

[TRANSLATION]

TREATY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL  
REPUBLIC OF GERMANY CONCERNING THE DELIMITATION OF THE  
CONTINENTAL SHELF UNDER THE NORTH SEA  
(28 January 1971)

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

Purposing to establish the boundary between their respective parts of the continental shelf under the North Sea, in so far as that was not previously achieved through the Treaty of 1 December 1964 concerning the lateral delimitation of the continental shelf in the vicinity of the coast,

Desiring to regulate the economic utilization of the continental shelf, in so far as their mutual interests require such regulation,

Taking as their basis the Judgment of the International Court of Justice of 20 February 1969 in the North Sea Continental Shelf Case between the Federal Republic of Germany of the one part and the Kingdom of Denmark and the Kingdom of the Netherlands of the other part,

Having regard to those boundaries on the continental shelf which are not affected by the Judgment of the International Court of Justice,

Have agreed as follows:

Article 1. (1) The boundary between the Netherlands and German parts of the continental shelf under the North Sea shall, in contiguity to the section of boundary established through the Treaty of 1 December 1964, be arcs of great circles between the following points in the sequence given below:

E3	as specified in the Treaty of 1 December 1964	
E4	54° 11' 12" N	06° 00' 00" O
E5	54° 37' 12" N	05° 00' 00" O
E6	55° 00' 00" N	05° 00' 00" O
E7	55° 20' 00" N	04° 20' 00" O
E8	55° 45' 54" N	03° 22' 13" O.

The positions of points E4 to E8 inclusive are defined by latitude and longitude on European Datum (First Adjustment 1950).

(2) The boundary termination point E8 is the points of intersection of the boundaries of the Netherlands, German and British parts of the continental shelf under the North Sea.

(3) The said boundary and the section of boundary established through the Treaty of 1 December 1964 are illustrated on the chart annexed to this Treaty.

Article 2. (1) If the existence of a mineral deposit in or upon the continental shelf of one of the Contracting Parties is established and the other Contracting Party is of the opinion that the said mineral deposit extends into or onto its continental shelf, the latter Party may notify the former Party accordingly, submitting the data on which it bases its opinion. If the said former Party does not share the opinion of the other Party, the arbitral tribunal referred to in article 5 shall, at the request of either Party, make a ruling on the question.

(2) If the Contracting Parties agree on the question or the arbitral tribunal rules that the mineral deposit extends into or onto the continental shelf of both Parties, the Governments of the Contracting Parties shall, for the purpose of exploitation, adopt regulations which, with due regard to the interests of both Parties, take into account the principle that each Party has title to mineral resources situated in or upon its continental shelf. If any mineral resources have previously been extracted from the deposit extending across the boundary, the regulations shall also include provisions for appropriate compensation.

(3) Regulations as referred to in paragraph (2) above may also, with the consent of the Governments of the Contracting Parties, be adopted wholly or partly between the entitled parties. An entitled party is any person who has a right to extract the mineral resources in question.

(4) If regulations as referred to in paragraph (2) or (3) above have not been drawn up within a reasonable time, either Contracting Party may bring the matter before the arbitral tribunal referred to in article 5. In such cases, the arbitral tribunal may also make a ruling ex aequo et bono. The arbitral tribunal shall be empowered, after hearing the Contracting Parties, to issue interim orders.

Article 3. Without prejudice to the rules of international law relating to the laying of pipelines on the continental shelf, any pipelines laid on the continental shelf in connexion with the extraction of mineral resources shall, with a view to the prevention of marine pollution and other hazards, be subject to the provisions relating to construction and use of pipelines of the Contracting Party across whose continental shelf such pipelines are laid.

Article 4. (1) The enterprises referred to in annex 2 to this Treaty shall, upon application, be granted licences under German law to explore for and extract mineral oil and natural gas, and any other substances obtained in the course of the extraction thereof, in the areas specified in the said annex, in so far as such areas form part of the German continental shelf in accordance with article 1 of this Treaty.

(2) Applications for licences as referred to in paragraph (1) above must be submitted to the competent German authority within one year from the date of entry into force of this Treaty.

Article 5. (1) Disputes between the Contracting Parties concerning the interpretation or application of this Treaty or any regulations adopted pursuant to article 2, paragraph (2), shall so far as possible be settled by negotiation.



(2) Any dispute which is not settled in this manner within a reasonable time shall, at the request of either Contracting Party, be referred to an arbitral tribunal for decision.

(3) The arbitral tribunal shall be constituted on an ad hoc basis. Save where the Contracting Parties, in accordance with a simplified procedure, appoint by mutual agreement a single arbitrator to resolve the dispute, an arbitral tribunal composed of the three members shall be constituted in the following manner:

Each Contracting Party shall appoint a member, and the two members shall agree on a national of a third State, who shall be appointed chairman by the two Contracting Parties.

The members must be appointed within two months, and the chairman within a further two months after either Party has requested that the dispute should be resolved by an arbitral tribunal.

(4) If the time-limits referred to in paragraph (3) above are not met, either Contracting Party may request the President of the International Court of Justice to make the necessary appointments. If the President is a national of one of the Contracting Parties or is incapacitated for any other reason, the appointments shall be made by the Vice-President. If the Vice-President also is a national of one of the Contracting Parties or is incapacitated, the appointments shall be made by the next most senior member of the Court who is not a national of one of the Contracting States and is not incapacitated.

(5) The arbitral tribunal shall take its decisions by majority vote. Each Contracting Party shall bear the costs of its member and of its representation in the arbitral proceedings; the cost of the chairman and the remaining costs shall be borne by the Parties equally.

(6) The arbitral tribunal or the single arbitrator shall reach a decision on the basis of the international law applicable between the Contracting Parties. The decision shall be binding.

(7) The arbitral tribunal or the single arbitrator shall determine its or his own procedure, save as otherwise provided in this Treaty or by the Contracting Parties at the time of constitution of the arbitral tribunal or appointment of the single arbitrator.

Article 6. Articles 2 and 3, and article 5 in so far as it relates to the settlement of disputes concerning the interpretation or application of articles 2 and 3, shall apply mutatis mutandis to the area of the continental shelf in the vicinity of the coast which was delimited through the Treaty of 1 December 1964.

Article 7. This Treaty shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany has not delivered a contrary declaration to the Government of the Kingdom of the Netherlands within three months from the date of entry into force of the Treaty.

Article 8. (1) This Treaty is subject to ratification. The instruments of ratification shall be exchanged at Bonn.

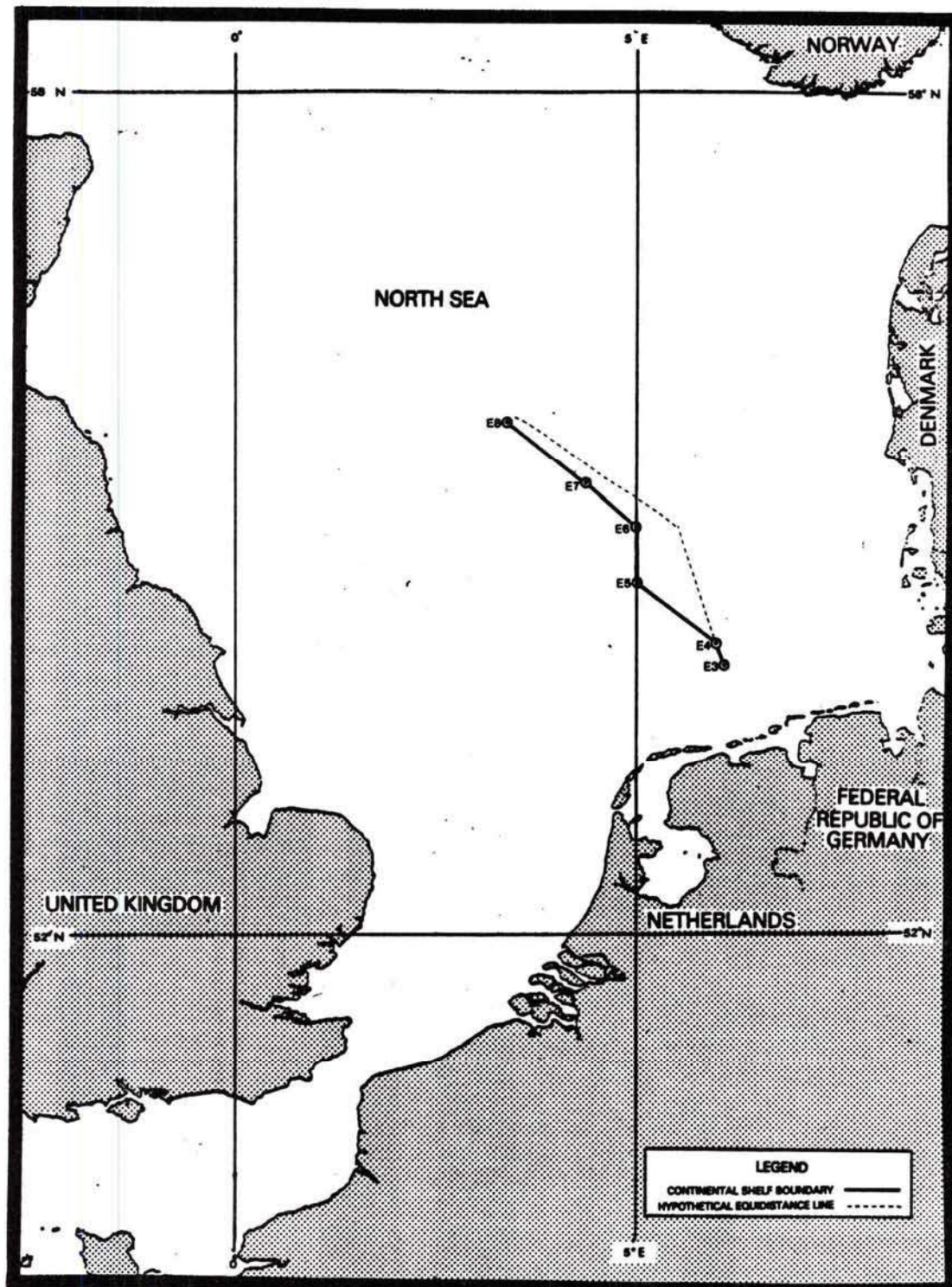
(2) This Treaty shall enter into force one month after the exchange of instruments of ratification.

IN WITNESS WHEREOF the plenipotentiaries, being duly authorized for the purpose, have signed this Treaty.

DONE at Copenhagen on 28 January 1971, in duplicate in the Dutch and German languages, both copies being equally authentic.



ANNEX 1



ANNEX 2  
(to article 4)

Licensed enterprises:	Areas* for which application can be submitted
1. Amoco Hanseatic Petroleum Company 2. Exploratie- en Produktiemaatschappij Dyas N.V. 3. Gelsenberg A.G.	B/7, B/10
1. Gewerkschaft Norddeutschland 2. German Gulf Oil Production Company	B/15, C/16
Gewerkschaft Brigitta	B/14, B/18, G/10
1. Entreprise de Recherches et d'Activités Pétrolières 2. Société Nationale des Pétroles d'Aquitaine 3. Compagnie Française des Pétroles 4. Eurafrep N.V. 5. Corexland N.V. 6. Cofraland N.V.	G/4, G/7
Placid International Oil Ltd.	G/11, G/14
1. Deutsche Tenneco Oil Company 2. Monsanto Oil Company of Germany 3. Ethyl German Inc. 4. N.V. Laura And Vereeniging	A/6, A/9, A/12

\* Authorized areas indicated in the chart attached as annex 1 to the Royal Decree of 27 January 1967 implementing article 12 of the Continental Shelf Mining Act (Netherlands Staatsblad, 1967, No. 24).



EXCHANGE OF NOTES

I

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY

Copenhagen, 28 January 1971

Sir,

I have the honour to state in connexion with the signing this day of the Treaty between the Federal Republic of Germany and the Kingdom of the Netherlands concerning the delimitation of the continental shelf under the North Sea, that our two Governments have agreed that, pending ratification of the Treaty, legal relations in respect of that part of the continental shelf under the North Sea which the Kingdom of the Netherlands has hitherto considered to be Netherlands property but which pursuant to the said Treaty is the property of the Federal Republic of Germany shall, as from today until the date of entry into force of the Treaty, be regulated as follows:

1. In the case of the areas specified in annex 2 to the Treaty, the Government of the Kingdom of the Netherlands will, in accordance with the desire of the Federal Republic of Germany that its rights in those areas should not be abridged:
  - (a) Refrain from issuing new licences for exploration or extraction of the mineral resources for areas in respect of which a licence is surrendered or revoked;
  - (b) Refrain from approving, except with the consent of the Government of the Federal Republic of Germany, any exploration or exploitation activities on the continental shelf which under Netherlands law require a licence, unless a legal entitlement to the licence exists;
  - (c) Notify the Government of the Federal Republic of Germany of any other plans for exploration or exploitation of the continental shelf which may come to the notice of the Government of the Kingdom of the Netherlands.
2. In the case of areas other than those specified in annex 2 to the Treaty, the Government of the Kingdom of the Netherlands will, until the date of entry into force of the treaty, refrain from issuing licences for exploration or extraction of mineral resources and will take any other measures only with the consent of the Government of the Federal Republic of Germany.

I should be grateful if you would confirm to me that your Government agrees with the foregoing arrangement.

THE AMBASSADOR OF THE KINGDOM OF THE NETHERLANDS

Copenhagen, 28 January 1971

Sir,

I have the honour to acknowledge receipt of your letter of today's date, the text of which in Dutch reads as follows:

[See note I]

I have the honour to confirm to you that the Netherlands Government agrees with the foregoing arrangement.