



MONTENEGRO
The Permanent Mission of Montenegro to the United Nations

No:

The Permanent Mission of Montenegro to the United Nations presents its compliments to the Secretary-General of the United Nations as depositary of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and has the honor to provide this communication to register its strong protest to a number of unilateral acts and activities which the Republic of Croatia has conducted or authorized in the maritime area of the Adriatic Sea south of the line of azimuth of 231°, in which Montenegro has sovereign rights of long standing, and which area has been agreed in principle between the two States to be the subject of a reference to the International Court of Justice.

Since 2003, the Government of Montenegro has addressed to the Government of Croatia, and subsequently also to the UN and finally to all involved and interested companies, numerous notes protesting both against the decision of the Croatian Parliament on the unilateral extension of jurisdiction in the above area of the Adriatic Sea and against activities that Croatia has commenced with certain private companies in that area since September 2013. None of these actions of Croatia had secured the prior agreement of Montenegro, nor is there in place a decision by the International Court of Justice, in accordance with UNCLOS and customary international law.

The following key notes of protest by Montenegro are attached to this note as an integral part thereof: (1) Note of the Prime Minister of the Government of Montenegro addressed to the Prime Minister of the Government of the Republic of Croatia, dated October 15, 2003; (2) Note of protest of the Ministry of Foreign Affairs and European Integration of Montenegro to the Ministry of Foreign and European Affairs of the Republic of Croatia, No. 09/16-167/109, dated November 19, 2014; (3) Note of protest of the Permanent Mission of Montenegro to the UN No. 1274/2014, dated December 2, 2014; (4) Note of protest to the Norwegian seismic-survey company Spectrum, No. 03/116-167/110, dated November 19, 2014, which was also forwarded to the Embassy of the Kingdom of Norway; (5) Note of protest of Montenegro's Ministry of Foreign Affairs and European Integration to the Government of Croatia, No. 09/16-109/1, dated January 5, 2015; and (6) Note of protest to Marathon Oil Netherlands/OMV, Marathon Oil Netherlands ONE.BV, OMV Croatia, No. 09-16-109/10, dated January 27, 2015.

Croatia's unilateral extension of its jurisdiction beyond its territorial sea has also been the subject of a formal protest before the UN by two other neighboring States, namely Italy and Slovenia.

Secretary-General of the United Nations
New York

The Protocol on the Interim Regime along the Southern Border, which was signed in 2002 by the Federal Republic of Yugoslavia and the Republic of Croatia and is guaranteed by the UN Security Council, defines the extent of jurisdiction of Montenegro and Croatia in a twelve nautical mile territorial sea only, on a provisional basis and without prejudice to a final delimitation. The 2002 Protocol does not apply to the continental shelf, the exclusive economic zone, or similar zones of functional jurisdiction (such as Croatia's ecological and fisheries protection zone (EFPZ)). Accordingly, the Republic of Croatia is not entitled unilaterally to define the outer limit of its jurisdiction beyond the territorial sea by extending the 2002 Protocol line that delimits only the territorial sea and only on a provisional basis. The 2002 Protocol furthermore stipulates the "unacceptability of unilateral acts", and Croatia's unilateral line is against this key principle memorialized in the Protocol.

From the period when the two States were constituent republics of the Socialist Federal Republic of Yugoslavia, the line delimiting the jurisdiction of Montenegro and Croatia, followed the line of azimuth of 231°. Accordingly, the exploration blocks pertaining to the two constituent republics in the continental shelf were separated by that line of azimuth. The spatial extent of the jurisdiction of each constituent Yugoslav republic of course remains applicable absent subsequent contrary agreement between the two States.

In response to the protest of Italy and Slovenia, supported by the European Commission, the Republic of Croatia in 2008 suspended the application of the EFPZ vis-à-vis EU Member States, while Montenegro and Croatia have agreed since 2008 to negotiate the text of a special agreement to submit their land and maritime boundary dispute to the International Court of Justice.

Montenegro has acted in good faith throughout the negotiations in order to give effect to the Parties' agreement on the principle of a submission to the Court. However, Croatia has not been forthcoming at all, and no agreement has yet been reached.

Croatia's negotiating posture becomes even more problematic in the light of the unilateral initiatives that it has taken in parallel. Montenegro has refrained from unilateral measures in the area around the line of azimuth of 231°, although it would be fully entitled to exercise jurisdiction. Instead, Montenegro has fully reserved its position, pending a reference to the International Court of Justice. In contrast, Croatia authorized a Norwegian company, Spectrum, to conduct seismic surveys in areas appertaining to Montenegro in September 2013 and, subsequently, granted a licence for hydrocarbon exploration and exploitation in areas appertaining to Montenegro to a consortium of Marathon Oil and OMV. Croatia failed to seek Montenegro's consent prior to taking these decisions.

Croatia's unilateral declaration of its EFPZ amounts to a breach of international law, which prohibits unilateral appropriation of areas of the continental shelf, the exclusive economic zone, or other zones of functional jurisdiction without agreement with neighboring states or third-party adjudication in accordance with international law. Croatia's plan to proceed unilaterally with its hydrocarbon exploration and exploitation programme creates a risk of irreparable prejudice to the rights and interests of Montenegro in areas which appertain to Montenegro.

Consequently, Montenegro registers once again its strong protest against the 2003 Decision of the Croatian Parliament, under which Croatia unilaterally (i) extended its EFPZ to areas in the Adriatic Sea appertaining to Montenegro, and (ii) decided to exercise jurisdiction in the EFPZ pursuant to Articles 33, 34(1), 35, 41 and 42 of Chapter IV (Economic Zone) of the Maritime Code of Croatia. Montenegro does not accept, nor is it bound by, the outer limit of Croatia's EFPZ as determined by a series of coordinates that Croatia submitted to the UN on 2 September 2005. Nor does Montenegro accept any official or unofficial depiction of the EFPZ allegedly based on the 2003 Decision, extending beyond the line of azimuth of 231°.

Montenegro further reiterates its protest against the unilateral authorization of seismic surveys, and against the granting of a licence for hydrocarbon exploration and exploitation in Blocks 23, 26, 27, and 28, all of which encroach on areas appertaining to Montenegro. Montenegro also requests that Croatia immediately suspend all the current and planned activities, which prejudice, possibly irreparably, Montenegro's rights and interests in that area.

The Permanent Mission of Montenegro to the United Nations would be grateful to the Secretary-General for notifying all Parties to the UNCLOS of this Note and for publishing it in the next "Law of the Sea Bulletin" and on the website of the Division for Ocean Affairs and the Law of the Sea.

The Permanent Mission of Montenegro 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, May 18, 2015



MONTENEGRO
Ministry of Foreign Affairs and European Integration

No: 09/16-109/10

The Ministry of Foreign Affairs and European Integration of Montenegro presents its compliments to THE MARATHON OIL-NETHERLANDS ONE B.V./OMV-(CROATIA) Exploration GMBH, and has the honor to express our deepest concern and protest against further and repeated participation of your Bid Consortium in the development of concessionary contracts with the Government of the Republic of Croatia inside disputed offshore area that is claimed by Montenegro.

We learned that THE MARATHON/OMV Bid Consortium was chosen on 02.01.2015. by respective decisions of the Government of the Republic of Croatia for the best bidder, announcing Bid Awards to your companies inside the disputed blocks 27,28,26 and 23, which represents disregard of Montenegrin formal warning against your Consortium's participation in exploration and exploitation of hydrocarbonates in accordance with the specific segment of documentation made available by The Republic of Croatia's public tender on 02.04.2014.

Croatian Bid Awards contravene to the Marathon Oil Netherlands One B.V. letter of 04. December 2014, signed and sent by Mr. Eric Hathon to His Excellency Minister Igor Luksic. The letter reads: „THE MARATHON/OMV Bid Consortium is aware of the issue described therein and we assure you that Marathon, in our role as Operator of the Bid Consortium, intends to work with Montenegro on this issue, and we would welcome an invitation to discuss any concerns with the Ministry of Foreign Affairs and/or the Ministry of Economy.,,

We invite THE MARATHON/OMV to restrain itself from any further activities that contravene to the letter and the spirit of UNCLOS and to other international agreement in force regulating the status of maritime territories under dispute, especially to refrain itself from signing any contract on division of exploitation and exploration based on illegitimate Bid Awards announced in disputed blocks by the Government of the Republic of Croatia. However, we wouldn't object if THE MARATHON/OMV proceeds with further activities in the blocks adjacent to the azimuth 231 extending to the north-west of that azimuth, under condition that previous consent and appropriate arrangements have

been aged in written form between the Governmet of Montenegro, the Governmnet of the Republic of Croatia and interested concessionaries.

Montenegrin side would welcome an invitation by competent representatives of THE MARATHON OIL NETHERLANDS/OMV to discuss any concerns with the Ministry of Foreign Affairs at earliest convenience in order to overcome and prevent further damage to the development of mutually profitable oil and gas ventures in the Adriatic.

The Ministry of Foreign Affairs and European Integration of Montenegro avails itself of this opportunity to renew to THE MARATHON OIL NETHERLANDS/OMV the assurances of its highest consideration.

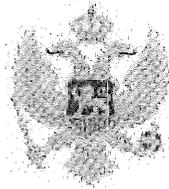
Podgorica, January 27, 2015.



**THE MARATHON OIL NETHERLANDS/OMV
C/O Marathon Oil Company
555 San Felipe Street
Houston, TX 77056**

**THE MARATHON OIL NETHERLANDS ONE B.V.
Herikerbergweg 238, LUNA Arena, 1101, Amsterdam,
Netherlands**

**OMV (CROATIA)
Exploration GMBH, 1020, Vienna, Austria**



Crna Gora
Ministarstvo vanjskih poslova i evropskih integracija

Br: 09/16 - 109/1

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore izražava svoje poštovanje Ministarstvu vanjskih i evropskih poslova Republike Hrvatske i u vezi naših nota pod brojevima 06/2 – 60 od 25. marta 2014. godine, 09/16 – 167/34 od 08. maja 2014. godine i 09/16 - 167/88 od 20. oktobra 2014. godine, ima čast iskazati nezadovoljstvo odlukama Vlade Republike Hrvatske o odabiru najpovoljnijeg ponudjača i izdavanju dozvola za istraživanje i eksploataciju ugljovodonika u istražnim prostorima Južni jadransko - blokovi 26, 27 i 28 i Srednji jadransko - blok 23 konzorcijumima „INA“, „Marathon Oil Netherlands“ i „OMV Hrvatska – Austrija“ od 02. 01. 2015. godine, a prije eventualnog zaključenja Memoranduma između dvije države kojim bi privremeno riješili ovo pitanje.

Ovakvo postupanje Vlade Republike Hrvatske na žalost predstavlja nastavak jednostranih aktivnosti u spornom području na koje polaže pravo i Crna Gora, koje je, suprotno slovu i duhu Protokola o privremenom režimu uz južnu granicu iz 2002. godine, započeto objavljivanjem hrvatskog tendera za istraživanje i eksploataciju ugljovodonika još u aprilu 2013. godine.

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore takodje ističe da su najnovije odluke o odabiru najpovoljnijeg ponudjača u suprotnosti sa tekućim pregovorima nadležnih Ministarstava dvije zemlje o tekstu Memoranduma o razumijevanju, čija je jedna od osnovnih intencija i dogovor dvije strane o izbjegavanju istraživanja i eksploatacije resursa u spornom području do postizanja obostrano privatljivog rješenja, odnosno do donošenja konačne Odluke o razgraničenju u teritorijalnom moru i posebno u epikontinentalnom pojasu, imajući u vidu da djelovi po hrvatskoj metodologiji klasifikovanih blokova 26, 27, 28 i 23 ulaze u sporno područje. (podsjećamo i da blokovi 23 i 28 djelimično ulaze u sporno teritorijalno more).

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore sa žaljenjem primjećuje da su najnovije Odluke Vlade Republike Hrvatske uslijedile neposredno nakon što joj je hrvatska strana dostavila crnogorskoj strani predlog teksta Specijalnog sporazuma između Vlade Republike Hrvatske i Vlade Crne Gore o zajedničkom podnošenju spora oko razgraničenja na kopnu i moru pred Međunarodnim sudom pravde, o kojem tek treba da se vode pregovori.

Imajući navedeno u vidu, Ministarstvo vanjskih poslova i evropskih integracija Crne Gore poziva hrvatsku stranu da precizira da navedene odluke ne daju pravo na istraživanje i eksploataciju ugljovodonika u spornom području južno (jugoistočno) od azimuta 231, kao i da podrži tj. nastavi već započete pregovore nadležnih Ministarstava oko utvrđivanja gore spomenutih sporazuma.

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore ipak cijeni što u vezi tzv. bloka 29 Vlada Republike Hrvatske nije donijela nikakvu Odluku. S tim u vezi, crnogorska strana ukazuje da bi se mogla usaglasiti sa hrvatskom eksploatacijom samo u onim dijelovima gore navedenih blokova koji se prostiru u epikontinentalnom pojasu sjeverno (sjeverozapadno) od azimuta 231, ali pod uslovom da je prethodno postignut međusobni dogovor svih strana oko načina istraživanja i eksploatacije.

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore koristi i ovu priliku da Ministarstvu vanjskih i europskih poslova Republike Hrvatske ponovi izraze svog osobitog poštovanja.



Podgorica, 05. 01. 2015. godine

**MINISTARSTVO VANJSKIH I EUROPSKIH POSLOVA
REPUBLIKE HRVATSKE**

Zagreb

MONTENEGRO

Ministry of Foreign Affairs and European Integration

No. 09/16-109/1

The Ministry of Foreign Affairs and European Integration of Montenegro expresses its appreciation for the Ministry of Foreign and European Affairs of the Republic of Croatia and with respect to our Notes Nos. 06/2-60 of 25 March 2014, 09/16-167/34 of 8 May 2014, and 09/16-167/88 of 20 October 2014 has the honour of expressing its dissatisfaction with the decisions of the Government of the Republic of Croatia on the selection of the best bidder and on the issuance of licences for hydro-carbon exploration and exploitation in the exploration areas South Adriatic - blocks 26, 27 and 28 and Middle Adriatic - block 23 to consortia "INA", "Marathon Oil Netherlands" and "OMV Croatia-Austria" of 2 January 2015, all before the potential conclusion of a Memorandum between the two states to temporarily resolve this issue.

Such action by the Government of the Republic of Croatia unfortunately presents a continuation of unilateral activities in the disputed area that Montenegro also has claims over and is in violation of the provisions and the spirit of the 2002 Protocol on Temporary Regime Along the Southern Border. Such action started by the publication of the Croatian tender for hydro-carbon exploration and exploitation as early as in April 2013.

The Ministry of Foreign Affairs and European Integration of Montenegro also wishes to point out that the latest decisions on the selection of the best bidder are in violation of the ongoing negotiations between the Ministries of the two countries on the text of the Memorandum of Understanding, one of the key intentions and agreements of which is that the two parties should avoid exploration and exploitation in the disputed area before a mutually acceptable solution has been reached, i.e. until a final Decision on Delineation in the Territorial Sea and in particular in the Continental Shelf has been reached given that the parts of the blocks classified under the Croatian methodology as blocks 26, 27, 28 and 23 enter the disputed area (we would also like to remind you that blocks 23 and 28 partly enter the disputed territorial sea).

It is with regret that the Ministry of Foreign Affairs and European Integration of Montenegro notes that the latest decisions by the Government of the Republic of Croatia immediately followed the submission by the Croatian side to the Montenegrin side of the draft text of the Special Agreement between the Government of the Republic of Croatia and the Government of Montenegro on their joint submission of the dispute on the delineation on land and at sea to the International Court of Justice, the negotiations on which are yet to begin.

Taking this into account, the Ministry of Foreign Affairs and European Integration of Montenegro invites the Croatian side to precisely state that the said decisions do not entitle one to hydro-carbon exploration and exploitation in the disputed area south (south-east) of Azimuth 231, as well as to support, i.e. continue the already started negotiations of the line Ministries on the above mentioned agreements.

The Ministry of Foreign Affairs and European Integration of Montenegro, however, is appreciative of the fact that the Government of the Republic of Croatia did not take any decision with respect to block 29. In this regard, the Montenegrin side points out that it could agree with the Croatian exploitation only in those sections of the above mentioned blocks that lie in the continental shelf north (north-west) of Azimuth 231, on condition, however, that a mutual agreement has previously been reached by all the parties on the manner of exploration and exploitation.

The Ministry of Foreign Affairs and European Integration of Montenegro would like to avail itself of this opportunity to again express its appreciation for the Ministry of Foreign and European Affairs of the Republic of Croatia.

Podgorica, 5 January 2015

MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN AFFAIRS
OF THE REPUBLIC OF CROATIA

Zagreb



**Permanent Mission of Montenegro to the United Nations
New York**

No: 1274 /2014

The Permanent Mission of Montenegro to the United Nations presents its compliments to the Division for the Ocean Affairs and the Law of the Sea of the United Nations and has the honour to request the Division for the Ocean Affairs and The Law of The Sea to circulate the Note Verbale of the Ministry of Foreign Affairs and European Integration of Montenegro, No 09/16-167/121 from December 1st 2014, referring to the activities of the Republic of Croatia that contravene with international law and the Protocol on the Interim Regime as well as to the provisions of the UNCLOS and to other international agreements in force regulating the status of maritime territories under dispute, to the State Parties of the United Nations Convention on the Law of the Sea (UNCLOS) as well as to upload the above mentioned note on its web-site.

The Permanent Mission of Montenegro to the United Nations avails itself of this opportunity to renew the Division for the Ocean Affairs and the Law of the Sea of the United Nations in New York the assurances of its highest considerations.

New York, 2 Decembar 2014



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DIVISION FOR OCEAN AFFAIRS
AND THE LAW OF THE SEA

**Division for the Ocean Affairs and the Law of the Sea
of the United Nations
New York**



CRNA GORA
Ministarstvo vanjskih poslova i evropskih integracija

Br: 09 16-167/110

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore izražava poštovanje uvaženoj norveškoj kompaniji „Spectrum“, i ima čast ukazati da je crnogorska strana od nedavno u saznaju da je Vaša kompanija vršila geološko-seizmička istraživanja u spornom području podmorja južnije od azimuta 231 u Jadranu od septembra 2013. godine do januara 2014. godine, a da hrvatska strana, kao naručilac posla i „Spectrum“, kao izvršilac, nijesu obavijestili crnogorsku stranu o tim aktivnostima.

Crnogorska strana ovim putem ulaže protest i prigovor „Spectrumu“, zbog toga što se uključio u preuzimanje jednostranog akta u suprotnosti sa Protokolom o privremenom režimu uz južnu granicu iz 2002. godine, koji važi do utvrđivanja definitivne granice na moru i kopnu između Crne Gore i Republike Hrvatske.

Republika Hrvatska je podatke, dobijene tokom „Spectrumovih“, geološko-seizmičkih snimanja, naknadno koristila kao podršku svojem Prvom nadmetanju, kojim je potencijalnim koncesionarima ponudila dokumentaciju i grafički prikaz u cilju izdavanje dozvola za istraživanje i eksploataciju ugljovodonika južnije od azimuta 231, čime je, uz Vašu pomoć, nastavila jednostrane aktivnosti suprotne međunarodnom pravu.

Podsjećamo da odredbe Protokola iz 2002. obavezuju hrvatsku i crnogorsku stranu da se uzdržavaju od jednostranih aktivnosti uz liniju privremenog razgraničenja teritorijalnog mora, te konsekventno tome i svaku „treću stranu“, da se suzdrži od istih takvih aktivnosti uz liniju razgraničenja epikontinentalnog pojasa, prije dogovora dvije strane o protezanju međusobne granice na moru.

Crnogorska strana upozorava norveški „Spektrum“, da takvi jednostrani akti predstavljaju zaoštavanje spora oko suvereniteta nad poluostrvom Prevlaka i vlasništva nad morem i podmorjem sve do morskog područja koje pripada Republici Italiji, što je, takođe, u suprotnosti sa odgovarajućim odredbama UNCLOS, koje u takvim slučajevima, jasno obavezuju sve strane na nalaženje privremenog međusobnog aranžmana u cilju postizavanja miroljubivog rješavanja spora.

Imajući u vidu da su hrvatska strana i „Spectrum“, u zajedničkom jednostranom aktu obavili geološko-seizmička istraživanja u gore

navedenom periodu, zahtijevamo da nam dostavite originale svih seizmičkih snimaka sa procesuiranim i interpretiranim podacima koji se odnose na područje južnije od azimuta 231, a koji su, bez odgovarajuće saglasnosti crnogorske strane, stavljeni na raspolaganje potencijalnim koncesionarima kroz hrvatsku nacionalnu „Data Room,,.

Crna Gora ukazuje „ Spektrumu,, i bilo kojem drugom subjektu, koji je na bilo koji način, angažovan kao Strana u realizaciji hrvatskih jednostranih koncesionih ugovora, zasnovanih na posebnom segmentu navedene tenderske dokumentacije, da se izlaže pravnom postupku Crne Gore pred nadležnim Sudom, imajući u vidu da je crnogorska strana već obavijestila sve zainteresovane kompanije o pravnim preprekama koje sprečavaju potpisivanje validnih koncesionih ugovora na spornoj teritoriji.

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore koristi i ovu priliku da uvaženoj norveškoj kompaniji „Spektrum,, ponovi izraze svog osobitog poštovanja

Podgorica, 19. novembra 2014.



KOMPANIJA „SPECTRUM,,

**NORVEŠKA
ØSLO**

MONTENEGRO

Ministry of Foreign Affairs and European Integration

No. 09/16-167/110

The Ministry of Foreign Affairs and European Integration of Montenegro presents its compliments to most notable Norwegian company "Spectrum" and has the honour to point out that the Montenegrin side has recently learned that your company carried out geological and seismological exploration in the disputed underwater area south of Azimuth 231 in the Adriatic Sea from September 2013 to January 2014, and that the Croatian side, as the contracting authority, and "Spectrum" as the contractor, have not notified the Montenegrin side of such activities.

The Montenegrin side hereby presents a protest and an objection to "Spectrum" for having engaged in a unilateral act in violation of the 2002 Protocol on the Temporary Regime Along the Southern Border, which is in effect until a definitive maritime and land border between Montenegro and the Republic of Croatia has been established.

The Republic of Croatia has later used the data obtained during "Spectrum" geological and seismological exploration in support of its first bidding, offering to potential concessionaires the documentation and figures for the purpose of issuance of licences for hydro-carbon explorations and exploitation south of Azimuth 231, therewith continuing, with your assistance, unilateral activities contrary to international law.

We would like to remind you that the provisions of 2002 Protocol make it mandatory upon the Croatian and Montenegrin side to refrain from unilateral activities along the line of temporary delineation of territorial sea, and consequently also any "third party" to refrain from the same such activities along the line of delineation of the continental shelf before the two parties have reached an agreement on their shared maritime border.

The Montenegrin side would like to warn "Spectrum" that such unilateral acts constitute further confrontation in the dispute relating to sovereignty over Prevlaka and the ownership over the sea and submarine area all the way to the marine area that belongs to the Republic of Italy, which is also in violation of the relevant provisions of UNCLOS, which, in such cases, clearly commit the parties to finding a temporary mutual arrangement with a view to achieving a peaceful resolution of the dispute.

Given that the Croatian side and "Spectrum" in their joint unilateral act did geological and seismological explorations in the above mentioned period, we request to be delivered the originals of all the seismic surveys together with the processed and interpreted data relating to the area south of Azimuth 231 that were placed, without the consent of the Montenegrin side, at the disposal of the potential concessionaires through the Croatian national "Data Room".

Montenegro would like to point out to "Spectrum" and any other entity which is engaged in any way as a party in the implementation of Croatian unilateral concession agreements, based on a particular segment of the said tender documents, that it is exposed to legal proceedings instigated by Montenegro before the competent Court given that the Montenegrin side has already notified all the interested companies of the legal obstacles that prevent concession agreements from being validly signed for the disputed territory.

The Ministry of Foreign Affairs and European Integration of Montenegro would like to avail itself of this opportunity to renew to the Norwegian company “Spectrum” the assurances of its highest consideration.

Podgorica, 19 November 2014

COMPANY “SPECTRUM”

NORWAY
OSLO



CRNA GORA
Ministarstvo vanjskih poslova i evropskih integracija

Br: 09/16-167/109

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore izražava poštovanje Ministarstvu vanjskih i evropskih poslova Republike Hrvatske i ima čast ukazati da je crnogorska strana od nedavno u saznanju da je norveška kompanija „Spectrum“, vršila geološko-seizmička istraživanja u spornom području jadranskog podmorja južnije od azimuta 231, od septembra 2013. godine do januara 2014. godine, a da hrvatska strana, kao naručilac posla i „Spectrum“, kao izvršilac, nijesu obavijestili crnogorsku stranu o tim aktivnostima.

Crnogorska strana ovim putem ulaže protest i prigovor hrvatskoj strani zbog toga što je preduzela jednostrane akte u suprotnosti sa Protokolom o privremenom režimu uz južnu granicu iz 2002. godine, koji važi do utvrđivanja definitivne granice na moru i kopnu između Crne Gore i Republike Hrvatske.

Republika Hrvatska je podatke dobijene tokom „Spectrumovih“, geološko-seizmičkih snimanja naknadno koristila kao podršku svojem Prvom nadmetanju, kojim je potencijalnim koncesionarima ponudila dokumentaciju i grafički prikaz u cilju izdavanje dozvola za istraživanje i eksploataciju ugljovodonika južnije od azimuta 231, čime je nastavila jednostrane aktivnosti suprotne međunarodnom pravu.

Podsjećamo da odredbe Protokola iz 2002. obavezuju hrvatsku i crnogorsku stranu da se uzdržavaju od jednostranih aktivnosti uz liniju privremenog razgraničenja teritorijalnog mora, te konsekventno tome i svaku „treću stranu“, da se suzdrži od istih takvih aktivnosti uz liniju razgraničenja epikontinentalnog pojasa, prije dogovora dvije strane o protezanju međusobne granice na moru.

Crnogorska strana upozorava hrvatsku stranu da takvi jednostrani akti predstavljaju zaoštavanje spora oko suvereniteta nad poluotrovom Prevlaka i vlasništva nad morem i podmorjem sve do morskog područja koje pripada Republici Italiji, što je, takođe, u suprotnosti sa odgovarajućim odredbama UNCLOS, koje u takvim slučajevima, jasno obavezuju strane na nalaženje privremenog međusobnog aranžmana u cilju postizavanja miroljubivog rješavanja spora.

Imajući u vidu da su hrvatska strana sa „Spectrumom“, u zajedničkom jednostranom aktu obavili geološko-seizmička istraživanja u gore navedenom periodu, zahtijevamo da nam dostavite originale svih seizmičkih snimaka sa procesuiranim i interpretiranim podacima koji se odnose na područje južnije od azimuta 231, a koji su bez odgovarajuće

saglasnosti crnogorske strane stavljeni na raspolaganje potencijalnim koncesionarima kroz hrvatsku nacionalnu „Data room“.

Crnogorska strana obavještava da do daljnjeg ostaje na raspolaganju hrvatskoj strani, kao i svim drugim involviranim subjektima, za rješavanje ovog pitanja bilateralnim sporazumom, ili konsensualnim podnošenjem spora Međunarodnom sudu pravde ili arbitraži.

Ministarstvo vanjskih poslova i evropskih integracija Crne Gore koristi i ovu priliku da Ministarstvu vanjskih i evropskih poslova Republike Hrvatske ponovi izraze svog osobitog poštovanja.

Podgorica, 19. novembra 2014.



**MINISTARSTVO VANJSKIH I EUROPSKIH
POSLOVA REPUBLIKE HRVATSKE**

Zagreb

MONTENEGRO

Ministry of Foreign Affairs and European Integration

No. 09/16-167/109

The Ministry of Foreign Affairs and European Integration of Montenegro expresses its appreciation for the Ministry of Foreign and European Affairs of the Republic of Croatia and has the honour to point out that the Montenegrin side has recently learned that the Norwegian company “Spectrum” carried out geological and seismological exploration in the disputed Adriatic underwater area south of Azimuth 231, from September 2013 until January 2014 without the Croatian side, as the contracting authority, and “Spectrum”, as the contractor, having informed the Montenegrin side of such activities.

The Montenegrin side hereby presents a protest and an objection to the Croatian side for its having taken unilateral acts in violation of the 2002 Protocol on the Temporary Regime Along the Southern Border, which is to be in effect until a definitive maritime and land border between Montenegro and the Republic of Croatia has been established.

The Republic of Croatia has later used the data obtained during “Spectrum” geological and seismological exploration in support of its first bidding, offering to potential concessionaires the documentation and figures for the purpose of issuance of licences for hydro-carbon explorations and exploitation south of Azimuth 231, therewith continuing unilateral activities contrary to international law.

We would like to remind you that the provisions of 2002 Protocol make it mandatory upon the Croatian and Montenegrin side to refrain from unilateral activities along the line of temporary delineation of territorial sea, and consequently also any “third party” to refrain from the same such activities along the line of delineation of the continental shelf before the two parties have reached an agreement on their shared maritime border.

The Montenegrin side would like to warn the Croatian side that such unilateral acts constitute further confrontation in the dispute relating to sovereignty over Prevlaka and the ownership over the sea and seabed all the way to the marine area that belongs to the Republic of Italy, which is also in violation of the relevant provisions of UNCLOS, which, in such cases, clearly commit the parties to finding a temporary mutual arrangement with a view to achieving a peaceful conflict resolution.

Given that the Croatian side and “Spectrum” in their joint unilateral act did geological and seismological explorations in the above mentioned period, we request to be delivered the originals of all the seismic surveys with the processed and interpreted data relating to the area south of Azimuth 231 that were placed, without the consent of the Montenegrin side, at the disposal of the potential concessionaires through the Croatian national “Data Room”.

The Montenegrin side would like to inform you that it remains at the disposal of the Croatian side, as well as of all other entities involved, for finding a solution to this issue either by a bilateral agreement, or by consensual submission of the dispute to the International Court of Justice or arbitration.

The Ministry of Foreign Affairs and European Integration of Montenegro would like to avail itself of this opportunity to again express its appreciation for the Ministry of Foreign and European Affairs of the Republic of Croatia.

Podgorica, 19 November 2014

MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN AFFAIRS
OF THE REPUBLIC OF CROATIA

Zagreb



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Republika Crna Gora
Vlada Republike Crne Gore
Predsjednik

Podgorica, 15. oktobra 2003.

Vaša Ekscelencijo,

Dozvolite da Vam se zahvalim na pismu koje ste mi uputili 6. oktobra 2003. godine i u kome ste me iscrpno informisali o svim aspektima u vezi sa uvodjenjem Zaštićenog ekološko-ribolovnog pojasa u Jadranskom moru koji je 3. oktobra 2003. godine proglasio Sabor Republike Hrvatske.

Visoko cijenimo činjenicu da ste prije donosenja ove odluke sproveli dugo i sveobuhvatne stručne i političke analize i obavili pažljive konsultacije sa susjednim i evropskim državama, kao i predstavnicima međunarodnih organizacija, prije svega, predstavnicima Evropske unije i Evropske komisije. Posebno uvažavamo zalaganje Vlade Republike Hrvatske da se, polazeći od opštih evropskih trendova integracija i saradnje država, kao i ishoda poslednjeg pripremnog sastanka za Venecijansku konferenciju, koji je održan od 22. do 24. septembra 2003. godine u Briselu, na Jadranu uvede zona Zaštićenog ekološko-ribolovnog pojasa, umjesto isključive ekonomske zone. Ovo samo potvrđuje da dijelimo isto uvjerenje da bi se sva osjetljiva pitanja, koja se mogu ticati interesa i drugih država, od procesa usaglašavanja pa do implementacije, trebalo rješavati u međusobnim multilateralnim i bilateralnim konsultacijama, a u skladu sa evropskim integrativnim procesima u duhu dobre vjere i međusobnog povjerenja.

Koristim ovu priliku da Vas uvjerim da i lično dijelim Vašu brigu i brigu Vlade Republike Hrvatske za očuvanje bio-resursa u Jadranu odgovorno upravljanje biljnim fondom, zaštitu i očuvanje čovjekove okoline, kao i sprječavanje ilegalnog, neprijavljenog i neregularnog ribolova. Kao država koja velikim svojim dijelom izlazi na Jadransko more i Crna Gora se suočava sa sličnim problemima i ima potrebu da organizovano, planski i sveobuhvatno, preduzima mjere u cilju zaštite crnogorskog mora i podmorja. U tom kontekstu, svaki oblik međusobne saradnje, razmjene iskustava i informacija, zajedničkog nastupa i slično bio bi, nadam se, od koristi za obje države i Region u cjelini.

Nj.E.
Ivica Račan
Predsjednik Vlade
Republike Hrvatske

Pomenuti principi saradnje, povjerenja, otvorenosti su bili osnov za agnažovanje crnogorske strane u procesu pregovora oko pronalaženja rješenja za sporno područje poluostrva Prevlake, što je rezultiralo Protokolom o privremenom razgraničenju teritorijalnog mora i režimu uz južnu granicu između Republike Hrvatske i tada Savezne Republike Jugoslavije, koji je potpisan decembra 2002. godine. Ovim Protokolom je, kako je jasno definisano i njegovim nazivom, uspostavljen privremeni režim i razgraničenje u oblasti teritorijalnog mora između dvije države, što ne podrazumjeva razgraničenje na epikontinentalnom pojasu, na šta se ovaj sporazum nije odnosio. Koristim ovu priliku da ukažem da je za Crnu Goru linija razgraničenja na epikontinentalnom pojasu uspostavljena zakonskim aktima relevantnih državnih organa bivše Socijalističke Federativne Republike Jugoslavije, koji su jasno odredili granicu crnogorskog mora i podmorja. Ovo razgraničenje je uspostavljeno uz saglasnost svih republika članica SFRJ, samim tim i SR Hrvatske, i od tada nije bilo predmet nikakvog posebnog sporazuma ili dogovora koji bi izmijenio njegov karakter.

U vjeri da će budućnost pred nama donijeti još bolju i sveobuhvatniju saradnju dvije države u svim domenima, želio bih još jednom iskazati spremnost Crne Gore da, kao i do sada, u dobroj vjeri, otvoreno i u skladu sa međunarodnim pravom, rješava sva eventualno otvorena pitanja i dalje razvija duh dobre saradnje i međusobnog povjerenja među državama ovog Regiona.

Primite, Vaša Ekselencijo, izraze mojeg dubokog poštovanja.

PREDSJEDNIK VLADE

Milo Djukanović

Republic of Montenegro

Government of Montenegro

Prime Minister

Podgorica, 15 October 2003

Your Excellency,

Let me thank you for your letter dated 6 October 2003 detailing all aspects of the inauguration of the Protected ecological and fishing zone in the Adriatic that the Parliament of the Republic of Croatia declared on 3 October 2003.

We highly appreciate the fact that prior to adopting your decision you had made long and comprehensive expert and political analysis and appropriate consultations with neighboring and European countries and with representatives of international organizations, primarily with the European Union and European Commission. We particularly appreciate the effort made by the Government of the Republic of Croatia to establish a protected ecological and fishing zone in the Adriatic instead of the exclusive economic zone, which was done in consideration of the European integration trends and inter-state cooperation as well as of the results of the last preparatory meeting for the Venice conference that took place in Brussels on 22-24 September 2003. This only testifies to the fact that we share the same idea that sensitive issues, that might concern the interests of other states should be planned and implemented after multilateral and bilateral consultations and in line with European integration processes in good faith and mutual trust.

I avail of this opportunity to assure you that I personally share your concern and Croatian Government's concern for the preservation of biological resources in the Adriatic, responsible management of flora, protection and preservation of environment and prevention of illegal, unregistered and illicit fishing. As a state that for its large part borders the Adriatic, Montenegro has similar problems and needs to undertake measures to protect Montenegrin sea and seabed in an organized, planned and comprehensive manner. In this context, any form of cooperation, exchange of opinions and information, joint presentation etc. would be, hopefully, beneficial to both countries and the region as a whole.

The principles of cooperation, trust and openness served as a basis for Montenegro's engagement in negotiation process to find solution for contested area on Prevlaka peninsula which resulted in the adoption of the Interim demarcation of territorial sea and the regime along the southern

border between the Republic of Croatia and erstwhile Federal Republic of Yugoslavia, signed in 2002. This Protocol, as clearly indicated by its title, established provisional regime and demarcation in the territorial sea between the two states, which did not entail demarcation in epcontinental belt, as this was not subject of this Agreement. I avail of this opportunity to say that Montenegro's position is that the line of demarcation in epicontinental belt was established by relevant legal acts of the Socialist Federative Republic of Yugoslavia that precisely established the border of Montenegrin sea and seabed. This demarcation was made with the consent of all constituent republics of the Socialist Federal Republic of Yugoslavia, Croatia included, and as of that time it had not been subject of any agreement or agreement that could change its character.

Believing that future brings better and more comprehensive cooperation between two states in all domains, I want to reiterate the commitment of Montenegro to work as we have done so far – in good faith, open manner and in compliance with international law - on addressing all potentially open issues and continue developing the spirit of good cooperation and mutual trust among countries of the region.

Your excellency, let me express my deepest respect for you.

Prime Minister

Milo Djukanovic