engaged in or authorized unilateral exploratory drilling activities in the disputed area. Consequently, as Suriname has pointed out, Guyana’s action clearly constituted an attempt to change the status quo by a ‘fait accompli.’

4.22. Consequently, the attempt to drill was unlawful both under Guyana’s general obligations as a party to the 1982 Convention and under its particular obligations toward Suriname under the *modus vivendi*.

4.23. Guyana further asserts that Suriname was well aware of the intentions of CGX to undertake the drilling activities because of the publicity that company had given to its plans on 10 April 2000 (when it announced that it had contracted the C.E. Thornton). Guyana even states: “Suriname’s claim that it did not have notice is similarly baseless.” Although CGX’s intentions as stated in its press releases did eventually come to the attention of the Government of Suriname, it is not credible for Guyana to maintain that press releases by a foreign concession holder can replace and serve the same function as official notifications by the government of a state. Such a casual attitude does not conform with such good neighbourliness as Suriname was entitled to expect from Guyana under the circumstances. Press releases by a foreign concessionaire certainly do not constitute a formal notification and invitation to discuss a problem let alone to agree upon its solution.

4.24. Guyana’s assertion that Suriname had prior notice seems to suggest that Guyana regards such notice as a potential basis for assuming implied consent by Suriname to the drilling. That is the contention that is “baseless.”

4.25. When the Government of Suriname became aware of the plans through publications in the press, it requested clarification from Guyana through a *Note Verbale* dated 11 May 2000. Guyana responded on 17 May 2000, but completely dodged the issue by asserting that whatever activity might be in progress was occurring in Guyana’s territory. In the meantime, the CGX operation moved forward. On 31 May 2000, Suriname again communicated with Guyana and made it clear that “[t]he Government of the Republic of Suriname is determined to protect its territorial integrity and national sovereignty utilising all avenues offered by international law and international practice on these matters.” Thus, it left no doubt that Guyana could expect Suriname to take appropriate lawful measures if the operations continued. In the same *Note Verbale*, Suriname took the initiative of inviting Guyana for deliberations on the matter. In addition, on 31 May 2000, Suriname

534 SCM, para. 7.27, p. 113.
533 RG, para. 8.6, p. 140.
536 See infra para. 4.37, pp. 133-34.
540 Ibid.