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## **MARITIME DELIMITATION BETWEEN THE REPUBLIC OF CROATIA AND THE REPUBLIC OF SLOVENIA IN THE BAY OF PIRAN**

### **Abstract:**

After the dissolution of the Federal Socialist Republic of Yugoslavia, Croatia and Slovenia – former socialist republics and now independent states – had to define their interstate borders. Since there were no maritime boundaries in Yugoslavia between the republics, an *uti possidetis* principle, which had been used for determining land borders, could not have been applied at sea. It was therefore on states to agree on the maritime delimitation.

Croatia and Slovenia, however, were not able to settle their dispute by diplomatic negotiations and they agreed to submit the dispute for arbitration. However, during the course of the proceedings, Slovenia got involved into an *ex parte* communication with one of the members of the Arbitral Tribunal, which resulted in Croatia's withdrawal from the proceedings.

The Tribunal nevertheless decided that it had jurisdiction to continue with the proceedings and ultimately decided on the merits of the case. Croatia refuses to implement the Tribunal's decision, while Slovenia insists on its implementation. It is yet to be seen how the settlement of this dispute will proceed, however it is interesting and legally challenging to analyze the Tribunal's award, which introduces a rather unusual solution to the delimitation issue.

### **Keywords:**

arbitration, maritime delimitation, bay, *uti possidetis*, junction