

**Boundary Delimitation Treaty between the Republic of Venezuela and the Kingdom
of the Netherlands
31 March 1978**

The President of the Republic of Venezuela

and

Her Majesty, the Queen of the Netherlands

REAFFIRMING the cordial relations between their countries, and especially the historical, social, economic and cultural ties between the peoples of Venezuela and the Netherlands Antilles;

MOVED by the desire to delimit the maritime and underwater areas between Venezuela and the Netherlands Antilles in a fair, precise and equitable manner;

CONSIDERING that it is necessary to take appropriate measures for the preservation and rational use of the resources that exist in their respective jurisdictions;

RECOGNIZING the vital and historical importance of the Gulf of Venezuela to Venezuela, the series of basic interests that characterize it [sic], and sea traffic to and from Venezuela;

RECOGNIZING that it is essential to ensure measures for the economic development of the Netherlands Antilles;

TAKING INTO ACCOUNT the current provisions of international law and the development of the new law of the sea;

HAVE DECIDED to enter into this Treaty, and have designated their Plenipotentiaries for this purpose.

The President of the Republic of Venezuela:

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

Her Majesty, the Queen of the Netherlands:

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

Who, after having presented their full credentials, and these having been found to be correct and in proper order, have agreed as follows:

Article 1

1. The maritime delimitation lines set out in this Treaty constitute the boundaries between the Contracting Parties in respect of their territorial waters, continental shelves, exclusive economic zones and all other maritime or submarine areas that have been or may be established by the Parties in accordance with international law.

2. The maritime and submarine areas mentioned in this Treaty are understood as referring exclusively to those located in the Caribbean Sea.

Article 2

The maritime boundary lines between Venezuela and the Netherlands Antilles are as follows:

1. SECTOR A. Between the west of Aruba and Venezuelan territory.

1.1. From point No. 3, latitude 12° 21' 00" N and longitude 70°25'00"W, the meridian 70° 25' 00" W to point No. 2, latitude 12°49'00" N and longitude 70° 25' 00" W.

1.2. From said point No. 2, an arc of maximum circumference to point No. 1, latitude 15° 24' 48" N and longitude 69° 34' 38" W, or that point on said maximum circumference that represents the boundary with third nations.

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, latitude 12° 21' 00" N and longitude 70°25'00"W, parallel 12° 21' 00" N to point No. 4, latitude 21° 21' 00" N and longitude 70° 09' 51" W.
 - 2.2. From said point No. 4, an arc of maximum circumference to point No. 5, latitude 12° 21' 54" N and longitude 70° 08' 25" W.
 - 2.3. From said point No. 5, an arc of maximum circumference to point No. 6, latitude 12° 15' 46" N and longitude 69° 44' 21" W.
 - 2.4. From said point No. 6, an arc of maximum circumference to point No. 7, latitude 11° 52' 45" N and longitude 69° 04' 45" W.
 - 2.5. From said point No. 7, an arc of maximum circumference to point No. 8, latitude 11° 45' 30" N and longitude 68° 57' 15" W.
 - 2.6. From said point No. 8, an arc of maximum circumference to point No. 9, latitude 11° 44' 30" N and longitude 68° 49' 45" W.
 - 2.7. From said point No.9, an arc of maximum circumference to point No. 10, latitude 11° 40' 00" N and longitude 68° 36' 00" W.
 - 2.8. From said point No. 10, parallel 11° 40' 00" N to point No. 11, latitude 11° 40' 00" N and longitude 67° 59' 23" W.
3. SECTOR C. Between Bonaire and Venezuelan territory.
- 3.1. From point No. 11, latitude 11° 40' 00" N and longitude 67°59'23"W, the meridian 67° 59' 23" W to point No. 12, latitude 12° 27' 00" N and longitude 67° 59' 23" W.
 - 3.2. From said point No. 12, an arc of maximum circumference to point No. 13, latitude 15° 14' 28" N and longitude 68° 51' 44" W, or that point on said maximum circumference that represents the boundary with third nations.
4. SECTOR D. Between the Islands of Aves, Saba and Saint Eustatius.
- 4.1. From point No. 15, latitude 16° 40' 50" N and longitude 63°37'50"W, an arc of maximum circumference to point No. 14, latitude 16°44' 49" N and longitude 64° 01' 08" W, or that point on said maximum circumference that represents the boundary with third nations.
 - 4.2. From point No. 15, an arc of maximum circumference to point No. 16, latitude 16° 40' 01" N and longitude 63° 35' 20" W, or that point on said maximum circumference that represents the boundary with third nations.

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 [Datum de Sur América (Ajuste Provisional 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 Map No. 25000 published by the Hydrographic Centre of the Map Agency of the Defense Department, Washington, D.C., sixth edition, February 12, 1977, which is attached as an integral part of this Treaty.

Article 4

1. In the event that the Netherlands Antilles, in accordance with international law, should extend its territorial waters around the Leeward Islands (Aruba, Bonaire and Curaçao) beyond the current span of three nautical miles, measured from the low-tide line along the coast, or in the event it should establish legal jurisdiction over maritime areas outside the current territorial waters of the Leeward Islands, the regulations applicable to said maritime areas situated beyond the aforementioned distance of three nautical miles shall respect the conditions established in this Article regarding freedom of navigation and overflight to and

from Venezuela.

2. All Venezuelan vessels and aircraft shall enjoy freedom of navigation and overflight for the sole purpose of expeditious and uninterrupted transit through the maritime areas in question, which shall henceforth be termed "right of passage in transit". The requisite of expeditious and uninterrupted transit shall not exclude passage through or over maritime areas for the purpose of entering, leaving or returning from the Netherlands Antilles, subject to the conditions regulating entry into ports or similar access conditions.

3. Subject to any additional provisions that the Contracting Parties should decide to establish in the future by mutual agreement, Paragraph 2 is equally applicable to navigation and overflight to and from Venezuela by merchant and government vessels, engaged in commerce, and by civilian aircraft of third nations.

4. In the event that the Netherlands Antilles decides to establish set maritime routes or air routes over its territories, said routes shall be set in accordance with the applicable provisions of the law of the sea. In particular, these maritime and air routes must be appropriate for the safe, expeditious and uninterrupted passage of vessels and aircraft through or over the corresponding maritime areas. In the event that the Netherlands Antilles does not establish set maritime or air routes, the right of passage in transit shall be exercised using routes normally taken by international navigation.

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

6. Vessels in transit must comply with the provisions of the law of the sea, especially in regard to:

- a) Generally accepted regulations, procedures and international practices for safety on the sea, including the International Regulation in respect of Avoiding Collisions at Sea;
- b) Generally accepted regulations, procedures and international practices for the prevention, reduction and control of pollution of the sea by vessels;
- c) Regulations regarding both the obligation of carrying documents on board, and special safety measures, as have been agreed to internationally, for vessels powered by nuclear energy or vessels carrying nuclear materials or other substances that by their nature may be dangerous or harmful.

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

- a) Observe the air transit standards established by the International Civil Aviation Organization applicable to civilian aircraft. Government aircraft shall operate at all times in accordance with the standards in force governing the security of air navigation.
- b) Monitor at all times the radio wave frequencies assigned by the appropriate internationally appointed authority for the control of air traffic, or the corresponding frequency of the international emergency band.

8. Measures for the prevention, reduction and control of pollution, in the extent to which they affect navigation in exercise of the right of passage in transit, shall be taken by mutual agreement between the Parties, especially on the international navigation routes located in the maritime area that extends from the Archipelago of Los Monjes to the Island of Aruba. The aforementioned requirement, regarding mutual agreement, shall not apply to laws and regulations passed by the Netherlands Antilles to bring into effect such measures as are generally accepted internationally in respect of the discharge of fuel, fuel wastes or other harmful substances.

Article 5

1. The Contracting Parties shall give public notice advising of the construction or existence within their territorial waters, exclusive economic zones or the maritime areas referred to in Article 4, of artificial islands, installations or structures under their jurisdiction. They shall maintain permanent signalling devices to warn of their presence, or cause said signalling to be maintained.

2. Artificial islands, installations or structures as well as the safety zones that surround them in the maritime area of one of the Parties that may obstruct the use of recognized sea routes of essential importance for navigation to or from the other Party shall be set up only by mutual agreement between the two Parties.

Article 6

In the event that a single geological structure or mineral field containing oil or natural gas should extend across the boundary line, and a part of said structure or field that is situated on one side of the boundary line could be exploited totally or partially from the other side of the boundary line, the Contracting Parties, after holding suitable technical consultations, shall make an effort to reach an agreement regarding the most effective way of exploiting said structure or field, and on the way in which the costs and benefits related to said activities shall be shared.

Article 7

In the event that either of the Contracting Parties should decide to conduct or permit drilling activities for exploration or exploitation within one nautical mile of the boundary line, it must notify the other Party of said activities.

Article 8

In the event that disagreements should arise regarding the location of installations or other devices or wellheads in regard [to their proximity] to the boundary line, the Contracting Parties shall determine by mutual agreement on which side of the boundary line the installation, device or wellhead is located.

Article 9

Except for the provisions of Article 4, paragraph 8, each Contracting Party shall take all necessary measures to protect the marine environment from pollution in the areas dealt with in this Treaty. Therefore, the Parties agree to:

- a) Provide the other Party with information regarding [its] legal provisions and experience in conserving the marine environment;
- b) Provide information regarding authorities who are competent to detect and make decisions regarding pollution;
- c) Inform each other regarding any sign of current, impending or potential pollution of a serious nature originating in the maritime border zone;
- d) Prepare, as soon as possible, a joint emergency plan for action in the case of pollution caused by major oil spills or other accidents of similar seriousness in the area. In this regard, the Parties shall jointly adopt measures to avoid or eliminate the aforementioned pollution, and measures for mutual assistance.

Article 10

For the purpose of properly conserving and using the live resources in the adjacent waters of both nations, the Contracting Parties agree to coordinate their respective legislation and regulations, insofar as possible.

Article 11

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

Article 12

1. All disagreements regarding the interpretation or application of the provisions contained in Articles 4, 5 and 6 of this Treaty, which deal with navigation or a single geological structure or field, that cannot be resolved through negotiations between the Contracting Parties, and unless the Parties agree to some other procedure, shall be submitted at the request of either of the Parties to a Commission of Experts to be composed of three members. Each Party shall appoint one member to the Commission, and the third member shall be named by mutual agreement of the two appointed members.
2. If one of the Parties has not appointed one member within the three months following the request to submit a

disagreement to a Commission of Experts, or in the event that the third member has not been named within one month after the appointment of the first two members, either of the Parties may ask the Secretary-General of the United Nations to appoint one member, and if necessary, two members. In the event that the Secretary-General agrees to appoint one member, the latter may not be an individual in the service of corporate or private persons having an interest in the dispute and must be a citizen of a third country that has no direct or indirect interest in the disagreement. In the event that the Secretary-General should agree to the request to appoint two members, the second shall be a citizen of the country that has not appointed a member.

3. The Commission of Experts shall decide upon its own procedures. All decisions of the Commission shall be adopted by a majority of votes. The decisions of the Commission shall be binding on both Parties.

Article 13

1. This Treaty must be ratified. The instruments of ratification shall be exchanged in Caracas as soon as possible.

2. This Treaty shall enter into force on the day the instruments of ratification are exchanged.

IN WITNESS HERETO, the aforementioned Plenipotentiaries have signed this Treaty.

GIVEN in the city of Willemstad, Curaçao, on 31 (day) March (month), of the year 1978.