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ARBITRATION BETWEEN THE REPUBLIC OF CROATIA AND THE REPUBLIC OF SLOVENIA

THE HAGUE, 13 April 2012

Arbitral Tribunal Holds First Procedural Meeting with the Parties

On 13 April 2012, representatives of the Government of the Republic of Croatia and the Government of the Republic of Slovenia convened for a first procedural meeting at the Peace Palace in The Hague in an arbitration concerning a territorial and maritime dispute between the two States.

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, which was constituted earlier this year, 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). The Permanent Court of Arbitration (“PCA”) acts as Registry in the arbitration by agreement of the Parties.

At the first procedural meeting, the Arbitral Tribunal and the Parties discussed the procedural framework for the arbitration. On the proposal of the Parties, the Arbitral Tribunal accepted a calendar for pleadings pursuant to which the Parties’ first memorials would be simultaneously submitted on 11 February 2013, the Parties’ counter-memorials would be simultaneously submitted on 11 November 2013, and a hearing would be held in the spring of 2014.

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