

LETTERS TO THE EDITOR.

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Holland and International Rivers.

IN NATURE of October 16 is published an address on "The International Rivers of Europe," read at the British Association by Prof. L. W. Lyde. A large part of the address is concerned with the proposition that Holland is the only European country which has so far failed to accept the salutary principle that a great navigable river cannot be monopolised by a single political unit against riparians—a proposition which Prof. Lyde tries to prove, amongst other things, by an analysis of the case of the Ghent-Terneuzen Canal.

In order not to occupy too much of your space I shall deal only with that question (although some extraordinary remarks of Prof. Lyde's on the Maas and the Rhine invite comment), and only with the most important aspect of it, which is that of the dimensions of the canal in Dutch territory. Prof. Lyde denies the truth of the Dutch assertion that Belgium has enjoyed freedom of navigation on the ground that the dimensions of the Terneuzen-Ghent Canal are too small in Dutch territory. He then gives an outline of the history of the enlargements, which, if his statement about freedom of navigation means anything, should prove that Holland is responsible for those dimensions. Now not only does Prof. Lyde not prove this, but it is contrary to well-established fact. Holland has never put any difficulties in the way of Belgian desires for the enlargement of a waterway which, as a commercial communication, serves mainly, if not exclusively, the interests of the port of Ghent. Prof. Lyde calls italics to his aid to emphasise that eight years were wasted in the 'seventies before the Convention of 1879 was concluded, which arranged for the first enlargement. Wasted by whom? If one reads up the story in Guillaume, "L'Escaut," vol. ii., p. 439 (the authoritative work on this matter, published in 1902 by the then Belgian Minister at The Hague), one sees that in 1874 already the Dutch and Belgian Governments had reached an understanding, but that the Belgian Parliament, moved by an agitation which had its origin in Antwerp (where Ghent was feared as a possible competitor), threw over the Belgian Government.

The Convention of 1895 was concluded, as Guillaume puts it, "aisément" ("easily")—that is to say, the Dutch acceded at once to the requests put forward by the Belgians. In the same way, when, in 1902, while the enlargement was still being executed, the Belgian experts decided that a further enlargement was desirable, the two Governments agreed almost at once on a new convention in which the dimensions were laid down which the canal has at the present moment. If those dimensions are smaller in Dutch than in Belgian territory, it is because the works of 1895 were in 1902 in a more advanced state in the Dutch than in the Belgian part of the canal, so that in the latter they admitted more easily of readjustment. But the dimensions in the Dutch part are those which the Belgians asked for, and no other, nor have they since then asked for any further enlargement which Holland has refused. On the contrary, if, as a result of the negotiations now proceeding in Paris, new works of enlargement are undertaken, it will be found that the Dutch Government has already acquired ground at

Terneuzen in order to facilitate the enlargement of the locks.

Where, in this history, is the justification for complaints about obstacles in the free navigation of Ghent? Prof. Lyde says that under international control improvements would be adopted on their merits—so they have under the existing régime; and that under international control the successive enlargements would have been completed much sooner—this is an assertion quite unsupported by any evidence. Prof. Lyde says also that under international control the cost of the enlargements should have been met out of the profits on the traffic. Under the existing régime navigation is quite free, and there are no such profits. But I believe that Prof. Lyde advocates the establishing of tolls under an international authority. I doubt whether this extraordinary idea would recommend itself to international commerce or to Ghent!

Far from being unique in denying a neighbour's right of free access to the sea, Holland has in modern times consistently respected it. There has been nothing "stupid" or "selfish" about her attitude. It is perfectly true that she might have acted very selfishly and still remained within the bounds of legality; if that shows that the existing legal régime should be amended, it is all the more unfair to blame Holland, who never took advantage of it to harm her neighbour's interests.

P. GEYL.

London, October 25.

I AM obliged for your courtesy in sending me Dr. Geyl's letter. Most of it is concerned with the dimensions of the Terneuzen Canal, which Dr. Geyl calls "the most important aspect of the question." I considered it so unimportant that my only comment on it was: "As the accidental difference in dimensions is a real handicap to Belgium, Holland should have been scrupulous to compensate by all possible courtesy and other facilities."

Dr. Geyl goes on to say that my denial that Belgium has had freedom of navigation is based "on the ground that the dimensions in Dutch territory are too small"! A glance at the address in your issue of October 16 will prove the inaccuracy of this attempt to divert attention from the actual facts on which I based my assertion that Belgium had not freedom of navigation.

To anyone who would care to know exactly how Holland has acted on these international waterways, I venture to say that Kaeckenbeek's purely legal "International Rivers" (published by the *Grotius Society*) is more illuminating than Guillaume's account of what is, after all, his own success as Belgian Minister at The Hague.

"Where, in this history," Dr. Geyl asks, "is the justification for complaints about obstacles in the free navigation . . .?" In Dr. Geyl's history, nowhere. Mine was more discursive and gave precise instances, with dates and references, of facilities being denied and delayed by the Dutch; and I notice on p. 319 of the current R.G.S. Journal, in a legal review of Kaeckenbeek's book, the words: "Germany [on the Rhine] joins hands with the Dutch in setting up restrictive regulations against foreigners." One relatively trivial case illustrates both the denial and the delay. In January, 1906, the Belgian Government formally asked the Dutch Ministry of Finance to forgo customs formalities—with all their delay and inconvenience—on boats moving only and directly between Ghent and Antwerp. The Dutch Ministry replied in January, 1907, and refused.

The profits on the canal trade are so great that Terneuzen has relatively heavier tonnage than any