



PERMANENT MISSION OF SLOVENIA TO THE UNITED NATIONS

No: 016/18

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Secretary-General of the United Nations in his capacity as the depositary of the United Nations Convention on the Law of the Sea 1982 and has the honor to refer to the Final Award of 29th June 2017 ("Final Award") establishing the maritime and land border between the Republic of Slovenia and the Republic of Croatia pursuant to the Arbitration Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia, signed on 4th November 2009. In accordance with Article 7(2) of the Arbitration Agreement and with general principles of international law the Final Award is binding on both parties.

In relation to the Bay of Piran ("the Bay"), the Final Award determined:

- a) the status of the Bay as internal waters;
- b) the closing line of the Bay (dividing internal waters from territorial sea) from Cape Madona, Slovenia (45°31'49.3"N, 13°33'46.0"E) to Cape Savudrija, Croatia (45°30'19.2"N, 13°30'39.0"E);
- c) the boundary between Slovenia and Croatia in the Bay as a straight line joining a point in the middle of the channel of the St Odoric Canal with the coordinates 45°28'42.3"N, 13°35'08.2"E, to point A with the coordinates 45°30'41.7"N, 13°31'25.7"E on the closing line of the Bay.

In relation to the maritime boundary the Final Award determined that the maritime boundary between the territorial seas of Slovenia and Croatia is a geodetic line joining Point A with the coordinates 45°30'41.7"N, 13°31'25.7"E, with an initial geodetic azimuth of 299°04'45.2", to Point B on the line established by the Treaty of Osimo.

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Further, the Final Award established a Junction Area whose limits consist of the five geodetic lines joining the following six points in the order given:

- Point T5, being a point on the boundary established by the Treaty of Osimo (Treaty on the delimitation of the frontier for the part not indicated as such in the Peace Treaty of 10 February 1947; signed at Osimo, Ancona on 10 November 1975 by Yugoslavia and Italy);
- Point T4, being a point on the boundary established by the Treaty of Osimo;
- Point B, being the tripoint on the boundary between the maritime zones of Slovenia and Croatia, and the boundary established by the Treaty of Osimo, at 45°33'57.4"N, 13°23'04.0"E;
- Point C, being a point on the boundary between the maritime zones of Slovenia and Croatia, at 45°32'22.5"N, 13°27'07.7"E;
- Point D, being a point landward of the turning point T4 on the Treaty of Osimo boundary, at 45°30'42.2"N, 13°20'56.3"E;
- Point E, being a point on the outer limit of Croatia's territorial sea, lying 12 NM from the coast of Croatia, at 45°23'56.6"N, 13°13'34.6"E;
- and the line from Point E along the outer limit of Croatia's territorial sea to Point T5.

The Final Award determined that, in the Junction Area, the following usage regime shall apply:

- a. Freedom of communication shall apply to all ships and aircraft, civil and military, of all flags or States of registration, equally and without discrimination on grounds of nationality, for the purposes of access to and from Slovenia, including its territorial sea and its airspace;
- b. The freedom of communication shall consist in the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines;
- c. The freedom of communication shall not be conditioned upon any criterion of innocence, shall not be suspendable under any circumstances, and shall not be subject to any duty of submarine vessels to navigate on the surface or to any coastal State controls or requirements other than those permitted under the legal regime of the EEZ established by UNCLOS;
- d. The laying of submarine cables and pipelines shall be subject to the conditions set out in UNCLOS Article 79, including the right of Croatia under Article 79(4) to establish conditions for such cables and pipelines entering other parts of Croatia's territorial sea;
- e. The freedom of communication shall not include the freedom to explore, exploit, conserve or manage the natural resources, whether living or non-living, of the waters or the seabed or the subsoil in the Junction Area, nor shall it include the right to establish and use artificial



islands, installations or structures, or the right to engage in marine scientific research, or the right to take measures for the protection or preservation of the marine environment;

f. Ships and aircraft exercising the freedom of communication shall not be subject to boarding, arrest, detention, diversion or any other form of interference by Croatia while in the Junction Area, but Croatia shall remain entitled to adopt laws and regulations applicable to non-Croatian ships and aircraft in the Junction Area, giving effect to the generally accepted international standards in accordance with UNCLOS Article 39(2) and (3);

g. Croatia shall retain the right in the Junction Area to respond to a request made by the master of a ship or by a diplomatic agent or consular officer of the flag State for the assistance of the Croatian authorities and also the exceptional right to exercise in the Junction Area powers under UNCLOS Article 221 in respect of maritime casualties;

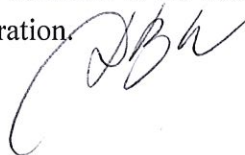
h. The rights and obligations of the Parties referred to in sub-paragraphs (a) to (g) shall be exercised in good faith and with due regard for the rights and obligations of other States.

The Arbitral Tribunal noted in the Award that this regime is without prejudice to the IMO Traffic Separation Scheme in the northern Adriatic Sea, or international rules applicable to air navigation, or any rights or obligations of the Parties arising under EU law.

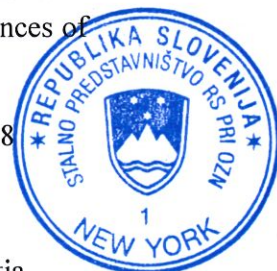
The Final Award is available at the website of the Permanent Court of Arbitration under case number 2012-04 (available at: <https://www.pcacases.com/web/view/3>). Maps of the maritime areas as determined by the Final Award are herewith enclosed.

The Permanent Mission of the Republic of Slovenia to the United Nations would like to request the Secretary-General, as depository of the 1982 United Nations Convention on the Law of the Sea to circulate this note to State Parties to the Convention and publish it in the next issue of the Law of the Sea Bulletin.

The Permanent Mission of the Republic of Slovenia to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

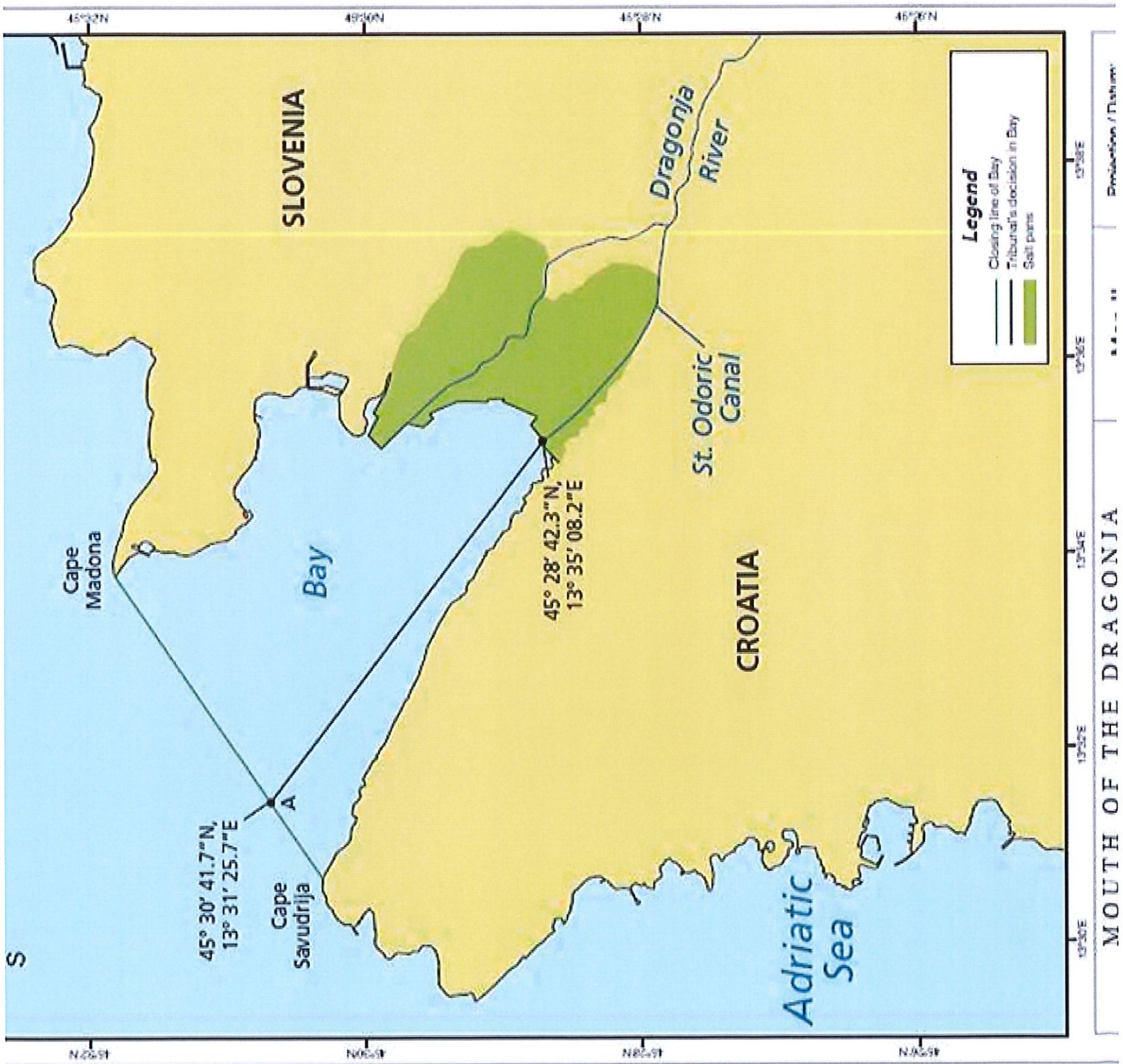


New York, 14 February 2018



Enclosure: - 3 maps of the maritime boundary delimitation between Slovenia and Croatia from the Final Award;

- a map of the maritime areas produced by the Surveying and Mapping Authority of the Republic of Slovenia according to the Final Award.



MOUTH OF THE DRAGONJA

Scale: 1:50,000

Projection: UTM

