

## [TRANSLATION — TRADUCTION]

No. 6084. TREATY BETWEEN THE KINGDOM OF BELGIUM AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE IMPROVEMENT OF THE TERNEUZEN AND GHENT CANAL AND THE SETTLEMENT OF VARIOUS RELATED MATTERS. SIGNED AT BRUSSELS ON 20 JUNE 1960<sup>1</sup>

CONVENTION<sup>2</sup> AMENDING THE ABOVE-MENTIONED TREATY AND REGULATING THE PROVISION OF FRESH WATER TO THE NETHERLANDS BY BELGIUM FOLLOWING THIS AMENDMENT. SIGNED AT THE HAGUE ON 5 FEBRUARY 1985

*Authentic texts: French and Dutch.*

*Registered by Belgium on 29 July 1987.*

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

Considering that the Treaty concluded at Brussels on 20 June 1960 between the Kingdom of Belgium and the Kingdom of the Netherlands concerning the improvement of the Terneuzen and Ghent Canal and the settlement of various related matters (hereinafter called: "the Treaty of 1960") provides, *inter alia*, that the two Parties shall, in their respective territories take the necessary measures to ensure that in the canal at Terneuzen, 2,200 metres south of the west lock ("Westsluis" currently known as the central lock, or "Middensluis"), the chlorine ion content shall not exceed 3.5 grammes per litre averaged over the entire depth of the canal;

Considering that the Netherlands, at the request of Belgium, has undertaken, within the framework of the Treaty of 1960, new works to deepen the canal and the outer holding basin of the sea lock and to lower the sill of the new maritime lock;

Considering that it appears difficult to comply fully with the above-mentioned quality standards, particularly in view of the new deepening and lowering works referred to above;

Considering that, in the light of the foregoing, Belgium is prepared to make available to the Netherlands Belgian surface waters drawn from water resources other than the canal, to compensate for the increasing salinization of the canal waters;

Have agreed as follows:

## CHAPTER A

*Article 1.* Article 32 of the Treaty of 1960 shall be deleted and replaced by the following new article:

*"Article 32*

"The two Governments shall, in their respective territories, take appropriate measures to ensure a limited level of salinity. The technical services of the two Parties shall maintain contacts in this matter in order to adapt these measures to changing circumstances. They shall take no special measures without first consulting one another.

"The Belgian Government shall ensure that the quantity of fresh water provided by the Belgian section of the canal to feed the Netherlands section does not fall below the normal minimum, unless any shortage in this supply is offset by other measures to contain the salinity within the same limits.

<sup>1</sup> United Nations, *Treaty Series*, vol. 423, p. 19.

<sup>2</sup> Came into force on 1 June 1987, i.e., the first day of the second month following the date on which the Contracting Parties had informed each other (on 28 May 1985 and 17 April 1987) of the completion of the required procedures, in accordance with article IX.

“The normal minimum quantity of fresh water to be provided, measured over a period of two months, shall be 13 cubic metres per second. The quantity provided shall be calculated on the basis of the quantity discharged into the Belgian section of the canal at the level of the Tolhuis Lock (“Tolhuisstuw”) at Ghent or the structure which will replace it.

“The Netherlands Government shall ensure that the volume of salt water entering through the Terneuzen locks is as low as possible.”

#### CHAPTER B

*Article II.* Belgium shall make available to the Netherlands the surface waters of Isabellapolder and Zwarte-Sluispolder, provided they are not needed to regulate the level for the normal requirements of agriculture and horticulture in those polders.

Belgium also reserves the right to use for its own purpose the surface water not removed by the Netherlands, subject to prior agreement between the competent authorities of the two Parties.

*Article III.* Belgium shall ensure that the quality of the surface waters of Isabellapolder and Zwarte-Sluispolder is at least maintained.

*Article IV.* Subject to the provisions of article II, Belgium shall refrain from any measures or any works which might reduce the quantity of the water to be taken from the polders referred to in article III, or which might appreciably restrict the flow of the above-mentioned surface waters to the Netherlands.

*Article V.* The Netherlands shall pay Belgium a basic rate of BF 0.14 (value as at 8 November 1974) per cubic metre of surface water, irrespective of the quantity taken. Index-linking or any other change in the basic rate shall be decided upon by mutual agreement between the representatives appointed under article VI.

*Article VI.* 1. The competent Belgian authorities and the competent Netherlands authorities shall authorize respectively, the administrations of Isabellapolder and Zwarte-Sluispolder and N.V. Watermaatschappij Zuid-West-Nederland at Goes, to decide by mutual agreement on the regulations that they consider necessary for the implementation of the provisions of this chapter.

2. The Contracting Parties declare that the agreement concluded on 8 November 1974 at Assenede (Belgium) between the above-mentioned polders and the above-mentioned water distribution company, known at the time as N.V. Watermaatschappij Zeeland, was known to them and met with their assent. The agreement in question already contained certain measures which anticipated this Convention and were designed to prepare the way for its implementation.

3. Without prejudice to the provisions of paragraph 1 of this article, the Contracting Parties shall consider the provisions of the agreement referred to in paragraph 2 which will still be applicable at the time when this Convention comes into force as constituting implementation within the meaning of paragraph 1 of this article.

#### CHAPTER C

*Article VII.* Any disputes between the Contracting Parties concerning the execution and application of this Convention which cannot be settled otherwise shall be submitted to an arbitration committee composed of three members appointed as follows:

Each Contracting Party shall appoint an arbitrator within two months of a request by one of the Contracting Parties for a decision by the arbitration committee. These two arbitrators shall, within two months of their appointment, appoint a third arbitrator as their chairman. If the above-mentioned time-limits are not respected and if no other action has been taken, either of the Contracting Parties may invite the President of the International Court of Justice to make the necessary appointments. If the President is a national of either Contracting Party or if he is prevented from making the appointments for other reasons, the Vice-President shall make the appointments. If the Vice-President is also a national of either Contracting Party, or is also otherwise prevented from making the appointments, the most senior member of the Court who is not a national of either Contracting Party shall make the appointments.

The arbitration committee shall reach its decisions by a majority of votes; its decisions shall be binding.

Each Contracting Party shall defray the costs of the arbitrator it has appointed and the costs incurred by its representatives in the proceedings before the arbitration committee. The costs of the chairman and other costs shall be borne equally by the Contracting Parties.

#### CHAPTER D

*Article VIII.* With respect to the Kingdom of the Netherlands, this Convention shall apply to its territory in Europe only.

*Article IX.* This Convention shall come into force on the first day of the second month following the date on which the Contracting Parties have informed each other that the procedures required in their countries have been completed.

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

DONE at the Hague, on 5 February 1985, in two original copies in the French and Dutch languages, both texts being equally authentic.

For the Government  
of the Kingdom of Belgium:

[Signed]

F. BAEKELANDT

For the Government  
of the Kingdom of the Netherlands:

[Signed]

H. VAN DEN BROEK