

The border puzzle in the Balkans : The case of the Adriatic Sea border delimitation between Bosnia and Herzegovina and Eu's Croatia

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The disintegration of Yugoslavia has resulted in the construction of seven sovereign states with a variety of border related problems to be solved. Resolutions to particular border disputes are sought either through an international arbitrary (Slovenia - Croatia) or through bi-lateral negotiations between involved states. In neither case have about two dozen major territorial problems been resolved to extend of ratification by the electives of the state. New impetus is produced as Croatia has become member of the EU. Bosnia-Herzegovina's territory is cutting off the territory of Croatia in the Adriatic Sea basin. The municipality of Dubrovnik has become an exclave geographically and, functionally. Since mid-2013 on this outer border of the EU strict custom controls are applied, hindering tourism, trade and traffic. Solutions to overcome this inherited border problem between both states, as they shared (only) own sovereignty, have put on the table for political discussion a decade ago. With EU as partner, Croatia is presently seeking an instant solution for eliminating the problem which Croatia's south and the tourist Mecca Dubrovnik is facing. In return, Bosnia and Herzegovina expects some reciprocity. In this paper the intertwined Croatia - Bosnia-Herzegovina's border related problems, focusing predominantly on Bosnia-Herzegovina's outlet to the Adriatic Sea, are briefly discussed.

Keywords: Adriatic Sea, borders, Croatia, Bosnia and Herzegovina, The Balkans.

1. Introduction

The perception of the peace-makers after WW1 and WW2 was that one state incorporating all the South-Slavic groups would be more viable than a series of small states. Yugoslavia as kingdom and as a communistic federation of republics was recognized as influential by the international community. In the 1990's, after a decade of

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military confrontations, the view of the peace-makers on the dissolving federation of Yugoslavia was opposite. To some extent the multi-ethnic state of Bosnia and Herzegovina becomes an exception. Serbs, Croats and Muslims, as major ethnic groups of Bosnia and Herzegovina, live within the frame of one country, whereas other South-Slavic ethnicities and Albanians of Kosovo become recognized by the international community as sovereign nation-states.

In 2013, the political situation is still tense on some issues, including borders, but success can be reported in attempts to join, as sovereign states, the European Union. Slovenia and Croatia are members already; Macedonia, Montenegro and Serbia are candidates, Kosovo and Bosnia and Herzegovina are recognized as potential candidates. Less success can be reported on economic issues and/or the standard of living: Bosnia and Herzegovina and Kosovo are, according to the GDP per capita, the poorest countries of the continent, the unemployment rate is even in the most prosperous Slovenia and Croatia close to 20 percent. The foreign trade exchange shows a negative economic Saldo in every single country of the region, Serbia and Croatia, the biggest entities considering size and population, being the leader.

Table 1. Territory of former Yugoslavia 2011: South-North Economic Relationship and Alliances

Nation states	Sovereignty	Economic progress			Political alliance	Military alliance
	(Year)	Size/Population (km ² /000.000)	GNP p. C. (in US\$)	€ Saldo Export / Import	EU membership	NATO membership
Serbia	2006	77.474/7.4	5.819	-5.361b	Candidate, 2013	Partner 2006
Kosovo	2009+	10.887/1.9	2.984	no data	Potential C., 2010	No
Montenegro	2006	13.812/0.6	6.633	-1.346b	Candidate, 2005	Partner 2006
Macedonia (FYRM)	1992	25.713/2.1	4.515	-1.362b	Candidate, 2005	Partner 1995
Bosnia and Herzegovina	1995*+	51.129/3.9	4.546	-2.728b	Potential C., 2003	Partner 2006
Croatia	1991	56.542/4.4	14.100	-8.843b	Member, 2013	Member, 2009
Slovenia	1991	20.253/2.0	24.600	-1.551b	Member, 2004	Member, 2004
Territory of former YU	1919	255.810/22.4	9.028	-21.191b	-	-

*Dayton Agreement

+ Supervision by UN / EU / NATO

Sources: Letopis Republike Slovenije 2012, p. 578 – 579; Der Fischer Weltalmanach 2013, 822 p.

The borders of new sovereign states are not disputed by former neighbors of Yugoslavia. They remain stable and undisputed. Strengthened nationalism in the new geopolitical entities is often misperceived by traditional neighbors, like in the case of Macedonia. Macedonia is blocked by Greece on their path towards the EU, for example. Governments of the new nation states, press towards a reconsideration of signed agreements with (former) Yugoslavia, which they often deny. Austria does not consider Slovenia (and Croatia) to be the rightful successor of Yugoslavia's signature under their 1955 Austria establishing act, for example. Also do traditional neighbors have pressed towards granting more minority rights, like for the Italians and Germans. In times of recession, which is felt in Italy, Croatia and Slovenia, in 2013 Italian civic initiatives are bringing to courts historical facts by calling for another re-arrangement of regional powers in the Northern Adriatic (and the EU - as all states are members now). The Free Territory of Trieste (FTT), which was a viable entity 1945 - 1954 (territory divided and granted to Yugoslavia and Italy with the London Agreement, 1954), could do politically and economically better as being separated by 3 borders, they argue.

2. Unsolved border puzzle : The Eu's Croatia - Bosnia-Herzegovina Adriatic Sea case

The toughest boundary disputes are to be approached by new sovereign countries on their new borders. Namely, not one single border of existing, new sovereign states has been defined and ratified by parliaments of both neighboring states yet. With the exception of Slovenia and Croatia, for which border related problems an international arbitrary court was established, no serious action - not counting general proclamations of governmental leaders, meant to impress own citizens - was introduced and/or defined. In addition, another border line in Bosnia and Herzegovina (further as: BiH) was established by Americans, as they had to define the inter-entity border - the s.c. IEBL, separating the Muslim-Croat part and the Serbian part of BiH - agreed upon at Dayton accords (1995): GPS measurements enabled exact definition of the hand-made maps. According to it, accords have produced 672 cases of non-compliance with physical or cultural reality on the grounds. Since implementation and until January 2013 395 cases were solved, over 200 remain to be negotiated.

If we look at the most politically and economically weak country of the Western

Balkans - Bosnia and Herzegovina - we cannot overlook the multitude of borders there. Six layers of borders have been identified: the international border; the borders (international and national-administrative) of the Brčko district, the border of the Republika Srpska and the Croato-Bosniak Federation, the border between the Croatian and Bosniak territory within the Croato-Bosniak Federation (= cantonal division), the borders of cantons (in the Croato-Bosniak Federation) and regions (in the Republika Srpska), and borders of municipalities. According to Nurković on every single level of borders problems in relation to authority, regional planning and communication exist (Nurković, 2010). In this paper we will discuss just the problem related to the BiH - Croatian international border in its Adriatic Sea stretch. Thirteen years after the Dayton agreement, which has stopped hostilities in Bosnia and Herzegovina, and a couple of month more since Croatia reached territorial integrity, border disputes, which seemed to be solved under the late BiH president Izetbegović and the late Croatian president Tudjman, seem to have been popping up again.

As on July 1, 2013 Croatia was inaugurated as a member of the EU, residents of Dubrovnik, a world heritage site and a tourist Mecca, realized that the strict EU laws have made them a hard to reach exclave of Croatia. For this purpose, less than one month after inauguration, the Croatian prime-minister urgently visits Sarajevo (August 2013) to elaborate on the problem. Namely, on 4 well-equipped land based highway border posts (2 Croatian and two of BiH) rules implemented by the former governments of the two countries could not be applied any more. Brussels' laws regarding food, goods and general cargo, as well as private visits had to be strictly implemented/enforced. Croatian plans to circumflex the BiH territory by a highway-bridge, a corridor road on the BiH territory, or in any other means of traffic must be re-negotiated. The highway Split - Dubrovnik, and the proposed bridge, are timely overdue because of the financial crisis of the Croatian state and the BiH resistance to cut-off the Bay of Neum, the corridor road encircling the BiH mid-size tourist resort Neum is not welcomed by the BiH Croatians living there, as it would shut their profits from tourism. Trucks with general cargo are therefore using sea-ferries and deviation routes on Croatian territory (Peninsula Pelješac), making the trip from Split to Dubrovnik twice as long as before. In the mid-season Croatia, the Croatian airline, has for two-thirds (from € 150 to just € 50) reduced prices on round trip flights (Zagreb - Dubrovnik) for Dubrovnik residents.

The Badinter commission's resolution on the border of new nation-states on the terri-

tory of former Yugoslavia, by which the second level of administrative borders - the borders of the socialist republics - should become international borders, was accepted. The international border of the Republic of Bosnia and Herzegovina is - in comparison to the size of the country (51.129 km²) - among the longest in Europe and definitely the longest on the Balkan Peninsula. The borderline is 1.537 kilometers long, of which 24 km are placed in the Adriatic sea. Of the 1.513 kilometers mainland borders 751km are on rivers and 752km in mountainous landscapes. BiH shares with Serbia 375 km and with Montenegro 249 km of borders; but the longest stretch of the border is that with Croatia: 931 kilometers. BiH and Serbia have delimited about half of their boundary, but three disputed segments in particular in the meandering Drina River and in the area of the hydroelectric power station Bajina Bašta remain in dispute. Montenegro and BiH have opened sporadically, to impress own citizens, the question of Sandžak, a Muslim entity of Montenegro.

Negotiations continued for several years with Croatia on the disputed boundary near the town of Kostajnica (Hrvatska Kostajnica / Bosanska Kostajnica) and are now territorially solved. Muslim and Croat authorities in Sarajevo seem that have been willing to accept Croatia's claim to annoy their Serb countrymen of the Republika Srpska entity. Disputed are still parts of the municipality Hrvatska Dubica - due to the meandering Sava River, the small pockets of the alluvial plains and the railroad infrastructure along the Una River, and the delimitation within the once Yugoslav Air Forces' major military base in Zeljava, between Bihać (BiH) and the Plitvice Lakes NP (Croatia). In regard to our focus of discussion, BiH also opposes to the Croatian claim to the tip of the Klek Peninsula and to several islands near Neum in the Adriatic Sea. One or two islands could have been major concrete land pillars on which the proposed highway-bridge on the route from Split to Dubrovnik would encircle BiH territory.

Bosnia and Herzegovina concluded an Agreement on Special Relations with Croatia in 1998 in which several border related issues were raised. In regard of the extremely long border on land, which both countries join, the agreement should be from present day view point regarded only as one single and small step towards a final resolution. Within the agreement, under topic 14, the following statement was made "in accordance with the provisions of Washington (1994) and the following bi-lateral peace agreement (1995), within the limits of our authority, we shall strive towards the establishment of the traffic corridor from Ploče port to the northern border of Bosnia and support the need to construct a road Dubrovnik - Ploče - Bihać - Zagreb ...", (Agreement on

Special Relations, May 12, 1999). Therewith two crucial issues were raised:

- a.) the fact that there is no continuous in-state land based modern traffic route from the core of the Croatian territory to its southern periphery around Dubrovnik, as it is cut-off by the short, 21 km stretch of the BiH coast of Neum; and
- b.) the fact that the Federation of Bosnia and Herzegovina has no economically viable harbour to support their major north-south traffic axis; it must therefore rely on maritime links through the Croatian port of Ploče.

The BiH municipality Neum cuts Croatia into two non-contiguous parts. The southernmost part of Croatia can therefore be considered an exclave of Croatia. This is a result of the 1699 Treaty of Karlowitz as the then Republic of Dubrovnik gave the Neum region to the Ottoman Empire to ensure that it would not border on the encroaching Venetian Republic. The fact that the border must be crossed twice to reach the southern region of Croatia has caused the Croatian government to plan a bridge from the Dalmatian mainland to the peninsula Pelješac to circumvent the area. Croatia has put this plan on hold. However, if it would proceed it would work in contrary to the international law of the sea - it would namely suspend and terminate navigation between Bosnia's territorial sea and the high seas. Neum is the only Mediterranean / Adriatic seaside micro-port and resort of Bosnia and Herzegovina and has around 1810 beds available in hotels and motels. Neum is just 60 km to the north of the Croatian major tourist resort of Dubrovnik and 50 km away from Mostar and Međugorje, the two major tourist attractions of Bosnia and Herzegovina.

Due to historical reasons Bosnia and Herzegovina is, ... “in accordance with UNCLOS, entitled to a territorial sea of up to 12 nautical miles, stretching out from its narrow passage of sea at Neum. As Bosnia’s coastal front falls within Croatia’s straight base-lines system, Bosnia’s maritime areas are, uniquely, surrounded by Croatia’s internal waters” (Klemenčič, 2002). Therefore an urgently needed agreement had to be negotiated by both parties. After a number of attempts, in October 1998, the Croatian Government had issued a statement that they had initiated the Ploče/Neum Agreement as an agreement on its own. US Ambassadors Jacques Klein and Richard Sklar assisted the negotiations (Gelbard, Oct. 23, 1998). The Croatian government was reluctant to go ahead with the agreement since protests arose from the Dubrovnik-

Neretva County (županija). There, the assumption was that the very tip of the Klek peninsula, opposite to the village and marina of Neum, was for centuries part of the Republic of Dubrovnik territory and therefore, due to historical reasons, could not be included into Federation's territory. In addition, according to cadastral evidence, two unpopulated islands were in the pre-1991 Yugoslav era in Croatian administrative evidence and therefore should have remained within Croatia. Finally, in July 1999, the agreement was finalized with no visible change to the initialed proposal. Political analysts have led this to the harsh US standpoint on this matter. Geographer M. Klemenčič argued against the revision of the agreement as well (Klemenčič, 2002). The ratification of the agreement in the Croatian parliament is still pending, whereas "the agreement had gone through all necessary procedures in the BiH Parliamentary Assembly" (S. Tukić, 2001). Meaning, that the text is ready to be discussed in the Federation's parliament after the BiH entities, in particular the Republika Srpska, would conclude their procedures in their assemblies. (Note: this was stated by official representatives of BiH 12 years ago!).

Since 2000, a popular assumption was that the leftist Croatian government of prime-minister Ivica Račan was selling out the Croatian soil. In addition to the above stated local and national sentiments, which were repeatedly discussed in Croatia in years to follow, the general BiH-Croatia border agreement was put in question due to the effect it could have on the sustainable development of the Port of Ploče. The harbour was operating at 20 to 30 percent of its capacity. It would certainly help the economy of the lower Neretva region, in Croatia and BiH, to get a higher degree of capacity utilization (Gelbard, 1998). As the OHR Office of the High Representatives has reported, would the agreement establish a free trade zone within the Port of Ploče and provide arrangements for BiH to import and export goods from the port free of duty. The Port Authority would have consisted of members from the Republic of Croatia as well as from Bosnia and Herzegovina, primarily made up of representatives of shippers and users. The agreement, as it was formulated, could be beneficial for both sides also due the free, uninterrupted passage of goods and people, tourists and citizens alike, on the highway from and towards Dubrovnik and the BiH sole tourist resort - Neum (www.ohr.int/print?content_id=3675). Repeatedly have government and parliament representatives of Bosnia and Herzegovina argued in favour of the ratification of the inter-state agreement on the free pass through Neum and free usage of the port of Ploče in parallel Croatian institutions. By their view, the biggest obstacle seemed to be the

Ploče local authorities and “certain political structures” (S. Tukić, 2001).

The follow-up governments, which took office since 2004, have not elaborated on the issue much. Unofficially, the BiH - Croatia border and co-operation agreement has been put on hold. The construction of a highway bridge from the Croatian mainland to the Croatian Pelješac peninsula, therewith out-circling the BiH territory near Neum and using the tip of the disputed Klek peninsula, remains to be still in discussion and is, according to Croatian sources, in the spirit of the agreement as well. The recession of the European south, including Croatia, has initiated other, cheaper solutions, among which the already mentioned corridor road, to be laid down in the karstic terrain of the BiH municipality of Neum seemed to have been most promising. The compensation to the BiH state, mentioned in previous agreements in relation to the harbour of Ploče, has since July 1, 2013 received a new, EU tainted colour.

3. Conclusion

The disintegration of former Yugoslavia, and more particularly of Bosnia and Herzegovina, demonstrates the enduring potency of European territoriality. Even before the crisis the 'international community' had privileged a territorial solution above all other alternatives. The terms of the debate were set in advance by enduring assumptions that national identity could only be expressed by authority over space. The territorial solution was feasible in the case of Slovenia, but most of the Yugoslav federal units were ethnically mixed. In particular the Yugoslav socialist republic of Bosnia and Herzegovina was a real mosaic of different ethnic communities in the rural areas and major cities. The belief in the inalienable right of the former Yugoslavian republics to secede and the failure to offer any kind of a non-territorial alternative to the resulting crisis made military conflict over territory predictable. The continual attempt to establish a neat cartographic solution played directly into the hands of those power players who were eager to seize as much territory as possible. Borders were drawn in the geographic reality. Despite a half century of European debate in which sovereignty and citizenship seemed to be increasingly uncoupled from land and territory, the solutions offered in the case of former Yugoslavia demonstrated the remarkable persistence of older forms of geopolitical reasoning both amongst the participants in the war and amongst those who sought to arbitrate (Campbell, 2006).

New boundaries emerged in the post-1990 Europe, dividing it on the horizontal level to those who are in the Schengen Zone and to the “outsiders” within or on the edge of the EU. Europe, the source of nationalism, and the continent where borders and different territorial and cultural identities are mostly inter-related, is in 2013 facing new challenges which deal with the quest on how in the best possible way representing numerous interests within one system. As the current situation in the Western Balkans demonstrates, there are at least two contradictory processes at work. The first is the opening to democratic ideals and representative politics, the second one could seek closure, limitation and protection of the “national” character on a single territory in fear from the many “newcomers” and the “others”. Political issues play hand in hand with the economic. In 2013 Bosnia and Herzegovina demonstrates weaknesses at all levels of governance (and economy); Croatia, on the other hand, has become a young member favorite of the EU.

In this perspective the Western Balkans’ border puzzle seems to be almost unmanageable to solve. The author and numerous colleagues from around the world have since 1991 published several dozen of articles and studies and suggested solutions to at least two dozen border related territorial disputes among seven contemporary sovereign countries of the region. Just a small success can be reported. Most of border disputes have been put on hold, are in the phase of bilateral negotiations, or have been forwarded to international courts into arbitration. The discussed border related Croatia - Bosnia-Herzegovina border issue in the Adriatic Sea basin is a very specific one. It is not a dispute over territory, but more of a burden which hinders prosperous future for people in the Adriatic region of both countries. Regarding ethnic affiliation Croats dominate as residents in the region of both states, Croatia and Bosnia and Herzegovina. The problem has its roots in history, on a political decision made about 300 years ago, and in to the present situation completely not related circumstances. The border has become annoying as the disintegration of Yugoslavia, according to the arbitrary decision of the ‘international community’ which “produced” international borders on existent administrative divisions of the former state.

The exclave Dubrovnik, of Croatia and the EU, feels the impact of Brussels’ law enforcement on borders since July 2013 strongly. Trade and matters related to transportation of goods and people on the route Split - Dubrovnik have changed. Previous arrangements of two sovereign states Croatia and Bosnia and Herzegovina have to the EU no binding force. Re-negotiations on suggested resolutions, provided a decade ago, and put into drawers, or not consequently rushed through national procedures, are in

place now. Croatia, member of the EU and the European Union itself must be interested to overcome the burden of two strict custom controls on their EU outer border. In addition, the process of integrating Bosnia and Herzegovina into the EU could be linked to this solution - but, general circumstances in the EU and BiH are not in favor of the process. Another visionary reciprocity, namely the awakening of the idea of Ploče port becoming a free-trade area and Bosnia-Herzegovina's major export harbor, lead by Croat and BiH managers, could be placed on the negotiating table as well. The integration of the straight highway route on Bosnia-Herzegovina's sovereign territory, either on sea or in the hinterland of Neum, could then be just a matter of highway constructors' decision and matters of the economy, not politics.