

# THE IMPORTANCE OF DELIMITATION OF MARITIME BOUNDARIES

## Maritime Boundary Guyana / Surinam

On 3 June 2000 the CGX Energy Inc. (a Canadian Company) Drilling rig, was reportedly "ordered" from its drilling position in Guyana's Mining location named "Eagle" by Surinam naval gunboats. It is assumed that the Surinam naval officers' action was based on their use of Dutch charts with annotations by their authorities, and their positioning reliability at sea.

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Guyana and Surinam are adjacent Coastal States situated on the northern sea coast of South America, thereby having the Atlantic Ocean as their northern boundary. These former colonies of Britain and Holland respectively are now sovereign nations but do not have the capacity to produce their own offshore charts, and therefore continue to use nautical charts which were produced by Britain and Holland. It is reported that both Guyana and Surinam are signatories to the UN Law of the Sea 1958 and are also members of the Caribbean Community (CARICOM). Therefore in theory the above confrontation should never have occurred. Guyana's maritime boundaries are annotated on the British Admiralty Chart No 517 and is reportedly registered with the UN in keeping with the UN Law of the Sea 1958 guidelines and its own "Maritime Boundaries Act 1977", ACT No.10 of 1977, Page #14 section PART V # 35. (1) which states:

"The Maritime boundaries between Guyana and any state whose coast is adjacent to that of Guyana in regard to their respective territorial seas, continental shelves, exclusive economic zones, fishery and other maritime zones shall be determined by agreement between Guyana and such states and pending such agreement shall not extend beyond the line every point of which is equidistant from the nearest point on the baseline from which the breadth of the territorial sea of Guyana and such State is measured"

The Surinam chart shows the maritime boundary between the two countries as a simple prolongation of the old maritime three-mile limit boundary seaward into the Atlantic Ocean, with the same bearing of N 010. The UN Law of the Sea guidelines were apparently ignored. The CGX exploration team supplied to the Guyana Geology & Mines Commission, the geographic coordinates of their rig at 3 June 2000, which was plotted on the western side of the median line on the British Admiralty chart. Thus the rig was within Guyana's maritime boundary.

The Law of the Sea (1958) Convention, report gives clear guidelines as to the determination of, as well as the qualification of the personnel (geologist, hydrographer, etc.) who should be involved in the determination of marine boundaries and that these charts should be given wide publicity and submitted to the UN as required by the Convention (UN Article 16) for recording.

This begs the questions: were the relevant charts submitted to the UN and were they checked for discrepancies (overlapping claims) and/or did they follow the UN guidelines? If not, what is the purpose for Article 16? The author submits that if these claims of overlapping boundaries had been challenged by the UN authorities at the submission of the charts, it could be envisaged that this incident would not have happened. Fortunately, no bloodshed was involved. It is a known guideline that neighbours should settle their boundaries when they are still on talking terms; it is too late once confrontation occurs.

### Boundaries

Boundaries come in various types, i.e. there are ethnic, religious, language, natural and man-made, etc. Man has from time in memoriam tried to address the problem of boundaries through establishing marks and maintaining designated boundaries.

In the early 19th century the drawing of a maritime limit was simple: the limit was three miles from the coast: the maximum distance a canon of those days could fire a projectile. Thus the area was controlled by each maritime nation. This satisfied the school of thought: "If you can't control it you should not own it" or "Power is might and might is right".

On land, the practice of "squatting" or adverse occupation comes to mind. In the air, technically a country owns the space from the centre of the Earth to infinite in the sky. Thus the analogy in air space is space control - such as the American U2 aircraft which overflew Russia, much to the Russian's protest.

During the 20th century, the question of maritime boundaries became more complicated following the UNCLOS introduction of the Exclusive Economic Zone (EEZ). The 12-mile fishing limits and the Iceland gunboat diplomacy also come to mind. The extension of limits to 200 miles caused the issue of the local geoid's datum, chart datum for depths, etc to come to the fore, and also how to mark an 'X' on the waves in the ocean! Maritime nations devised computer programs to deal with the complexity of the various chart projections, datums, etc. The complexity of "Fixing" one's position far from land should not be forgotten. The cost of using the Decca, and/or Loran systems, coupled with an unstable platform, put a solution out of the reach of many a mariner, and accuracy was poor by today's

standards. One remembers the navies of Britain, The Netherlands, Germany and France working to delimit the North Sea oil reserves. Today, with the withdrawal of selective availability, GPS has greatly removed the above-mentioned difficulties because any mariner can now "Fix" his position in any part of the world with astonishing speed and accuracy on a common datum (WGS84) using a relatively inexpensive handheld GPS with an accuracy of 10 metres or less. However, boundary disputes are a continuum of bad neighbourliness between nations and can go on for centuries if the policy makers are not advised properly.

The UN Convention 1958

The UN Convention 1958 states (Article 15), inter alia, that in the absence of any treaty or agreement then the median line shall suffice. It also states that adjoining states should bilaterally agree on their boundary, failing which they can appeal to the International Court of Justice. The developed and powerful countries with disputes such as the US and Canada, and France and Britain, have taken their disagreements to the International Court of Justice.

No one knows for sure that drilling in the disputed area will produce oil in commercial quantities and even if it does then there are many examples in the world where a reservoir lies astride two or more jurisdictions, e.g. Britain, Norway etc with oil platforms producing to the benefit of all the countries involved.

As relatively poor countries Guyana and Surinam are ill-advised to squabble over reserves which they don't know for sure, exist. Maybe it will be a mirage.

It is reported that the Guyana and Surinam governments are proceeding with bilateral discussions and have established border sub-committees in each country to negotiate and make recommendations by May 2002 of a solution which would allow exploration to proceed.

This paper is written without prejudice and also after the date of May

2002. The importance of maritime boundaries was drawn to the attention of the English-speaking Caribbean countries some decades ago at a West Indies Survey Conference as a disaster waiting to happen, if not addressed properly and in a timely fashion.