

Deepening the Western Scheldt Tensions between Flanders and the Netherlands

By presenting his strategy note on the Netherlands in November 2005, the then Flemish Minister for Foreign Policy, Geert Bourgeois (a member of the Flemish National Party, N-VA), shifted relations between the Federal State of Flanders and the Kingdom of the Netherlands into a higher gear. This flowering of Dutch-Flemish relations was in danger of being nipped in the bud, however. The cause of the problem lay in the implementation by the Dutch of the four Scheldt Treaties signed in late 2005.

Things did get off to a good start, though. The strategy note provided a clear overview of all areas of Flemish policy regarding the Netherlands and all the contacts and projects involved. The note also summed up the aims of the Flemish government in its cooperation with Holland and set out the instruments that would be used for the purpose. One of these instruments is the *'ius tractatus'* - the right obtaining to Flanders to conclude international treaties.

The reaction on the Dutch side was initially hesitant, informed as it was by an age-old fear of becoming mired in the swamp of Belgian politics. Following an analysis of Dutch long-term interests however, the Hague finally overcame its reluctance. This provided confirmation of already growing administrative and diplomatic cooperation and a reward for the serious efforts made by Dutch and Flemish diplomats over a longer period.

The speed with which Flanders and the Netherlands drew up the Scheldt Treaties seemed to vouchsafe the realisation of a Flemish dream: the strengthening of its own economic and political position through its almost natural 'strategic' cooperation with the Netherlands. The strategy note on the Netherlands (in the meantime similar documents have been drawn up for Germany, the United Kingdom and France) was not based on romanticism but on hard fact: facts and figures, common and sometimes conflicting interests. Such common interests would also form the basis for cooperation on and with regard to the river Scheldt. In these treaties one could see the definitive removal of

one of the strategic handicaps imposed on Flanders since the political division of the Low Countries (the former United Dutch Provinces): the dependence of the ports of Antwerp and Ghent on the goodwill of the Dutch.

Two of the four treaties sealed what had already existed in practice: nautical and technical cooperation on and regarding the river from Ghent as far as and beyond the mouth of the Western Scheldt at Flushing (i.e. in Zeeland in the Netherlands). The third treaty undid the link established in 1863 between the rate of piloting charges for Antwerp and Rotterdam respectively. The fourth treaty was designed to give legal form to the implementation of the *'2010 Outline for Development'* of the Scheldt estuary. This *'Outline'* set out projects for protection against flooding as well as those for 'robust nature'. These involved measures, framed by European regulations, to protect the unique natural value of the Scheldt estuary from further deterioration. Deterioration that was mainly caused by drainage works carried out far into the 20th century. The third part of the treaty regulated the dredging of the navigable channel to an advantageous depth at ebb tide of 13.10 meters - in comparison to the present 11.70 meters. What this deepening effectively involves is the levelling out of a few sandbanks. This new depth would allow the largest container vessels to call at Antwerp more easily and more safely at any time.

The four treaties in general and the strategy note in particular enshrine a sophisticated and delicate balance between Flemish and Dutch interests, and also between the interests of nature, those living along the banks of the river, and those using the ports. Removing a single domino would cause the whole edifice to collapse. And that is exactly what happened when the Dutch government decided in April 2009 to call into question an essential part of the nature recovery plan - the transformation of the Duchess Hedwige polder in Zeeland Flanders into wetlands. The decision was taken despite a whole series of recommendations that this transformation of the polders to wetlands was by far the best way of creating 'robust nature'. By making a double decision - let's first look for an alternative that won't hurt anyone and if that fails let the Hedwige



Photo by Carl Uytterhaegen.

become wetlands anyway – the government was responding to pressure from Zeeland and from within the Dutch parliament.

The consequences were predictable. Dutch environmental organisations went straight to the Council of State, which promptly annulled the dredging licences. This stuck in the throat of many a Fleming. In the port of Antwerp in particular, there is a deep distrust of Hollanders and Zeelanders, who dealt serious damage to the port through blockades both at the time of the separation of the Southern and Northern Provinces of the Netherlands in the late 16th century and in 1830 after the Belgian Revolution. The Flemish First Minister, the Christian Democrat Kris Peeters, then summoned the Dutch Ambassador on the 13th August, something previously unheard of in Flemish-Dutch relations. Peeters underlined the fact that any further delay could result in the loss of 70 million euros per annum for the port of Antwerp.

In the weeks that followed, aided by the Belgian government and the European Union, Flanders exerted pressure on The Hague. Antwerp politicians even thought it necessary to call for a boycott of Zeeland mussels, but that was one bridge too far for most Flemings, the biggest consumers of this '*briny Zeeland bliss*.'

Ultimately on 9 October 2009 the Balkenende government ceded to the pressure. They announced that they could find no alternative to wetlands. At the beginning of December 2009, the Dutch Bird Protection Association and the Zeeland Environment Federation ended their opposition to the dredging works, dropping proceedings before the Council of State. This did not mean that the dredging works could begin, however. On the 18th of December, a council of judges examined a number of remaining objections tabled by Zeeland companies.

Eventually a final ruling in the case was made by the end of January 2010. The dredging started on the 12th February.

Axel Buyse

Translated by Peter Flynn