

Transboundary cooperation Serbia&Montenegro and neighboring countries

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General overview

After the break up in 1992 of the Socialist Federal Republic of Yugoslavia (SFRY), several sovereign internationally-recognized states came into existence, including the Federal Republic of Yugoslavia (FRY).

On 4 February 2003 Serbia and Montenegro was created on the territory of the Federal Republic of Yugoslavia.

In addition to Serbia and Montenegro, the new states include Slovenia, Croatia, Bosnia & Herzegovina, and Macedonia. Having in mind the previous immediate neighbors, i.e. Hungary, Romania, Bulgaria, and Albania, the location of Serbia and Montenegro is very important in the domain of sustainable management of international water resources at bilateral and multilateral levels. A regulated international legal regime in the water sector is extremely important for all neighboring countries, the Danube river basin countries, and consequently for the cooperation within and the positive outcome of ICPDR activities. Since an area of 88,919 km² of Serbia and Montenegro belongs to the Danube river basin, the establishment of effective international cooperation in the domain of transboundary water resources is a priority for Serbia and Montenegro. Much less territory, mostly in Montenegro but also at Kosovo and Metohija, part of territory of Serbia, that is under international protectorate, belongs to Adriatic river basin, and for that part of Serbia and Montenegro, it is important to establish good bilateral agreements, particularly with Albania.

Bilateral cooperation

The former Socialist Federal Republic of Yugoslavia entered into several bilateral and multilateral agreements and conventions governing the use of international watercourse that form or cross national borders. Some of these are still in force. As a result of geopolitical changes, the actual situation in which Serbia and Montenegro finds itself at present is summarized below.

Hungary

An agreement between the governments of the FPR of Yugoslavia and the PR of Hungary regarding water management issues was entered into on 8 August 1955.

The agreement is being implemented through the activities of Commission and support groups of the Commission, i.e. sub-commission for water protection, water management, and protection of water quality. Up to now, the accomplished results have been substantial. However, in the course of implementation, the greatest practical problems resulted from differences in interpretation, specifically where Hungary understood the agreement to cover

only a relatively small sector of joint interests. From 1996 the two parties agreed to incorporate into their activities the principles of the Danube River Protection Convention (Sofia, 1994) and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992), until a new agreement is in place. This has yielded very good results.

The Hungarian side has notified its intention to submit the proposal of a new agreement, and the CS side is finalizing preparations for the formulation of its new agreement proposal.

An agreement between the governments of the FPR of Yugoslavia and the PR of Hungary regarding navigation on the Tisza was entered into on 9 March 1959.

The agreement is formally in force, but its implementation in practice is partial. A new agreement is forthcoming.

An agreement between the governments of the FPR of Yugoslavia and the PR of Hungary regarding border fishing was entered into on 25 May 1957.

The agreement is formally in force, but it is not being implemented in practice.

Romania

An agreement between the governments of FPR of Yugoslavia and the PR of Romania concerning water engineering issues related to boundary and transboundary systems and watercourse was entered into on 7 April 1955.

The agreement is being implemented through the activities of Commission and support groups of the Commission, i.e. sub-commission for water protection, water management, and protection of water quality. The agreement is being implemented by sub-committees for water control, water management, and water preservation. Accomplishments have only been partial, and there is the need to generate a new agreement. Romania has submitted its proposal, and CS's proposal is in the final stages of completion.

In order to overcome coordination issues, the parties agreed in 1998 to incorporate into their activities the principles of the Danube River Protection Convention (Sofia, 1994) and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992) until a new agreement is entered into. However, there have been no significant advances in cooperation.

Several agreements and conventions governing the construction and operation of the Iron Gate Hydro Power and Navigation System Đerdap (Iron Gate) were entered into by Yugoslavia and Romania in 1963, 1964, 1967, 1976, 1977, 1987, and 1998.

The outcome of bilateral cooperation under these agreements and conventions has been satisfactory. However, it should be pointed out that any ongoing activities of the Joint Commission need to address much more the environmental impacts of the two dams on the backwater zone and the sustainable management of water resources, in order to mitigate negative impacts.

An agreement between the governments of the FPR of Yugoslavia and the PR of Romania concerning border fishing was entered into 30 January 1961.

The agreement is formally in force, but it is not being implemented in practice.

Bulgaria

An agreement between the governments of the FPR of Yugoslavia and the PR of Bulgaria concerning water management issues was entered into on 4 April 1958.

The agreement is formally in force, but cooperation was discontinued in 1982. A new agreement is required and, when entered into, bilateral cooperation should proceed on an urgent basis.

An agreement between the governments of the FPR of Yugoslavia and the PR of Bulgaria concerning border fishing was entered into on 22 January 1962.

The agreement is formally in force, but it is not being implemented in practice.

Albania

An agreement between the governments of the FPR of Yugoslavia and the PR of Albania concerning water management issues was entered into on 5 December 1956.

The implementation of the agreement has been partly successful, particularly in managing water resources that form or cross the border. Cooperation was discontinued in 1986.

The present situation is untenable, both from legal and engineering standpoints, and the agreement (which none of the parties has terminated) is unenforceable as a result of the new geopolitical environment resulting from the break-up of the former SFRY. The preparation of a new agreement is forthcoming.

Former FRY Republics

No bilateral agreements governing sustainable management of transboundary water resources have been entered into with Croatia, Bosnia & Herzegovina, and Macedonia.

The responsible Ministry of Agriculture and Water Management/Directorate for Water of Serbia has initiated extensive preparations for the formulation of agreements and the commencement of a negotiation process with neighboring countries, incorporating contemporary solutions and the best of international practices.

Such agreements are not only a precondition for bilateral, but also for multilateral cooperation.

Conclusions about bilateral cooperation

In conclusion, a general re-assessment of all bilateral agreements is required, particularly those addressing water management issues. Although entered into around the middle of the last century, these agreements cover practically all of the aspects of sustainable management of transboundary water resources and environmental issues.

The outcome of the implementation of these agreements varied from country to country, and was for the most part influenced by the political environment in which specific problems were addressed. The agreements should be reviewed in light of the conditions under which they had to be implemented, rather than their content. It is of the utmost importance to implement

solutions set out in conventions approved in the last decade of the previous century and their ongoing elaborations, particularly the Danube River Protection Convention, as well as to implement the WFD and its elaborations in the long-term.

Multilateral cooperation

For Serbia and Montenegro it is of the highest importance the establishment of a new framework for multilateral cooperation, which would be closely linked to and synchronized with bilateral cooperation along the lines of the major international conventions approved during the 1990's, at the time when this country was isolated. This particularly relates to the implementation of the European Water Framework Directive (WFD).

The Danube River Protection Convention (Sofia, 1994)

The goal of this important Convention, ratified by FRY/Serbia and Montenegro on 30 January 2003, is to achieve sustainable and equitable water management. In view of the geographic location of Serbia and Montenegro, and the importance of international rivers: the Danube, the Tisza, the Sava, and the Drina (the largest tributary to the Sava), the establishment of cooperation based on this Convention is of vital importance to the overall development and bilateral cooperation.

In view of the fact that Serbia and Montenegro became a full member of the ICPDR in August of 2003, the Republic of Serbia feels the activities of official representatives must be at the highest level, which is in the interests of all member states of the Convention.

Not only was a declaration of intent made, but also specific activities were initiated with the attendance of the CS delegation at the sixth ordinary meeting of the ICPDR at the beginning of December 2003 in Vienna and through working sessions of CS experts with those of the ICPDR Secretariat in the latter half of December 2003. The exchange of information, agreed timeframe for CS activities to catch up with those of other member states, and the progress of activities in the country are guarantees of the changed position of CS and the professional approach of its institutions and experts to the ensuing activities.

The Budapest Declaration/Tisza Water Forum

Following disastrous floods in the upper part basin of the Tisza between 1989 and 2001, the ministries responsible for flood control approved the Budapest Declaration on 25 May 2001. According to this document, the former Federal Republic of Yugoslavia (FRY) committed itself to establishing international cooperation with regard to flood control in the Tisza river basin. The document also addresses certain environmental issues.

During initial negotiations, CS insisted on the generation of a document that would address all relevant aspects of integrated and sustainable management of transboundary waterways in the Tisza river basin, but this was not supported by the other countries. In view of the poor status of the Tisza basin ecosystems, many issues with regard to environmental protection and water quality preservation remain open. For this reason an initiative of the European Council to implement a Tisza river basin agreement and ICPDR support would be welcomed by CS.

The accomplishments to date are encouraging, even though only a single aspect of sustainable water management is being addressed, i.e. that of flood control.

The activities of the Forum are based on sub-coordination from the level of responsible ministries, through national coordinators, to expert groups and specialized institutions that carry out coordinated activities and implement decisions taken by competent representatives at the meetings of Tisza river basin countries.

Framework Agreement on the Sava River Basin

FRY/Serbia and Montenegro, Croatia, Bosnia & Herzegovina, and Slovenia approved on 3 December 2002 in Kranjska Gora the Framework Agreement on the Sava River Basin, including its annexes and a Protocol on the navigation regime. The Framework Agreement provides the potential for resolving issues related to sustainable water management in the Sava river basin and sets out the principles of multilateral cooperation in one of the largest sub-basins of the Danube.

The ratification of the Agreement is pending.

The Framework Agreement will become acceptable/fully enforceable at the time the missing protocols (which would address sustainable management of transboundary water resources in the Sava river basin) are approved and after their full implementation has begun. In this regard it is very important to establish close ties between ICPDR and the future International Commission for the Sava river basin, as well as to implement the WFD.

Convention Regarding the Regime of Navigation on the Danube

According to the Convention Regarding the Regime of Navigation on the Danube approved on 18 August 1948 in Belgrade, navigation on the Danube is free and open to all nationals, as well as to merchant ships and goods of any country.

The Convention set up the Danube Commission responsible for the implementation of the Convention. In its implementation, the Convention showed that no aspect, including navigation, may be detached from the principle of integrated water management. Every measure and activity on the Danube, which was a function of navigation, opened and required the resolution of a number of issues, ranging from the environment to water management.

It is necessary to establish better coordination between ICPDR and the Danube Commission, as a necessary step towards sustainable development of the Danube river basin.

Future international cooperation has to produce concrete results in our as well as in the other countries in the region. For achieving this goal, it is necessary to establish strong links and good neighbourliness with these countries and to ratify international conventions aimed at achieving sustainable water management.

We strongly believe that recent accession of Serbia and Montenegro in the Council of Europe represents the first step in that direction and that the period of stagnation and backwardness is forever behind us.