(16)

A NOTE ON COOPERATION IN PETROLEUM MATTERS WITH SURINAME

Agreed minutes on NATURAL RESOURCES DEVELOPMENT were negotiated and signed by the Presidents.

The areas which were covered are:

1) Cooperation in Petroleum Matters
2) Cooperation in Forestry
3) Cooperation in the Bauxite Sector
4) Kabalebo

The Agreed Minutes covering the treatment of the Petroleum Sector is attached as I know that you would be anxious to see it. I have discussed the other Sectors separately in a Brief Report and have arranged for copies of the Communique (paragraph 13 of which is relevant for us) and the Official Version of the Agreed Minutes to be sent directly to you.

No reference to Training arrangements is made in the minutes but my discussions with Mr. Jharap and his very generous offer, repeated several times, require only GNRA to move the ball up-field. He has, incidentally, a very interesting assessment of the TAKUTU BASIN. He feels that the oil thee, is oil which has migrated from off-shore Guyana. He feels the same about their on-shore finds and he believes that the "main reservoir" is somewhere off-shore in the area of the two countries.

As regards the area of overlap which is the subject of the Agreed Minutes on this sector, STAATSOLIE has not so far given any concessions in that area.

I would suggest that we keep the momentum and aim at talking to Staatsolie at least once, if not to finality, and after the necessary preparatory work has been done, before meeting LASMO in November.

My assessment is that the wind is in our favour and we should make save early.

16a

AGREED MINUTES

NATURAL RESOURCES DEVELOPMENT

The two sides recognised that there exists the potential for problems with respect to Petroleum Development within the area of the North Eastern and North Western Seaward boundaries of Guyana and Suriname respectively. The Presidents agreed that pending settlement of the Border Question, the authorities [redacted] responsible for Petroleum Development within the two countries should agree on modalities which would ensure that the opportunities available within the said area can be jointly utilised by the two countries.

They further agreed that with respect to concessions already granted within the said area, by one or other of the parties, such concession shall not be disturbed.

Appropriate modalities will be put in place for ensuring that arrangements satisfactory and beneficial to both parties are reached.

16b

SURINAME TALKS

BAUXITE:

As part of the discussions on Natural Resources Development, the Bauxite Institute raised two questions:-

(a) obtaining Bauxite from Guyana for their operations
(b) cooperating with the Institute on research currently planned for "Plateau Bauxite".

As to (a) the following points were made:

(i) As far as arrangements affecting Bauxite are concerned, BIDCO/GUYMINE are the sole authorities to discuss and conclude such arrangements.

(ii) The supply of a guaranteed volume of bauxite at regular intervals can only be promised on additional productive capacity in GUYMINE at this time as was shown by all the arrangements so far concluded.

(iii) As to (b), as far as the Research is concerned, it would be a good thing for the Institute to make direct contact with the Bauxite authorities in Guyana to ascertain whether the Research currently planned by the Institute accords with the priority of interest and emphasis placed by BIDCO/ GUYMINE in areas of research affecting Bauxite in Guyana.

Barton Scotland

GUYANA NATURAL RESOURCES AGENCY
August 26, 1989

166

FORESTRY

This was by far the most exciting presentation from the Suriname side from a Guyana perspective.

The treatment of the Forestry Sector is so well-structured that ours is clearly primitive.

The Government-Forestry Department surveys the forest, builds roads in the forests, charges tools which cover annual maintenance and a bit more, sets production targets for all producers, requires all holders of large concessions to be registered companies, ensure through Inland Revenue that they have paid their Taxes, ensures that the prices negotiated for logs are among the best obtainable or the export permit is withheld and the order can be passed to someone else, maintains an inventory of all equipment on each concessions, registers Sawmills and has plans to deal with over-capacity in that regard.

Given the present state of our Forestry administration Suriname is a "mother lode" of information and practices, many of which we may be able to adopt.

I recommend the following:

1) that you send a letter to Minsiter of Natural Resources of Suriname expressing the intention that GNRA would proceed speedily with work on the areas which have been envisaged for cooperation. Indicate too that with respect to both Cooperation in PETROLEUM Matters and Cooperation in Forestry Matters, GNRA intends within a short time to proceed subject only to the convenience of Suriname to commence work. (See draft attached)

2) Prepare a programme under which for two or three days Mr. Malone of the Forestry Department of Suriname would visit and talk to Forestry Staff, NRPU and us. He can arrive on a Tuesday and return on a Friday. The timing can be arranged later.

Suriname is interested in the following:

1) The Report on the testing of TIMBER Species which was done for the TIMBER MARKETING BOARD in 1978, 1979 or 1980.

2) They would wish to discuss with Guyana her experience with the TFAP MULTI-DONOR Exercise.

3) What is the present position as regards the Plywood Factory which was established in Guyana.

4) Extension Training, Saw-Doctor Training
Can Institution Building be done together?

Barton Scotland

GUYANA NATURAL RESOURCES AGENCY
AUGUST 26, 1989

(21)

Executive Chairman,

I set out below an outline for follow-up action with Suriname on certain matters of direct concern to Guyana Natural Resources Agency.

1: Petroleum Sector:

Given the agreement which was reached as regards treatment of the triangular off-shore area under claim by Suriname, I propose the following:

NB We shld await the return of the Pres and the Minister of Foreign Affairs. HPJ

An early meeting with STAATSOLIE to agree on the modalities for treatment of the area. I would suggest that this meeting take place as early as can be arranged, preferably during this month but in any event, before we visit LASMO. On Wednesday, October 25, it will be two months since the basis for treatment of the area in question was agreed and there is urgent need for action by Guyana on this matter.

2: Forestry:

The Forestry Commission should prepare a programme for the visit of a representative from the Suriname Forestry Sector for discussions on matters relating to forestry administration. Given the stage of development of the Suriname Forestry Sector and the strong possibilities which may be available to Guyana, this visit can be seen as, in the first instance, opening the way for cooperation with Suriname in the development of our forestry administration. This visit need not exceed two or three days.

what is the connection? HPJ

Given the fact that the Forestry Commission will have its first meeting on October 26, it may be useful if this visit can take place before this meeting.

Barton Scotland
DEPUTY CHAIRMAN

(22)

GUYANA NATURAL RESOURCES AGENCY
October 17, 1989

DC Please effect We spoke HPJ Oct 17

(23)

BU Oct 18/89 HPJ Oct 19

Deputy Chairman,

These are my notes on the meetings with STAATSOLIE. This can form the basis of a report to the Executive Chairman, then to the Ministry of Foreign Affairs and the Cde. President. This is the second time that we have come to Suriname only to be told that STAATSOLIE is not aware of the reasons we are here. I do not think that this is true; I feel that Mr. Jharap wants a specific instruction from his Minister to discuss the issues and also it is a stalling point for them in their dealings with PECTEN. We will definitely have to involve the Surinamese politicians in the future or else we will again waste our time.

You will note that I have left out (deliberately) your statements and arguments with Mr. Bergval and some details on who is to sign etc. since I know that you can put it more elegantly.

B. Sucre
Director, Petroleum Unit

MINUTE

(45)

Note

Dr. Scotland and I met the Minister of Foreign Affairs, the Director-General (Ministry of FA) and Ade Austin (MFA) and discussed the next steps. It was agreed that the Ade President (while in Brazil for the inauguration of President Elect Miller) would meet with President Shankar and reaffirm their previous agreement in order to ensure that that agreement is adhered to by Surinamese officials. Other appropriate actions will follow, probably à la X/ of (42)

PA

Mrch 9

50

MINUTE

Executive Chairman,

GUYANA SURINAME COOPERATION COUNCIL
Meeting of Working Committee, May 16-18/99

Please see attached the "Agreed Minutes" of the meeting which I attended in Suriname last week. I set out below some general observations on the three areas which I discussed with the Suriname Representatives.

Forestry:
The Suriname Forestry Officers are keen for a contact to be established at the technician's level and I feel that we can get about designing such contact. Their National Forestry Action Plan is now in T.O.R. stage so that in terms of competition for donor support for projects in our Plan Suriname is not ahead in the running. There is room here for collaboration.

Hydro Power:
The Suriname authorities speak as if GOG is aware that all the environmental concerns have been met by Suriname. I did not feel it productive to engage a dispute about that perspective. Guyana asked however to be informed when all environmental concerns are satisfied.

Petroleum:
I met with an official of STAATSOLIE but this was merely pro forma (RECIBEN YANG ASST MGR. Refinery Project). He could not shed any light on a date for the CONRAD/STAATSOLIE discussions. I sought and obtained a meeting with the Minister of Foreign Affairs and he undertook to issue the necessary instructions.

D.

I have this morning asked the Foreign Minister to request our Embassy in Suriname to follow up on my meeting with the Foreign Minister last Thursday 18th May. I feel that when the Foreign Minister returns there ought to be a concerted push to get the Surinamese to respond quickly.

9/05/91

YEARBOOK OF THE INTERNATIONAL LAW COMMISSION 1953

Volume II

Documents of the fifth session including the report of the Commission to the General Assembly

UNITED NATIONS
New York, 1959

manière injustifiée la superficie des eaux intérieures, et reportent par trop vers le large la limite extérieure de la mer territoriale.

5. Dans les cas où les « lignes de base droites » sont permises, l'État côtier sera tenu de publier le tracé adopté d'une manière suffisante.

6. Le Comité est opposé à l'établissement de toute liaison entre la longueur des « lignes de base droites » et l'étendue de la mer territoriale.

V

Comment faut-il fixer la limite extérieure de la mer territoriale, lorsque celle-ci aurait une largeur de T milles ?

La limite extérieure de la mer territoriale est constituée par la ligne dont tous les points sont à une distance de T milles du point le plus proche de la ligne de base. Cette ligne est formée par une série continuelle d'arcs de cercle qui s'entrecoupent, et qui sont tracés avec un rayon de T milles, ayant leurs centres à tous les points de la ligne de base. La limite extérieure de la mer territoriale est composée des arcs de cercle les plus avancés dans la mer. (Cette méthode a déjà été utilisée avant 1930, mais les définitions données parfois comme « enveloppe des arcs de cercle », paraissent être fréquemment mal comprises.)

VI

Comment faut-il déterminer la frontière internationale entre deux pays dont les côtes se trouvent vis-à-vis l'une de l'autre à une distance de moins de 2 T milles ?

La frontière entre deux États dont les côtes sont situées en face l'une de l'autre à une distance de moins de 2 T milles devrait être comme règle générale la ligne médiane dont chaque point est équidistant des deux côtes. Toute île doit être prise en considération lors de l'établissement de cette ligne, à moins que les États adjacents n'en aient décidé autrement d'un commun accord. De même, les fonds affleurants à basse mer, situés à moins de T milles d'un seul État, devraient être pris en considération ; par contre, les fonds de ce genre qui ne sont pas soumis à une souveraineté déterminée et qui se trouvent à moins de T milles de l'un et l'autre État ne devraient pas entrer en ligne de compte lors de l'établissement de la ligne médiane. Il peut toutefois y avoir des raisons spéciales, telles que des intérêts de navigation ou de pêche, écartant la frontière de la ligne médiane. La ligne devrait être tracée sur les cartes en service à grande échelle, surtout lorsqu'une partie quelconque de l'étendue d'eau est étroite et relativement tortueuse.

VII

Comment faut-il déterminer la délimitation des mers territoriales de deux États adjacents ? Est-ce que cela peut se faire par :

A. Le prolongement de la frontière de terre ?

B. Une ligne perpendiculaire à la côte à l'endroit où la frontière entre les deux territoires atteint la mer ?

C. Le tracé d'une ligne perpendiculaire partant du point mentionné sous B suivant la direction générale de la ligne de côte ?

D. Une ligne médiane ? Si oui, comment faut-il tracer cette ligne ?

Dans quelle mesure faut-il tenir compte de la présence des îles, des sèches, ainsi que des chenaux navigables ?

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1. Après une discussion approfondie le Comité a déclaré que la frontière (latérale) entre les mers territoriales respectives de deux États adjacents, là où elle n'a pas déjà été fixée d'une autre manière, devrait être tracée selon le principe d'équidistance de la côte de part et d'autre de l'aboutissement de la frontière.

2. Dans certains cas, cette méthods ne permettra pas d'aboutir à une solution équitable, laquelle devra alors être recherchée dans des négociations.

Observation sur VI et VII

Le Comité s'est efforcé de trouver des formules pour tracer les frontières internationales dans les mers territoriales qui pourraient en même temps servir pour délimiter les frontières respectives de « plateau continental » concernant les États devant les côtes desquelles s'étend ce plateau.

Observation générale

Le Comité tient à souligner que le tracé des limites extérieures de toute « zone contiguë » devra se baser sur la même ligne que celui des limites de la mer territoriale.

DOCUMENT A/CN.4/71 AND ADD.1-2

Information and observations submitted by Governments regarding the question of the delimitation of the territorial sea of two adjacent States

[*Original : English-French-Spanish*]
[*12 May 1953*]

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principe des pouvoirs que l'on aurait reconnus à l'État côtier ? (Rolin, à la séance du 19 mars 1930 de la Deuxième Commission à La Haye).

En tout état de cause, il n'a pas été question ni en 1930 ni en 1932 lors de la discussion du concept de la souveraineté, des droits particuliers qu'un pays prétendrait faire valoir dans la mer territoriale d'un État voisin. L'argument historique ainsi que celui du fait de l'embouchure principale de l'Escaut, dont font état les Pays-Bas, ont été réfutés par le Gouvernement belge.

2. Burma

Note. The reply of the Government of Burma is contained in the following letter, dated 11 February 1953, from the Foreign Office of Burma.

Concerning the question of the delimitation of the territorial sea of two adjacent States, I have the honour to say that inasmuch as Burma was, up till 4th January 1948, part of the British Empire, no regulations were necessary for delimiting the territorial sea in the upper part of the Bay of Bengal. However, according to the British Admiralty Chart No 216b, the Bay of Bengal, Sayer Island to Loughborough Island, the delimitation of the territorial sea between Burma and Siam is the line which follows the centre of the Pakchan river and thereafter out to sea, that is to say, the line which is a continuation of the land frontier between the two countries. The Union of Burma has not as yet, since independence, prescribed any regulations for the delimitation of the territorial sea but is strongly in favour of adopting the continuation of the land frontiers in the north as well as in the south for purposes of delimiting the territorial sea between Burma and Pakistan, and Burma and Siam respectively.

3. Denmark

Note. The reply of the Government of Denmark is contained in the following *note verbale*, dated 26 March 1953.

The Permanent Delegate of Denmark to the United Nations presents his compliments and has the honour to inform the Secretary-General of the United Nations — in accordance with the Secretary-General's request in note No LEG 292/2/06 of November 13, 1952 concerning the question of delimitation of the territorial waters of two adjacent States — that the question as far as Denmark is concerned has been solved through declarations concluded with Germany and Sweden. Two copies of each of these declarations published on December 21, 1923 and February 22, 1932 respectively as well as maps of the " Sund ", " Flensborg fjord " and " Lister dyb " are annexed.*

It will be seen from these documents and maps that in principle the median line has been followed — exceptions having only been made in cases where the interests of the States concerned with regard to navigation and fishing have warranted another basis of delimitation.

* Not reproduced in this document.

4. Dominican Republic

Note. The reply of the Government of the Dominican Republic is contained in the following letter, dated 3 March 1953, from the Department of State for External Relations. The original text is in Spanish.

Tengo el honor de avisar recibo de la comunicación Nº LEG 292/2/06 del 13 de noviembre de 1952 del Departamento Jurídico, por medio de la cual se solicita al Gobierno su opinión en cuanto al problema de delimitar el mar territorial entre dos Estados limítrofes.

En respuesta, hónrome asimismo en informar al Señor Secretario General que el Gobierno Dominicano estima que sería difícil establecer una regla fija para delimitar el mar territorial entre dos o más Estados limítrofes y que la solución del problema podría ser buscado por medio de tratados entre las Partes interesadas a la luz de las situaciones especiales que existan en cada caso.

4. El Salvador

Note. The reply of the Government of El Salvador is contained in the following letter, dated 10 December 1952, from the Ministry of Foreign Affairs. The original text is in Spanish.

Me es muy grato anunciarle el recibo de su apreciable comunicación LEG 292/2/06, de fecha 13 de noviembre próximo anterior, sobre la cuestión de la delimitación del mar territorial, con la que tuvo la fineza de enviarme importante información sobre dicho asunto.

Al agradecer su gentileza de proporcionarme dicha información, le manifiesto que esta Cancillería está estudiando el informe de la Comisión de Derecho Internacional sobre el trabajo de la cuarta sesión, al igual que los otros anexos, para hacer las observaciones del caso.

Por ahora considero conveniente hacer de su digno conocimiento el texto del artículo 7 de la Constitución Política vigente de El Salvador, que ha de determinar el punto de vista salvadoreño sobre el asunto del mar territorial. Dice así :

« *Artículo 7.* El territorio de la República dentro de sus actuales límites es irreductible ; comprende el mar adyacente hasta la distancia de doscientas millas marinas contadas desde la línea de la mas baja marea, y abarca el espacio aéreo, el subsuelo y el zócalo continental correspondientes.

Lo previsto en el inciso anterior no afecta la libertad de navegación conforme los principios aceptados por el Derecho Internacional.

El Golfo de Fonseca es una bahía histórica sujeta a un régimen especial. »

6. Netherlands

Note. The reply of the Government of the Netherlands is contained in the following letter, dated 8 May 1953, from the Permanent Delegation of the Netherlands to the United Nations.

I have the honour to refer to your letter of November 13, 1952 (LEG 292/2/06) and to submit, on behalf

of the Netherlands Government the following observations on the delimitation of the territorial sea of two adjacent States:

The boundary-line in the South (Belgian frontier) follows first the direction of the land frontier — which makes very little difference from the perpendicular line on the general direction of the coast — until it reaches the Wielingen, the principal navigation channel of the river Scheldt. Sovereign rights in the whole " Wielingen " are claimed by the Netherlands on historic grounds, this being also the principal outlet of the river Scheldt. This means that according to the Netherlands view the boundary line runs for some distance in a Westerly direction parallel to the Belgian coast, because the Wielingen forms a navigation channel through the shallow territorial sea before the Netherlands-Belgian coast, and parallel to that coast.

The boundary line between the Netherlands and Germany in the North follows a straight line between the point where the land frontier reaches the coast and the river Ems, in a direction indicated by article 41 of the Treaty of Meppen of 1824 between the Netherlands and Hannover: ... From this point (on the coast, where the land boundary reaches the " Dollard ") the boundary line runs through the Dollard to the river Ems, in direction North, 8° 9.5' West — being this the median line between due North and North by East as set out by the compass according to the covenant of the year 1723, for which year the Western deviation from the true North has been fixed at 13°47' by mutual agreement.

This boundary line through the Dollard shall remain for all times, even when the river Aa (the " Thalweg " of which constitutes the land frontier between the Netherlands and Hannover, see art. 36 *in fine*) might change its present course.

From the point, where this line ends in the river Ems (what should be the " Thalweg " of the river Ems as was customary in 1824) the boundary line is, according to the Netherlands view, following the " Thalweg " of the principal navigation channel (the first part of which is called the " *oostfriese Gaatje* ") and outflow of the river Ems into the high sea.

It should be added that these delimitations are both meeting opposition, in the case of the " Wielingen " from the Belgian, and in the case of the Ems from the German Government, the first denying the applicability of historical claims to the " Wielingen ", the latter asserting a historical claim to the whole mouth of the river Ems, which claim is founded on possession contested by the Netherlands Government.

The Western boundary of Surinam has been settled as follows in a draft treaty between the Netherlands and the United Kingdom, the ratification of which has been interrupted by the last war:

> " 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 the true North of the landmark referred to in article 1 (2) above."

In the same period the boundary with French Guiana (Cayenne) has been agreed upon between the Netherlands and France as follows:

> " At the mouth of the river the line of the frontier until it reaches the sea is formed by the 'Thalweg' of the deepest uninterrupted channel leading to the sea."

The deviation from the " Thalweg " principle as regards the Western boundary of Surinam (with British Guiana) has been made necessary by the fact that during the last century the land frontier follows the Western bank of the river Corantyne which thereby has to be considered as Netherlands inland water. Therefore, the " Thalweg " principle could not apply to the delimitation in the territorial sea adjoining the neighbouring countries.

In the Netherlands territories in the Pacific up till now no frontiers in territorial waters have actually been drawn.

7. Norway

Note. The reply of the Government of Norway is contained in the following letter, dated 13 February 1953, from the Permanent Delegation of Norway to the United Nations.

I have the honour to refer to your letter of the 13th November 1952 (LEG 292/2/06) and to submit, on behalf of the Norwegian Government, the following observations in regard to the question of the delimitation of the territorial sea of two adjacent States:

The Norwegian authorities have with great interest acquainted themselves with article 13 of the draft Regulations regarding the Territorial Sea [A/CN.4/53] submitted to the Fourth Session of the International Law Commission by Professor François, and dealing with the delimitation of the territorial sea of two adjacent States. In their opinion this draft (article 13) could be used as a basis for further consideration of the matter, provided that the word " coastline " is understood to mean " the base lines from which the territorial sea of the two adjacent States is delimited ". The physical coastline is, in the opinion of the Norwegian authorities, not suited to be used as the basis for drawing the dividing line in cases where the coastline is cut into by the sea to the same extent as that of Norway.

I avail myself of this opportunity to furnish you with the following information with regard to the delimitation of the territorial sea of Norway and the neighbouring States:

1. The territorial sea of Norway and Sweden was delimited by the arbitration award (judgement) of the 23rd October 1909 (The Grisebaa Award). The relevant parts of the award read as follows:

> " The Tribunal decides and pronounces: That the maritime boundary between Norway and Sweden, ...is fixed as follows: ...From point XX a straight line is drawn in a direction of west 19 degrees south, which line passes midway between the Grisbadarna and the Skjöttegrunde south and extends in the same direction until it reaches the high sea."

Point XX means the point where the boundary between the two countries reaches the joint Norwegian-Swedish base line point.