 57° 08' 51" W.

The Embassy, however, has made its inquiries and is fully prepared to provide any information regarding granting of any contract to oil companies in any area offshore close to the western sea boundary of the Republic of Suriname as stated above.

The Embassy of the Republic of Suriname avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Co-operative Republic of Guyana the assurances of its highest consideration.

Georgetown, Suriname, January 23, 1989

Ministry of Foreign Affairs
Takuba Lodge
South Road
Georgetown.



AGREED MINUTES

1. From May 17 through May 18, 1995 the Border Commissions of Guyana and Suriname respectively, had their inaugural meeting in Paramaribo, Suriname.
2. The discussions were held in a friendly atmosphere and in the spirit of mutual cooperation.
3. The following agenda was approved:
 1. Introductory remarks by Minister Subhas Mungra of Foreign Affairs.
 2. Opening remarks by Mr. L.F. Ramdat Misler, Chairman of the Suriname National Border Commission.
 3. Remarks by Mr. H. Ramkarran, Chairman of the Guyana National Border Commission.
 4. Rules of Procedure.
 5. Terms of Reference.
 6. Any other business.
4. Rules of procedure.
 1. Election of Co-Chairmen.

It was agreed that the host-chairman of the respective bordercommissions will chair the meeting.
 2. Preparation of minutes.

It is agreed that the agreed minutes will only record the decisions taken in the meeting and will be prepared in English and Dutch.
 3. Frequency of meetings.

It is agreed that the Bordercommissions meet as often as necessary, but at least once a year.

6-18-95 FRI 12:44 SUR.EMB.

P. 06

5 Terms of Reference

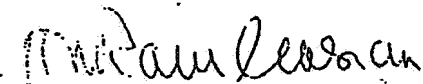
The meeting endorsed the Terms of Reference of the Border Commissions as previously set out by the Government of Suriname, namely to resume the London-Conference of June 23, 1966 regarding the border negotiations between Suriname and Guyana, as well as conduct consultations on the bilateral seaward maritime boundaries in the territorial sea and the exclusive sea and the exclusive economic zone between Suriname and Guyana.

6. Any other business

It was agreed that the next meeting will be held in the week of 12 november, 1995 in Georgetown, Guyana.

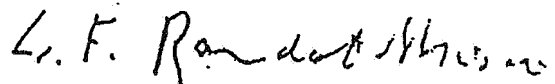
The precise date will be established by both parties, subject to confirmation.

The Chairman of the Guyana
National Border Commission,



Mr. H. Ramkarran

The Chairman of the Suriname
National Border Commission,



Mr. L.F. Ramdat Misier

Paramaribo, May 18, 1995.

6



SECOND JOINT MEETING OF THE GUYANA AND SURINAME
NATIONAL BORDER COMMISSIONS
Georgetown, Guyana
January 31 - February 1, 1996

AGREED MINUTES

The Second Joint Meeting of the Guyana and Suriname National Border Commissions convened in Georgetown, Guyana from Wednesday, January 31 to Thursday, February 1, 1996. The Meeting was formally declared open by the Hon. Clement Rohee, M.P., Senior Minister of Foreign Affairs of Guyana.

The Guyana National Border Commission was chaired by Mr. Hari Narayan Ramkarran while the Suriname National Border Commission was chaired by Mr. Lachmipersad Frederik Ramdat Misier, who also made an address at the opening ceremony.

The discussions were held in a friendly atmosphere and in the spirit of mutual cooperation.

The Meeting heard Opening Statements from the Chairmen of the Guyana and Suriname National Border Commissions, which formed the bases for further discussions.

The Meeting heard a proposal from the Chairman of the Guyana National Border Commission and four proposals from his Surinamese counterpart.

The Parties agreed to study those aspects of the proposals made which in their opinion seem useful in seeking a solution to the existing problem and to consult in the intervening period before the convening of the Third Joint Meeting, on any related aspects which may need further clarification, and to respond if necessary.

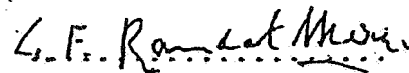
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It was further agreed that the Third Joint Meeting of the Guyana and Suriname National Border Commissions will be held in Paramaribo at a date to be agreed upon through diplomatic channels.

Done in Georgetown, Guyana, this ^{5th} day of February, 1996;
in the English and Dutch languages, both texts being equally authentic.



H. N. Ramkarran
Chairman,
Guyana National
Border Commission.



L. F. Ramdat Misier,
Chairman,
Suriname National
Border Commission.

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<p style="font-size: 2em; font-weight: bold;">Z</p> <p>WESTERN DEPARTMENT</p>	<p style="font-size: 1.5em; font-weight: bold;">Z 6477</p>				
	<p style="font-size: 1.5em; font-weight: bold;">1949</p> <p style="font-size: 1.5em; font-weight: bold;">NETHERLANDS</p>				
<p>Registry Number Z 6477/1081/29</p> <p>FROM <u>Colonial Office</u> <u>Communicated.</u></p> <p>No. 60013/49</p> <p>Dated 30/9/49</p> <p>Received in Registry 3/10/49</p>	<p><u>Draft treaty for the delimitation of the Guiana Surinam border.</u></p> <p>Copy of Colonial Office despatch No. 150 of October 1st to the Officer administering the Govt. of British Guiana. Encloses copy of draft revised treaty. Refers to Foreign Office letter of 15th Sept. (Z 5765/1081/29)†</p>				
<p>Last Paper</p> <p style="font-size: 1.5em;">25765</p> <hr/> <p>References</p> <hr/> <p>(Print)</p> <hr/> <p>(How disposed of)</p>	<p>(Minutes.)</p> <p style="font-size: 1.5em; font-family: cursive;">Rau</p> <p>6/oct.</p>				
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(2 5765/1081/29)

DRAFT TREATY

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

Desiring that the frontier between Surinam and
British Guiana shall be clearly defined and that provision
shall 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 the British Dominions beyond the Seas, (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.

(4) 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 a point
near its source. Where a side channel (itabu) exists,
the left bank of the river is the bank of the most
leftward channel which normally contains water at all
seasons of the year.

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(2) The beginning of the left bank of the River Courantyne at the sea shall be the point at which the prolongation of the line joining two concrete marks, on the left bank of the River Courantyne, intersects the shore-line. On this same line which has a true bearing 10° East of true North, a large triangular wooden beacon, 10 metres high, visible from the sea, has been erected. The approximate position of the mark seaward of the two concrete marks is:-

Latitude $5^{\circ}59'53.8''$ North.

Longitude $57^{\circ}08'51.5''$ West of Greenwich.

(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.

(4) That branch of the River Kutari which was found to be the longest by the Mixed Commission appointed for the fixing of the Southern Terminal of the Boundary, shall be deemed to be its principal course, irrespective of any future changes in the headwaters of the River Kutari.

Article 2.

1) From a point on the principal course of the River Kutari, about 300 metres East of its source, the boundary shall leave the left bank of the River Kutari, and shall follow the centre of a tongue of rock in a general S.E. direction to a concrete mark erected on the watershed between the basins of the Amazon and of the Courantyne. This mark is distant 320 metres on a true bearing of 162° from the point of departure of the Boundary from the principal course of the River Kutari.

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(2) This mark is built on top of a large bare rock surface, and its approximate position is:-

Latitude	01°	55'	58". North
Longitude	55°	28'	24". West of Greenwich
Height above sea level	463 Metres.		

(3) This mark shall continue to define the point of convergence of the frontier of British Guiana and Maricao with that of the United States of Brazil, irrespective of any future or more accurate determination of its position.

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 bearing of 15° east of true North of 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 defined in Article 1 as being within the territory of British Guiana, and consequently 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)(1) Freedom of navigation should be allowed in accordance with the provisions of the Convention and Statute of the Regime of Navigable Waterways of International Concern signed at Barcelona on the 20th April, 1921."

/(1)(11)

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"(1)(ii) The Warships of the high contracting parties shall enjoy freedom of navigation and in time of war the warships of the Allies of either of them."

"(1)(iii) Aircraft registered in the territories of the high contracting parties shall enjoy the freedom to make use of the waters of the river as an alighting site for aircraft, provided always that the alighting area marked for the purpose and any ancillary buildings are not of such a nature as to effect the navigability of the river, nor the free passage of shipping as stipulated in Article 5(1) above."

(2) The subjects of His Majesty The King shall have full liberty to drive piles, construct wharves, boathouses 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 at any place above a point 10 miles upstream from the beacon referred to in Article 1(2) do not project further than half the breadth of that part of the river and in no case more than 50 metres from the low-water mark into the subchannel 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 authorisation of the Government of Surinam.

/(b)

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(4) All existing rights of the subjects of His Majesty The King in regard to fishing in the river and camping, transporting passengers or goods, 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 of administration of such High Contracting Party.

(7) No charges or dues shall be levied in respect of the enjoyment of the rights secured under previous paragraphs of this article otherwise than by agreement between the Governments of Suriname and British Guiana.

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, for the establishment of buoys, the erection inspection and maintenance of beacons, the provision or improvement of portage facilities on its banks or /islands

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islands or for the levying of dues or charges, representatives of the Governments of Suriname 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 and the apportionment of the proceeds of dues or charges levied on navigation 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 at _____ 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.

(Z 5765/1081/29)

DRAFT TREATY

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

Desiring that the frontier between Surinam and British Guiana shall be
clearly defined and that provision shall 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 the British Dominions
beyond the Seas, (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 a point near
its source. There a side channel (itabu) exists, the left bank of the river is the bank of the
most leftward channel which normally contains water at all seasons of the year.

/(2)

(2) The beginning of the left bank of the River Courantyne at the sea shall be the point at which the prolongation of the line joining two concrete marks, on the left bank of the River Courantyne, intersects the shore-line. On the same line which has a true bearing 10° East of true North, a large triangular wooden beacon, ten metres high, visible from the sea, has been erected. The approximate position of the more seaward of the two concrete marks is:-

Latitude $5^{\circ} 59' 53.8''$ North.

Longitude $57^{\circ} 08' 51.5''$ West of Greenwich.

(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 principle course of the Kutari.

(4) That branch of the River Kutari which was found to be the longest by the Mixed Commission appointed for the fixing of the Southern Terminal of the Boundary, shall be deemed to be its principal course, irrespective of any future changes in the headwaters of the River Kutari.

Article 2

(1) From a point on the principal course of the River Kutari, about 300 metres East of its source, the boundary shall leave the left bank of the River Kutari, and shall follow the centre of a tongue of rock in a general S.S.E. direction to a concrete mark erected on the watershed between the basins of the Amazon and of the Courantyne. This mark is distant 320 metres on a true bearing of 162° from the point of departure of the Boundary from the principal course of the River Kutari.

/(2)

(2) This mark is built on top of a large bare rock surface, and its approximate position is:-

Latitude 01° 56' 58".2 North

Longitude 56° 28' 24".5 West of Greenwich

Height above M.S.L. 463 Metres.

(3) This mark shall continue to define the point of convergence of the frontier of British Guiana and Surinam with that of the United States of Brazil, irrespective of any future or more accurate determination of its position.

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 bearing of 10° east of true North of 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 defined in Article 1 as being within the territory of British Guiana, and consequently 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)(i) freedom of navigation shall be allowed in accordance with the provisions of the Convention and Statute of the Regime of Navigable Waterways of International Concern signed at Barcelona on the 20th April, 1921.”

/“(1)(ii)

“(1)(ii) The warships of the high contracting parties shall enjoy freedom of navigation and in time of war the warships of the Allies of either of them.”

“(1)(iii) Aircraft registered in the territories of the high contracting parties shall enjoy the freedom to make use of the waters of the river as an alighting site for aircraft, provided always that the alighting area marked for the purpose and any ancillary buildings are not of such a nature as to affect the navigability of the river, nor the free passage of shipping as stipulated in Article 5(1) above.”

(2) The subjects of His Majesty The King shall have full liberty to drive piles, construct wharves, boathouses 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 at any place above a point 10 miles upstream from the beacon referred to in Article 1(2) do not project further than half the breadth of that part of the river and in no case more than 50 metres from the low-water mark into the outerchannel 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)

(4) All existing rights of the subjects of His Majesty the King in regard to fishing in the river and camping, transporting passengers or goods, on islands in the river or on either bank thereof, when traveling 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 paragraph 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 of administration of such High Contracting Party.

(7) No charges or dues shall be levied in respect of the enjoyment of the rights secured under previous paragraphs of this article otherwise than by agreement between the Governments of Surinam and British Guiana.

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, for the establishment of buoys, the erection inspection and maintenance of beacons, the provision or improvement of portage facilities on its banks or

/islands

islands or for the levying of dues or charges, 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 and the apportionment of the proceeds of dues or charges levied on navigation 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 at _____ 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.

No. 11411

**GUYANA
and
NETHERLANDS
(ON BEHALF OF SURINAM)**

**Agreement for establishment of the Surinam-Guyana Commission.
Signed at Georgetown on 7 February 1971 and at Paramaribo
on 8 February 1971**

Authentic texts: English and Dutch.

Registered by Guyana on 19 November 1971.

**GUYANE
et
PAYS-BAS
(AU NOM DU SURINAM)**

**Accord portant création de la Commission guyano-surinamienne.
Signé à Georgetown le 7 février 1971 et à Paramaribo le
8 février 1971**

Textes authentiques: anglais et néerlandais.

Enregistré par la Guyane le 19 novembre 1971.

AGREEMENT¹ FOR ESTABLISHMENT OF SURINAM-
GUYANA COMMISSION

The Government of Surinam acting on behalf of the Kingdom of the Netherlands and

The Government of Guyana;

Inspired by the ideals of international cooperation and the peaceful settlement of controversies;

Desiring to strengthen the historic and traditional bonds of friendship between Surinam and Guyana by active cooperation in the spheres of economic, social and cultural development and by the resolute pursuit of all practical means for the peaceful settlement of difficulties;

Recognising that in addition to the bonds of geography, Surinam and Guyana have a similar historical and cultural background and possess similar natural resources and economic potential, to the accelerated development of which each Government is committed;

Have agreed as follows:

Article I

A permanent Guyana-Surinam Commission (hereinafter in this Agreement referred to as "the Commission") shall be established for the purpose of examining ways and means of effecting cooperation in matters of common interest between Guyana and Surinam in the economic, social and cultural fields, and of peacefully resolving all outstanding difficulties and situations which may endanger friendship and good neighbourliness between the two countries.

¹ Came into force on 18 August 1971, the day on which the Government of Guyana and the Government of Surinam informed each other that any relevant constitutional requirements had been met in Guyana and in the Netherlands, respectively, in accordance with article VIII.

Article II

The Government of Guyana and the Government of Surinam may from time to time jointly in writing require the Commission to examine any particular matter or matters falling within the functions of the Commission as prescribed by Article I.

Article III

(1) Within one month of the entry into force of this Agreement the Government of Guyana and the Government of Surinam shall each appoint a delegation consisting of not more than five members to represent it in the Commission.

(2) Each Government shall inform the other of the names of the leader and of the other members of its delegation.

(3) Each Government may appoint experts to assist its delegation.

Article IV

(1) The Commission shall hold its first meeting as soon as possible after the two delegations have been appointed but within two months after the entry into force of this Agreement at a date and place to be agreed between the two Governments.

(2) Thereafter the Commission may hold meetings at any time alternately at Georgetown and at Paramaribo.

(3) The Commission shall submit to the two Governments periodic reports of its activities under this Agreement.

Article V

(1) Within two months of the entry into force of this Agreement, the commission shall establish a Special Committee charged with the responsibility of continuing the discussions between the Governments of the United Kingdom of Great Britain and Northern Ireland and the Kingdom of the Netherlands concerning the boundary between British Guiana and Surinam which were adjourned in London in June, 1966.

(2) The Special Committee shall consist of four members two of whom shall be designated by the Government of Guyana and two by the Government of Surinam.

(3) The Special Committee shall meet at such times as it may agree on, alternately at Georgetown and at Paramaribo.

(4) Each Government may appoint experts to assist its members of the Special Committee.

Article VI

(1) Pending the completion of the discussions to be continued under paragraph (1) of Article V, the Special Committee shall from time to time, through procedures to be agreed by it, at the joint request in writing of both Governments, ascertain and examine within such time as they may jointly specify, the facts relating to any specified source of disharmony between the two countries with a view to ensuring that no such disharmony shall disturb friendly relations between the two Governments or prejudice the effective operation of programmes of cooperation agreed upon by them.

(2) The Special Committee shall submit reports to the two Governments at such intervals as it may agree on or as may be specified by agreement in writing between the two Governments.

Article VII

This Agreement shall be without prejudice to any rights or claims regarding the sovereignty of their respective territories which the Government of Guyana and the Government of Surinam may possess at the present date.

Article VIII

This Agreement shall enter into force on the day on which the Government of Guyana and the Government of Surinam inform each other that any relevant constitutional requirements have been met respectively in Guyana and in the Kingdom of the Netherlands.

IN WITNESS WHEREOF the undersigned, being fully authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate in the Dutch and English languages, both texts being equally authoritative.

For the Government of Surinam, acting on behalf of the Kingdom of the Netherlands, at Paramaribo, Surinam, on the 8th of February, 1971.

[Signed — Signé]¹

Minister-President of Surinam

For the Government of Guyana, at Georgetown, Guyana, on the 7th of February, 1971.

[Signed — Signé]²

Prime Minister of Guyana

¹ Signed by J. Sedney — Signé par J. Sedney.

² Signed by L. F. S. Burnham — Signé par L. F. S. Burnham.