

THE LAW APPLICABLE ON HARNESSING OF THE HYDROPOWER OF WESTERN BALKANS TRANSBOUNDARY RIVERS - An impetus for development or for new quarrels

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(a) Purpose of study or research hypothesis

The Western Balkans hydro-power has been harnessed mostly during the times of SFRY, in supportive legal frameworks. After the disintegration of SFRY (1990s), seven new states evolved in its former territory, with new national legal and bilateral set ups and necessity for new sources energy. In the same time, UNECE multilateral conventions emerged reflecting broader environmental concerns, while UN concluded efforts on codification and progressive development of the law on non-navigational uses of international watercourses (1997). Core principles of customary international water law and principles and concepts of international environmental law were identified therein. They are applicable also in the WB region. The EU enlargement process included WB countries, causing implementation of the EU environmental *acquis*. Additionally, specific law regimes present in the Danube and Sava river basins, and in the entire SEE region concerning implementation of the Espoo Convention, made this (binding) multilayer legal patchwork completed.

Successful programming development of new energy sources from harness the hydro-power potential of WB transboundary watercourses must consider all existing legal requirements applicable. The research pertains to that context, in an attempt to highlight the less visible or not dealt with yet details.

(b) Key issue(s) or problem(s) addressed

Besides in conventional law instruments and otherwise expressed commitments, the results shall also include considerations of application of the general principles of international law and international water law principles, as well as relevant court/arbitral cases.

(c) Methodology or approach used

Application of usual legal research methods: description and analysis of legal concepts, comparison of approaches, deduction of conclusions.

(d) Results or conclusions derived from the project

Proper responses to all issues and potential inconsistencies between different legal layers would contribute largely to avoiding possible quarrels among variety of interested parties and disputes between states involved in the transboundary projects, and procrastination of harnessing rivers in environmentally acceptable way (sustainably).

(e) Implications of the project relevant to congress themes

Building on the current analyses and assessments of the relevant policy and conventional law, the research will contribute further to broader discussion and sharing experiences regarding law applicable on the harness of hydropower of transboundary rivers, having the Western Balkans region in focus. In that way, this research would contribute to Congress Theme E.

Keywords : international water law; Western Balkans; transboundary rivers; harness hydropower potential