

No. 21907

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

Agreement concerning the maintenance of markers demarcating the common frontier. Signed at Bonn on 30 October 1980

Authentic texts: Dutch and German.

Registered by the Netherlands on 31 May 1983.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord relatif à l'entretien des signes de démarcation à la frontière commune. Signé à Bonn le 30 octobre 1980

Textes authentiques : néerlandais et allemand.

Enregistré par les Pays-Bas le 31 mai 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE MAINTENANCE OF MARKERS DEMARCATING THE COMMON FRONTIER

The Government of the Kingdom of the Netherlands and the Government of the Federal Republic of Germany,

Considering the Treaty of 8 April 1960 between the Kingdom of the Netherlands and the Federal Republic of Germany concerning the course of the common frontier, the boundary waters, real property situated near the frontier, traffic crossing the frontier on land and via inland waters, and other frontier questions (Frontier Treaty),² and considering the Treaty of 30 October 1980 between the Kingdom of the Netherlands and the Federal Republic of Germany concerning frontier adjustments (First Frontier Adjustment Treaty),³

Considering that the course of the common frontier has been demarcated on the basis of the above-mentioned Treaties,

Desirous of ensuring the maintenance of the frontier markers,

Have agreed as follows:

Article 1. The Contracting Parties undertake to ensure that the course of the frontier, as established in the frontier documents and other official instruments, shall be kept clearly visible and safeguarded at all times. In particular, they undertake to maintain the necessary frontier markers in accordance with the present Agreement and to replace them, as required.

Article 2. (1) Where the existing boundary-stones cannot be reused, granite boundary stones shall normally be provided as follows, depending on the nature of the frontier point and on local conditions:

(a) Main boundary-stones $1.80 \times 0.24 \times 0.24$ m

(b) Intermediate boundary-stones $1.00 \times 0.18 \times 0.18$ m

(c) Ordinary boundary-stones $0.65 \times 0.15 \times 0.15$ m

(2) Except as provided in paragraph (5) below, the frontier point shall be designated as the mid-point of the top of the boundary-stone.

(3) Wherever possible every boundary-stone shall be sunk into the ground.

(4) Where local conditions preclude the use of boundary-stones, iron tubes, stakes or similar markers may be used.

(5) Where the frontier runs along roads, rivers, streams, etc., pairs of stones (dual boundary-stones) shall be laid in appropriate places (markers on

¹ Came into force on 16 September 1981, i.e., two months after the date (15 July 1981) on which the Government of the Netherlands informed the Government of the Federal Republic of Germany of the completion of the constitutional requirements, in accordance with article 16.

² United Nations, *Treaty Series*, vol. 508, p. 14.

³ See p. 185 of this volume.

either side). As a general rule, a frontier point demarcated in this way shall be the mid-point of the straight line joining the mid-points of the two stones.

Article 3. (1) The number of the frontier point shall be indicated in black on a white background on each main and intermediate boundary-stone.

(2) Additional frontier points shall be numbered to conform with the existing system. New main and intermediate boundary-stones in North Rhine-Westphalia have the letters A, B and so on added to the previous number, while in Lower Saxony the figures I, II and so on shall be added. Ordinary boundary-stones and markers, as designated in article 2, paragraph (4), shall bear the number of the preceding main or intermediate boundary-stone plus the figures 1, 2 *et seq.*

Article 4. Henceforth frontier markers which serve only to demarcate private property situated close to the frontier shall not be placed on the frontier line itself but, as a rule, at least two metres therefrom.

Article 5. (1) The Contracting Parties shall be responsible during alternating three-year periods beginning in 1980 for inspecting the frontier markers and instructing the competent surveying authorities to correct any defects.

(2) The work carried out in accordance with paragraph (1) shall be the responsibility of the Netherlands authorities in the years 1980 to 1982, and so on, and of the authorities of the Federal Republic of Germany in the years 1983 to 1985, and so on.

Article 6. The competent surveying authorities of the other Contracting Party shall be kept informed of the results of surveys and the correction of defects. They shall take an active part in any major maintenance work such as the renewal or initial installation of frontier points.

Article 7. (1) Where necessary to ensure that the frontier line is clearly visible, special demarcation and surveying shall be undertaken independently of the regular periodic inspection and maintenance of the frontier markers.

(2) This work shall be done by the authority responsible for inspection as provided by article 5 above.

Article 8. Work done under articles 5, 6 and 7 above shall be recorded in writing with an information copy sent to the other Contracting Party.

Article 9. Documentation arising from the work of maintaining the frontier markers shall be placed in the archives of the surveying authorities of the Parties.

Article 10. (1) The competent authorities of the Federal Republic of Germany shall establish and maintain at suitable places near the frontier special depots of boundary-stones for the maintenance of frontier markers.

(2) The cost of purchasing the stones and transporting them to the depots shall be defrayed by the Federal Republic of Germany and the Government of the Kingdom of the Netherlands shall reimburse half the cost.

Article 11. (1) All other costs of the demarcation work, including the transport of boundary-stones from the depot to the frontier line, shall be defrayed by the Contracting Party responsible for the work (article 5, paragraph 2, and article 7, paragraph 2) and half the cost shall be reimbursed by the other Party.

(2) Surveying costs shall be borne by the Party making the survey.

Article 12. If a national of either Contracting Party has damaged or destroyed a frontier marker, that Party shall defray the entire cost of repair or replacement, without prejudice to any liability of the person responsible therefor or any other person. To the extent that the aforesaid Contracting Party pays for the repair or replacement of a frontier marker, the other Contracting Party shall transfer any claims which it may have against the person who damaged or destroyed the marker, or against any other person, to the Party responsible for defraying the cost.

Article 13. (1) The persons responsible for surveying and maintaining frontier markers shall be authorized to cross the border freely, together with their vehicles and equipment, when their work so requires.

(2) The competent authorities of the Parties shall notify each other before the start of such work.

Article 14. This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a declaration to the contrary within three months after the entry into force of this Agreement.

Article 15. Article 43 of the Frontier Treaty between the Kingdom of Hanover and the Kingdom of the Netherlands, signed at Meppen on 2 July 1824,¹ and the exchange of declarations of 8 March 1852 between the Kingdom of Prussia and the Kingdom of the Netherlands concerning the regulations governing the maintenance and replacement of frontier marker posts along the frontier between the two States² shall cease to have effect as of the date of entry into force of this Agreement.

Article 16. This Agreement shall enter into force two months after the date on which the Government of the Kingdom of the Netherlands informs the Government of the Federal Republic of Germany that the constitutional requirements for the entry into force of the Agreement have been fulfilled.

DONE at Bonn on 30 October 1980 in two original copies, each in the Dutch and German languages, both texts being equally authentic.

For the Government
of the Kingdom of the Netherlands:

D. W. VAN LYNDEN

For the Government
of the Federal Republic of Germany:

G. VAN WELL

¹ De Martens, *Nouveau Recueil général des Traités*, deuxième série, tome VII, p. 379 (German text) and Hertslet, Edward, *The Map of Europe by Treaty*, Butterworths, London, 1875, p. 716 (English summary).

² *British and Foreign State Papers*, vol. 45, p. 787 (French text).