

## FROM BORDER MEUSE TO COMMON MEUSE

### Project Summary

#### *General*

The river Meuse originates in France on the Plateau de Langres and traverses via Belgium to the Netherlands, where it ends in the North Sea. Between the cities of Maastricht (The Netherlands) and Maaseik (Belgium) the Meuse forms the border between The Netherlands and the Flemish Region. In The Netherlands this stretch of 42 km is called the Grensmaas (border Meuse), in the Flemish Region it is called the Common Meuse. It is a narrow, deeply incised, meandering stretch of river. Navigation is not possible. The land directly influenced by the Border Meuse is used for extensive agricultural purposes.

The practice of the Border Meuse/Common Meuse shows specific experience with managing a river that is the border between countries. This means that in everyday river management, the neighbouring countries always have to deal with each other.

#### *The Border Treaty*

In 1830 Belgium and The Netherlands split up to become two independent sovereign states. The definitive border between the two countries was defined in 1843 in the so called Border Treaty. The Province of Limburg then was divided in a Belgian and Dutch part. The Treaty was and still is of great importance for the management of the Border Meuse: it defines the exact location of the frontier and it prescribes a set of rules that guarantee that the two countries act as good neighbours when the Border Meuse is involved. They have to inform and consult each other if they want to implement works that influence the river course. And even more important, these works may only be implemented if the neighbouring country agrees with them. The Border Treaty thus prescribes an obligation for consultation and approval.

#### *Developments in river management*

The Flemish Region and The Netherlands have a shared responsibility for the management of the Border Meuse. Both are responsible for the part of the river that belongs to their territory. The frontier is defined as the deepest point of the river. Both countries have their own administrative and governance system and their own vision on how the river should (be) develop(ed).

During the eighties and first half of the nineties of the twentieth century, the Dutch and Flemish governments on either side of the Border Meuse used to operate practically independent from each other. The management and strategies for flood protection in both countries were mainly defined by the physical characteristics and local interests on either side of the border. The Flemish Region formulated plans and legislation (the so called Maasdijkenplan and Dijkendecreet) that provided the government with a basis for fast and adequate implementation of structural flood prevention measures (dike strengthening). The Netherlands governments developed plans for river widening on the Dutch side of the Border Meuse. In these plans nature development and gravel extraction were combined. In the beginning of the nineties the two countries made a start with tuning their plans in to each other.

In 1993 and 1995 the Border Meuse area was confronted with historical high water and major flooding. These events stressed the importance of flood prevention and cross border cooperation. On the Dutch side procedures for the reinforcement of quays were speeded up, so living areas near the Border Meuse could be protected adequately. In the Flemish Region, the already started implementation of dike reinforcement was speeded up. As a consequence of the floods, 'safety' (flood protection) became a major

issue in the management of the Border Meuse on the Dutch side, in addition to nature development and gravel extraction.

Within the framework of the Benelux Economic Union, The Flemish Region and The Netherlands signed in 1994 a Declaration of Intend that aimed at a common spatial vision document for the Border Meuse/Common Meuse. The spatial vision document should become a common framework for assessment and coordination of plans and initiatives on either side of the border.

### **Cross border aspects**

#### *Actors involved*

The following actors were/are involved in the management of the Border Meuse/Common Meuse:

- Flemish Region (Vlaams Gewest, Belgium), NV de Scheepvaart, Dienst Milieu, Natuur en Landbouw
- Central government in The Netherlands (Ministry of Traffic, Public Works and Water Management; Ministry of Agriculture, Nature and Food Quality)
- Province of Limburg (The Netherlands)
- Province of Limburg (Belgium)

#### *The 1994 Declaration of Intend*

The objective of the Declaration of Intend that was signed in 1994 was to develop a common (cross border) spatial vision document for the Border Meuse valley. However, it appeared not possible to realize a common framework for assessment of plans within the intended time frame. Political and public discussions about the plan development in The Netherlands and the Flemish Region needed more time than foreseen. As a consequence both countries developed their own plans: the 'Border Meuse plan' in The Netherlands and the plan 'Living Border Meuse' in the Flemish Region.

Although a common spatial vision was not realized, the cooperation resulted in a common scientific basis for the assessment of effects of (existing) plans on either side of the border. Now also the mutual influence of these plans (the cumulative effects) could be assessed in an undisputed way. The so called 'Cumulative Research' focuses mainly on the aspects hydrology, morphology, ground water and ecology.

The Cumulative Research showed that the autonomous river developments, with riverbanks continuously getting steeper, deepening of the summer bed, lowering of the ground water level and the realisation of structural flood prevention measures would be unfavourable. River widening in combination with nature development would be an option to turn this autonomous trend. That way, surface water levels will be lowered and nature will have space to develop alongside the Common Muse.

In addition the Dutch plans for river widening in order to lower the water levels, appeared to increase the water levels in three locations. And they would most probably cause lowering the groundwater levels with significant effects on Flemish areas that are protected by the Habitat Directive. Altogether this lead to even more intensive coordination between Flanders and The Netherlands. Coordination took place on the level of water managers from both countries that were directly involved with daily management of the river.

#### *New élan in the cooperation*

The Cumulative research provided a scientific base for an assessment methodology. Both Flanders and The Netherlands accepted this methodology. They both assessed the Flemish and Dutch plans separately and determined the total effect (cumulative effect) on the river system and its environment of the two plans together. As a consequence of this joint framework for assessment mutual thrust grew between the two countries. Both countries were convinced that the problems with groundwater levels and local increase of surface water levels could be discussed and solved. In addition the

determination of the cumulative effect showed that local negative effects of the plans on one side of the river could be compensated with measures on the other side.

This was a confirmation of the importance of and need for cooperation and coordination between the two countries. Both Flanders and The Netherlands were prepared to meet the challenge of optimisation of management strategies in order to reach mutual benefits. In May 2005, this starting point was formalized in a new Flemish-Dutch Ministerial Declaration '*Samenwerken aan de Gemeenschappelijke Maas*' (Cooperation for a Common Meuse). This Ministerial Declaration stated the principles of cooperation. Furthermore was agreed that the negative effects of the plans mentioned above would be solved.

The Ministerial Declaration with its principles of cooperation has become the joint framework for the cooperation between the two riparian countries, for all future initiatives concerning the Common Meuse.

#### *Five principles for a Common Meuse*

1. *Definition of common objectives and shared vision on end results*

The Common Meuse is supposed to become a river with natural characteristics. Nature development along the Common Meuse means the realisation of consists of a sustainable ecosystem characterised by natural and dynamic processes, together with a high environmental quality and space for the preservation and development of riverine habitats and species. This requires *space and freedom for nature*, within *fixed limits of flood protection*. Planning and management will be coordinated with objectives of flood protection and nature development as much as possible.

2. *Definition of a common reference situation*

The hydrological conditions of 1995 and the water levels of that time are the starting points for flood protection. *Worsening the situation in relation to this reference situation due to man made interventions in the river and land use is not allowed.*

The Dutch Border Meuse plan will lead to an improved flood protection and development of river nature. In two locations however, water levels will rise (a little) in relation to the reference conditions of 1995. The Netherlands and Flanders agreed on a common solution. Based on the fifth principle (see below) The Netherlands will finance the widening of the river bed on Flemish side.

3. The Flemish – Dutch cooperation aims at objectives for flood prevention and nature development as defined in the Dutch 'Grensmaasplan (Border Meuse plan)' and the Flemish plan 'Levende Grensmaas – 1997 (Living Border Meuse – 1997)'. Flood prevention will be the major precondition for future planning, implementation and management. This means that forest timber is only permitted after sufficient space for the river has been realized. The nature balance in the winter bed of the river needs to persist. Therefore, if flood prevention will be realized at the expense of existing nature values, extra space needs to be created in the winterbed for nature compensation.

If there is no space available for unrestrained vegetation because it will limit the water discharge capacity of the river, the vegetation has to be cut back regularly. Flanders and The Netherlands are looking for possibilities for further river widening in order to develop natural dynamics.

4. River widening causes lower water levels in the river. As a consequence the risk for a fall in groundwater levels will arise in the surroundings of the river. This entails the obligation to design river widening and nature development in a way that significant negative effects for nature will be avoided, in accordance with the objectives and criteria of the European Birds- and Habitat Directives.

The Cumulative Research identified that the Dutch Grensmaas plan would lead to risks for a fall in groundwater levels with significant negative effects for adjacent Birds- and Habitat Directive areas in Flanders. Therefore Flanders and The Netherlands executed an appropriate assesment in accordance with the adjacent Birds- and Habitat Directive developed supplementary measures to meet groundwater fall and possible negative effects. The Netherlands will finance these measures.

5. The riparian states will, each on its own side of the river, exert themselves to the utmost to realize the objectives of flood prevention and maximum nature development. Flanders and the Netherlands will replenish each others plans and will optimize their effectiveness and balance by cooperating in planning and realisation. If flood prevention is of interest on both sides, each country will do its share on own expense. *If flood prevention is only of interest on one side of the border, the interested country needs to bear the costs no matter on which side of the border measures are necessary.* Nature development is of interest on both sides and each country will take its share at own expense.

The implementation of the project on Dutch side locally will lead to rises in water level (see above). These local water level rises have to be mitigated. As far as mitigation is only possible on the Flemish side – which is the matter in two locations – the measures on Flemish side are paid for by The Netherlands.

#### **Involved stakeholders and public awareness aspects**

The management of the Common Meuse is now being implemented. Implementation of every sub-project involves active communication with the public on both sides of the border. Whenever measures need to be implemented, both Flemish and Dutch stakeholders are informed and consulted. In addition they object against the measures during formal permitting procedures.

#### **Multidisciplinarity and sustainability**

Flood management and optimisation of ecological values in and around the Common Meuse are the major concerns in the Flemish and Dutch plans. This requires a cohesive approach of both disciplines, as was stated in the principles of cooperation. The Dutch Common Meuse project is mainly financed from the revenues of gravel that is extracted for widening the river. Gravel in the Dutch part of the Common Meuse is thus extracted at the service of flood management and nature development. On the Flemish side gravel extraction is coming to an end.