

No. 1831

**NETHERLANDS
and
BELGIUM**

Treaty (with map) fixing a mining boundary between the coal mines situated along the Meuse on both sides of the frontier. Signed at Brussels, on 23 October 1950

Official texts: Dutch and French.

Registered by the Netherlands on 21 August 1952.

**PAYS-BAS
et
BELGIQUE**

Traité (avec carte) portant fixation d'une limite d'exploitation pour les charbonnages situés le long de la Meuse de part et d'autre de la frontière. Signé à Bruxelles, le 23 octobre 1950

Textes officiels néerlandais et français.

Enregistré par les Pays-Bas le 21 août 1952.

[TRANSLATION — TRADUCTION]

No. 1831. TREATY¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE KINGDOM OF BELGIUM FIXING A MINING BOUNDARY BETWEEN THE COAL MINES SITUATED ALONG THE MEUSE ON BOTH SIDES OF THE FRONTIER. SIGNED AT BRUSSELS, ON 23 OCTOBER 1950

Her Majesty the Queen of the Netherlands, on the one hand,
and

His Royal Highness the Prince Royal, on the other,

Desirous of facilitating the mining of coal in the mines situated along the Meuse on both sides of the Netherlands-Belgian frontier and of thus reducing to a minimum the loss of extractable coal, have decided to conclude a treaty for that purpose and have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Baron B. Ph. van Harinxma thoe Slooten, Ambassador Extraordinary and Plenipotentiary of the Netherlands at Brussels,

His Royal Highness the Prince Royal :

Mr. Paul van Zeeland, Minister of Foreign Affairs,

Who, having produced their full powers, found to be in good and due form, have agreed on the following provisions :

Article 1

1. A new mining boundary for underground operations, independent of the frontier between the two States, is hereby agreed upon in respect of the mines of the "Société Anonyme des Charbonnages de Limbourg-Meuse" in Belgium and the Maurits State Mine in the Netherlands which extend, on the map² attached to this treaty (annex), under the Meuse between points 64*a* and 152 up to the border separating the two kingdoms at that spot. It is indicated on the map by a dotted red line.

2. The co-ordinates of the points of inflexion of that line are given in the annex in both the Belgian and Netherlands systems of triangulation.

¹ Came into force on 11 July 1952 by the exchange of the instruments of ratification at the Hague, in accordance with article 7.

² See insert between pp. 44 and 45 of this Volume.

Article 2

1. With a view to demarcating the area within which, under article 12 of the treaty of 12 May 1863,¹ mining operations may not be undertaken except by mutual consent, two lines, diverging from those fixed under the aforesaid article at 150 ells from the thalweg, shall be fixed by a survey to be undertaken by the Departments of Civil Engineering of both States within one year from the date this treaty is signed, along the stretch from the 30 km marker downstream to the 50 km marker at a distance of 300 metres from either side. The lines shall be at least 20 metres beyond the concave banks and at least 90 metres beyond the convex banks of the summer-bed at the time of the survey. They must also ensure a rate of flow which, considering the level of the terrain and the presence of buildings, is deemed by the two Departments of Civil Engineering to be adequate for draining off the water.

2. Following on the provisions of article 11 of the treaty of 8 August 1843, should the thalweg ever come closer than 30 metres to one of the lines referred to in paragraph 1, the State to which the particular bank belongs shall retain jurisdiction up to the said distance of 30 metres and may undertake whatever operations it may deem necessary within that area, to move the thalweg back to the said distance of 30 metres. If the thalweg shifts beyond those lines and the riparian State is unable to move the thalweg back between them within four years, the lines shall be revised within six months so that the distance to the thalweg is at least 30 metres again.

3. To prevent the operations in the Meuse valley from creating hydraulic conditions which, in the opinion of the Departments of Civil Engineering of both States, are inadmissible, the managements of the coal mines and the Mining Inspectorates of the two States shall agree on appropriate measures and whatever operations the Departments of Civil Engineering of both States may deem necessary shall be undertaken between the lines referred to in paragraph 1.

4. The two mines shall each defray one half of the cost of the surface operations referred to in the preceding paragraph. However, the cost of the operations referred to in paragraph 2, of compensation for damage to private property caused by mining and of the expropriations between the lines referred to in paragraph 1 shall be defrayed by each mine in respect of the territory of the State in which it is situated.

Article 3

1. The mining boundary shall replace the present boundary of the two mining areas. The sections separated by the mining boundary shall be incorporated in the mining area situated on the same side of the boundary.

¹ *Nouveau Recueil général de Traités*, tome XVII, seconde partie, p. 230.

2. The legal status of the separated sections shall be determined by that of the mining area in which they are incorporated, unless this treaty provides otherwise.

3. All rights pertaining to the separated sections shall be rendered void by virtue of such incorporation. All rights incident to the mining area in which the section is incorporated shall likewise apply to the latter.

4. No compensation may be claimed.

5. The Mining Inspectorates of both States shall jointly prepare new mining plans which shall be annexed to existing records. Where land registers are kept, entries shall be made therein at the request of the Mining Inspectorate.

Article 4

1. In the mines a boundary wall ten metres thick, measured perpendicularly up to the new mining boundary, shall remain intact on both sides of the boundary.

2. The boundary wall may not be breached, reduced or removed except with the consent of the governmental Mining Inspectorates of both States.

3. Existing boundary walls may be torn down if they do not conform to the provisions of paragraph 1.

Article 5

The following provisions shall apply to the sections situated between the State border and the mining boundary :

a. Police supervision of underground mining operations shall be governed by the laws, regulations and other provisions of the State in the territory of which the coal is brought to the surface.

b. The Mining Inspectorate of the said State shall also have authority to supervise underground operations.

c. The legal status of underground workers and employees shall be governed by the laws, regulations and other provisions as stipulated in sub-paragraph *a* of this article.

d. Acts of commission and of omission in underground operations, including those governed by penal or civil law, shall be deemed to have been committed within the State in which the coal is brought to the surface.

e. The legal effects of the relation between the ownership of the mine and the ownership of the land, and the property rights pertaining to the latter, particularly claims for damage caused by mining operations, shall be treated in accordance with the laws of the State in which the parcel is situated. Only the mine owned by the State in which the parcel is situated shall be responsible for those legal effects, regardless of which mine actually caused or may have caused the damage. The clauses and conditions binding upon the holder of the concession

in favour of the owners of surface parcels under the deed of concession shall remain unimpaired in both States.

f. For the purpose of import and export duties, prohibitions and restrictions, the coal shall be deemed to have been mined in the State in which it is brought to the surface. The coal and the mining concern shall also be taxed in accordance with the laws of and for the benefit of the State in which the shaft is situated.

g. Surface operations shall be subject to the consent of the State in which they are to be undertaken.

Article 6

1. Mining plans complete up to 1 January shall be exchanged through the Mining Inspectorates of both States before 1 April of each year. These plans shall indicate the status of mining and of preliminary operations undertaken within 500 metres of the mining boundary.

2. The Mining Inspectorates of both States shall have the authority at all times to examine statements of mining operations up to the aforesaid distance and to make copies of such statements.

Article 7

1. This treaty shall be ratified. The instruments of ratification shall be exchanged at The Hague as soon as possible.

2. This treaty shall enter into force on the date of exchange of the instruments of ratification.

IN FAITH WHEREOF, the aforesaid plenipotentiaries have signed this treaty and have affixed thereto their seals.

DONE in duplicate, at Brussels, on 23 October 1951, in the Dutch and French languages, both texts being equally authentic.

For the Netherlands :

[L.S.] VAN HARINXMA THOE SLOOTEN

For Belgium :

[L.S.] Paul VAN ZEELAND

[English translation of the legends in Dutch and in French appearing on the map]

LIST OF COORDINATES OF COMMON BOUNDARY POINTS S. M. MAURITS — LIMBOURG-MEUSE				
Points	Dutch triangulations		Belgian triangulations	
Nos.	Ordinates	Abcisses	Ordinates	Abcisses

PROPOSED UNDERGROUND MINING BOUNDARY
between the
LIMBOURG-MEUSE and S. M. MAURITS MINES

Scale : 1:20,000