

# **BENELUX CONVENTION ON NATURE CONSERVATION AND LANDSCAPE PROTECTION\***

\* Translation by UNEP Secretariat

Brussels, 8 June 1982

The Government of the Kingdom of Belgium, the Government of the Grand Duchy of Luxembourg, the Government of the Kingdom of the Netherlands,

Considering that the Third Benelux Intergovernmental Conference, held in Brussels on 20 and 21 October 1975, decided that, within the framework of an active Benelux environmental policy, nature conservation, the preservation of natural areas and the protection of landscapes of value constitute a practical objective,

Having regard to the advice issued on 13 December 1980 by the Benelux Consultative Interparliamentary Council,

Have decided to conclude a Convention to this end and have agreed as follows:

## **Article I**

1. The purpose of this Convention is to regulate concerted action and co-operation among the three Governments in the field of conservation, management and rehabilitation of the natural environment and landscapes.

2. For the purposes of this Convention, these terms shall have the following meaning:

natural environment: the physical surroundings of man, including a-biotic (non-living) elements such as rocks, water and the atmosphere and biotic (living) elements embracing natural and semi-natural biocenoses including plants and animals in the wild states;

natural area: an area in which the biocenoses are not, are no longer, or are only slightly influenced by human action, except where such action is intended to preserve or develop these biocenoses;

landscape: a tangible part of the earth defined by the relation and interaction of various factors: soil, relief, water, climate, flora, fauna and man. Within a specified landscape unit, these phenomena give rise to a pattern resulting from the combination of natural, cultural, historical, functional and visual aspects. The landscape may be considered as a reflection of the attitude of the community to its natural environment and the way in which it acts on this environment;

conservation, management and rehabilitation: passive or active measures intended to preserve or develop biological, cultural, historical and aesthetic values;

transboundary park or area: a park or area lying across an intra-Benelux border.

## **Article 2**

To achieve the purposes referred to in article 1, the three Governments agree to co-operate in the following areas:

1. harmonization of relevant policy principles and instruments, to the extent that they deem necessary, and, in particular, the harmonization of laws and regulations governing the subject of this Convention;

2. information exchange and concerted action on new measures and new developments to align or coordinate the policies of each of the three countries with regard to transboundary natural areas and landscapes of value;

3. organization of co-ordinated information and education campaigns;

4. exchange of scientific data and, as appropriate, the conduct of joint research;

5. co-ordinated implementation of agreements concluded within a wider international framework.

### **Article 3**

To ensure effective protection of their transboundary natural areas and landscapes of value, the three Governments shall undertake or develop the following activities:

1. development of protection and management concepts for transboundary natural areas and landscapes of value, including transboundary parks, as well as areas of importance for migratory species; definition of criteria to be fulfilled by the aforesaid areas, their protection and management;
2. establishment of an inventory, demarcation and granting of protective status to the areas referred to in subparagraph 1, on which a decision has been taken in accordance with article 1 of the present Convention;
3. establishment of harmonious programmes for the management and protection of the areas referred to in subparagraph 1, on which a decision has been taken in accordance with article 4 of the present Convention;
4. regular concerted action with a view to implementing the programmes referred to in subparagraph 3 above;
5. reciprocal consultation on development projects involving the aforesaid transboundary areas and which might adversely affect them.

### **Article 4**

To achieve the objectives set forth in articles 2 and 3, the Committee of Ministers of the Benelux Economic Union shall take decisions, in conformity with article 18 of the Treaty for the Union and taking into account the particular circumstances of each country or part of a country. Such decisions shall be binding on the three Governments and shall be published in each of the three States in the form laid down for the publication of treaties.

### **Article 5**

The three Governments shall take the measures required to implement the programmes referred to in article 3, subparagraph 3, apply them and, if necessary, adapt them.

### **Article 6**

The Contracting Parties shall retain the right to adopt measures stricter than those provided for in this Convention.

### **Article 7**

1. Each of the three Governments retains the right to authorize departures from the provisions of this Convention and to the decisions taken to implement it, subject to the prior approval of the Committee of Ministers recorded in a decision taken in conformity with article 4 of this

Convention.

2. In the cases of emergency, however, and as long as there is no prejudice to the objectives of this Convention, each of the Governments may adopt and apply measures that depart from the provisions of this Convention, over a maximum period of three months, pending decision by the Committee of Ministers. The other Governments shall be informed of such provisional departure from this Convention through the Secretary-General of the Benelux Economic Union.

### **Article 8**

In pursuance of article 1, paragraph 2, of the Treaty relating to the institution and statute of a Benelux Court of Justice, the provisions of this Convention shall be designated as common legal rules for the application of chapters III and IV of the aforesaid Treaty.

Article 9

In the case of the Kingdom of the Netherlands, the present Convention shall apply only to territory in Europe.

Article 10

1. This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the Benelux Economic Union, who shall inform the Contracting Parties of the deposit of such instruments.

2. It shall enter into force on the first day of the second month following the date of deposit of the third instrument of ratification.

3. It shall remain in force for the same period as the Treaty instituting the Benelux Economic Union,

In witness whereof, the undersigned, duly authorized for the purpose, have signed this Convention.

Done at Brussels on 8 June 1982, in triplicate, in the Dutch and French languages, both texts being equally authentic.