

MORSKE GRANICE U JADRANSKOME MORU

THE MARITIME BOUNDARIES OF THE ADRIATIC SEA

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Morsko razgraničenje u uvjetima poluzatvorenog mora poput Jadrana uvijek je složeno pitanje. Prvi bilateralni sporazum o granici na moru u Jadranskome moru postignut je već u prvoj etapi u povijesti morskoga razgraničenja, no nakon političkih promjena u početku 1990-ih i povećanja broja obalnih država, potencijalni sustav morskih granica postao je još složeniji nego dotad. U izlaganju se daje pregled razvitka sustava morskih granica, naglašavaju se postojeći granični sporovi te naposljetku vrednuju i mogućnosti rješenja spornih točaka, pod pretpostavkom da sređen sustav morskih granica pridonosi općoj regionalnoj stabilnosti.

Ključne riječi: morske granice, razgraničenje, granični prijepor

The delimitation of maritime boundaries in semi-closed seas such as Adriatic is always a complex issue. The first bilateral maritime boundary agreement in the Adriatic Sea was reached at an early stage in the history of maritime delimitation, but potential offshore boundary system became more complicated following political changes in the 1990's and increase in the number of coastal states. This paper provides an overview of the development of maritime boundary system in the Adriatic, highlights disputes and remaining problems and evaluates potential solutions to disputes, claiming that completion of maritime boundary system should enhance regional stability.

Key words: maritime boundaries, delimitation, boundary dispute

Uvod

Prvi bilateralni sporazum o morskoj granici u Jadranskome moru, onaj između Italije i Jugoslavije iz 1968., postignut je još u ranoj etapi suvremenoga maritimnog razgraničenja, posebice u okviru Sredozemlja, te je privukao znatnu pozornost istraživača (SCOVAZZI, 1993.). Raspad međunarodnoga političkog poretku uspostavljenoga nakon Drugoga svjetskog rata, do kojeg je došlo potkraj 1980-ih i početkom 1990-ih godina, značajno je utjecao na morske granice u Jadranskome moru. Zbog povećanog broja obalnih država potencijalni sustav morskih jurisdikcija i granica postao je složeniji nego prije (BLAKE, 1993/94.). Jedna od posljedica tih promjena bio je i povećan broj graničnih prijepora nakon 1991. Jadransko more ponovno je postalo zanimljivo za istraživače, posebice u svjetlu naputaka što ih glede razgraničenja na moru sadrži UN-ova Konvencija o pravu mora (BLAKE, TOPALOVIĆ, 1996.).

Introduction

The first bilateral maritime boundary agreement in the Adriatic, that between Italy and Yugoslavia in 1968, was reached at the early stage in the history of maritime delimitations, especially in the Mediterranean context, and it drew considerable attention from researchers (SCOVAZZI, 1993). The collapse of the political framework established after the World War II, that occurred in the late 1980's and early 1990's, has had a profound effect on the maritime boundaries in the Adriatic. The potential offshore boundary and jurisdiction system became more complicated because of the increase in number of coastal states (BLAKE, 1993/94). One of the consequences of these changes was the increase of number of disputes concerning maritime delimitations since 1991. The Adriatic appeared to be an interesting field for researchers, especially in the context of application of detailed instructions concerning maritime delimitation

Hrvatska i Slovenija prve su nakon 1991. započele pregovarati o novoj međudržavnoj granici. Dugotrajne pregovore povremeno su motrili i istraživači koji su analizirali pozadinu pojedinih prijepora (KLEMENČIĆ, SCHOFIELD, 1995; 2002.) te pokušali ponuditi i mirna rješenja (GOSAR, KLEMENČIĆ, 2000; KLEMENČIĆ, GOSAR, 2000.). Prvi sporazum, međutim, postignut je tek 1999., kada su Hrvatska i BiH zaključile ugovor o granici koji je uključio i granicu na moru (KLEMENČIĆ, 1999-2000.).

Cilj ovoga izlaganja nije samo dati pregled razvijta sustava morskih graničnih crta u Jadranu, što je već učinjeno između ostalog i na geografskom kongresu 1996. u Haagu (KLEMENČIĆ, 1998), nego i vrednovati moguća rješenja postojećih prijepora te njihovo značenje za stabilnost i sigurnost Jugoistočne Europe i Sredozemlja.

Određivanje morskih granica u Jadranskom moru

Nakon Drugoga svjetskog rata u Jadranskom moru bile su tri obalne države. Obalu ukupne duljine 3737 km dijelile su Jugoslavija (56%), Italija (33%) i Albanija (11%). Mali broj obalnih država mogao je olakšati suradnju, no to se nije do kraja ostvarilo. Iako u geopolitičkom smislu Jadransko more nije nikad bilo izvor napetosti kao neki drugi dijelovi Sredozemlja, primjerice Egejsko more (morska granica između Turske i Grčke), libijski akvatorij, Cipar ili Gibraltar, suradnja ipak nije procvala kao što se možda moglo očekivati. To je uvelike bila posljedica činjenice da su jadranske obalne države imale različitu ideološku i vojnopolitičku orientaciju. Italija je bila članica Sjevernoatlantskoga saveza, Albanija je bila rigidna komunistička zemlja, prvotno pripadnica Varšavskoga ugovora, a potom i izvan njega s izrazito izolacionističkom politikom. Jugoslavija pak, s ideološki "mekšom" komunističkom doktrinom, zadržala je neutralnu poziciju između Istoka i Zapada te surađivala s obje strane. Glede maritimnoga razgraničenja takav politički kontekst omogućio je samo jedno međudržavno postignuće – dogovor o granici između Italije i Jugoslavije.

Teritorijalno more proglašile su sve tri države. Albanija je prvotno proglašila teritorijalno more u širini od 15 nautičkih milja, a 1990. korigirala je to na međunarodnopravno uobičajenih 12 nautičkih milja. Teritorijalno more u širini

provided by the UN Convention of the Law of the Sea (BLAKE, TOPALOVIĆ, 1996).

Croatia and Slovenia were the first two states to start negotiations on the new international boundary. Long-lasting negotiations were periodically monitored by researchers who analysed the backgrounds of certain problems (KLEMENČIĆ, SCHOFIELD, 1995; 2002) and also tried to help in finding peaceful solution (GOSAR, KLEMENČIĆ, 2000; KLEMENČIĆ, GOSAR, 2000). However, the first agreement was reached not earlier than 1999, when Croatia and Bosnia-Herzegovina concluded their boundary agreement which included maritime boundary (KLEMENČIĆ, 1999-2000).

The aim of this paper is not only to provide an overview of development of maritime boundary system in the Adriatic, presented already at the Geographical Congress in the Hague in 1996 (KLEMENČIĆ, 1998), but also to evaluate potential solutions of existing disputes in the Adriatic and their significance for the stability and security of the southeastern Europe region and the Mediterranean basin.

Definition of maritime boundaries in the Adriatic

In the period following the WW II there were just three riparian states in the Adriatic. The total of 3737 km of coast was shared among former Yugoslavia (56%), Italy (33%) and Albania (11%). A small number of riparian states should theoretically enhance the prospects for co-operation but this proved not to be the case. Although the Adriatic has never been a flashpoint like some other parts of the Mediterranean, e.g. the Aegean Sea (Greece-Turkey maritime boundary), Libyan maritime zone, Cyprus or Gibraltar, the co-operation did not flourish as might have been expected. This was largely the consequence of the fact that each of the coastal states had distinct ideological orientations and geopolitical codes. Italy was a part of NATO alliance, Albania was a rigid communist state, initially a Warsaw Pact member and later on a dissident of the Soviet bloc with a strong isolationistic policy. Yugoslavia, ideologically a "soft-communist" state, maintained a neutral position between the East and West, while co-operating with both sides. With regard to developments in the maritime boundary system, such political context meant that the only bilateral achievements between the Adriatic states were delimitations settled between Italy and Yugoslavia. Due to its unfriendly foreign policy, Albania did not want to delimit its maritime boundaries. Remaining maritime jurisdiction and their limits, namely

12 nautičkih milja Italija je proglašila 1974., a Jugoslavija 1979. Sve tri države prihvatile su i proglašile i sustav ravnih polaznih crta. Najsloženiji je bio jugoslavenski, a proglašen je 1965. Albanija je svoju ravnou polaznu crtu proglašila 1970. te modificirala 1976. Naposljetku je ravnou polaznu crtu 1977. proglašila i Italija, a osim na jadranskoj strani odredila ju je i duž tirenske i jonske obale. Detaljan uvid u tematiku ravne polazne crte i teritorijalnoga mora dali su Blake i Topalović (1996.).

Sporazum o morskoj granici između Italije i Jugoslavije, koji je potpisana 1968., a na snagu stupio 1970., bio je prvi ugovor o razgraničenju epikontinentskog pojasa u Sredozemlju. Dogovorena je granična crta u duljini od 353 nautičke milje, koja povezuje 43 točke s 40 dužina i 2 luka. U načelu, granična crta odgovara crti jednakih udaljenosti između dviju obala, odnosno ravnih polaznih crta. Nešto složenije razgraničenje bilo je jedino u središnjem Jadranu, gdje je konačno rješenje išlo u korist Italije kako bi se nadomjestila prirodna pogodnost što ju "proizvode" jugoslavenski pučinski otoci Jabuka i Palagruža. Ugovorne strane su se sporazumjele da granicu ne dogovaraju dalje, tj. južnije od točke 43 kako ne bi prejudicirale tromeđu s Albanijom. Strane su se sporazumjele i da ostave neriješenim pitanje granice teritorijalnoga mora u Tršćanskem zaljevu, uzimajući u obzir da je u vrijeme postizanja sporazuma kopnena granica između Italije i Jugoslavije bila samo privremeno riješena. Blake (1993/94.) je naglasio da je u stručnim krugovima sporazum između Italije i Jugoslavije bio ocijenjen kao primjer kvalitetnog i obostrano zadovoljavajućeg razgraničenja.

Najsjeverniji dio talijansko-jugoslavenske morske granice u Tršćanskem zaljevu postignut je 1975. u okviru Osimskoga sporazuma, postignutog ponajprije s ciljem da se okonča dugotrajno otvoreno pitanje razgraničenja između dviju zemalja. Dogovorena granična crta povezuje pet točaka, s time da je točka broj 5 zapravo identična točki 1 iz sporazuma o razgraničenju epikontinentskoga pojasa iz 1968.

Većina današnjih graničnih crta u Jadranu naslijedjena je iz dvaju spomenutih sporazuma između Italije i Jugoslavije. Raspad Jugoslavije nije utjecao na to razgraničenje. Temeljem načela sukcesije, nekad jedinstvena talijansko-jugoslavenska granična crta naslijedjena je kao morska granica između Italije i novih istočnojadranskih država – Slovenije, Hrvatske i

territorial seas and baselines, were proclaimed unilaterally.

All three states proclaimed territorial sea. Albania initially proclaimed territorial sea which extended 15 nautical miles and corrected the breadth of territorial sea to conventional 12 nautical miles in 1990. Italy did it in 1974 and former Yugoslavia in 1979 proclaimed their 12 nautical miles territorial seas. The straight baselines were also adopted by all sides. Yugoslavia completed its baseline system, the most complex of the three, in 1965. Albania proclaimed its baseline system in 1970 and modified it in 1976. Finally, Italy proclaimed its system in 1977. Besides the Adriatic coast, Italian baseline system extended to Ionian and Tyrrhenian Sea. Detailed overview of the straight baselines and territorial sea in the Adriatic was provided by Blake and Topalović (1996).

The agreement between Italy and Yugoslavia, signed in 1968 and entered into force in 1970, was the first treaty concluded for the delimitation of the continental shelf in the Mediterranean. The boundary line extended for 353 nautical miles, connecting 43 points by 40 straight segments and 2 arcs of circle. Basically, the boundary was equal to equidistant line. A more complex delimitation was needed only in the central Adriatic in order to compensate Italy for the effect of Yugoslav open-sea islands of Jabuka and Palagruža. The parties agreed not to extend the boundary south of Point 43 in order not to prejudice the triborder boundary with Albania. The parties to the treaty also decided to leave open the territorial sea boundary in the Gulf of Trieste, taking into account that delimitation of the Italy-Yugoslavia land border was only provisionally resolved at the time when the treaty was concluded. Blake (1993/94) emphasised that the agreement was widely considered as fair and mutually satisfactory delimitation.

The northernmost section of the Italy-Yugoslavia maritime boundary, the territorial sea boundary in the Gulf of Trieste, was agreed upon by the Treaty of Osimo in 1975 which was concluded mainly to put an end to the longstanding issue of land boundary delimitation between two countries. The arranged boundary line connects five points. Terminal point 5 has the same co-ordinates as starting point 01 of the 1968 continental shelf agreement.

Most of the present-day off-shore boundaries were initially parts of former Yugoslavia-Italy boundary agreed in 1970's. The former Italy-Yugoslavia maritime delimitations remained in place and were unaffected by the dissolution of Yugoslavia.

Crne Gore. Iako sukcesija nije službeno potvrđena dokumentom, nijedna od zainteresiranih strana nije iskazala nikakav pravni, politički, zemljopisni ili neki drugi razlog temeljem kojeg bi zahtijevala reviziju morske granice.

Novi politički zemljovid Europe, nastao u razdoblju geopolitičke tranzicije nakon raspada bipolarnoga svijeta i sloma komunizma, odrazio se i na prilike u Jadranskom moru. Broj obalnih država više je nego udvostručen. Nekadašnja jugoslavenska obala podijeljena je na slovenski, bosanskohercegovački, crnogorski i, najdulji, hrvatski dio (Sl. 1.). Hrvatska je naslijedila 85% nekadašnje jugoslavenske kopnene obalne crte i praktički sve otoke. Ovisno o tome računaju li se otoci ili ne, s tako dugačkom obalnom crtom Hrvatska se svrstava na prvo, odnosno drugo mjesto među "novim" europskim državama. Prema duljini kopnene obale bez otoka samo je Ukrajina ispred Hrvatske.

Da bi se sustav morskih granica upotpunio, još uvijek nedostaju četiri granice koje treba dogovoriti. Jedna je od njih granica između Crne Gore i Albanije. Ni prije 1990. nije bila dogovorena morska granica između tadašnje Jugoslavije i Albanije. Za razliku od te granice, Italija i Albanija postigle su 1992. sporazum o granici na moru. Granica je dogovorena na temelju načela jednake udaljenosti i crte sredine. Bio je to s tehničke strane jednostavan i jasan sporazum koji je u promijenjenim geopolitičkim okolnostima postignut bez većih teškoća.

Ostale granice koje tek treba dogovoriti, postale su međunarodne tek nakon raspada Jugoslavije. Morske granice između nekadašnjih jugoslavenskih republika bile su manje jasno definirane od njihovih kopnenih granica, koje su, u najvećoj mjeri, bile određene te prakticirane i priznate u svakodnevici. Potreba za razgraničenjem republičkih ovlasti na moru nije bila toliko izražena, stoga diobene crte nisu bile tako jasne kao one na kopnu. U situaciji nastaloj nakon raspada nekad zajedničke federacije, države nasljednice suočile su se s potrebom da razgraniče područja svojih ovlasti na moru. S tehničke strane to nije trebao biti težak zadatak, polazne točke na kojima kopnene granice dodiruju obalu, bile su poznate pa se morska granica mogla dogovoriti u okviru međunarodnoga prava mora, napose UN-ove Konvencije o pravu mora iz 1982.

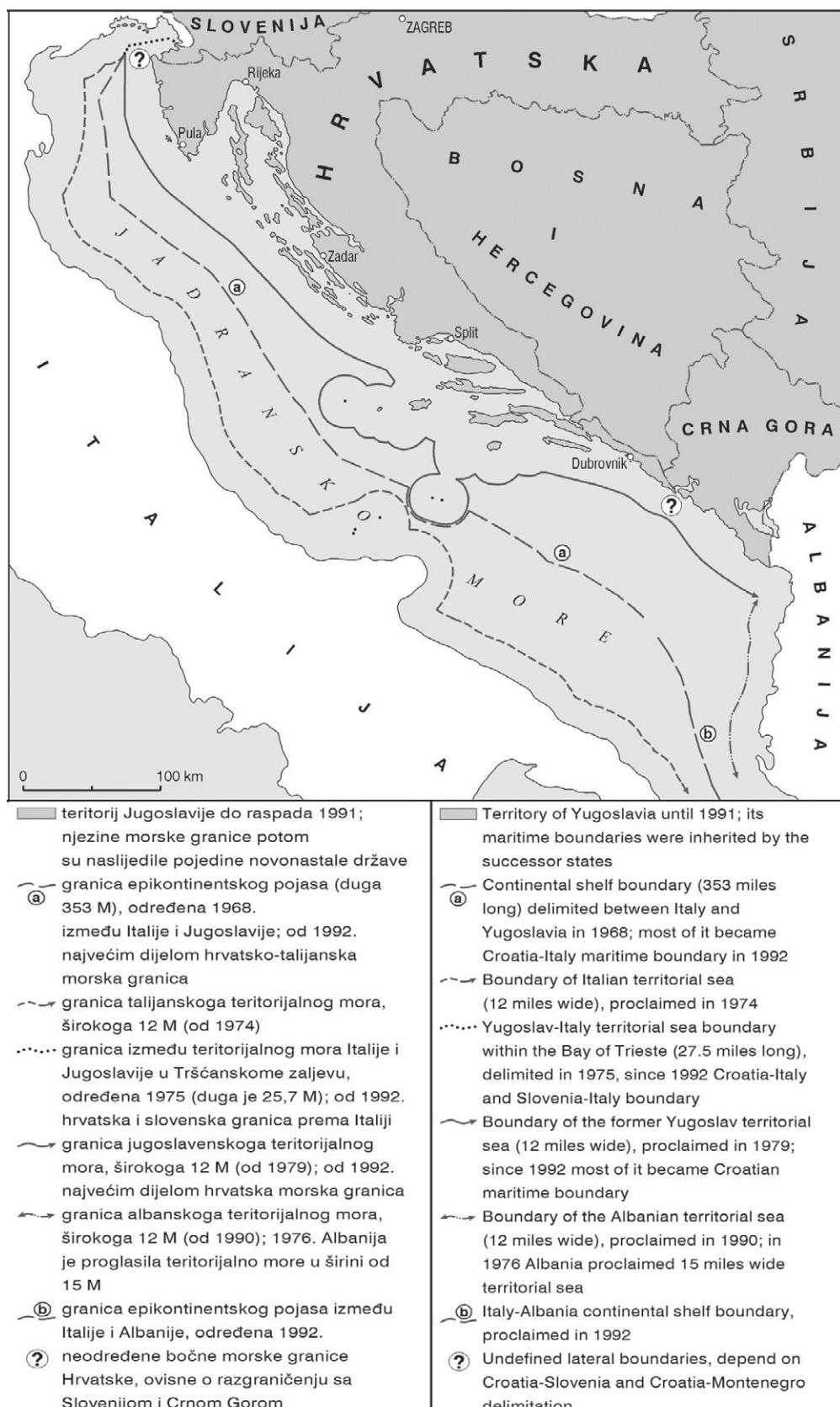
On the basis of the principle of succession, the formerly integral Italian-Yugoslav boundary line through central Adriatic has been inherited as the Italy-Slovenia, Italy-Croatia and Italy-Montenegro maritime boundary. Although the succession has not been confirmed by a formal document, none of the sides involved have expressed any legal, political, geographical or other reason to claim revision.

Redrawing of the European political map in the period of geopolitical transition, which came following the collapse of bipolar world and demise of communism, created new situation in the Adriatic. The number of coastal states doubled. Former Yugoslav coast was divided into Slovenian, Bosnian, Montenegrin, and, immensely longest Croatian part (Fig. 1). Croatia inherited about 85% of Yugoslav coast (1780 km) and practically all the islands. Such a long coastline ranks Croatia at the first or second position among "new" European states, depending on whether one counts islands or not (BLAKE, 1993/94). Only Ukrainian land coastline is longer than Croatian.

To complete maritime boundaries system, four boundaries are still missing. One of them is Montenegro-Albania, which was not settled before 1990's. Internal changes in Albania included liberalization of the state and brought also more open and co-operative foreign policy which resulted with the first agreed maritime delimitation. In 1992 Albania and Italy concluded the agreement on maritime delimitation. The boundary was agreed on the basis of the principle of equidistance that is expressed by the median line. It was technically simple and clear case of delimitation, easily reached under the new geopolitical circumstances.

Other boundaries which are to be settled appeared as the result of the break-up of Yugoslavia. Contrary to the land boundaries, maritime boundaries between former Yugoslav republics were not precisely defined. Boundary lines on land were generally well-defined, widely in use on a daily basis and widely recognized as such. The need for the delimitation of republican jurisdictions at sea was not priority and consequently the lines were not clearly defined.

In new situation which developed following the break-up of the former federation, successor states needed to delimit initially integral territorial waters. Technically, the task seemed easy to realize since terminal points on the land were known and starting from that point, maritime delimitation could be carried out within the framework of the Law of the Sea (LOS), especially of the UN Convention in 1982.



Slika 1. Morske granice u Jadranskome moru
Figure 1 Maritime boundaries of the Adriatic Sea

Hrvatska i Slovenija

Još 1992. Hrvatska i Slovenija započele su pregovore o granici, uključujući i kopneni i morski dio, no sporazum nije postignut, što vjerojatno nitko nije mogao očekivati. Usprkos činjenici da su u više navrata službeni predstavnici obiju strana ustvrdili da je granična crta "99 posto" dogovorena, još uvijek postoje dijelovi i točke za koje nema rješenja. Granična crta u donjoj dolini Dragonje, uključujući i točku gdje kopnena crta dodiruje obalu, najvažnija je neriješena dionica granice. Na tom dijelu postoji prijepor oko uskog pojasa teritorija uz Kanal svetoga Odorika, koji uključuje četiri zaseoka i obuhvaća oko 4 km² teritorija. Povijesnu pozadinu "prijepora oko četiri zaselka" analizirali su Klemenčić i Schofield (1995). Hrvatski prijedlog rješenja blizak je sadašnjem *de facto* stanju, dok Slovenija zahtijeva granicu nekoliko stotina metara južnije, a u skladu s nekadašnjim katastarskim međama u tom području. No bez obzira na to gdje bi na kraju granica bila, na Kanalu svetoga Odorika ili nekoliko stotina metara južnije, ona izbjiga na obalu duboko unutar Piranskog zaljeva i stoga minimalno utječe na razgraničenje zaljevskoga akvatorija.

Slovenski parlament prihvatio je još 1993. dokument naslovljen "Memorandum o Piranskom zaljevu" u kojem se ističe da se Slovenija zalaže za "integritet Piranskog zaljeva pod slovenskim suverenitetom" kao i za "izlaz na otvoreno more", i to na temelju "međunarodnoga prava", ali i "uvažavanja specifične situacije Slovenije".

Sve otad za vrijeme trajanja pregovora Slovenija je radije isticala dva glavna zahtjeva, cjelovitost Piranskog zaljeva i izravan pristup otvorenom moru, nego da jasno formulira svoj prijedlog granične crte. K tome se još isticalo da Slovenija nikako ne pristaje na manje prava nego što ih je navodno imala kao jedna od članica jugoslavenske federacije do 1991., kao i da je Memorandum iz 1993. obvezujući za sve slovenske pregovarače.

Sintagma pak "specifične situacije" koja je navedena u tom Memorandumu, smjera na povijesne i druge razloge koji podupiru odstupanje od načela jednakih udaljenosti unutar zaljeva. Činjenica je da su zaljev i njegove obale stoljećima bile gospodarska osnovica grada Pirana (solana, ribarstvo). Hrvatska strana zaljeva slabije je naseljena i zaljev nikad nije imao veće značenje za stanovništvo južno od rijeke Dragonje kao što je bio važan za one sjeverno od nje. Ta tradicija nastavila se i u okviru Jugoslavije, no ipak ostaje za raspravu je li to dovoljno za pozivanje na "specifične okolnosti"? U posljednjih nekoliko

Croatia – Slovenia

Croatia and Slovenia started negotiations in 1992 as a part of an overall (land + sea) boundary delimitation, but the agreement, rather surprisingly, was not reached. Despite the fact that officials from both sides have repeatedly stated that the boundary line has been "99 percent" completed, there are points still awaiting final settlement. The course of the boundary line in the lower Dragonja River valley, including the terminal point where boundary reaches coastline, is the most important among them. This includes land boundary dispute between the two states over a narrow strip of territory along Dragonja's St. Odorick's canal including four hamlets, encompassing in total no more than 4 km² area. The backgrounds of the "four hamlets dispute" were analysed by Klemenčić and Schofield (1995). While Croatia's position seems to be in favour of the territorial *status quo*, Slovenia claims the boundary hundred meters more to the south of the de facto line on the basis of the early 20th century cadastral limits in the area. But regardless of the fact whether finally agreed boundary would fall on St. Odorick's canal, or coincide with the Slovenian claim line based on old cadastral limits, it would reach coastline deeply in the Bay of Piran and would have a minimal impact on any maritime delimitation line within the Bay.

Regarding maritime delimitation Slovenia claims its sovereignty over the entire Bay of Piran. In 1993 Slovenian Parliament issued a document called "Memorandum on the Bay of Piran". In the document it was stated that "Slovenia advocated the integrity of the Bay under Slovenian sovereignty and jurisdiction" and the "exit to the open sea" on the basis of "international law" "and respecting the specific situation of Slovenia".

In the course of negotiations Slovenia preferred and continued to insist on two general principles, free access to the international waters and integrity of the Bay of Piran, rather than to formulate and elaborate its proposal extensively. Additionally, Slovenian officials often emphasised that Slovenia should by no mean enjoy less rights than the country enjoyed as one of the republics within Yugoslav federation until 1991/92 and that the Parliament Memorandum from 1993 was obligatory for all Slovene mediators.

The notion of "specific situation of Slovenia", as referred to in this 1993 Memorandum, hints at historic and special-circumstance types of argument which might justify a departure from equidistance

godina slovenski političari umjesto o "specifičnim okolnostima" sve češće govore o "pravičnome" razgraničenju, no i u tom slučaju redovito propuštaju objasniti na što se točno smjera.

Slovenija, čini se, pokušava reći da je Piranski zaljev Hrvatskoj nevažan kao i upozoriti na činjenicu da raspolaže vrlo kratkom obalom. Na toj osnovi Slovenija želi sebe prikazati "zemljopisno prikraćenom zemljom" iako ni značenje toga pojma nije do kraja jednoznačno i jasno (GLASSNER, 1993.) niti ono donosi ikakve povlastice prema međunarodnome pravu mora.

Hrvatski zahtjev uglavnom je međunarodnopravno utemeljen: unutar Piranskog zaljeva dvije su obalne države i one se trebaju sporazumjeti oko morskoga razgraničenja, bilo primjenom načela crte sredine, bilo sporazumom oko neke drugačije granične crte. U više navrata hrvatski su predstavnici izražavali spremnost da prihvate razgraničenje kojim bi veći dio Piranskog zaljeva pripao Sloveniji.

No, sve i da Slovenija uspije osigurati isključivu kontrolu nad zaljevom, to nije dovoljno da joj bude osiguran i izravan dodir teritorijalnoga mora s otvorenim morem. Zemljopisne okolnosti to joj nikako ne omogućuju, osim ako Hrvatska ne pristane napraviti stvarni ustupak. A upravo to je, po svemu sudeći, bio slučaj s prijedlogom granice što su je 2001. postigli tadašnji hrvatski i slovenski premijer, Ivica Račan i Janez Drnovšek. Nacrt toga sporazuma predviđao je diobu Piranskog zaljeva u približnom omjeru 3:1 u korist Slovenije, a nakon izlaska iz Piranskog zaljeva crta bi skrenula prema jugu te vodila k postojećoj međunarodnoj granici. Da bi se osigurao izravan dodir slovenskog teritorijalnog mora s otvorenim morem, nacrt sporazuma predviđao je koridor približnih dimenzija $3,6 \times 12$ km. Koridor bi imao status međunarodnih voda, a podijelio bi hrvatsko teritorijalno more, s time da bi manji dio, neposredno uz hrvatsko-talijansku granicu, bio svojevrstan "morski otok", odnosno enklava. Sporazum Račan – Drnovšek, međutim, nikad nije stupio na snagu, nego je samo parafiran. S obzirom na kritiku s kojom je dočekan u hrvatskoj javnosti, premijer Račan nije ga pustio u daljnju proceduru. Bio je ocijenjen kao prevelik ustupak Sloveniji bez ikakve kompenzacije.

Nakon što je postalo jasno da od sporazuma Račan – Drnovšek ne će biti ništa, hrvatsko-slovenski odnosi sustavno su se pogoršavali. Sa svakim novim potezom jedne ili druge strane Hrvatska i Slovenija bile su sve dalje od postizanja sporazuma. Ako se dotad pitanje razgraničenja samo povremeno javljalo

inside the Bay. With regard to historic arguments, it is true that the bay and its shores were Piran's major economic source (salt-pans, fishing) for centuries. The Croatian shore is less populated and the Bay has never been economically that important for population south of the Dragonja, as it was for population north of the river. Continuing that tradition, Slovenian side was generally responsible for administering the bay during the Yugoslav era, but it is highly debatable whether that is enough to justify claim for "specific situation". In recent years, Slovene politicians have preferred the notion of "fair" or "righteous" delimitation instead of the notion of "specific situation", again without elaborating in detail what it should mean.

Slovenia may count on the fact that the Bay is not so important for Croatia as well as on the fact that the entire Slovenian coast is short. On that basis Slovenia may claim to be "geographically disadvantaged state" (GLASSNER, 1993) although the meaning of the notion is not clear, neither it guarantees any benefits according to the Law of the Sea.

Croatia's claim is based on international law of the sea. There are two coastal states within the bay and they should agree upon maritime delimitation, either applying a median-line or any other line that can be agreed. Croatia's representatives expressed willingness to accept a line more favourable for Slovenia, which would, leave most of the Bay on Slovene side.

However, even if managing exclusive control over the Bay of Piran, Slovenia cannot reach international waters with its territorial sea. Geographical conditions do not provide any grounds for that, unless Croatia accepts to make real territorial concession to Slovenia. That was the case with the draft of boundary solution reached in 2001 by two prime ministers, Ivica Račan of Croatia and Janez Drnovšek of Slovenia. The Račan – Drnovšek proposal included the division of the Bay of Piran in a proportion 3/4 to Slovenia and 1/4 to Croatia. Beyond the closing line of the Bay of Piran, the maritime boundary turns to the south and stretches towards the existing international border. In order to enable direct contact of Slovenian territorial waters with open sea, the agreement provides a corridor, 3.6 by 12 km, between Slovenian territorial waters and closest section of international waters. That corridor cuts through Croatian territorial waters, dividing it into two parts. As a result a Croatian "sea-island" or enclave is to be created next to the Italy-Croatia

kao problem u inače dobrim odnosima dviju zemalja, nakon 2001. ono je postalo glavnim problemom i zaprekom razvitu susjedske suradnje.

Hrvatska je 2003. proglašila Zaštićeni ekološko-ribolovni pojas (ZERP), koji je obuhvatilo morski pojas nad epikontinentskim pojasom u središnjem dijelu Jadrana, od granice hrvatskoga teritorijalnog mora do crte sredine s Italijom, određene sporazumom Jugoslavije i Italije potpisanim 1968. Bočne granice ZERP-a prema Crnoj Gori i Sloveniji nisu eksplisitno navedene u sporazumu, no one se podrazumijevaju iz ostalih detalja sporazuma. Po svom sadržaju proglašeni zaštićeni pojas bio je de facto gospodarski pojas, kako je opisan u Konvenciji o pravu mora (DEGAN, BARIĆ PUNDA, 2008.). Proglašenje ZERP-a susjedne zemlje, Italija i Slovenija, nisu dočekale s odobravanjem, nego su preko Europske unije izvršile pritisak na Hrvatsku da odustane od sporazuma ili barem ublaži njegovu primjenu. To i nije bilo teško ishoditi jer se Hrvatska u to vrijeme nastojala izboriti za status kandidata za članstvo u Uniji, a potom je kao kandidat bila ponajprije zainteresirana za pregovore. U takvoj situaciji kada je nacionalni prioritet hrvatske vlade bilo članstvo u Uniji, ustupci u slučaju granica na moru bili su neizbjegni. Hrvatski je parlament već pri proglašenju ZERP-a njegovu primjenu odgodio godinu dana te isključio brodove pod zastavom država članica EU. Vlada je potom u prosincu 2006. donijela odluku da primjena ZERP-a počinje 1. siječnja 2008., no nakon što je EU izravno prigovorila i upozorila da to može utjecati na usporenje pregovora o članstvu, hrvatska je vlada u ožujku 2008. ponovno donijela odluku da se ZERP neće primjeniti na članice EU sve do pronalaženja zajedničkog dogovora Hrvatske i Slovenije o granici.

Na proglašenje ZERP-a od strane Hrvatske, Slovenija je u listopadu 2005. odgovorila Zakonom o proglašenju zaštićene ekološke zone i epikontinentskog pojasa, kojim je obuhvatila i akvatorij koridora međunarodnih voda što ga je predviđao sporazum Račan – Drnovšek, te u siječnju 2006. donošenjem Uredbe o ribolovnim zonama. Prema toj uredbi predviđene su tri ribolovne zone (A, B i C), od kojih se jedna (B) nalazi na akvatoriju za koji Hrvatska smatra da je sastavni dio njezina teritorijalnog mora, dok se druga (C) nalazi na akvatoriju obuhvaćenom hrvatskim ZERP-om i uopće nema izravnog dodira sa slovenskim teritorijalnim morem, što nikako nije u skladu s Konvencijom o pravu mora. Nakon toga Slovenija je pitanje granice počela sve izravnije povezivati s pristupnim pregovorima između Hrvatske i EU te ih je napisljetu 2008. i posve blokirala pod izlikom

border. The sea in the corridor is "international" in character. However, the Račan – Drnovšek proposal has never entered into formal procedure, because it was seriously criticized in public on Croatian side and Prime minister Račan has never presented it to the Parliament. Generally, it was judged as too generous towards Slovenia, gaining no compensation from Slovenia for concessions that would make Croatia. Following failure of the Račan – Drnovšek proposal, negotiations entered a "dead-end-street".

In 2003 Croatia proclaimed Protected ecological and fishery zone (so-called ZERP) in the Adriatic, which included sea above the continental shelf in the central Adriatic, between the Croatian territorial waters and median line defined by the Italy-Yugoslavia agreement in 1968. Lateral borders of that zone towards Montenegro and Slovenia were not directly defined by the agreement, but other details referred to them to a certain degree. Proclaimed protected zone, as defined, was very much equal to the economic zone as it is defined by the UNCLOS (DEGAN, BARIĆ PUNDA, 2008). Neighbouring states, i.e. Italy and Slovenia, did not welcome protected zone proclamation. Using the EU bodies they put a pressure on Croatia to withdraw the agreement, or at least to moderate its application. It was not difficult to reach, as Croatia was in the same time in the middle of the process of admission to EU. Since Croatia's priority was clear, the EU membership, Italy and Slovenia easily gained concessions. Croatian government was forced to make a number of concessions and finally to decide not to implement ZERP on the EU members, until reaching the boundary agreement.

In October 2005 Slovenia proclaimed its own protected ecological and continental shelf zone, which included international waterscorridor created by the Račan – Drnovšek agreement. In 2006 Slovenia also proclaimed a Decision on fishery zones, which established three zones (A, B, C). One of them (zone B) embraced part of the sea which Croatia considers as constituent part of its territorial sea, while another one (zone C) embraced sea Croatia claimed by its ZERP. Besides, the second one has no direct contact with the Slovène territorial waters, which is not at all in accordance with UNCLOS. After that, Slovenia changed its foreign policy, put together boundary question with negotiations between Croatia and EU, and in 2008 blocked further developments under excuse that Croatia, during negotiations, used documents that may prejudice boundary

da Hrvatska u dokumentima kojima se koristi u pregovorima prejudicira granicu u svoju korist. Osim toga Slovenija je neprestano inzistirala da se pitanje granice riješi međunarodnim posredovanjem koje će se temeljiti ponajprije na načelu "pravičnosti", a ne međunarodnoga prava, koje je načelo Hrvatska isticala kao poželjno i odlučujuće. Nапослјетку се у пријепор уključila и Европска комисија, тј. нјезин повјереник за проширење Оли Рен, покушавајући тijekom 2009. pridobiti обје strane za kompromisno rješenje, kojim bi se granica odredila uz помоћ arbitraže, dok bi se pregovori о članству Hrvatske nastavili uz jamstvo да не ће utjecati на коначно rješenje granice. Do zaključenja rukopisa Rehnovo posredovanje nije dalo rezultata.

Kao povoljnu okolnost za eventualno postizanje sporazumnoga rješenja treba istaknuti činjenicu da neriješena granica na moru još uvijek ne stvara veće praktične probleme. Svi brodovi koji kroz hrvatsko teritorijalno more plove prema Kopru, uživaju pravo neškodljiva prolaska. Nije zabilježeno ometanje plovidbe s hrvatske strane, štoviše, tijekom ljeta u zaljevu se odvija i živa turistička aktivnost.

Sve dok obje strane uporno žele zadržati svoje početno stajalište, obostrano prihvatljivo rješenje teško je pronaći. Da bi se takvome rješenju približile, obje strane trebale bi promijeniti pristup i prihvativi stanovite izazove. Hrvatska bi trebala prihvatići izazov da bude "dobar susjed" i Sloveniju prihvati kao "zemljopisno prikraćenu zemlju". To bi značilo s hrvatske strane više fleksibilnosti te, u krajnjoj crti, i spremnost na ustupak pri razgraničenju na moru. S druge pak strane Slovenija bi trebala smanjiti svoje aspiracije jer one izlaze iz pregovaračkog okvira određenog Konvencijom o pravu mora iz 1982.

Bilateralni sporazum, s rješenjem graničnoga pitanja, bio bi, razumije se, najbolji ishod dugotrajnoga spora. Pritom je manje važno bi li on uključio uobičajena granična rješenja ili nešto posebniye "koridorske" varijante. Razne varijante koridorskih rješenja razmatrali su u svome radu još Blake i Topalović (1996.). Drugo bilateralno rješenje, koje nije nepoznato u međunarodnim odnosima, bilo bi proglašenje zajedničke zone na moru, koja bi uključila cjelokupni akvatorij Piranskog zaljeva kao i pojas (koridor) potreban za spoj s međunarodnim vodama. Na akademskoj razini takav su prijedlog predložili Gosar i Klemenčić (2000.), no to je bilo prije izbijanja ozbiljnog političkog spora između dviju država nakon 2000.

solution in its own favour. Moreover, Slovenia also continued to insist that boundary solution had to be based on the principle of "historical rights" rather than international law, the latter one being considered favourable and decisive by Croatia. At certain stage European Commission tried to mediate in the dispute. The EU commissioner Oli Rehn submitted a compromising solution, but his efforts did not gain support on the both sides.

On the positive side it can be said that disputed maritime boundary does not cause major practical problems in reality. As noted, all ships passing through Croatian territorial waters on their route to Slovenian commercial port of Koper do enjoy the right to 'innocent passage' and no interruptions caused by Croatia to the transit of shipping to and from the Slovenian port have been recorded. There is also lively transboundary activity on the part of tourists within the bay during summer.

As long as both sides are keen to keep initial position, mutually satisfactory solution is hard to find. In order to come closer to satisfactory solution, both sides should change the approach and cope with challenges. Croatia is challenged to act as a "good neighbour" and perceive Slovenia as "geographically disadvantaged state". That approach from Croatian side would imply more flexibility and, ultimately, readiness to make concession when maritime delimitation is in question. On the other side Slovenia should decrease its aspirations because they seem to be beyond the framework provided by the UN LOS Convention in 1982.

Bilateral agreement, with the border settlement, would obviously be the best solution of long-lasting dispute. It may include "normal" delimitations, as well as more specific "corridor" solutions. Different versions of corridors as solution have already been mentioned in the search for solution (BLAKE, TOPALOVIĆ, 1996). Another bilateral solution, which is not unknown in international relations, would be to establish a joint maritime zone, which would encompass entire bay of Piran and a strip of sea connecting it with international waters. At the academic level such solution was proposed by Gosar and Klemenčić (2000).

Hrvatska i BiH

Usprkos činjenici da su Bosna i Hercegovina i Hrvatska 1999. zaključile sporazum o granici koji se odnosio i na morsku granicu, pokazalo se da su barem neki aspekti toga sporazuma problematični.

Maritimno razgraničenje između Hrvatske i Bosne i Hercegovine je zemljopisno i geopolitički jedinstven slučaj. U njemu se ogleda neporeciva važnost povijesti u oblikovanju političkog zemljovida. To je "jedno od najneobičnijih europskih povijesnih naslijeda" (BLAKE, TOPALOVIĆ, 1996.). Prema Konvenciji o pravu mora i vrijedećim običajima u međunarodnim odnosima, uski izlaz na more kod Neuma dovoljan je razlog da Bosni i Hercegovini pripadne i teritorijalno more. U stvarnosti, međutim, u Neumu nema potencijala za izgradnju vlastite luke, pa se u pregovorima Hrvatske i BiH razmatralo korištenje hrvatske luke Ploče, tradicionalno glavne izvozno-uvozno luke za Bosnu i Hercegovinu. Pitanje je inicijalno riješeno u okviru šireg sporazuma postignutoga 1994., poznatog pod nazivom Washingtonskog sporazuma, no ono ponajprije pokazuje jalovost samoga sporazuma kada nedostaje stvarne političke volje za njegovo postizanje i provedbu. Kada takva volja postoji, rješenje praktički da i nema granice do koje može sezati.

Granica na moru zacrtana u okviru graničnoga sporazuma postignutog 1999. definirana je kao "crta sredine između kopna Republike Hrvatske i Bosne i Hercegovine, u skladu s Konvencijom o pravu mora iz 1982" (KLEMENČIĆ, 1999.-2000.). Ucrtana je i na kartu u mjerilu 1 : 25 000.

Nedugo nakon što je sporazum postignut u srpnju 1999., stigli su prigovori iz Dubrovačke županije. Prema sporazumu, naime, cijeli poluotok Klek nalazi se u BiH, a prema prigovoru sam vrh poluotoka kao dio nekadašnje Dubrovačke Republike trebao bi shodno tome pripasti Republici Hrvatskoj. Osim toga, prema sporazumu Bosni i Hercegovini pripala su i dva otočića uz poluotok, a prema katastarskoj evidenciji oba su u sastavu Hrvatske. Pokazalo se da je to rezultat činjenice da je morska granica određena kao crta sredine između hrvatskog poluotoka Pelješca i bosanskohercegovačkog poluotoka Kleka. Budući da su otočići bliži Kleku nego Pelješcu, nalaze se unutar bosanskohercegovačkih voda. Dubrovačka županija objavila je 1999. i

Croatia – Bosnia and Herzegovina

Despite the fact that Bosnia-Herzegovina and Croatia concluded a boundary treaty in 1999 which included the delimitation of their maritime boundary, it appears that some problems related to this boundary remain.

Maritime delimitation between Croatia and Bosnia-Herzegovina is geographically and geopolitically a peculiar case. It illustrates the enduring importance of history in creating political map because Bosnia-Herzegovina's exit to the coast is "one of Europe's most extraordinary historic legacies" (BLAKE, TOPALOVIĆ, 1996). According to the UNCLOS and presently prevailing customs in international relations, short Bosnian corridor to the sea at Neum, entitles its own territorial sea. In practise the port at Neum is virtually valueless, but the Neum – Klek area has become a potent bargaining counter in the post-war negotiations. Since there are no geographical conditions to build a seaport at Neum, the negotiations were focused on Croatian port of Ploče which has been traditionally main sea-port for Bosnia-Herzegovina. The issue was initially resolved as a part of overall Croat-Muslim (Bosnian) agreement reached in 1994 (so-called Washington agreement), but talks have been continued. The Klek – Neum phenomenon illustrates the futility of attempting agreement if the political will to cooperate is not present. Given such political will and the re-establishment of trust between the parties there is almost no limit to what extension the issue can be negotiated and made to work.

Maritime boundary was formally settled as part of the overall boundary treaty between two states reached in 1999. It is defined as "median line between the land of the Republic of Croatia and of Bosnia and Herzegovina, in accordance with the UN Convention on the Law of the Sea from 1982" (KLEMENČIĆ, 1999-2000). It has been also drawn on the maps in scale 1 : 25 000.

Soon after the agreement was reached in July 1999, protests came from Dubrovnik County Assembly. According to the agreement, the entire peninsula of Klek was allocated to Bosnia-Herzegovina. Protestors claimed that very tip of the Klek peninsula had historically been part of the Republic of Dubrovnik, and should consequently be allocated to Croatia. Additionally, the agreement allocated to Bosnia-Herzegovina two islets just offshore of the peninsula, which had always been part of Croatia according to cadastral evidence. It appears that this was the result of the maritime

posebnu publikaciju, nazvanu Hrvatska granica na Kleku, koju je napisala skupina povjesničara i koja sadrži detaljnu argumentaciju razvijatka granične crte u spornim detaljima. To pitanje moguće je riješiti kao dio planiranih aktivnosti zajedničke granične komisije, predviđenih i samim sporazumom. Te aktivnosti trebale bi, između ostalog, uključiti i prijenos granične crte na kartama iz mjerila 1 : 25 000 u mjerilo 1 : 5000. U protivnom, cijelokupan pregovarački postupak može se vratiti na sam početak, a u ponovnom pokušaju on može biti znatno komplikiraniji nego prvi put.

Nakon 2000. pitanje jurisdikcije na moru povremeno je postavljala BiH u vezi s namjerom Hrvatske da izgradi oko 2,5 km dugačak most preko malostonskog zaljeva i poveže kopno kod mjesta Kleka s poluotokom Pelješcem i time cestovno zaobiđe bosanskohercegovački izlaz na more u Neumskom zaljevu. Iako je most predviđen na mjestu koje nije u dosegu mogućega prijepornog područja (vrh poluotoka Kleka nije na trasi), BiH je njegovu izgradnju opetovano dovodila u pitanje kao navodnu smetnju za plovidbu u Neumski zaljev iako tamo ne postoje uvjeti, pa niti razlozi, za ulazak takvih brodova kojima bi most mogao biti zapreka.

Hrvatska i Crna Gora

Jedan od najkontroverznijih prijepora na Jadranu nakon 1991. je onaj između Hrvatske i Crne Gore (u početnom razdoblju Savezne Republike Jugoslavije). Kopnena granica izlazi na Boku kotorskou u blizini poluotoka Prevlake ili Oštare, ostavljući ga u Hrvatskoj. Značenje poluotoka je u činjenici da on sa sjeverne strane zatvara ulaz u zaljev, u kojem je bila smještena glavnina ostataka jugoslavenske ratne mornarice. Kako bi izbjegla da Hrvatska s Prevlake nadzire ulaz u zaljev, Jugoslavija je željela imati isključiv nadzor nad njim.

Jugoslavenska vojska zauzela je Prevlaku 1991. u okviru napada na dubrovačko područje i zauzimanja njegova najvećeg dijela. S hrvatskog teritorija vojska se povukla 1992., a poluotok je došao pod nadzor promatračke misije UN, nazvane UNMOP (*UN Military Observers on Prevlaka*). Mandat misije opetovano je produživan svakih šest mjeseci, sve do prosinca 2002. Nakon povlačenja UN-ovih promatrača poluotok je preuzeila Hrvatska, no prije toga postignut je sporazum o privremenom režimu

boundary being defined as the median line between Pelješac peninsula (Croatia) and Klek peninsula (Bosnia-Herzegovina); as the islets are closer to the Klek peninsula, they fell within Bosnian waters. In October 1999 the County of Dubrovnik issued a special publication *Hrvatska granica na Kleku* (Croatian border on Klek), written by a group of local historians, which contains detailed argumentation on the development of the borderline in relation to the disputed points. It is possible that the issue can be resolved as part of already planned activities of the joint border commission, based on the general agreement. These activities should also include transformation of the borderline on maps from scale 1 : 25000 to scale 1 : 5000 maps. Otherwise, the whole negotiating procedure may be re-started from the very beginning, but in the repeated attempt the procedure might be more complicated than at the first try.

Following 2002 the issue of maritime jurisdiction has sporadically been opened by Bosnia-Herzegovina in regard to intention of Croatia to build a 2.5 km long bridge across the Channel of Mali Ston between the village of Klek and the Pelješac peninsula in order to establish a road link and by-pass territorial exit to the sea of Bosnia-Herzegovina. Although the bridge is planned at the location which is beyond potential disputed territory, Bosnia-Herzegovina has been reserved towards its construction. Bosnia-Herzegovina expressed fear it might become obstacle for navigation into the Neum bay in spite of the fact that there are simply no conditions and consequently no reasons for such ships to navigate into the bay.

Croatia – Montenegro

One of the most controversial disputes that have arisen in the Adriatic following the 1991 is the one between Croatia and Montenegro (in fact, Federal Republic of Yugoslavia at earlier period). The land boundary reaches the coast within the Bay of Kotor near Prevlaka peninsula or Oštra, but leaving that peninsula in Croatia. The significance of Prevlaka lies in the fact that it forms the northern arm of the promontories guarding the entrance to the Bay of Kotor - the key base for the remnant of the Yugoslav Navy. Fearing that Croatian control of Prevlaka would compromise access to its naval installations, Yugoslavia was keen to secure exclusive control over the entrance to the bay.

The peninsula was occupied by Yugoslav army in the course of Yugoslav advances towards Dubrovnik and occupation of the most of Dubrovnik region

nadzora morskoga dijela. Glede ovlasti sporazum je bio asimetričan jer je jugoslavenskoj (od 2006. *de iure* crnogorskoj) strani omogućio nazočnost na hrvatskoj polovici akvatorija oko Prevlake, a da Hrvatska recipročno nema iste ovlasti na crnogorskoj polovici akvatorija.

Spor oko Prevlake pobudio je znatnu pozornost na obje strane. Objavljeno je nekoliko knjiga s ciljem objašnjenja povijesne pozadine spora i jačanja diplomatske pozicije jedne od strana. Međutim, nakon svršetka UN-ove promatračke misije i posebice nakon razlaza između Srbije i Crne Gore, pitanje Prevlake praktički je prestalo postojati kao otvoreni prijepor. Kao što se čini u trenutku zaključenja ovoga rukopisa, granica na moru mogla bi striktno pratiti crtu sredine i mogla bi se razmjerno lako i brzo dogovoriti. Osamostaljenjem Crne Gore otpala je mogućnost da Beograd to pitanje problematizira u odnosima s Hrvatskom, a time je i njegovo rješavanje geopolitički jednostavnije.

Zaključak

Geopolitičke prilike na Jadranu u 1990-im godinama dobra su ilustracija promjenljivosti političke geografije mora – jasno se pokazuje u kojoj mjeri promjenljiva narav političkih odnosa utječe na sustav morskih granica. Usprkos postojanju nekoliko spornih morskih granica, geopolitičko stanje je bolje nego se na prvi pogled čini. Pritom se ponajprije misli na spor između Hrvatske i Slovenije, koji – ma kako se ozbilnjim činio u trenutku pisanja teksta – ne bi nikako smio biti nerješiv ako se promatra u kontekstu dokazane suradnje sjevernojadranske regije te ako se svede u okvire UN-ove Konvencije o pravu mora. Ako izostane izravan međudržavni dogovor, na raspolaganju su i drugi načini miroljubivoga rješavanja, kao što je pomoći treće strane, odnosno pravnoga tijela u vidu medijacije ili arbitraže.

Postoji više razloga zbog kojih je rješenje prijepora važno. Ono uvijek pridonosi stabilnosti bilateralnih odnosa: jedino potpuno uređene granice plodno su tlo za svestranu suradnju i sporazume koji "omekšavaju" granični režim. Rješenje prijepora posebice je važno za stanovništvo pograničnih krajeva, koje u pravilu najviše trpi zbog neriješenih pitanja. Rješenja spora ujedno je i najjače sredstvo protiv radikalne nacionalističke promidžbe. Kada god rješenja izostaju, ekstremisti zlorabe

in 1991. Yugoslav army withdrew from Croatian territory, including Prevlaka peninsula, in 1992. Since then the peninsula has been under control of small UN observing mission – United Nations Military Observers on Prevlaka (UNMOP). The mission mandate was repeatedly extended by the Security Council every six months, until it finally expired in December 2002. Following the end of the monitoring mission, Croatia took control over the peninsula. Before the withdrawal of the UN mission two sides reached the agreement on provisional control of the maritime area. It was asymmetric because it enabled Yugoslav (since 2006 *de iure* Montenegrin) side presence on the Croatian half of the maritime area around Prevlaka within the bay, while Croatia did not enjoy the same authority on the opposite half.

Dispute over Prevlaka had excited significant attention on both sides. Several books were published with the goal of elaborating historical backgrounds to the dispute and justifying the diplomatic positions of the two governments. However, following the end of the UN monitoring mission, and particularly following the splitting apart between Montenegro and Serbia, the Prevlaka issue ceased to exist as an open dispute. As it seems at the time of writing this paper, the maritime boundary within the bay might follow strictly equidistant line and be comparatively easily and quickly settled. As soon as Croatia finally got the correct "address" for serious talks about the Prevlaka, the issue proved to be much easier to resolve than it looked until the Belgrade was in position to manipulate it.

Conclusion

The geopolitical conditions in the Adriatic Sea in the 1990's provide an excellent illustration of the changing political geography of the sea; one can clearly see to what extent changing mould of political relations can influence the maritime boundary system.

Despite the existence of several disputed maritime boundaries, the prospects for maritime delimitation in the Adriatic are better than they might appear. In this context, the Croatia-Slovenia dispute, no matter how serious it might look at the time of writing, geographically placed within the relatively open, cooperative and dynamic northern Adriatic region should be negotiable, particularly if considered within the framework of Law of the Sea. The most preferable mode of dispute resolution in each case is without doubt a negotiated agreement between the parties, but, in the absence of the

granične prijepore kao sredstvo za nacionalnu mobilizaciju protiv "druge" strane, što neizostavno produbljuje prijepor, a može voditi i prema sukobu.

Naposljetku, rješenje prijepora je i cilj vrijedan sam po sebi jer bi Jadran mogao biti prvi dio Sredozemlja s potpuno dogovorenim morskim granicama. Šira regionalna stabilnost nije potpuna sve dok u Jadranu postoje neriješeni granični prijepori.

agreement, there are fortunately other ways of peaceful dispute resolution, including resort to third-party intervention i.e. legal body judgement in the shape of mediation or arbitration.

There are several reasons why the resolution of these disputes is essential. Their settlement will favour stability in bilateral relations: only completely agreed borders are fruitful grounds for rich bilateral cooperation and agreements to "soften" border-crossing regime. Dispute resolution is especially in interest of the populations in borderlands; borderlanders are usually the biggest victims of unresolved disputes, whether land or maritime ones. Dispute resolution is also very important mean to decrease or eliminate negative effects of nationalistic propaganda. In the absence of solutions nationalists invariably use border disputes as a tool to mobilise nation against the "other" side - which inevitably leads to a deepening of the dispute, enhancing the potential for conflict.

Finally, dispute resolution is a goal worth pursuing because once disputes are resolved, the Adriatic may be the first part of the Mediterranean in which all potential boundaries are agreed upon. The stability of the Balkan region will not be possible as long as there are unresolved boundary disputes in the Adriatic sea.

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