

No. 6881

**NETHERLANDS
and
BELGIUM**

**Treaty (with annexes) for the improvement of the connexion
between the Juliana Canal and the Albert Canal.
Signed at Brussels, on 24 February 1961**

Official texts : Dutch and French.

Registered by the Netherlands on 23 August 1963.

**PAYS-BAS
et
BELGIQUE**

**Traité (avec annexes) en vue de l'amélioration de la liaison
entre le canal Juliana et le canal Albert. Signé à
Bruxelles, le 24 février 1961**

Textes officiels néerlandais et français.

Enregistré par les Pays-Bas le 23 août 1963.

[TRANSLATION — TRADUCTION]

No. 6881. TREATY¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE KINGDOM OF BELGIUM FOR THE IMPROVEMENT OF THE CONNEXION BETWEEN THE JULIANA CANAL AND THE ALBERT CANAL. SIGNED AT BRUSSELS, ON 24 FEBRUARY 1961

Her Majesty the Queen of the Netherlands and

His Majesty the King of the Belgians,

Recognizing that it has become necessary to establish a better connexion between the Juliana Canal and the Albert Canal,

Have decided to conclude a treaty for this purpose and have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Jonkheer E. Teixeira de Mattos, Ambassador Extraordinary and Plenipotentiary of the Netherlands at Brussels ;

His Majesty the King of the Belgians :

His Excellency Mr. P. Wigny, Minister for Foreign Affairs,

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows :

Article 1

A direct connexion between the Juliana Canal and the Albert Canal shall be established in accordance with the plan which constitutes annex I² of this Treaty.

Article 2

1. For the purpose of establishing the connexion referred to in article 1, the following works shall be undertaken :

(a) Construction, to the east of the existing twin locks at Lanaye (Ternaaien), of a lock having the following dimensions :

Usable length : 136 m ;

Usable width : 16 m ;

¹ Came into force on 7 September 1962, the day following the exchange of the instruments of ratification which took place at The Hague, in accordance with articles 12 and 13.

² See p. 192 of this volume.

Upstream level: the level of the connecting reach of the Albert Canal, viz., 57.68 m + N.A.P. (Standard Amsterdam Level) or (+ 60.00) E.M. (Belgian Staff Ordnance Survey), with vertical clearance of 7 m above that level;

Downstream level: the storage level indicated in item (h), viz., 44.00 m + N.A.P. or (+ 46.32) E.M., with vertical clearance of 7 m above the level of 46.48 m + N.A.P. or (+ 48.80) E.M., which corresponds to the water-level indicated in item (h). The upper gate of this lock shall be aligned with the upper gate of the existing twin locks.

A bridge shall be built over the lower gate of the new lock and shall link up with another built over the connecting canal described in item (b);

- (b) Digging of a connecting canal extending from the existing locks and new lock at Lanaye (Ternaaien) to the southern boundary of the Maastricht enclave and having a bottom level of 39.74 m + N.A.P. or (+ 42.06) E.M. and a bottom width of 67.50 m, the said width decreasing to approximately 50 m at the junction with the Meuse (Maas);
- (c) Construction, in the Lanaye (Ternaaien)-Maastricht canal, of a dike to serve as the west bank of the connecting canal described in item (b);
- (d) Piercing of the section of the east dike of the Lanaye (Ternaaien)-Maastricht canal lying within the bed of the connecting canal described in item (b);
- (e) Filling of the section of the Lanaye (Ternaaien)-Maastricht canal lying between the dike referred to in item (c) and the southern boundary of the Maastricht enclave;
- (f) Straightening of the Meuse (Maas) from the upstream side of the Eysden-Lanaye (Ternaaien) bar to the southern boundary of the Maastricht enclave, i.e. between the points designated, respectively, as km 4.150 and km 8.865, reckoned downstream from the Visé (Wezet) dam.

Concurrently with this straightening operation, which will shorten this section of the river by approximately 550 m, the cross-section shall be improved by:

Lowering the Eysden-Lanaye (Ternaaien) bar to a level of 40.50 m + N.A.P. or (+ 42.82) E.M. at km 4.300, the said bar linking up to the south with a horizontal bottom-line and to the north with a bottom-line descending, at a gradient of 24 cm per km, to 39.54 m + N.A.P. or (+ 41.86) E.M. at km 8.865;

Regularizing this section of the river so that, at the upstream end, the width will be 175 m at the storage level indicated in item (h) and that, below Eysden, by reason of the widening of the winter bed on the east bank, the width will gradually diminish until it is only 130 m a short distance below km 6.000, remaining unchanged to the downstream end;

- (g) Construction of a pumping station a short distance downstream from the southern boundary of the Maastricht enclave for the purpose of supplying with water from

the Meuse (Maas) the section of the canal to the north of the filled section referred to in item (e) ;

- (h) Regularization of the section of the Meuse (Maas) lying between the southern boundary of the Maastricht enclave and the Saint-Servais (Sint-Servaas) bridge, i.e. between the points designated respectively, as km 8.865 and km 13.180, reckoned downstream from the Vizé (Wezet) dam.

This regularization will be based on :

A storage level of 44.00 m + N.A.P. or (+ 46.32) E.M. ;

At a rate of flow of 1,460 m³/sec (high water) to 1,400 m³/sec (low water) : a water-level of 46.40 m + N.A.P. or (+ 48.72) E.M. at km 8.900, of 45.63 m + N.A.P. or (+ 47.95) E.M. at km 12.100, and of 45.05 m + N.A.P. or (+ 47.37) E.M. at km 14.500 ;

At a rate of flow of 3,000 m³/sec : a maximum level of 48.80 m + N.A.P. or (+ 51.12) E.M. at km 8.900, of 47.65 m + N.A.P. or (+ 49.97) E.M. at km 12.100, and of 46.35 m + N.A.P. or (+ 48.67) E.M. at km 14.500 ;

A bottom-line descending at a gradient of 24 cm per km, from 39.54 m + N.A.P. or (+ 41.86) E.M. at km 8.865 to 38.50 m + N.A.P. or (+ 40.82) E.M. at km 13.180 ;

A width of 130 m at the aforementioned storage level, the said width increasing immediately upstream from the Saint-Servais (Sint-Servaas) bridge so as to conform to the profile at the bridge ;

- (i) Raising of the railway bridge on the Hasselt-Maastricht line so that it affords a vertical clearance of 7 m above the storage level, installation of a movable section in this bridge affording a vertical clearance of 7 m above the level of 45.12 m + N.A.P. or (+ 47.44) E.M., which corresponds to the water-level indicated in item (h), and construction in the navigable passage of the Saint-Servais (Sint-Servaas) bridge of a section which can be raised so as to afford a vertical clearance of 7 m above the level of 45.37 m + N.A.P. or (+ 47.69) E.M., which corresponds to the water-level indicated in item (h) ;
- (j) Provision of a vertical clearance of 25 m between the highest navigable water-level and the overhead electric and other lines, cables, etc. which cross the canal.

2. The Belgian Minister responsible for Bridges and Roads (Administration of Waterways) and the Netherlands Minister responsible for Public Works may, by agreement between them, authorize departures from the provisions of the preceding paragraph to be made on minor technical points in the course of execution of the works.

Article 3

1. The Belgian Government shall provide for the execution of the works referred to in article 2, paragraph 1, items (a), (b), (c), (d) and (e).

2. All specifications and invitations for tenders, and any departures, additions or modifications in respect thereof, shall be submitted by the aforementioned Belgian Minister to the aforementioned Netherlands Minister for approval.

3. The said Belgian Minister shall notify the said Netherlands Minister of all contracts awarded and of any modifications thereof.

Article 4

1. The Netherlands Government shall provide for the execution of the works referred to in article 2, paragraph 1, items (g), (h) and (i).

2. Paragraphs 2 and 3 of the preceding article shall apply, *mutatis mutandis*, to specifications, invitations for tenders, and contracts relating to the work referred to in article 2, paragraph 1, item (g).

3. The aforementioned Netherlands Minister shall communicate to the aforementioned Belgian Minister, for his information, all specifications and invitations for tenders, as well as any departures, additions, or modifications in respect thereof, relating to the works described in article 2, paragraph 1, items (h) and (i), and shall at the same time inform him of the date on which the said works are to be completed. Such date shall not be later than the latest date fixed for completion of the works referred to in article 2, paragraph 1, items (a), (b), (c), (d) and (e).

Article 5

1. The aforementioned Belgian and Netherlands Ministers shall, in consultation with each other, ensure the execution of the works described in article 2, paragraph 1, item (f), by concluding contracts with gravel-dredging firms.

2. The High Contracting Parties shall ensure, each in its own territory, that the provisions of article 2, paragraph 1, item (j), are complied with.

Article 6

1. The costs of executing the works referred to in article 2, paragraph 1, items (a), (b), (c), (d), (e) and (g), shall be apportioned between the Netherlands and Belgium at the rate of 20 per cent and 80 per cent, respectively.

2. The provisions of the preceding paragraph shall also apply to incidental costs relating to administration, the preparation of plans and invitations for tenders, the supervision of work, etc. For the purposes of this paragraph, the said incidental costs shall be fixed at 2.5 per cent of the costs of executing the works.

3. The costs of executing the works described in article 2, paragraph 1, items (h) and (i), shall be borne in their entirety by the Netherlands.

4. The costs of executing the works referred to in article 2, paragraph 1, items (f) and (j), shall be borne by the State in whose territory the works are executed.

Article 7

1. Payment of the Netherlands share of the costs of executing the works referred to in article 2, paragraph 1, items (a), (b), (c), (d) and (e), shall be made, as the terms fixed in the specifications fall due, in conformity with requests for payment submitted by the contractors and approved by the Belgian authorities responsible for the works.

2. The provisions of paragraph 1 of this article shall apply, *mutatis mutandis*, to payment of the Belgian share of the costs of executing the works referred to in article 2, paragraph 1, item (g).

3. The incidental costs referred to in paragraph 2 of the preceding article shall be the subject of an annual settlement between the High Contracting Parties. The first such settlement shall be made as at 31 December of the year in which this Treaty enters into force.

Article 8

The High Contracting Parties shall provide, each in its own territory, for the maintenance, operation, management and renewal of the structures built in or on the new connexion to meet the needs of navigation. The relevant costs shall be borne by the Contracting Party in whose territory such structures are situated.

Article 9

The Belgian section of the new direct connexion, which will replace the Belgian section of the Lanaye (Ternaaien)-Maastricht canal, shall be subject to the regulations in force in Belgium as regards the levying of shipping charges, provided that no other or higher charges shall be levied on the said section of the new connexion than as appear reasonably in accord with the charges for the time being levied on the other Belgian canals. Furthermore, the shipping charges levied and the rates applied on the said section of the new connexion shall be the same for Netherlands vessels or goods as for Belgian vessels or goods. All rights under existing treaties are nevertheless reserved by both Parties.

Article 10

1. The High Contracting Parties envisage the eventual need for a direct connexion between the Albert Canal near Briegden and the Meuse (Maas) at the upstream outlet of the Juliana Canal.

2. With regard to the direct connexion referred to in paragraph 1 of this article, the High Contracting Parties accept the solution described and explained in section B

of the report of Belgian and Netherlands technicians which constitutes annex I of the opinion on matters relating to waterways and harbours submitted to the Belgian and Netherlands Governments on 11 March 1954 by Mr. F. Van Cauwelaert and Mr. M. P. L. Steenberghé.

The description and explanation aforesaid and the two maps relating thereto constitute annexes II,¹ III² and IV³ of this Treaty.

3. The High Contracting Parties shall, if either of them so requests, hold further consultations concerning the time and manner of carrying out, and the apportionment of costs in respect of, the solution provided for in paragraph 2 of this article.

4. The final arrangements for the establishment of the direct connexion referred to in paragraph 1 of this article shall be embodied in an agreement between the High Contracting Parties.

5. The High Contracting Parties undertake to ensure that the possible future implementation of the solution provided for in paragraph 2 of this article is taken into account in town-planning schemes.

Article 11

Belgium shall be released from the financial obligations which it assumed with regard to the Netherlands section of the Liège (Luik)-Maastricht canal under the Conventions of 12 July 1845³ and 5 September 1850, and the Netherlands shall regain the right freely to dispose of the land appurtenant to the said section of the canal.

These provisions shall not apply to the canal section lying south of the junction with the access canal leading to the Saint-Pierre (Sint-Pieter) lock until the works described in article 2, paragraph 1, items (a) and (b), are put into operation.

Article 12

This Treaty shall be ratified, and the instruments of ratification shall be exchanged at The Hague as soon as possible.

Article 13

His Treaty shall enter into force on the day following the exchange of the instruments of ratification.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed this Treaty.

¹ See p. 192 of this volume.

² See inserts in a pocket at the end of this volume.

³ De Martens, *Nouveau Recueil général de traités*, tome VIII, p. 383.

DONE at Brussels in 24 February 1961 in duplicate in the Dutch and French languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

(Signed) E. TEIXEIRA DE MATTOS

For the Kingdom of Belgium :

(Signed) P. WIGNY

ANNEX I

PLAN FOR AN IMPROVED CONNEXION BETWEEN THE ALBERT CANAL AND THE JULIANA CANAL BY WAY OF PETIT-LANAYE

(See insert in a pocket at the end of this volume)

ANNEX II

DESCRIPTION AND EXPLANATION OF THE PRELIMINARY PLAN FOR THE CABERG CANAL REFERRED TO IN ARTICLE 10, PARAGRAPH 2

(Annex I, B, of the opinion submitted on 11 March 1954 by Mr. F. Van Cauwelaert and Mr. M. P. L. Steenberghe)

General observations

The expression "Caberg canal" means the direct connexion 4 km in length between the Briegden basin and the canalized section of the Meuse (Maas), which is referred to as solution No. 8 in the aforementioned report of 21 April 1950.

The Caberg canal is shown on the outline map on the scale 1 : 10,000 (annex 1-3) ; the profiles of the canal are given in annex 1-4.

Water-level of the canal

The plateau to the west of the Meuse (Maas) has an elevation of 60.00 m to 65.00 m + N.A.P. The transition to the Meuse (Maas) Valley is formed by a steep incline to the east of the Maastricht-Smeermaas-Maaseik national road. This is the obvious place to construct a lock. The water-level of the canal in the upper reach will be equal to that of the Albert Canal, viz., 57.68 m + N.A.P. or (+ 60.00) E.M. The water-level in the lower reach will be equal to the storage level of the canalized section of the Meuse (Maas), viz., 44.00 m + N.A.P. or (+ 46.32) E.M.

The dimensions of the lock will be 136 m × 16 m, and the lift will be 13.68 m.

It is planned to construct the lock on the eastern side of the Maastricht-Smeermaas national road, which will be carried across the upper gate by means of a bridge.

Cross-section

The cross-section chosen for the canal has a width of 48 m at water-level and a depth of 5 m by a width of 18 m. The surface of the wetted section is $F = 180 \text{ m}^2$ (as compared with $F = 169 \text{ m}^2$ for the Juliana Canal, and $F = 150 \text{ m}^2$ for the Albert Canal).

Vertical clearance

A vertical clearance of 7 m is envisaged, since that is the existing or projected clearance on the Juliana Canal and the Albert Canal.

The vertical clearance that must be afforded in the lower reach will be measured from the water-level of the Meuse (Maas), which is 45.30 m + N.A.P. or (+ 47.62) E.M. at the entrance to the outer harbour of the Juliana Canal and will be the same at the entrance to the outer harbour of the Caberg canal.

Intersection of the Meuse (Maas)

Upon leaving the Caberg canal, vessels will have to cross the Meuse (Maas) in order to reach the Juliana Canal. The outer harbours will be in the form of a basin so that vessels will have room to manoeuvre and thus be able to negotiate the crossing in complete safety.

Changes in the existing situation

The lower reach of the Caberg canal will intersect the Zuid-Willemsvaart waterway below lock 19, and the said waterway will have to be filled at that point.

The construction of outer harbours in the form of a basin will make it necessary to alter the course of the Meuse (Maas) bed and to change the site of the Borgharen dam. If another drainage outlet is added to the new dam, the present drainage canal which removes flood water through the Bosscheveld will no longer be needed.

The machinery of the old dam can in large measure be used for the new dam. The piers of the new dam can also be used in the construction of a bridge for rail and road traffic.

The construction of a lock for vessels with a capacity of 600 tons will make it possible to link the Meuse (Maas) with the Zuid-Willemsvaart waterway below the dam.

Estimates

The total cost of constructing the Caberg canal is estimated at 29 million guilders or 381 million Belgian francs, as is shown in the table below. The cost of the bridges to be built over the dam and of the connecting rail lines and road are not included in this sum.

	<i>Millions of guilders</i>	<i>Millions of Belgian francs</i>
Construction of lock	7.000	92.0
Dam with lock	4.500	59.1
Construction of outer harbours	1.150	15.1
Road bridges and railway bridges	1.350	17.7
Earthwork and purchase of land	10.610	139.5
Lining of banks	0.725	9.5
Compensation payments	1.000	13.1
Unforeseen and miscellaneous expenses	2.665	35.0
	<hr/> 29.000	<hr/> 381.0

Apportionment of costs

In the event that it is decided to construct the Caberg canal, there will have to be further consultations regarding the apportionment of costs.