



FINAL REPORT BY THE EXPERT

The islets of the adjoining Lys

A new cross-border green-blue corridor?

Advice Case: Franco-Belgian islets and stagnant meanders on the river Lys

Advised Entity: Eurometropolis Lille-Kortrijk-Tournai

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Date: June 15th 2024

I. Executive summary

This report addresses the case of the islets on the river Lys, along the border between Belgium and France. The border follows the natural course of the river, whereas most of the river has been canalised. As a result, some islets emerged along the course of the river, which are physically attached to municipalities of a country (be it Belgium or France) while belonging to the territory of the other country.

The report envisages solutions to develop and enhance these “cross-border” islets at a time when renaturation and development of blue-green corridors are at stake for metropolitan policies and in the context of the recalibration of the Lys canal in the framework of the Seine-Scheldt wide-gauge European link.

The report identifies four solutions, at different scales:

- Project (Interreg)
- Structuring (agreement)
- Sustainability (organization)
- Transformation (border)

These solutions are presented according to different levels: project, structuring, consolidation, transformation. Each solution is discussed and a final perspective identifies which solution appears to be more suitable in the current context.

The report, based on a fieldwork, delivers data, references and illustrations that help grasp the case and better exemplify the possible solutions.

II. Description of the obstacle with indication of the legal/administrative provisions causing the obstacle

II. 1. The adjoining Lys: natural border and canalised border

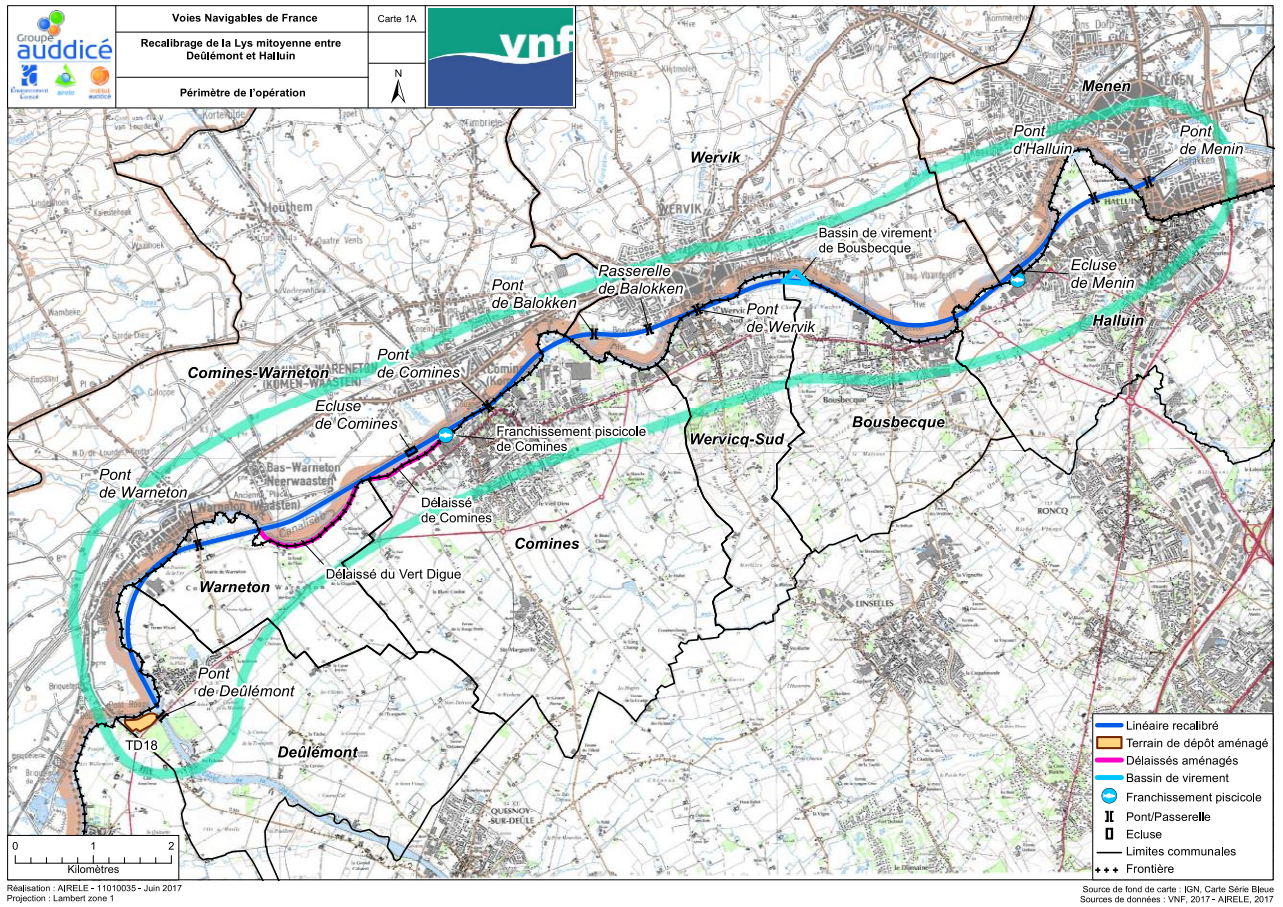
Part of the border between France and Belgium follows the course of the river Lys, a tributary of the river Scheldt, for almost 25 km between the municipalities of Armentières (France) and Menin (Belgium).

The border follows the natural course of the river. It was established by the Treaty of Limits of 28 March 1820 (also known as the Treaty of Courtrai). Over time, however, most of the river has been canalised to facilitate river traffic linked to economic and industrial activities in the region.

This is notably the case for the section known as the "adjoining Lys" ("*Lys mitoyenne*"), which stretches for almost 17 km between the municipalities of Deûlemont (France) and Menin (Belgium) (Figure 1). The channelling and subsequent cleaning of the canal sludge has led to the emergence of a dozen islets along the entire length of the Lys mitoyenne, in both France and Belgium - islets that are partly made up of potentially polluted sludge. At the same time, stagnant meanders of the river have formed between the canalised section, the islets and the "original" banks of the river.

The transformation of the bed of the Lys was not accompanied by a rectification of the border, with the result that some of the islets are physically attached to municipalities without legally belonging to them. These same municipalities also inherit the stagnant meanders of the Lys resulting from the formation of these "cross-border" islets, straddling the Franco-Belgian border.

Figure 1: Canalised Lys (blue line) and Franco-Belgium border (black line)



Source : Voies navigables de France

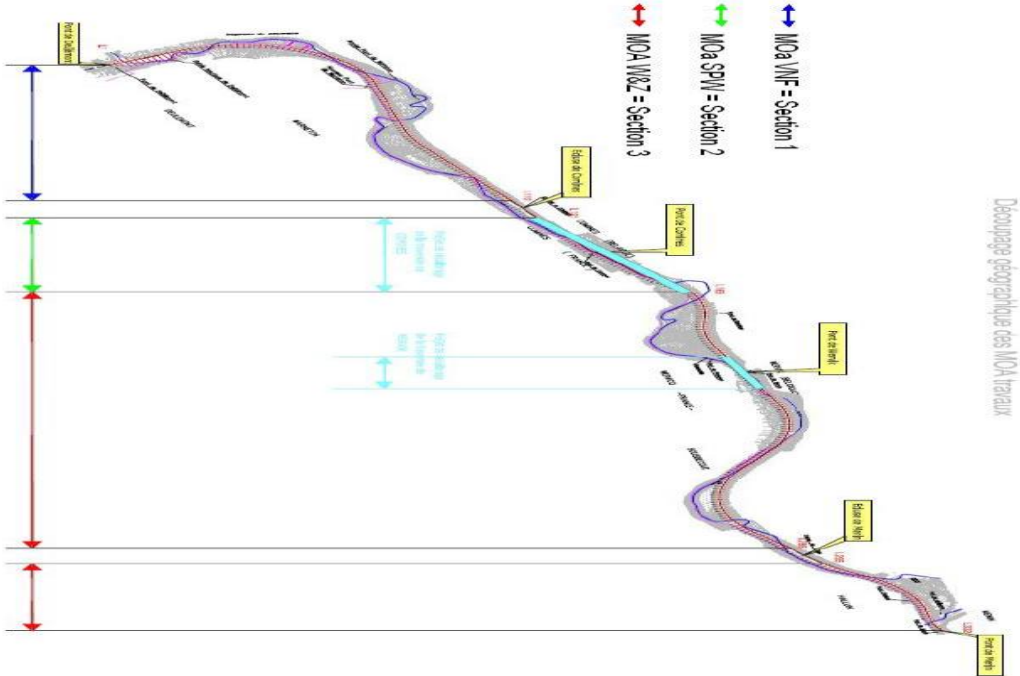
There are currently a dozen cross-border islets (Appendix 1). While some have infrastructures or landscaped areas, others are "abandoned" areas, i.e. undeveloped areas where the vegetation has reclaimed its rights, with no real development or improvement project.

II. 2. Recalibration of the adjoining Lys

Another factor to be taken into account is the current recalibration of the adjoining Lys, which is one of the links in the Seine-Scheldt wide-gauge European link. The aim of these works is to bring this waterway up to European gauge, as well as various accompanying environmental measures, to ensure the navigation of boats and to increase from 5 million tonnes at present to 12 million tonnes in 2030, in parallel with the construction of the Seine-Nord Europe canal.

This operation is framed by an international agreement signed in Brussels in November 2018 between France, the Flemish and Walloon Regions. The agreement organises cross and joint interventions between the 3 involved operators: Voies navigables de France (VNF- France), De Vlaamse Waterweg (DVW- Flanders) and the Public Service of Wallonia (SPW-Wallonia). The various works, financing, management and maintenance are divided between them according to different sections (figure).

Figure 2: geographical breakdown of the work to recalibrate the adjoining Lys river



Source: agreement signed in Brussels in November 2018 between France, the Flemish and Walloon Regions

II. 3. Concurrent projects: green-blue corridor vs. “motorway canal”

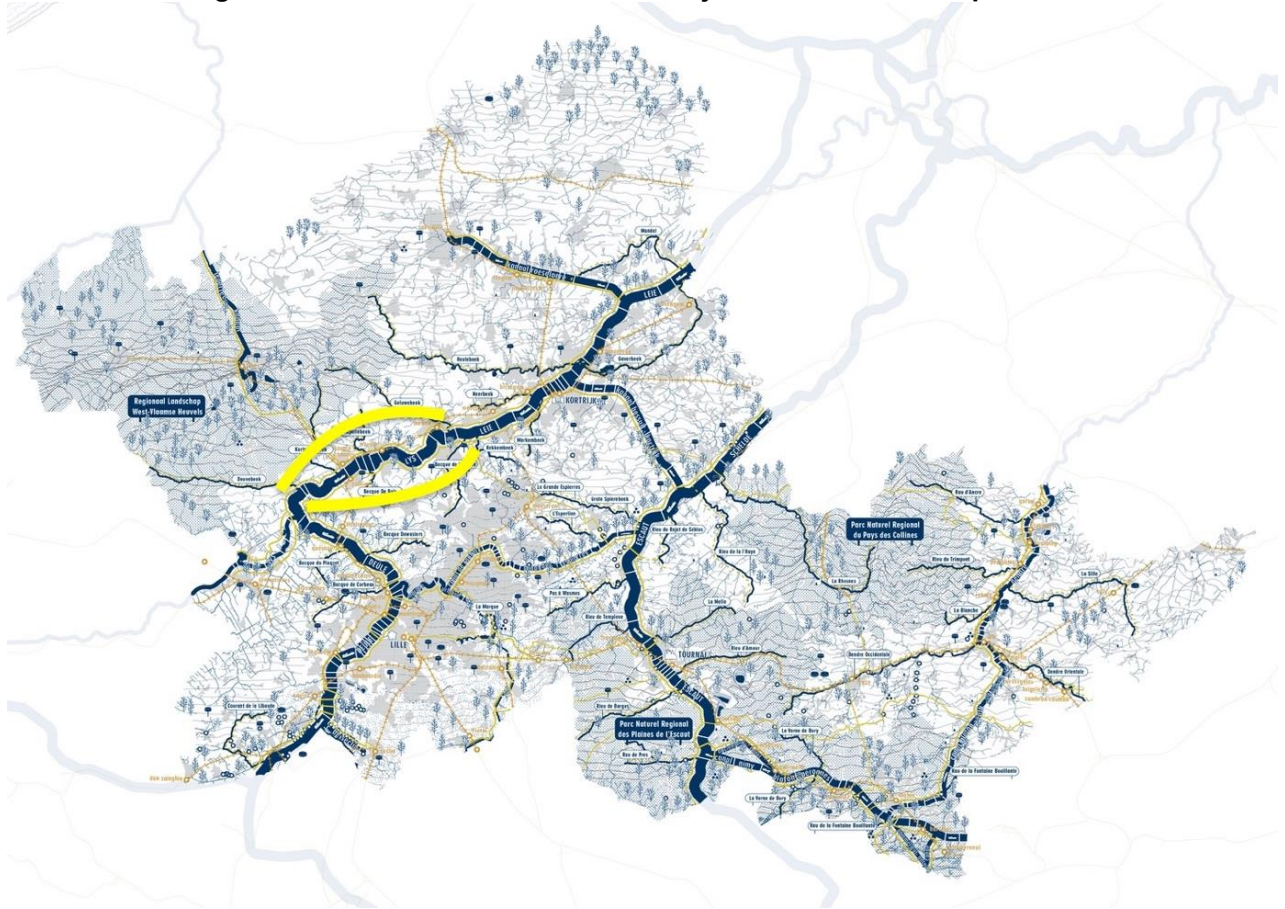
At the same time as this "transport motorway canal" project, the adjoining Lys is concerned with the issues of renaturation and recreational uses of waterways, issues that are becoming increasingly salient at a time of ecological transition, aimed at a model of development that is resilient and sustainable in the face of climate change in particular.

All local authorities are involved in this transition. For example, in June 2021, the European Metropolis of Lille (MEL) adopted a plan to “reclaim its waterways”, which includes a vast series of actions up to 2035 to renaturalise and enhance these areas, including the adjoining Lys. In addition, since 2003, the MEL has been working with VNF to overlap the management of the public river domain along the Lys, in the form of delimitation and integration protocols, so as to be able to implement a harmonised policy for the development of greenways and soft mobility.

On another scale, the adjoining Lys is part of the Blue Park of the Lille-Kortrijk-Tournai Eurometropolis (figure 3), which is one of the flagship projects of this European Grouping of Territorial Cooperation (EGTC) between 14 French and Belgian (Walloon and Flemish) public partners: 2 States, 3 Regions and 1 Federated Community, 3 Department and Provinces, 5 inter-municipalities.

The aim of the Blue Park scheme is to create and develop a continuous cross-border space between people, water and nature in the Eurometropolis, accessible on foot, by bike or by boat, with almost 300 km of navigable waterways. It is also a long-term regional project combining tourism, biodiversity, the economy, transport, leisure and resources. The project has led to the creation of the Blue Square (*Carré Bleu*), a 90km cross-border cycle route along the water, fully signposted and developed by the Lille-Kortrijk-Tournai Eurometropolis.

Figure 3: the Blue Park of the Lille-Kortrijk-Tournai Eurometropolis



Source: <https://www.espacebleu.eu/>

The islets of the adjoining Lys are therefore at the heart of a double dynamics: a "transport motorway canal" on the one hand, and the development of a green-blue corridor on the other. The two dynamics are compatible in principle: the Seine-Scheldt link aims to reduce the volume of road freight transport, and the works must be accompanied by environmental compensatory measures. There is also a need to clean up these areas prior to any development or enhancement work.

The "abandoned" islets thus appear to be potential and relevant areas for the renaturation of the adjoining Lys, capable of becoming natural vegetated areas while at the same time forming part of a network of cycle paths and footpaths.

II. 4. Focus on the islets of Bousbecque and Wervik

Among the cross-border islets of the adjoining Lys, two cases are emblematic of the situation in the municipalities of Bousbecque (France) and Wervik (Belgium).

Bousbecque is bordered by the old Lys, where the Franco-Belgian border still runs, which has become a stagnant meander of the canalised Lys. Along this meander, the accumulation of sludge from the dredging of the Lys has created an islets physically attached to the commune of Bousbecque in France, even though it is in Belgian territory (figure). Near the opposite bank, the situation is similar for a French islet located on the territory of the municipality of Wervik (Flemish Belgium) (Figure). As a result, neither the municipality of Bousbecque nor its inter-municipal grouping, nor the municipality of Wervik can intervene in the islets to which they are physically attached.

In Bousbecque, the centre of the islet is fenced off and under the responsibility of De Vlaamse Waterweg. Neither the Commune nor the Métropole Européenne de Lille, nor Voies navigables de France can carry out any useful operations there: diagnostic studies to measure soil pollution, revitalisation of the area with a view to biodiversity, enhancement of the natural area, de-silting of the stagnant meander. The periphery of the site is accessible via a tarmac path, which should be developed to fit in with the MEL and Eurometropolis cycle network, in accordance with current standards.

In Wervik, neither the municipality nor the Flemish Region can intervene in the islet located on the territory of municipalities in the MEL area (Bousbecque and Wervicq sud) and managed by Voies navigables de France. Moreover, part of this islet must be removed to create a transfer basin as part of the recalibration work (figure 1).

In addition to the issues of development and enhancement of these areas, there are also questions of safety and police powers over these territories.

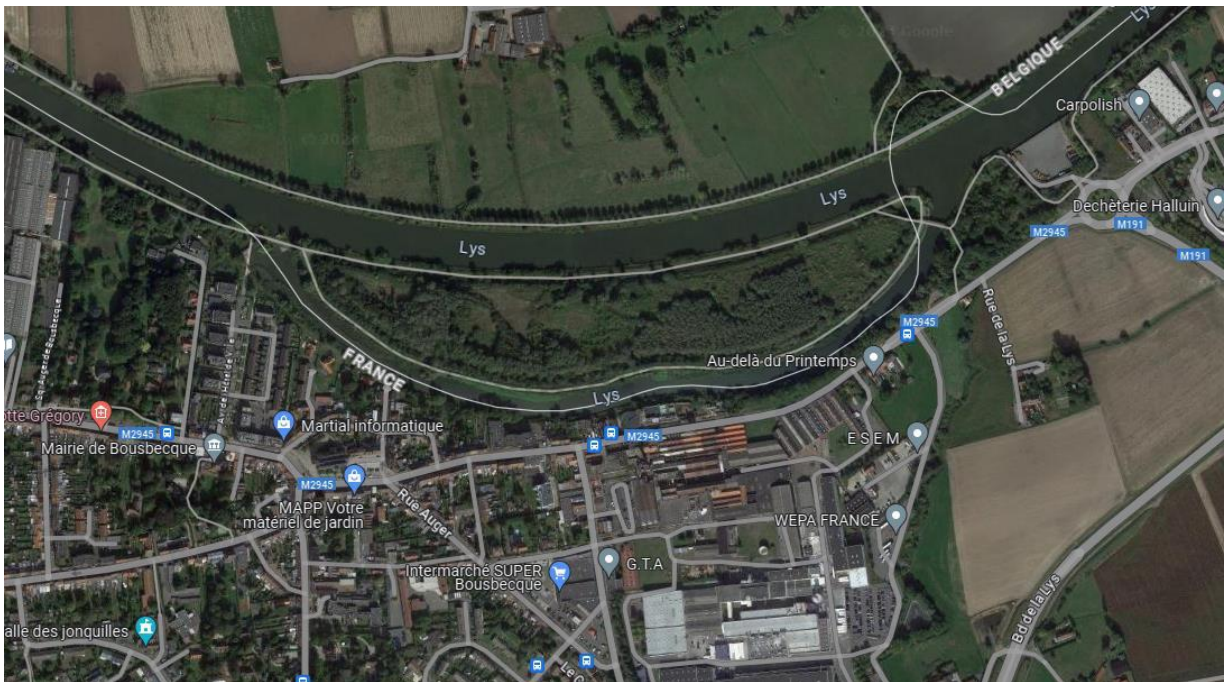
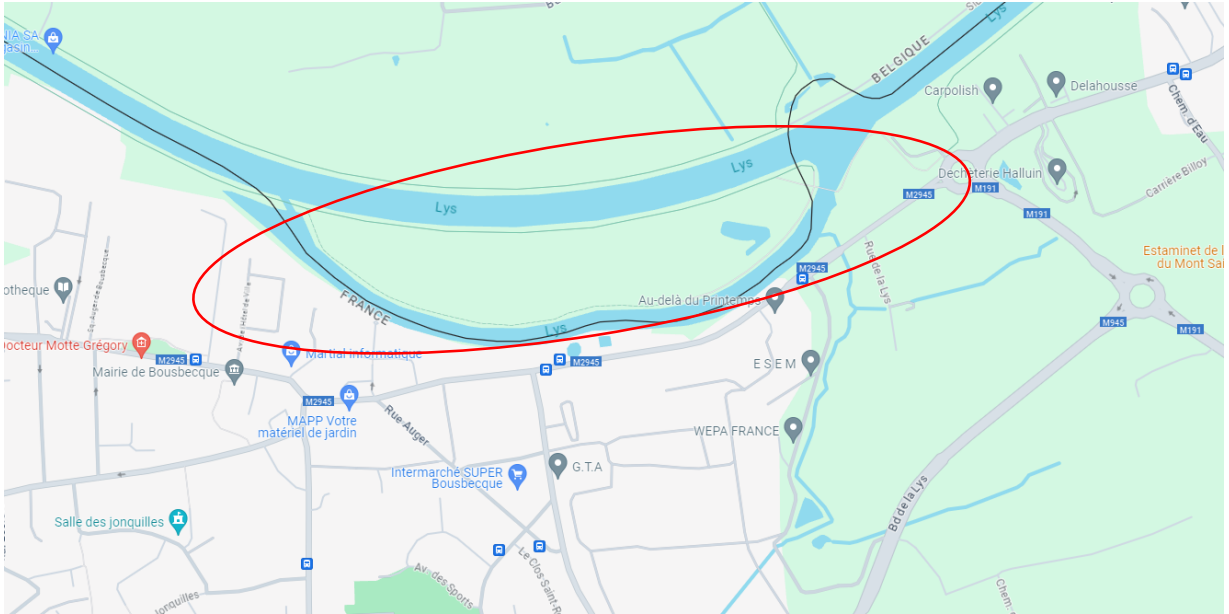
It should be noted that the European Metropolis of Lille recently built a footbridge to link Bousbecque to the towpath on the Belgian islet. This involved signing an agreement with Voies navigables de France and obtaining a permit to occupy the De Vlaamse Waterweg public space (figures 13, 14).

Figures 4, 5, 6, 7: Bousbecque islet (French commune and Belgian territory)



DUAV-ATVB-AP-24.04.2024

Bousbecque :



Source : Métropole européenne de Lille, planning department



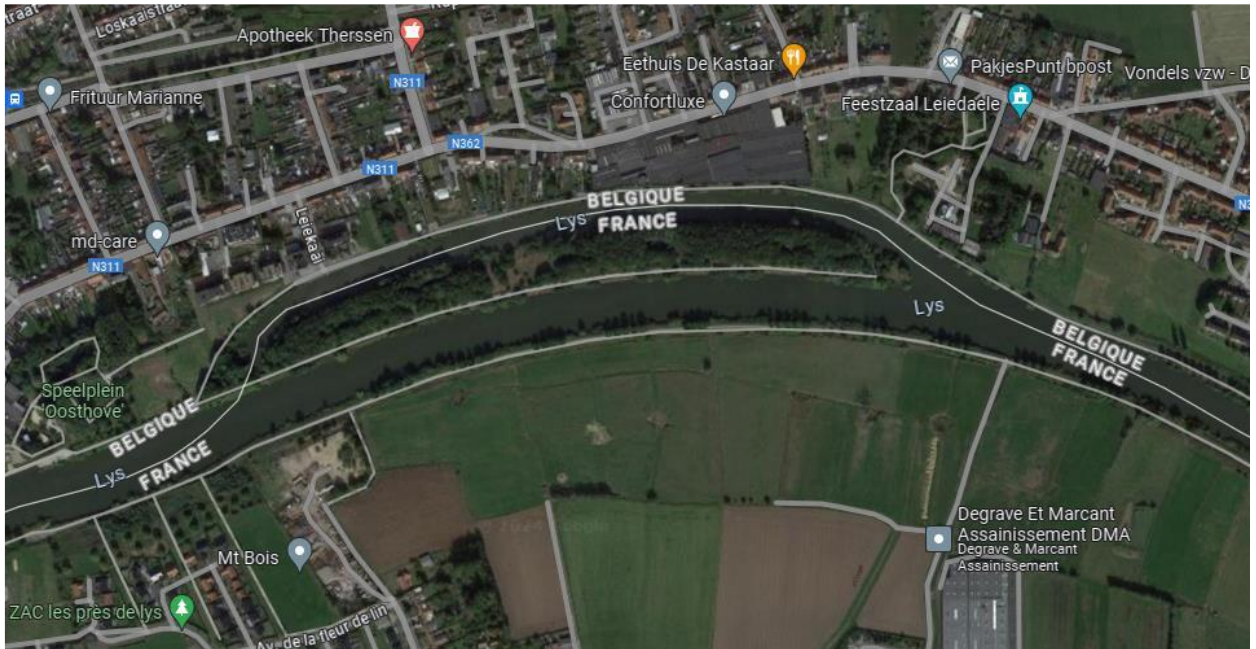
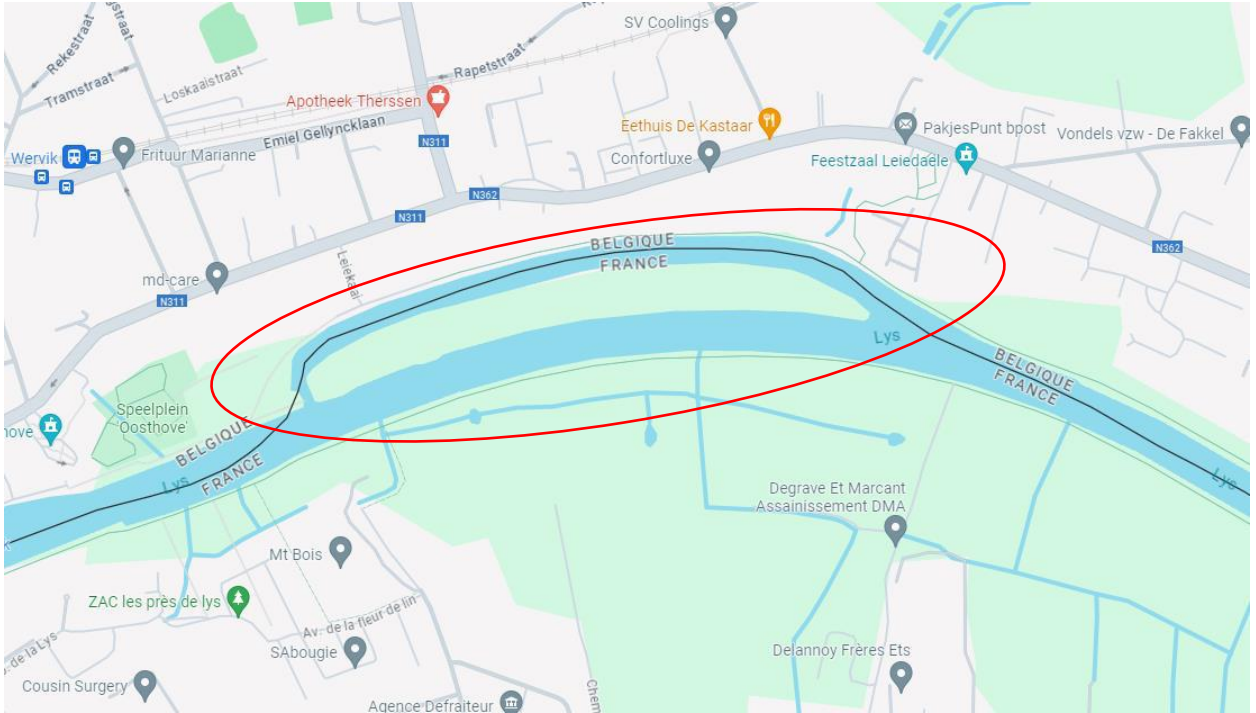
Source: pictures by author

Figures 8, 9, 10, 11, 12: Wervik islet (Belgian commune and French territory)



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Wervicq-Sud :



Source : Métropole européenne de Lille, planning department



Source: pictures by author



Source: pictures by author

Figures 13, 14 : Footbridge between Bousbecque and the "Belgian" island



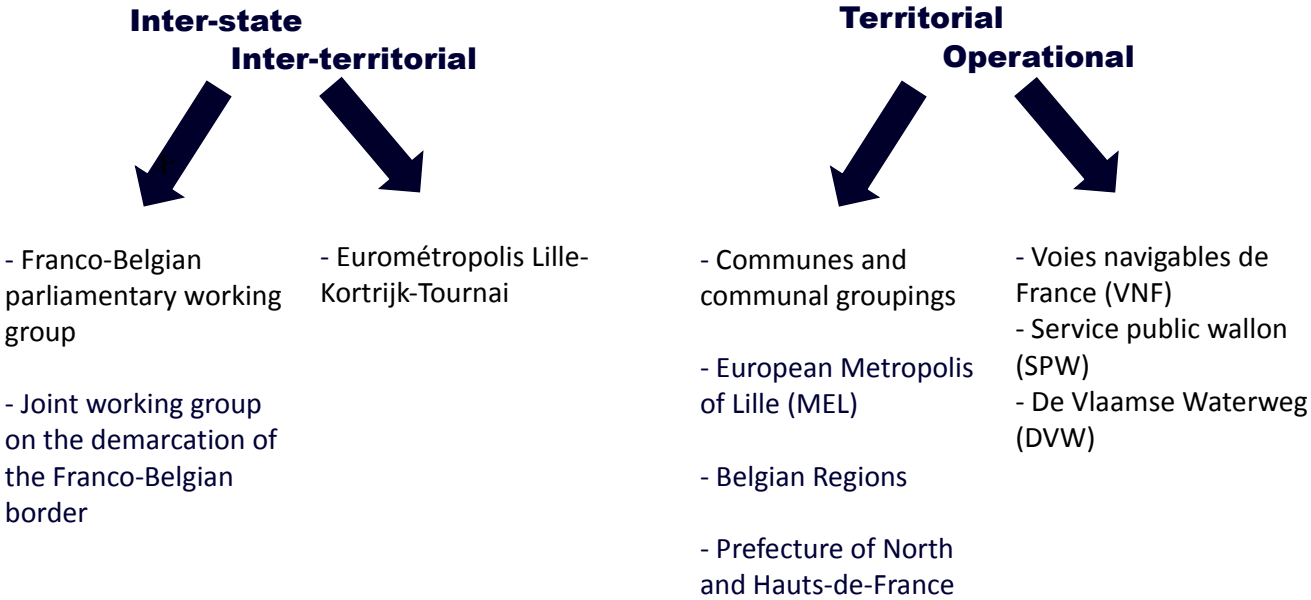


Source: pictures by author

II. 5. Governance and coordination, from local to regional/national level

Generally speaking, the Franco-Belgian cross-border cooperation is particularly advanced and involves numerous agreements, schemes and programmes, in many fields. We can therefore assume that new forms of cooperation can benefit from a favourable context.

In this context, the islets are part of a complex system of governance with several inputs and stakeholders, from inter-state links to the operational actors involved in spatial planning.



III. Description of possible solution(s)

In view of the situation described above and the stakeholders met during the course of this study, several solutions can be envisaged at different levels:

- The project (Interreg)
- Structuring (agreement)
- Consolidating (organism)
- Transforming (border line)

Each solution is discussed on the basis of the field work, in order to provide stakeholders and decision-makers with as much information as possible.

III. 1. The project solution: Interreg France-Wallonie-Vlaanderen

Setting up an Interreg cooperation project between the parties involved in the management of the islets could enable progress to be made on certain aspects of the problem: carrying out preliminary studies of the state of soil pollution, drawing up a revegetation plan adapted to the situation, joint developments for cycle paths or footpaths, among others.

A project of this kind can be set up fairly quickly to respond the most pressing questions, in particular the nature of the soil and the resulting development possibilities.

Discussion

A project of this kind requires co-financing from the stakeholders and the appointment of a lead partner. Various stakeholders already have some experience of Interreg projects.

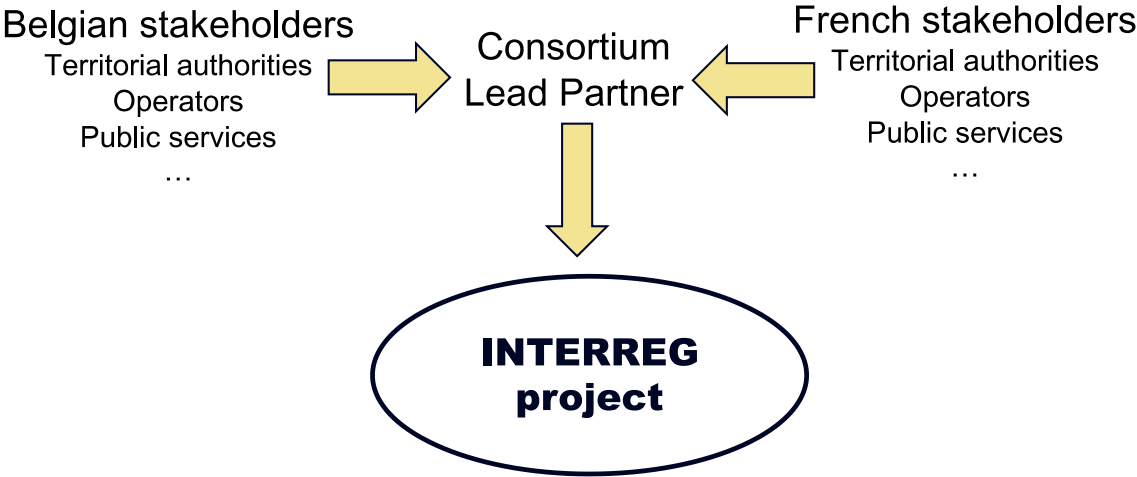
One example is the "Corrid'or: Lys cross-border park" project, implemented by a dozen partners more than ten years ago. The aim of this project was to *"strengthen the cross-*

border identity of the Lys valley, preserving an open natural space in the heart of a highly urbanised environment, accessible to the public and a place imbued with meaning. It is the spearhead of the cross-border green and blue network".

Another example is an Interreg project to upgrade and develop the Jacques Delors cross-border square between the municipalities of Halluin in France and Menin in Belgium, from 2011 to 2014. The project led to the production of a guide to the collective management of a cross-border public space (see references).

It should also be noted that setting up an Interreg project is a rather long process that is highly calibrated according to the calls for projects and the objectives of the operational programme. Furthermore, Interreg projects are limited in time and can only concern one-off or specific actions. They are not intended to be permanent or medium-term solutions.

Operating pattern



III. 2. The structuring solution: multiparty agreements

The possibility for French and Belgian actors to sign cooperation agreements is governed by the 2002 Franco-Belgian agreement, known as the "Brussels agreement", on cross-border cooperation between local authorities and local public bodies (see part IV).

A multiparty "îlots de Lys" agreement can be signed between all the parties involved in the development and management of the islets concerned: territorial authorities (Flanders, Prefecture of Nord and Hauts-de-France, MEL, municipalities and/or their grouping), operators (VNF, DVW). Of course, if islets other than those at Bousbecque and Wervik are included, the Walloon partners (Region and SPW) must be involved.

Following the example of the 2018 agreement relating to the development of the adjoining Lys, this cooperation agreement can detail and organise the responsibilities for the development/management of the islets according to the most relevant situation: physical attachment to the "closest" municipal territory.

Discussion

Such a solution presupposes bringing together all the stakeholders and finding a consensus between their different agendas. It should be noted that agreement is one of the main solutions recommended in the cross-border public space management guide drawn up for the redevelopment of the Place Jacques Delors (see references).

This solution combines flexibility and practicality:

- Flexibility: the agreement is a flexible enough tool to leave room for manoeuvre in order to match the priorities of the various stakeholders and define the timeframe of the partnership.
- Operationality: an agreement allows to go into detail about timetables, the sharing and distribution of actions and funding.

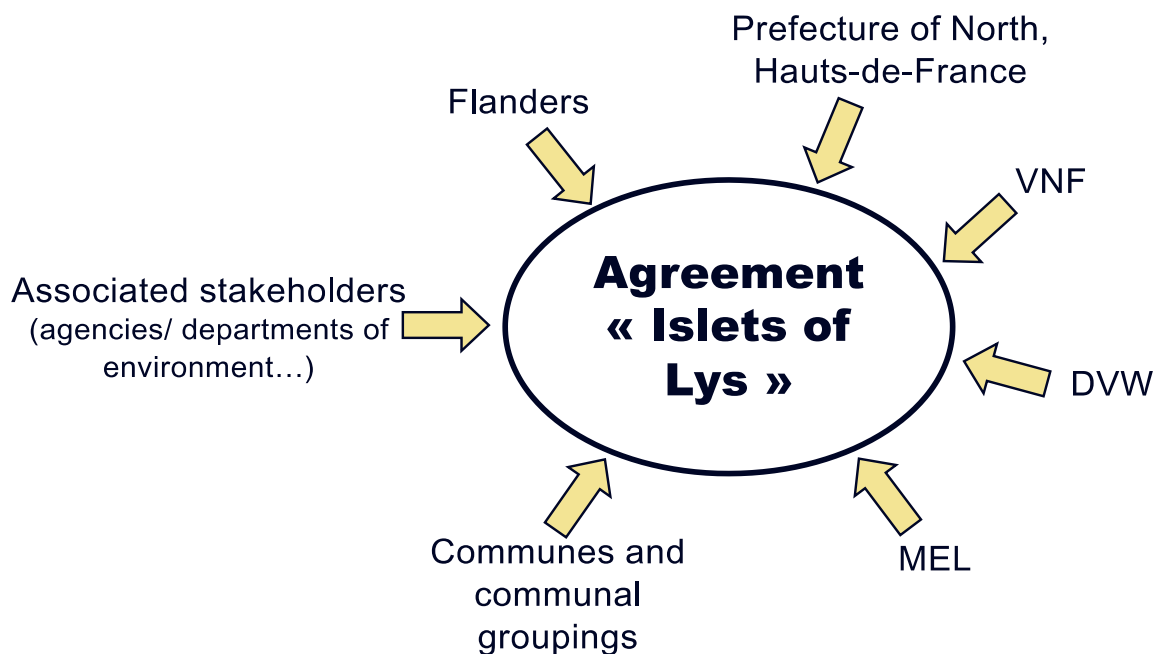
It should also be noted that Franco-Belgian cross-border cooperation already uses the agreement tool in many situations. Some of these agreements relate to very technical

or operational actions, and are possible sources of inspiration for a "Lys islets agreement", for instance:

- Nearly a dozen cross-border agreements on health cooperation, including agreements on organised zones of access to cross-border healthcare (ZOAST)
- Agreements between Lille Metropole and the Belgian Regions on wastewater treatment plants: Armentières-Ploegsteert, Halluin-Menin, Comines Pureté, etc.
- 2018 agreement on the recalibration of the adjoining Lys (see part IV.).

Operating pattern

NB. This pattern only concerns the Bousbecque and Wervik islets, but the inclusion of other islets may integrate Walloon partners.



III. 3. The consolidation solution: creating a dedicated body

The stakeholders could unite within a body specifically created to develop and enhance the islets. The Franco-Belgian agreement on cross-border cooperation allows the creation of European cross-border cooperation groupings (*Groupements européens de coopération transfrontalière* GLCT), under the terms of Article 11:

(1) A local grouping for cross-border cooperation may be set up by local territorial authorities and local public bodies with a view to carrying out tasks and services of interest to each of them. Such a local grouping for cross-border co-operation shall be subject to the domestic law applicable to the public establishments for inter-municipal co-operation of the Party in which it has its seat.

(2) The local grouping for cross-border cooperation is a legal person governed by public law. It is granted legal personality from the date of entry into force of the decision setting it up. It shall have legal capacity and budgetary autonomy¹.

In France, GLCTs have the status of "European district" under the terms of Article L1115-4-1 of the General Code of Local Authorities:

"In the context of cross-border cooperation, territorial authorities and their groupings may set up with foreign territorial authorities and their groupings a local grouping for cross-border cooperation known as a European district, with legal personality and financial autonomy. The purpose of the European district is to carry out tasks that are of interest to each of the participating public entities and to create and manage public services and related facilities"².

While GLCTs are subject to Belgian law, they take the form of an inter-municipal public association (*association publique intercommunale*). In both cases, the distribution of actions and the involvement of each stakeholder are set out in the status of the created organism.

Stakeholders can therefore create a "European District of Lys islets" or "European Association of Lys islets" in order to share the management of the islets between French and Belgian partners.

Another consolidation solution may be to give to an existing cross-border body the competence to develop and enhance the cross-border islets of the Lys, like for instance the Eurometropole Lille-Kortrijk-Tournai. This solution requires a revision of the

¹ Translation by the author

² Translation by the author

statutes of the EGTC to give it this competence and the related resources.

Discussion

The creation of a dedicated cross-border body may be an effective and long term solution to organise and rationalise the development and management of islets at a cross-border scale, whatever be their position in relation to the French-Belgian border.

This solution could be based on existing cross-border bodies for the management of natural areas, such as the EGTC Plaines Scarpe-Escaut European nature park, the EGTC Alpi Marittime-Mercantour European nature park, the Mont-Blanc cross-border conference, or the advanced cooperation between the Ardennes regional nature park and the Viroin-Hermeton nature park. In any case, the GLCT tool seems better suited to the smaller spatial scale of cross-border islets.

However, for many actors the consolidation solution seems too binding and too difficult to set up in the first stance. The objective does not currently seem to create an additional body or to add a level of institutional complexity in a border context where there are already many organisms and initiatives. Regarding a potential change in the statutes of the Eurometropole Lille-Kortrijk-Tournai to develop its competences, this is a very demanding operation and is not on the agenda of the governance of the EGTC.

III. 4. The transformative solution: changing the border line

Modifying the Franco-Belgian border line along the adjoining Lys could be a solution to bring the border into line with the canalised course of the Lys, and thus reallocate the islets as closely as possible to their close territories.

There are two possible options: either to change the entire line, or to "swap" islets by changing the boundary on a case-by-case basis, starting with the two islets of Bousbecque and Wervik.

In principle, any change to the delineation of a border is subject to an intergovernmental agreement (IGA), regardless of the extent of the change. It is therefore an international agreement procedure that involves negotiations between States (ministries, diplomatic representations, parliaments, etc.), as well as work with the State departments that are responsible for official mapping, in France for example the National Geographic Institute and the National Council for Geolocalised Information.

For example, border line changes are being made as part of the Greater Geneva project between France and Switzerland. Another example concerns a river border: on 15 March 2021, a diplomatic agreement between France and Suriname was signed to fix the first three segments of the border with French Guiana along the Maroni River and its tributaries over a distance of 400 km. This includes a new distribution of islands between the two countries.

Discussion

While it is theoretically possible to modify the delineation of a border, this is a long-term process and therefore a medium- to long-term solution for the cross-border islets of the Lys.

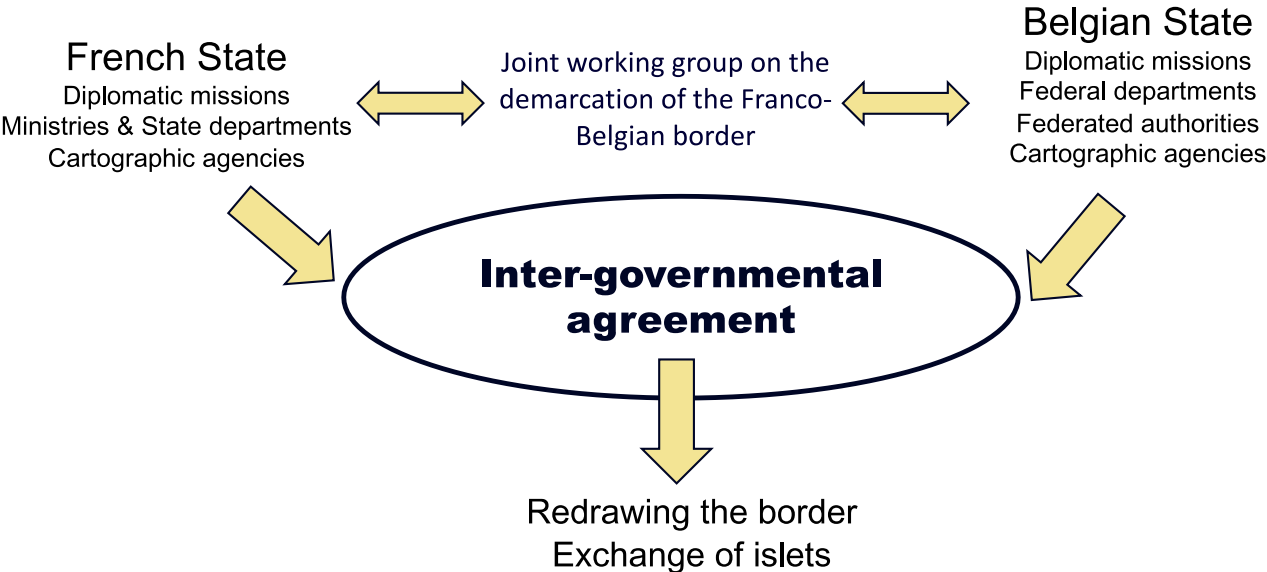
The existence of advanced cooperation between France and Belgium and the fact that the border between the two countries is not a subject or source of conflict could make

it easier to take steps to review certain sections of the border line. Several mechanisms could be mobilised:

- the Franco-Belgian working group on border demarcation
- the Franco-Belgian parliamentary working group, which has already worked for cross-border cooperation³.

Nonetheless, in the latest available minutes of the Franco-Belgian working group on border demarcation (dated 10 December 2019), the members of the group noticed and regretted the absence of a formal, official body to deal with border demarcation issues and produce work of sovereign and binding value. The group also felt that it would be preferable to create a new text rather than amend the Treaty of Limits (Treaty of Courtrai), which, as we have seen, remains the text governing the Franco-Belgian border.

Operating pattern



³ <http://www.espaces-transfrontaliers.org/bdd-territoires/territories/territory/show/groupe-de-travail-parlementaire-franco-belge>

III. 5. Perspectives

In view of the information presented and the data collected during the field survey, it appears that the most operational and most rapidly achievable solution can be the structuring solution, i.e. the signing of a multi-party cross-border cooperation agreement for the "islets of the Lys".

It should be noted that the use of the flexible and informal instrument of the agreement seems to be fairly representative of Franco-Belgian cross-border cooperation. For instance the Mission opérationnelle transfrontalière (MOT) considers that Franco-Belgian cross-border cooperation is *“rich and long-standing, but with rather informal and unstructured governance, compared with other borders”*⁴.

The agreement solution appears to be the most pragmatic "cross-border facilitation tool", best suited to the current situation, in the spirit of the amended proposal COM(2023) 790 final for a regulation of the European Parliament and of the Council of 12 December 2023 on a mechanism to resolve legal and administrative obstacles in a cross-border context⁵.

According to the proposal, implementing this tool is *“a voluntary standard procedure designed to resolve administrative and legal obstacles in cross-border regions. While each request must be answered to, the decision on whether or not to resolve an obstacle remains the prerogative of the competent national authorities. The Regulation also proposes creating a network of Cross-border Contact Points alongside the Commission, to create a forum for exchanging best practices and sharing knowledge”*⁶. This prospect seems all the more feasible given that Franco-Belgian cross-border cooperation is already the subject of an inter-state agreement which is a key facilitating factor (cf. part IV.).

⁴ <http://www.espaces-transfrontaliers.org/ressources/territoires/frontieres/frontieres-en-europe/frontiere-france-belgique/frontiere-france-belgique-6/>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2023:790:FIN>

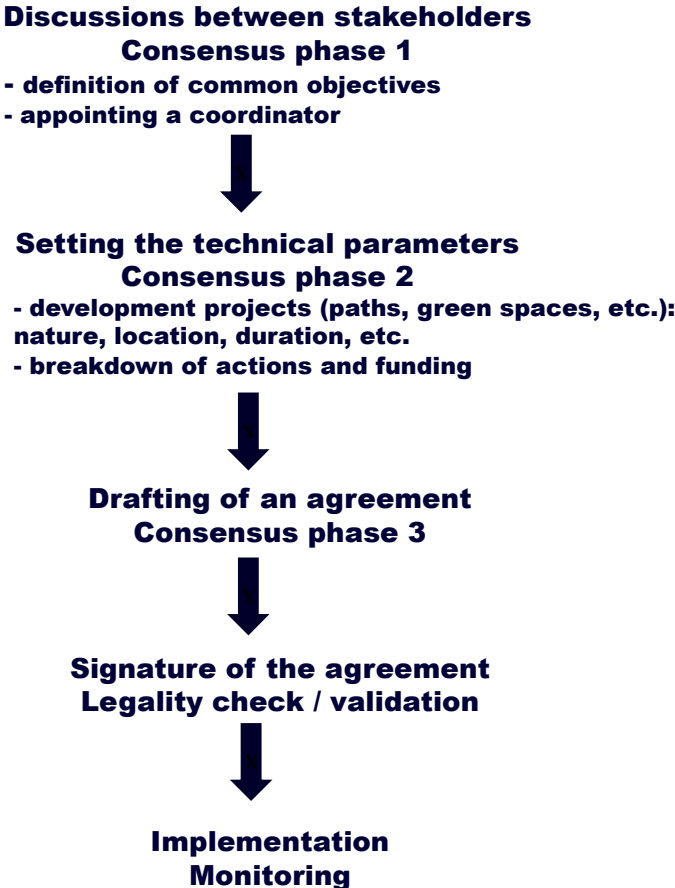
⁶ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6463

Of course, the establishment of an agreement may be a test phase, without prejudging other tools that could eventually facilitate the development and management of the cross-border islets of the Lys, at a time when the recalibration of the canal calls for the creation of compensation and renaturation areas along this new European freight transport corridor.

As indicated in point III.2, the existing Franco-Belgian agreements on highly technical or operational subjects (healthcare, wastewater treatment, etc.) could provide inspiration for a "Lys islets" agreement, and even more specifically the 2018 agreement on the recalibration of the adjoining Lys (see also part IV.).

Finally, given that the majority of the stakeholders of what could be a joint development of the islets of the Lys are members of the Lille-Kortrijk-Tournai Eurometropolis, it may be suggested that the EGTC would be a relevant player to initiate and conduct the process of a "Lys islets" agreement.

Schematic roadmap



IV. Legal provisions relevant to the case

IV. 1. Inter-state scale

- Treaty of limits (Treaty of Courtrai) between His Majesty the King of France and His Majesty the King of the Netherlands, signed at Courtray on 28 March 1820: *Traité de limites (Traité de Courtrai) entre Sa Majesté le Roi de France et Sa Majesté le Roi des Pays-bas, signé à Courtray le 28 mars 1820.*
- Agreement between the Government of the French Republic, of the one part, and the Government of the Kingdom of Belgium, the Government of the French Community, the Government of the Walloon Region and the Flemish Government, of the other part, on cross-border cooperation between local authorities and local public bodies, done at Brussels on 16 September 2002: *Accord entre le Gouvernement de la République française, d'une part, et le Gouvernement du Royaume de Belgique, le Gouvernement de la Communauté française, le Gouvernement de la Région wallonne et le Gouvernement flamand, d'autre part, sur la coopération transfrontalière entre les collectivités territoriales et organismes publics locaux, fait à Bruxelles le 16 septembre 2002.*
Published in the official gazettes of Belgium (*Moniteur belge*) and France (*Journal officiel de la République française JORF*): *Moniteur belge* n°165 ed.2 of May 24, 2005 and JORF n°155 of July 5, 2005.

Complements :

- France : article L1115-4-1 of the General Code of Territorial Authorities on European districts (*article L1115-4-1 du Code général des collectivités territoriales relatif aux districts européens*).
- Belgium : Belgian Senate, legislative file no. 3-405 and Walloon Parliament, legislative file no. 511 (2002-2003) 1 : *Sénat de Belgique, dossier législatif n° 3-405 et Parlement de Wallonie dossier législatif n° 511 (2002-2003) 1.*
- Belgium : law on to inter-municipal companies of 22 December 1986 (published in the *Moniteur belge* n°121 of June 26, 1987) and its implementation in the Walloon Region (decrees of 5 December 1996 and 23 August 2006) and the Flemish Region (decree of 6 July 2001); as well as the cooperation agreement between the Flemish

Region, the Walloon Region and the Brussels-Capital Region on inter-regional inter-municipal companies of 13 February 2014 (published in *Moniteurs belges* n°111 of April 14, 2014, n°173 ed.2 of June 17, 2014 and n°191 of July 4, 2014) : *loi relative aux intercommunales du 22 décembre 1986 et ses déclinaisons dans les Régions wallonne (décrets du 5 décembre 1996 et 23 août 2006) et flamande (décret du 6 juillet 2001) ; ainsi que l'accord de coopération entre la Région flamande, la Région wallonne et la Région de Bruxelles-Capitale relatif aux intercommunales interrégionales du 13 février 2014.*

- Agreement between the Government of the French Republic, the Flemish Region and the Walloon Region on the development of the shared Lys between Deûlemont in France and Menin in Belgium, signed in Brussels on 19 November 2018: *Convention entre le Gouvernement de la République française, la Région flamande et la Région wallonne relative à l'aménagement de la Lys mitoyenne entre Deûlemont en France et Menin en Belgique, signée à Bruxelles le 19 novembre 2018.*

Published in the *Moniteur belge* n°120 ed.2 of May 28, 2019 and n°141 of May 28, 2021, and in the JORF n°0216 of September 16, 2021.

Complement:

- Implementing agreement between De Vlaamse Waterweg, the Walloon Region (Public service of Wallonia) and Voies navigables de France, on the development of the Lys between Deûlemont in France and Menin in Belgium, signed on 19 November 2021. *Convention d'exécution entre De Vlaamse Waterweg, la Région wallonne (Service public de Wallonie) et Voies navigables de France, relative à à l'aménagement de la Lys mitoyenne entre Deûlemont en France et Menin en Belgique, signée le 19 novembre 2021.*

IV. 2. Inter-territorial scale

Examples of agreements between French and Belgian local authorities:

- Cross-border cooperation agreement between Lille Métropole Communauté Urbaine and the Flemish Region, relating to the collection and treatment of urban waste water, dated 5 August 2002: *convention de coopération transfrontalière*

entre Lille Métropole Communauté Urbaine et la Région flamande, relative à la collecte et au traitement des eaux urbaines résiduaires, du 5 août 2002.

- Agreement between Lille Métropole Communauté Urbaine; the inter-commune association of public hygiene of the regions of Peruwelz, Ath, Leuze, Lessines, Enghien; and the Walloon Region; relating to the collection and treatment of urban waste water, dated 4 April 2003: *convention entre Lille Métropole Communauté Urbaine ; l'intercommunale de propreté publique des régions de Peruwelz, Ath, Leuze, Lessines, Enghien ; ainsi que la Région wallonne ; relative à la collecte et au traitement des eaux urbaines résiduaires, du 4 avril 2003.*

IV. 3. Territorial scale

- Framework agreement between Lille Métropole Communauté Urbaine, the Préfecture du Nord and Voies Navigables de France of 12 December 2003: *convention cadre de superposition de gestion entre Lille Métropole Communauté Urbaine, la Préfecture du Nord et Voies navigables de France du 12 décembre 2003*
- Minutes of incorporation of the French public river domain of the adjoining Lys into the management overlay agreement of 12 December 2023, 5 July 2017: *procès-verbal d'incorporation du domaine public fluvial français de la Lys mitoyenne à la convention de superposition de gestion du 12 décembre 2023, 5 juillet 2017.*
- Plan to reclaim the waterways and its appendixes, deliberation of the Council of the European Metropolis of Lille of 28 June 2021, n°21C0344: *plan de reconquête des cours d'eau métropolitain et ses annexes, délibération du Conseil de la Métropole européenne de Lille du 28 juin 2021, n°21C0344.*
- Declaration of intent between the European Metropolis of Lille and Voies Navigables de France of 8 November 2022 with a view to establishing a partnership agreement: *déclaration d'intention entre la Métropole européenne de Lille et Voies navigables de France du 8 novembre 2022 en vue d'établir une convention de partenariat.*

V. Other relevant aspects to this case

In any case, the application of the 2018 agreement must be monitored as it could have an impact on the management of the islets, in three respects.

1) As it stands, the agreement seems to reposition the border along the canalised Lys, admittedly in an *ad hoc* but nonetheless significant manner, in that its article 11-2 stipulates "*The French Republic assumes responsibility and liability for maintenance on the south bank of the recalibrated shared Lys, from Deûlémont to Halluin. The Walloon Region and the Flemish Region assume responsibility and liability for the maintenance of the north bank of the recalibrated shared Lys, the Walloon Region upstream of the boundary between the communes of Comines and Wervik and the Flemish Region downstream of that boundary*"⁷.

2) The terms of this article 11 must be specified in a maintenance and operation agreement as indicated in article 16, in addition to the implementing agreement referred to in part IV.1. It is therefore important to see how the management and maintenance of the southern and northern banks is divided up in the case of the border islets. The operators have information and documentation on this subject (not obtained at the time this report was submitted).

3) Finally, the question remains open as to how the overlapping of management between VNF and MEL on the adjoining Lys will be applied in the context of the recalibration operations.

⁷ Translation by the author.

VI. References and Appendix/Appendices

Appendix 1: the cross-border islets of the adjoining Lys (excluding Wervik and Bousbecque, see part I)

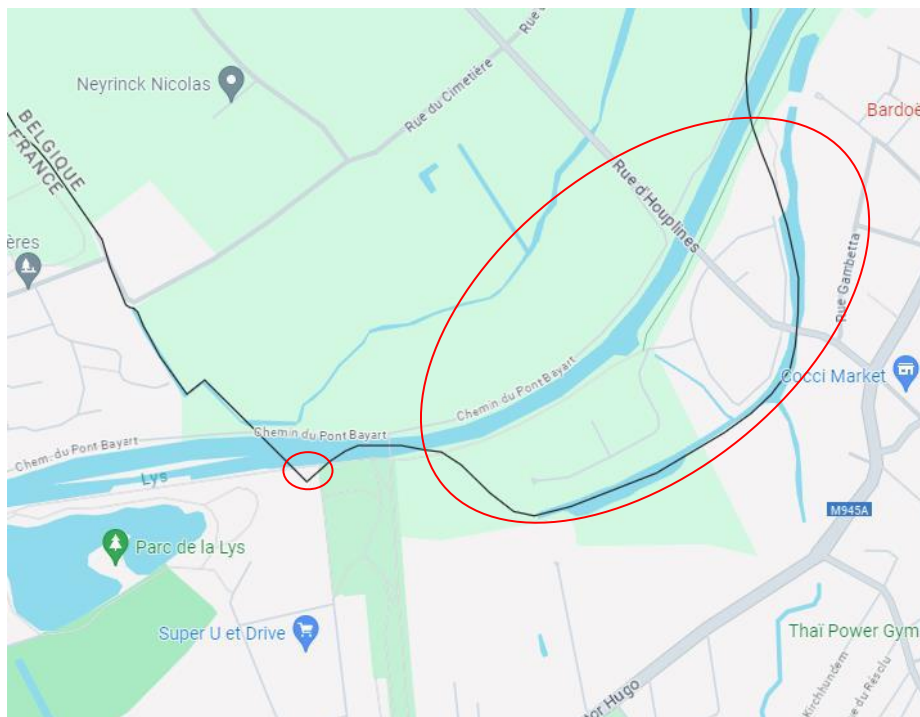
Source : Métropole européenne de Lille, planning department

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Liste des ilots transfrontaliers : (extrait google maps)

A Houplines :

Ilot belge coté France



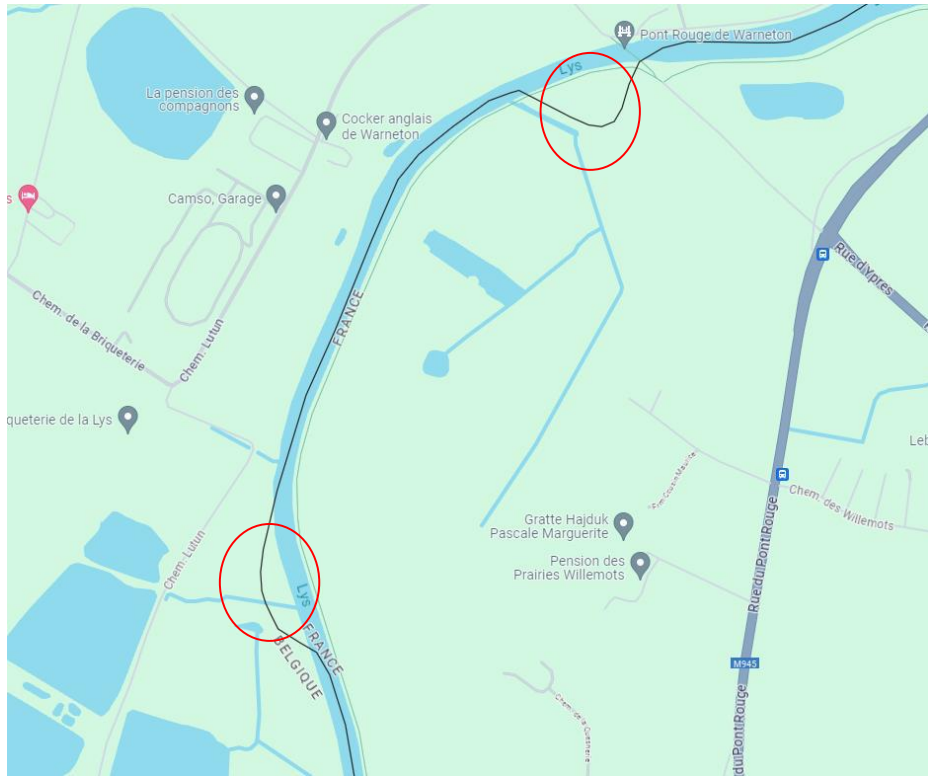


Ilot français coté belge : « le prés entre les deux eaux »

DUAV-ATVB-AP-24.04.2024



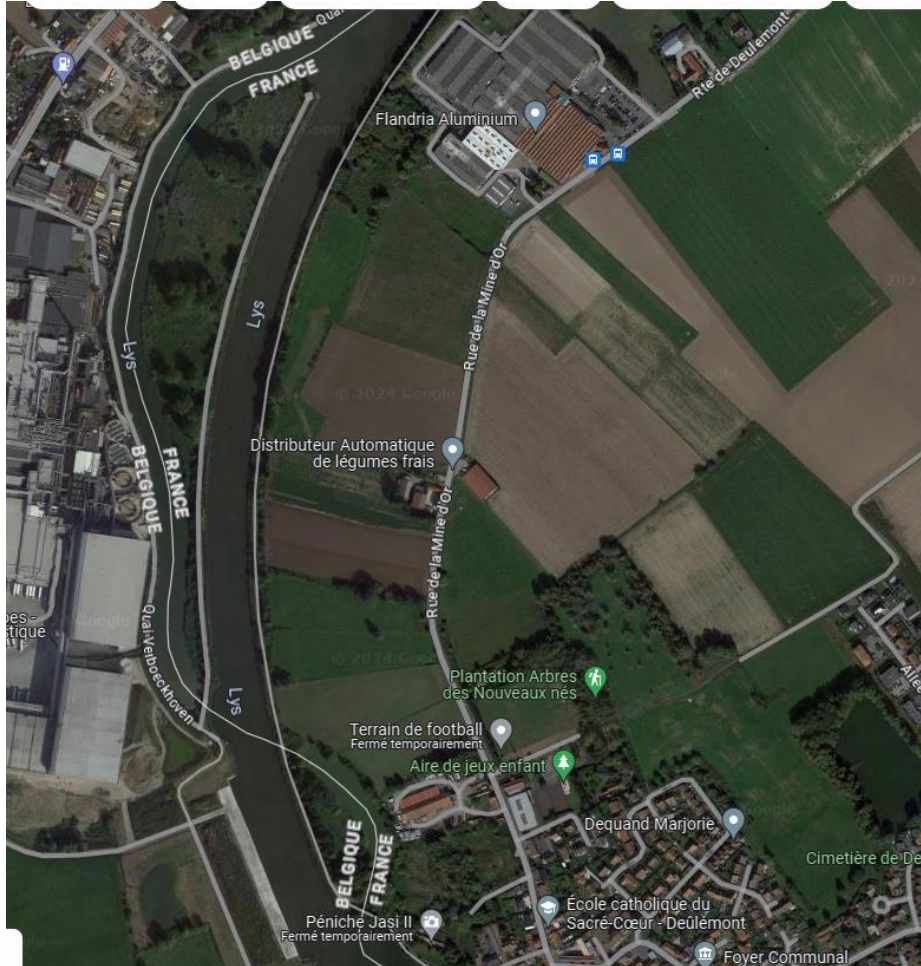
Frelinghien :



DUAV-ATVB-AP-24.04.2024



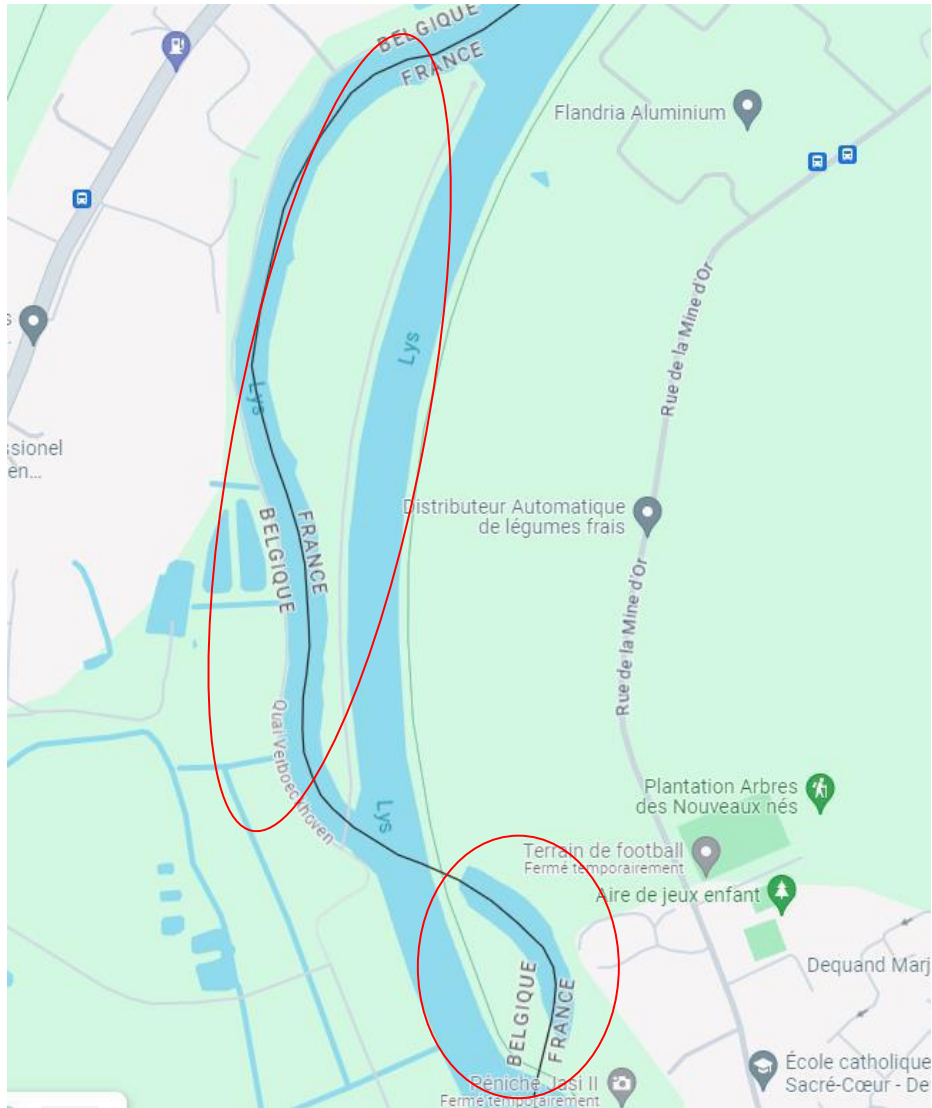
Deûlémont :



Warneton :

Ilot français connecté via un pont

Ilot Belge le vert digue coté France



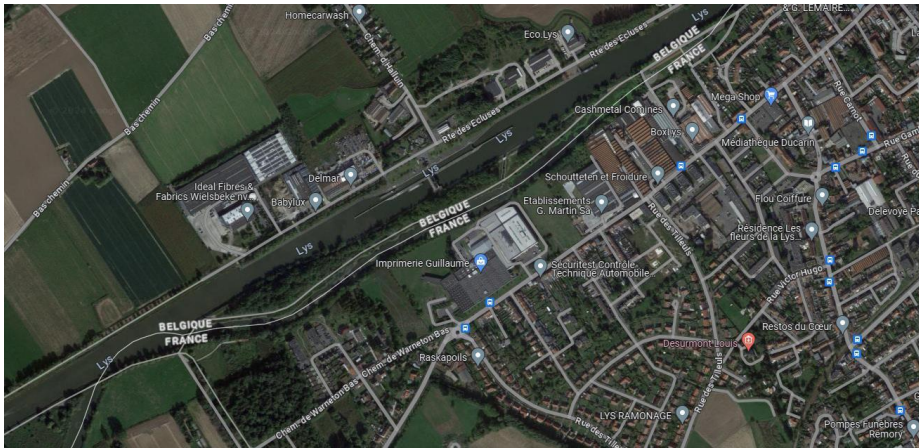
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Comines :

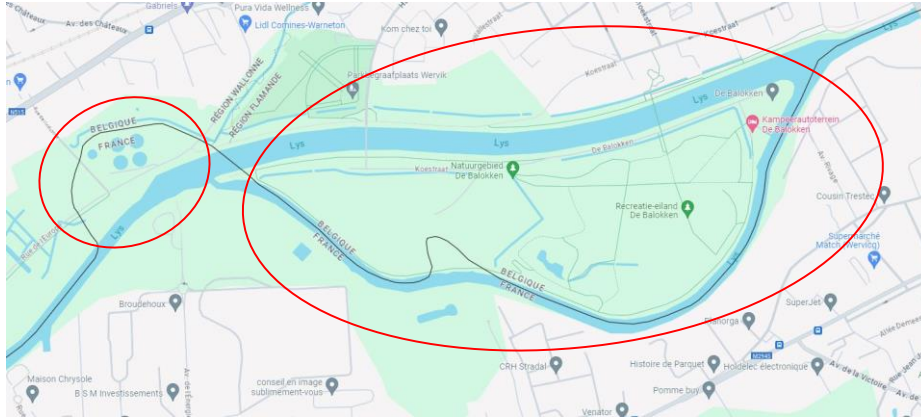
Ilot belge coté France au niveau de l'écluse

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DUAV-ATVB-AP-24.04.2024

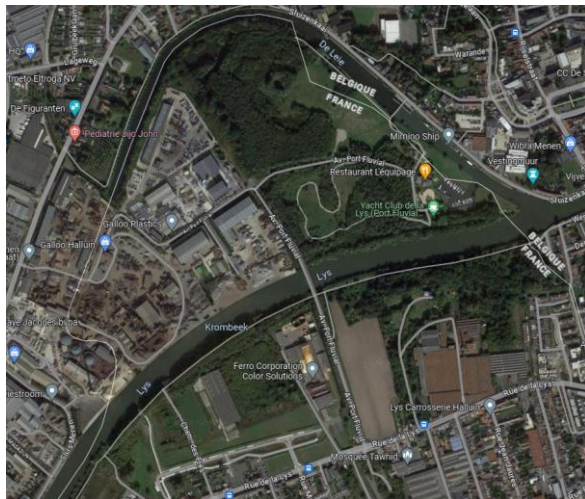
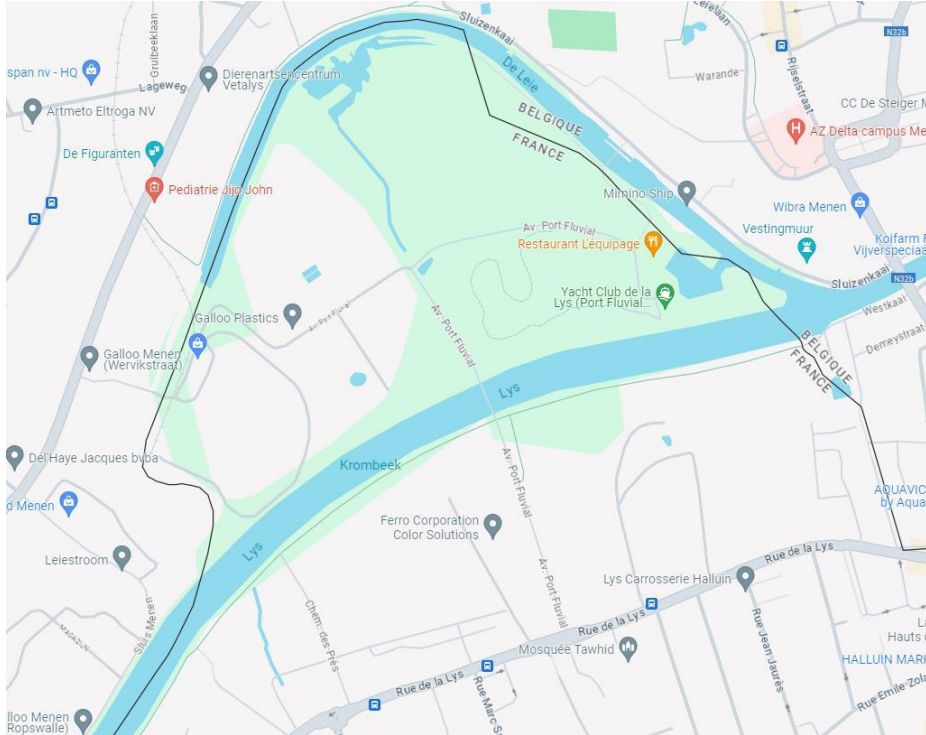
Comines Wervicq-Sud :



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Halluin :

Ilot les Prés de Menen



Appendix 2: list of interviewed players during the field survey

State departments

- French Ministry of Europe and Foreign Affairs, Delegation for the External Action of Local Authorities
- French Ministry of the Interior, Directorate of European and International Affairs
- Préfecture du Nord, Directorate for coordination of interministerial policies

Local authorities

- Wervik Town Hall
- Bousbecque Town Hall
- Métropole européenne de Lille: vice-presidency in charge of territorial development, department in charge of development and the green-blue corridor, department in charge of legal support for territorial development

Operators

- Voies navigables de France
- De Vlaamse Waterweg
- Service public de Wallonie

Others

- Mission opérationnelle transfrontalière
- Catholic University of Louvain, School of political and social sciences
- University of Lille, Faculty of economic, social and territorial sciences

Appendix 3: selection of references

A-L. Amilhat-Szary, G. Hamez (eds.), *Frontières*, Paris: Armand Colin, 2020.

Eurometropolis Lille-Kortrijk-Tournai, *Guide de gestion collective d'un espace public transfrontalier* : <https://www.eurometropolis.eu/upload/attach-document/gestion-collective-dun-espace-public-transfrontalier.pdf>

B. Reitel, B. Wassenberg (eds.), *Critical Dictionary on Borders, Cross-Border Cooperation and European Integration*, Brussels: Peter Lang, 2020.

Legifrance, French legislation portal: <https://www.legifrance.gouv.fr/>

Justel, Belgian legislation portal: <https://www.ejustice.just.fgov.be>