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(2) The beginning of the left bank of the River Courantyne at the sea shall be the point at which a line drawn on a true bearing of  $28^{\circ}$  from the beacon erected\* on the left bank of the River Courantyne at approximately latitude  $\dagger(60^{\circ} 0' 25'')^{\circ}$  and longitude  $\dagger(57^{\circ} 8' 10'')^{\circ}$  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.

(4) The longest of the branches of the River Kutari shall be deemed to be its principal course

#### Article 2.

(The section of the boundary between the upper waters of the River Kutari and the tri-junction point of the boundaries of British Guiana, Surinam and Brazil, and the location of the tri-junction point itself, to be filled in as a result of the findings of the Commissioners and in accordance with the 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.

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).

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, including the use of the water as a landing place for hydroplanes.
(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 hand 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 (here insert description of point where estuary begins) 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 waters of the river is not interfered with, and that no works employing the waters of the river is not interfered with, and that no works employing the waters of the river is not fue Government of Surinam.
(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

(4) An example in the subject of this analysis, in them in regard to many in the river or on either 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 Queen of 1 of the river

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

\* Beacon to be erected before the treaty is signed by a joint commission. ↑ These geographical co-ordinates are only intended to give a guide as to where the beacon is to be erected. It will be placed on the left bank at a point above high water mark, but as close to the bank as is compatible with permanence. When the beacon is erected is position can be more accurately ascertained, and the or-ordinates shown above can be then corrected if necessary for the purposes of the final draft of the treaty.

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#### 60013/38 [No. 4]: Enclosure. No.

THE NETHERLANDS MINISTER

to

# THE SECRETARY OF STATE FOR FOREIGN AFFAIRS.

# (Copy received in Colonial Office, 2nd April, 1938.)

(No. 189.)

Netherlands Legation, London, 19th March, 1938.

MY LORD, With reference to my note of the 22nd November last, No. 2352, regarding the draft treaty in connexion with the boundary between Surinam and British Guiana, I have the honour, under instructions received, to inform you that in the proposed texts of art. 1(2) and art. 3, a bearing of N.  $10^\circ$  0 is mentioned; this should be substituted by art. 1(2) and art. 3, a bearing of N. 10<sup>o</sup> 0 is included, this should be substituted by N. 10<sup>o</sup> E. Consequently as follows from par. 2 and 4(b) of the enclosed copy of the note "Report on the inauguration of the Mark at the Northern Terminal of the Boundary between Surinam and British Guiana ", article 1(2) and article 3 should read as follows:

Art. 1(2). "The beginning on the left bank . . . . . on a bearing of N. 10° E . . . . .

Art. 3. "The boundary between the territorial . . . on a bearing of N = 100 F N. 10° E . . . . .

I have. &c., LIMBURG STIRUM.

#### Enclosure in No.

# REPORT ON THE INAUGURATION OF THE MARK AT THE NORTHERN TERMINAL OF THE BOUNDARY BETWEEN SURINAM AND BRITISH GUIANA.

1. On 5th July, 1936, the Heads of the Netherlands and British Boundary Commission met at No. 63 Village (Benab) Courantyne, for the purpose of drawing up this report on the inauguration of the Northern Terminal Point Mark of the Surinam/British Guiana Boundary.

2. Identification of the approximate position of the Mark.

The Mixed Commission first plotted on the latest 1927 Dutch chart of the Courantyne Mouth the co-ordinates given in their instructions for the proposed site. (6° 00' 25" N.) (57° 08' 10" W). Astronomical observations were then made by both Commissions for Latitude, Longitude and Azimuth near the Government Rest House at No. 63 Village (Benab). From the Astronomical stations a theodolite traverse was made Northwards along the coast. It was found that the point 6° 00' 25" N.: 57° 08' 10" W. was actually in the sea owing to the chart being incorrect as regards Longitude. The traverse was therefore continued along the coast to the Latitude of 6° 00' 25" N., but there the land was found to be most unsuitable for the construction of the pillars.

The most suitable position was found to be on a wide stretch of grass land behind Ine most suitable position was found to be on a wide stretch of grass land behind a low sand dune. Here the ground was comparatively firm and did not appear to be subject to the erosion by the sea. In fact it appeared to be being built up here if anything. The coast at this point made a slight bend from North towards the North West similar to the coast shown on the chart at the point indicated by the co-ordinates. The sandbank shown on the chart opposite this bend was also visible at low tide in the corresponding relative position in the corresponding relative position.

2. The Netherlands Commissioner considered it was essential that the continuation of the Boundary in the territorial waters should leave the navigation channel in the same territory throughout its length. Other difficulties would arise over lighting, buoys, etc. A line drawn on a True Bearing of 28° E., from the site selected for the Boundary Mark would not leave free the whole channel. The British Commissioner believed that the bearing of 28° was only chosen because it was thought that this would possibly allow a direction mark to be placed on the sandbank mentioned above.

The Mixed Commission therefore decided to indicate the direction of the boundary line in the territorial waters on a True Bearing of 10° E., this direction being parallel to the midchannel line as indicated on the chart.

B.G.-Surinam Boundary-(C.30065/74). 12.

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3. Geographical Co-ordinales of the Terminal Mark. The values found by the British and Netherlands Commissions and the accepted

Mean Values are as follows:

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	Latitude. Longilude.	
British	5° 59' 54" 05 North. 57° 08' 51" 59 West.	
Netherlands	5° 59' 53" 60 North. 57° 08' 51" 41 West.	
Accepted	5° 59' 53"'8 North. 57° 08' 51"'5 West.	

The above values refer to the buried mark "A", about 3 metres from the visible pillar "A".

4. Description of the Mark.

(a) The Mark proper, whose co-ordinates are given above, is a concrete block (40 cms. cube) with a brass centre bolt embedded in the top. On the top surface is engraved the letter "A" and the year "1936". The top of the block is buried 10 cms. below the surface of the ground.

(b) At a distance of 220 metres inland on a true bearing of  $190^{\circ}$  from the centre bolt of Mark "A" is a similar buried block, marked "B". The line joining the centre bolt of "B" to that of "A" and projected out to sea gives the direction of the boundary line in Territorial Waters i.e. 10° east of True North.

(c) The real marks being buried below the surface of the ground two visible pillars have been erected on the line joining the two marks "A" and "B", but 3 metres have been erected on the line joining the two marks "A" and "B", but 3 metres beyond the buried mark in each case so that the line between the two marks is uninterrupted by the pillars. The pillars have been marked "A" and "B" corresponding to the marks which they indicate. Both pillars are truncated square pyramids, with the sides 40 cms. at the top and 50 cms. at ground level. They are buried 60 cms, in the ground and project 60 cms, above the ground, with a rounded corresponding to the making the total height above ground about 65 cms. Both cap about 5 cms. high, making the total height above ground about 65 cms. Both pillars are set diagonally on the line joining the two marks "A" and "B", and thus have two adjacent faces towards the sea and two towards the land.

4. (d) Pillar "A" has engraved on its N.W. face the words "British Guiana" on its N.E. face "Suriname", on its S.E. face "A" and its S.W. face "1936".

It is about 215 metres from the present lowwater mark, but this measurement is of little value as the coast is continually changing here. It is however situated on compara-tively firm grass land immediately inland of a small sand dune which follows the highwater mark.

Pillar "B" has only the letter "B" on the S.E. face and the year "1936" on the S.W. face.

(e) The situation of the pillars and marks relative to each other and the neighbour-ing landmarks is shown on the attached sketch. The general position of the Marks is about 1,720 metres North of the Government Rest House at No. 63 Village (Benab) Courantyne.

5. Erection of a large Mark visible from the sea.

Owing to the fact that there is no stone available within a 100 miles and the ground on which the pillar has to be constructed consists of sand supported on liquid mud it is considered impracticable to erect a large concrete mark visible from ships at sea. As such a mark is necessary a high wooden structure has to be built. This mark has to be placed in the above-mentioned line of 10° E. The lookout seawards is here unobstructed. The mark must be kept up and renewed when necessary.

6. As a further safeguard for the replacement of the Marks referred to in para. 4 a small concrete mark has been made at the British Astronomical station. This is 85 metres from the N.E. corner of the Rest House and 144 metres from the N.W. corner.

Latitude 5° 58' 58".09 N. Longitude 57° 08' 55".12 W.

I. PHIPPS, Major R.

Head of British Commissioner.

C. C. KAYSER, Hoofd der Nederlandsche Commissie.



Count John de Lieburg Stirum,

oto., etc., etc.

FOREIGN OFFICE, S.W.1 25th July, 1938.

Sir,

With reference to E. Teixeira de Mattos' note No. 2352 of November 22nd, 1937, regarding the draft treaty in connexion with the boundary between Surinam and British Guiana, I have the honour to inform you that His Majesty's Government in the United Kingdom have no objection to the amendment of Article 5 (ii) of this draft on the lines proposed by the Netherlands Government.

2. His Majesty's Government further concur in the view expressed in your note No. 789 of March 19th last as regards the proper wording of article 1 (2) and article 3 of the treaty. I would observe, however, that according to their records the co-ordinates of the beacon at the south of the River Courantyne should be latitude 5° 59' 53.9" North, longitude 57° 08' 51.5" West and not as stated in E. Teixeira de Mattos' note under reference.

> I have the honour to be, with the highest consideration, Sir, Your obedient servant, (For the Secretary of State)

Count John de Limburg Stirum,

etc., etc., etc.



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### STATEMENT BY THE PRESIDENT OF THE REPUBLIC OF SURINAME H.E. JULES ALBERT WIJDENBOSCH, AT THE TWENTY FIRST MEETING OF THE CONFERENCE OF HEADS OF GOVERNMENT OF THE CARIBBEAN COMMUNITY, CANOUAN ST. VINCENT AND THE GRENADINES, JULY 2-5 2000

Esteemed Colleagues, Mr. Secretary-General, Excellenties, Ladies and Gentlemen,

The Government of Suriname expressed its concern about the fact that the Cooperative Republic of Guyana has issued a license for the exploration and exploitation of natural resources in the Surinamese Exclusive Economic Zone, more in particular in the northwestern maritime boundary area, to a Canadian consortium, CGX Energy Inc., as a result of which the Surinamese authorities were forced to order the oilrig to clear the Surinamese territory within 12 hours in conformity with internationally accepted procedures of maritime law enforcement. Recognizing Suriname's sovereignty of the area, CGX Energy Inc. complied with this order.

It should be mentioned that Guyana deems to have a claim - which is based on vague grounds - to the aforesaid area, whereas in the past Guyanese authorities always approached Suriname to ask permission for granting licenses to carry out exploration activities in the area concerned.

It is distressing that-despite the various Notes exchanged with Guyana about keeping the oilrig out of Surinamese territory, no heed was paid to these instructions. As the relations between the two countries have seriously deteriorated because of this controversy, parties decided to resort to diplomatic consultation to find a solution to the problem.

Three meetings have meanwhile been held to discuss the problems arisen, in particular:

the Special Ministerial Consultation in Trinidad and Tobago on 6 June last, which resulted in the following meetings as agreed (*vide* Joint Communiqué):

- the First Consultations of the Joint\* Technical Commissions in Georgetown, on 13 and 14 June last; and
- the Second Consultations of the Joint\* Technical Commissions in Paramaribo, on 17 and 18 June last.

Despite the earlier-mentioned Ministerial and Technical meetings, basic questions that were put by the Surinamese side have remained unanswered:

- on what grounds does Guyana believe it can claim the northwestern maritime border region as described by it:
- transparency with respect to the agreement with CGX:
- the authorities of Suriname wanted to have a copy of the agreement concluded between the Government of Guyana and CGX Energy Inc., such in view of the essential transparency in the matter and the Surinamese authorities' obligation to

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account for their actions to the Government, the Council of State, the National Assembly and the Concessionaire.

To demonstrate to the international community, to the regional community and the two respective societies that this controversy should not have a lasting negative influence on the programme of cooperation, it was decided:

- that the Meeting of the joint National Border Commissions would be held not later than 7 July 2000;
- that the deliberations of the Surinamese-Guyanese Cooperative\* Council, which deals with the bilateral programme of cooperation on a wide variety of areas, would be continued at the earliest.

It is worth mentioning that in the past Guyanese fishing boats encountered in the disputed area were run in by Surinamese maritime authorities on patrol and in accordance with legal procedures, the boats were confiscated and the matter was submitted to the Procurator General.

At the time, the Minister of Foreign Affairs of Guyana, H.E. Clement Rohee, made a personal demarche to offer his apologies for the actions of the Guyanese fishermen and to request that the matter be dealt with out of court.

In view of the independence of the institution of the Procurator General, who had already taken up the case, Minister Rohee's request was passed on by the Government authorities. Mindful of the good relations between the two countries and the principle of good neighbourliness, the case was dismissed with the restitution of the fishing boats and a fine imposed on the Guyanese fishermen, with notification to the Guyanese authorities, thus acknowledging Suriname's sovereignty of the area concerned. Guyana welcomed this solution.

For a long time the boundary issue strained the relations between Suriname and Guyana. At the last meeting (1995) of the Mixed Surinamese-Guyanese Border Commission in Georgetown it was impossible to have fruitful discussions and to make progress in the matter, because of the widely divergent positions of the two countries.

As a member of the UN, the NAM, the OAS, the Group of 77 and China, the ACP, the ACS, CARICOM, the Amazon Pact, the SELA and the OIC, Suriname has always conducted itself like a dignified and trustworthy member towards the international community, and has always respected the rules and principles of these organizations, while it has always been a peace-loving and understanding neighbour to Guyana.

Suriname has never in any way tried to obstruct the development of Guyana.

This is particularly expressed in the fact that in the past, in times of tensions in Guyana, Guyanese nationals, both as immigrants and as refugees, found a safe haven in Suriname. Over the years, almost 7% of the Guyanese population has taken up permanent residence in Suriname. They now make up 12% of the total population of Suriname and live in harmony with the Surinamese people.\*

It is therefore incomprehensible that the Guyanese Minister of Foreign Affairs in his statement made in Suriname and distributed afterwards among member countries of the international community, has made the following remark: (And I quote)

" This situation will undoubtedly leave a bitter taste in the mouths of all Guyanese people having been deprived by their neighbour of a vital opportunity to enjoy the benefits from a major investment which would have contributed substantially to the economic and social development of Guyana." (End of Quote)

Good neighbourliness can never go so far that unlawful acts on the part of Guyana in casu the issue of licences without permission resulting in the unauthorized use of Surinamese natural resources by third parties, while the pertinent conditions have not been made or are not publicly known - are condoned by Suriname.

In the statement of Minister Rohee we also find the following passage: (And I quote)

"Guyana has always extended a hand of friendship and cooperation to Suriname. The high point of this disposition was the statesmanlike and generous stand taken by Guyana at the Sixth Intersessional Meeting of the Conference of Heads of Government of the Caribbean Community held in Belize in 1995 when Guyana declared its support to Suriname as a full member of the Community."

#### (End of quote)

With regard to the "statesmanlike and generous stand" of Guyana in relation to the conduct of a neighbouring country upon the entry into CARICOM, Suriname wishes to indicate that this is based on an unusual representation of the facts.

With reference to the above, the Surinamese version is presented below:

Suriname does not owe its membership in CARICOM in no way whatsoever to Guyana. The opposite is true.

The neighbouring country that, in the event of Suriname's applying for membership in CARICOM, was expected to welcome Suriname's membership in CARICOM without raising objections, was in fact a CARICOM member country that wished to deploy the boundary issue as an additional condition for discussions at Suriname's entry into CARICOM.

Guyana tried to hamper this important and historical step that Suriname wished to make in the interest of further regional integration and of strengthening a subregional and multilateral institute.

The CARICOM Secretariat informed the Suriname Ministry of Foreign Affairs of this situation. The Government of Suriname took the position that it would on no condition participate in a "quick fixed and fast track" solution to the boundary problem and furthermore stated that if this was to be a condition, Suriname would not become a member of CARICOM. With this attitude and the cooperative spirit of the other CARICOM member countries, Suriname gained unobstructed access to CARICOM, as a "More Developed Country" (MDC).

In their deliberations, the Heads of State and the Heads of Government indicated to urge Suriname and Guyana to resolve the boundary problem as soon as possible in a peaceful manner.

With regard to the use of force in solving the boundary problem between Suriname and Guyana, Suriname would like to draw attention to the following.

The Government of Suriname emphatically states that at no time did it use force to remove the oilrig and that in removing the rig it has acted in conformity with maritime law enforcement procedures. However, as already demonstrated, Suriname will resolutely protect its territory against any invasion.

The only country to resort to acts of force in the boundary dispute is Guyana, and this became clear in a public admission by Minister Rohee in his closing statement at the meeting of 18 June last in Paramaribo:

(And I quote)

"Moreover, for Suriname to justify the use of force to settle a dispute with its neighbour and further, to view the forced eviction of the CGX rig as an act of revenge in light of and response to the action taken in 1969 by Guyana in removing a number of civilian and military personnel occupying that part of the territory of Guyana known as the New River Triangle is to add insult to injury." (End of quote)

It is in direct conflict with the law, justice and good neighbourliness, and demonstrates the attitude of Guyana when it informs the international community that it has by military force kidnapped Surinamese citizens from their own country, and occupies Surinamese territory, with the use of force.

Despite the fact that after the military occupation of Surinamese territory discussions followed in 1970 in Chaguaramas, in Trinidad and Tobago, whereby it was explicitly agreed that the area would be demilitarized, Guyana did not stand by the agreements up to the present day.

The Joint Communiqué of Chaguaramas in Trinidad and Tobago in 1970, which was signed together, clearly indicates the path along which activities would be conducted:

(And I quote)

"With a view to ensuring peaceful relations between the two countries the Prime Ministers agreed in principle that there should be an early demilitarization 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." (End of quote)

Be it known that the peaceful and non-aggressive attitude demonstrated by Suriname over the years should in no circumstance be construed as a passive invitation to compromise the country's territorial integrity and national sovereignty.

In addition, the Suriname Government once again reiterates that the rig has been removed from Surinamese territory without any acts of force and not, as is repeatedly misconstrued by Guyana, with the use of force.

The Surinamese Government is repeatedly confronted with accusations as if it would have used force to remove the CGX oil rig from its territorial waters. Please allow me to briefly share with you some views on this matter.

It is laid down in the Surinamese Constitution that the National Army is responsible for protecting the territorial integrity of Suriname. In the act on the National Army it is further laid down that the Surinamese Navy, as part of the National Army of Suriname, is responsible for maritime law enforcement in the Exclusive Economic Zone.

In various agreements with third parties, including with the United States of America in our version of the shiprider agreement, the Surinamese National Army, *in casu* the Surinamese navy, is responsible for maintaining surveillance and for the maritime law enforcement.

These past years, Suriname regularly had to suffer from criminal, threatening activities of the following nature:

piracy, smuggling, organized drug-related crossborder crime, arms smuggling, illegal fishery activities in valuable fishing grounds and in breeding grounds of fish and shrimp, sometimes with small boats and sometimes even with large floating fish-processing plants, as well as various attempts to illegally use natural resources available at those locations.

The patrolling marine authorities operate in accordance with internationally accepted law enforcement principles and in close consultation with the Procurator-General of Suriname.

The commander officer of the naval vessel is sworn in by the Procurator - General as a consequence of which he becomes a law enforcement official.

The marine surveillance activities took place in accordance with international, regional, sub-regional and bilateral programmes of cooperation to fight crossborder organized crime which poses a threat to the souvereignty and the territorial integrity and even to the democratic institutions in our country.

In the case of the oil rig the following standard procedure was followed.

Before the rig reached Surinamese territory, and because the intentions could be inferred, it was asked through diplomatic and other channels, that it keep out of Surinamese territory.

When the rig has reached Surinamese territory, it was requested that it clear the area. The crew of the rig was willing to comply with the request, but asked time to prepare for clearing the area.

The Surinamese navy allowed the rig 12 hours to leave the area. Which is was happened.

A videotape was made of this operation at sea and is available to everyone. A copy of this tape will be deposited at the CARICOM Secretariat.

During the three discussions in Trinidad on 6 June, in Georgetown on 13 and 14 June, and in Paramaribo on 17 and 18 June last, it was clear that Guyana did not at all want a solution for the very problem, as laid down in the Joint Communiqué drafted in Trinidad and Tobago on 6 June last.

(And I quote)

"The Ministers recognized that the current dispute over the concessions granted by Guyana was directly related to the wider issue of the border problem between Guyana and Suriname. They therefore determined that steps must simultaneously be taken to address this ongoing dispute over the

border between the two countries even as they sought to put in place arrangements to end the current dispute over the oil exploration concessions. In this regard, reference was made to the concession granted by Guyana to CGX." (End of quote)

During the talks, the delegation of Guyana did not wish to inform the Surinamese delegation of the grounds for its claims of sovereignty, and only focussed on the realization of a final step, more in particular that the rig would be directed to the original location on Guyana's terms. The Guyanese counterpart did not respond to the solutions proposed by Suriname for the peaceful settlement of this dispute, with due consideration for the boundary issue.

Moreover, Guyana did not want to take the complexity of the problem into consideration. For good order, it should be pointed out that this involves the following:

- a technical problem with a strong political dimension;
- regional and national security is at stake;
- the bilateral relation is put under pressure;
- the legal and environmental aspects cannot be ignored;
- the economic and financial implications for all parties concerned;
- the procedures prescribed by the Constitution;
- transparency in granting licences for the exploration and exploitation of natural resources which belong to the State, which is also provided for in the Surinamese Constitution;
- fully informing the respective societies about the contents of the agreement and the related financial, economic and other material and immaterial consequences.

In respect of this matter I would like to point out that it is laid down by law that in granting licences for the exploitation of natural resources that are property of the Surinamese nation the following requirements must be satisfied:

- approval of the Council of Ministers;
- approval of the Council of State;
- furnishing of information to and discussion by the members of the Council of Ministers, in casu the President, with the National Assembly;
- approval of the National Assembly;
- publication of the agreement;
- entry into effect following completion of these procedures.

With this policy of transparency the Surinamese Government gives openness of affairs to the nation and the international community in respect of the agreement which also carries with it a strong environmental dimension, whereas the Government gives full account to society of the legal, financial and economic consequences.

Hence it demanded of the Guyanese counterpart, during the deliberations, that it make available all particulars as agreed on with the Canadian company and as laid down in the agreement.

It appears that Guyana is trying to force a solution without wanting to discuss the actual boundary problem so that, corresponding to its behaviour in the past, it could appear approval for acts of sovereignty, which will not be accepted endlessly by Suriname. It will not be permitted that Guyana's scenarios are always afterwards corrected in this manner.

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Succeeding in getting the rig directed to Surinamese waters would mean:

- that a third party without prior knowledge of Suriname would perform activities in Surinamese territory, which is unacceptable to Suriname;
- yielding to the unlawful demands of a neighbouring country that would like to create a chaotic situation in the northwestern maritime boundary area and in no way whatever wants to discuss the crux of the problem;
- neglecting the claims of sovereignty by Suriname which are justified;
- yielding to the constant attempts of Guyana to perform acts of sovereignty on Surinamese territory to so transform that area into a "disputed area".

All possibilities to find a peaceful solution to the problem were simply ignored by Guyana in the phase when Suriname, by way of diplomatic notes and demarches, expressly requested its neighbour not to direct the rig to Surinamese territory. It is evident that Guyana intended to present Suriname with a fait accompli.

Suriname founds its claims on the usual provisions of international law, ratified treaties, historical positions and documents, rational arguments, scientific interpretations and other international arrangements relating to national borders and shall always substantiate it claims of sovereignty with the proper documents.

To this day, Guyana has refused to do so despite repeated requests.

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The basic documents in determining the Surinamese boundaries are the following:

- the Governors' Agreement of 1799 which was subsequently proclaimed as the Treaty of 1814
- the formal Document relating to the Handover of Suriname, drawn up at its independence by the Netherlands Government, signed by the then Prime Minister of the Kingdom of the Netherlands, H.E. J. den Uyl, addressed to the then acting Prime Minister of Suriname, H.E. Henk A.E. Arron.

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For the sake of good order I wish to point out the grounds for the legitimate claim of sovereignty by Suriname in respect of the disputed\* area in the northwestern coastal region, and I quote from the letter of the Netherlands Prime Minister den Uyl to the Surinamese Government at the hand-over of the sovereignty: (Quote)

"The western boundary is formed by the low-water line on the west bank of the Corentyne, from source to mouth. Therefore the boundary runs from a point yet to be determined on the southern boundary to the source of the Upper Corentyne, subsequently from this source along the low water line on the west bank of the Upper Corentyne and the Corentyne up to the point where the shoreline changes into the coastline and from this point along a line with a direction of 10 degrees east of True North through the territorial sea, without prejudice to the rights to which the sovereign Republic of Suriname, as a coastal state, is entitled pursuant to international law, in the marine area delimited by the prolongation of this line." (End of quote)

For the sake of clarity, Suriname would like to describe its exact border with Guyana the North to the South.

The western boundary of Suriname with the neighbouring country of Guyana, both on the South American continent and in the Atlantic Ocean, from the South to the North is constituted as follows:

The shortest line from a point yet to be determined on the southern boundary with the neighboring country of Brazil to the source of the Upper Corantyne River, subsequently from this source along the westbank of the Upper Corantyne and the Corantyne rivers to the point marked: Latitude 5°59'53".8 North and Longtitude 57°08'51".5 West, where the aforesaid shoreline cuts the coastline in sea.

From this marked point the boundary continues along a line 10 degrees East of True North, being the western limit of the Territorial Sea, the Exclusive Economic Zone and the Continental Shelf of Suriname.

The above determination of the boundary is based on ratified treaties and agreements, such as :

-the Governors' Agreement of 1799, which was subsequently

-proclaimed as a ratified treaty, namely the "Peace Convention of London", 1814.

-the official document relating to the Handover of the sovereignty at Suriname's independence, which was drawn up by the then Prime Minister of the Kingdom of the Netherlands, H.E. I. den Uyl, addressed to the then acting Frime Minister of Suriname, H.E. Henk A.E. Arron.

As well as historical points of view, geographical data, scientific interpretations, while the principles of international law which apply in determining the boundaries between countries have served as an important guideline.

Guyana has never wanted to state, despite repeated requests thereto made by Surmamese delegations, on which grounds it believes to have a valid claim on the above-described area.

On the grounds hereof, the boundaries of Suriname have been determined practically beyond contest. It cannot be that continuous pressure and regular attempts to be allowed to conduct drilling activities in Surinamese territory, the one time with the permission of Suriname and then again without, may give the area the status of a "disputed area".

Be it known, that the representation of developments as given to the international community by Minister Rohee is entirely for his own account. Also the time schedule and the reference to various documents are apparently based on a specifically Guyanese view and only cause surprise with the Surinamese counterpart and leave behind a bitter aftertaste of negotiations which, on closer examination, were to satisfy only a unilateral need.

The Government of Suriname has made every effort to present a workable proposal to ensure a peaceful solution of the dispute. To Suriname's deep disappointment, this was rejected by Guyana.

Suriname believes in the peaceful settlement of the dispute and will take no notice of provocations, insinuations, threats, accusations and any false arguments that cannot support the unjustified claims of the neighbouring country. Suriname wishes to maintain excellent relations with its neighbours and demands that the principle of mutual respect and trust also be adhered to in this regard. This, notwithstanding the fact that Guyana has always tried to force a solution by means of unilaterally imposed time limits and by putting a great strain on the deliberations.

Meanwhile, Suriname remains willing to deploy all mechanisms available at the bilateral level, *in casu* Presidential consultations for which it has sent out an invitation, to further discuss the boundary issue and by so doing lay the foundations for a structural solution.

In this context, Suriname applauds the recent decision of the CARICOM Council of Ministers, which called upon the two member states party to the conflict, to continue on the path of diplomatic consultation at the highest level, as proposed by Suriname.

Suriname will maintain the best of relations with its neighbouring country to thus give expression to the spirit of brotherhood, friendship and good neighbourliness, regardless of the displeasure it experiences from the unfounded claims of the Guyanese authorities. With its two other neighbouring countries, French Guiana (France) and Brazil, it has always pursued mutual cooperation and development and to that end has adopted a policy in favour of *inter alia*:

- the peaceful settlement of disputes;
- promoting cooperation on the basis of mutual benefit, mutual trust, mutual respect and peaceful co-existence, while the principle of good neighbourliness is also a guide.

In this framework, Suriname is looking forward to the proposed meetings of the Surinamese-Guyanese Cooperative\* Council, the National Border Commissions and the Multidisciplinary Technical Commissions.

Suriname once again makes the appeal, which was endorsed by the Community Council of Ministers of June last, that all mechanisms be deployed, including the instrument of the Heads of Government, to plot a course towards a sustainable solution to the problem in the spirit of peaceful co-existence.

In view of the fact that at CARICOM level, based on the principle of peaceful coexistence, again discussions are being held, one important precondition for productive discussions has already been met.

Suriname is willing to have the talks at the level of Heads of State at any time, and would appreciate it if, during these deliberations, the date and place could be determined for further tête-à-tête consultations with the esteemed Colleague of Guyana to set out together the path to be followed.

Perhaps it would also be possible to make further arrangements with regard to communications via the media, the taking of positions and the making of accusations, which the media interpret and present in their own way, as such is not conducive to the normalization of the bilateral relations or to laying a foundation for fruitful discussions.\*

In this light, a code of conduct for the two parties to adhere to would certainly contribute to the normalization of relations which both parties desire.

The Surinamese Government is at all times willing to conduct talks with the Gµyanese counterpart in the interest of finding a peaceful solution to the boundary problem without in so doing relinquishing its sovereign claims in any way whatsoever.

Peace, security, stability, harmony and sustainable development will always be the guideline for Suriname, which is what it wishes for the people of Guyana and their Government.

[ thank you.

NO. 22

His Excellency, P.J. Patterson Prime Minister of Jamaica

Dear Prime Minister Patterson,

Please accept my appreciation for your letter of 18 July 2000. I, too, am deeply disappointed that the Memorandum of Understanding was not signed despite the extensive discussions and the great effort put forth by you. A historic advance would have been reached otherwise, since this Memorandum of Understanding constitutes a framework for the solution to the border problem and the recently arisen problems between the two countries, while the relations between Suriname and Guyana could have been normalized.

All areas for cooperation between the two countries would have been attended to with energy and expedition so as to make a concerted effort for the sustainable economic development of our countries.

When we left Montego Bay, parties had committed themselves to sign the Memorandum of Understanding within 24 hours. The Minister of Foreign Affairs of Suriname, as agreed upon with his Guyanese colleague, remained behind and declared himself prepared to sign the final text as drafted in Kingston with your assistance. The signing was delayed pending confirmation on the part of Guyana. Arrangements had been made to keep me abreast by telephone. In spite of the high expectations, the document was not signed and four precious days have meanwhile elapsed unused which is undesirable and causes grave concern to me.

The proposal to single out one matter from the whole of subjects is inconsistent with the principle that "Nothing is agreed until everything is agreed" - to which principle parties have committed themselves and which was frequently quoted by Guyana throughout the discussions up to the last meeting.

I once again express my deep disappointment with the current situation; however I give you the assurances of my personal and my government's continued goodwill and re-assure you that we will exert every effort to reach a peaceful solution the the border problem and all related matters.

I trust that this information will be of use to you, and I am looking forward to further developments.

Yours sincerely,

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Jules Albert Wijdenbosch President of the Republic of Suriname

Paramaribo, 20 July 2000





His Excellency, P.J. Patterson Prime Minister of Jamaica

Dear Prime Minister Patterson,

I begin this letter expressing my gratitude to you and your staff for the efforts you have put forth to facilitate the talks between the Republic of Suriname and the Cooperative Republic of Guyana. I would like to thank you more in particular for the great effort you have made to try to reach a successful and satisfactory conclusion of the talks.

We have informed the Surinamese people about your special contribution and told them that you have proved to be a true friend and brother of Suriname.

As you know, Suriname has always taken the standpoint that in the event of a conflict between two sister nations, the road of close bilateral consultation must be taken in seeking models for the solution to such conflict. Unfortunately, however, this past period since the Heads of Government Meeting in Canouan, St. Vincent and the Grenadines, we noted that Guyana has little faith in a bilateral solution to the problem.

The suggestion to continue at the bilateral level with your help, as facilitator, has been accepted by Suriname with full agreement. I reiterate that we are deeply disappointed that the Memorandum of Understanding was not signed, despite the considerable efforts that have been expended on it by you and your staff. For the sake completeness, we would like to recall that Suriname has shown its willingness to sign the final draft document, while Guyana still wanted to consult on paragraph 8 of the document drawn up by you.

When the Guyanese delegation, headed by Minister Rohee of Foreign Affairs, for hours appeared unable to contact its President and disagreed with the proposal that the authorized representative of Suriname, His Excellency Erroll G. Snijders, Minister of Foreign Affairs, sign the Memorandum, the disappointed Surinamese delegation departed from Jamaica.

As stated in my letter of 20 July 2000, in response to your letter of 18 July, Suriname is at all times willing to conduct talks with Guyana about the peaceful settlement of the border issue.

To our utter amazement we had to learn from the media that the Guyanese Government was no longer prepared to negotiate with the present legitimate Government of Suriname. President Bharrat Jagdeo announced that Guyana was willing to discuss this matter only after the inauguration of the incoming Government.

I may remind you that I and my delegation on various occasions have indicated that the incoming government was kept well informed of the developments in this matter. The representative of the incoming Government and now President-elect Ronald Runaldo Venetiaan has publicly affirmed this, also in interviews with the Guyanese press.

Since the Surinamese delegation returned from Jamaica there has been - to our knowledge - no change for the better in the position of the Guyanese Government. On the contrary. We notice a further deterioration of the situation, which becomes manifest from the many public calls for military action against Suriname and even calls for actions against the Embassy of the Republic of Suriname in Guyana. Although these calls have been made by prominent Guyanese nationals, the Guyanese Government has in no way whatever distanced itself from this.

In view of the fact that after all these calls in the media the Embassy staff fears for its safety and is actually being molested, Suriname, acting on the situation that has arisen as described above, has filed a strong protest by way of a Note to both the Guyanese Government and the Secretary-General of the Caricom.

In the night of 7 to 8 August, the residence of the Chancellor with the Suriname Embassy in Georgetown was even burgled and pistol-shots were fired. Threats, intimidations and armed burglaries, and a government that remains passive will only take the controversy between the two countries into a grim atmosphere.

The Surinamese Government is greatly concerned about the safety of delegates of Suriname to Caricom conferences to be held in Georgetown.

Please accept my sincere compliments for the manner in which you have fulfilled your task as Caricom facilitator. The statesmanship demonstrated by you in this capacity shall always set a prime example for Suriname.

Jules Allert Wijdenbosch President of the Republic of Suriname

Paramaribo, 11 August 2000

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# JOINT DECLARATION ON THE OCCASION OF THE OFFICIAL VISIT OF HIS EXCELLENCY BHARRAT JAGDEO, PRESIDENT OF THE REPUBLIC OF GUYANA TO THE REPUBLIC OF SURINAME, JANUARY 28<sup>TH</sup>-30<sup>TH</sup> 2002 PARAMARIBO, SURINAME

# INTRODUCTION

At the invitation of the President of the Republic of Suriname, His Excellency Runaldo Ronald Venetiaan, the President of the Republic of Guyana, His Excellency Bharrat Jagdeo paid an official visit to the Republic of Suriname from January 28<sup>th</sup> - 30<sup>th</sup>, 2002.

President Runaldo Venetiaan welcomed President Jagdeo on his arrival at the Johan Adolf Pengel Airport in Suriname.

Members of both delegations were introduced and are listed in Annex 1 and 2.

President Jagdeo gave a lecture for the faculty board members of the Anton de Kom University of Suriname.

The business community of Suriname hosted a lunch in honour of President Jagdeo. The lunch was attended by the main private sector representatives and high level government officials.

President Venetiaan and Mrs. Venetiaan hosted a reception in honour of President Jagdeo. The gathering was addressed by both Presidents.

President Jagdeo paid a courtesy call on the Speaker of the National Assembly, the Honourable Ramdien Sardjoe and addressed the Extra-ordinary Session of the National Assembly.

President Jagdeo paid a visit to the Suriname State Oil Company (Staatsolie).

The President met with Guyanese nationals resident in Suriname and visited the Border district of Nickerie.

### MEETINGS

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The Presidents and their delegations held meetings on January 28<sup>th</sup> and 29<sup>th</sup>. During their meetings the two Presidents reviewed a wide range of issues of national, regional and international interest.

They acknowledged the role of security in the world. They emphasized the need for an integrated and balanced approach in dealing with all threats to security of a socioeconomic and political nature.

The Presidents reaffirmed that shared responsibility, co-operation, dialogue and concerted action are the primary principles that should guide their efforts in this new global environment.

President Venetiaan and President Jagdeo noted the developments of the work of the various organizations operating in the sub-region, region and hemisphere. They recognized the progress achieved by CARICOM in strengthening and integrating the region, as well as the endeavors of Cariforum, Sela, Amazon Cooperation Treaty, ACS and the OAS in their objectives to consolidate the nations in this bemisphere.

Both Presidents expressed their commitment to fully support cooperation among sister nations and to promote and preserve this process.

In this respect the Presidents reiterated their appreciation to the Prime Minister of Jamaica, the Right Honourable Percival J. Patterson, for his efforts as the CARICOM

facilitator entrusted with the task to enhance the process of consultation and dialogue between the Governments of Suriname and Guyana.

The two Presidents were pleased to note the recent positive developments in the bilateral relations between both countries and stated that the momentum reached in cooperation efforts must be preserved and maximized for the benefit of the people of both countries.

The Presidents acknowledged the work done by the Suriname/ Guyana Cooperation Council at their Sixth Meeting held in Paramaribo on the 15<sup>th</sup> and 16<sup>th</sup> January, 2002. They decided that they should be informed at least twice a year of progress made, in the various activities in accordance with the time table set by the Ministers of Foreign Affairs.

In endorsing the work done by the Cooperation Council, the Presidents underscored the value of human resource development in particular in the field of education, sports and culture. They encouraged cooperation between their respective universities, especially in the field of distance learning and medical internships.

They also concluded that full support should be given to Suriname hosting CARIFESTA 2003.

They expressed support to the continuing organization of the Inter Guiana Games between the Republic of Suriname, the Republic of Guyana and French-Guiana.

Both Heads of State acknowledged the burden of drug trafficking and drug related crimes on their societies. In order to confront this scourge and other criminal threats they endorsed the establishment of a Joint Security Program and a Working Group on Transboundary Crimes. The Presidents encouraged the drafting of a Mutual Legal Agreement and a Maritime Law Enforcement Agreement as well as cooperation programs between law enforcement officers and the publication of immigration requirements of both countries.

In the field of transport both President Venetiaan and President Jagdeo agreed that consideration would be given to designate Ogle Airport as a point of entry for small aircraft from Suriname.

In the context of the Infrastructure Integration Initiative for South America, the Presidents endorsed the decisions to initiate discussions on the development of a transport network to link with those of Brazil and Venezuela.

With regard to communication and signal interference the Heads of Government stressed that the Frequency Management Authorities should meet and discuss collaboration in the area of frequency management.

The Presidents reconfirmed the decisions taken by the Sixth Meeting of the Cooperation Council with regard to cooperation in the area of labour with respect to health and safety standards.

They agreed that cooperation with respect to environmental affairs should include cooperation in Coastal Zone Management within the context of existing multilateral - environmental conventions.

Considering that both Guyana and Suriname are eco tourism destinations within the region, the Heads of State underscored and reconfirmed the areas of cooperation as decided by the Sixth Meeting of the Cooperation Council.

Taking into account challenges to the rice market and the potential of their respective countries, the Leaders of both countries took note of the plans for cooperation in agriculture and emphasized the need for a joint approach to improve competitiveness in the rice sector.

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They decided that the Ministers of Agriculture should monitor the work of the technical group with regard on rice.

They agreed that the possibilities for cooperation in other areas such as horticulture , should be taken into consideration.

The Presidents also stressed the need to establish an Expert Group to discuss matters in the fields of the sustainable utilization of marine resources and that the possibility should be explored to increase the issuance of licenses and the reduction of the fees for these licenses.

Reflecting on the position of countries like Suriname and Guyana in the changing world economic order and the vulnerability of their respective economies, the Presidents endorsed all the efforts to enhance cooperation in the area of trade, studies to attract investments, the establishment of joint ventures and linkages between the private sectors of both countries.

In the context of increasing the collaboration in the area of cross border trade, special emphasis was placed on meetings of the customs and immigration officials. In this regard the Presidents noted the process of the free movement of goods and people within the framework of CARICOM and expressed the view that efforts should be made as neighbours to proceed ahead of the CARICOM implementation schedule.

Recognizing the threats posed to the welbeing of the people of both countries, in particular the HIV / AIDS pandemic, the Leaders of both countries urged the early reconvening of the meetings of the Border Health Committee.

President Venetiaan and President Jagdeo endorsed the decisions taken by the Sixth Meeting of the Cooperation Council concerning the mining sector, which included technical assistance in this field, cooperation in the exploration of solid materials and that petroleum issues would be dealt with in the Border Commission.

The two Presidents reconfirmed their belief that the border issues should be resolved in a spirit of understanding, co-operation and good neighbourliness. They noted with satisfaction the progress made by the Third Meeting of the Suriname and Guyana Border Commissions, held in Paramaribo on January 17<sup>th</sup>, 2002, towards creating

, an atmosphere conducive to constructive discussions both on the border issues and on provisional arrangements of a practical nature. In view of the importance of the matter, they expect the Commissions to exchange suggestions in a timely fashion before their next meeting scheduled to be held in Georgetown in the first half of may 2002.

At the request of President Jagdeo the issue of joint exploration for hydrocarbon resources was discussed and the Presidents took the decision to request the Border Commissions to look at best practices and modalities that could assist the Governments in the taking of a decision regarding an eventual joint exploration.

It was agreed that a sub-committee of the Joint Suriname and Guyana Border Commission should be established to address this issue and to report to this Commission before its meeting in May.

President Jagdeo expressed his sincere appreciation for the warm welcome provided to him and his delegation during the visit.

President Jagdeo invited President Venetiaan to pay an official visit to Guyana at a mutually convenient time. President Venetiaan accepted the invitation with pleasure.

Done on this 29th of January 2002, at Paramaribo, Sufiname.

The President of the Republic of Suriname Runaldo R. Venetiaan

Republic of Guyana Bharrat Jagdeo