

CROATIA, REPUBLIC OF

Croatia is one of the nations created by the break-up of the Former Yugoslavia. Unless repudiated or amended by Croatia, maritime boundary agreements entered into by Yugoslavia are considered to be still in force.

SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
TERRITORIAL SEA	Jul 87	Law of the Coastal Sea & the Continental Shelf of the Socialist Federal Republic of Yugoslavia		Enabling legislation limiting port visits and ship overhauls. Announced 24 hour advance notice requirement for foreign naval ships for harmless passage in territorial waters. Use of designated sea lanes for passage by foreign naval ships, tankers, nuclear powered ships and ships which carry nuclear weapons.
	Jan 94	Maritime Code	12nm	Prohibits more than three foreign warships from transiting the territorial sea in innocent passage at the same time.
	Apr 95	Declaration upon Ratification of 1982 LOS Convention		Declaration that no peremptory norm of international law forbids a coastal State from requiring foreign warships to notify their intention of innocent passage and to limit the number of warships allowed to exercise the right of innocent passage at the same time. <i>These notification requirements and limits on numbers of warships are not recognized by the U.S. U.S. conducted operational assertions in 1998 and 2001.</i>
ARCHIPELAGIC, STRAIGHT BASELINES & HISTORIC CLAIMS	Jan 94	Maritime Code		Adopted straight baselines designated by the Former Yugoslavia (see analysis below).
FISHING ZONE/EEZ	Jan 94	Maritime Code		Enabling legislation to declare an EEZ "from the outer limit of the territorial sea in the direction of the open sea up to its outer limit permitted by general international law."
	Oct 2003	Decision by Croatian Parliament	200nm	Established "ecological and fisheries protection zone."
CONTINENTAL SHELF	Aug 92	Declaration	1958 DEF	Declaration of succession to 1958 Continental Shelf Convention.
MARITIME BOUNDARIES	Jan 68	Agreement		Continental shelf boundary agreement between Italy and Yugoslavia signed; EIF Jan 70. Unclear whether Croatia intends to be bound by this treaty signed by its predecessor government.
	Jul 99	Treaty		Treaty on State Borders (including maritime boundaries) between Croatia and Bosnia and Herzegovina signed.

TYPE	DATE	SOURCE	LIMITS	NOTES
LOS CONVENTION	Apr 95			Succeeded to Convention, with Declaration (see Territorial Sea, above). Bound by Part XI Agreement

STRAIGHT BASELINE LEGISLATION

In 1994, Croatia formally enacted a comprehensive Maritime Code that established straight baselines, in fact adopting those created in 1965 by the Former Yugoslavia. Following are extracts from the Maritime Code of 27 January 1994.

Article 7

The internal waters of the Republic of Croatia include:

- 1) harbors and bays on the seashore of the land and islands;
- 2) parts of the sea between the low-water line on the seashore on land and the straight baseline for the measurement of the width of the territorial sea referred to in article 16, paragraph 2, points (2) and (3), of this Law.

The bay referred to in point 1 of Paragraph 1 of this article is a clearly defined indentation into land whose sea surface is equal to or larger than the surface of the semi-circle the length of the diameter of which equals the length of the straight line closing the entrance to the bay.

The sea surface of the bay is measured from the low water mark around the shore of the bay and the straight line closing the entrance to the bay.

The ports open to international traffic in the Republic of Croatia are: Umag, Novigrad, Porec, Rovinj, Pula, Rasa, Rijeka, Mali Losinj, Senj, Maslenica, Zadar, Sibenik, Primosten, Split, Korula, Ploče, Metković, and Dubrovnik.

The Government of the Republic of Croatia may designate also other ports open to international traffic.

Article 19

The territorial sea of the Republic of Croatia is the sea belt 12 nautical miles wide, reckoning from the baseline in the direction towards the economic belt [the EEZ]

The baseline is formed by:

- 1) the line of the mean low waters along the shores of the land and the islands;
- 2) the straight lines closing the entrances to the ports or bays;
- 3) straight lines connecting these points on the coast of the land and on the shore of the islands;
 - a) Cape Zaruba - southeastern cape of the Island of Mrkan - southern cape of the Island of St. Andrija - Cape Gruj (Island of Mljet);
 - b) Cape Korizmeni (Island of Mljet) - Island of Glavat - Cape Struga (Island of Lastovo) - Cape Veljeg mora (Island of Lastovo) - southwestern cape of the island of Kopiste - Cape Veljuga (Island of Korčula) - Cape Proizd - southwestern cape of the Island of Vodnjak - Cape Rat (Island of Drvenik mali) - rock Mulo - rock Blitvenica - Island of Purara - Island of Balun - Island of Mrtovac - Island of Garmenjak Veli - point on the Island of Dugi otok with coordinates 43° 53' 12" north latitude and 15° 10' 0" east longitude;
 - c) Cape Veli Rat (Island of Dugi Otok) - rock Masarine - Cape Margarina (Island of Susak) - Albanez Shallows - Island of Grunj - rock of St. Ivan na Pucini - Mramori Shallows - Island of Alteiz - Cape Kastanija.

The baselines are marked on the seachart "Jadransko more" (Adriatic Sea), published by the State Hydrographic Institute ("Državni hidrografski zavod").

In determining the straight baseline of the territorial sea, the most projecting permanent port buildings forming part of the port system will also be considered part of the seashore.

Article 20

The outer limit of the territorial sea is the line any point of which is 12 nautical miles distant from the nearest point on the baseline.

Article 21

Any foreign waterborne craft has the right of innocent passage through the territorial sea of the Republic of Croatia.

Article 22

By innocent passage of a waterborne craft is understood navigation on the territorial sea of the Republic of Croatia without entering any of the country's ports open to international traffic, or navigation with the purpose of entering such port, or a port where the shipyard in which the waterborne craft will be repaired is situated or in order to leave it for the economic zone, on condition that the peace, order or safety of the Republic of Croatia are not disturbed.

The foreign waterborne craft shall accomplish the innocent passage by the shortest usual route, without interruption and delay.

Stopping and anchoring of a foreign waterborne craft using the right of innocent passage is permitted only if caused by events ascribed to regular navigation or force majeure or distress at sea, or in order to offer assistance to people, waterborne craft or aircraft in danger or trouble.

Article 23

The Ministry of Foreign Affairs of the Republic of Croatia shall be informed through diplomatic channels by the State to which a warship belongs about the intention of innocent passage of the foreign warship through the territorial sea of the Republic of Croatia not later than 24 hours before the ship's entering the territorial sea of the Republic of Croatia.

Article 27

More than three foreign warships of the same nationality shall not be passing through the territorial sea of the Republic of Croatia at the same time.

Article 33

The exclusive economic zone of the Republic of Croatia comprises the marine spaces from the outer limit of the territorial sea in the direction of the open sea up to its outer limit as permitted by general international law.

The Croatian baselines are identical to those adopted by the Former Yugoslavia in 1965. The following comments regarding the Yugoslav straight baseline system (and thus applicable to the Croatian baselines) are extracted from Limits in the Seas, No. 6, "Straight Baselines: Yugoslavia" of 6 February 1970.

U.S. ANALYSIS

The straight baselines, as decreed, constitute 26 individual segments which are combined three lines broken twice by island coasts. The straight baselines total approximately 244.7 nautical miles; the first segment extends for 22.9 miles from the coast north of Dubrovnik to Mljet island. The coast of the island forms the baseline for approximately 20.75 nautical miles before the second segment is encountered. This line, stretching to the island of Dugi Otok, measures 129.0 nautical miles. The low water line of Dugi Otok forms the baseline for the next 26.0 nautical miles. The final straight baseline extends for 92.8 nautical miles from Cape Veli Rat (NW Dugi Otok) to Cape Kastanija, northwest of Novi Grad, on the Istrian Peninsula.

The individual segments of the straight baseline are as follows:

TABLE C1.T58.
CROATIA STRAIGHT BASELINE SYSTEM: U.S. ANALYSIS

CROATIA STRAIGHT BASELINE SYSTEM: U.S. ANALYSIS		
POINTS	LENGTH IN NM	COMMENTS
Rt. (Cape) Zarubaca - O. (Island)	2.0	The straight baseline parallels Mrkan the coast at an average distance of 1 nautical mile.
O. Mrkan - O. Sveti Andrija	11.5	The trend continues; distance increases to 2 nautical miles on average.
O. Sveti Andrija - Rt. Gruj	9.4	The straight baseline closes the (O. Mljet) Mljetski Kanal, a fjord-like channel contained between mainland and O. Mljet.
The low-water line of the island of Mljet forms the baseline from Cape Gruj to Cape Korizmeni, a distance of 22.0 nautical miles.		

CROATIA STRAIGHT BASELINE SYSTEM: U.S. ANALYSIS		
POINTS	LENGTH IN NM	COMMENTS
Rt. Korizmeni (O. Mljet) - O. Glavat	8.2	The Yugoslav coastline in this region changes direction markedly, changing from a northwesterly to an almost westerly direction. The straight baseline from Mljet island to Kopiste island "parallels" the coast to the north while the continuation to Mali Dvenik follows the general trend of the mainland lying to the east. The straight baselines exclude many islands: Vis, Susak, Bisevo and Andrija which are all rather large. Other, smaller islets are also outside of the straight baselines.
O. Glavat - Rt. Struga (O. Lastovo)	11.8	
Rt. Struga - Rt. Veljega Mora	2.0	
Veljega Mora - O. Kopiste	6.2	
O. Kopiste - Rt. Velo Dance	11.2	
Rt. Velo Dance - Rt. Proizd	3.7	
Proizd - O. Vodnjak	17.2	
O. Vodnjak - O. Mali Drvenik	20.2	
O. Mali Drvenik - Hrid (Reef) Mulo	7.3	0.5 to 1.0 miles from coastal promontories. Lighthouse, built on reef, is utilized.
Hrid Mulo - Hrid Blitvenica	16.4	The straight baseline tends to close the bay-like opening formed between the coast and the series of continuous islands. Lighthouse on reef is used as a turning point.
Hrid Blitvenica - O. Purara	7.4	Completes closure of "bay-like" waters as above.
O. Purara - O. Balun	11.1	Line trends northwestward along "front" of islands virtually parallel to mainland.
O: Balun - O. Mrtovak	1.8	Same.
O. Mrtovak - O. Garmenjok Veli	3.2	Straight baseline subtends towards the island chain and the coast.
O. Garmenjok Veli - Dugi Otok (43°53'12" North 15°10' East)	1.3	Same.
The straight baseline is broken by the shore of Dugi Otok for 26 nautical miles. It resumes at the northwestern cape of the island.		
Rt. Veli Rat - Masarine Reef	14.6	The straight baseline follows the general trend of the coast and is backed, at an average distance of less than 2 nautical miles, by a virtually continuous chain of islands.
Masarine Reef - Rt. Margarina	15.7	The same general characteristics prevail except the island front is roughly five miles distant.
Rt. Margarina - Plicina Albanez	22.5	The straight baseline encloses a body of water which has the characteristics of a bay - the Kvar Ner.
Plicina Albanez - O. Grongera (Grunj)	13.3	From the reef to the Brioni Islands, which include Grongera, the coastline is indented with numerous bay-like openings. The number of islands is very small and they all are close-in to the shore.
O. Grongera - Hr. Sv Ivan na Pucini	8.9	The general conditions are similar to that south of the Brionis except that the straight baselines are approximately 2.5 nautical miles from the coast. The Brioni group and the mainland form a "bay" in the Kanal Fazana.
Hr. Sv Ivan na Pucini - Plic Marmi	6.6	The straight baseline returns closer to the mainland, averaging now approximately 0.9 nautical mile from the headlands.
Plic Marmi - O. Altez	3.2	Same. The number of offshore islands increases -- roughly 17 islands in the 3.2 miles.
O. Altez - Rt. Kastanija	8.0	Termination of the straight baseline at the coastal cape.

Summary

The total length of the Yugoslav straight baseline is 244.7 nautical miles with an average length for the 26 segments of 9.4 nautical miles. The longest segment is 22.5 nautical miles; it "closes" the bay-like opening of Kvar Ner.

In the main, the straight baselines do not depart appreciably from the general trend of the Yugoslav coast. The average variation is approximately 5° from the mainland coast and less from the general trend of the offshore islands. Several segments, however, vary from the average. The first straight baseline from the Dalmatian shore to the island of Mljet is approximately 15° from the general trend of the mainland. The straight baseline, in contrast, is virtually identical with the trend of the offshore islands. In the sector where the major island of Mljet and Lastovo are enclosed, the straight baselines are within 15° of the general trend of the northern coast. However, the straight baseline deviates nearly 45° from the trend of the coast from which it diverges.