

No. 13605

**SUDAN
and
SAUDI ARABIA**

Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone. Signed at Khartoum on 16 May 1974

Authentic text: Arabic.

Registered by the Sudan on 31 October 1974.

**SOUDAN
et
ARABIE SAOUDITE**

Accord relatif à l'exploitation conjointe des ressources naturelles du fond et du sous-sol de la mer Rouge dans la zone commune. Signé à Khartoum le 16 mai 1974

Texte authentique : arabe.

Enregistré par le Soudan le 31 octobre 1974.

[TRANSLATION¹ — TRADUCTION²]

AGREEMENT³ BETWEEN THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN AND THE GOVERNMENT OF THE KINGDOM OF SAUDI ARABIA RELATING TO THE JOINT EXPLOITATION OF THE NATURAL RESOURCES OF THE SEA-BED AND SUBSOIL OF THE RED SEA IN THE COMMON ZONE

The Government of the Democratic Republic of the Sudan and the Government of the Kingdom of Saudi Arabia,

Desiring to confirm the existing bonds of friendship between the people of the two countries, and

Desiring to exploit the natural resources of the sea-bed and subsoil of the Red Sea,

Have agreed as follows:

Article I. For the purposes of the present Agreement the following expressions shall have the meanings hereunder assigned to them:

(1) "Sea-bed" includes the sea-bed and subsoil of the Red Sea.

(2) "Natural resources" comprise the non-living substances including the hydrocarbon and the mineral resources.

(3) "Territorial Sea" means the Territorial Sea as defined in the laws of the two Governments.

(4) "The Competent Minister" means the Minister appointed by the Government of the Kingdom of Saudi Arabia and the Minister appointed by the Government of the Democratic Republic of the Sudan to represent each of them in the Joint Commission.

Article II. The two Governments covenant to co-operate through all ways and means to explore and exploit the natural resources of the sea-bed of the Red Sea.

Article III. The Government of the Kingdom of Saudi Arabia recognises that the Government of the Democratic Republic of the Sudan has exclusive sovereign rights in the area of the sea-bed adjacent to the Sudanese coast and extending eastwards to a line where the depth of the superjacent waters is uninterruptedly one thousand metres. The Government of the Kingdom of Saudi Arabia claims no rights in this area.

Article IV. The Government of the Democratic Republic of the Sudan recognises that the Government of the Kingdom of Saudi Arabia has exclusive sovereign rights in the area of the sea-bed adjacent to the Saudi Arabian coast and extending westwards to a line where the depth of the superjacent waters is uninterruptedly one thousand metres. The Government of the Democratic Republic of the Sudan claims no rights in this area.

¹ Translation supplied by the Government of the Sudan.

² Traduction fournie par le Gouvernement soudanais.

³ Came into force on 26 August 1974 by the exchange of the instruments of ratification, which took place at Djidda, in accordance with article XVII.

Article V. The two Governments recognise that the area of the sea-bed lying between the two areas defined in articles III and IV above is common to both Governments and shall hereafter be known as the Common Zone. The two Governments have equal sovereign rights in all the natural resources of the Common Zone which rights are exclusive to them. No part of the territorial sea of either Government shall be included in the Common Zone.

Article VI. The two Governments confirm that their equal sovereign rights in the Common Zone embrace all the natural resources therein and that they alone have the right to exploit such resources. The two Governments undertake to protect their sovereign rights and defend them against third parties.

Article VII. To ensure the prompt and efficient exploitation of the natural resources of the Common Zone there shall be established a Commission referred to hereafter as the Joint Commission. The Joint Commission shall be charged with the following functions:

- (a) to survey, delimit and demarcate the boundaries of the Common Zone;
- (b) to undertake the studies concerning the exploration and the exploitation of the natural resources of the Common Zone;
- (c) to encourage the specialised bodies to undertake operations for the exploration of the natural resources of the Common Zone;
- (d) to consider and decide, in accordance with the conditions it prescribes, on the applications for licences and concessions concerning exploration and exploitation;
- (e) to take the steps necessary to expedite the exploitation of the natural resources of the sea-bed in the Common Zone;
- (f) to organise the supervision of the exploitation at the production stage;
- (g) to make such regulations as may be necessary for the discharge of the functions assigned to it;
- (h) to prepare the estimates for all the expenses of the Joint Commission;
- (i) to undertake any other functions or duties that may be entrusted to it by the two Governments.

Article VIII. The Joint Commission established under article VII of this Agreement shall be a body corporate enjoying in the Kingdom of Saudi Arabia and the Democratic Republic of the Sudan such legal capacity as may be necessary for the exercise of all the functions assigned to it.

Article IX. The Joint Commission shall consist of an equal number of representatives from each of the two countries and each side in the Joint Commission shall be headed by the competent Minister. The Regulations shall lay down the Joint Commission's rules of procedure.

Article X. The Joint Commission shall have a sufficient number of officials. The Joint Commission shall determine their number and terms of service.

Article XI. The seat of the Joint Commission shall be the city of Jeddah in the Kingdom of Saudi Arabia. The Joint Commission may, however, hold meetings at any other place it decides upon.

Article XII. The Government of the Kingdom of Saudi Arabia shall provide such funds as would enable the Joint Commission to discharge effectively the functions entrusted to it. The Government of the Kingdom of Saudi Arabia shall recover

such funds from the returns of the production of the Common Zone and in a manner to be agreed upon between the two countries.

Article XIII. Whereas the Government of the Democratic Republic of the Sudan has concluded on May 15th, 1973, an agreement whereby it has given exploration licences to Sudanese Minerals Limited and the West German Company of Preussag which agreement has created legal obligations on the Government of the Democratic Republic of the Sudan, the two Governments have agreed that the Joint Commission shall decide on this matter in such a manner as to preserve the rights of the Government of the Democratic Republic of the Sudan and in the context of the regime established by this Agreement for the Common Zone.

Article XIV. In the event that any accumulation or deposit of a natural resource extends across the boundary of the exclusive sovereign rights area of either Government and the Common Zone, the Joint Commission shall determine the manner in which it is to be exploited provided that any decision taken shall guarantee for the Government involved an equitable share in the proceeds of the exploitation of such accumulation or deposit.

Article XV. The application of this Agreement shall not affect the status of the high seas or obstruct navigation therein within the limits provided for by the established rules of public international law.

Article XVI. If a dispute arises respecting the interpretation or implementation of this Agreement or the rights and obligations it creates, the two Governments shall seek to settle such dispute by amicable means.

If the settlement of the dispute through amicable means fails, the dispute shall be submitted to the International Court of Justice. The Parties accept the compulsory jurisdiction of the International Court of Justice in this respect.

If one of the two Governments takes a measure which is objected to by the other, the objecting Government may ask the International Court of Justice to indicate interim measures to be taken to stop the measure objected to or to allow its continuance pending the final decision.

Article XVII. This Agreement is subject to ratification in accordance with the constitutional requirements of each Government and shall enter into force on the day on which the instruments of ratification are exchanged.

DONE in the City of Khartoum on this day, the twenty fourth of Rabi Thani 1394 Hijra, corresponding to the sixteenth of May, 1974, in two original texts in Arabic, both of which are authentic.

For the Government
of the Kingdom
of Saudi Arabia:
AHMED ZAKI YAMANI
Minister of Petroleum
and Mineral Resources

For the Government
of the Democratic Republic
of the Sudan:
MANSOUR KHALID
Minister for Foreign Affairs