

TREATY OF DELIMITATION BETWEEN THE REPUBLIC OF VENEZUELA
AND THE KINGDOM OF THE NETHERLANDS

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

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

Prompted by the desire to delimit fairly, precisely, and on the basis of equitable principles the marine and submarine areas between Venezuela and the Netherlands Antilles;

Considering the need to establish adequate measures for the conservation and rational development of the resources existing within their respective jurisdictions;

Recognizing the vital and historic importance for Venezuela of the Gulf of Venezuela, the complex of fundamental interests that characterize it, and maritime transit to and from Venezuela;

Recognizing the essential importance for the Netherlands Antilles of ensuring the means for its economic development;

Taking into account the existing rules of international law and the evolution of the new law of the sea,

Have decided to conclude this Treaty and for that purpose have designated as their plenipotentiaries:

The President of the Republic of Venezuela:

Mr. S.A. Consalvi, Minister of Foreign Relations; and

Her Majesty the Queen of the Netherlands:

Mr. S.G.M. Rosendal, Prime Minister of the Netherlands

Antilles; and

who, after communicating to each other their full powers, found to be in good and due form, have agreed upon the following:

Article 1

1. The lines of maritime delimitation fixed by the present Treaty shall constitute the boundaries between the High Contracting Parties of the territorial seas, the continental shelves, the exclusive economic zones, and any marine or submarine areas which have been or may be established by the Parties in accordance with international law.

2. Marine and submarine areas mentioned in this Treaty refer exclusively to those situated in the Caribbean Sea.

Article 2

The following are the lines of maritime delimitation between Venezuela and the Netherlands Antilles:

1. Sector A: Between western Aruba and Venezuela territory:

1.1. From point No. 3, at latitude 12°21' north and longitude 70°25' west to point No. 2, at latitude 12°49' north and longitude 70°25' west;

1.2 From that point No. 2, a great circle arc to point No. 1, at latitude 15°24'48" north and longitude 69°34'38" west, or the point over which the same great circle results from the delimitation with third States.

2. Sector B: Between the leeward islands of the Netherlands Antilles (Aruba, Bonaire, Curacao) and the northern coast of Venezuela:

2.1 From point No. 3, at latitude $12^{\circ}21'$ north and longitude $70^{\circ}25'$ west, parallel $12^{\circ}21'$ north to point No. 4, at latitude $12^{\circ}21'$ north and longitude $70^{\circ}09'51''$ west;

2.2 From that point No. 4, a great circle arc to point No. 5, at latitude $12^{\circ}21'54''$ north and longitude $70^{\circ}08'25''$ west;

2.3 From that point No. 5, a great circle arc to point No. 6, at latitude $12^{\circ}15'46''$ north and longitude $69^{\circ}44'12''$ west;

2.4 From that point No. 6, a great circle arc to point No. 7, at latitude $11^{\circ}52'45''$ north and longitude $69^{\circ}04'45''$ west;

2.5 From that point No. 7, a great circle arc to point No. 8, at latitude $11^{\circ}45'30''$ north and longitude $68^{\circ}57'15''$ west;

2.6 From that point No. 8, a great circle arc to point No. 9, at latitude $11^{\circ}44'30''$ north and longitude $68^{\circ}49'45''$ west;

2.7 From that point No. 9, a great circle arc to point No. 10, at latitude $11^{\circ}40'$ north and longitude $68^{\circ}36'$ west;

2.8 From that point No. 10, parallel $11^{\circ}40'$ north to point No. 11, at latitude $11^{\circ}40'$ north to point No. 11, at latitude $11^{\circ}40'$ north and longitude $67^{\circ}59'23''$ west.

3. Sector C: Between Bonaire and Venezuelan territory

3.1 From point No. 11, at latitude 11°40' north and longitude 67°59'23" west, meridian 67°59'23" west to point No. 12, at latitude 12°27' north and longitude 67°59'23" west;

3.2 From that point No. 12, a great circle arc to point No. 13, at latitude 15°14'28" north and longitude 68°51'44" west, or the point which over the same great circle results from the delimitation with third States.

4. Sector D: Between the islands of Aves, Saba, and St. Eustatius:

4.1 From point No. 15, at latitude 16°40'50" north and longitude 63°37'50" west, a great circle arc to point No. 14, at latitude 16°44'49" north and longitude 64°01'08" west, or the point which over the same great circle results from the delimitation with third States:

4.2 From point 15, a great circle arc to point No. 16, at latitude 16°40'01" north and longitude 63°35'20" west, or the point which over the same great circle results from the delimitation with third States.

Article 3

1. The positions of the points described in Article 2, sectors A, B, and C have been defined by latitudes and longitudes according to Provisional South American Datum 1956.

2. The positions of the points described in Article 2, sector D, have been defined by latitudes and longitudes according to North American Datum 1927.

3. The delimitation lines have been drawn, by way of illustration, on nautical chart No. 25000, sixth edition of February 12, 1977, issued by the Hydrographic Center of the Defense Mapping Agency, Washington, D.C., and attached as an integral part of this treaty.

Article 4

1. In the event that the Netherlands Antilles, in accordance with international law, extends the territorial sea of its leeward islands (Aruba, Bonaire, and Curacao), beyond the present breadth of three nautical miles measured from the low-water line along the coast, or establishes a legal regime in marine areas situated beyond the present territorial sea of those leeward islands, the regime applicable to those marine areas situated beyond aforementioned distance of three nautical miles will respect the conditions established in this article regarding the freedom of navigation and overflight to or from Venezuela.

2. All Venezuelan ships and aircraft shall enjoy the freedom of navigation and overflight solely for purposes of continuous and expeditious transit through the marine areas in question, hereinafter referred to as the right of transit passage. The requirement of continuous and expeditious transit shall not preclude passage through or above marine areas for the purpose of entering, leaving, or returning from the Netherlands Antilles, subject to the conditions that regulate entry to ports or similar conditions of access.

3. Subject to such additional provisions as the High Contracting Parties may, by mutual agreement, decide to establish in the future, paragraph two shall apply equally to navigation and overflight to and from Venezuela by merchant ships and government ships operated for commercial purposes and by civil aircraft of third States.

4. In the event that the Netherlands Antilles establishes sea lanes and, above these, air lanes, they will be established in accordance with the pertinent rules of the law of the sea. In particular, such sea and air lanes must be adequate for the safe, expeditious, and continuous passage of ships and aircraft through or above the corresponding sea areas. In the event that the Netherlands Antilles does not establish sea or air lanes, the right of transit passage will be exercised along the lanes normally used for international navigation.

5. The aforementioned right of transit passage may not be suspended.

6. Ships in transit must comply with the pertinent rules of the law of the sea, especially with regard to:

a. The generally accepted international regulations, procedures, and practices for safety at sea including the International Regulations for Preventing Collisions at Sea;

b. The generally accepted international regulations, procedures, and practices for the prevention, reduction, and control of marine pollution by vessels;

c. The regulations concerning the obligation to carry documents on board and the internationally agreed special safety measures for nuclear-powered vessels carrying nuclear cargo or other dangerous or noxious substances.

7. Aircraft in transit must comply with the pertinent rules of the law of the sea and especially:

a. Observe the air traffic regulations established by the International Civil Aviation Organization for civil aircraft. Government aircraft shall at all times operate in accordance with the regulations in force regarding the safety of air navigation;

b. Monitor at all times the radio frequencies assigned to the appropriate internationally designated authority for air traffic control or the appropriate international distress frequency.

8. Regulations for the prevention, reduction, and control of pollution shall, to the degree that they affect navigation in exercise of the right of transit passage, be established by mutual agreement of the parties, particularly for the international navigation routes located in the marine area that extends from Los Monjes Archipelago to the Island of Aruba. The aforementioned requirement for mutual agreement shall not apply to the laws and regulations by which the Netherlands Antilles implements the generally accepted international provisions concerning the discharge of hydrocarbons, their wastes, and other noxious substances.

Article 5

1. The High Contracting Parties will give public notice of the construction or existence within their territorial sea, exclusive economic zone, or marine areas referred to in Article 4 of artificial islands, installations, or structures under their jurisdiction. They will maintain or arrange for the maintenance of permanent means for giving warning of the presence of such artificial islands, installations, or structures.

2. Artificial islands, installations, and structures as well as the safety zones which surround them in the marine area of one of the parties, when these might constitute an impediment to the use of recognized sea lanes of essential importance for navigation to or from the other Party, shall be established solely by mutual consent of the Parties.

Article 6

In cases where the same geological structure, or mineral, petroleum, or natural gas deposit extends across the line of delimitation and part of that structure or deposit, situated on one side of the line of delimitation, could be totally or partially exploited from the other side of the line of delimitation, the High Contracting Parties, after appropriate technical consultations, will seek to reach agreement on the most effective form of exploitation of said structure or deposit, and on the manner in which the cost of and profits from such activities shall be apportioned.

Article 7

In the event that either of the High Contracting Parties decides to conduct or permit drilling for exploration or exploitation within a distance of one nautical mile from the line of delimitation, that Party will notify the other Party.

Article 8

In the event of a dispute regarding the location of any installation or other device or of a wellhead in relation to the line of delimitation, the High Contracting Parties will determine by mutual agreement the side of the line of delimitation on which the installation or other device, or the wellhead, is located.

Article 9

With the exception of the provisions of Article 4(8), each High Contracting Party will take the necessary measures to preserve the marine environment from pollution in the marine areas referred to in this treaty. Consequently, the Parties agree to:

- a. Supply the other Party with information concerning legal provisions and experience relating to preservation of the marine environment;

- b. Supply information concerning the competent enforcement authorities in matters of pollution;
- c. Inform each other of any current, imminent, or potential evidence of serious pollution originating in the maritime boundary zone;
- d. Draw up, in the shortest possible time, a joint emergency plan for use in the event of pollution caused by serious oil spills or other accidents of similar magnitude in the area. The Parties will jointly adopt measures to avoid or eliminate the aforementioned pollution and to provide all possible mutual assistance.

Article 10

In order to achieve adequate conservation and exploitation of the living resources in the adjacent waters of both countries, the High Contracting Parties agree to coordinate, insofar as possible, the laws and regulations adopted by each Party.

Article 11

The High Contracting Parties agree to promote, encourage, and facilitate the conduct of marine scientific research.

Article 12

1. Any dispute regarding the interpretation or application of the provisions of Articles 4, 5, and 6 of this Treaty, which refer to navigation or to a shared geological structure or deposit, that is not resolved by negotiations between the High Contracting Parties, shall, unless the parties agree to a different arrangement, be submitted at the request of one of the parties to a commission of experts composed of three members. Each party will appoint one member of the commission and the third member shall be appointed by mutual agreement of the two members appointed by the parties.

2. In the event that one of the Parties fails to appoint a member within three months of the request to submit the controversy to the commission of experts, or if the third member is not appointed within one month of the appointment of the first two members, either of the Parties may request the United Nations Secretary General to appoint one member and, if necessary, two members. If the Secretary General agrees to name one member, that member shall be selected from among those not in the service of natural or juridical persons interested in the dispute, and shall be a national of a third State with no direct or indirect interests in the dispute. If the Secretary General agrees to appoint two members, the second member shall be a national of the Party that did not appoint a member.

3. The commission of experts shall determine its own procedures. All decisions of the commission shall be adopted by majority vote. The decisions of the commission shall be binding upon the Parties.

Article 13

1. This Treaty shall be ratified. The instruments of ratification shall be exchanged in 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 aforementioned plenipotentiaries have signed this Treaty.

Done at the city of Willemstad, Curacao, on March 30, 1978, in three identical copies, each in the Spanish and Dutch languages, both texts being equally authentic.

For the President of the Republic of Venezuela:

For Her Majesty the Queen of the Netherlands: