

FRAMEWORK AGREEMENT on the SAVA RIVER BASIN

Sava River used to be the biggest national river of former SFRY, and therefore national regulations, plans and programs regulated activities in regard to water resources of Sava River Basin. Until decay of former SFRY, appropriate institutional framework for implementation of policy in water area in Sava River Basin was established.

Decay of SFRY and establishment of independent countries in the basin turned Sava River into international river, whose exploitation, protection and control considers different way of regulation and establishment of new, international frameworks, namely international cooperation of national institutions in accordance with requirements of modern, sustainable water resources management on level of whole basin.

Sava River Basin gained great importance by adoption of EU Water Framework Directive in 2000 and by defining Sava River Basin as pilot project for implementation of this Directive that is of great importance for whole Europe.

Unfortunate events in area of southeastern Europe during end of 20th century additionally burdened the Sava River Basin area, so new situation in this basin was created, which required appropriate reaction of riparian countries and international institutions.

Establishment of Stability Pact for Southeastern Europe set solid basis for active cooperation of all stakeholders in the region and way toward creation of new way of water resources management in the basin was opened.

By end of 2001, Slovenia, Croatia, Bosnia and Herzegovina and Serbia and Montenegro signed “Letter of Intent” on launching mutual activities in regard to Sava River and its tributaries in Sarajevo. Basic idée contained within Letter of Intent was to utilize, protect and control Sava River Basin water resources in a manner that would enable “better life conditions and raising standard of population in the region”.

Issue of reestablishment of navigation, as cheapest way of good’s transportation, possibility to engage domestic potentials in larger scope and strengthening the infrastructure, which followed transportation directions, was emphasized as priority in negotiations referring to legal definition of relations regarding Sava River Basin. Croatia expressed special interest for establishment of navigation as its priority, and B&H set the navigation as equal priority with issue of flood protection.

Development of negotiations caused emphasizing other interests in Sava River Basin – Slovenia stressed issues of protection and exploitation of potentials for needs of tourism, B&H set issue of flood protection and utilization of potentials for purpose of energy production, while Serbia and Montenegro (former Federal Republic Yugoslavia) set issue of protection and maintenance of water quality and quantity. Character of international legal acts is equality of all participants and need to reach consensus on all issues. That resulted in enlargement of the Agreement on all aspects of sustainable water management, and navigation, as firstly set priority, gained advantage before other

interests only in regard to timeframe. Namely, Protocol on navigation regime was signed jointly with the Framework Agreement on Sava River Basin on December 3, 2002, at Kranjska Gora - Slovenia.

Scope of Framework Agreement considered following areas of sustainable water resources management:

- Utilization and exploitation of water;
- Water quality and quantity protection;
- Protection from hazardous impact of water;
- Water eco-system protection.

Wide scope of the Agreement caused need for participation of larger number of participants in teams for preparation of Agreement's text, the experts that could give contribution in different aspects of sustainable water resources management. Course of negotiations was run pretty fast, final text was harmonized after only 9 months, which was special record within international frameworks. Besides statement that complex system of relations in water sector in B&H hasn't provided timely engagement of all available B&H potentials in negotiations' process, the Framework Agreement considered all aspects of sustainable management, so the position of all countries is absolutely equal according to Agreement.

Realization of the Agreement also caused establishment of institutional framework for implementation on international level and request toward the Parties to coordinate activities of their national institutions. The Agreement established International Sava River Basin Commission, containing equal number of members of all Parties to Agreement. The Agreement also stipulated that Commission should make all decisions by consensus, and that Commission should officially commence to work six months latest after entering the Agreement into force.

On March 13, 2003, the Meeting of Interested Parties was held in Brussels, which was of great importance since: (i) the Stability Pact has turned over the coordination of the "Sava" process to SECI; (ii) it was decided, considering fact that entering into force of one international agreement requires completion of ratification procedures in all countries, which can sometimes last for more than a year, that Sava River Basin Interim Commission would be set until the Commission began with its official work; and (iii) Draft Action Plan for Execution of the Framework Agreement was presented by Secretariat .