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THE HYDROGRAPHER
ADMIRALTY,
LONDON, S.W.1

15 January 1959

QUOTING HW 0496/57.

Dear Scarlett,

British Guiana - Surinam Boundary.

Ref
48

Thank you for the copy of your letter HM1081/5, MIS 220/
440/01 of 12th December, 1958 to Killick enclosing copies of the
draft Treaty between British Guiana and Surinam.

2. My comments on one or two points were asked for in the
letter. These are as follows:-

(i) Para. 3.-

The difficulties which I foresaw in my letter of 2nd October
are all ironed out by the rewording in your suggested amendments.

(ii) Para 4.-

You asked that the views of the Admiralty Tidal experts
should be sought with regard to Article 4. This has now been done
and as these views are self-explanatory, they are attached as an
appendix. I would stress the need in Article 1(2) for an alteration
in the word "shore-line" in the draft.

A
B

(iii) Paras. 6 and 7.-

My opinion with regard to the division of the continental
shelf is that it is essential that we should use the median line
principle as a basis for the agreement. In this particular case
two elements superimpose themselves on the use of the true median
line. Firstly, the almost agreed boundary through the territorial
seas (010 degrees from the concrete markers) is not drawn according
to median line principles and so the boundary across the continental
shelf cannot automatically continue for the intersection of the
010 degree line with the limit of the territorial sea is at a
different point from that of the intersection of the median line
with that limit. However there were strong reasons in 1935 why
the line through the territorial sea should have run in an 010
degree direction, these, no doubt, the Dutch would still uphold.
We can continue to abide, however, by the principles of the Geneva
Conventions of 1958 (Territorial Sea, Article 12 and Continental
Shelf, Article 6) by treating this matter as "justified by special
circumstances" and obtain agreement both to the use of the 010
degree line to the limit of 3 miles from low-water mark, and thence
to a point on an agreed line based on median line principles.
Secondly, you will remember when dealing with the limits of the
oil concession, we had considerable difficulty in establishing a
true median line in the area. This was on account of poor charting,
divergencies in the shape of the coastline, low-water lines etc.
and the smallness of the scale of the various charts and maps
which were available. This state of affairs still exists. You will
recall that four so-called median lines were then drawn and a
solution was arrived at by drawing a further line roughly through
the middle of these as far as the 25 fathom depth contour. It
would seem probable that negotiation on a technical level will
have to take place before the boundary across the shelf is est-
ablished and that if the boundary is to conform at all closely to
a true median line, then the first thing to be agreed will have
to be which chart is to be used.

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After again.....

1959
REGISTRY

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After again looking at some of the charts of the area, it has been seen that the median line drawn on the Netherlands chart No. 2217 (renumbered from 217) is the one that gives more of the continental shelf to British Guiana than the median line drawn on Admiralty chart No. 1801, although this increase in area is further offshore and in deeper water. As this is so and as no doubt the Dutch would prefer to use their own chart which incidentally is on a somewhat larger scale than ours, may I suggest that a median line on the Dutch chart be used as the starting point in the negotiations.

There is one matter which should automatically follow on from the division of the territorial seas to that of the continental shelves, and which is not referred to in the draft Treaty. That is the division of the Contiguous Zones, this could also be included in Article 3. At the moment, however, it could be said that H.M.G. does not recognise the existence of contiguous zones, but this, no doubt, will be altered when the Geneva Convention on the Territorial Sea and Contiguous Zone comes to be ratified.

A suggested rewording for Article 3 would read :-

Article 3.

The boundary between the territorial seas of British Guiana and Surinam and beyond such seas, of the contiguous zones and continental shelves of the two territories, shall be formed by the prolongation seawards of the line drawn on a bearing of 010 degrees from the more seaward of the concrete markers referred to in Article 1 (2), from the intersection of this line with the low-water line of Mean Spring Tides to a distance of 6 miles from the more seaward marker, thence on a bearing of 035 degrees for a distance of 35 miles, thence on a bearing of 038 degrees for a distance of 28 miles, thence on a bearing of 028 degrees to the point of intersection with the edge of the continental shelves as defined by International Law.

The term "mile" referred to above means sea mile reckoned at sixty to one degree of latitude. Bearings referred to above are related to the True Compass and are reckoned clockwise from 000 degrees (North) to 359 degrees."

It should perhaps be noted that the oil concession boundary extended about 48 miles along the bearing of 035 degrees and not for 35 miles only, as above. The boundary given above follows the median line more closely on the Netherlands chart and gives British Guiana an additional breadth of shelf of about 2 miles at the 25 fathom depth line.

The exact point where the line of bearing 010 degrees crosses the low-water line of the coast (the land boundary) is not described in detail in the above. The low-water line in the vicinity is not charted, nor is it further northward where the cut-off would be obtained for the limit of 6-mile territorial sea. This cut-off is not very far, as well as can be estimated, from a point on the 010 degree line at 6 miles from the concrete marker. The line as defined in the description is connected to a "fixed permanent identifiable point on the land", one of the requisites of the Geneva Convention on the Continental Shelf (Article 6, para. 3.).

(iv) Para. 8.-

As the Dutch will in any case possess all the waters of the river, it would seem reasonable that they should also own the navigable channels in the approach. There are banks dividing the channels in the approach; at present the channel on the Surinam

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side is that more generally used, but in time this may silt and that on the British Guiana side deepen. In paragraph (iii) above, it will be seen that this situation can be considered as a "special circumstance" allowing a deviation from the principle of equidistance when forming the boundary. As far as loss of area to British Guiana is concerned, not a great deal is involved, for in formulating a median line through the territorial seas, account would have to be taken that the Dutch would be quite justified in drawing a "closing line" across the river entrance and using this line as points for measurement to delineate the median line. Nevertheless, we could bear this in mind as a "bargaining factor" should an attempt be made to alter any vital part of the draft Treaty.

G

3.

With reference to paragraph 6 (2) of my letter No. 0496/57 of 18th. November to Miss Collings and copied to you, I shall be writing to you again shortly regarding measures which it will be necessary to take before the charts can be amended for their geographical grids.

4.

This is being copied to Killick at the Foreign Office and to Walter at the Ministry of Transport and Civil Aviation.

Yours sincerely,



(R.H. Kennedy)

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