

CASE STUDY: INTERNATIONAL CO-OPERATION IN THE SCHELDT AND MEUSE RIVER BASINS

Abstract

Brief description of case:

The Meuse and the Scheldt river basins are shared by France, Belgium and The Netherlands. The major issues include (accidental) pollution, water shortages in summer (the Meuse) and maritime access to the Belgian port of Antwerp (Scheldt). In 1967, the Belgian government proposed two projects to improve maritime access to the port of Antwerp. These would involve activities in The Netherlands, the downstream country. The Netherlands agreed to discuss these projects, but insisted on the inclusion of other issues - water pollution and water allocation - in the discussions. A draft agreement was reached, but this was not accepted within Belgium because the Flemish region would be the main beneficiary, while the costs would fall mostly on the Walloon region. After some negotiation and restructuring of the proposals, agreement was reached on all issues in 1993/ 1994. As part of the agreement, international river basin commissions with a co-ordination task were established. These commissions have prepared a first action plan on protecting the Meuse and the Scheldt respectively.

Tools used:

B1.1) Transboundary Organisations for Water Resources Management
C5.1) Conflict Management
C5.2) Shared Vision Planning
C5.3) Consensus Building

Keywords:

shipping, water shortage, water quality, transboundary organisation, river basin, upstream downstream conflicts

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This case study is part of the IWRM ToolBox, that provides practical information and guidance for putting integrates water resources management (IWRM) into practice. ToolBox case studies critically analyse real experiences implementing IWRM.

Lessons learned:

If the “right” issues are linked, issue linkage can result in a package deal that is attractive for all parties involved (“win-win solution”). In this way, upstream-downstream conflicts can be overcome and international co-operation can develop.

A “cross sectoral” approach that looks beyond the water sector is often instrumental in developing attractive package deals.

River basin commissions with a purely co-ordination task (without decision-making powers) can offer an effective framework for international co-operation. In addition, other international fora, such as regional economic organisations and international co-operation, can play an important role.

Importance of case for IWRM:

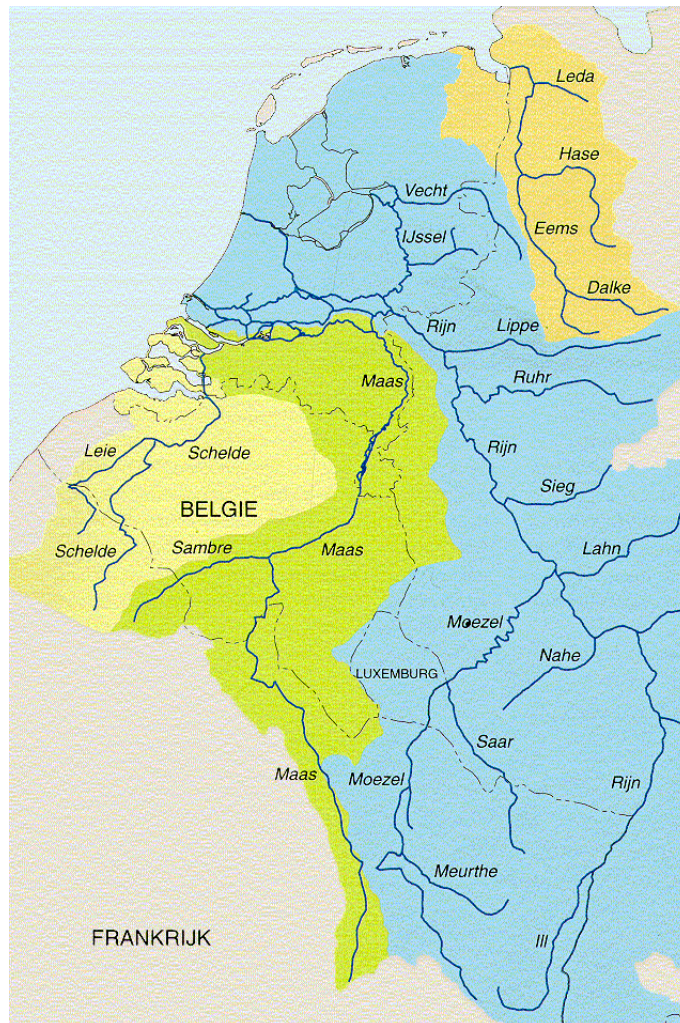
The case study presents an approach (including potential pitfalls) for solving a central problem in river basin management: upstream-downstream conflicts of interests. Moreover, it offers an example of an institutional framework for international river basin management that can further promote international co-operation.

The Case

1 Description

▪ Characterisation of the basins

The river Meuse is located in North-Western Europe. It rises in France and flows through Belgium and the Netherlands to the North Sea. Its basin of 33,000 km² covers parts of France, Luxembourg, Belgium (mostly the Walloon Region), The Netherlands and Germany. (Map) The average discharge is 250 m³/s but fluctuates greatly. The Meuse is used for supplying water to Brussels, Antwerp, Rotterdam and other towns. Moreover, Meuse water is used in agriculture and for shipping. Problems in the basin include urban wastewater from the Belgian part of the basin, much of which is still not treated, and accidental pollution. Moreover, water shortages can occur in summer, which has given rise to water allocation problems between Belgium and The Netherlands. Finally, flooding is a problem.



Map: The Scheldt basin (left) and Meuse basin (middle) The country at the top is The Netherlands, at the right Germany, in the Middle Belgium, and at the bottom France.

The Scheldt river rises in France too and flows through Belgium (mostly the Flemish region) and the Netherlands to the North Sea. Its basin of 22,000 km² covers parts of France, Belgium (all regions) and the Netherlands. The average discharge is 120 m³/s. Like in the Meuse basin, most urban wastewater in the Belgian part of the basin is not treated. The river is not used for drinking water production since the water quality is too poor. The Western-Scheldt, the estuary of the river in The Netherlands, provides maritime access to the Belgian (Flemish) port of Antwerp, which is located just upstream of the Dutch-Belgian boarder.

All basin states of the Meuse and Scheldt basin are members of the European Union (EU). Belgium is presently a federal state. Nearly all water management competencies, including treaty making powers, have gone to the regions: Wallonia, Flanders and the Brussels Capital Region. Consequently, the regions are directly involved in international negotiations. At the start of the Meuse and Scheldt negotiations, Belgium was still a unitary state, at least according to the constitution.

The description of the negotiations in this section is based primarily on Meijerink (1999) and on his contribution to Mostert (1999). Bouman (1996) gives a legal analysis of the different Meuse treaties.

- **Start of the negotiations**

Before 1967, the negotiations on the Scheldt mainly concerned the management of the navigation channel in the Western Scheldt. Since 1839 the international Scheldt Statute guarantees the freedom of navigation on the Scheldt, but there is some disagreement on the exact interpretation of the Statute. In the Meuse basin the main controversies concerned the distribution of the Meuse water.

In 1967 the Belgian government proposed two projects to improve maritime access to Antwerp: the construction of the Baalhoek canal between Antwerp and the Western Scheldt and the straightening of a sharp bend in the Western Scheldt near Bath. The Dutch were willing to negotiate on these projects, provided two other issues were addressed too: the water quality of the Meuse and the Scheldt and the water quantity of the Meuse. The negotiations resulted in three draft conventions in 1975. Due to internal disagreement in Belgium, however, these conventions were never signed. According to Walloon politicians, the proposed Belgian-Dutch package deal was beneficial for both the Netherlands and the Flemish region of Belgium, where Antwerp is located. The Walloon region, however, would gain nothing. It would have to construct storage reservoirs on its territory to guarantee a minimum flow in the river Meuse and would have to take costly pollution reduction measures.

In 1983, Belgium put a new issue on the agenda: the deepening of the navigation channel in the Western Scheldt. The Dutch subsequently linked this new issue to the other issues, and in 1985 the Belgian and Dutch Ministers of Foreign Affairs signed a declaration of their intent to search for joint solutions. The straightening of the bend near Bath was removed from the table.

- **1985-1993**

In Wallonia there was much opposition against the declaration of intent. The main reason was a passage dealing with the construction of storage reservoirs in the Walloon region. The Dutch conceded and this passage was removed. In addition, the Belgian government admitted representatives of the regions to the Belgian delegation.

Following this, the negotiations could start. The main bottlenecks were the water quality policies for the Meuse and the Scheldt. The Belgian delegation proposed less

ambitious water quality objectives than had already been agreed upon in the framework of the international North Sea co-operation. The Dutch delegation subsequently suspended the negotiations and decided to unilaterally draft a convention. Especially the Walloon region opposed the Dutch drafts. The region was, amongst others, afraid to lose sovereignty over the river Meuse and wanted to involve the upstream basin state France in the negotiations.

In 1992-1993 two important developments took place. First, the UN-ECE (Economic Commission for Europe) Convention on the Protection and Use of Transboundary Watercourses and International Lakes was concluded. This convention emphasises the need for co-operation between *all* basin states. Secondly, the Belgian regions got treaty-making competencies. Following, the Dutch unlinked the different issues. All Scheldt and Meuse basin states and regions (except Germany and Luxembourg) started multilateral negotiations on the protection of the Scheldt and Meuse. Moreover, bilateral negotiations between The Netherlands and Flanders were started on the deepening of the navigation channel in the Western Scheldt and the allocation of Meuse water.

- **1993-1995**

Reaching agreement on the deepening of the Western Scheldt and the flow of the river Meuse was relatively easy. Simultaneously, France, the Walloon, Brussels Capital and Flemish regions, and The Netherlands reached agreement on a multilateral convention for the protection of the Meuse and a similar convention for the Scheldt. However, the Dutch government refused to sign the Convention on the deepening of the Western Scheldt as long as there was no agreement on a completely different issue: the alignment of a new high-speed train from Antwerp to Amsterdam. In turn, the Flemish Region refused to sign the multilateral Scheldt and Meuse conventions as long as the Dutch government did not sign the Convention on the deepening of the Western Scheldt. The Dutch-Flemish problems were solved at the prime-ministerial level, and on 17 January 1995, the conventions on the deepening of the Western Scheldt and the flow of the Meuse were signed. On the same date the Flemish government signed the multilateral conventions on the protection of the Scheldt and the Meuse. The other parties had already signed these conventions on 26 April 1994.

- **The present institutional structure**

The Convention on the flow of the river Meuse contains a Flemish-Dutch water saving scheme for periods of low flows. Moreover, it entails the establishment of a Flemish-Dutch working group for the regulation of the flow of the Meuse. The Walloon region has observer status in this working group.

The conventions on the protection of the Meuse and Scheldt entailed the establishment of the International Commission on the Protection of the Meuse (ICPM) and the International Commission on the Protection of the Scheldt (ICPS). These were installed formally in March 1998. The members of the ICPS are France; the Walloon, Flemish, and Brussels Capital regions; and the Netherlands. The ICPM has the same members. The Brussels Capital region does not lie in the Meuse basin and is a member because of its drinking water interests. It can only vote in the ICPM if these interests or its financial contribution to the commission are at stake. The Meuse basin states Luxembourg and Germany have observer status in the ICPM. The European Union can get observer status in both the ICPS and the ICBM at its request. The objective of both the ICPM and the ICPS is to co-operate in a spirit of good neighbourliness and to maintain and improve the water quality of the main course of

the Scheldt and the Meuse river respectively. To reach this aim, the parties may have to take measures in the whole drainage basin in as far as situated on their territories.

Both commissions meet at least once a year. Meetings can be organised at the ministerial level; decision-making is by unanimity. Observers to the commissions (Germany and Luxembourg in the ICPM) can participate actively in the discussions, but they do not have the right to vote. Both commissions have a working group on water quality, a working group on emissions and a working group on co-ordination with policies developed in other international fora. The ICPS also has a working group on external communication. Both commissions have a permanent secretariat, the ICPM in Liège (Wallonia) and the ICPS in Antwerp (Flanders). The chairs rotate every two years. Both the ICPM and the ICPS have adopted an action programme in 1998.

Following the high waters of 1993 and 1995, also a multilateral working group for high water was established. Its task was to prepare a Meuse action programme for flood protection, which was published on 8 April 1998. (Werkgroep Hoogwater Maas 1998) There is an official contact group between this working group and the ICPM to co-ordinate for instance flood protection measures and nature development.

International co-operation will be stimulated significantly by the Water Framework Directive of the European Union (2000/60/EC). This directive is not only very detailed, but also legally binding on the basin states. Amongst others, it will require river basin management planning that goes far beyond the present action plans. To implement this Directive, the treaties will be modified, e.g. the geographical scope will be much larger. The ICPM and the ICPS will prepare the texts.

2 Performance

The outcomes of the negotiations have been in the first place the different conventions and institutions described above. These in turn have resulted in different policy plans and management activities: the Meuse action programme for flood protection, the Meuse Action plan, the Scheldt action plan and monitoring and research. These eventually have to result in improvements on the ground for the people and the nature in the basins.

▪ Meuse action plan on flood protection

The Meuse action plan on flood protection is based on a number of principles. These include reduction of flooding risk, defined as chance of flooding times damage of flooding; adaptation of land-use to the chance of flooding; water retention and the creation of more space for the river in order to reduce peak discharges; and recognition of the fact that there will always be a residual flooding risk. The action plan lists many possible measures, but does not contain quantitative goals. As stated in the plan itself, it is the start of joint flood protection efforts. Yet, this does not mean that nothing is happening. After the 1993 and 1995 floods in The Netherlands, the riverbed is being deepened and widened and small dykes have been constructed. Moreover, the European Commission's "IRMA" programme sponsors pilot projects and research on creating more space for the river.

▪ The Meuse and Scheldt Action plan

The Meuse and Scheldt action plans (ICBM 1998, ICBS 1998) contain a short assessment of the situation with respect to water quality. Moreover, they list national initiatives and measures already agreed upon in other international fora, plus a few new measures. In the short term the joint monitoring network will be extended and other types of information exchange will be improved. For instance, an inventory of pollution sources will be made. Furthermore, joint goals for the intermediate term

would be established. This has not yet happened, but the goals set by the North Sea Ministerial Conferences already apply fully, as do the different EU water directives.

- **Monitoring and research**

Monitoring and research were the first topics where the ICPS and the ICPM led to improvements. In the Scheldt and the Meuse basin a “homogenous” monitoring network exists. The Meuse network has 17 international monitoring sites. An expert group is presently working on harmonising the analytical methods used. In addition there is an alarm system since 1997, with five warning centres that monitor water quality and quantity continuously and issue warnings to the other centres and to the public. In the case of accidental pollution, drinking water intake in The Netherlands is temporarily stopped. The Scheldt water quality monitoring network uses 13 stations and monitors 18 parameters. Moreover, there is an alarm system. Detailed information on the monitoring and alarm systems can be found in French and Dutch on the Internet sites of the ICPM and the ICPS (see references/ contacts).

- **Results in the basin**

In the end, international co-operation in the management of international river basins should result in improvements for the people and the nature in the basin. Concerning water quality it is still too early to detect major improvements. No joint pollution control measures have yet been decided upon, and even international comparative water quality data exist only from 1997/ 1998 onwards. Most urban wastewater in Belgium is still untreated, but a major investment programme is underway. (Probably internal factors in Belgium and the EU Urban Waste Water Directive are responsible for the latter, rather than the Meuse and Scheldt co-operation.) There have been concrete measures to improve flood protection, especially in The Netherlands.

The new EU Water Framework Directive requires more intensive international co-operation and concrete improvements in terms of water quality and ecology. The ICPM and the ICPS may play a role in this or in any case may have formed a learning school for co-operation.

3 Lessons learned and replicability

Three lessons can be drawn from the international co-operation in the Scheldt and the Meuse basin. First, the history of negotiations shows that issue linkage can result in a package deal that is attractive for all parties involved (“win-win solution”), thus overcoming upstream-downstream conflicts of interests. In fact, all major breakthroughs in the Meuse and Scheldt negotiations involved some form of issue linkage. However, the Meuse and Scheldt negotiations also show examples of inappropriate issue linkage. It is essential that the costs and benefits of the issues that are linked fall on the same parties, or else the package deal will not be attractive for all parties.

Secondly, a broad “transsectoral” approach that looks beyond individual sectors is often instrumental in developing attractive package deals. In the Scheldt case water quality was linked to shipping and finally even to the alignment of a railway line.

Thirdly, international river basin commissions with primarily a co-ordination task can provide an effective framework for international co-operation.¹ The ICPM and the ICPS are still young but already show the first results. The much older Commission for the Protection of the Rhine against Pollution is an even better proof that “co-ordination commissions” can work. (Dieperink 1998, Mostert 1999). Both the ICPM and the ICPS offer examples of how such commissions could be organised. Moreover, many other international fora, such as regional economic organisations and international co-operation on the receiving sea, can play a beneficial role as well. (cf. Mostert 1998, 1999).

The experiences with the Meuse and Scheldt river are relatively recent and are not very well known outside of the basin countries. Consequently, they have not yet influenced the management of other international river basins. However, issue linkage and co-ordination commissions can be found in many parts of the world. Consequently, the lessons learned in the Meuse and Scheldt basin are believed to be widely applicable.

4 References and contacts

▪ References

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¹ International river basin commissions do not necessarily need extensive powers: indeed, strong independent river basin commissions could in theory create new co-ordination problems. (cf. Burchi 1985)

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Werkgroep Hoogwater Maas 1998: *Actieplan Hoogwater Maas* (Action programme flood protection Meuse). Francois Hambaye: Namur. (also published in French).

- **Websites**

EU Water Framework Directive
<http://europa.eu.int/eur-lex/en/index.html> (In Dutch, English, French, German, Italian, Spanish, Portuguese, Danish, Swedish, Greek and Finnish)

- **Organisations**

International Commission for the Protection of the Meuse
Palais de Congrès, 2 Esplanade de L'Europe, 4020 Liège, Belgium
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<http://www.cipm-icbm.be/> (In French and Dutch)

International Commission for the Protection of the Scheldt
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<http://www.icbs-cipe.com/> (In French and Dutch)

RBA Centre (Centre for Research on River basin Administration, Analysis and Management)
The RBA Centre is the research centre of the Delft University of Technology in the field of integrated river basin management. It conducts fundamental as well as applied research. Its activities are based on three key values: (1) a pragmatic orientation within a holistic, basin-wide view; (2) recognition of both socio-economic needs and natural limitations; and (3) integration of social science and natural/technical science perspectives.
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