

CROSS-BORDER COOPERATION AS A MECHANISM FOR SUSTAINABLE DEVELOPMENT OF WATER RESOURCES

HAZIR ÇADRAKU¹ and OSMAN FETOSHI²

UDC: 626/628-5:332.146.2(497-15)

SUMMARY

Water systems are dynamic, complex, do not recognize political boundaries, and it is their nature to overlap borders between political entities and states. Since antiquity, people, even on opposite sides of borders, have been forced to organize the collective exploitation of water resources in order to coordinate trade, communication and irrigation. The evolution of political organizations went hand-in-hand with organizing and rationalizing water system use and minimizing fragmented allocation and management of water resources while developing ever more integrated management of water resources. Over the last thirty years, integrated water management has become an important element of transnational, integrated management of water resources. This paper presents the political and natural conditions that prevail in the question of trans-border water management between the Republic of Kosovo and bordering states. The purpose of this paper is to explore the national and international challenges associated with transnational water system management, and analyse the legal foundations, local, national and international administrative structures, cooperation between states, and coordinated efforts made by state actors to meet these challenges. The Republic of Kosovo is located in the central part of the Balkan Peninsula, bordering with Albania (112km), Macedonia (161 km), Serbia (352 km) and Montenegro (77 km). It has an area of 10.907 km², with 1,739,825 inhabitants. The catchment area is 11.645 km², which of 6.5% is bigger than the administrative political space. About 95% of the water springs are inside Kosovo and only 5% come from neighbouring countries. Waters within the Kosovo territory are divided into five river basins; Drin i Bardhë, Ibri, Morava e Binçes, Lepenci and Plava, who discharge the water into three seas: the Adriatic Sea, the Black Sea and the Aegean Sea. The management of Water Resources in the Republic of Kosovo is based on the concept of integrated management as defined in the Water Law and Water Framework Directive 2000/60 of the European Commission. Cooperation with neighbouring states to coordinate

¹ **Dr. sc. Hazir ÇADRAKU**, hazir.cadraku@ubt-uni.net, University for Business and Technology.

Address: Lagjja Kalabria p.n, KS-10000 Prishtinë. Tel. +377 44 262 457.

² **MSc. Osman Fetoshi, cand.PhD**, Faculty of Tourism and Environment, University of Applied Sciences, Ferizaj, Kosovo.

Address: Rr. Universiteti, Ferizaj, Kosovë, Ferizaj 70000. Tel.+377 44 784 421

water management is in line with the Constitution of the Republic of Kosovo, the Law on International Agreements, Kosovo Water Law, Memorandums of Understanding, Conventions, Protocols and other international norms. The institutional structure is represented by the civil society institutions at the national and local levels.

Key words: Water, structure, cooperation, cross-border management, integration.

INTRODUCTION

In recent decades, there has been a growing concern for the protection, conservation and quality of global water resources. This concern has been debated in many fora, conferences and seminars where representatives and participants from many countries have agreed with the principle, “*Water resources must be managed and stored in a manner to meet the requirements of the present without compromising the opportunity for future generations*” (Economic Commission for Europe). In the 1990’s, numerous initiatives and international fora were organized to promote the theory and practice of integrated management, including transnational co-operation in managing natural resources. In almost all relevant international fora, a near unanimous consensus has supported a united approach to water resource management, and especially in the EU, emphasis has been laid on the requirement for “global access” to river basins (WFD 2000/60KE) using cross-border cooperation as a mechanism for integrated management of water resources. In this sense, river basins are considered as the most appropriate geographic base for planning and co-operation. In today's developments, it is clear that no community, country or alliance of countries can be isolated and deal alone with the protection and conservation of water resources. Therefore, regional and cross-border cooperation is one of the most advanced mechanisms for addressing and resolving complex issues, which is meant to rationally separate and manage natural resources that are divided by political administrative borders between two or more countries. As the Republic of Kosovo moves toward EU membership, it faces many challenges arising from meeting the requirements of Directive 2000/60 EC, and implementing the obligations imposed by the UN Convention on the Protection and Use of Transboundary Watercourses and International Lakes. The Republic of Kosovo is located in the southeastern part of Europe, central part of the Balkan Peninsula. It lies in the northern geographic amplitude of 41°50' 58" to 42°15' 42", and eastern geographic longitude of 20°01'02" up to 21°48'02" (KSP, 2010-2020+). It has an area of 10.907 km², with 1,739,825

inhabitants, (KSA, 2011). It borders with: Albania, Macedonia, Serbia and Montenegro. The highest altitude is 2656 m, while the lower is 273.5 m. The hydrographical network is divided into five watershed lines creating five catchment basins which discharge the water into three seas: the Adriatic Sea, the Black Sea and the Aegean Sea (IH “Jarosllav Černi”, 1983). The catchment basin area is 11.645 km², of which of 6.5% is bigger than the administrative political space. About 95% of water springs within the country and only 5% come from neighbouring countries. Water systems are complex, dynamic and recognize no borders, and their integrated management represents a challenge not only at the national level but beyond.

CROSS-BORDER COOPERATION

Cross-border cooperation can be defined as neighbourly relations between local communities and authorities on both sides of land and sea borders (Practical Guide for Cross-border Cooperation). This simple definition covers a complex reality that has evolved steadily since World War II and which is linked inseparably to political and historical developments in Europe. Cross-border cooperation appeared in European countries after World War II and was considered a means of overcoming cross-border and regional problems and challenges. Co-operation promotes economic, social and cultural ties, strengthening shared confidence at the regional level. Cross-border cooperation is considered an effective tool to reduce the inequalities between bordering, regional countries. It is based on principles of equality and reciprocity, in particular through bilateral and multilateral agreements to achieve a sustainable development of policies, strategies and programs which cover river basins aiming at the prevention, control and reduction of negative impacts as well as rational use with common benefits on both sides of the border. The EU in 1999 launched the Stabilization and Association Process as main policy framework for the administration of Balkan countries. In June 2000, the European Council recognized the Western Balkan countries as potential candidates for membership in the EU, and cross-border cooperation in the Western Balkans is supported by the EU, the United Nations and the World Bank in order to help candidate and potential candidate countries to revive their economies and to overcome their differences stemming from past wars and conflicts. Cross border cooperation has been implemented through policies, laws, strategies, national programs, in order for neighbouring regional states to benefit through joint management, and the sharing of benefits through the integrated management of cross-border water resources.

LEGAL AND ADMINISTRATIVE STRUCTURES IN THE REPUBLIC OF KOSOVO

Legal Basis

The most important documents outlining the legal bases for international cooperation are the Constitution of the Republic of Kosovo, the Law on International Agreements (OGRK No. 28, 16 December 2011), the Law on Kosovo Waters (OGRK No. 10, 29 April 2013), Memorandum of Understanding between the Ministry of Environment, Forestry and Water Management of the Republic of Albania and the Ministry of Environment and Spatial Planning of the Republic of Kosovo (date: 04.07.2008), the Memorandum of Understanding between the Ministry of Environment and Spatial Planning of the Republic of Kosovo and the Ministry of Environment and Physical Planning of the Republic of Macedonia (date: 09.03.2012). Article 17 paragraph 1 of the Constitution of the Republic of Kosovo says that the Republic of Kosovo (CRK, 2018) may conclude international agreements and become a member of international organizations, strengthening Article 18 which explains the ratification of international agreements and Article 19 stipulating the applicability of international law. Article 6 of the Law No. 04/L-052 clarifies the legal basis for concluding international agreements, and Article 12, paragraph 1 of this law clarifies the memoranda of understanding between the two Ministries mentioned above. Special importance is given to cross-border cooperation in the Kosovo Water Law; chapter IV of Article 25, paragraph 1, sets out that the administration of cross-border river waters and international flows shall be carried out in accordance with this Law and cross-border agreements ratified by the Republic of Kosovo with neighbouring countries and beyond. All users of surface water and groundwater are required during the discharge of used water to eliminate harmful actions on the surrounding environment and other environmental areas. The competent authorities at the state level should coordinate plans and programs of measures for the administration and management of international waters. River basins that cover the territory of Kosovo and one or more of the Border States and beyond is defined as a region of international basins. Article 26 states that in case of the risk of pollution from contamination and unexpected contamination or discharge of wastewater or other impacts from a river that crosses the borders of the Republic of Kosovo, the Ministry of Environment and Spatial Planning in cooperation with relevant ministries, informs parties, countries at risk from the arising situation. The Ministry is obliged to identify the causes and effects of contamination and other negative impacts. As soon as possible, regional actors should begin to take sanitary measures and to start procedures for negotiating and harmonizing actions with the competent

authorities of bordering countries. The countries should then implement measures to minimize the risk, and to eliminate the risk at the pollution's source and any other negative effect on the water. Article 27 states that in cases of disorders-accidents or threats of negative impacts on water from any of the neighbouring countries, the Ministry of Environment and Spatial Planning in cooperation with relevant ministries, is immediately obligated to inform any affected neighbouring state about the problem and its potential impacts. If a neighbouring state does not act in accordance with bilateral or international agreements for the protection of cross-border waters, the ministry, in collaboration with other relevant ministries, initiates procedures at the level of competent international bodies, so that a neighbouring state that threatens water can be compelled to respect the international agreements. Signed environmental memoranda use recognized principles, conventions and international directives that stress equality, reciprocity and mutual benefit in environmental agreements. They seek to achieve cross-border cooperation to improve and protect natural resources, exchanges of expertise, public health, as well as strengthening the development and sustainable management of natural resources.

Also, point 2.1.3 of the Action Plan for an European Partnership, 2009, emphasizes the commitment of the Republic of Kosovo to the relations with other regional states. The aim is to strengthen cooperation, coordination and exchange of experiences with border countries in the management of natural resources that overlap the administrative and political boundaries between Kosovo and its neighbours. EPAP 2009 also emphasizes Kosovo's readiness to implement international norms to address environmental issues, including water resources. As we have said, this legal base is a strong foundation that shows the commitment and active approach of Kosovo to its responsibilities in all issues related to cross-border and regional co-operation.

ADMINISTRATIVE STRUCTURES

Since the Thessaloniki Summit in 2003, Kosovo has been strongly involved in the Stabilization and Association Process Framework. On 20 April, 2005, the European Council adopted the communication "*European Future for Kosovo*," which strengthened further the EU's commitment to Kosovo. In 1999, the EU created the Stabilization and Association Process as a policy framework for the Balkan countries. In June 2000, the European Council recognized the Western Balkan countries as potential EU members and now the Republic of Kosovo, based on its progress towards membership, is expected to sign the Stabilization and Association Process Dialogue. This journey to join the EU is very challenging because it requires meeting the political, economic and institutional criteria (EPAP, 2006) established by the

Council of Europe. At this time, the Republic of Kosovo seeks to align its national legislation with EU norms, and to continue with capacity building and administrative reforms required by EU standards and directives.

An important step was also the division of powers and institutional responsibilities for the administration and management of water resources. The responsible agencies for direct and indirect water management include the Inter-ministerial Water Council (Law No.04/L-147), the Ministry of Environment and Spatial Planning, the Ministry of Agriculture, Forestry and Rural Development, the Ministry of Economic Development, the Ministry of Finance, the Ministry of Health, the Ministry of Local Government Administration, the National Institute of Public Health, the Water Regulatory Office and Municipalities, the Ministry of Environment and Spatial Planning, the Ministry of Agriculture, Forestry and Rural Development, the Ministry of Economic Development, the Ministry of Finance, the Ministry of Health, the National Institute of Public Health and Municipalities. The Ministry of Environment and Spatial Planning is responsible for the management of water resources. The Ministry of Agriculture, Forestry and Rural Development is responsible for the development of irrigation policies. The Ministry of Economic Development is responsible for water management policies for water supply, regional water supply and sewage companies. The Ministry of Finance is responsible for financial aspects of water management. The Ministry of Health-National Institute of Public Health (Regulation No.02/2011) is responsible for monitoring the quality of drinking water. The Ministry of Public Administration and Local Government have oversight powers according to Law No.03/L-040 and the Water Services Regulatory Authority has oversight powers under Law No. 05/L-042.

CROSS-BORDER WATERS MANAGRMENT

Since antiquity different peoples have communicated, collaborated and coordinated a wide variety of policies and programs for cross-border water management in order to minimize fragmented water management and to replace it with integrated water resource management. Today, when, water is facing the increased pressure from rising demand and declining supply on a global scale, the European Environment Agency in November, 1995 issued a report (WFD 2000/60EC), which stated the need for measures to protect water resources. A month later, the Council adopted the report which included drafting a framework to establish basic principles for integrated water management. In October 2000, the Council issued the Water Framework Directive 2000/60EC which provides a legal framework for European Community policy and actions in the field of water policy. This

Directive aims to protect and improve the aquatic environment and mainly will deal with water quality to achieve good water quality. The Water Framework Directive's principles advance, promote and encourage the joint needs of cross-border water management at high governmental levels for the purpose of sustainable use, control, and preservation of aquatic ecosystems. In terms of water management, it emphasizes the need of water management at the river basin level, requiring states to identify individual river basin districts. (Article 3 WFD 2000/60EC) and building institutions that are competent to implement the provisions of this Directive in order to protect the aquatic environment, and enhance communication, coordination and integration, especially in river basins where water use may have cross-border effects (request for achieving environmental objectives set by the WFD 2000/60EC). Cross-border water management based on WFD 2000/60EC, also clarifies the obligations arising from international conventions, in particular the United Nations Convention on the protection and use of Transboundary Watercourses of international waters. The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) aims to protect and ensure the quality and sustainable use of water resources by facilitating cross-border cooperation. It provides an intergovernmental platform to develop and promote day-to-day, cross-border cooperation. First, it was negotiated as a regional instrument, but it became a universal legal framework available for cross-border cooperation of water, after the February 2013 amendments and its adoption by all member states of the United Nations Organization. According to Vision Up to 2025, three objectives have to be achieved in connection with the integrated management of water resources including cross-border cooperation in the "management of international [river] basins." The management of cross-border waters is governed by principles of equality and reciprocity, established through bilateral and multilateral agreements to achieve sustainable development policies, strategies and programs that aim to prevent, control and reduce negative impacts and encourage rational use to the mutual benefit of both sides. The European Community and donors consider cross-border cooperation a mechanism for maintaining peace and strengthening international security, including the exchange and sharing of information by both sides of the border about water resources and their state.

NATIONWIDE ACTIONS AND ACTIVITIES

The hydrographical network of the Republic of Kosovo is divided into five watershed lines with five catchments that discharge water into three seas, the Adriatic Sea, the Black Sea and the Aegean Sea (IH "Jarosllav Çerni", 1983), and which run from the territory of the Republic of Kosovo to

Vërmica and Çaljan in the Republic of Albania, to Hani i Elezit in Macedonia and Pllavkovë and Konçul in the Republic of Serbia (Fig.1.).



Fig.1. Division of Kosovo Territory-watershed line

About 58% of the territory of the Republic of Kosovo drains waters toward the West Morava River Basin (icpdr & ikds, 2009), running out in the territory of Serbia at Pllavkovë (Ibri Basin) and Konçul (Moravës e Binçës Basin) Fig.2.).



Fig. 2. Contribution of Kosovo water in the Basin of Black Sea

Kosovo is part of water bodies No.26 and 27 (UNECE, 2007. First Assessment of Transboundary Rivers, Lakes and Groundwaters (Fig.3.).

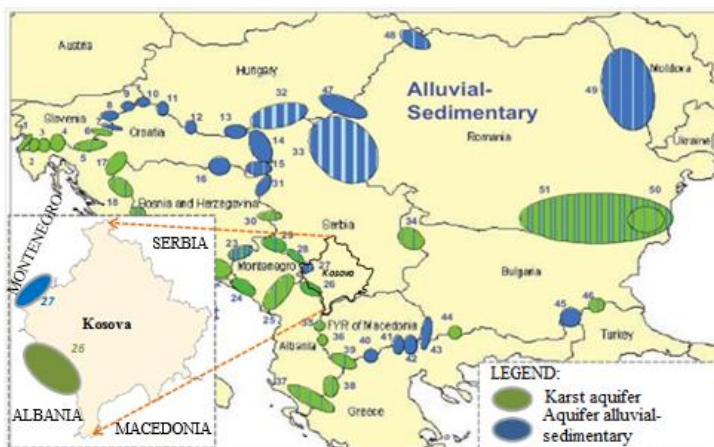


Fig. 3. Ground water bodies within the region of Southeast Europe

Among the actions that have been taken to create cross-border cooperation are the signing of two Memoranda of Understanding with the Republic of Albania and Macedonia. At the level of regional cooperation, the Memorandum of Understanding in the process of Dialogue Drini (The Drin: A Strategic Shared Vision, 2011), includes negotiating a cooperation agreement for the exchange of data on flood warnings in Drina River Basin. Also, this year, the Republic of Albania and Kosovo in order to increase cross-border cooperation launched a proposal to evaluate cross-border natural values of the embouchure Drin i Bardh River (Vërmicë), Pashtrikut mountains and Fierza Lake. So far, the most progressive steps toward cross-border cooperation have been achieved with the Republic of Albania and Macedonia, while less success has been achieved with the Republic of Montenegro and the Serbia. The best case of cross-border cooperation between the ministry of Environment of Kosovo and Macedonia is the implementation of the project, “River Lepenc Protection-a successful example of bilateral cooperation” which was implemented with financial support from the Regional Environmental Centre based in Hungary and supported by regional offices in Pristina and Skopje. The development of joint projects have considerable potential to expand to exploit new opportunities, and grow cross-border cooperation and mutual engagement in the integrated management of water resources, including the development of management plans for cross-border river basins. Cross-border cooperation is an important mechanism for sustainable development, not only in terms of

water resources but beyond. The importance of cooperation consists in the fulfilment of international obligations arising from conventions, directives, and internationally agreed standards as well as the need to share information and to take measures, actions and activities to preserve and protect sustainable water resources from both sides of border.

CONCLUSIONS

There are several transboundary aquifers, involving two or more countries. Research on transboundary aquifers is significant for the management of shared groundwater resources of neighboring countries or regions. Waters from the Republic of Kosovo drainage/discharge in three neighbouring countries necessitating cross-border cooperation. Efficient aquifer management in transboundary areas and their protection requires all the countries which share an aquifer to implement uniform cooperation principles. This requires the introduction of appropriate legal mechanisms which would regulate in a legible manner the rights and duties of the particular states and provide the basis for the relevant bilateral or regional agreements. Communication and coordination institutions must be developed to achieve this goal, with special emphasis on integrated management of water resources. Such institutions are the best means to secure cross-border cooperation and sustainable management of water resources. Such cooperation must incorporate reciprocity, the sharing of expertise and information in order to undertake joint measures to prevent negative impacts on cross-border water flows. Such cooperation should be developed and implemented as much the possible through cross-border joint projects. Benefits from this mechanism are the elimination of potential sources of conflicts and, in general, the common benefits of using transboundary waters.

REFERENCES

1. Agjencia i Statistikave të Kosovës, 2011. Regjistrimi i popoullsisë, (<https://ask.rks-gov.net/>), Prishtinë.
2. Association of European Border Regions (AEBR), 2000. Practical Guide to Cross-border Cooperation, Third Edition.
3. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (Water Framework Directive).

4. Gazeta Zyrtare e Republikës së Kosovës Nr. 28/16 Dhjetor 2011. Ligji Nr.04/L-052 Për Marrëveshjet Ndërkombëtare, Prishtinë
5. Gazeta Zyrtare e Republikës së Kosovës Nr. 10/29 Prill 2013. Ligji Nr.04/L-147 Për Ujërat e Kosovës.
6. Instituti i Planifikimit Hapësinor 2010. Plani Hapësinor i Kosovës 2010-2020+, (www.kryeministri-ks.net) Prishtinë (faqe 2).
7. Instituti për Hidroekonomi “Jarosllav Çern” 1983-2000., Master Plani për Ujërat e Kosovës, Beograd.
8. Ministria e Mjedist dhe Planifikimit Hapësinor, 2008. Memorandum Mirëkuptimi për Bashkëpunim në Fushën e Mbrojtjes së Mjedisit dhe të Zhvillimit të Qëndrueshëm, ndërmjet Ministrisë së Mjedisit dhe Planifikimit Hapësinor të Republikës së Kosovës dhe Ministrisë së Mjedisit, Pyjeve dhe Administrimit të Ujërave.
9. Ministry of Environment and Spatial Planning, 2012. Memorandum of Understanding on Cooperation in the Field of Environment Protection and Spatial Planning between the MESP of the Republic of Kosovo and the MEPhP of the Republic of Macedonia, Prishtinë.
10. Memorandum of Understanding for the Management of the Extended Transboundary Drini Basin, 2011. The Drini: A Strategic Shared Vision, Tirana.
11. Qeveria e Kosovës, 2012. Rregullorja Nr.02/2011, Për fushta e përgjegjesisë administrative të zyrës së kryeministrit dhe ministrave, (www.kryeministri-ks.net/), Prishtinë.
12. Qeveria e Kosovës, 2017. Kushtetuta e Republikës së Kosovës 2008, Prishtinë (www.kryeministri-ks.net).
13. Qeveria e Kosovës, 2006. Plani i Veprimit për Partneritet Evropian, Prishtinë. (www.kryeministri-ks.net).
14. icpdr & ikd, 2009. Danube River Basin District Management Plan, Part A, Map. Vienna, Austria.
15. UNECE, 2007. First Assessment of Transboundary Rivers, Lakes and Groundwaters.