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A. To what extent does Belgium have the right to perform or commission work with a view to the use, restoration, adaptation and modernisation of the historical route of the Iron Rhine on Dutch territory, and to establish plans, specifications and procedures related to it according to Belgian law and the decision-making power based thereon?

1. The “plan” within the meaning of Article XII of the 1839 Separation Treaty shall be determined by Belgium without the agreement of the Netherlands

2. The terms “according to the same plan” in Article XII of the 1839 Separation Treaty are not limited to ensuring to Belgium the physical trans-border use of the railway

3. The scope of Belgium’s right to have the Iron Rhine prolonged on Dutch territory according to the same plan as on Belgian territory

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D. Conclusions

QUESTION N°3.

A. In application of the Iron Rhine’s conventional regime, all cost items and financial risks associated with the use, restoration, adaptation and modernisation of the railway infrastructure of the historical route of the Iron Rhine on Dutch territory shall be borne by the Netherlands.

1. Belgium is under no obligation to bear the costs and financial risks of reactivating the Iron Rhine as a corollary of its right of transit under Article XII of the Separation Treaty
2. Belgium’s present request for reactivation does not amount to a request for a “new road” within the meaning of Article XII of the Separation Treaty.

3. The Netherlands shall bear all costs items and financial risks associated with the use, restoration, adaptation and modernization of the Iron Rhine on Dutch territory so as to make it in a good state and prone to facilitating trade.

   (a) The Netherlands shall be responsible for restoring, adapting and modernizing the Iron Rhine on Dutch territory so as to make it in a good state and prone to facilitating trade.

   (b) The reactivation presently envisaged does not exceed what is necessary for the line to be in a good state and prone to facilitating trade. The costs and financial risks associated with the envisaged restoration, adaptation and modernization shall, therefore, be borne in whole by the Netherlands.

4. On Commutative Justice

   B. In subsidiary order, all costs and financial risks associated with the use, restoration, adaptation and modernisation of the historical route of the Iron Rhine on Dutch territory, which are caused by a violation by the Netherlands of their international obligations towards Belgium shall be borne by the Netherlands and not by Belgium.

   C. Conclusion

SUBMISSIONS