

Note No: 404/2000

The Ministry of Foreign Affairs of the Cooperative Republic of Guyana presents its compliments to the Ministry of Foreign Affairs of the Republic of Suriname and has the honour to refer to its Note No: 400/2000 dated June 2, 2000.

The Ministry of Foreign Affairs on behalf of the Government of Guyana strongly protests the incursion of Guyana's airspace and territorial waters by Suriname aircraft and patrol vessels which took place on Friday June 2, 2000 at 09:50 and 15:00 hours respectively, and on Saturday June 3 at 00:25 and 12:00 hours respectively at the site of CGX's oil drilling operations located within Guyana's maritime boundaries.

The Government of Guyana further protests the intimidatory measures and hostile actions employed by the Surinamese Navy against the personnel and property of CGX Resources Inc. while it was located in Guyana's territorial waters.

The Ministry of Foreign Affairs wishes to state that despite these violations and intimidatory acts, the Government of Guyana stands ready to engage the Government of Suriname in a frank exchange of views with a view to addressing the misunderstandings that have arisen concerning the common maritime boundary between Guyana and Suriname.

The Government of Guyana, in a spirit of good neighbourliness, urges the Government of Suriname to desist from committing further hostile activities in the sovereign territory of Guyana.

- 2 -

The Ministry of Foreign Affairs of the Cooperative Republic of Guyana avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Suriname the assurances of its highest consideration.

Georgetown
June 3, 2000

JOINT COMMUNIQUE

Special Ministerial Meeting between representatives of the
Governments of Guyana and Suriname
Port of Spain, Trinidad and Tobago

June 6, 2000

The Foreign Minister of the Cooperative Republic of Guyana, the Honourable Clement J Rohee and the Foreign Minister of Suriname the Honourable Erroll G Snijders, as well as the Minister of Natural Resources the Honourable Errol L A Alibux, accompanied by delegations comprising their respective advisors, met in an emergency session to discuss recent developments relating to the grant by Guyana of exploratory oil concessions in the area of maritime space claimed by both countries.

The Ministers agreed that these developments, if left unresolved, posed a threat to the peace and security of their respective territories. They were firmly of the view that as neighbouring territories, Guyana and Suriname had a special responsibility to settle their differences in a peaceful manner and in keeping with the principles of international law governing relations between States. They further agreed that arrangements needed to be put in place, as a matter of some urgency, to avoid any further deterioration in the relations between their two countries.

The Ministers recognized that the current dispute over the concessions granted by Guyana was directly related to the wider issue of the border problem between Guyana and Suriname. They

therefore determined that steps must simultaneously be taken to address this ongoing dispute over the border between the two countries even as they sought to put in place arrangements to end the current dispute over the oil exploration concessions. In this regard, reference was made to the concession granted by Guyana to CGX.

Against this background the Ministers agreed that a Joint Technical Committee should begin working immediately. They further agreed to reconvene the Joint Meetings of the respective National Border Commissions and in keeping with the sense of urgency which the occasion demanded, determined that the next Meeting should take place no later than July 7, 2000.

In the wider context of strengthening the relations between the two countries, they also agreed that immediate steps should be taken to convene the next Meeting of the Cooperation Council in order to advance the many programmes designed to achieve that objective.

The Ministers expressed satisfaction with the results of the Meeting and were convinced that as a result of their timely action a potentially explosive situation was being brought under control. They were of the view that the several initiatives taken provided the basis for the satisfactory development of relations between Guyana and Suriname.


The Ministers were also convinced that their responsible action as members of the Caribbean Community would serve to allay any concerns which other members of the Community and indeed other members of the international community might have

regarding the state of the relationship between Guyana and Suriname. In this regard, they deemed it the responsibility of both sides to ensure that the provisions of the agreements reached and the undertakings freely made during their meeting were observed both in the spirit and the letter.

The Ministers on behalf of their respective Governments and their Advisers at the meeting expressed their deep appreciation to the Government of Trinidad and Tobago for facilitating the convening of this Special Meeting and for putting at their disposal facilities to ensure its success.

PORT OF SPAIN, TRINIDAD AND TOBAGO

June 6, 2000



**BRIEF NOTES ON THE
CAUCUS HELD BY THE GUYANA
DELEGATION TO THE JOINT GUYANA/SURINAME
TECHNICAL COMMITTEE.
HERDMANSTON HOUSE, 7:30 PM., JUNE 13, 2000**

The Chairman of Guyana's Delegation to the Joint Technical Committee Meeting, Ambassador Donald A. Abrams, provided an overview of the talks with the Surinamese Delegation.

2. It was noted that:
 - (a) The Surinamese were attempting to have the discussions focused on the entire frontier issue and not just the CGX Rig;
 - (b) In this context Surinamese have been making reference to agreements/treaties of 1799 and 1814.
 - (c) The Surinamese have now requested Guyana to state what it expects Suriname to do so as to facilitate the return of the oil rig. However, Suriname has not responded to Guyana's question as to what is required of Guyana for the unhindered return of the CGX oil Rig.
 - (d) Guyana maintained its view that these discussions should remain within the ambit of the mandate given in Port of Spain that the JTC should focus its attention to the CGS issue and the border issues should be dealt with in the meetings of the National Border Commissions.
 - (e) Guyana reiterated that it is a responsible actor in the international community and would not grant any concession beyond its borders.
 - (f) The Surinamese have requested a copy of the agreement between CGX and the Government of Guyana with respect the concession granted. The Guyana Delegation has reservations with regard to the submission of such a document to the Surinamese.
 - (g) Guyana maintained that the documents of 1989, 1991 and the draft Modalities for Treatment of the Off-shore Area of Overlap between Guyana and Suriname were adequate for discussions and an eventual agreement.

3.

8. Suriname is angling towards a position that the issue is not about CGX but the concession granted. It is clear that the Surinamese view the issue as one whereby its territory has been violated and not that there is a dispute between two sovereign states to the same maritime area.

9. It is possible, but highly improbable that there will be an Agreement in Georgetown.

10. During the morning, it appeared that the Surinamese were developing a reconciliatory posture. That changed by the early afternoon.

Ministry of Foreign Affairs
June 14, 200.

MAIN POINTS

GUYANA/SURINAME DISCUSSIONS
PARAMARIBO, JUNE 17 – 18, 2000

1. The Agreed Minutes from the First Meeting of the Joint Technical Committee held in Georgetown would be prepared jointly by the Rapporteurs from the Ministry of Foreign Affairs of Guyana and Dr Eersel of the Suriname Embassy.
2. Suriname reiterated the view that the problem of the rig cannot be solved in isolation but that the problem of the sovereignty over the area should be dealt with simultaneously.
3. Guyana's proposals:
 - (a) that the area in dispute be designated a Special Area for the Sustainable Development of Guyana and Suriname;
 - (b) that at the same time negotiations to find an acceptable solution to the border dispute be placed on fast track;
 - (c) that Guyana and Suriname agree to establish a transitional mechanism in the area designated a Special Area and to that effect a Mixed Suriname/Guyana Authority be established to manage the area, together with other Institutions which both Governments might wish to have involved. This could be established through an Inter-Governmental Agreement;
 - (d) Within this framework, the CGX rig would be allowed to return to the location from which it was forcibly removed to conduct activities in accordance with paragraph one of the 1991 MOU which was signed between Guyana and Suriname which states that the rights granted to the Company

should be fully respected and not be disturbed and further that neither Government should do anything to impair the operations of the Company.

(e) This measure could be put into effect pending the settlement of the maritime boundary.

4. **Suriname** recalled the elements of the Joint Communique issued following the State Visit of President Janet Jagan in October 1998 which referred to cooperation in the area of the environment, forestry, mining and agriculture.
5. **Suriname's** proposals:
 - (a) that Each Party undertake to inform the other of licences or mining rights which it intends to give in the North Eastern and North Western area;
 - (b) That any licence/mining right to be issued in the area described as N10 degrees East (true) should only be granted by Suriname after consultation between Guyana and Suriname;
 - (c) Each Party undertakes to share information and to respect the confidential nature of such information in accordance with the International Petroleum Industry regulations.
6. **Guyana** recalled Suriname's point that the solution can only be based on mutual interest and respect for each other's views and that in attempting to keep to this element of mutuality, reference should be made to the fact that both countries were laying claim to the area.
7. **Suriname** requested again (as it had done in Georgetown) a copy of the CGX Agreement. **Guyana** indicated that it would have no difficulty in considering the

provision of same once it was placed within a framework linked to the number of requests which Guyana had already made i.e:

- (a) the situation regarding the return of the rig;
- (b) the fast track approach of the delimitation of the maritime boundary; and
- (c) the reconvening of the Cooperation Council at which forum discussions could take place on furthering functional cooperation between the two countries.

8. **Further proposals by Guyana to Suriname's proposals:**

- (a) Whichever Party is able to attract the Investor, then that Party should issue the licence;
- (b) An Inter-Governmental Agreement should be established to determine the sharing of benefits;
- (d) A periodic review of that Agreement should be undertaken; and
- (e) Any problem which arises should be settled by diplomatic means.

9. **Guyana** formally objected to the Surinamese proposal that Guyana withdraw the licence to CGX and that Suriname should re-issue a licence to the Company.

10. Following the impasse to arrive at a solution at the level of the Joint Technical Committee and the Ministerial level, Guyana did not agree to the suggestion by Suriname that the matter be addressed at the level of the two Presidents. Guyana was of the view that Suriname did not allow all the avenues to be explored at those two levels.

MINISTRY OF FOREIGN AFFAIRS, GUYANA

JUNE 18, 2000

NOTE NO. 735/2000

The Ministry of Foreign Affairs of the Co-operative Republic of Guyana presents its compliments to the Ministry of Foreign Affairs of the Republic of Suriname and wishes to refer to the continued harassment of Guyanese vessels in the Exclusive Economic Zone of Guyana by Surinamese naval vessels.

The Ministry of Foreign Affairs wishes to inform that on Wednesday September 13, 2000, at approximately 18:00 hrs, a Guyanese trawler, the "Shallow Water", operating within the following co-ordinates: 06° 20' 335" N - 057° 09' 751" W was harassed and forced to leave that area, along with other Guyanese trawlers, by the Surinamese naval vessel PO 1.

On September 14, 2000 at approximately 04:30 hrs, the Surinamese naval vessel PO 1 apprehended two Guyanese trawlers, the "Ebb Tide" and the "Olivia" in Guyana's waters.

The Government of Guyana wishes to request that the Government of the Republic of Suriname takes every action to cease the harassment of Guyanese vessels, in Guyana's waters and the continuing flagrant violations of Guyana's territorial integrity by the Surinamese Armed Forces. The Government of Guyana further wishes to request that the trawlers and crews of the "Ebb Tide" and the "Olivia" be released immediately.

2.

The Ministry of Foreign Affairs wishes to inform that the Government of Guyana anticipates that the Government of the Republic of Suriname would take every action to ensure the safety of the crews and equipment of the illegally apprehended fishing vessels.

The Ministry of Foreign Affairs of the Co-operative Republic of Guyana avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Suriname the assurances of its highest consideration.

Georgetown

September 15, 2000.



**AGREED MINUTES OF MEETING OF THE SUBCOMMITTEE OF THE
GUYANA-SURINAME BORDER COMMISSION HELD IN
GEORGETOWN, GUYANA, AT THE
MINISTRY OF FOREIGN AFFAIRS ON MAY 31, 2002.**

The Subcommittee of the Guyana-Suriname Border Commissions convened its meeting in Georgetown. The Delegation of the Republic of Guyana was headed by Mrs. Elisabeth Harper, Director General of the Ministry of Foreign Affairs while the Delegation of the Republic of Suriname was headed by Mr. Ewald Limon, Permanent Secretary, Ministry of Foreign Affairs, Republic of Suriname. The respective Delegations are listed in Annex I and II.

2. The Delegations were introduced and the meeting discussed the Proposed Agenda. The adopted Agenda is attached as Annex II.
3. The two delegations discussed, in a cordial but frank manner, the mandate provided by Their Excellencies Presidents Bharrat Jagdeo and Rinaldo Ronald Venetiaan. They recalled that mandate to be

"At the request of President Bharrat Jagdeo the issue of joint exploration for hydrocarbon resources was discussed and the Presidents took 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.

It was agreed that a sub-committee of the Joint Suriname and

Guyana Border Commission should be established to address this issue and to report to this Commission before its meeting in May."

4. The Surinamese Delegation pointed out that their mandate allowed them to consider best practices for joint exploration and that in order to take that process forward the exchange of information was necessary.
5. The Delegation of Suriname proposed that the Subcommittee should recommend to the Border Commissions that options for eventual joint exploration should be on the basis of the principles of equity and fairness and the process must be guided by the political realities as well as be cost and time efficient. The Delegation therefore proposed that the process should commence with a timetable for the exchange of information regarding contracts and licences issued in the area, legislation applicable to such contracts and licences, the available petroleum, geological and geophysical data and copies of documents on views of best practices and modalities worthy of examination by the Subcommittee.
6. The Guyana Delegation supported the principles of equity and fairness and the view that any modality decided upon should be cost effective and time efficient and must be guided by the political realities. In the context of the mandate, the Delegation proposed that among the modalities that could be considered for cooperation between Guyana and Suriname in the area of hydrocarbon exploration are those which relate to the sharing on the basis of net revenue, sharing on the basis of partial integration and joint development.
7. The Suriname Delegation stated however, that they were unable to consider this proposal since it was not within their interpretation of the mandate of the Subcommittee.

3.

8. The Guyana side noted the importance of information sharing but considered that it should be done within the context of any modality that might be agreed upon between the two Parties.

9. The Subcommittee agreed to report to the Joint Guyana-Suriname Border Commissions at its next meeting.

Done on this 31st day of May 2002, at Georgetown, Republic of Guyana,

Elisabeth Harper
On behalf of the Guyana
Subcommittee

Ewald Limon
On behalf of the
Suriname Subcommittee

ANNEX I

**Guyana's Delegation to the Meeting of the
Subcommittee of the Border Commissions
of Guyana and Suriname**

1. Mrs. Elisabeth Harper, Director General - Ministry of Foreign Affairs
2. Ambassador Rudolph Collins – Ministry of Foreign Affairs
3. Dr. Barton Scotland, Consultant to the Ministry of Foreign Affairs
4. Mr. Newell Dennison, Manager Petroleum Division, Guyana Geology & Mines Commission
5. Commander Godfrey George, Guyana Defence Force Coast Guard
6. Ms. Rosemarie Cadogan, Senior Legal Advisor, Ministry of Foreign Affairs
7. Mr. Keith George, Head, Frontiers Unit, Ministry of Foreign Affairs
8. Ms. Damone Younge, State Counsel, Ministry of Legal Affairs

ANNEX II

**Suriname's Delegation to the Meeting of the
Subcommittee of the Border Commissions
of Guyana and Suriname**

1. Mr. Ewald. Limon, Permanent Secretary, Ministry of Foreign Affairs
2. Mr. Sonny Hira, Policy Advisor – Ministry of Foreign Affairs
3. Her Excellency Manorma Soeknandan, Ambassador of the Republic of Suriname to Guyana
4. Dr. Eugenie Eersel, Counsellor, Embassy of the Republic of Suriname
5. Mrs. Marny Daal-Vogelland, Manager, Exploration and Production contracts, State Oil Company Suriname

ANNEX III

AGENDA

**MEETING OF THE SUBCOMMITTEE OF THE
GUYANA/SURINAME BORDER COMMISSIONS**
GEORGETOWN: 09:00 HRS. MAY 31, 2002

1. Welcome and Opening Remarks Ambassador Elisabeth Harper,
Director General, Ministry of
Foreign Affairs, Republic of
Guyana
2. Response: Mr. Ewald Limon, Permanent
Secretary, Ministry of Foreign
Affairs, Republic of Suriname
3. Adoption of Agenda
4. Discussion of Options and Modalities to arrive at recommendations
for Joint Exploration for Hydrocarbons
5. Time Table
6. Agreed Minutes
7. Joint Statement for the Press

MINISTRY OF FOREIGN AFFAIRS
GEORGETOWN, GUYANA



**REPORT OF THE SUBCOMMITTEE OF THE
JOINT GUYANA/SURINAME
BORDER COMMISSIONS**

The Sub-Committee of the Joint Guyana and Suriname Border Commissions established to "look at best practices and modalities that could assist the Government in the taking of a decision regarding an eventual joint exploration" met in Georgetown, Guyana on May 31, 2002 and in Paramaribo, Suriname on July 23 and 24, 2002.

The Sub-Committee could not find common ground in relation to the interpretation of its mandate and agreed therefore to submit to the Joint Guyana - Suriname Border Commissions the attached report.

Signed on July 25, 2002 in Paramaribo, Suriname.

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Ewald Limon
on behalf of the Sub-
Committee of the Republic of
Suriname

A handwritten signature in black ink, appearing to be 'Elisabeth Harper', written over a horizontal line.

Elisabeth Harper
on behalf of the Sub-
Committee of the Republic of
Guyana

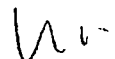
Report of the Sub - Committee Suriname - Guyana
to the
Joint Suriname - Guyana Border Commission

The following reflects the position of Guyana:

The Guyana side considered that the mandate of the Subcommittee was clear and unequivocal. The mandate imposed on the Subcommittee the duty to examine what were the possible "best practices and modalities" that were relevant to a possible programme for joint exploration, within the area of overlap, that have been tried and tested over recent years, particularly since the entry into force of the United Nations Convention on the Law of Sea.

It was the expectation that the best options among these best practices and modalities, inclusive of those to be submitted by Suriname, that were relevant to a possible programme of joint exploration within the area of overlap would be submitted to the Joint Border Commission for its consideration and subsequent action.

The Guyana side was firmly of the view that no other meaning could be attributed to the letter, spirit and intent of the mandate more so when account is taken of the timeframe given to the Subcommittee for the submission of its report.



In this regard, the Guyana side presented a Concept Paper at the First Meeting for consideration by the Subcommittee. That Concept Paper outlined some possible options which the Subcommittee could examine. (That Concept Paper is appended to this report as Appendix I).

At its request for information on a number of issues, the Surinamese side was provided with information relating to:

- (i) Guyana's Legal Framework and Contract Information relating to the granting of licences
- (ii) A list of the four petroleum prospecting licences which Guyana has issued within its maritime space.

The Guyana side informed the Surinamese side that Guyana had not granted any licences that were solely and exclusively within the area of overlap.

The Guyana side was however of the view that the specific request by the Suriname side for information with respect to "petroleum geological and geophysical data" was outside the scope of the Subcommittee's mandate and therefore not relevant to the primary objective of an examination of possible options among existing "best practices and modalities."



The Guyana side fully acknowledged, however, that if and when an agreement is reached on the issue of joint exploration, then in the discussions on possible arrangements for effecting a joint exploration programme, it will then become necessary to share information on the various aspects and elements of these proposed arrangements so that informed decisions could be made.

The Guyana side maintained the position, as described above, throughout the meetings of the Subcommittee and this is reflected in the Agreed Minutes.





**AGREED MINUTES OF THE FOURTH JOINT MEETING OF THE SURINAME AND
GUYANA BORDER COMMISSIONS,**

**OCTOBER 25 - 26, 2002,
PARAMARIBO, SURINAME**

The Fourth Joint Meeting of the Suriname and Guyana Border Commissions was convened in Paramaribo, Suriname on October 25 - 26, 2002. The meeting was chaired by the host Chairman, Chairman of the Suriname Border Commission Mr. Hans Lim A Po. Members of both delegations are listed in Annexes A1 and A2.

2. Opening statements were made by the chairmen of the Border Commissions of Suriname and Guyana. The Chairman of the Suriname Border Commission referred to the opening remarks, which he made on the occasion of the Third Joint Meeting of the Suriname - Guyana Border Commissions and reconfirmed that the principles of equity, cooperation and good neighbourliness would guide the work of the Suriname delegation. In his Opening Statement the Chairman of the Guyana Border Commission, The Honourable Doodnauth Singh, noted that it was the challenge of the Border Commissions to work towards a definitive solution to the border controversy and to do so under terms and conditions that will strengthen the bonds of friendship and cooperation between the two countries within a regime of peace and tranquillity. He stated that on both sides of the Corentyne River there are those who are cynical about endeavours at cooperation. He noted that it was the duty of the Border Commissions to work with both Governments to allay those fears; to reassure the people of Guyana and Suriname that, regardless of the regime that might be agreed upon for the sharing of the benefits from the exploitation of

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the resources located offshore in the "area of overlap", it will be without prejudice to the right of both States to the legitimate pursuit of their claims.

The full text of the statement by the Chairman of the Guyana Border Commission is attached as Annex B.

Adoption of the Agenda

3. The agenda was adopted (Annex C).

Review status provisional arrangements

4. The Surinamese delegation expressed the concern of the Government of Suriname about the state of Guyana's compliance with the agreement reached between the two Governments in 1970 with respect to demilitarization of the region of the Upper Corantyne in the border area of Guyana and Suriname.

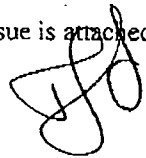
During his visit to Suriname in January of this year, the President of Guyana unequivocally told the Press that Guyanese military forces were encamped in the Upper Corantyne region.

This statement by the President of Guyana has caused serious concern in the Surinamese community and continuation of military presence in the region would be considered a source of tension jeopardizing politically the promotion of practical co-operation in economic and cultural fields as envisaged in the Chaguaramas Communiqué of 1970.....

Additionally, recent information available to the Government of Suriname indicates an increase of military activity in the area rather than a decrease.

The Suriname delegation sought a response from the Guyana delegation.

The full text of the Statement of the Chairman of the Suriname Border Commission on this issue is attached as annex D.



5. The Guyanese delegation, in response, also made reference to the Joint Communiqué issued at Chaguaramas on April 10th, 1970, which required both Guyana and Suriname to demilitarize the Upper Corentyne area. Reference was also made to the Communiqué of June 24, 1970 issued at Georgetown on the occasion of the visit of the former Prime Minister of Suriname, His Excellency, Jules Sedney, which clearly indicated that Guyana had effected a complete demilitarization of the area. The Guyana side further informed that in recent times it had become necessary for the Government of Guyana to involve the military in security activities aimed at halting and preventing the proliferation of unlawful and illicit activities, as well as to provide humanitarian assistance to that communities in the area.

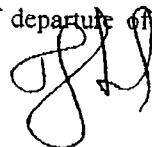
With respect to Suriname's perception regarding increased military activity in the area for reasons beyond that given in the foregoing explanation further clarification would be sought.

6. With respect to the issue of possible joint exploration in the so called "area of overlap" the delegations noted that the Sub-committee which was established in January 2002 to advise on best practices and modalities to assist the Governments in deciding on possible joint exploration reported that the delegations had not been able to reach a consensus, basically for two reasons.

The first was a difference of opinion regarding the scope of the mandate of the Sub-committee. The second related to the information required to reach a well-considered conclusion on the basic elements of a framework for joint activities in the area.

The full report of the Subcommittee is attached as appendix E.

7. The Surinamese delegation commenting on the report of the Sub-committee reiterated the position of the Surinamese members of Sub-committee that full transparency on all aspects of the hydrocarbon related activities in the "area of overlap" should be the point of departure of a process of selecting the most appropriate modality for possible joint



activities. Transparency should include information on licenses already issued by the respective Governments, as the future status of those licenses should be a critical subject of deliberation in the process. It should also include geological and geophysical information as the basis for defining the zone, the scope and related rules of co-operation.


8. Both sides agreed that if some kind of joint activity should be undertaken this should be based on transparency, equity and trust on both sides. The Guyanese delegation stated that they had already provided what they considered to be the appropriate information to proceed with identifying best practices and modalities for joint exploration.

9. The Guyanese delegation further stressed that contrary to the position taken by the Surinamese delegation, in their view the objective of discussions for joint activities should not be limited to exploration but extend to joint development.

10. The two sides agreed on the examination of a number of relevant issues for which further detailed information would be required to effectively move the process forward towards the identification of best practices and modalities for possible joint activities in the "area of overlap". These included:

- Licenses issued
- Funding of operation
- Environmental protection
- Zone of interest in the "area of overlap"
- Security matters
- Operators issues
- Future legal status

They noted that the future status of any licences issued would be a critical element to be addressed and agreed that geological and geophysical information would be relevant to a definition of a zone of interest within the "area of overlap".


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11. The Guyanese delegation undertook to initiate a process in Guyana with a view that information relevant to these issues would be provided in the expectation that Suriname will do same on a reciprocal basis.

Agenda for the next meeting

12. Both parties agreed to include in addition to the provisional arrangements, the following issues on the agenda of the next joint meeting of the Suriname – Guyana Border Commissions:

- The development of International Law of the Sea since the London Conference of 1966. Among the issues to be considered would be the principles that should govern the determination of baselines; and
- The delimitation of the continental shelf.

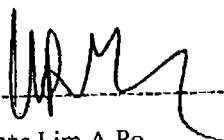
Next meeting

13. It was agreed that the next meeting will be convened in Georgetown, Guyana, during the last week of January 2003.

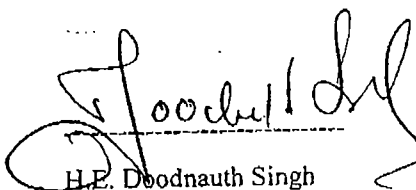
Any other business

14. With no other matters for discussion, the Fourth Joint Meeting of the Suriname and Guyana Border Commissions was concluded.

Done this 10th day of March 2003, Georgetown, Guyana



Hans Lim A Po
Chairman of the
Suriname Border Commission

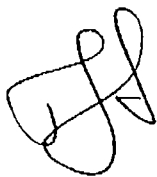


H.E. Doodnauth Singh
Chairman of the
Guyana Border Commission

ANNEX A 1

DELEGATION OF THE SURINAME BORDER COMMISSION:

1. MR. HANS LIM A PO - CHAIRMAN SURINAME
BORDER COMMISSION
2. H.E. AMBASSADOR EWALD - PERMANENT SECRETARY
LIMON MINISTRY OF FOREIGN
AFFAIRS
3. MR. COR FIGOT - POLICY ADVISOR
MINISTRY OF FOREIGN
AFFAIRS
4. MRS. EUDIA VAN FREDERIKSLUST - HEAD OF THE LEGAL AFFAIRS
DIVISION, MINISTRY OF
FOREIGN AFFAIRS
5. MR. EDDIE FITZ-JIM - DIRECTOR OF MARITIME
AUTHORITY SURINAME



ANNEX A 2

DELEGATION OF THE GUYANA BORDER COMMISSION:

1. H.E. DOODNAUTH SINGH - ATTORNEY GENERAL
MINISTER OF LEGAL AFFAIRS
AND CHAIRMAN OF THE
GUYANA BORDER
COMMISSION
2. H.E. AMBASSADOR ELISABETH - DIRECTOR GENERAL
HARPER MINISTRY OF FOREIGN
AFFAIRS
3. H.E. AMBASSADOR RUDOLPH - ADVISOR
COLLINS
4. H.E. AMBASSADOR - AMBASSADOR OF GUYANA IN
KARSHANJIE ARJUN SURINAME
5. DR. BARTON SCOTLAND - ADVISOR
6. MS. ROSEMARIE CADOGAN - SENIOR LEGAL ADVISOR,
MINISTRY OF FOREIGN
AFFAIRS
7. MR. NEWEL DENNISON - MANAGER, PETROLEUM
DIVISION, GUYANA GEOLOGY
AND MINES COMMISSION
8. MR. KEITH GEORGE - HEAD, FRONTIERS UNIT,
MINISTRY OF FOREIGN
AFFAIRS
9. MS. DAMONE YOUNG - STATE COUNSEL, MINISTRY OF
LEGAL AFFAIRS

ANNEX B

Mr. Chairman,

My delegation and I would like to thank the Government of the Republic of Suriname for the arrangements, which have been put in place to ensure our comfort and security in Paramaribo.

We are meeting to continue the discourse we had in this City on January 17th and to fulfill the pledge we made on that occasion to work together towards removing the single irritant in our relations. The border controversy is the legacy of our colonial past but it is of much concern to our peoples today. Our challenge is to work towards a definitive solution to this issue and to do so under terms and conditions that will strengthen the bonds of friendship and cooperation between our two countries within a regime of peace and tranquility.

I take this opportunity to say that our presence here today

shows the continued commitment of both of our countries to work together to improve their bilateral relations between Guyana and Suriname with in a spirit of cooperation. I hope we can continue the work which was begun many years ago in an effort to bring our countries closer together.

In this regard I would like to mention the visit of our then President Mr. Hugh Desmond Hoyte to Suriname in August 1989 when he met with President Romaldo Venetiaan agreed "that pending the 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 utilized by the two countries".

Since then in January 2002 Presidents Jagdeo and Venetiaan advanced our thoughts, as discussed at the Third Meeting, on

the issue of practical arrangements for the exploration for hydrocarbon resources in the offshore area. For even as we forge ahead in our search for practical solutions to our border problems there are immediate areas of cooperation, and the joint off-shore exploration proposals is but one of them, that can set the stage for a solution that is practical, acceptable and lasting.

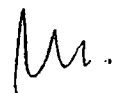
We had hoped that the establishment of the Sub-Committee and the successful conclusion of its work would have been yet a further step to advance this process.

On both sides of the Corentyne there will now remain those who are cynical about our endeavours at cooperation. It is however our duty to work with both our Governments to allay those fears; to reassure the people of Guyana and Suriname that, regardless of the regime we might agree on for the

sharing of the benefits from the exploitation of the resources located offshore in the area of overlap, it will be without prejudice to the right of both States to the legitimate pursuit of their claims.

My delegation is fully seized of the several initiatives, which have been undertaken to address these issues which in the draft Agenda have been described as "provisional arrangements". We are committed to discussing these frankly, and within the context of the historical facts. We are convinced that by careful attention to the details of the public commitments between our two states both sides will be able to at least arrive at a framework for advancing the discussions on a solution. We offer you our support and commitment to ensuring that this meeting is a success.

Mr. Chairman, I have no doubt that our deliberations will be healthy, frank and cordial. I therefore look forward to a very



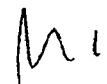
Fruitful meeting.



ANNEX C

**Agenda of the Fourth Joint Meeting of the Suriname-Guyana Border
Commissions, October 25-26, 2002, Paramaribo, Suriname**

1. Opening remarks
2. Adoption of the Agenda
3. Resumption of the London Conference of June 23, 1966
 - (i) Maritime boundary
 - Territorial sea
 - Continental shelf
 - Exclusive economic zone
 - (ii) Territorial boundary
 - The Corantyne
 - The Upper Corantyne
4. Review status provisional arrangements
 - (i) as per Joint Communiqué issued in Chaguaramas on April 10th 1970
 - (ii) as per Joint Declaration issued in Paramaribo on January 29, 2002
5. Next meeting
6. Any other business
7. Closing remarks



H N N E X D

**Position of the Suriname Delegation of the Suriname-Guyana Border Commission
on the subject of 'Provisional Arrangements'.**

In view of their topical interest, the Suriname delegation suggests that the review of the status of the provisional arrangements should be first on the agenda.

The Chaguaramas Joint Communiqué

The Suriname Government has repeatedly expressed concerns about the state of Guyana's compliance with the agreement reached between the two Governments in 1970 with respect to demilitarisation of the region of the Upper Corantyne in the border area of Guyana and Suriname.

During his visit to Suriname in January of this year, the President of Guyana unequivocally told the Press that Guyanese military forces were encamped in the Upper Corantyne region, contrary to earlier statements that the Guyanese presence in the region was limited to civilians ('settlers').

This statement by the President of Guyana has caused serious concern in the Suriname community and continuation of military presence in the region is considered a source of tension jeopardising politically the promotion of practical co-operation in economic and cultural fields as envisaged in the Chaguaramas accord.

Additionally, recent information indicates to an increase of military activity in the area rather than a decrease. This suggests that earlier communications of concern by the Suriname Government through diplomatic channels have been ignored.

The Suriname delegation would highly appreciate learning from the Guyana delegation how the Guyana Government expects to reconcile what is a course of action against the grain of co-operation with endeavours to establish a framework for provisional and sustainable joint arrangements.

The Paramaribo Joint Declaration

The Sub-committee, which was established in January 2001 to advise on best practices and modalities assisting the Governments in deciding on possible joint exploration in the area of overlap of the continental shelves of the countries, has reported that the delegation was not able to reach a joint conclusion, basically for two reasons.

The first reason is a difference of opinion regarding the scope of the mandate of the Sub-committee. Both delegations seem to agree that any provisional arrangement should be put in place through negotiations as 'the best practice'.

The Suriname delegation is of the view that 'joint exploration' does not encompass or necessarily entail joint exploitation and that therefore consultations and advice on modalities for a possible arrangement should be limited to joint exploration.

Progress in this regard might eventually provide a basis for either delimitation of the boundary or expansion of the scope of the provisional arrangement to include exploitation. But to seek agreement on the best modalities for a comprehensive arrangement on possible joint development would be too ambitious given the current state of play.

The second reason is insufficiency of information required to reach a well-considered conclusion on the basic elements of a framework for joint activities in the area.

Any process aimed at an arrangement for joint activities in an area of overlap should be based on a level playing field to ensure a fair and mutually beneficial outcome. The Suriname delegation wishes to reiterate the position of the Suriname sub-committee that full transparency on all aspects of the hydrocarbon related activities in the area of overlap should be a point of departure for the process of selecting the most appropriate modality for possible joint activities. Transparency should include information on licenses already issued by the respective Governments, as the future status of those licenses should be a critical subject of deliberation in this process. It should also include geological and geophysical information as the basis for defining the Zone, the Scope and related rules of cooperation.

HRL
24-10-02

Report of the Sub - Committee Suriname - Guyana

to the

Joint Suriname - Guyana Border Commission

The following reflects the position of the delegation of Suriname

1. Background

On 29 January 2002 the Presidents Jagdeo of Guyana and Venetiaan of Suriname took the decision to request the Border Commission to look at best practices and modalities that could assist the Governments in taking a decision regarding eventual joint exploration. It was agreed that a Sub-Committee of the Joint Suriname and Guyana Border Commission should be established to address this issue and to report to this Commission before its meeting in May 2002. This meeting was postponed to the end of July 2002.

2. Activities Sub-Committee of Suriname

Based on the mandate given by both the Presidents, the Suriname sub-committee first studied the relevant UNCLOS article 74 section 3. This international instrument advises States to make every effort to enter into provisional arrangements of a practical nature and, during the transitional period, not to jeopardize or hamper the reaching of the final agreement.

This indicates that parties should initiate procedures towards final determination of the border, which process is invariably complex, time consuming and politically and nationally sensitive. Simultaneously, states should make an agreement to explore, exploit, conserve and manage the natural resources of the waters superjacent to the seabed together.

As stated earlier the Presidents require a report to help them take a decision on eventual joint hydrocarbon exploration.

Therefore, the Sub-Committee of Suriname studied various arrangements in other parts of the world dealing with joint hydrocarbon activities in disputed zones.

Since it was envisaged that the Presidents needed a comprehensive advice on this matter, the Sub-Committee started with construction of a model that would be *fit for purpose, cost effective and time efficient, equitable and fair and most of all politically realistic*.

Geology is the given natural reality upon which legal and institutional edifices are built. Logically States can seek agreement on a (common) petroleum deposit only if they have sufficient information at their disposal.

Suriname is therefore of the opinion that a model can only be constructed based on the geology of the area under discussion. Consequently, it is essential that both parties have the same set of data.

Since, Guyana, by unilaterally issuing licenses in the maritime area under discussion, may have the upper hand in terms of knowledge regarding the potential of the area, parties should exchange all data to guarantee the same set of data to create a level playing field.

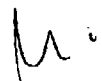
3. Meetings with Guyanese counterpart

The Sub-Committee held two meetings with their Guyanese counterpart. The first meeting was held in Georgetown on 31 May 2002 and the second in Paramaribo on 23 and 24 July.

During these meetings a difference in approach and view by both delegations became apparent.

Guyana wished to refer to a number of text book examples in their report to the Joint Suriname –Guyana Border commission. Suriname wished to build a model, based on the geology of the area under discussion, that could assist the Presidents to take a decision on eventual joint exploration

The other difference is that in the opinion of the delegation of Guyana joint exploration will in all instances lead to joint development, and that therefore joint development should also be discussed. The delegation of Suriname is of the opinion that joint exploration is a proven provisional arrangement, and falls within the mandate of the Sub-Committee.



4. View of the Sub-Committee of Suriname

Geology is the given natural reality upon which legal and institutional edifices are built. Geology should therefore play a direct role in any recommendation for "best practices and modalities" for possible joint exploration and the actual selection of an arrangement between Suriname and Guyana.

Without the same set of hydrocarbon geological and geophysical (G&G) data of the area, parties will be unable to construct a model that could assist the governments in taking a decision on eventual joint exploration. So, the first step to make is to exchange G&G data between Suriname and Guyana to create a level playing field for both countries and construct a model that is fit for purpose, cost effective and time efficient, equitable and fair and most of all politically realistic.



**MINUTES OF THE FIFTH JOINT MEETING OF THE GUYANA/SURINAME
BORDER COMMISSIONS, MINISTRY OF FOREIGN AFFAIRS,
MONDAY, MARCH 10, 2003**

The meeting commenced at 09.30 hours. A list of the persons present is attached to this Report as Annex I. The Agenda of the meeting is provided in Annex II.

Opening Remarks

2. **Chairman of the Guyana Border Commission**, the Hon. Doodnauth Singh, Attorney General, extended a cordial welcome to the delegation of Suriname and made a brief Opening Statement. The full text of his statement is provided in Annex III.

3. **Mr. Hans Lim-A-Po**, Chairman of the Suriname Border Commission, accepted the warm wishes extended and expressed the hope that, notwithstanding the short duration of the meeting, it would be fruitful and serve to strengthen the bilateral process. He indicated that there were two issues, arising out of the last meeting, that remained to be addressed. These were (1) how the two sides should proceed in respect of the maritime area and (2) the New River Triangle. Mr. Lim-A-Po expressed the view that the Border Commissions should examine joint exploration, as agreed by the two governments. He further stated that the two governments should share information and allow their delegations to discuss any issues to lead to joint exploration. The leader of the Suriname delegation expressed the hope that the border area between the two countries could become a zone of peace and cooperation. He stated that the presence of Guyanese troops in the New River Triangle, as mentioned at the Fourth Meeting, was a concern to Suriname. He expressed the hope that this matter could be clarified without delay and indicated that it was an overhang from the past.

Adoption of the Agenda

4. The agenda as proposed by the Guyana delegation was adopted.

Signature of the Agreed Minutes of the Fourth Meeting

5. The finalisation and signature of the Agreed Minutes of the Fourth Joint Meeting pending since October of 2002 was accomplished during the meeting.

Provisional arrangements for joint activities offshore

6. **The Chairman of the Guyana Border Commission** re-tabled the *Concept Paper on Cooperation between the Republics of Guyana and Suriname in the area of Hydrocarbon Exploration* that was first put to the Surinamese in May 2002. A copy of the Concept Paper is attached as Annex IV.

7. In response to the **Attorney General's** invitation to indicate the manner in which he wanted to proceed with discussions on the modalities contained therein, Mr. Hans Lim-A-Po responded that, in his opinion, discussions between the two sides had progressed beyond the Concept Paper. He further stated that the two sides had adjourned their discussions at the last meeting on the issue of information-sharing. He reminded the Guyana delegation that it had given an undertaking to provide specific information to Suriname and reiterated Suriname's need for this information.

8. The **Hon. Attorney General of Guyana** then raised the issue of the proposed agreement between CGX and Staatsolie. He informed the Suriname delegation that CGX had informed H.E. President Bharrat Jagdeo of its current discussions with Staatsolie to enter into a cooperation agreement. He also disclosed that in furtherance of this objective, a Memorandum of Understanding between the two entities had been formulated.

9. **The Attorney General** expressed the view that it was important to discuss this matter in the context of joint activities and sharing of information. He stated that CGX has relevant information and that this information was not to be shared unless permission was given by Guyana. He expressed his desire to hear from the Suriname delegation its position on CGX's approach to Staatsolie, given that CGX was carrying out exploration in the area as a result of a licence by the Government of Guyana. He also enquired how this approach by CGX to Staatsolie would affect the work of the Border Commissions and whether the Commissions were mandated to address this issue.

10. **The Head of the Suriname delegation** expressed the view that the matter should be discussed within the Border Commission and disclosed that the Suriname Border Commission was aware of discussions between CGX and Staatsolie. He, however, informed the Guyana delegation that he had not been briefed on the progress of the discussions.

11. With regard to the impact of this development on the work of the Border Commissions, **Mr. Lim-A-Po** responded by stating that the discussions between CGX and Staatsolie were purely exploratory. They did not have the approval of the Government of Suriname. He added that it was unlike the case with Guyana where it appeared that H.E. the President had sanctioned the initiative. Mr. Lim-A-Po informed the meeting that Staatsolie had acted on its own authority. He stated that the Government of Suriname was of the view that activities in the area of overlap should take place within the government to government framework. The very purpose of the Joint Meeting of the Border Commissions was to set up an appropriate framework and when this had been agreed on then the two companies could proceed to decide on specific initiatives carried out jointly or singly. He stated that the approach of CGX to Staatsolie before the conclusion of government-government talks was premature. He made it clear that those discussions should prejudice neither the dialogue at the level of the

government nor the eventual possible framework with respect to joint exploration of the area of overlap. Mr. Lim-A-Po added that he did not view Staatsolie's actions as an attempt to pressure the Government of Suriname.

12. **The Hon. Attorney General** sought clarification on whether there was any legal basis for the talks and as to whether Suriname was of the view that this was an attempt by a commercial entity indirectly to influence the Border Commissions to take a position with respect to joint activities. Mr. Lim-A-Po responded that there was no legal or political basis for these discussions. He noted that once a government framework has not been established, such discussions could not be in Suriname's interest and pointed out that such initiatives must be supported by Parliament.

13. **Mr. Lim-A-Po** then referred the meeting to paragraph 10 of the Agreed Minutes of the Fourth Meeting of the Guyana/Suriname Border Commissions and listed the issues for which further detailed information was said to be required to effectively move the process forward towards the identification of best practices and modalities for possible joint activities in the area of overlap. These included licences issued, funding of operation, environmental protection, zone of interest in the area of overlap, security matters, operators issues and future legal status.

14. **The Manager of the Petroleum Division of the Guyana Geology and Mines Commission** was asked to respond and acknowledged that while he could see the importance of this specific framework, it was still possible to enter into a discussion on the general concept without examining details. He was of the view that once the context had been agreed then the two sides could proceed. He noted that the Government of Guyana had always stated that exploration and exploitation were twin issues. Suriname, on the other hand, had made it clear that a decision on joint exploitation would only be taken after joint exploration had been undertaken.

15. **Mr. Lim-A-Po** suggested that the Guyanese authorities should make a distinction between sensitive and insensitive information and that licences issued was not sensitive information. He sought to point out that Suriname needed to be apprised of the percentage of the area of overlap that was yet unlicensed and the status of the prospecting licences. He contended that transparency on both sides was essential. The Manager of the Petroleum Division of the Guyana Geology and Mines Commission responded that the information supplied by Guyana during the Subcommittee meeting stated which companies were licensed, which licences had been provided, where these were located and the framework of the licences.
16. **Mr. Lim-A-Po** then requested that a map be provided indicating the concessions granted and that information be provided with respect to the expiration date and the terms of these licences. The GGMC representative explained the process by which the terms of licences are concluded. He explained that a licence would be granted and exploration undertaken. Should petroleum be discovered then terms would be negotiated for exploitation.
17. **Mr. Lim-A-Po** enquired about Guyana's policy and expectations on exploitation. He justified his request by stating that this would help Suriname to understand the framework, which was essential, since that country had to make a judgement call and was also accountable to its Parliament. He stated that Suriname could not be expected to step into any arrangement "blindfolded". Mr. Lim-A-Po asked directly whether the Government of Guyana was prepared to tell Suriname what were the specific terms of the licences granted in the area of overlap. He suggested that other avenues would have to be explored if Guyana's response was negative. The Attorney General of Guyana stated that the delegations would recall that he had taken a personal position that there was nothing wrong in providing this information to Suriname. However, he

explained, the GGMC was concerned about what could occur after Suriname received it because the latter has not given a commitment that joint exploitation would follow.

18. **Mr. Lim-A-Po** responded by referring to the mandate of the two Presidents. He quoted from the January 2002 Communiqué to support the Surinamese position that talks between the two sides were limited to exploration and did not extend to exploitation. He argued that the concept of exploration and not exploitation had been used. He alluded to his Opening Remarks reiterating the desire of his country to make the border a zone of peace and cooperation so that there would be rewards for all. He expressed the view that the Border Commission could not step beyond the mandate.

19. **The Manager of the Petroleum Division of GGMC** raised the issue of where the jurisdiction on the information would remain should Guyana provide it to Suriname. Mr. Lim-A-Po responded that the two sides could sign a confidentiality agreement, if the information was so confidential. He reiterated Suriname's position that it was inconceivable that Guyana would expect Suriname to make a commitment to a future arrangement without knowing the status of the present one. He disclosed that the Government of Suriname had not yet even taken a decision on whether it would accept joint exploration. Mr. Lim-A-Po further stated that both Suriname and Guyana wanted peace on their borders and also needed the resources. He expressed the view that if the problem was a lack of trust then the two sides should acknowledge that and wait for another period in their bilateral relations when there was a greater level of trust between the two to restart these discussions.

20. **Mr. Lim-A-Po** informed the meeting that Suriname was very concerned when the map of the area of overlap was displayed at the last meeting because

it appeared that the whole area was already licenced. He asked the Guyana delegation directly whether this was indeed the situation.

21. **Mr. Lim-A-Po** then made a further request, stating that in the context of the Government to Government relationship, Suriname would also need information on Guyana's policy on the renewal of licences. He put forward the argument that Suriname and Guyana could decide whether they would issue the remaining percentage of licences in the area of overlap jointly or separately.

22. On the resumption of the discussions, **the Attorney General** of Guyana informed the Suriname delegation that, using the maps provided and an area of overlap that lay between 10-33 degrees, there are three companies licenced in the area. A map to this effect was provided to the Suriname delegation and a full colour version was promised. With respect to the duration of the licences, the Attorney General also stated that the legal framework which the Guyana delegation had provided to Suriname contained this information. The terms and duration of licences in Guyana were set by law. He informed the Suriname delegation that the only information not provided in that document was the commencement date of the licences.

23. **Mr. Lim-A-Po** asked the Guyana delegation directly what was it that it did not want to provide to Suriname and why. The Attorney General explained that Guyana's hesitancy was due to the fact that there was no commitment to exploration given by Suriname. There were economic implications. Mr. Lim-A-Po responded that if there was a problem then the two Presidents should confer again. If the difficulty was one of trust he suggested that discussions should terminate. The GGMC representative suggested that there was need to return to the Concept Paper.

24. **Dr. Barton Scotland** explained to the Suriname delegation that the Concept Paper was intended to be part of the mix of ideas put forward for discussion. He informed the Suriname delegation that Guyana had expected a corresponding paper from Suriname but instead received a request for information which had no context. Mr. Lim-A-Po responded that Suriname was strongly of the opinion that it could not determine best practices unless the details of the situation were known so that there could be a level playing field. He asked the Guyana delegation what were the terms of the licences and the jurisdiction that would apply and reiterated that these were fundamental questions.

25. **Dr. Barton Scotland** remarked that the issue was one of time, in particular when this information is provided. He explained that in Guyana's view at present the information was being given in a vacuum. It was therefore possible that having been given the information, Suriname could proceed to study it alone and then return to indicate whether it was or was not interested in joint exploration. Mr. Lim-A-Po suggested that in the interest of reciprocity Suriname would be happy to share G&G data in its possession. He reiterated that if there was no trust between the two sides then Suriname should return home.

26. **The Chair of the Guyana Border Commission** suggested that a framework could be formulated. Dr. Scotland expressed the view that Guyana could not formulate the framework alone. It was assumed that this task would be done by the two sides jointly. Mr. Lim-A-Po responded that Suriname could not put up a Paper.

27. **Mr. Lim-A-Po** informed that when the information on licences was provided then the two sides could discuss what will be the future of licences of the area namely, which will be honoured and which will not be. Mr. Dennison

then disclosed to the Suriname delegation that Esso, CGX and Repsol/CGX were the companies that had licences in the area. He further disclosed that 80% of the area of overlap had been licenced.

28. **Mr. Lim-A-Po** informed the meeting that if Suriname were to decide to accept joint exploration then discussions could take place on how to proceed. In this regard, a number of options could be considered such as the following:

- a) Guyana and Suriname could withdraw the licences and recommence from scratch
- b) The licences could remain Guyanese under Guyanese law, governed by Guyana and all Suriname would receive was an economic interest
- c) Guyana and Suriname could retain those licences and reissue them jointly and give joint status governed by international law or national law of the two countries.

29. **Mr. Lim-A-Po** inquired whether the hands of the Guyana delegation were tied. He specifically inquired what was the nature of the licences – whether they were speculative alone or were they also exploratory. He also asked the Guyana delegation what was the nature of the ownership of the licencees (nationality) because this might have political implications in Suriname.

30. **The Hon. Attorney General of Guyana** informed the Suriname delegation that a map will be provided to them indicating the areas licenced. He summarised that 80% of the area had been licenced to three companies. Guyana gave an undertaking to provide in two weeks the date on which these licences were issued. He indicated that Guyana would like to receive Suriname's response to the Concept Paper.

31. In paragraph 10 of the Agreed Minutes reference was made to funding of operations and in response the Guyana delegation's request for clarification on this point, **Mr. Lim-A-Po** explained that Suriname wanted to know what was the regime on the licence. Suriname needed to know the obligations that prevailed in order to make a judgement on whether it would honour one or more of the licences.

32. **Mr. Lim-A-Po** further explained that Suriname required information on the standards that applied to the licences in order once again to make a judgement on whether they would honour these licences or not. He gave the example of an oil spill and stated that this information would help Suriname determine if it would wish to treat the matter jointly or not.

32. He also explained that Suriname needed to know the zone of interest. **Mr. Lim-A-Po** claimed that joint exploration did not have to cover the whole area and said Suriname needed information on why Guyana felt it should be this way.

33. Suriname agreed to provide an explanation for its request for information in respect of security matters.

34. **Mr. Lim-A-Po** suggested that Guyana might wish to provide the information to Suriname on a step by step basis. However, if Guyana preferred to provide it all at once then this was also acceptable to Suriname. He added that Guyana was in control of the process.

35. **Mr. Lim-A-Po** enquired about Guyana's view on the legal status of the licences after joint exploration and whether licences were public documents. The Attorney General of Guyana expressed the opinion that they probably were but

and took the opportunity to request from the Suriname delegation a copy of Suriname's legislation on licences.

The New River Triangle

36. **Mr. Lim-A-Po** then suggested that the issue of the New River Triangle be introduced at this point of the meeting and the Attorney General informed the Suriname delegation that he had seen a copy of the Suriname Diplomatic Note purporting to annex the New River Triangle. However, Mr. Lim-A-Po referred to the discussions during the Fourth Meeting of the Border Commissions where the issue of the demilitarisation of the New River Triangle was mentioned. He reminded the Guyana delegation that it had given an undertaking to respond to Suriname soon on this matter. The Attorney General explained that Guyana had not responded because it had not received the Agreed Minutes of the Fourth Meeting. Mr. Lim-A-Po responded that this point dealing with demilitarisation was not contested at all in the Agreed Minutes.

37. **The Hon. Attorney General** informed the Suriname delegation that he had spoken with the Hon. Minister of Foreign Affairs and that the latter had expressed a desire him to bring the President up-to-date with the results of the discussions at the level of the Border Commissions. He referred to the comments made in his Opening Remarks when he alluded to the impact of this latest act by Suriname on the work of the Border Commissions. He requested the views of the Suriname delegation on this matter.

38. **Mr. Lim-A-Po** responded by stating that it was widely known that the New River Triangle was a disputed area. He sought to rationalise Suriname's action by also stating that Guyana was pursuing its code of behaviour which was consistent with its legal position and that Suriname was doing likewise. The Attorney General requested the views of the Suriname delegation how the matter should be addressed within the Border Commissions. Mr. Lim-A-Po

responded that Suriname had made no reservation that it should not deal with the matter in the Border Commissions. The demilitarisation of the New River Triangle was a priority. He suggested that the Border Commissions might wish to resume the 1966 discussions. He implored the Guyana delegation not to see this act as anything but Suriname asserting its right under its sovereignty in the same way that Guyana was doing. He stated that his recollection from the 1970s was that the agreement reached was to demilitarise the area.

39. **The Attorney General** inquired whether it was necessary for Suriname to issue the Diplomatic Note and map at this time. Mr. Lim-A-Po responded by stating that it should not be seen as something addressed to the Guyana Border Commission and that it was not intended to affect the relationship between the two national commissions. He contended that demilitarisation was a separate issue. He also contended that demilitarisation became an issue as a result of a very high level statement at the political level.

40. **Mr. Rudolph Collins** responded on behalf of the Guyana delegation giving Guyana's perspective on this interpretation by Suriname of the 1970 meetings. He put forward the view that the Chaguaramas meeting took place as a result of a certain set of circumstances and it was agreed that both sides would demilitarise. At subsequent meeting the Government of Guyana reported it had demilitarised but it was unclear whether Suriname had carried out a similar action. The issue had not surfaced again until 2002. He affirmed that as far as the Government of Guyana was concerned the area of the New River Triangle is part of Guyana's territory and as such is subject to all of the national laws. Guyana is entitled to exercise jurisdiction in the area. He expressed Guyana's concern at this position by Suriname which has been mitigated by the Diplomatic Note, recently issued.

41. In respect to the Border Commission, **Mr. Collins** expressed the view that the rules of the game seemed to have changed. He stated that in his view demilitarisation was not part of the mandate of this Commission. He further stated that it seemed, notwithstanding Mr. Lim-A-Po's assurances, that the response from the Government of Guyana could only be one of intense objection which would take it out of the hands of the Border Commissions and straight to the Government to Government level. He expressed the view that he had serious concerns about the future of the Border Commissions. He also expressed concern about unilateral action and made it clear the Guyana may be forced to take a similar action in the one area still open to it, namely, the offshore area.

42. **Mr. Lim-A-Po** at first stated that he would not respond at present except to state that he had heard clearly the message of unilateral action in the area of overlap and that the work of the Border Commission should be revisited. The concept of retaliation was also heard very clearly. Mr. Rudolph Collins stated that he hoped the Suriname delegation did not leave with the concept of retaliation.

43. After the recess, **Mr. Lim-A-Po** informed the Guyana delegation that he in spite of his preference to withhold comments of the last statement by the Guyana delegation he was going to make a response. He explained that he could not avoid getting the interpretation of retaliation although he was assured that this was not the intent of the remarks. Mr. Lim-A-Po informed the Guyana delegation that the words of the April 10, 1970 Agreement were selective and were intended to present a balance perspective for the benefit of the outside world of what the actual situation was in the New River Triangle. He claimed that the Guyana delegation had specifically requested that there be a balanced portrayal of the situation although everyone knew there were no Surinamese soldiers in the Upper Corentyne.

44. The second issue was in respect of the Burnham-Sedney document. **Mr. Lim-A-Po** sought to advance the view that the document was provisional in nature and intended to ensure peace in the area. He recommended that the two delegations not start to affect the credibility and validity of provisional arrangements since there were much more important matters offshore. He intimated that Guyana's stance on provisional measures could prejudice any justification for provisional measures offshore. Mr. Lim-A-Po expressed the view that neither side should move issues out of the Border Commissions because this would mean that the other side could do the same. He stated that the position Guyana has postulated with regard to the 1970 Agreement was fundamentally incorrect. He further stated that Guyana's position that provisional measures should not affect sovereignty fundamentally affect justification for other provisional measures. He expressed the view that it undermined the work in which the Border Commission was engaged.

45. **The Honourable Attorney General** referred the Chairman of the Suriname delegation to the remarks he made in his Opening Statement when in welcoming the Suriname delegation he expressed the hope that the two sides could advance their discussions and move closer to the mandate. He sought to assure Mr. Lim-A-Po that that remained the mandate of the Guyana delegation. Mr. Lim-A-Po responded by reiterating that the two sides should uphold the justification of provisional measures and reverting back to sovereignty should not be an option.

46. In response to an invitation from **the Attorney General of Guyana** for suggestions from the Suriname side on the way forward, Mr. Lim-A-Po suggested that the Sixth joint meeting of the Border Commissions could be scheduled for the first half of June 2003 in Paramaribo. It was agreed that Agenda Item 5 would be included on the Agenda of the next meeting.

The meeting concluded at 1.50 p.m.

Frontiers Unit

March 24, 2003