

**ADDRESS TO THE NATION BY
HIS EXCELLENCY BHARRAT JAGDEO**

Wednesday 25, February 2004

Fellow Guyanese,

You are all familiar with our differences with neighbouring Suriname over boundary issues. One of these – that relating to our offshore boundary – has been the subject of current controversy in a context which has a bearing on our development prospects. Those prospects ultimately determine Guyana's capacity for raising living standards for all our people - but especially for the poorest in our community. This is pointedly so since Suriname has taken aggressive action to frustrate the exploration and exploitation of our hydrocarbon resources. For one developing country to do so to another is hard to understand; but it is worse than that, because it is also a self-inflicted wound – Suriname's development prospects are blighted also. It is the poorest in both countries who are most damaged by these policies and actions.

Mindful of this, the Government of Guyana has pursued every avenue of discussion and negotiation with Suriname, bilaterally and in the Councils of CARICOM, to resolve this matter and to allow offshore mineral exploitation to take place on a basis beneficial to both countries. Few things could be more urgently necessary; yet Suriname has steadfastly refused to cooperate in these efforts. Let me remind you of some of these recent efforts, at

bilateral and regional levels, for the resolution of the Guyana – Suriname maritime boundary issues.

- As far back as the State Visit of President Hoyte to Suriname in 1989, President Shankar and President Hoyte agreed ‘that pending settlement of the Border Question the representatives of the Agencies 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’

- On 6 June 2000, Guyana and Suriname convened a Special Ministerial meeting in Port of Spain, Trinidad and Tobago. It was agreed that a Joint Technical Committee should meet immediately, and further agreed to Joint Meetings of their respective National Border Commissions. In the months that followed, a series of related bilateral meetings took place with a view to resolving the dispute in light of Suriname’s actions against the CGX vessels. The Joint Technical Committee held a meeting in Georgetown on 13 and 14 June 2000. There was also a Special Ministerial Meeting in Paramaribo on 18 June 2000. A Joint Meeting of the Border Commission was held in Paramaribo on 17 January 2002.

- On 28-29 January 2002 I made a State Visit to Suriname. The Joint Declaration issued at its conclusion by President Venetiaan and myself records 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”.

- On 31 May 2002, the Joint National Border Sub-Commission held its first meeting in Georgetown, followed by further meetings in Paramaribo on 23 to 25 July and on 25 to 26 October 2002. But Suriname frustrated all efforts at agreement.

- There were also significant efforts at the regional level. In particular, at their XXI Heads of Government Conference in Canouan, St Vincent and the Grenadines in July 2000, the Presidents and Prime Ministers of CARICOM issued a 'STATEMENT ON GUYANA AND SURINAME'. In it Caribbean leaders “affirmed the vital importance of settling this dispute by peaceful means in accordance with the spirit of the Treaty of Chaguaramas and the need to ensure that the benefits of existing resources in the area redound to the benefit of their respective peoples.” To this end, the Heads of Government of CARICOM offered the good offices of the Prime Minister of Jamaica. The Presidents of Guyana and Suriname agreed to meet in Jamaica within seven (7) days “in order to expedite a resolution of outstanding differences which have recently arisen.” They also “agreed to determine a modality for exploiting the benefits of the exploratory drilling activities to be undertaken in the disputed area”.

- The meeting was held from 14 to 17 July 2000 in Montego Bay and Kingston, Jamaica, but it failed to produce agreement between

Guyana and Suriname despite extensive discussions and strenuous efforts by CARICOM through the Prime Minister of Jamaica who chaired the Meeting. Suriname consistently rejected constructive proposals for dispute resolution by the Prime Minister of Jamaica, and further efforts on his part failed to change this intransigent posture.

- Despite Guyana's and CARICOM's genuine efforts to resolve the dispute amicably, the flurry of diplomatic activity and bilateral meetings failed to yield any results. Suriname insisted on maritime delimitation based on a line running 10° east of true north, though it offered no justification whatsoever for its position. It rejected all suggestions to delimit the maritime zone based on the principles of international law contained in the United Nations Convention on the Law of the Sea. Suriname even rejected repeated offers to establish a Special Zone for Sustainable Development in order to allow for joint exploration and exploitation pending settlement of the maritime boundary. In short, Suriname made clear that it would not compromise, and that it was willing to use force to prevent Guyana from exploring and exploiting the natural resources in its exclusive economic zone and continental shelf.

In part, the Government of Suriname has sought to link this matter with its contentions in relation to the New River Triangle in the south of both countries. In doing so, it has been prepared to sacrifice the economic development of each country on the altar of a claim that we consider to be misconceived. The people of Guyana cannot accept that sacrifice. It is both wrong and sad; for, quite apart from Guyana's long-standing rejection of this

claim, it has no relevance to the mutual benefits that can accrue today to both countries from offshore mineral development - save a potential for frustrating them.

In these circumstances, the Government of Guyana has a clear and pressing duty to seek to resolve our maritime differences with Suriname by every peaceful means. Fortunately, as the Government of Barbados has recently demonstrated in its maritime dispute with Trinidad and Tobago, such means are at hand in the form of procedures available under the United Nations Convention on the Law of the Sea to which both Suriname and Guyana are Parties. These procedures allow for disputes relating to maritime boundaries between adjacent States which are Parties to the Treaty to be submitted for binding resolution to an Arbitral Tribunal established under the Treaty.

The Government of Guyana has had these procedures under advisement for some time. On 22 December 2002, Foreign Minister Insanally indicated publicly that while his Ministry was exploring every possible avenue of diplomacy to resolve the problem with Suriname, "bringing the matter to an international tribunal may be a last resort" if those efforts fail. Now, having exhausted all other peaceful means of settling this dispute with Suriname, and conscious of the urgency of doing so in the interest of the people of both countries, Guyana has today invoked these procedures. It has formally submitted to the Government of Suriname a Statement of Claim invoking Article 287 and Annex VII of the United Nations Convention on the Law of the Sea in relation to its maritime boundary dispute with Suriname.

Annex VII of the Convention sets out the rules and procedures for the establishment and functioning of an Arbitral Tribunal under the Convention. Pursuant to those requirements the Government of Guyana last night gave notice of its action under the Convention to the Government of Suriname and to the President of the International Tribunal for the Law of the Sea. It has done so similarly today to the Secretary General of the United Nations.

As required by the Convention Guyana has designated its appointee to the Arbitral Tribunal. I am pleased to announce that Professor Thomas Frank, currently Professor Emeritus of the New York University School of Law, a distinguished international law scholar and practitioner who has served as a Judge ad hoc of the International Court of Justice, is our appointed member of the Tribunal.

Our legal team for these proceedings will be: Sir Shridath Ramphal, Mr Paul Reichler of the Washington Law Firm of Foley Hoag LLP and Dr Payam Akhavan of Yale Law School. Legal and other support will be provided to them by the Attorney General and other designated Guyana based personnel. The Minister of Foreign Affairs will be Guyana's Agent for the purposes of the proceedings.

It is our hope that these procedures will not be long-drawn-out; but we are all aware of the potential for protraction. Fortunately, the action we have initiated provides an opportunity for provisional arrangements appropriate to the circumstances. We will explore all these possibilities so that the people of Guyana can obtain relief from the freeze on offshore mineral development that the actions of the Government of Suriname have occasioned.

We will also examine very carefully the relevance for Guyana of the action taken by Barbados in its dispute with Trinidad and Tobago having regard particularly to the implications for us to which Barbados has already alluded. I am pleased that yesterday we were able to announce the conclusion with the Government of Barbados of an Exclusive Economic Zone Cooperation Treaty. This is a practical demonstration of the way CARICOM countries can go. As the Barbados/Guyana Joint Statement said, the Treaty provides a framework under international law for the two states to regulate activities (in their overlapping Exclusive Economic Zones) including resource extraction from the waters and seabed of the zone – and to do so in a manner that does not affect the legitimate rights of third states under international law.

Everyone can be assured that we will proceed with the arbitral process with Suriname which we have initiated in the spirit of the United Nations Convention and in keeping with the highest standards of international amity – not as an adversarial process, but one designed to establish a sound basis for economic development in the maritime regions of both Suriname and Guyana. We hope the Government of Suriname will cooperate with us in achieving this.

We are very mindful of our relationships with Suriname as fellow members of CARICOM – relationships which it is not our intention to impair in any way. Indeed, we reaffirm our commitment to Caribbean regional integration and in particular to the implementation of the Rose Hall Declaration on Regional Governance and Integrated Development to which we agreed last July in Jamaica. Problems between Member States of CARICOM point to the need for those more mature integration arrangements (including the

Caribbean Court of Justice) not to the weakening of the limited structure we have so far developed. We have informed the Secretary-General of CARICOM of our action and of these sentiments, and through him all Member States of the Community. We remain steadfast to the highest purposes and commitments of CARICOM – a CARICOM that includes our brothers and sisters in Suriname. I have indicated all this in a personal communication to the President of Suriname.

Here at home, I have sought to speak with the Leader of the Opposition concerning this action and will continue my efforts in this regard for the advancement of our national interest. Despite our differences on other matters, the political Parties of this country have always been united in matters affecting Guyana's territorial integrity. On Monday we celebrated in unity the birth of our Republic; today let us go forward in unity as one people, one nation with one destiny in affirming our resolve to stand together in defence of our territorial integrity under law – under the law of Guyana, under the law of Nations.

To you, my fellow Guyanese, I appeal for your mature understanding of our actions. We must settle this urgent matter of our maritime boundary with Suriname with firmness but with dignity, so that both people can go forward in friendship with enhanced prospects of development.

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