

**No. 17901**

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**NETHERLANDS  
and  
VENEZUELA**

**Boundary Treaty (with map). Signed at Willemstad on  
31 March 1978**

*Authentic texts: Dutch and Spanish.*

*Registered by the Netherlands on 17 July 1979.*

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**PAYS-BAS  
et  
VENEZUELA**

**Traité de délimitation (avec carte). Signé à Willemstad le  
31 mars 1978**

*Textes authentiques : néerlandais et espagnol.*

*Enregistré par les Pays-Bas le 17 juillet 1979.*

[TRANSLATION — TRADUCTION]

BOUNDARY TREATY<sup>1</sup> BETWEEN THE KINGDOM OF THE  
NETHERLANDS AND THE REPUBLIC OF VENEZUELA

Her Majesty the Queen of the Netherlands and the President of the Republic of Venezuela,

Reaffirming the cordial relations between their States, and in particular the historic, social, economic and cultural links between the peoples of the Netherlands Antilles and Venezuela;

Desiring to delimit, equitably and accurately and on the basis of reasonable principles, marine and submarine areas between the Netherlands Antilles and Venezuela;

Considering it necessary to take effective measures for the preservation and rational utilization of resources existing in their respective areas of jurisdiction;

Recognizing the vital and historic importance to Venezuela of the Gulf of Venezuela, the multitude of fundamental interests which characterize the Gulf, and the importance of transit by sea to and from Venezuela;

Recognizing the crucial importance to the Netherlands Antilles of safeguarding the means for its economic development;

Taking into account the norms of current international law and the development of the new law of the sea;

Have decided to conclude this treaty and have for that purpose appointed as their Plenipotentiaries:

Her Majesty the Queen of the Netherlands:

Mr. S. G. M. Rozendal, Minister-President of the Netherlands Antilles;

His Excellency the President of the Republic of Venezuela:

Mr. S. A. Consalvi, Minister for Foreign Affairs of the Republic of Venezuela,

who, having exchanged their full powers, found to be in good and due form, have agreed as follows:

*Article 1.* 1. The maritime boundaries established by this Treaty shall constitute the boundaries between the High Contracting Parties of the territorial seas, the continental shelves, the exclusive economic zones and any other marine and submarine areas which the Parties, in accordance with international law, have established or may establish.

2. The marine and submarine areas referred to in this Treaty shall be those of the Caribbean Sea exclusively.

*Article 2.* The sea boundaries between the Netherlands Antilles and Venezuela shall be:

<sup>1</sup> Came into force on 15 December 1978 by the exchange of the instruments of ratification, which took place at Caracas, in accordance with article 13.

1. *Sector A: between the west side of Aruba and Venezuelan territory:*

- 1.1 Starting at point No. 3, at latitude 12°21'00" north and longitude 70°25'00" west, the meridian of 70°25'00" west to point No. 2 at latitude 12°49'00" north and longitude 70°25'00" west;
- 1.2 From this point No. 2, an arc of a great circle to point No. 1, at latitude 15°24'48" north and longitude 69°34'38" west, or to the point, on this great circle, of demarcation with third States.

2. *Sector B: between the Leeward Islands of the Netherlands Antilles (Aruba, Bonaire, Curaçao) and the north coast of Venezuela:*

- 2.1 From point No. 3, at latitude 12°21'00" north and longitude 70°25'00" west the parallel of latitude 12°21'00" north to point No. 4, at latitude 12°21'00" north and longitude 70°09'51" west;
- 2.2 From this point No. 4, an arc of a great circle to point No. 5, at latitude 12°21'54" north and longitude 70°08'25" west;
- 2.3 From this point number 5, an arc of a great circle to point No. 6, at latitude 12°15'46" north and longitude 69°44'12" west;
- 2.4 From this point No. 6, an arc of a great circle to point No. 7, at latitude 11°52'45" north and longitude 69°04'45" west;
- 2.5 From this point No. 7, an arc of a great circle to point No. 8, at latitude 11°45'30" north and longitude 68°57'15" west;
- 2.6 From this point No. 8, an arc of a great circle to point No. 9, at latitude 11°44'30" north and 68°49'45" west;
- 2.7 From this point No. 9, an arc of a great circle to point No. 10, at latitude 11°40'0" north and longitude 68°36'00" west;
- 2.8 From this point No. 10, the parallel of latitude 11°40'00" north to point No. 11, at latitude 11°40'00" north and longitude 67°59'23" west.

3. *Sector C: between Bonaire and Venezuelan territory:*

- 3.1 From point No. 11, at latitude 11°40'00" north and longitude 67°59'23" west, the meridian through longitude 67°59'23" west to point No. 12, at latitude 12°27'00" north and longitude 67°59'23" west;
- 3.2 From this point No. 12, an arc of a great circle to point No. 13, at latitude 15°14'28" north and 68°51'44" west, or to the point, on this great circle, of demarcation with third States.

4. *Sector D: between the Aves, Saba, and St. Eustatius islands:*

- 4.1 From point No. 15, at latitude 16°40'50" north and longitude 63°37'50" west, an arc of a great circle to point No. 14, at latitude 16°44'49" north and longitude 64°01'08" west, to the point, on this great circle, of demarcation with third States;
- 4.2 From point No. 15, an arc of a great circle to point No. 16, at latitude 16°40'01" north and longitude 63°35'20" west, or to the point on this great circle, of demarcation with third States.

*Article 3.* 1. The position of the points described in article 2, sectors A, B and C, has been defined by latitude and longitude in accordance with Provisional South American Datum 1956.

2. The position of the points described in article 2, sector D, has been defined by latitude and longitude in accordance with North American Datum 1927.

3. The boundary lines have been drawn, by way of illustration, on nautical chart No. 25000, issued by the Defense Mapping Agency Hydrographic Center, Washington, D.C., 6th edition, of 12 February 1977, which is annexed to and forms an integral part of this Treaty.<sup>1</sup>

*Article 4.* 1. Should the Netherlands Antilles, in accordance with international law, extend its territorial sea of the Leeward Islands (Aruba, Bonaire, Curaçao) beyond its present width of three (3) nautical miles, measured from the low-water mark along the coast, or establish a legal régime in marine areas situated outside the present territorial sea of the Leeward Islands, the régime applied to the said marine areas, situated beyond the above-mentioned distance of three (3) nautical miles, shall be subject to the conditions laid down in this article concerning the freedom of navigation and overflight to and from Venezuela.

2. All Venezuelan vessels and aircraft shall enjoy freedom of navigation and overflight solely for the purpose of expeditious and continuous transit of the marine areas involved, hereinafter referred to as "the right of transit passage". The requirement of expeditious and continuous transit shall not preclude passage, by sea or air through or over these marine areas, of traffic bound for, leaving or returning from the Netherlands Antilles, subject to the regulations governing entry into ports and similar conditions of entry.

3. Subject to such additional provisions as the High Contracting Parties may decide to lay down in the future by common agreement, paragraph 2 shall also apply to navigation and overflight to and from Venezuela by merchant and State vessels being used for commercial purposes, and by civil aircraft of third States.

4. If the Netherlands Antilles should establish sea routes and air routes above them, this shall be done in accordance with the pertinent norms of the law of the sea; in particular, these sea and air routes must be suitable for safe, expeditious and continuous passage through or over the corresponding marine areas. If the Netherlands Antilles does not establish sea or air routes, the right of transit passage shall be exercised along the routes normally used for international navigation.

5. The aforementioned right of transit passage cannot be suspended.

6. Vessels in transit passage shall comply with the pertinent norms of the law of the sea, and in particular:

- (a) The international regulations, procedures and practices generally accepted for safety at sea, including the International Regulations for preventing of collisions at sea;
- (b) The international regulations, procedures and practices generally accepted for the prevention, reduction and control of pollution of the sea from vessels;
- (c) The regulations, concerning both the requirement to carry documents on board and the special safety measures agreed upon internationally for nuclear-

<sup>1</sup> See insert in a pocket at the end of this volume.

powered vessels and vessels carrying nuclear or other inherently dangerous or noxious substances.

7. Aircraft in transit passage shall comply with the pertinent norms of the law of the sea, and shall in particular:

- (a) Observe the Rules of the Air established by the International Civil Aviation Organization for civil aviation; State aircraft shall at all times comply with the air safety regulations in force;
- (b) At all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.

8. Measures for the prevention, reduction and control of pollution, to the extent that they affect navigation in exercise of the right of transit passage, shall be taken by agreement between the Parties, in particular concerning the international shipping routes situated in the marine area between Los Monjes archipelago and the island of Aruba. The aforesaid agreement requirement shall not apply to the laws and regulations whereunder the Netherlands Antilles applies generally accepted international regulations concerning the discharge of oil, oil residues and other noxious substances.

*Article 5.* 1. The High Contracting Parties shall publicly announce the construction or existence in their territorial seas, or in their exclusive economic zones or in the marine areas referred to in article 4, of artificial islands, installations or structures under their jurisdiction. They shall maintain, or cause to be maintained, a permanent warning system to indicate the presence thereof.

2. Artificial islands, installations and structures, and their surrounding safety zones, whose establishment in the marine area of one of the Parties may constitute an obstacle to the utilization of recognized shipping laws of crucial importance to navigation to and from the other Party, shall be established only by agreement between the Parties.

*Article 6.* Where a single geological structure or field containing hydrocarbons or natural gas extends across the boundary, and where part of such a structure or field situated on one side of the boundary line can be exploited partly or wholly from the other side of the boundary line, the High Contracting Parties, after obtaining appropriate technical advice, shall seek to reach agreement on the most efficient way of exploiting the said structure or field, and on the method of sharing the costs and benefits in respect of such activities.

*Article 7.* Should one of the High Contracting Parties decide to carry out or permit drilling for exploration or exploitation within a distance of one (1) nautical mile from the boundary line, it shall notify the other Party accordingly.

*Article 8.* Should a dispute arise concerning the position of an installation or other equipment, or concerning the point of extraction from a well in relation to the boundary line, the High Contracting Parties shall jointly determine on which side of the boundary line the installation or other equipment, or the point of extraction from the well shall be situated.

*Article 9.* Except as otherwise provided in article 4, paragraph 8, each High Contracting Party shall adopt the necessary measures for protecting the marine

environment from pollution in the marine areas covered under this Treaty. The Parties consequently agree:

- (a) To provide information to the other Party on the legislation applied and experience gained with regard to protecting the marine environment;
- (b) To provide information on the authorities competent to take cognizance of and decide on pollution matters;
- (c) To inform each other of any indication of any existing, imminent or potential serious pollution originating in the adjacent marine area;
- (d) To formulate as soon as possible a joint emergency plan for taking action in case of pollution occasioned by serious oil spillages or other accidents of similar magnitude in the area. In this connection, the Parties shall together adopt measures for preventing or eliminating the aforesaid pollution and for providing each other with assistance.

*Article 10.* In order to ensure adequate conservation and exploitation of the living resources in the waters adjacent to both countries, the High Contracting Parties agree to co-ordinate, as far as possible, the legislation and regulations adopted by each Party.

*Article 11.* The High Contracting Parties agree to promote, develop and facilitate marine scientific research.

*Article 12.* 1. Any dispute concerning the interpretation or implementation of the provisions of articles 4, 5 and 6 of this Treaty, referring to sea and air traffic or to a single geological structure or field, which cannot be settled by negotiations between the High Contracting Parties, shall, unless the Parties agree to some other type of solution, be submitted at the request of one of them to a committee of experts consisting of three (3) members. Each Party shall designate one (1) member of the committee, and the two (2) members thus designated shall together designate the third member.

2. If one of the Parties has not designated one (1) member within three months after the request was made for the submission of the dispute to the committee of experts, or if the third party has not been designated within one month after the designation of the first two (2) members, either Party may request the Secretary-General of the United Nations to designate one (1) member or, if necessary, two (2) members. If the Secretary-General has been requested to designate one (1) member, that member shall be selected from among persons not in the employ of a natural or legal person having an interest in the dispute and who shall be a national of a third State which has neither a direct nor indirect interest therein. If the Secretary-General has been requested to designate two (2) members, the second member shall be selected from among nationals of the Party which has not designated its own member.

3. The committee of experts shall establish its own procedures. All decisions of the committee shall be adopted by a majority of votes. The decisions of the committee shall be binding on the Parties.

*Article 13.* 1. This Treaty shall be ratified. The instruments of ratification shall be exchanged at Caracas as soon as possible.

2. The Treaty shall enter into force on the date of the exchange of the instruments of ratification.

IN WITNESS WHEREOF the above-mentioned Plenipotentiaries have signed this Treaty.

DONE at Willemstad, Curaçao, on 31 March 1978, in three identical copies, each in the Dutch and Spanish languages, both texts being equally authentic.

For Her Majesty  
the Queen of the Netherlands:

S. G. M. ROZENDAL

For the President  
of the Republic of Venezuela:

S. A. CONSALVI