CHAPTER 9

The European Union as a Spectacle: The Case of the Slovenian-Croatian Dispute over the Sea Border

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Introduction

In 1991, immediately after the disintegration of the socialist Yugoslavia has started, the delimitation of the territorial sea between Slovenia and Croatia in the Bay of Piran led to a dispute between two independent and autonomous states. Before that there was no such issue. Although the dispute passed through several stages of development, I focus on the stage of its escalation, which peaked in 2009, in the concluding phase of Croatia’s negotiations for full EU membership. Let me, for the sake of a better understanding, present the disputed geographical area. It is the northernmost part of the Adriatic, known as the Gulf of Trieste, which in the course of the 20th century witnessed many border shifts and caused a number of serious political and security crises. Its coastline is presently divided between three states: Croatia, Slovenia and Italy. The Gulf of Trieste itself was divided into two more or less equal parts: the Italian part and the part assigned to the former Yugoslavia. Therefore, the delimitation area is bounded by the Croatian and Slovenian coastline on one side and by the inherited Italian border on the other. The land border between Slovenia and Croatia ends in the Bay of Piran, which lies within the Gulf of Trieste. As regards the remaining characteristics relevant to delimitation, it seems appropriate to mention that both bays are relatively shallow. The average depth in the Gulf of Trieste is between 20 and 30 meters, while the depth in the main part of the Bay of Piran is less than 15 meters. In addition, both are relatively small (the Bay of Piran covering an area of 17.8 km²). The entrance into the Gulf of Trieste is about 24 nautical miles wide and the entrance into the Bay of Piran extends over no more than 5 kilometers. Small and shallow, both are ecologically very sensitive areas (Bošnik 2001).

In 2004 Slovenia was the first of the former Yugoslav republics to become an EU member. This position enabled it to block Croatia’s accession negotiations with the EU, accusing it of trying to manipulate the sea border in the Bay of Piran to its advantage. Numerous political attempts to solve the issue opened certain dilemmas, but the political and media interpretation of the question
Regarding the Bay of Piran caused a high-intensity contention that was accompanied by frustration and discontentment on both sides and eventually turned into a major spectacle. The issue regarding the delimitation of the territorial sea in the Bay of Piran will be settled by the Arbitration Tribunal. Its task will be to determine the course of land and maritime boundary between the Republic of Croatia and the Republic of Slovenia, as well as Slovenia’s junction to the high seas and the regime for the use of relevant maritime areas. The Arbitration Agreement of 2009 (signed by the prime ministers of Croatia and Slovenia, Jadranka Kosor and Borut Pahor) stipulates that the Arbitration Tribunal shall apply international law, equity and the principle of good neighborly relations. After more than twenty years it still remains to be seen what kind of an ending this story will have. But its political and social implications can be illustrated by presenting the media and political spectacularization of the controversy surrounding the delimitation of the territorial sea in the Bay of Piran.

For this reason, it is my attempt here to critically illuminate the fact that the integration of the Western Balkans into the European Union generates new conflicts and frustrations in the said region, even such that are not known to history. Drawing on the theoretical framework of Étienne Balibar and his problematization of borders in Europe, as well as on Rousseau’s conceptualization of sovereignty, Edelman’s interpretation of politics, and Meyer’s discovery of various identities of Europe and the EU, it is also my objective to show on an empirical level that the current issue of EU accession may have long-term consequences if it continues to be approached through spectacular narratives used by national ideologies in the Western Balkans to legitimate their position, reinforcing the discourse of nation-state.

Construction of Political Reality: “National Benefit” to Local Detriment

The dispute between Slovenia and Croatia regarding the delimitation of the territorial sea in the Bay of Piran vividly illustrates that politics can also be a kind of spectacle (Debord 2003) and that by generating conflict it legitimates its privileged position, with ample support from the media and their spectacularization of reality (Kellner 2003). Positions and opinions formed in the public sphere regarding the border delimitation issue alert both states to several crucial questions. Firstly, to questions discussed by Balibar in connection with borders and state-promoted misuse thereof and, secondly, to questions which remind us that Europe is not united after all and that this process will depend exclusively on what Europe chooses to be (open or closed). Therefore, I intend