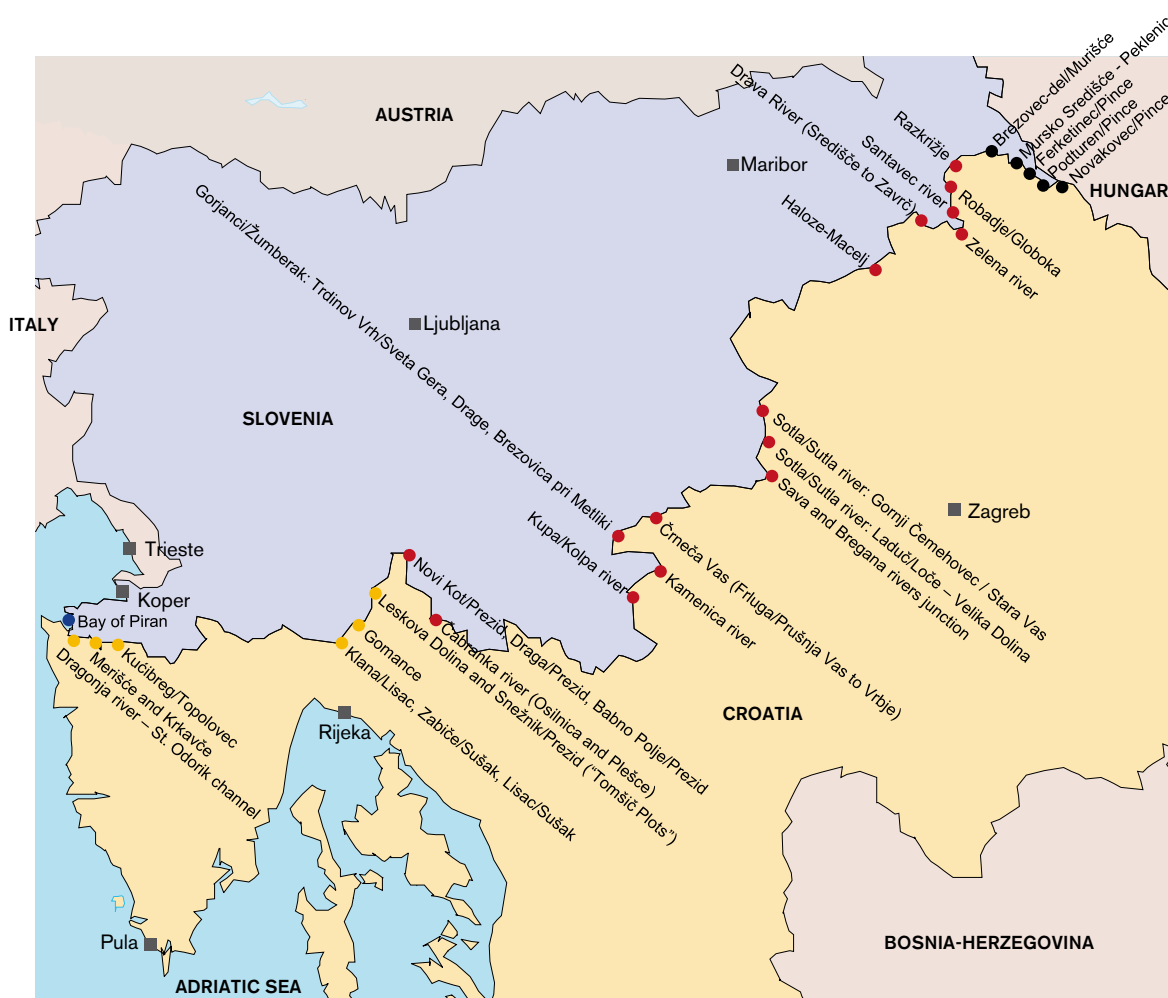


MAP A.19a | Location of Disputed Areas between Slovenia and Croatia



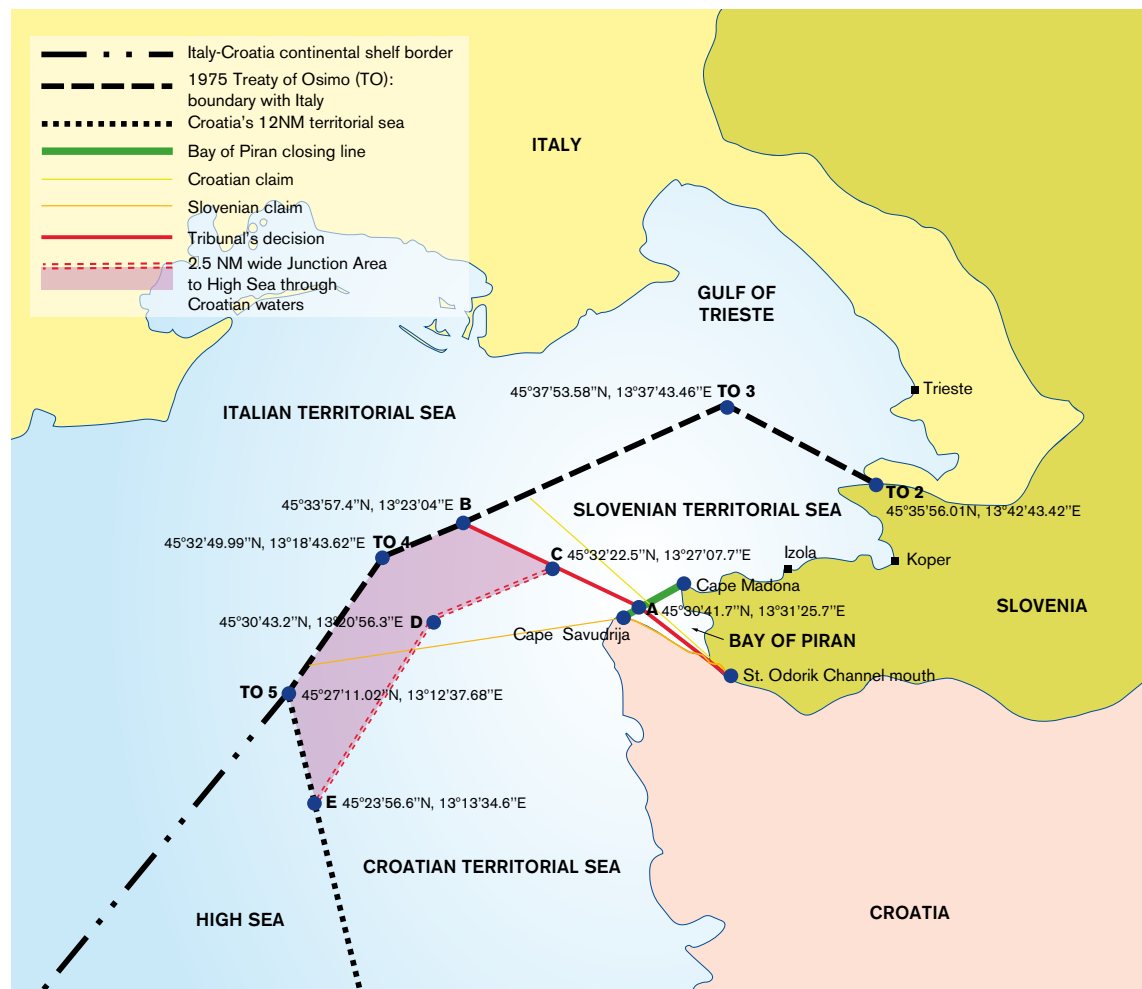
THE ARBITRATION PROCESS. Since their independence in 1991, Slovenia and Croatia have made several bilateral efforts to delineate their common sea and land border. In 2001, the Račan-Drnovšek Agreement represented the first major attempt to define the entire border but the agreement did not enter into force since Croatia never ratified it. In November 2009, both countries finally signed an agreement to submit all the disputed segments of their boundaries to the Permanent Court of Arbitration of The Hague, after Slovenia blocked the Croatian EU accession process from December 2008 to September 2009. In July 2015, the press reported that a Slovenian judge on the arbitration panel, Jernej Sekolec, had been in collusion with a representative from the Slovenian government, Simona Drenik. Both of them resigned and according to an internal investigation of the Permanent Court of Arbitration, no leak of information had occurred.

However, in July 2015, the Croatian Parliament voted for the withdrawal of Croatia from the arbitration process alleging that the arbitration had suffered irreparable damages because of the Slovenian breach. The court issued a final award on 29 June 2017. This award establishes the land boundary based on the *uti possidetis* principle, cadastral documentation and historical evidence / *effectivités* provided by the parties. In the case of the sea border, the Court grants Slovenia three quarters of the Bay of Piran and a 2.5 nautical-mile wide and approximately 10 nautical-mile long corridor through Croatian waters to give Slovenia direct access to international waters. While Slovenia has accepted the ruling, the Croatian government assures that the decision is not legally binding and that Croatia has no intention of implementing it.

MURA RIVER REGION. According to Slovenia, the border should follow the course of the Mura river as a natural boundary between the regions of Prekmurje (Slovenia) and Medijmurje (Croatia), following the division between the Dravska (Slovenia) and Savska (Croatia) banates defined in the 1929 Act on the Name and Division of the Kingdom of Yugoslavia.

Croatia focuses on the *uti possidetis* principle and refers to the Austro-Hungarian administrative borders defined in 1860 and observed by the Treaty of Trianon (1920) for those areas gained by Yugoslavia from Hungary after WWI in the Mura region, in which the cadastral district boundaries overlap significantly.

MAP A.19b | Location of Disputed Areas between Slovenia and Croatia



CENTRAL REGION. According to Slovenia, the boundary should follow geographical features, mainly the course of the rivers Drava, Sava, Bregana, Sotla, Kamenica, Kupa/Kolpa and Čabranka or the Trdinov Vrh/Sveta Gera mountain in line with the 1929 banate system of Yugoslavia that modified the previous Austro-Hungarian boundaries. Croatia focuses on the *uti possidetis* principle, and the cadastral district boundaries in force until 1991, arguing that the 1929 Act confirmed by the 1931 Yugoslav Constitution, did not modify the historical borders between Croatia, Styria and Carniola set in 1860 by the Austrian-Hungarian Empire.



ISTRIA REGION. The parties agree that no historical boundary ever existed in Istria before WWII. In the Eastern part of Istria, the disagreement mainly focuses on cadastral overlapping and at the Tomšič Plots on the interpretation of the boundary based on the former border between Italy and Yugoslavia (Treaty of Rapallo, 1920). In the western part, Croatia applies the *uti possidetis* principle and contends that in 1944 a de facto agreement was reached to set a border along the Dragonja River that was applied when the Zone B of the Free State of Trieste was transferred to Yugoslavia. However, Slovenia claims that the border is south of the river while Croatia claims that the border is on the river itself (St. Odorik channel). Slovenia bases its position on the principle of equity and historical rights and contends the 1944 agreement was a mere practical and provisional solution.



BAY OF PIRAN AND SLOVENIAN ACCESS TO INTERNATIONAL WATERS. Slovenia appeals to the *uti possidetis* principle and claims the integrity of the bay, alleging that it had the status of internal waters under the former Yugoslavia. Croatia claims the Bay was part of the territorial sea of Yugoslavia so Art.15 of the United Nations Convention on the Law of the Sea (UNCLOS) must be applied to divide the bay along an equidistant line.

Slovenia also claims a continental shelf in a junction area granting Slovenia free access to high seas. Such a claim is contrary to international maritime delimitation laws, according to Croatia.

Own production. Source: Permanent Court of Arbitration: <https://pcacases.com/web/view/3>