Current Legal Developments

The Netherlands

Establishment of a Contiguous Zone

The Kingdom of the Netherlands established a contiguous zone on 1 September 2006. The contiguous zone was established for the entire Kingdom, which currently consists of three countries: the Netherlands, the Netherlands Antilles and Aruba. The establishment of the contiguous zone is a competence of the Kingdom, not of the individual countries, and was therefore effected by the Kingdom Act of 28 April 2005: the Contiguous Zone (Establishment) Act. The definition of the outer limits of the contiguous zone and the entry into force of the Act were effected for the entire Kingdom by a Decree of 14 June 2006: the Contiguous Zone (Outer Limits) Decree.

The establishment of the contiguous zone fits within the general policy of all countries of the Kingdom to make optimal use of the rights and jurisdiction that coastal States can exercise under the United Nations Convention on

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1 The relationship between the Netherlands, the Netherlands Antilles and Aruba is governed by the 1954 Charter for the Kingdom of the Netherlands. At the moment the Netherlands Antilles comprises five Caribbean islands and their dependencies: Bonaire, Curacao, Saba, Sint Eustatius and Sint Maarten (the Netherlands part of the islands of Saint Martin, the other part of which is French). It is envisaged that the status of these islands within the Kingdom will change in the near future. Curacao and Sint Maarten are expected to obtain a separate status (as Aruba already has) and become two new countries within the Kingdom of the Netherlands. Bonaire, Saba and Sint Eustatius are expected to become part of the Netherlands as special municipalities. The new structure of the Kingdom will not affect the maritime zones of the respective parts of the Kingdom or the rights exercised in these areas. It will be required to establish maritime boundaries between the various parts of the Kingdom in the Caribbean (see also below).

2 Kingdom Act of 28 April 2005 establishing a contiguous zone for the Kingdom (Rijkswet van 28 april 2005 tot instelling van een aansluitende zone van het Koninkrijk; Staatsblad (Official Journal) 2005, 387). An English translation of the Act is contained in the Annex to this article.

3 Decree of 14 June 2006 implementing Articles 2 and 3 of the Contiguous Zone (Establishment) Act (Besluit van 14 juni 2006, houdende uitvoering van de artikelen 2 en 3 van de Rijkswet instelling aansluitende zone; Staatsblad 2006, 339). An English translation of the Decree is contained in the Annex to this article.
the Law of the Sea (LOS Convention). With the establishment of the contiguous zone, the Kingdom has legislation concerning all the maritime zones it can establish under the Convention.

This article reviews the definition of the contiguous zone of the Kingdom of the Netherlands and its limits in relation to neighbouring States. It will then take a closer look at the rights that will be exercised by the Kingdom of the Netherlands in the contiguous zone.

**Definition and Limits**

The Contiguous Zone Act defines that zone as “the area beyond and adjacent to the territorial sea of the Kingdom, extending no further than 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.” The distance of 24 nautical miles is the maximum breadth of the contiguous zone under Article 33(2) of the LOS Convention. Article 1 of the Contiguous Zone Decree provides that the outer limit of the contiguous zone is formed by a line each point of which lies at a distance of 24 nautical miles measured seawards from the baselines from which the breadth of the territorial sea is measured. This provision is without prejudice to Article 2, which defines the outer limit of the contiguous zone in areas in which it is less than 48 nautical miles from the baseline of another State.

Article 2(1) of the Decree provides that where a boundary line has been agreed with another State which lies entirely or partially landwards of the line referred to in Article 1 of the Decree, the boundary line is the outer limit of the contiguous zone. If no boundary line has been agreed with the other State, the outer limit of the contiguous zone is the median line.

The Kingdom of the Netherlands has concluded delimitation agreements with a number of neighbouring States. In respect of the contiguous zone of the Netherlands, delimitation treaties with Belgium and Germany are relevant to the definition of the lateral limits of the contiguous zone. An agreement on the delimitation of the continental shelf with Germany of 1 December 1965,

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4 The Kingdom of the Netherlands became a party to the LOS Convention on 28 June 1996, but only for the Netherlands.

5 The territorial sea was extended from 3 to 12 nautical miles for all parts of the Kingdom by the 1985 Act on the Limits of the Netherlands Territorial Sea of 9 January 1985 (Wet grenzen Nederlandse territoriale zee; Staatsblad 1985, 129) and the Kingdom Act Extension of the Territorial Sea of the Kingdom in the Netherlands Antilles of 9 January 1985 (Rijkswet uitbreiding van de territoriale zee van het Koninkrijk in de Nederlandse Antillen; Staatsblad 1985, 130). An exclusive economic zone was established by Kingdom Act of 27 May 1999 (Rijkswet instelling exclusieve economische zone; Staatsblad 1999, 281). This Act entered into force for the Netherlands on 28 April 2000, but has not yet entered into force for the Netherlands Antilles and Aruba. These countries have established a 200-nautical-mile fishery zone by the Decree Fishery Zone Netherlands Antilles and Aruba of 6 July 1993 (Visserijzonebesluit Nederlandse Antillen en Aruba; Staatsblad 1993, 409). English texts of this legislation are available at: <www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/NLD.htm>.

6 Contiguous Zone Act, Article 1(2).