

**No. 21265**

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**BELGIUM  
and  
NETHERLANDS**

**Convention concerning the establishment of a chain radar  
system along the Western Scheldt and its estuary.  
Signed at Brussels on 29 November 1978**

*Authentic texts: French and Dutch.*

*Registered by Belgium on 29 September 1982.*

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**BELGIQUE  
et  
PAYS-BAS**

**Convention au sujet de la mise en place d'une chaîne de  
radar le long de l'Escaut occidental et de ses embou-  
chures. Signée à Bruxelles le 29 novembre 1978**

*Textes authentiques : français et néerlandais.*

*Enregistrée par la Belgique le 29 septembre 1982.*

## [TRANSLATION—TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE KINGDOM OF BELGIUM AND  
THE KINGDOM OF THE NETHERLANDS CONCERNING  
THE ESTABLISHMENT OF A CHAIN RADAR SYSTEM  
ALONG THE WESTERN SCHELDT AND ITS ESTUARY

The Government of the Kingdom of Belgium and the Government of the Kingdom of the Netherlands,

Desiring to take measures to execute and supplement the Treaty concluded between the Kingdom of Belgium and the Kingdom of the Netherlands regulating the lighting and buoyage of the Western Scheldt and its estuary, signed at The Hague on 23 October 1957,<sup>2</sup>

Have agreed as follows:

*Article 1.* A chain radar system shall be established along the Western Scheldt and its estuary.

*Article 2.* The chain radar system referred to in article 1, which will connect the current limited chain radar system composed of the Zandvliet station and the Land van Saeftinge and Waarde radar posts shall supplement the facilities provided for in the Treaty of 23 October 1957 regulating the lighting and buoyage of the Western Scheldt and its estuary in order to provide the most useful information for navigation.

*Article 3.* Information of any kind from the chain radar system referred to in article 1 shall be communicated to third parties only with the consent of the two countries' permanent commissioners for the supervision of shipping in the Scheldt and on the terms established by those commissioners.

*Article 4.* In order to establish the chain radar system referred to in article 1, the following shall be constructed:

- (a) A station at Vlissingen,
  - (b) Radar posts at Westkapelle, Dishoek, Baarland, Ossensisse, Terneuzen, Hoofdplaat and Cadzand, and
  - (c) A radar station at Zeebrugge,
- including in each case auxiliary facilities which may be placed elsewhere.

*Article 5.* Radar images from the radar posts shall be transmitted to the Vlissingen station by means of a radio-wave network.

*Article 6.* The Vlissingen station shall carry out all operations except the guidance of local maritime traffic at Terneuzen and Zeebrugge; such guidance shall be provided on the spot.

<sup>1</sup> Came into force on 29 September 1980, after both Governments had notified each other (on 25 January 1979 and 29 September 1980) of the completion of their constitutional requirements, in accordance with article 22.

<sup>2</sup> United Nations, *Treaty Series*, vol. 684, p. 3.

*Article 7.* No installation that may disturb radar signals or interfere with the transmission of information shall be constructed.

*Article 8.* 1. The Netherlands shall be responsible, by agreement with Belgium, for the study, construction, maintenance and renovation of the radar station and posts to be established in Netherlands territory.

2. Belgium shall be responsible, by agreement with the Netherlands, for the study, construction, maintenance and renovation of the radar post to be established in Belgian territory.

*Article 9.* The Netherlands and Belgium shall be responsible in their respective territories for making such improvements in the chain radar system as they consider necessary, by agreement, as a result of developments in science or technology.

*Article 10.* 1. The Netherlands shall, by agreement with Belgium, manage and operate the radar station and posts to be established in Netherlands territory.

2. Belgium shall, by agreement with the Netherlands, manage and operate the radar post to be established in Belgian territory.

*Article 11.* 1. Ninety per cent of the costs of the study and construction of the radar station and posts to be established in Netherlands territory shall be borne by Belgium and 10 per cent by the Netherlands.

2. Ninety per cent of two thirds of the costs of the study and construction of the radar post to be established in Belgian territory shall be borne by Belgium and 10 per cent by the Netherlands. The remaining third shall be borne entirely by Belgium.

*Article 12.* 1. During the period from the total or partial putting into operation of the chain radar system referred to in article 1 until and including the following calendar year, 90 per cent of the costs of the maintenance, renovation, management, operation and improvement, if any, of the radar station and posts to be established in Netherlands territory shall be borne by Belgium and 10 per cent by the Netherlands.

2. At the end of the period referred to in paragraph 1, the costs mentioned in that paragraph shall be apportioned between Belgium and the Netherlands on the basis of the ratio that the number of vessels which, passing through the Scheldt or the Terneuzen Canal, enter Belgium from the sea or enter the sea from Belgium bears to the number of vessels which, passing through the Scheldt or the Terneuzen Canal, enter the Netherlands from the sea or the sea from the Netherlands. If the said ratio is found to differ by more than one half per cent from the ratio on the basis of which the apportionment of costs was last established, the costs shall be apportioned in accordance with the new ratio.

3. The ratio between the numbers of vessels referred to in paragraph 2 shall be established each time for a period of two calendar years, in each case, that is to say, for the year during which the apportionment of costs is to be determined and for the preceding year.

4. During the period referred to in paragraph 1, 90 per cent of two thirds of the costs of maintenance, renovation, management, operation and improve-

ment, if any, of the radar post to be established in Belgian territory shall be borne by Belgium and 10 per cent by the Netherlands. The remaining third shall be borne entirely by Belgium.

5. At the end of the period referred to in paragraph 1, the costs referred to in paragraph 4 shall be broken down into costs borne by the two countries in the ratios referred to in paragraph 2 and costs to be borne exclusively by Belgium. The breakdown shall be based on the ratio that the number of vessels which enter or leave the Western Scheldt by way of the Wielingen or the Scheur bears to the number of vessels going to or coming from Zeebrugge. If the said ratio is found to differ by more than one and one half per cent from the ratio on the basis of which the apportionment of the costs in question was last established, the costs shall be apportioned in accordance with the new ratio.

6. The ratio defined in paragraph 5 shall be established for a period of two calendar years in each case, that is to say, for the year during which the apportionment of costs is to be determined and for the preceding year.

*Article 13.* 1. As the work progresses, the Netherlands Government shall transmit to the Belgian Government statements, accompanied by the necessary documentation, in respect of the costs relating to the study and construction of the radar station and posts to be established in Netherlands territory, in so far as those costs are to be borne by Belgium in accordance with the provisions of article 11, paragraph 1.

2. As the work progresses, the Belgian Government shall transmit to the Netherlands Government statements, accompanied by the necessary documentation, in respect of the costs relating to the study and construction of the radar post to be established in Belgian territory, in so far as those costs are to be borne by the Netherlands in accordance with the provisions of article 11, paragraph 2.

*Article 14.* 1. At the end of the period referred to in article 12, paragraph 1, and subsequently at the end of each calendar year, the Netherlands Government shall transmit to the Belgian Government a statement accompanied by the necessary documentation, in respect of the costs relating to the maintenance, renovation, operation and improvement, if any, of the radar station and posts to be established in Netherlands territory, in so far as those costs are to be borne by Belgium in accordance with the provisions of article 12, paragraphs 1 and 2.

2. At the end of the period referred to in article 12, paragraph 1, and subsequently at the end of each calendar year, the Belgian Government shall send to the Netherlands Government a statement, accompanied by the necessary documentation, in respect of the costs relating to the maintenance, renovation, management, operation and improvement, if any, of the radar post to be established in Belgian territory, in so far as those costs are to be borne by the Netherlands in accordance with the provisions of article 12, paragraphs 4 and 5.

*Article 15.* Belgium and the Netherlands undertake to make payment within three months after receipt of the statements referred to in articles 13

and 14. The payments made by Belgium shall be in Netherlands guilders; the payments made by the Netherlands shall be in Belgian francs.

*Article 16.* 1. If one of the Governments wishes to object to the amounts in a statement, it shall so notify the other before the expiry of the time-limit established in article 15. In such case, the two Governments shall hold consultations with regard to those amounts as soon as possible.

2. The objecting Government shall pay the undisputed part of the said amounts within the time-limit established in article 15.

3. The objecting Government shall pay the amounts decided upon during the consultations provided for in paragraph 1 in so far as they exceed the undisputed part, as soon as possible after agreement has been reached.

*Article 17.* 1. If the time-limit specified in article 15 is exceeded, there shall be due in respect of the excess period simple interest corresponding to the legal rate of interest in force at the beginning of the excess period in the country whose Government submitted the statement.

2. With regard to the amounts objected to under article 16, paragraph 1, the said interest, due on the amounts decided upon during the consultations provided for in that paragraph, shall, in so far as those amounts exceed the undisputed part, also be calculated for the period beyond the time-limit beginning with receipt of the original statement, as established in article 15.

*Article 18.* 1. Belgium may in no case assert any claim to ownership of the radar station and posts established in Netherlands territory under this Convention.

2. The Netherlands may in no case assert any claim to ownership of the radar post established in Belgian territory under this Convention.

3. If property purchased or expropriated for the establishment, maintenance, renovation, management, operation and improvement of the chain radar system referred to in article 1 ceases to be used for its initial purpose, it shall be sold or converted into money in some other way. The proceeds of the transaction shall be apportioned between the Netherlands and Belgium in proportion to their contributions to the cost of such property.

*Article 19.* Plans and estimates relating to any work or supplies for the establishment, maintenance, renovation and improvement of the chain radar system referred to in article 1 shall, in so far as possible, be established by contract. Such work and supplies shall, in so far as possible, be put out to public tender. They shall not be carried out until approved by the two countries' permanent commissioners for the supervision of shipping in the Scheldt.

*Article 20.* The two countries' permanent commissioners for the supervision of shipping in the Scheldt shall be empowered under this Convention to take the measures necessary for its implementation.

*Article 21.* The Netherlands Government and the Belgian Government may decide by agreement that, in addition to the radar posts mentioned in

article 4, other posts which shall also be an integral part of the chain radar system shall be established. The provisions to be adopted in respect of such other posts shall be established by an exchange of diplomatic notes and shall enter into force on the first day of the second month following the month of the exchange of notes.

*Article 22.* This Convention shall enter into force on the date on which the two Governments have notified each other that the constitutional requirements in force in their countries have been met.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Brussels on 29 November 1978, in duplicate in the Dutch and French languages, both texts being equally authentic.

For the Government  
of the Kingdom of Belgium:

H. SIMONET

For the Government  
of the Kingdom of the Netherlands:

G. J. DU MARCHIE SARVAAS

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