



Transboundary cooperation of Western Balkan states in the field of water resource management: Between the existing treaties and a new international treaty

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ARTICLE INFO

Keywords:

Western Balkans
Drina river
International water treaties
Regional cooperation
Integrated water resources management
EU integration

ABSTRACT

The objective of the paper is to explore the existing conditions and possibilities for the improvement of co-operation between some Western Balkan states (Bosnia and Herzegovina, Montenegro and Republic of Serbia) which occupy the Drina River basin (DRB). The article analyses the existing international treaties with the purpose of giving an answer to the question whether they present a satisfactory legal framework. It points to the factors which determine co-operation, and explores the possibilities for the conclusion of a new international treaty on the co-operation between the three states. It explores the possibilities for the conclusion of a new international treaty on the establishment of co-operation between the three states, this implying consideration of the reasons for and against the adoption of a separate international agreement on co-operation between the states in the region. The paper considers the thesis on the need for the improvement of co-operation between the DRB states to be based on the concept of integrated water resources management.

1. General context

The analyses emphasising the significance of water resources in the world and discussing potential disputes and conflicts between two or several states prevail in the literature that treats water resource management (Wouters et al., 2008; Stetter et al., 2011; Fischhendler, 2015). The need to reconceptualise water law, human rights protection in the field of water resources (Obani and Gupta, 2015), water resource management system reform (Saleth et al., 2007), transboundary groundwater management (Linton and Brooks, 2011), then the reform of the whole environmental management system (Ivanova, 2012) within the context of sustainable development goals (Orme et al., 2015), etc. are also being discussed. Although some “traditional” issues are still significant (apart from navigation and waterpower, irrigation, etc.) the states are also basically focused on other issues among which are environmental ones (Giordano et al., 2014). Apart from the general conditions one should keep in mind, the exploration of possibilities for cooperation between the states also implies the consideration of the specific regional conditions and practices of implementation of international legal rules in the field of transboundary water resource management as well as in some other relevant fields. The implementation of the principle of equitable and reasonable use of shared natural

resources is of special significance (Lankford, 2013). Integrated water resource management (IWRM), and bringing into accord various uses of water resource use are facing versatile theoretical and practical challenges (de Strasser et al., 2015; Muller, 2010; Allouche, 2016).

In the framework outlined above, the co-operation of the Western Balkans states (WBS) in the field of transboundary water resource management could be reconsidered in the light of various factors which are characteristic for the states in this region. The objective conditions resulting from its geographic position, natural features of the region, the state of the environment and security issues related to this (Todić, 2011) as well as the socio-economic development deserve considerable attention. The paper endeavours to give an answer to the question to what measure the existing international legal framework of co-operation in the field of water resource management in the Drina River basin (DRB) could be regarded as satisfactory or whether the existing state could be improved by concluding of a new international treaty. It considers the current state of international legislations in the field of water resources management which is significant for the three DRB states as well as some determinants which determine the situation in the water sector. It is assessed that the lack of systemically regulated co-operation is one of the key characteristics defining the current state of affairs which has resulted from the establishment of new states after the

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former Yugoslavia ceased to exist. The authors support the opinions that the existing international legal framework is not satisfactory and that proper conditions have been created for its improvement; that the integration of the WBS to EU and the harmonisation of their national legislations with EU legal norms are not sufficient for the improvement of co-operation; that the conclusion of trilateral international treaty between Republic of Serbia (RS), Bosnia and Herzegovina (BiH), and Montenegro (ME) that would regulate IWRM in the DRB would contribute to the promotion of overall relations in the region. Although the term Western Balkans has been recently introduced into the political terminology within the process of EU integration of the states from this region denoting those which were created by the break-up of the former Socialist Federal Republic of Yugoslavia (excluding Slovenia including Albania), for the purpose of this article, the basic subject of the research involves three states in the DRB - BiH, ME, and RS.

2. Background information

The significance of the DRB for the three states which are a part of it can be considered in various ways. The three WBS: BiH, RS, and ME whose common natural resource is the Drina River (DR) occupy the central part of the Western Balkans. At the same time, they are a part of the Danube river basin (See Table 1. below). They also belong to the Sava River (SR) subbasin and this river is the biggest right side tributary of the Danube.

As the biggest tributary of the SR, the DR (long 33,567 km) (ISRBC, 2014, 8) is also the state border. It became an international river after the dissolution of the former Socialist Federal Republic of Yugoslavia in the early 1990s. However, the issue of borders between countries is not considered in this paper (Geddes and Taylor, 2016). The DR is formed by merging of the Tara River (the subbasin area amounts to 2005 km²), the Piva River (1784 km²) and the Lim River (5968 km²). The meeting point of the Tara and Piva Rivers is near Šćepan Polje along the border between BiH, and ME, while the Lim empties into the DR near Višegrad. The Lim (the biggest right side tributary of the DR) flows from ME into

Table 1
Basic data on WBS in DRB.

	BiH	ME	RS
Share of Danube RB %	4,6	0,9	10,2
Share of national territory in the Sava RB (%)	75,8	49,6	7,7
Total area of countries belong to DRB % (Portion State territory)	143*	45	7,7
Drina RB belong to countries % (Portion of DRB)	37,1	31,6	30,5
Population in DRB	520 000**	300 000	150 000
Land use in the DRB (%)			
Agricultural land	22,5	15	30
Forest	61	47	40
Other land uses	16,5	38	30
GDP/pc (2015)	4,197	6,415	5,143
Existing dams and hydropower	2 (BiH/RS) 1 ***	2	5
Protected area, % of DRB	3	7,9	10
Population connected to public water supply % (2015)	556 (2013)	–	82,9
Population connected to waste water treatment system (at least secondary treatment) (2015)	1,8 (2013)	–	106
Waste generated (kg/pc) (2015)	311 (2013)	533	259
Total waste treatment (kg/pc) (2015)	233 (2013)	518	194
Landfill disposal	233 (2013)	488	192

Sources: ICPDR, 2015: 4; ISRBC, 2014: 5; WBG, 2015: 2; UN, 2017, 5 (for land use); WB, 2016; WBG, 2015, 29 (for existing dams and hydropower); WBG, 2017; Eurostat, 2018a, b; Eurostat, 2018c (for data on water supply and waste).

* In the case of the Republic of Srpska 257%; and 3,2% of the Federation of BiH territory.

** 450 000 in the Republic of Srpska and 70 000 in the Federation of BiH.

*** Republic of Srpska and Federation of BiH.

the territory of RS near Bijelo Polje, and flows out it near Priboj leaving to BiH where it empties into the DR.

The DRB area amounts to 19,570 km² (19,680 according to the WBG, 2015, 2, or 20,319.9 according to the ICRBC 2014, 8) stretching across the following three states: BiH which is divided to two entities (the Republic of Srpska - RSBiH, and the Federation of Bosnia and Herzegovina - FBiH); ME, and RS (Prohaska et al., 2004). According to the data presented in the Water Management Strategy on the territory of the RS 220 km the DR is the border between BiH and RS (MPZZS 2015, 8). Albania occupies a very small part of the DRB.

The basic data show that out of the total area of BH – 14.3% belongs to the DRB (in the case of the RSBiH it occupies 25.7% of its territory and 3.2% of the territory of the FBH); 7.7% of the territory of RS belongs to the DRB while 45% belongs to the territory of ME (WBG, 2015, 2). The biggest part of the DRB belongs to BH (37.1%) of which 31.7% belongs to the RSBiH and 4.2% to the FBH; 31.6% of the DRB belongs to ME, and 30.5% to RS (For other data see Table 1). Almost a million inhabitants live in the DRB.

3. The existing international legal framework

3.1. Water treaties

The existing international legal framework is one of the general conditions which determine the possibilities for the establishment of co-operation between the WBS and is a starting presumption for perceiving the situation in this field. For the WBS, the membership in several international treaties in the field of water resource management is a general legal framework. Three international treaties are of key importance. These are as follows: The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992) (UNECEWC), The Convention on Co-operation for the Protection and Sustainable Use of the River Danube (Sofia, 1994) (DRPC), and The Framework Agreement on the Sava River Basin (Kranjska Gora, 2002) (FASRB). Among other international treaties in the field of water management especially significant for the WBS could be the following: Agreement on the Protection of Tisza River (members are RS, Romania and Hungary), Convention on the Protection and the Sustainable use of the Carpathians (RS, Romania and Hungary), Convention on the Protection of the Mediterranean Sea against Pollution (members are BH and ME, this also including the following neighbouring states: Albania, Romania and Croatia).

All three states are members of the UNECEWC and Amendments to Articles 25 and 26 as well as of the DRPC. Two states are members of the FASRB (BH and RS), while the third state (ME) has regulated its status in this international agreement by signing a special Memorandum of Understanding. As for the membership in the Convention on the Law of Non-Navigational Uses of International Watercourses as a global international treaty, it should be recognised that ME is the only state belonging to the DRB which is a member of this international agreement.

Presenting the results of the analysis which follows it is pointed to several elements that are a part of the three treaties being relevant for water management in the DRB (UNECEWC, DRPC, and FASRB) such as the objectives, object of regulation, and fields of co-operation. Regarding this, one should also mention the principles of co-operation which are regulated by the international treaties. In short, both the UNECEWC and the FASRB point to the principles of equality (“sovereign equality”). These two treaties also involve the principle of mutuality (UNECEWC), or actually “mutual benefit” and “good faith” (FASRB). UNECEWC and the DRPC overlap since they both involve the precautionary principle, the polluter-pays principle and the principle of sustainable development. The FASRB particularly elaborates the principles of reasonable and equitable utilisation, no harm rule and elimination of transboundary impacts on the waters. It directly refers to the EU regulations which also contain the rules that are set down. In the

broader discussion on the needs for new international treaty it should be taken into account some other issues, also. For example, relationships between the relevant international agreements, relations between institutions formed by the international treaties and other relevant international organizations, the possibilities for changes and amendments of the existing treaties, the possibility of concluding additional protocols to the existing international treaties, etc.

In addition there is a relatively high degree of uniformity in the participation of states in multilateral environmental treaties (MEAs), both between the three states belonging to the DRB as well between them and other states in the region. It includes all global international environmental treaties (UN, 2018). The status of the WBS in MEAs which have been concluded within the UN Economic Commission for Europe (UNECE) is of primary significance in the discussion on regional international agreements that are relevant for water resources. It can be stated that all three states belonging to the DRB are members of essential MEAs.

3.1.1. Objectives, object of regulation and fields of cooperation

Concerning the objectives of the three international treaties it should be recognised that there are similarities and differences between them. Generally speaking, IWRM is not explicitly mentioned in those three international treaties, but their goals and other provisions include elements related to the IWRM concept.

The object of the UNECEWC is not defined in a clear and explicit way. It involves, among other things, the prevention, control and reduction of “transboundary impact” on “transboundary waters” (Article 2). As it has already been mentioned, obligations of all parties to the agreement are set down, what particularly involves “riparian states”. Similar dilemmas are present in the Sofia Convention, but Article 3, however, mentions the “object of the Convention” so that in order to “particularly” “prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant legal, administrative, economic, financial and technical measures”. This involves, among other things, the following: the discharge of waste waters, the input of nutrients and hazardous substances both from point and non-point sources as well as heat discharge; planned activities and measures in the field of water construction works, in particular regulation as well as run-off and storage level control of water courses, flood control and ice-hazards abatement, as well as the effect of facilities situated in or aside the watercourse on its hydraulic regime; other planned activities and measures for the purposes of water use, such as water power utilization, water transfer and withdrawal; the operation of the existing hydro-technical constructions e. g. reservoirs, water power plants: measures to prevent environmental impact including: deterioration in the hydrological conditions, erosion, abrasion, inundation and sediment flow; measures to protect the ecosystems; the handling of substances hazardous to water and the precautionary prevention of accidents (Article 3). This Convention is applicable to issues of fishery and inland navigation as far as problems of water protection against pollution caused by these activities are concerned (Paragraph 3).

The FASRB also contains some things which are not clear, although it could be said that the object of co-operation is set down by paragraph 2, Article 2 in a way that it is directly connected to the accomplishment of the goals. In this way, the object of the agreement is “the creation and realization of joint plans and development programs” and “harmonization of their legislation with EU legislation” or actually the obligation of the parties to the agreement to co-operate in the “process” of creation and realisation of the mentioned activities.

As for the fields of co-operation or actually the contents of (possible) co-operation all three international treaties have provisions which have been comparatively developed, but the levels to which they are specific and elaborated are different. The FASRB has clearly defined these issues in a way that the co-operation between the member countries involves the following: regime of navigation, sustainable water management, the

Plan on the management of the water resources of the Sava River Basin (SRB) and extraordinary impacts on the water regime (Articles 10–13). (See also [ISRBC, 2011, 11–30](#)). In accordance with this, three following Protocols are signed: Protocol on Navigation Regime, Protocol on Flood Protection, and Protocol on prevention of water pollution caused by navigation. However, in the case of the FASRB there is a need to make clear the position which has been taken concerning some other mentioned issues, this excluding those which are explicitly mentioned as forms of co-operation. For instance, Article 4 of the Statue of the International Sava River Basin Commission (ISRBC) (tasks and competences of the Commission), which is presented in the Annex I of the Agreement, mentions coordination activities related to “hydro-energy potential of the Sava River Basin”, then the protection of the ecosystem, etc. The other two treaties have not explicitly proscribed the fields of co-operation, but the way of defining them is interwoven with the obligations and forms of co-operation which have been set down. For this fact, a conclusion could be drawn just after perceiving all provisions of these international treaties. Basically, it can be said that all three international treaties provide a wide range of issues and fields of potential co-operation. They are focused on the protection and sustainable water resource management emphasising the “environmental” aspect of sustainability.

However, in all three international treaties some issues are not included in the contents of possible co-operation between the states (climate change, forestry, tourism, communal activities, role of civil society organisations, etc.). Energy supply has neither been treated as a field of co-operation of primary significance, although it is being mentioned in the Sofia Convention and the FASRB. However, the FASRB has not included irrigation and agriculture, although the Agreement contains the provisions which are significant for these issues. Also, groundwater are not systematically included.

4. Factors of importance for the cooperation

a) Regardless of the low level of economic development (for data on GDP, see [Table 1](#)), the trends reflecting population decline, high unemployment rate and shifts of population into cities, it is estimated that the DRB is rich in natural resources and development potentials. There are eight big hydroelectric power plants in the DRB, but it is estimated that significant per cent of these potentials have still remained unused ([Prohaska, 2013](#)). The basin is also rich in biodiversity (rare and endemic species), possibilities for the tourism development, fishing, etc. Tara National Park was placed on the Tentative List of Serbia in 2005. National Park Durmitor and The Tara river canyon (ME), is protected by UNESCO ([UNESCO, 2018](#)). In the RSBiH process of declaring the National Park Drina is launched. It is planned that potential transboundary protected area (Drina Biosphere Reserve) “will extend over parts of the territory of three municipalities in BiH (Srebrenica, Višegrad and Rogatica) and three municipalities in Serbia (Bajna Bašta, Užice and Čajetina)” ([Erg et al., 2012 86](#)). However, only 5,4% of the DRB is protected, “which is far under the European average.” ([WBG 2017, 10](#)).

The challenges faced in DRB are mainly connected with a decision of further development of hydropower and of implementation of measure for floods security ([WBG, 2015, 14](#)). It is estimated that “the impact of power generation on river flow is at the heart of the nexus in the Drina Basin” ([UN, 2017, 43](#)). Unsustainable management of natural resources contributed to the greater sediment yield and transport to the recipients, and thus increased the danger of floods ([Zlatić, 2010, 2014](#)). Several obstacles to rural development of the countries in region have been identified, too ([UN, 2017, 24](#)).

b) The biggest sources of pollution of surface and ground waters in ME are communal wastewaters, which not being previously treated, are most often discharged in the recipient in a concentrated or diffuse way. The impact of industry, and above all foodstuff industry, as well small and medium-sized enterprises can also be perceived ([EPA MNE, 2016](#),

56). Basic problems in BiH include “drainage and treatment of waste water from the public drainage system and industry, pollution of rivers downstream of urban agglomerations and industrial areas, tremendous losses of water in public water supply systems, unsatisfactory monitoring of groundwater and coastal marine water, etc.” (MFTER BiH, 2013, 138). In the RS, the survey of surface water by water areas shows that the Danube River water area achieved the poorest status of water bodies since the status of surface waters in this area is thoroughly unsatisfactory (moderate, poor or bad). Then, it is followed by the Sava River water area where only 3% of water bodies achieved a satisfactory status (good, while there are no water bodies that achieved an excellent status). (These are the results of the monitoring which was carried out in the 2012–2014 period, by which out of 498 water bodies only 30% of them was investigated). (MPŽS, 2015b, 143).

c) The data on the percentage of population which is connected to public water supply show that in 2013, 81.8% of population in the RS had access to this system, in BH it was 55.6%. There are no available data for ME (Eurostat, 2018a). The data on the population connected to waste water treatment systems (at least secondary treatment), this being a requirement contained in EU Council Directive 91/271/EEC on treatment of waste water treatment, show that in 2011 small number of population was connected to the waste water treatment system (Eurostat, 2018b). Apart from that, municipal waste generation and treatment is of special significance for water resource management (protection of water resources from pollution) (See Table 1).

d) The assessments on the impact of climate change on the states belonging to the DRB are a part of the assessments relating to South Eastern Europe, the Mediterranean and Central Europe. There are no specific studies addressing the impact of climate change in the DRB (UN, 2017, 7). According to the Intergovernmental Panel on Climate Change (IPCC) subregional classification of European regions, the area of RS, BiH, and ME belongs to various subregions. For the most part ME belongs to the Mediterranean region, while for the most part RS and BiH belong to “continental” states. According to this classification, in all three states there are regions which belong to the Alps region. Individual assessments which have been worked out for each state belonging to the DRB also make one conclude that a serious impact of climate change can be expected, this including floods and droughts. In this way, for example, it is expected that climate change will “have a serious impact on the conditions in BH” (UN 2011, 82; CM, 2013, 81). Analyses of the period 1950–2004 show an increase in mean annual temperatures in most parts of RS (UN 2015a, 117; MESP, 2010, 76). Similar to most South East European states, ME is exposed to climate change (UN, 2015b, 99). “Increased temperatures, reduced water resources and larger extremes seem to be inevitable.” (MSDT, 2015, 154).

e) With the process of EU integration in all three states, water laws have been prepared and adopted in the last dozen of years with the aim of harmonising them with the EU legal norms (Vukasović and Todić, 2012; Todić, 2013; Todić et al., 2014). The EU Framework Water Directive, together with some other EU rules, is in all three states taken as a key criterion for assessing to what extent the national legislations are harmonised with EU legal norms. This rule recognises the river basin as a basic unit for arranging water management and setting of new objectives of water management (van Rijswijk et al., 2010).

Although all three states are in the process of European integration, the level that has been attained in that regard is different for each state. The RS has planned to achieve full transposition of European water laws to the national legislation by 2018, while the implementation of these laws should be carried out by 2040. Amendments to the Water Law are adopted by ME regards that the last amendments to the Water Law are fully harmonised with the corresponding EU legal norms although some by-laws are yet to be adopted. BH (the RSBiH and the FBH) is the most remote in the process of full harmonisation of its national legislation with the EU legal norms in this field.

f) Providing of funds for carrying out the process of harmonisation of the national legislations with EU legal norms and their

implementation in practice is presented in all three DRB states as one of essential issues of importance for perceiving the pace and level of the achieved success of the process of EU integration. Regardless of some possible reserves resulting, above all, from the methodological reasons, the cost of harmonisation of the national legislations with EU legal norms and their implementation considerably exceeds the available states’ financial resources. The estimates for RS show that “for good functioning and development of the water sector in the next twenty years it should provide €21.7 billion, of which more than 40% is to be invested in its development” (MPŽS, 2015a, 203). In the case of ME, it is estimated that for good functioning and development of the water sector in the next twenty years €1.145 billion should be provided. The greatest part which amounts to 43% should be provided for building of a communal infrastructure, this actually including building of a sewage system (MPRR, 2015, item 6.7.1). The overall approximation of costs for the whole BH in the water sector by 2033 amounts to €1.895 million, while the real amount will depend on the chronology of costs. (EAS BiH, 2014, 131). However, it seems that there are some differences in estimates which are stipulated, among other things, by methodological differences, too. In this way, for example, the strategic document of the RSBiH which relates to water resource management says the following: “In order to carry on the activities which imply the EU integration and transposition of its legislations with its legal norms or actually *acquis communautaire* it would be necessary to invest funds that amount to more than a billion Euros” (VRS, 2015, 124). At the same time, according to the Water Management Strategy of the FBiH 2010–2022 the overall funds that would be necessary for achieving the set goals in water management for the next 12-year plan would amount to 2,760,695,000 KM. (ZV, 2012, 290).

5. A new international treaty: for or against

All previously indicated that there is a high level of similarity and the potential of the high level of interdependence of the three countries in the DRB. This is indicated by analyses of the current state of joint problems and the perspective of the development of EU integration. However, there is a need to separate the discussion on the possibilities and the needs of improving cooperation from discussing the possibilities and the need to conclude a new contract. This is also implicitly indicated by the analysis carried out under UNECE (UN, 2017, 34). But, it should be noted that the UN report does not mention the possibility and the need to conclude agreement, what can be the subject of a specific analysis.

One of the criteria for defining the relevance of the discussion on a new international treaty between the three states could also be the achieved level and ways of regulating bilaterally their mutual relations in the field of water resource management. The paper does not treat these issues in detail, but it should be recognised that the three states have not concluded bilateral agreements in the field of water resource management. The level of the existing co-operation and obligations resulting from the international treaties in which all three states are members as well the instruments of co-operation and range of obligations resulting from EU rules can be regarded as the starting criteria for the assessment of possibilities and needs for the conclusion of a separate agreement. This being true, regardless of the fact that besides the conclusion of an agreement, there are also various other factors that exert an impact on co-operation (Brochmann, 2012). By all this, abandoning the concept of traditional understanding of the sense of territorial sovereignty implies the recognition of interests of the river basin as a whole, and a broader integration of states in the region. Regardless of the obligation to co-operation between each other (Leb, 2015), the concept and depth of the existing as well as the projections of the future co-operation can be stipulated by the defined goals and numerous other factors of co-operation. This is related to the form of a possible treaty between the DRB states (Zawahri et al., 2016). The level of legal obligatoriness and desirable (acceptable) gradation of some

obligation requires to be given special attention considering the fact that all three states are characterised, among other things, by problems in respecting the rules. This issue is related to various factors which are out of the scope of this debate (legislative weaknesses, institutional capacities, problems in the functioning of the justice system, etc), although very relevant for environmental rights (See, for example, EC (2018: 4,5,6).

As for making separate the object of regulation of the existing international treaties and a (potentially) new international agreement a part of the issues which are considered to be a part of the concept of IWRM (Cardwell et al., 2006) is not included in the existing international treaties that are relevant for the states in the region. Although explicitly not invoked on the IWRM, the three analyzed international agreements contain conceptual elements of relevance to IWRM. However, the elaboration of elements of relevance to IWRM, in line with the specifics of the countries in the region, should be carried out by a new agreement. The strategic determinations of the three countries in the field of water point to the need for appreciation and elaboration of the IWRM concept. Besides, the incompleteness of the existing international treaties should be also considered by taking into account the fact that the establishment of co-operation through the application of multi-lateral mechanisms does not make it easy to express the interests that are specific for some regions of the state.

The implementation of such a treaty could accelerate and support in a qualitative way the process of harmonisation of national environmental legislations with the EU legal norms in this field. Obligations from EU regulations, such as the Water Framework Directive and other water regulations are overlapping with corresponding obligations under international treaties in different ways. One of external effects of the conclusion and implementation of such a treaty could involve strengthening of regional security bearing in mind the current and potential security risks in the exploitation of natural resources and the state of the environment (water resources, climate change, nature protection, etc.). New treaty, if its conclusion comes to light, should in more detail define the obligations of the states (and other subjects) of the relevance for water management, including the right of access to water, other environmental rights and public participation. Special significance for concluding of this treaty could have the creation of conditions for the promotion of investments in the region through building of clear legal standards which are recognised by EU.

Concerning possible objections to the idea of the conclusion of a regional agreement one should keep in mind several conditions which could potentially be a sort of risk for realisation of this idea. One of the objections relates to the reconsideration of the need for “another” international treaty when there are a “large number” of other international agreements (Giordano et al., 2014, 261). The relationship towards the existing regional initiatives and projects in some other fields of transboundary co-operation can be one the questions to be posed within the context of reconsideration of the need for the adoption of this agreement. However, there also remains the dilemma whether the most appropriate way for the regulation of some issues would be to conclude bilateral agreements between states or to adopt an international treaty (Zawahri, 2011).

6. Conclusions

The factors that determine the cooperation of the three countries in the DRB have different basis and significance. Nevertheless, the importance of the interdependence of states in the region imposes the need to review mechanisms for improving cooperation. The international legal framework of significance for the co-operation of the WBS that are situated in the DRB has for the most part been establishment through provisions of the three international treaties (UNECEWC, DRPC and the FASRB). These treaties treat a large number of issues. However, the co-operation between RS, BiH, and ME could be improved in some fields (energy supply, agriculture, tourism, communal water

utilisation). None of these three treaties (and all three together) fully support the specific opportunities and needs of the states in the DRB. This is corroborated by the analysis of the contents of co-operation which is provided by the existing international treaties, common characteristics of the state of water resource management, forecasts of climate change, harmonisation of national legislations with EU legal norms, projected costs for harmonisation of national legislations with EU legal norms, practice of negotiating transitional measures (deadlines) on the part of neighbouring states in the process of their accession to EU, etc. The conclusion of a trilateral treaty on the co-operation in the field of IWRM in the DRB could contribute to better institutionalisation of the co-operation and prevention of potential conflicts related to this. As a whole, a new treaty should regulate the co-operation between the DRB states taking into consideration the concept of IWRM, avoiding overlapping of this treaty with the existing international treaties in the way that there should be involved all issues that are not appropriately regulated by the existing international agreements as well as by creating legal bases for the settlement of conflicts between various ways of water use in the DRB and by bringing into accord the interests of all states belonging to the basin. It is possible that the conclusion of bilateral agreements between individual states could be a supplemental to the trilateral agreement. However, their relevance and content should be interpreted in the context of what a possible trilateral agreement could regulate.

Funding

The paper has been carried out within the scientific projects No. 179029, and No. 43007 financed by the Ministry of Education, Science and Technological Development of the Republic of Serbia.

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