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## Geostrategic and International Legal Determinants of the Croatian Dominance in the Eastern Adriatic<sup>3</sup>

### Abstract

In the course of the article authors examine foreign policy activities of the Republic of Croatia regarding the delimitation processes with their ex-Yugoslav neighbors, Slovenia, Bosnia and Herzegovina and Montenegro, in the Adriatic region. Authors start from the thesis that Croatia's aim is to reach a position of strategic dominance in the Eastern Adriatic Sea through these processes. Croatia is interpreting international legal rules on maritime delimitation narrowly and distortedly, and disregards principles of equity and good-neighborliness. It also relies upon historic titles that have no basis in the practice of delimitation of former Yugoslav republics. At the same time vital interests of its neighbors for equitable results in these delimitations is in stark contrast with Croatia's negligible gains for its economy which would proceed from delimitation favored by Croatia. From all these arguments authors conclude that the primary motivation for Croatia's arguments in territorial delimitation processes in the

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Eastern Adriatic region is not the preservation of equitable application of international law principles, the preservation of good relations with neighbors or the status quo in view of wider integration processes, but a wish to reach a position of geostrategic dominance through comparative weakening of geostrategic positions of its respective neighbors.

**Key words:** Eastern Adriatic, Croatia, geopolitics, delimitation, territory.

## Introduction

South Slavs have settled the Adriatic coast right from the start of their migrations towards Balkan peninsula (Matvejević 2007: 83-84). Probably the most important part of the Eastern Adriatic was settled by Croats, from the Istrian peninsula in the north to Boka Kotorska in the south. Special status of the Republic of Dubrovnik (1358–1808), together with its centuries long vitality represented the only state structure of some South Slavic people on the Eastern Adriatic coast. Slovenians, on the other hand, were preponderously settled on fringes of Panonian depression, as well as in the south base of Julian Alps (Ibid: 83). They settled some neighbouring zones of city of Trieste and other coastal settlements of Trieste bay (Ibid: 207-208). In the southern part of this region the historic Principality of Montenegro succeeded in gaining a very narrow access to sea (1878), which was rather widened after the Second World War from the mouth of river Sutorina to the settlement of Spič (Andrijašević 2015: 181–182; 317–325).

The breakup of former Socialist Federal Republic of Yugoslavia (SFRY), which started in 1991, ended with the fact that former coast that belonged to this country was divided between newly created states, however lacking a final and formal settlement of maritime delimitation (Dimitrijević 2003: 367). It is worth mentioning that during the past century a fierce diplomatic battle was fought over the city of Trieste, which is situated at the peak of Easten Adriatic, since this harbour was historically essential for a large part of Central Europe and represented an important maritime transport hub for Austria, Hungary, Czechia, Slovakia and other states (Vukas 2007: 1017–1065). Long period of delimitation between Italy and SFRY has ended with the Osimo agreement of 1975. that finally settled a border between two countries, thus Republic of Slovenia and Republic of Croatia succeeded this border with the breakup of Yugoslav state.

Croatia received in accordance with mutual administrative borders in SFRY 5.835 km of Adriatic coast and Slovenia 47 km. Bosnia

and Herzegovina received the narrowest access to Adriatic sea of only 21 km in the Maloston bay. Montenegrin coast, on the other hand, has 293 km and its southern borders with Albania were agreed upon back in the time of Kingdom of Yugoslavia. However, over last two and a half decades it is evident that Republic of Croatia tends to keep the maritime delimitation issues active towards its „new“ neighbours in the Adriatic – Republic of Slovenia, Bosnia and Herzegovina and Montenegro – with the aim to preserve its more than „sovereign“ dominance on its eastern coast. In that regard, principles of public international law are put forward sometimes (as is case with Slovenia), while often historical argumentation is relied upon as well (Bosnia and Herzegovina and Montenegro) (Kulović 2016: 14-20).

## **Delimitation Problems between Slovenia and Croatia: Case of Piran Bay**

Not before the proclamation of independence of Slovenia and Croatia in 1991. has emerged the issue of their delimitation in the Adriatic sea, that is in the region of Piran bay. Let us be reminded that after the breakup of Yugoslavia former administrative borders were recognized as international based on the principle of *uti possidetis iuris* (Conference on Yugoslavia 1992), however only land ones. The issue of maritime border with Croatia is important for Slovenia which, due to narrow access to Adriatic Sea, has an additionally difficult position due to previously arranged border with Italy, defined by Osim agreement (1975),<sup>4</sup> under which Slovenian territorial waters do not have direct access to High seas. The disputed maritime border area – Piran bay, is situated in the northernmost part of Adriatic Sea and is a part of Trieste bay, between the Savudrian peninsula and City of Piran peninsula, known also as the Cape of Madona.

Slovenia is backed by rather strong arguments. It has factual sovereignty in the best part of the Bay,<sup>5</sup> and relies upon established inter-

4 At the Peace conference in Paris, 1947, Free territory of Trieste was established and later divided between Italy and SFRY (London memorandum of 1954.) Borders were settled at land, but not at sea, which was later achieved by the mentioned agreement.

5 Slovenia effectively discharges economic and police control in the whole Bay since the entry into force of Osim agreement and it has continued to do that after the independence, continuously protesting any interference on the part of Croatian authorities.

national jurisprudence of maritime delimitation that tells us maritime borders should be defined according to equitable principles with regard to all relevant factors.<sup>6</sup> Backing Slovenia is also UN Convention on the Law of the Sea (1982), which in Article 15 states that the equidistance rule should not be applied if due to historic title or other special circumstances it is necessary to delimit territorial sea of two states in a different way (Degan 2011: 625).<sup>7</sup> Slovenia states the historical presence of Slovenians in the region of Savudrian peninsula which is effectively controlled by Croatia. In regard to High seas connection, Slovenia demands a creation of a corridor with the High seas status, 3.6 km wide, 46 km<sup>2</sup> in size, which would cut through Croatian territorial sea, but would keep Croatian maritime border with Italy. It is of note that under the 2001 agreement of two prime ministers, Ivica Račan and Janez Drnovšek, Croatia released to Slovenia 80% of territory of the Bay, enabled the direct access to High seas of Slovenian territory and disregarded the equidistant rule, on which it previously insisted (Avbelj, Černič 2007: 5). Under the equidistance rule, Slovenian territorial sea would stay enclosed between Croatian and Italian territorial sea. However, although the signature of prime minister on the international treaty is a sign of State's will to be bound by the treaty,<sup>8</sup> nationalist majority in Croatian parliament later denied to ratify the treaty so it could not enter into force (Avbelj, Černič 2007: 6-7).

Generally Croatia has so far in this dispute behaved controversially and erratically. We have already mentioned that the crux of Croatian argument is the need to apply the principle of equidistance (median) line.<sup>9</sup> Croatian legal doctrine points that Article 15 of the UNCLOS must be interpreted so that historical title and other special circumstances are

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6 In the *North Sea Continental Shelf* case ICJ has stated that customary law of continental shelves delimitation requires the application of equitable principles and taking into consideration all relevant factors, *North Sea Continental Shelf* (F.R.G. v. Den./F.R.G. v. Neth.), Judgment, 1969 I.C.J. 3, 53, para.101(C)(1). ICJ has confirmed this stance in all its future cases, see *Continental Shelf (Tunis. v. Libya)*, Judgment, 1982 I.C.J. 18, 41, para. 32; *Continental Shelf (Libya v. Malta)*, Judgment, 1985 I.C.J. 13, 22, paras. 17, 44– 45, 57–58.

7 Both countries are signatories of this Convention, and Article 15 is regarded as general customary law.

8 Article 12 of Vienna Convention on the Law of Treaties of 1969.

9 This argument was firstly put forward in the Declaration on the inter-state relations between the Republic of Croatia and Republic of Slovenia adopted by Croatian assembly in 1999, *Narodne novine*, no. 32/99, pp. 1089–90.

just an exception to the general median line rule which must be narrowly construed, so that the burden of proof of special circumstances is on the side which claims their relevance (Turkalj 2015: 12-13). This argument is partially supported in international legal doctrine (Caflich 1997: 300-301), however international jurisprudence interprets Article 15 as an integral norm, in which median line is a primary mode of dispute settlement, while historical title and special circumstances work as mitigating factors of inequitable solutions which the strict application of median line on every single case might produce.<sup>10</sup> We can find arguments in practice that the existence of special circumstances is a question of law which must be taken into account by the acting tribunal *proprio motu*.<sup>11</sup>

It is interesting that notwithstanding precedent practice which did not fare well for it, Croatia decided to create an arbitration agreement with Slovenia, which gave the arbitration power to delimit border on the sea and land between two countries, Slovenian connection to High seas and the regime for the use of relevant maritime areas, on the basis of rules and principles of international law, equity and good neighborliness principle.<sup>12</sup> How much was important for Croatia to secure a judgment which would not give direct access to High seas to Slovenia is visible from the Declaration accompanying the Arbitration agreement, which two states submitted together with the Agreement to the Presidency of the European Council and United States, in which is read that none in the current agreement can be interpreted as Croatian acceptance of Slovenian request for direct territorial contact with the High seas. The practice of the Permanent court of Arbitration is not to publish case materials lacking the agreement of parties to the contrary, so we do not know which legal arguments Croatia has so far put forward in this proceedings.<sup>13</sup> In any case this proceeding was seriously harmed

10 Thus the ICJ in the *Continental Shelf (Libya v. Malta)* case states that median line is not the only method of this type of dispute settlement, what is more it does not enjoy any primacy over other methods. In every single case, it must be proven that median line method has led to the equitable solution, *Continental Shelf (Libya v. Malta)*, Judgment, 1985 I.C.J. 13, 47, para. 63.

11 *English Channel Arbitration (France v. UK)*, *International Legal Materials*, no. 18, 1979, p. 397.

12 See Articles 3 and 4 of Croatian law ratifying the Arbitration agreement, *Narodne novine*, 12/2009.

13 If Croatian legal doctrine, which is in large measure in unison over this topic is any indication, some very creative interpretations could be found there. Thus Turkalj

by doubts in the impartiality of Slovenian arbitrator, which eventually proved true (Veljković, 2015).<sup>14</sup> Compromised member resigned therefore on 23 July 2015 (PCA, 2015).

However, Croatian reaction was to unilaterally end the application of Arbitration agreement and to inform by a diplomatic note Slovenia on this fact (Vlada RH, 2015; MVEP RH, 2015). In the meantime, on 25 September 2015, President of the Arbitration tribunal designated two new arbitrators, since Budislav Vukas, arbitrator nominated by Croatia, also resigned. Designation of new members was deemed as irrelevant for Croatia according to its minister of foreign affairs Vesna Pusić, who said that “this proceeding is too contaminated to bring about any decision”, and at the same time professed Croatian willingness to negotiate alternative modes of border dispute settlement (MVEP RH: 2015b). Croatia opines that the harm to Tribunal’s impartiality represented a breach by Slovenia of a material provision of Arbitration agreement in essential way, which under Article 60(1) of Vienna Convention on the Law of Treaties gives Croatia to unilaterally terminate the treaty. However, this Croatian position is unjustified, as is proven logically by the Tribunal in its Partial award on the continuance of proceedings (PCA, 2016). Tribunal states that there is no reason to doubt that the future judgment would in any way suffer from events related to partial activities of former members, since current acting members are completely

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states that UNCLOS Article 2, which says that the sovereignty of a state extends beyond its land territory and internal waters to the sea, including, territorial waters, represents a peremptory norm of international law which cannot be disposed of by a mutual agreement of interested parties. In the case of Piran bay and Slovenian request, that would mean that none agreement under which Croatia would release to Slovenia a part of its territorial waters is legally possible, even if it means a corridor in the regime of High seas (Turkalj 2015: 28). This argument is nonsensical since whole field of international maritime law is *ius dispositivum*, meaning that its norms can be changed by an agreement of interested parties, of course if that does not produce harm for the interests of third parties or common interests of mankind, such as environmental protection. Generally speaking, peremptory, *ius cogens* norms are those legal rules which must stay the same in the interest of whole mankind, because otherwise changes would endanger basic values of international community, such is the norm on the ban of genocide or on the obligation to respect fundamental human rights.

14 Media, first in Serbia, then in Croatia, publish records and partial transcripts of talks between Jernej Sekolac, member of the Arbitration tribunal nominated by Slovenia and Slovenian advocate in front of Arbitration tribunal, Simona Drenik. Their talks reveal the planning of strategy on how to influence other members of the Arbitration tribunal and to manipulate with judicial documents.

new and independent. Right to a fair trial includes not only a right to independent and impartial trial, but a right to trial in due course. As long as the independent and impartial procedure of decision making is guaranteed, procedural equity requires the proceedings to continue, and not to be delayed interminably, since that would bear unpredictable consequences on the final settlement of dispute.

Therefore, Croatia has in several ways revealed a tendency to completely dominate this part of Adriatic. Firstly its nationalist parliamentary majority has behaved *mala fide* towards the already signed international agreement that guaranteed equitable settlement of dispute for Slovenia. Then its legal doctrine put itself in service of narrow state interests and allegedly proved through distorted and awkward legal interpretations international legal title for the dominance of Croatia in this region. Finally, the situation created after the Slovenian illegal interference in arbitral proceedings was used to sabotage whole procedure, probably bearing in mind the possibility of losing the case because of negative precedent jurisprudence. Now Croatia again mentions some international legal principles on the basis of which the bilateral negotiations should produce some solution. However, with regard to Croatian arguments, if the Piran bay would be divided according to median line, Slovenian territorial sea would stay enclosed between Italian and Croatian territorial waters, which would cripple the geostrategic position of Slovenia, pushing it backwards in a way towards the center of Alpine-Panonian belt and the Central European predominantly continental circle of countries. For the delimitation of Piran bay to be equitable, it must include designation of land border around the bay, especially at the mouth of river Dragonja, borders of territorial sea in the bay itself and the direct contact of Slovenian territorial sea with the High seas. Slovenian proposition, which is on the same line, accords with international jurisprudence and does not harm directly Croatia, since it would keep the direct maritime boundary with Italy, notwithstanding the cutting of the corridor.

## **Delimitation with Bosnia and Herzegovina**

Medieval Kingdom of Bosnia (1377–1463) used to have rather wide access to Adriatic Sea, from Split to today's Herceg-Novi, but later it diminished parallel with the rise of power of Venice (Matvejević 2007: 83. Bosnian and Herzegovian (BH) accesses to Adriatic Sea at the time

of Ottoman Empire were down to two very narrow strips in the vicinity of city of Neum (Maloston bay) and at the mouth of river Sutorina in Boka Kotorska bay. It should be mentioned that both these strips were acquired by Bosnia under Ottoman occupation thanks to Republic of Dubrovnik in 1699. under the peace agreement of Sremski Karlovci, since this city state wanted to territorially separate itself from Venice as a constant and aggressive hegemon in this part of the Adriatic, but also as an actor which could possibly destroy it (Imamović 1997: 296). These two strips were part of BH until the dissolution of Austria-Hungary at the end of 1918, and after the end of Second world war mouth of river Sutorina went to Montenegro. Although there existed an initiative of pro-Bosniak circles in Sarajevo to „give back“ this part of coast to BH (Forum of Bosniak intellectuals, some members of Parliament for Social-Democratic party of BH etc.), due to inter-state agreement with Montenegro, signed in Vienna in 2015, border between two countries was definitely agreed upon and remained unchanged.<sup>15</sup>

On the other hand, Croatia has always tended to *de facto* disable the access of BH to High seas analogous to experience with Slovenia. Thus the Agreement on delimitation between BH and Croatia, signed in 1999, was never ratified, since Croatia put forward as disputed two islets – Great and Small Školj, as well as the tip of small peninsula of Klek (Ponta Kleka), which would additionally cripple the geostrategic position of BH because the extremely tiny Neum bay would be under additional control of Croatia.<sup>16</sup> This was later justified by the salvation of geographical maps from the period of existence of the Republic of Dubrovnik, although it was perfectly clear that „Avnoj“ borders between former Yugoslav republics were completely different (Ćosić, Kapetanić, Vekarić 2012).

Therefore, it is not altogether clear why Croatia insists upon such a revision of the border which existed as administrative back in SFRY, having in mind that the municipality of Neum, as the only BH territory on the Adriatic is in fact ethnically predominantly Croatian (Agencija 2016: 62).<sup>17</sup> Croatia permanently announces construction of the bridge Komarne-Pelješac, and some time in the past ideas on intro-

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15 Montenegrin assembly ratified this agreement by a special law at the end of December 2015, and the BH Presidency did the same in the middle of January 2016.

16 “Ugovor o državnoj granici između Republike Hrvatske i Bosne i Hercegovine”, 30. July 1999.

17 According to census results in BH, held in second half of 2013, in the Neum municipality lives 4,653 people on the whole, 4,543 are Croatians, 53 Bosniak and 21 Serbs.

duction of the hydroplane line were circled, as well as under-sea tunnel which would connect Croatian land with Pelješac peninsula and the southern part of country.<sup>18</sup> In this way BH would be geostrategically isolated additionally from the Adriatic, since heavier shipping entrance and construction of potential commercial harbour would be hindered.

In this context of delimitation with BH on the Adriatic Sea Republic of Croatia calls upon historical criteria, which allegedly justify the revision of border in this region. The prospects of reaching compromise between authorities in Sarajevo and Zagreb over this issue are, it should be noted, quite meager, and it is equally difficult to predict that international arbitration would be a solution.

In the BH itself were present after independence various views on the status of its narrow access to the Adriatic sea. While the structures of Croatian community, and later Croatian Republic of Herceg-Bosna held this region from 1992-1994, later in the framework of Bosniak-Croatian Bh Federacy it went to the Hercegovina-Neretva canton. Serbian political representatives in BH rarely mentioned Neum and its hinterlands, however during the conflicts 1992-1995 they spoke of the need to create conditions for this entity to gain access to sea in the vicinity of Prevlaka peninsula at the south of Croatia. Nevertheless, Bosniak political elites during war denied the Stoltenberg plan from 1993 exactly because of the requested access to sea for the never formed so called Bosnian Republic inside the envisioned Union of Republics of BH. That transpired as one of the most pressing topics during Bosniak assembly at the end of August 1993. On this meeting lot was spoken on Neum and the prospects for the predominantly Bosniak Bosnian Republic to gain access to the sea wide about one third of complete BH access to Adriatic (Owen-Stoltenberg, 1993).<sup>19</sup> Not surprisingly, Croatian side denied this solution as well.

Today this issue is sometimes pulled from under the radar during the talks on the necessity for constitutional reform and territorial reorgani-

18 „Za Pelješki most potrebno 430 miliona eura“, *Al Jazeera Balkans*, Sarajevo, 16. February 2017. Internet: <http://balkans.aljazeera.net/vijesti/za-peljeski-most-potrebno-430-miliona-eura>, 22/02/2017.

19 Citation – „*Between Croatian and Muslim side on the establishment of the access to sea for the republic with Muslim majority, through the republic with Croatian majority via road under the administration of a special body from Poplat to Neum, and for the republic with Muslim majority to keep the territory on the Adriatic coast, on the peninsula of Kosa (Klek) and for the establishment of joint administration of two republics for the development of touristic economy in this region*”.

sation of BH. In this aspect, Bosniak side often mentions and insists on the unity of the city of Mostar, together with the strengthening of their influence in the town of Stolac, which represents an important strategic point for further convergence to the Adriatic coast. Similar plan is put forward in the book „Strategic Depth“ by a former Turkish foreign minister Ahmet Davutoglu, who relates that for Bosniaks in BH is essential to conquer wider region og Mostar, for the purposes of convergence to the Adriatic Sea (Davutoglu 2014: 283-284). Pro-Bosniak media introduced to public discourse in late 2016. the idea of certain „American NGO’s“ to establish a Stolac-Neum district. This was in fact a reaction to failed elections in Stoc and the vicinity during 2016, when even physical clashes occurred between the supporters of Bosniak and Croatian political parties. On the other hand, initiatives for the formation of Croatian entity, to which Neum would certainly belong inside a federal BH, are getting stronger as years pass (Đukanović 2015: 127–150).

Based on these reasons the continuance of daily political and geo-strategic „games“ between Bosnian and Croatian political elites in BH over this issue is to be expected. Some attempts for BH entity Republic of Srpska to gain access to sea on the south of Konavle (Cape Oštra and Prevlaka), relict of war-time ideas, never realised and it seems its authorities never seriously considered attempts to „return“ mouth of the river Sutorina during 2014-2015 to the BH fold (Owen-Stoltenberg, 1993).<sup>20</sup>

## Delimitation with Montenegro – Case of Prevlaka

Montenegro has, historically speaking, relatively late gained access to Adriatic Sea, in fact in 1878 with the entry into Bar and Ulcinj. Although there were during the XIX century several attempts of Montenegro to „clim down“ to Boka, they were short-lived and ended in failure (Andrijašević 2006: 135).<sup>21</sup> Not before the end of Second World War did

20 Citation from Stoltenberg plan for BH of 1993 – *“As soon as relations between Republic of Croatia and Federal Republic of Yugoslavia (Serbia and Montenegro) normalize, a treaty on the exchange of territories will be made in which would participate Union of Republics of BH and in which due considerations of strategic guarantees for Dubrovnik and strategic importance of Prevlaka for Bay of Kotor would be recognized, need of the Serbian majority republic for access to sea in the region of Cape Oštro and Molunt and need of Republic of Croatia to be compensated so as not to lose any territory”*.

21 During 1813 Montenegrin arc-bishop Petar I Petrović-Njegoš conquered the whole of the bay, taking over from the French, but after the Vienna congress of 1814 this region went to Austria.

this former Yugoslav republic acquire Boka Kotorska and Budva, thanks to the strong influence of Montenegrin cadres, especially Milovan Đilas, inside the Communist party of Yugoslavia (Juhas 2009: 207-208).<sup>22</sup>

Breakup of Yugoslavia opened in a hard way the issue of Prevlaka peninsula at the entrance to Boka Kotorska bay, which formerly belonged to Republic of Dubrovnik, and in the framework of so called Second Yugoslavia to Croatian federal unit. Due to its strategic position former Yugoslav People's army (JNA) held under its control this peninsula until the arrival of observer mission of the UN in October 1992 (*United Nations Mission of Observers on Prevlaka – UNMOP*).

At the end of a ten-year mandate of UN mission on Prevlaka, in 2002, after several months of consultations between the authorities of the then Federal Republic of Yugoslavia and the Republic of Croatia, the Protocol on the provisory regime on the southern border was concluded, an international treaty which is still in the phase of provisional application. Both parties undertook in it with the aim of peace and stability in this part of Europe and according to the Protocol on the principles of identification – designation of the state boundary, to apply its provisions until the conclusion on the Treaty on state boundary (Dimitrijević 2003: 367). The second mentioned Protocol is the work of a mixed commission created by two states with a task to prepare a treaty with the description of the border line (among others the disputed border line between former FRY and Croatia on the Danube, border which is still an opened issue between Republic of Serbia and Croatia), however, until the present day the Commission has not published any official information on the delimitation results (Dimitrijević 2012: 1-22). Land region of Prevlaka was demilitarised under the provisionary Protocol and jurisdiction over the peninsula was divided between the northern (Montenegrin) and southwestern (Croatian part). In the maritime area partial demilitarisation was also agreed, and provisionary division on the basis of international law principles codified in Article 10 UNCLOS.

For the thesis which we pursue in this article it is relevant that Croatia relies in this dispute on arguments which are modelled analogous to the dispute on Piran bay on strict application of international legal rules

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22 Citation – *“During the delimitation of internal borders the commission which was presided by Milovan Đilas generally followed historically established republican and regional borders and in some cases they were, as in the example of the accession of Eastern Srem to Vojvodina and Komor Bay to Montenegro, modified on the ethnic principle”.*

that would no doubt create unequitable delimitation solutions, with the aim of acquiring a position of strategical dominance over its Adriatic neighbors. Namely, Croatia insists that Prevlaka is a part of its territory and on this basis and under the median line principle, requests half the entrance into the bay (Čolović 2014: 47). Montenegro, on the other hand, has effectively controlled Prevlaka on the whole until the conclusion of the provisory Protocol. Decision of the Badinter commission that in delimitation a valid principle is that no one can enjoy sovereignty and authority on the part on which it did not do the same at the moment of dissolution of former state is also on Montenegro's side. In Boka Kotorska bay, which actually includes the disputed region of Prevlaka, army was always present, and inside the bay, civil jurisdiction was conducted by Montenegrin organs and Harbor master of Kotor, Zelenika, Herceg Novi, as well as Montenegrin police, a fact that is not disputed (Čolović 2014: 48). To Montenegro authority over Boka Kotorska bay is a question of supreme national interest, even if the military and strategic value of Prevlaka is neglected. Delimitation under Croatian proposition would give to Croatia half the entrance to Boka, while Montenegro would in that case get the shallower part, therefore rendering the entrance of heavier shipping in the bay impossible (Čolović 2014).<sup>23</sup>

Maritime border between Croatia and Montenegro is still undefined definitely, and due to geostrategic position of Prevlaka Croatia has *de facto* option of surveillance of great part of Montenegrin coast, primarily Boka Kotorska bay (87 from 293 km on the whole). However, after the independence of Montenegro in 2006 the issue of Prevlaka is no longer high on the agenda of neighbor issues, so we can conclude that on this question much more insistent was the federal administration of FRY, or State Union of Serbia and Montenegro (Krcić 2016).

Therefore, the status of Montenegrin territorial waters in the Prevlaka region is still in dispute. On Croatian issues of geographical maps, especially after 2003, after the establishment of *Protected environmental-fisheries belt* (ZERP), it became clear that differences over the border are much larger than it appeared before (D.Š., 2014).<sup>24</sup> Croatian political elites have regarded Boka Kotorska as a part of Croatian lands

23 Author cites sources from daily newspaper "Free Dalmatia" (Slobodna Dalmacija) which with unconcealed wishes expect such, for its neighbor extremely inadequate solution.

24 See in this context the "Decision on the extension of jurisdiction of Republic of Croatia in the Adriatic Sea", Croatian Parliament, 3. listopad 2003. *Narodne novine*, br. 157/2003.

during XIX but also XX century, calling it a „Bay of Croatian Saints“ and over-emphasising the number of ethnical Croats in this part of Montenegro.<sup>25</sup> Today, however, Croatian minority in Montenegro primarily lives in Boka Kotorska and has the opportunity to use all its constitutional and legal rights (I.O. 2016).

During the past two and a half decades there existed various ideas concerning the status of Prevlaka. On the one hand, during last decade ideas were developed on the construction of special tourist capacities, while more radical ideas recommended mining and complete destruction of this peninsula. During 2015 options were considered to open on Prevlaka a special relief center for refugees on the Balkan route, in the context of still persistent migrant crisis. However, during 2014 some attempts were made by Croatian authorities to research oil and gas fields in this region, but this provoked some rhetorical skirmishes between Podgorica and Zagreb (V.K. 2014).

## Conclusion

The obvious tendency of official Zagreb is to, after the end of SFRY dissolution process, fully dominate the Eastern coast of Adriatic Sea. In this context three neuralgic points of delimitation on Adriatic Sea have appeared (with Slovenia – Piran bay, BH – Maloston bay and with Montenegro- Prevlaka peninsula). This strengthening of its own geostrategic position by Croatia is followed by objective diminution of relevancy of the position of its Adriatic neighbors.

Although the aim of all countries in the Eastern Adriatic is full integration in European Union and NATO, it is obvious that the fact that Croatia and Slovenia are members of these organizations did not matter when it comes to this policy of official Zagreb. Therefore, continuity of relations with Slovenia, Montenegro and BH in view of maritime delimitation is ever present. The possible future entrance of Montenegro into NATO would surely fail to relax its relations with Croatia when the delimitation at the entrance to Boka Kotorska bay is in question.

Besides, some potential issues of strengthening of other actors in Adriatic region are popping up, namely Russia and Turkey. Namely, Russia has several times in the past shown its strong interest for the en-

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<sup>25</sup> Roman Catholic church emphasizes that holy Leopold Mandić, Holy Ozana and Gracija Kotorski hail from this region. Anyway, in this region live around 4,5000 ethnic Croats from altogether 6,000 that live in Montenegro.

hancement of its own role on Montenegrin coast, which was proven by the influx of Russian capital, especially in Budva and vicinity, and even some ideas circled about the Russian offer to buy a controlling package of Bar Harbor shares (Đukanović 2016: 43-48).

However, the entry of Montenegro into NATO will transform these plans and actually fulfill the so called Mediteranean NATO dimension, in fact its objective dominance on the northern Mediteranean fringes. At the beginning of February 2017 inside NATO structures was formed the Adriatic Trilateral, which assembles Croatia, Montenegro and Albania with the aim of enhancing security and economic cooperation components.

How sensitive is the issue of influence of others, non-EU actors on the eastern coast of Adriatic Sea is shown by malcontent reaction of local citizenry in the BH coastal town of Neum, during the attempt of two military ships of armed forces of Republic of Turkey to sail into it, back in 2007, and again in the middle of 2014 (Mustajbegović 2017). This provoked different reactions inside among three nations divided central BH institutions, which actually further illustrates the sensitivity of various international influences at the eastern coast of the Adriatic sea.

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