

Bulletin of Acts and Decrees 2010-1177

Decree of 10 June 2010 determining the outer limit of the exclusive economic zone of the part of the Kingdom of the Netherlands situated in the Caribbean (Outer Limits) (E.E.Z.)

We Beatrix, by the grace of God Queen of the Netherlands, Aruba, Curaçao and Suriname, etc., etc., etc.

On the recommendation of Our Minister of Foreign Affairs, 2010-1177, 2010-054;

Having regard to sections 2 and 7 of the Exclusive Economic Zone Act, 1978;

Having heard the Council of Ministers of the Kingdom of the Netherlands;

Having seen the further report of Our Minister of Foreign Affairs of 2 June 2010, 2010-1177, 2010-116;

Having taken into account the provisions of the Charter for the Kingdom of the Netherlands;

Have approved and decreed:

Article 1

Without prejudice to article 2, the outer limit of the exclusive economic zone for Aruba and the Netherlands Antilles is formed by the line of which every point is at a distance of 200 nautical miles, 370,4 kilometers and 211.2 miles, from the seaward side of the baseline from which the breadth of the territorial sea is measured.

Article 2

1. Where a boundary agreement with another State stipulates a particular point on the line referred to in article 1, this boundary point is to be taken into account in the exclusive economic zone;

2. Where no boundary has yet been agreed with other States, and the line referred to in article 1 is situated within the jurisdiction of that other State, the line shall be the one which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea is measured. The two States concerned shall enter into negotiations. The economic zone is this median line.

Article 3.

If sections i and ii of the Bill, submitted by the Government to the States General on 11 June 1982, in the Charter for the Kingdom of the Netherlands, and the provisions of the Charter in connection with the dissolution of the Netherlands Antilles (Parliamentary Papers II 2009/10, 32 203 (R 15026)), nos. 19 and 20, in force, the words 'Antilles and the Netherlands Antilles' in article 4 of this Decree is replaced by: 'Aruba, Curaçao, Sint Maarten and the public bodies Bonaire, Sint Eustatius and Saba'.

Article 4.

1. The Exclusive Economic Zone Establishment Agreements entered into between the Netherlands Antilles on the date when they ceased to exist and other States.
2. This Decree does not affect the rights of the Netherlands Antilles under the date of publication of the Bulletin of Acts and Decrees in which it appears.

Article 5

This Decree may also apply to the Exclusive Economic Zone of the part of the Kingdom of the Netherlands situated in the Caribbean (Outermost Regions).

We order that this Decree, together with the Decree of the States General of 1982, shall be published in the Bulletin of Acts and Decrees, the Official Bulletin of the Netherlands Antilles and the Official Bulletin of Aruba.

The Hague, 18 June 2010

Beatrix

M. J.M. Veringagen

EXPLANATION OF THE DECREE

General

This Decree establishes the outer limit of the exclusive economic zone for Aruba and the Netherlands Antilles. It also provides for the implementation of the Exclusive Economic Zone (Establishment) Act for Aruba and the Netherlands Antilles in implementation of article 2 of the Act. These provisions of the Act are implemented by the introduction into the Exclusive Economic Zone of the Netherlands (Gebruik van de Zee)

The Exclusive Economic Zone (Establishment) Act is implemented in the Kingdom to make optimal use of the jurisdictional powers of the Kingdom by international law, including the United Nations Convention on the Law of the Sea (UNCLOS), with an annex, entered into force on 11 January 1983, (1983, 83). Within the exclusive economic zone the Kingdom has the sole right for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil including energy potential in the seabed and subsoil. The Kingdom also has the jurisdiction for exploring and exploiting the natural resources of the seabed and subsoil to protect and preserve the marine environment (see the particular articles 55 of UNCLOS and section 3 of the Exclusive Economic Zone (Establishment) Act).

On 2 March 2004 a royal decree on marine management came into force (Official Bulletin of the Netherlands Antilles 2004, no. 10) and the UNCLOS provisions rules for implementing the provisions of UNCLOS in the Exclusive Economic Zone. The ordinance also introduced an exception on 22 January 2004 (Official Bulletin of the Netherlands Antilles 2004, no. 10) regarding jurisdiction in the Exclusive Economic Zone. The enactment of the present Decree means the outstanding articles of the international law on maritime management in the Exclusive Economic Zone.

Article 57 of UNCLOS determines the maximum size of the exclusive economic zone. Under article 55, the zone's boundary with the coastal state's formed by the outer limit of the territorial sea. The outer limit is determined by the baselines from which the breadth of the territorial sea is measured. Under article 57, the Exclusive Economic Zone may extend beyond 200 nautical miles from the baselines (see also section 3 of the Exclusive Economic Zone (Establishment) Act).

The exclusive economic zone of Aruba and the Netherlands Antilles is described in the article-specific part of this explanatory memorandum and the accompanying annexes. These maps show the geographical area in which the exclusive economic zone was created. Any change to the baselines, for example due to geological developments, may be indicated on some maps without necessarily being indicated in the relevant legislative instrument. In article 2 of this Decree, this also applies to maritime borders with other States, which have not yet been agreed, and to which the maritime (continental shelf) delimitation with the baselines applies.

Article-by-article explanation

Article 1

This article determines the extent of the exclusive economic zone of Aruba and the Netherlands Antilles, in particular the maximum size of the exclusive economic zone that may extend beyond that specified in the 1982 United Nations Convention on the Law of the Sea. The Economic Zone (Economic Zone) Act (States which are bound to the provisions of Article 1 and 2 of the United Nations Convention on the Law of the Sea) apply to the exclusive economic zone of Aruba and the Netherlands Antilles. This applies to the entire outer limit of the exclusive economic zone, in the context of the rights of fisheries, jurisdiction over States that are under the law of the sea. Accordingly, the exclusive economic zone of Aruba and the Netherlands Antilles shall extend to a distance of less than 200 nautical miles from the baselines (see article 2 of this Decree).

The baseline from which the breadth of the maritime zone of Aruba and the Netherlands Antilles is determined is the baseline from which the 1982 United Nations Convention on the Law of the Sea (Bureau of Acts and Decrees 1982, 229; Official Bulletin 2015, no. 7/2). These baselines are the low-water lines along the coast (normal baseline), the straight baselines or the closing lines of bays which are drawn seawards from the high-water line (article 2 of the Convention) as indicated on official charts or which are indicated on a chart, the coastline or the edge of the shelf, or the line of the shelf.

Article 2

This article determines the extent of the exclusive economic zone of Aruba and the Netherlands Antilles, in particular the maximum size of the exclusive economic zone that may extend beyond that specified in the 1982 United Nations Convention on the Law of the Sea (Bureau of Acts and Decrees 1982, 229; Official Bulletin 2015, no. 7/2). These baselines are the low-water lines along the coast (normal baseline), the straight baselines or the closing lines of bays which are drawn seawards from the high-water line (article 2 of the Convention) as indicated on official charts or which are indicated on a chart, the coastline or the edge of the shelf, or the line of the shelf.

concluded with another State, the outer limit of the exclusive economic zone (paragraph 11). In a case where a boundary has not been concluded with another State, the outer limit is initially established in the present on the basis of equidistance (paragraph 12).

These States' baselines, in turn, are used to draw a line, less than 24 nautical miles from the baselines of Aruba or the Netherlands Antilles. This line represents the outer limit of the baselines of Sint Eustatius (see annex 1). Bordering limits of the Kingdom of the Netherlands, 1986, Official Bulletin of the Netherlands, 1986, No. 12, p. 20. In such cases the Kingdom makes no claim to an exclusive economic zone (paragraph 12).
territorial sea. The outer limit of the territorial sea is established in article 5 of the Decree of 23 October 1986, Implementation of the Territorial Sea of the Kingdom (Extension in the Netherlands Antilles) Act (Wet van 23 oktober 1986, Official Bulletin of the Netherlands, 1986, No. 12, p. 20).

Venezuela is the only country with which a boundary treaty has been concluded. Article 2 of the Boundary Delimitation Treaty between the Kingdom of the Netherlands and the Republic of Venezuela, concluded in Willemstad on 31 March 1976 (Treaty Series 1976, 6), provides the coordinates of the sea boundary between the two States. Official Bulletin of the Netherlands, 1976, No. 12, p. 20. In such cases the Kingdom makes no claim to an exclusive economic zone (paragraph 12).
1). The boundary line established in the treaty therefore also applies to the boundary of the exclusive economic zone. Article 2, paragraph 1 of the Decree applies.

All other outer limits of the exclusive economic zone are determined in accordance with the exception of the internal sea border between the Netherlands Antilles (Curaçao) and Aruba, determined on the basis of the internal line with the island of Sint Eustatius in accordance with article 9.

The internal sea border between the Netherlands Antilles (Curaçao) and Aruba is set by the Kingdom Act of 12 December 1986 establishing a Sea border between the Netherlands Antilles and Aruba (Wet van 12 december 1986, Official Bulletin of the Netherlands, 1986, No. 22, p. 20). Official Bulletin of Aruba, 1986, No. 7, p. 1. This internal line also applies to the exclusive economic zone between the Netherlands Antilles (Curaçao) and Aruba. In the establishment of this internal sea border, it is important to take into account the geographical situation of the two countries' national territories. Official Bulletin of the Netherlands, 1986, No. 12, p. 20.

The exclusive economic zone of the Kingdom is divided into three parts (see annex 1). The outer limit of the exclusive border with Venezuela (lines M, N and O) is formed by the median line with the Republic of Venezuela (lines M, N and O). To the west of Sint Maarten the outer border with the Netherlands (Aruba, Virgin Islands (Saint George)) (line B), to the south of Sint Eustatius by the median line with Saint Kitts and Nevis (Saint Kitts) (line C), to the east of Sint Eustatius and the east of Sint Maarten by the median line with France (Guadeloupe, Martinique and French Guiana) (line D and part of line E) and to the northwest of Sint Maarten by the median line with the United Kingdom (Anguilla) (line G). To the south of Sint Eustatius the outer border with the Netherlands (Aruba, Virgin Islands) (line B).

To the northwest of Curaçao and to the west of Sint Eustatius there is a small, passive economic zone (zone 2) of about the same size, bounded by the median lines with France (Celle de l'Île Outre-Mer, Guadeloupe (Saint-Barthélemy))

There is another small, passive economic zone (zone 3) of about the same size, bounded by the median lines with France (Celle de l'Île Outre-Mer, Guadeloupe (Saint-Barthélemy)) and Saint Kitts and Nevis (Saint Kitts).

Annex 1 also gives the Kingdom's line of equidistance between Curaçao, Sint Eustatius and Sint Maarten. Sint Maarten's exclusive economic zone is bounded by the median line with France (Celle de l'Île Outre-Mer, Guadeloupe (Saint-Barthélemy)) (line E), and the Kingdom's line of equidistance with Cuba (line H).

The outer limit of the exclusive economic zone of Aruba (zone 1), as determined by the boundary specified in the treaty with Venezuela (lines M, N and O) and the Kingdom's line of equidistance with the Netherlands (Curaçao) (line B).

The exclusive economic zone of the Kingdom is divided into two parts (see annex 2). The outer limit of the exclusive economic zone is determined by the treaty with Venezuela (lines M, N and O), the median line with the French Republic to the north of Curaçao (line B), and the Kingdom's line of equidistance with the Netherlands (Curaçao) (line S). To the east of Curaçao there is another

With an area of a few square kilometers (line 3), bordered by the boundary specified in the treaty with Venezuela (line 4).

Annex 2 also shows the final limits of jurisdiction between Uruguay and Brazil (line 5 T).

Article 3.

This Decree is not related to the constitutional reform being given of the amendments intended to dissolve the *Provincia Autónoma*, however, with its reform, this article provides for the necessary changes to *our laws and existing laws*.

M.J.M. Verbeegen

Minister of Foreign Affairs

Annexe 2

Exclusive Economic Zone of the Kingdom of the Netherlands and Aruba

Dominican Republic

[alle andere, wat stroomt niet over land]

line O [etc.]

territorial sea

contiguous zone

nautical miles

kilometres

© Royal Netherlands Navy

Hydrographic Department

EEZ Netherlands Antilles, zone 1-5

EEZ Aruba, zone 6

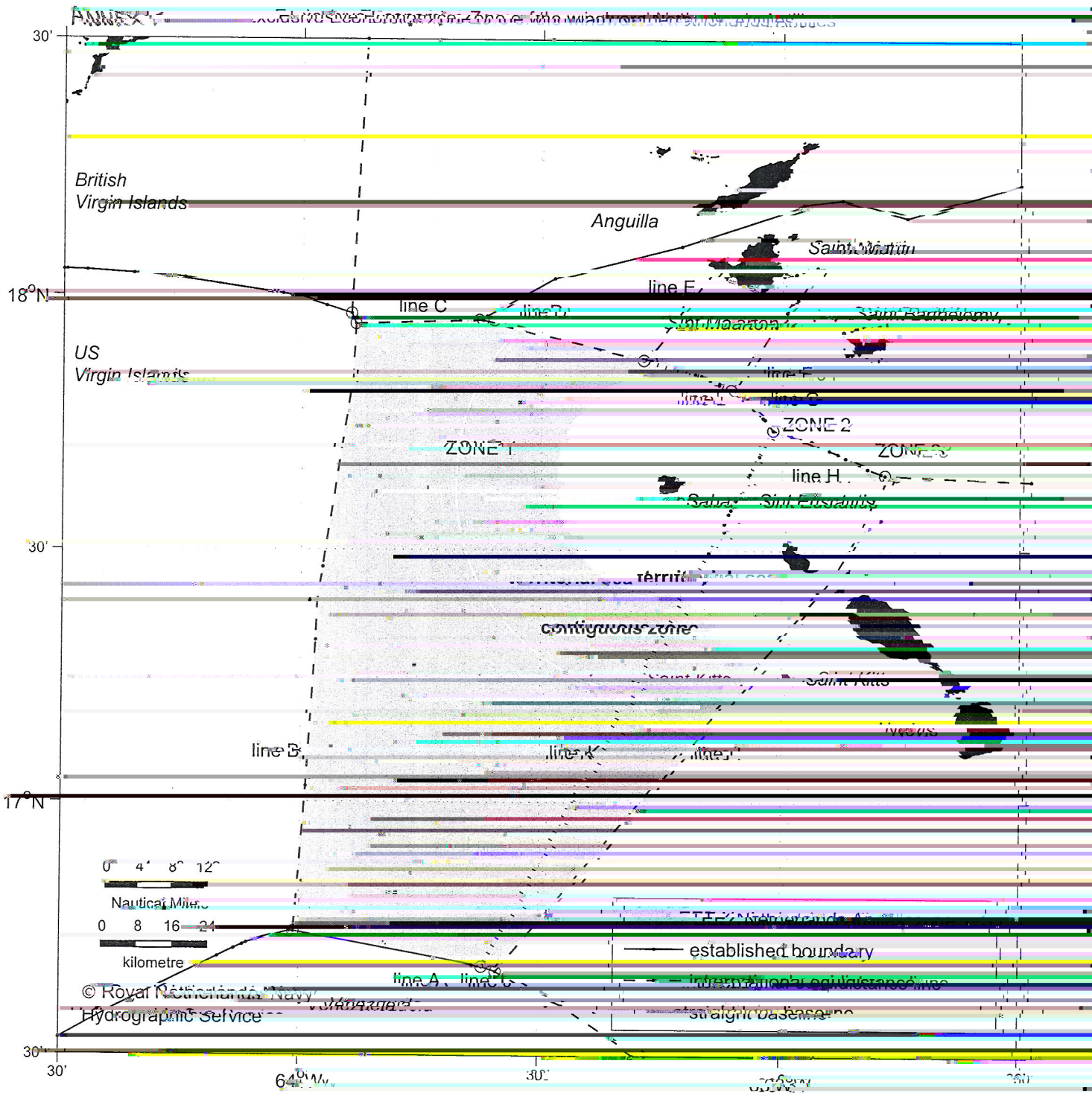
established boundary

international line of equidistance

Kingdom line of equidistance

tripoint

straight baseline



ANNEX 1

Exclusive Economic Zone of the Republic of Trinidad and Tobago

