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SECOND ROUND OF WRITTEN SUBMISSIONS IN TERRITORIAL AND MARITIME ARBITRATION BETWEEN CROATIA AND SLOVENIA

THE HAGUE, 18 November 2013

On 11 November 2013, the Republic of Croatia and the Republic of Slovenia submitted their second written pleadings (Counter-Memorials) in the arbitration concerning a territorial and maritime dispute between the two States. The Counter-Memorials were submitted in accordance with the procedural timetable set at the first procedural meeting.

The Counter-Memorials of both States include multiple volumes of maps, documentary evidence, and legal authorities.

A hearing before the Arbitral Tribunal is to be held in the spring of 2014.

The dispute was submitted to arbitration in accordance with an arbitration agreement between the Republic of Croatia and the Republic of Slovenia dated 4 November 2009. Article 3(1) of the Arbitration Agreement provides:

“The Arbitral Tribunal shall determine

- (a) the course of the maritime and land boundary between the Republic of Slovenia and the Republic of Croatia;
- (b) Slovenia’s junction to the High Sea;
- (c) the regime for the use of the relevant maritime areas.”

Article 4 provides:

“The Arbitral Tribunal shall apply

- (a) the rules and principles of international law for the determinations referred to in Article 3(1)(a);
- (b) international law, equity and the principle of good neighbourly relations in order to achieve a fair and just result by taking into account all relevant circumstances for the determinations referred to in Article 3(1)(b) and (c).”

The Arbitral Tribunal is chaired by Judge Gilbert Guillaume (France), former President of the International Court of Justice. The other members of the Arbitral Tribunal are Professor Vaughan Lowe (United Kingdom), Judge Bruno Simma (Germany), Dr. Jernej Sekolec (Slovenia), and Professor Budislav Vukas (Croatia). By agreement of the Parties, the Permanent Court of Arbitration acts as Registry in the arbitration.

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