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Border disputes at election time
By Dr Siegfried E. Werners

In the columns of this newspaper, attention has often been drawn to border disputes such as the long standing dispute between India and Pakistan over Kashmir. This conflict has, unfortunately, cost many lives. More recent is the border dispute between Ethiopia and Eritrea which has also resulted in many dead and wounded. Furthermore, this type of war also costs a lot of money as it is fought with expensive weapons. And this is happening at the same time that Ethiopia is ridden with famine and Eritrea is one of the poorest countries in the world. Moreover, the disputed area between Eritrea and Ethiopia consists of infertile land without any significant mineral resources. Those who read these columns regularly know only too well that I have often pointed out that our government and parliament have devoted insufficient attention to the land and sea borders of the Republic of Suriname. It therefore gives me great pleasure to state that, in this election period, several political parties have included this issue in their programmes in response to the impending oil drilling by our neighbour Guyana in the disputed sea area.

HEATED EMOTIONS

The image that is conjured up by the conflict surrounding a border dispute is one of heated emotions which push reason and common sense into the background. This is even more disheartening because international law can often provide a solution if neighbours cannot agree on their common border. This solution must be prescribed, however, by objective and very expert persons. Judges and arbitrators in the past have made various pronouncements which have ended border conflicts of many years which otherwise would never have been satisfactorily resolved. Border conflicts occur in most parts of the world and often have a cause that goes back to a distant past. The Republic of Suriname, unfortunately, also has a long history of such conflicts, some of which have happily been resolved. But others have not. There is a well known arbitral decision dating from 1891 which began with the words: 'We, Alexander III, by the grace of God, emperor of all Russians,' And after many considerations, the Tsar as arbitrator decided as follows: 'For these reasons, we declare that the Lawa must be regarded as the border river,
serving as the border of both possessions.’ This decision concluded as follows: ‘As a result of this arbitral award, the territory above the confluence of the Lawa and the Tapanahoni must belong henceforth to the Netherlands, without prejudice however to the legally acquired rights of French subjects on the territory that has been in dispute.’ It should be added that the issue at stake here was considerable gold reserves in the ground. The case was decided in Suriname’s favour.

POLITICAL INTERFERENCE

Unfortunately, for many years on land and at sea Suriname and Guyana have had border conflicts about which nothing at all has been done. The current dispute principally involves a sea area between Suriname and Guyana where our western neighbour will soon be drilling for oil. Both Suriname and Guyana claim the area concerned which is, of course, the good right of both countries. But Guyana is really going a step too far if it exercises acts demonstrating sovereignty in the relevant area without consulting Suriname. It is unfortunate because we are talking here about a neighbour with which, on various levels, we have very good and friendly relations, also on the diplomatic level in international and regional organizations such as the ACP organization in Brussels and the CARICOM which has its headquarters in the capital of Guyana. Despite these good working relations, in the area of being a good neighbour, Guyana has a history of improper behaviour towards its neighbour Suriname when it comes to border conflicts. This is being demonstrated yet again in the disputed sea area. While discussing the reprehensible behaviour of Guyana, the comment must be made that there is here a clear case of repeated objectionable behaviour. I refer here to what took place not long after Guyana became a sovereign state on 26 May 1966 when a Guyanese armed force drove out Surinamese hydrologists and their assistants who were working in the disputed area between the Curuni and the Upper Corantijn on 15 December 1967. Despite protests from the Kingdom of the Netherlands, which was then responsible for the foreign relations of Suriname, Guyana continued with these actions. The Surinamese government at the time, after the provocative action of Guyana, took the brave decision of stationing a ‘Defence Police Post’ next to the disputed area under the command of a Surinamese who had been awarded the Netherlands Order of Willem, the highest decoration for bravery in the field of courage, skill and loyalty. The Tigri post, which the post in the Upper Corantijn was called, has, however, had a less glorious history than that of the Surinamese commanding officer who was in charge there.
At dawn on 19 August 1969 Tigri was suddenly attacked by a Guyanese army unit. The Surinamese soldiers in Tigri immediately fled. Since then, Tigri has been called Jaguar and has remained in Guyanese hands despite the fact that Suriname still has good grounds for claiming to be the owner of this territory which is indicated as such on geographical maps of our country.

Successive Surinamese governments have undertaken no diplomatic or legal action since 25 November 1975 to halt this illegal behaviour of the Guyanese government. There was a mediation attempt in April 1970 by the former Prime Minister of Trinidad, Eric Williams. Unfortunately, this attempt had no permanent results and the problem remained unresolved. Unlike the lethargy which has characterized successive Surinamese governments since the illegal actions of the Guyanese government, the Surinamese company ‘Staatsolie’ has quite rightly asked for attention to be focused on the latest problem caused by the Guyanese government – at least if it actually does conduct acts demonstrating sovereignty in the disputed sea area. It is unfortunate that politicians and the governments in many developing countries do not always keep the progress of the former colonies in mind – which is apparent from the attitude which successive governments have shown towards our land and sea borders. To cut a long story short: Our country has also participated actively in the Law of the Sea Conference, which regulates legal matters related to the area of the sea, since 1973, first as a part of the Kingdom of the Netherlands and after 1976 as a sovereign state.

The ensuing multilateral treaty produced by this conference, which lasted from 1973-1982, has in the meantime come into force after the required ratifications. Rules for the settlement of disputes between countries with disputed sea borders are also laid down in this treaty. Next week I shall return to this conference and to the possibilities which the relevant treaty offers to resolve peacefully the current problems between Suriname and Guyana.

In the following period, a book written by me will be published in which this issue is examined in greater detail.

Finally, I draw attention to a statement by the Guyanese Prime Minister, Samuel Hinds, in this newspaper on 9 May under the title: ‘Oil drilling in disputed area is common practice’. Hinds said literally that Suriname had never made any objections before to oil drilling and that it has almost become a Guyanese tradition to grant concessions in the area. If it ever comes to a court case or arbitration, this lax attitude of Suriname will work against it – something which every international lawyer knows only too well. I had warned about this in earlier articles. What a pity!

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In deze kolommen is de aantekende geschiedenis te zien. Het is een overzicht van de feiten en gebeurtenissen die de geschiedenis van Suriname hebben gemaakt.