

The Slovenian-Croatian border in Istria

Past and present

Ljubljana 2005



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**Selection of papers delivered at
round-tables**

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Janez Podobnik

A WELCOME TO THE PUBLICATION OF THE MISCELLANY "THE SLOVENIAN- CROATIAN BORDER IN ISTRIA"



After having heard a lot of words and above all political statements in the years of stirring interstate relations with our neighbour to the south, we finally hold in our hands another serious expert work, which fully illustrates the background and the circumstances related to the (non-)determination of the border with Croatia in Istria and on the sea.

It is a tragic fact that, with regard to the issue of the Bay of Piran and the border with Croatia, the Slovenian political elite all too often acts in a disunited way, while at the same time, due to a lack of knowledge about these problems, it responds to the events in the bay or at the border in an inappropriate manner.

When speaking about the border, the divisions and the integrity of the Bay of Piran, we have to be aware of the fact that it doesn't only come to square metres of land and litres of water; we are above all speaking about people, who live their everyday life in these places, who respect the efforts of their ancestors and who wish to preserve this also for their descendants. We are speaking about people whose home this is!

In this place, I would like to express my support to the individuals and the civil society, who have been for years tirelessly drawing the attention to unsolved issues and problems at the Slovenian southern border. They are our conscience – the conscience of the state and politics, which is why they deserve our full appreciation!

We preserve things that are valuable to us. As the living space of the Slovenian nation, the Slovenian state represents to us something extremely valuable.

Also today's Slovenian People's Party has, from its establishment on, just like its predecessor – the historical Slovenian People's Party, based its long-term policy on Slovenian national interests: we were the only, persistent and loyal protector of the inte-

rests of Slovenian farmers and the countryside, as well as regions and municipalities. We collected signatures for the May Declaration in 1989, we devote special attention to families and children, we support the decentralisation of Slovenia and a united Slovenia in a future Euro-region. We firmly insist on the integrity of the Bay of Piran and Slovenia's access to the open sea.

I would like to thank the authors, who have invested a lot of their energy, knowledge and love for Slovenia into the preparation of this miscellany. It is my sincere wish that the present work would serve as a reference book and source of information to assist all those that would like to become more acquainted with the facts about the border in Istria and to form their own standpoints with regard to this issue!

Marjan Podobnik

THE TRUTH SETS US FREE

a number of people, who are not directly involved in the solution of the open border issues between Slovenia and Croatia and who come from third states, probably often ask themselves the question: “With such different standpoints on individual open issues, who is right?” Such questions are especially being set by all those that do not take one or the other side in advance, but wish to adopt a position on the basis of objective facts, on the basis of the truth. The present miscellany is above all intended for them. In this miscellany, experts of different professional orientations are namely disclosing known, but regrettably often not enough exposed or even forgotten facts.

In the Slovenian National Union of the Slovenian People’s Party, we are carrying on with the long-lasting persistent endeavours of the Slovenian People’s Party to spread the knowledge about historical and other facts to an as wide as possible circle of people. It is particularly important that the international political and expert public is fully informed about this.

In order to avoid beforehand the impression that we wish to spread information, which could be in any way doubtful or which cannot be proven and effectively defended against eventual contrary arguments of the Croatian side, let us emphasise our readiness and interest for a confrontation of our views with Croatian experts.

Slovenia and Croatia are friendly neighbouring states, which have in all the centuries of their cohabitation never been in war with each other and therefore represent a positive example in this respect. We are convinced that the positive relations, which are manifested by Slovenia through a strong and resolute support for Croatia’s immediate beginning of the negotiations on the accession to the EU, will carry on also in the future. However, as also in this case the saying holds true “short reckonings make long friends”, we still have to say that Croatia has been, from the proc-

lamation of independence on, openly showing territorial claims to the detriment of Slovenia, at times more and at times less evidently through a policy of confronting Slovenia with accomplished facts. The most evident cases are the attempts of gradually taking over the control over the Bay of Piran and consequently preventing Slovenia from a territorial free access to the open sea as well as taking over the control on various parts of the border on land, from Slovenian Istria and the settlements to the south of the Dragonja up to Hotiza in the east of Slovenia. The most conspicuous case of the willingness of Croatia to violently occupy parts of the Slovenian territory was the arrest of twelve Slovenian citizens, among them two members of the Slovenian parliament, by the Croatian uniformed police and special police forces on the Slovenian territory along the Dragonja in October 2004.

In June 2005, the Slovenian and the Croatian government signed a declaration in Brioni, in which it is unequivocally determined that the condition as of 25 June 1991 shall be respected. Only one week after the signature, the Croatian side began to violate the statement with the entrance of a Croatian police boat in the middle of the Bay of Piran.

The Slovenian National Union of the Slovenian People's Party deplores such behaviour by Croatia, who, with such acts that are far from European standards, wishes to hinder Slovenia in some of its strategic aims, such as for example the preservation of the integrity of the Bay of Piran and of a territorially free access to the open sea. The Slovenian National Union of the Slovenian People's Party is in favour of a prompt accession of Croatia to the European Union. However, it does not approve of the Croatian claims for the Slovenian territory. This is why we will, in case of the continuation of the attempts by Croatia to occupy the Bay of Piran and to prevent Slovenia from freely accessing the open sea, collect signatures for a referendum, at which the Slovenian citizens shall decide on whether the accession of Croatia to the EU should be supported under such conditions.

In the Slovenian National Union of the Slovenian People's Party, we have decided to publish an English version of this miscellany, because we are aware of an insufficient degree of information of the foreign professional and political public. We are thereby fulfilling a task, which should otherwise be carried out by the competent institutions of the Slovenian state.

The present miscellany should assist both sides in finding acceptable solutions. It sometimes seems difficult to understand each other. For representatives of other states, it can sometimes also be difficult to understand the open issues between Slovenia and Croatia. By knowing the facts, all this can become much easier.

The truth sets us free.

Duša Krnel – Umek

INTRODUCTION

The issue of the Slovenian-Croatian border and especially the border in Istria became reopened after in the independence in 1991. The first debate on this issue was in 1996 in Portorož at the round-table 'Unclear situation and diplomatic bits'. A wider circle of experts and inhabitants of the municipality of Piran only joined this discussion at the time of the organisation of a round-table entitled 'The issue of the establishment of the Slovenian ethnic and state territory with a special emphasis on the Slovenian-Croatian border in Istria' in 1998. Since then, several papers and publications were published on this topic. However, this has still not contributed to wiser political decisions, which would be based on expert and scientific findings with regard to the course of the border and the will of the inhabitants to remain on the territory of the Republic of Slovenia.

A group of critical authors, who have been dealing with the issue of the border in Istria for a number of years, has therefore decided to prepare short contributions. Therein, they analyse the current situation and draw the attention to the irredeemable damage, caused to the development of the Slovenian nation by inconsiderate decisions. In the past and especially since World War I, parts of the Slovenian national territory with the inhabitants and all their property were ceded to foreign countries through the changing of state borders.

With the accession of Slovenia to the European Union, all the borders will of course remain, the borders of states, municipalities and land parcels. However, the boundaries of interest areas of the larger neighbours, which border on our state, will change. We, the citizens of Slovenia, took a decision of our free will for an own state, which would protect especially and above all our common interests. One of the key provisions of the Slovenian state are also its borders. With the decision for an independent state, no one whatever got the right to change borders to the detriment of the Republic of Slovenia.

Mitja Deisinger

TOWARDS A BORDER WITH CROATIA THROUGH A NEW STRATEGY

the border problem between Slovenia and Croatia, above all at the coast and on the sea, existed already in the SFRY. Since the independence of both states, this is an inter-state issue, which is unfolding more and more to the detriment of our country. With the accession to NATO and the European Union, the time has come to finally solve this border issue in an equitable manner and in accordance to our interests. For this reason, it is necessary to analytically determine the basic guidelines and to act in a statesmanlike manner.

We can establish the following facts:

- Slovenia does currently not control a part of the territory (the cadastral territory south of the Dragonja) and the sea (the Bay of Piran and the exit to the open sea at the point T 5), which it possessed on 25 June 1991 and which was constitutionally ensured by the Basic Constitutional Charter of the Republic of Slovenia in its Section II.
- Through violent and arbitrary acts, Croatia has appropriated the said territory, on land as well as on sea (by disconnecting telephone lines and power supply, new house numbers, the construction of the border crossing Plovanija, the control over half of the Bay of Piran, shellfish plantations, a new set-up of the land register and cadastre, etc.
- The agreement on the border Drnovšek-Račan no longer exists.
- Through the proclamation of an ecological and fishing zone, Croatia has closed international waters in the Adriatic Sea; the act referring to this matter will be implemented in the autumn of 2004.

Slovenia needs to react in an appropriate statesmanlike manner, taking into consideration that this is the southern border of the European Union. On this basis, it has to adopt the following measures:

- The situation as of 25 June 1991 has to be restored immedia-

tely on all parts of the border; border crossings need to be set up on the boundaries of Slovenian cadastral territories.

- On demand of the Slovenian government, Croatia has to revoke and remove all documents and interventions upon the Slovenian territory, since these acts are legally null and void in view of item 3 of the III. report of the so-called Badinter Commission.
- The return on the boundaries of cadastral territories (e.g. Slovenia strictly considers this near Hotiza) is consistent with the position of Croatia that demands the same from Serbia on the other bank of the Danube.
- According to the former Yugoslav legislation, the Bay of Piran represents internal waters, which are not to be divided, it was Slovenian 'uti possidetis' until the independence (decree by coastal municipalities!); the same regime as in the Boka Kotorska (Serbia and Montenegro controls the bay, while a small bay extending into the land is controlled jointly with Croatia) needs to be set up, so that Slovenia would control the entire Bay of Piran.
- With the notification to Italy, Slovenia represents the sole successor to the Osimo Agreements, which is why it is its international liability to maintain the border with Italy on the sea – up to the point T 5, which may not be hindered by Croatia.

Only after having established such a regulation, which had been destroyed by Croatian arbitrary and violent treatment, it will be possible to assert our claims for a just border on the bilateral level, and according to circumstances also on the international level or by the assistance of international arbitration. At that time, we will have to assert all expert standpoints, from the historical to the ethnic and strategic ones.

Only in this next phase, individual pragmatic solutions can be elaborated. However, these cannot go to the detriment of Slovenia, as this was for example the case with the so-called chimney to international waters, which, after Croatia's decision for an ecological and fishing zone, even no longer exist, while Croatia would have obtained a gift, which Slovenia cannot allow itself – the territory with Slovenian settlements and Slovenians!

In the course of the negotiations, there can be no obstacles with regard to possible solutions. Let me recall the recent interview of the former President Kučan on Croatian TV. Even the intransigent Croatian negotiator, the late President Tudjman, mentioned to him the possibility of a lease of a part of Savudrija. A fair solution for Slovenia can only come into being based on such reasons, initiatives and compromises.

It depends on our leadership, the incorporation of experts and diplomatic skilfulness whether we will be able at least to preserve our territory. We must thereby be cautious in order not to repeat historic mistakes.

Duša Krnel – Umek

SLOVENIANS ON THE ADRIATIC

Abstract

In history, the northern Adriatic has always been an important cross-way between north and south, east and west. This is why it has been under strong pressure from neighbouring nations, Germanic from the north, Romanic from the south and Hungarian from the east, in order to enable them to obtain a crossing to the sea. With new political circumstances, which have arisen after the dissolution of Yugoslavia in 1991, the relationship of forces between the states bordering on Slovenia has changed in Europe. There exists a lot of scientific literature with regard to the northern border and Germanic pressures, there is less literature with regard to the western border, while migrations and political pressures from the Slavic south are, also within scientific circles, a topic insufficiently dealt with.

One of the conditions for the existence of a state is a determined state border. The state border is based on provincial and municipal borders, which were shaped throughout history. The ethnic border in the south is shown as unchanged from the settlement on and is being drawn on the former border between Yugoslav republics, which came into existence between 1945 and 1954. However, this is incorrect. In determining the Slovenian state border in Istria after the establishment of the new state of Slovenia, historical and ethnological facts, related to administrative, state and national borders, therefore need to be taken into consideration. This is why the issue of the border in Istria in the last two hundred years will be presented in this treatise with new data.

In the 19th century, Slovenians populated the Istrian peninsula up to the river Mirna and in some places even further to the south. The river Mirna represented the last internationally recognised border of the Zone B of the Free Territory of Trieste from 1947 until 1954.

In history, Istria was until 1945 never within the framework of an administrative unit uniting Croats. On the contrary, it was within the framework of units uniting Slovenians as the majority nation. From the beginnings of the Venetian administration on Istrian soil, written sources

from the second half of the 13th century state first outlines of the territory of Piran - the Piran peninsula between Strunjan and Lucija, as well as that the greater part of the Savudrija Karst belonged to Piran. There is a document in the archives of Piran proving that in the Habsburgo-Venetian war in 1510, Momjan with surrounding villages came under the jurisdiction of Piran. In the times until the end of the Venetian Republic in the 18th century, the territory of the municipality of Piran extended from Strunjan up to the northern part of the Savudrija Karst and Kaštel. With regard to the Church administration, the parishes of Piran and Savudrija belonged to the vicarage and chapter of Piran and the parish of Kaštel to the vicarage of Krkavče, while they were all within the diocese of Koper. Up to the year 1952, the municipality of Piran also included the area of Savudrija and Kaštel. After this year, a great part of the territory on the left bank of the Dragogna was in the property of the municipality of Piran and its inhabitants, since the border between the two republics was never determined.

The Slovenian ethnic border in Istria in the 19th century

In the 19th century, Slovenians populated the Istrian peninsula up to the river Mirna and in some places even further to the south. According to the assessment of Giovanni Quarantotti, who writes about Istrian historiography, “the characteristic of the spiritual atmosphere in the 19th century in Italy was history, /.../ knowledge of the historical past, /.../ historiography /was/ subjected to national and political claims, /.../ there was no historical work, which would be opposed to national and unitarian characteristics or which would deny them.” Here, the issue of settlement, the issue of native inhabitants and newcomers, the issue of ethno-genesis, nation and ethnicity begin to arise.

The Slovenian poet Vodnik believed that the Slavs and the Slovenians lived in these places since old times. Considering the wide extent of the Illyric provinces, he advocated the equality of the Slovenian and the Serbian language, which is why the education in schools should have been in both languages. The issue was debated on which were the boundaries of the Croatian dialect and on who the Croats were. The members of parliament from Carniola for the first time expressed their political self-consciousness in an open letter in the newspaper *Novice* in 1848, when they wrote: “/F/or the province of Carniola, the Slovenian part of the provinces of Carinthia and Styria, the Slovenian Istria and Gorizia to unite into one nation.”

Also in the past and in foreign literature, there was no common opinion on the origin of the Slovenians. The Italian historian Pietro Kandler wrote in 1846: “For some time, the opinion prevailed that the Slovenians in Istria were of older origin than the document of the gathering

at Rižana in 804.” However, political interests of stronger Italian and German neighbours predominated over scientific arguments, which is why theories on the arrival of the Slavs prevailed, since they were a politically more convincing thesis for the conquering tendencies of the neighbours and the systematic assimilation policy. Aboriginal inhabitants could therefore only be of Roman or Celtic origin. The Catales, who lived in the surroundings of Trieste, were by origin Carnes, who could, according to Kandler, only be a Gaelic or Celtic tribe.

However, also Italian and Austrian writers in the 19th century stated that the ethnic border of the Slovenians ran on the river Mirna. In his ethnographical descriptions of Istria in 1859, Carlo Combi differentiated between “*Slavic tribes*” in Istria and Italians populating the coast and part of the inland, which represented “*l’Istria civile - civic or civilised Istria*”. Slavs are discerned by their attire and language. The Šavrini are entirely Slovenian and are related to the Slovenians in Friuli. For the Slavs in Buzet, he says that they speak a Slovenian dialect, while he sees the Slavs between the Dragonja and the Mirna as Slovenians using Italian words in their speech, so he believes them to be italianised. And in his second paper of the same year: “To the 160,000 Italians, /.../ we can add without difference 15,000 italianised near the Mirna, /.../ Slavs, living since the year 1800 on, more due to administrative boundaries than to migrations, now spread in a number of 112,000 in the countryside in the inland, in the majority already speak the Italian language quite well. Villages, which at the end of the last century /the 18th century is meant here/ did not understand the Italian language, are now municipalities with two languages. Such a favourable development occurred thanks to a denser road network, and with its enlargement, it will get even much better. This is how the civilisation, which shall now not be defeated by anyone, wanted it to be. This makes it probable that it will be victorious.”

In the description of Istria (Istrien. Historische, geographische und statistische Darstellung der istrischen Halbinsel nebst den Quarnerischen Inseln) from 1863 “Istria is by language a Slavic province, the Italian dialect is only spoken by 3/10 of the population in the towns and at the coast, the rural population near the towns speaks both languages, Italian and Slavic:

- in the district of Koper, there are 2/3 of Slavs of the Slovenian language and only 1/3 of Italians or italianised out of 28,135 inhabitants,
- the district of Piran has 14,873 inhabitants, out of which 12,930 Italians or italianised Slavs,
- near the river Dragonja, there are Slovenian and Illyric speaking inhabitants (1,942),
- Buje (14,294): 2/3 of Slavic-Illyric ethnicity, Italian 1/3 in the towns,

- Poreč (8,400): Italians in Poreč and Vrsar, in the villages Slavic, namely Morlac ethnicity,
- Rovinj has 14,514 inhabitants, out of which 11,000 Italians - Slavs belonging to the Croato-Serbian family,
- Vodnjan (13,000): 4,500 Italians, Slavs, namely of Morlac origin,
- Pula (6,358): Slavs of Serbian origin,
- Peroj: Montenegrins,
- Labin (12,000): Slavic ethnicity; Plomin: Italians, Slavs,
- Volosko (23,217): Slavs - language very similar to the Dalmatian-Illyric one and not to the Croatian one,
- Podgrad (16,039): Čiči and inhabitants of Carniolian origin,
- Buzet (14,026): Slavic, Italian - Slavic, namely of Slovenian origin,
- Motovun (14,234): Italian, Slavic - Dalmatian, Morlac, Serbo-Croatian,
- Pazin (23,570): Slavic - Illyric-Croatian, a part from Carnia, a part Vlachs, descendants of a Roman colony.”

A few years later, Antonio Coiz writes in the following description of Istria that Slavic tribes numbering 112,000 people live in the countryside and in the uplands. “They are divided into two families: the Slovenian one and the Serbian one. The former are scattered around upper Istria up to the Mirna, they are discerned by their dialect, they wear wide short tied trousers and shoes; the latter are dispersed around southern Istria and can be recognised by long, tight trousers and sandals. /.../ The Serbian and Slovenian tribe is called Illyric. The former /Serbs/ are of a brown-oily complexion, with black and vivid eyes, of a menacing look, tall, of a sharp and bright spirit, with vivid and strong passions. The latter /Slovenians/ are of a shorter size, mild appearance, fair complexion and round face, blue-eyed and have settled in the eastern Friuli up to the central Istria.”

In his work ‘Ethnological circumstances of the Austrian Littoral’ in 1885, C. F. Czoernig states that the Istrian Slovenians belong to the same family, which lives in the provinces of Trieste, Gorizia and Carniola, in northern Istria in the political district of Koper and in a part of the district of Podgrad. The Šavrini belong to the Slovenians, occupy the territory from Trieste to Savudrija and are the oldest Slavic inhabitants of Istria. Also according to older data from Czoernig’s father from the year 1846, the municipality of Savudrija was Slovenian.

In his work Venezia Giulia, Cesare Battisti states for the year 1900 that “in predominantly Croatian and Slovenian places, the minority is always found to be Italian. /.../ In predominantly Italian places, the minority population is found to be Slovenian, especially if they are north of the river Mirna, and Croatian if they are south of it. Exceptions are Završje -Piemonte with a Croatian minority north of the Mirna, while Motovun witnesses a Slovenian minority south of the Mirna.”

Population censuses by ethnicity in the years 1880, 1890, 1900 and 1910 are therefore one of the indices of the numerical situation. In the old Austria, the “colloquial language” was registered in the census, which, under constant pressures of italianisation, did not show an objective picture. It is therefore possible to conclude that there was more Slovenian population by ethnicity than shown by the censuses. This is also confirmed by censuses, which were corrected for the year 1910 due to non-objective counting and strong pressures on Slovenians to opt for the Italian language. According to the statements of Dragotin Gustinčič in 1915 (Franc Rozman wrote about this in the year 2000), in Istria “there are only less than half of real Italians out of about 147,000 Italians, around 70,000-75,000 are so-called Italianers, who speak Slovenian better, but otherwise speak the Italian Istrian dialect and see themselves as Italians only because of an economic dependence on Italian merchants.” Censuses also indicate an insufficiently shaped national consciousness, since we find in the same place at one time speakers of the Slovenian and the next time of the Serbo-Croatian language.

According to the censuses from 1910, the number of inhabitants speaking the Slovenian language was 154,564 (61.9%) in the province of Gorizia, 56,916 (29.8%) in Trieste, 55,134 (14.3%) in Istria and 3,937 (7.9%) in Rijeka. The total number of Slovenian-speaking inhabitants in the Austrian part of the empire was 1,252,940 (4.39%), out of which in the Littoral 266,614 (21%).

Censuses by individual places indicate that Savudrija and Kaštel were populated by Slovenians and Italians or italianised people.

KAŠTEL

	Number (%)	Number (%)	Number (%)	Number (%)
Year	1880	1890	1900	1910
Total inhabitants	869	1,044	1,181	1,245
Slovenians	863 (99.31)	283 (27.11)	159 (13.46)	362 (29.08)
Croats				71 (5.70)
Italians		754 (72.22)	1,019 (86.28)	812 (65.22)
Others	1 (0.12)		1 (0.08)	

SAVUDRIJA

	Number (%)	Number (%)	Number (%)	Number (%)
Year	1880	1890	1900	1910
Total inhabitants	287	392	378	471
Slovenians	41 (14.29)	62 (15.82)	17 (4.50)	66 (14.01)
Croats			2 (0.53)	
Italians	231 (80.49)	291 (74.23)	309 (81.75)	371 (78.77)
Others			1 (0.26)	34 (7.22)
Foreigners				

State and provincial borders from the 13th to the 19th century

In Europe, two processes are going on throughout history: the first one is the establishment of nation-states, which enable the nations to enjoy independence and in which national boundaries overlap with state borders, and the second one is the formation of large supra-national unions, where tendencies towards the supremacy of one or more nations over others are prevalent. The process of establishing nation-states was very strong in the beginning of the 19th century. According to the 'Act of Brotherhood of Young Europe' from 1834, "every nation has its own mission - and all shall co-operate in order to fulfil the mission of humanity. This mission creates the nationality. Nationality is sacred." Countries, which established universities at an early time, very soon also developed a national consciousness. Historical works resulted from such a political belief as well.

In the west, Slovenians have been for more than five hundred years, i.e. from the 13th until the end of the 18th century, divided into two states. The first one was the Venetian Republic and the second one the Habsburg, later on the Austrian empire. The Venetian Republic included the northern Istrian towns of Piran, Koper, Izola. From the beginnings of the Venetian administration on Istrian soil, written sources from the second half of the 13th century state first outlines of the territory of Piran - the Piran peninsula between Strunjan and Lucija, as well as that the greater part of the Savudrija Karst belonged to Piran. There is a document in the archives of Piran proving that in the Habsburgo-Venetian war in 1510, Momjan with surrounding villages came under the jurisdiction of Piran. In the times until the end of the Venetian Republic in the 18th century, the territory of the municipality of Piran extended from Strunjan up to the northern part of the Savudrija Karst and Kaštel. The historian Franc Kos, who served as a professor also in Koper, states for Savudrija the Slovenian name *Žalborna* (*Salvore* in Italian).

With regard to the Church administration, the parishes of Piran and Savudrija belonged to the vicarage and chapter of Piran and the parish of Kaštel to the vicarage of Krkavče, while they were all within the diocese of Koper.

Trieste and the inland of Istria came under the authority of the Habsburgs in the 14th century. Within the Habsburg monarchy, Trieste with a narrow stripe of hinterland had a special position. According to the statements of Majda Smole in her work 'Mansions in the former Carniola', "the Habsburg authority in Carniola lasted 583 years, with the exception of the short period of the so-called Illyric provinces. /.../ In the 19th century, Carniola still mainly retained the extent that it had reached in

the 16th century. Up to the 18th century, it included Kastav, and up to the 19th century Belaj, Klana, Lupoglava, Kastelec, Duino, Odolina, Pazin, Socerb and Kršan, /.../ while in the past also the district of Čabar belonged to Carniola.” Since the end of the 18th century, the central part of Istria was under the “higher administrative jurisdiction of the department-board in Postojna”, therefore under Carniola. The littoral zone between Duino and Trieste, which until 1809 administratively and judicially belonged under the seat of the department in Postojna, was also Carniolian.

After the downfall of the Venetian Republic in 1797, also the so-called Venetian Istria came under the jurisdiction of the Austrian empire. The Austro-Venetian Istria was divided into seven districts, called departments: Koper, which was the capital, Piran, Buzet, Poreč, Rovinj, Labin with Plomin and Pula. The judicial authority for the land register remained in the department of Koper for the dominion of Završje, in Piran for Momjan and in Buzet for Pietrapelosa and Račice.

The former Venetian Istria passed over to the Kingdom of Italy from 1805 to 1809 as the eighth province with its seat in Koper. The department of Koper had two districts: Koper and Rovinj. The Illyric provinces, which existed from 1809 to 1813 with their seat in Ljubljana, included Istria with the seat in Trieste. To the district of Koper belonged the cantons: Koper, Piran, Buzet and Poreč.

The old Austria again took possession of the Littoral region in 1813 with the reinstatement of the political, administrative, judicial and financial authority. According to Hobsbawm, “conservative governments were inclined to be distrustful of any intellectual or ideologist”. The Holy Alliance of Russia, Austria and Prussia, which was established in 1815, had as its goal to suppress any kind of movement by means of weapons. The revolution in 1830 divided Europe into two large spheres: France, Great Britain and Belgium, where liberalism won, and the area east of the Rhine, where revolution was crushed down, the German and the Italian one by the Austrians and the Polish one by the Russians. The inhabitants of the United States, Great Britain, perhaps also Switzerland, the Netherlands and Scandinavia participated in the normal social life.

According to Hobsbawm, the development in the ‘30s went in the direction of the introduction of ethnic languages, which were so far not in public use. The Czech, Hungarian, Romanian, Croatian and Slovenian language became more important. The political development of liberalism - the movements Young Germany, Young Italy, Young Poland - evolved in the direction of independent nation-states. In Eastern Europe, where Slavs were, with the exception of Russia, oppressed, nationalism led into conservatism and not towards national resistance. The result of this was the administrative regulation in old Austria, which was

breaking the Slovenian national territory in small entities. In the west, it took it away by small pieces from the provinces of Gorizia and Carniola and incorporated it into other administrative units.

In accordance with the administratively-political regulation in 1814, the Carniolian departments were reorganised. The municipalities of Dolina and Materija came under the jurisdiction of the district of Robida, Podgrad under the district of Prem and Lipa under the district of Jablanica in the department of Postojna. Through a further reorganisation and the introduction of the gubernium in 1814, these four municipalities from the department of Postojna, which was part of Carniola, were assigned to the Littoral. The district of Robida with the municipalities of Dolina and Materija passed over to the department of Trieste, later on the department of Istria, and the municipalities of Podgrad and Lipa to the department of Rijeka, whereby a district was established with its seat in Podgrad. Even then, the central Carniolian authorities in Ljubljana were not aware of the fatal loss of the seaside from within the framework of the provincial borders.

The new administratively-political regulation of the Littoral in 1814 included the departments of Gorizia, Istria and Rijeka as well as Trieste with its surroundings. In northern Istria, district authorities were established in Koper, Piran and Robida. After the abolishment of the district of Robida in 1832, Dolina was incorporated into the district of Koper and Materija into the district of Podgrad.

In accordance with the administrative and judicial regulation, which was conserved until World War I, the administrative and judicial district of Piran included in 1854 the municipalities (communes): Piran, Kostel, Dvor, Izla and Sv. Peter (names of localities are written as stated by the *Deželni Vladni list za Mesto Teržaško z njegovo okolico in za Primorje / Provincial Governmental Gazette for the City of Trieste with its surroundings and the Littoral*).

Piran included two cadastral territories: Piran and Savudrija. In 1900, the cadastral territory of Piran included 2,996 hectares, Kaštel 2,101 hectares, Savudrija 1,629 hectares and Sv. Peter 1,247 hectares, altogether 7,973 hectares.

The boundary of the diocese of Trieste-Koper ran more southern than the district boundaries of Piran and Koper, while after the changes in the 1830s, it included the deaneries: Koper, Krkavče, Kastav, Kršan, Dolina, Jelšane, Osp, Buzet, Padna, Piran, Pazin, Oprtalj and Umag.

Land ownership of the municipality of Piran in Savudrija in the 19th century

Savudrija - Žalborna was not only administratively-territorially from the 13th century on under the jurisdiction of Piran. Through the last will of Antonio Caccia, the municipality of Piran also became the proprietor of the land on the peninsula of Savudrija. In the last will, written by own hand, which was made public at the court of justice of Lugano on 18 February 1893, the notary being Emilio Rusconi, it is written: "I bequeath my possessions in Savudrija in all their actual extent to the town of Piran in Istria under the condition that it may not alienate or sell them, as well as under the condition that it must use one third for charity or benevolent institutions, one third for the embellishment of the locality and one third for the well-being of the inhabitants of Savudrija, which includes necessary roads. In so far they should not be willing to accept this, the inheritance goes to the town of Lugano in the canton of Ticino."

In the report of two building valuers from Piran from 22 April 1893, the condition of buildings lying on the stated locations in the possession of the deceased Mr. Antonio Caccia in Savudrija - Piran is described. "The total value of the inheritance, the above-mentioned buildings, is /.../ 25,156.00 florins.

Note: The value of the building-grounds is not included in the value of each of the stated buildings, since this is included in the value of the entire property, which is in the stated possession."

It is evident from the minutes of the session of the Piran municipality from 30 November 1893 that the possessions in Savudrija were estimated at an amount of 115,000 florins. In 1899, a five-member commission was appointed, which was put in charge of the Caccia inheritance.

In one of the following documents, it is written: "After the death of the beneficiary Avgusta, widow Bedinello, the municipality of Piran has become the absolute owner of 7/8 of the Caccia possessions in Savudrija. According to the report, presented by our caretakers, you are the leaseholder of parts of the stated land. We would hereby like to notify you that the municipality has appointed dr. Virgilio Lampugnani as manager of the entire property, who represents the municipality and protects its rights of ownership, and to whom you need to apply directly. In the annex, 15 colonists, who lived on the property, are stated by name." The property, which came under the jurisdiction of the municipality of Piran, therefore included habitations, holiday-houses and colonists' houses, outbuildings and appurtenant land in the hamlets: Sv. Peter, Mazorija, Korana (Koruna), Medegija, Borizija (Borozija), Valfontane, Alberi and Vrh.

A stone tablet with the thanks of the inhabitants of Piran in 1893 is built into the Piran municipal building: “The present and future generations are to remember with gratitude and admiration Antonio Caccia, a Swiss citizen, who bequeathed possessions in Savudrija to the public benefit of the municipality of Piran.”



The territory of the Carniola with the access to the Adriatic Sea until the year 1809.

Source - Janko Polec: Kraljestvo Ilirija (The Kingdom of Illyria), Ljubljana, 1925.

Italy 1920-1943

Since the end of the 18th century, irredentist pressure started to grow in Istria, which became even stronger with the unification of Italy in 1866. The movement, which originated in the Trentino, placed itself in the defence of the "Italian civilisation" from the Slavic danger and wanted to annex the entire province of Gorizia, Trieste, a part of Carniola, Istria - the later Julian Venetia, and Dalmatia. It was based on the thesis that the countryside has to follow the town as the economic and cultural centre. However, towns in this area mostly had an Italian and italia-nised population.

In contrast to this, the thesis prevailed in Europe that towns have to follow their surroundings, since they are economically and territorially connected with them. Also elsewhere, owing to the expansion of commercial interests, towns were often populated by foreigners. This is why the principle came into effect in Europe that a certain geographical region represents an integral unit and that the town belongs to the environs surrounding it. In view of the majority Slovenian population surrounding them, the cities of Trieste, Gorizia, Koper, Izola and Piran belonged to this population.

The process of the national development of the Slovenians in the 19th century was interrupted by the Italian imperialism with the occupation after World War I. Even then, the political forces in central Slovenia were not sufficiently aware of the danger, which was perceived by Fran Erjavec, who, in his work 'Naša Istra' in 1919, says: "We know little of Istria, this karstic, but in its silent poverty nevertheless so beautiful part of our country. Today, as the greedy hand of Italian imperialism is reaching to grab it, we are indeed aware that Istria together with Trieste and Gorizia constitutes the cornerstone of the new state." At the conclusion of a short comparison of certain data with regard to the economy, education and culture between Istria and Carniola, he says: "Within the memory of man, ours was this sad, but holy Istrian soil, soaked with sweat, ours was this beautiful sky-blue sea and ours it is to stay for ever."

On the basis of a secret pact between Italy and the Entente allies - Great Britain, France and Russia in 1915 in London, the Italians demanded "Trento (Trent), cisalpine Tyrol in its geographical and natural boundaries (the Brenner border), Trieste, the county of Gorizia, Gradisca, the whole Istria up to the Quarnero, including Volovsko and the Istrian islands of Cres and Lošinj as well as the small islands of Plavnik, Unije, Zečara, Susak, Sv. Petar, Ilovik, Grijica and other neighbouring islands (Article 4), /.../ the province of Dalmatia in its current administrative borders (Article 5)." (A detailed course of the border is stated in the document 'Zapisnici sa Sednica delegacije Kraljevine SHS na mirovnoj kon-

ferenciji u Parizi 1919-1920').

After World War I, according to the Treaty of Rapallo between Italy and the Kingdom of Serbs, Croats and Slovenians in 1920, the Slovenians lost a third of their ethnic territory in the west, which measured 4,768 km²: the provinces of Gorizia and Trieste, Venetia, Resia, the Kanal valley, Istria and a part of Carniola. In her treatise 'The Croatian "historical debt" to the Slovenians', Milica Kacin Wohinz writes: "On the Adriatic, the compromise was in favour of Yugoslavia, while in the north, the Rapallo border exceeded the London line to the detriment of Yugoslavia and the Slovenians. /.../ This meant that more of the Slovenian ethnic territory and a greater number of Slovenians came under the jurisdiction of Italy than it had been promised to Italy by the allies. On the contrary, on the Adriatic, Croatia obtained the entire Dalmatia with the exception of the city of Zadar with close surroundings, and all of the islands in the central Adriatic with the exception of Lastovo and Palagruža. In the north, Croatia lost the ethnically mixed Croato-Italian territory of Istria, the islands of Cres and Lošinj, and in 1924 the city of Rijeka, which Yugoslavia ceded to Italy at the price of a friendship treaty. In other words, the Rapallo compromise concerning the border between Yugoslavia and Italy in the years 1920/24-1941 was above all paid by the Slovenians."

According to the administrative and judicial regulation of the Julian March in 1923, the provinces of Gorizia, Trieste, Quarnero and Pula were established. The municipality of Piran included the localities Piran, Portorož, Strunjan, Lucija, Sečovlje, Kaštel, Sv. Marija na Krasu, Savudrija as well as Sv. Peter, Nova vas and Padna. The judicial district of Piran included the municipalities of Piran and Izola. The municipalities of Milje and Dolina, with the exception of Gabrovica and Osp, were separated from the department of Koper and came under the jurisdiction of the province of Trieste.

Already at the time of the establishment of the Kingdom of Serbs, Croats and Slovenians, short-term political interests with regard to the border in the west were diametrically opposed to long-term Slovenian national interests. The Slovenian politicians of that time did not fulfil the political programme of Unified Slovenia by uniting the entire ethnic territory in a unified country. The idea of liberation from fascism lived on in the Slovenian national-defensive organisation TIGR (Trst, Istra, Gorica, Reka), which was the first antifascist organisation in Europe. Milica Kacin Wohinz states "that the official Croatian policy between the two wars did not really intercede on behalf of its minority in Italy." On their side, Slovenian politicians were in favour of the "preservation of the 'Yugoslav' minority, for a Yugoslav solution to the Julian March issue." Consequently, they put unity before Slovenian interests.

The resistance of the Slovenians against the occupier from 1941 to 1945 represented a struggle for the liberation of the entire Slovenian national territory. After the end of World War II, this struggle was mainly aimed at diplomatic negotiations for a just border in the west. The establishment of the second Yugoslavia also indicated the determination of the border in the south with the Croats. In history, Istria was never within the framework of an administrative unit uniting Croats, which is presented by maps from the first half of the 9th century until the year 1945, published in a booklet by the Croatian newspaper 'Vjesnik'. Istria with Rijeka was also not part of the Nezavisna Država Hrvatska from 1941 to 1945, which the booklet states further on: "Nezadovoljstvo Hrvata u jugoslovenskoj državi izkoristile su 1941. Njemačka i Italija, da na njenim celokupnim povjesnim prostorima, od Sutle do Drine, pri čemu je ovo drugo vrlo dvojbeno, osnuju Nezavisno Državu Hrvatsku (karta br. 11). Taj "vjekovni hrvatski san", u kojem su se hrvatski kvizlinzi opet morali odreći Dalmacije u korist nadređene joj Italije, dijelio je, međutim, 1945 sudbinu fašističkih sila." (In 1941, Germany and Italy made use of the discontentment of the Croats in the Yugoslav state to establish the Independent Croatian State on the totality of its historic territory, from the Sotla to the Drina, whereby the fact concerning the latter one is very questionable (map No. 11). This "century-long Croatian dream", for which the Croatian quislings again had to give up Dalmatia in favour of their protector Italy, however, in 1945 shared the fate of the Fascist forces.)

The ethnic structure in the 20th century

According to the statements of Milica Kacin Wohinz, after World War I, 327,000 Slovenians came under the jurisdiction of Italy, while at least 34,000 lived in Venetian Slovenia since 1866, altogether 361,000 or one fourth of the Slovenian nation. Out of the Croats or inhabitants speaking the Serbo-Croatian language, 160,000 were torn away. After the rise of Fascism, the Kingdom of Italy began to carry out ethnic cleansing – "bonifica etnica" against the Slovenian population through a planned and systematic annihilation of the Slovenian economy, education, culture and language. The Italian population census of 1921 shows a drastic decrease of the Slovenian population – in Trieste from 56,916 to 18,150, i.e. by 38,766; in Istria from 55,365 to 47,489, i.e. by 7,876, altogether by 46,642. The censuses in 1931 and 1936 do not indicate the structure of the population by ethnicity or language at all.

Italy systematically settled Italian public servants and teachers on the occupied Slovenian territory and took possession of economic institutions, banks and farms. During the war, Croats already started to sett-



The language boundary in Istria according to the newspaper 'Ilustrirani Slovenec' in 1926.

le in the Slovenian part north of the Mirna and to change the structure in Croatian favour. For numerous localities, which, in Austrian censuses until the year 1910, indicate Slovenian population, the Rogljíč census of 1945 shows only Croatian population, e.g. Kaštel and Savudrija.

The founder of the Port of Koper and partisan Danilo Petrinja - Primož writes: "Savudrija, which never belonged to Croatia, represents a specific problem. Since old times, it was only inhabited by Italian and Slovenian speaking people. Its inhabitants considered themselves to be Istrians and were Istrians. With the emigration and persecution of local inhabitants in the years 1943-1955 and with the settlement of "pure" Croats, the national structure changed in favour of Croatia. /.../ Croatia administers Slovenian Savudrija, which it occupied after World War II, even though it had been liberated by Slovenian partisans." Petrinja's statement is confirmed by a map of the headquarters of the National Liberation Army and the Partisan Detachments of Slovenia in 1944, on which the border of the municipality of Piran runs on the top of the peninsula of Savudrija (published by R. Gogala in the work 'Struggle for the southern border - Istria').

Yugoslavia 1945-1990

The name Primorska, which denoted the former Austrian Littoral, made its way as a synonym for the Julian March - the territory occupied in the years 1920-24 comprising Trieste, Istria up to Rijeka, the province of Gorizia and a part of Carniola. In the west, after the liberation of the greater part of the Slovenian ethnic territory, the issue of the Primorska and the border with Italy, and thereby the fate of a great number of Slovenians, remained unsolved. Through the intervention of the allies, Zones A and B were established from 1945 until 1947. A part of the territory, which came under the jurisdiction of the Republic of Slovenia within the framework of Yugoslavia, was determined by the peace treaty in Paris in 1947. For a part of the territory, the Free Territory of Trieste - Zone A and Zone B - was established from 1947 until 1954. Zone B extended from Debeli Rtič to the Mirna, i.e. up to the Slovenian ethnic boundary.

According to this treaty, Slovenia was left without the Slovenian historical and cultural centre of Gorizia. While it was very clearly determined in Annex IV of the agreement between the Austrian and the Italian government in 1946 that the German minority in Bolzano and Trento obtains the right to the equality of the German and the Italian language in public offices, elementary and secondary schools, the right to the restitution of German family-names and equality with regard to the employment in public services, this was not determined in such manner for

the Slovenian minority in the peace treaty. This issue was only regulated by the Memorandum of Understanding and the Special Statutes.

The border between Slovenia and Croatia in Istria was not subject-matter of a contract concerning the border between the two republics in 1945 or later on. In its Article 11, the first Slovenian constitution in 1947 determined: **“The borders of the People’s Republic of Slovenia may not be changed without consent of the People’s Republic of Slovenia.”** In the Special Statutes, which were annexed to the London Memorandum (5 October 1954), it is stated in Article 7: **“In the territories, which shall fall under the civil administration of Italy or Yugoslavia, no modifications of the boundaries of basic administrative units with the intent of jeopardising the ethnic structure of the corresponding units shall be permitted.”** In the case of the municipality of Piran, this boundary included Savudrija and Kaštel from the 13th century onwards and remained as such until the capitulation of Italy in 1943.

The Memorandum of Understanding between the governments of Italy, the United Kingdom, the United States and Yugoslavia on the Free Territory of Trieste, which regulated the relations between Italy and Yugoslavia, therefore did not allow any modifications of the established basic administrative units. Also the Act on the Validity of the Constitution, Acts and other Federal Legal Regulations on the territory, to which the civil administration of the Federal People’s Republic of Yugoslavia was extended on 25 October 1954, in accordance with the international agreement, did not determine the course of the border between the republics. It merely distributed the implementation of rights and duties between the authorities of the republics.

In its Article 15, the Constitutional Act on the Foundations of the Social and Political System and on the Bodies of the People’s Authority of the People’s Republic of Slovenia from the year 1953 determined: **“The Territory of the People’s Republic of Slovenia represents a constituent part of the territory of the Federal People’s Republic of Yugoslavia and its unified state, economic and customs area.”** In item 6 of Article 21, it determined that **“it shall conclude agreements with the People’s Republic of Croatia on territorial modifications between the People’s Republic of Slovenia and the People’s Republic of Croatia; it must submit such agreements into ratification to the Federal People’s Assembly.”**

The boundary of the municipality of Piran with the municipality of Buje was not determined in accordance with the Slovenian constitution and the Slovenian constitutional act. In 1947, the department of Istria with its seat in Koper was established, which consisted of the districts of

Koper and Buje and extended up to the river Mirna. At the time of the most difficult political and diplomatic negotiations concerning the border with Italy in 1952, the Decree on the Division of the Department of Istria into Districts and Municipalities was adopted, which was issued by the Istrian departmental committee. The provisional regulation was determined by the military administration “on the basis of an order of the commanding officer of the Detachment of the Yugoslav People’s Army for the Free Territory of Trieste on 15 September 1947, with reference to the decree of the Commissariat of the Provincial National Liberation Committee for the Slovenian Littoral and the National Committee Authority for Istria on 20 February 1947.” **The Decree was not an act dealing with the administrative regulation, and even less a document with the validity of an inter-state or international agreement. There was only one case concerning the determination of localities in the area of Koper in 1956, which, in accordance with an agreement with Croatia, came under the jurisdiction of Slovenia, for which a decree can be found in the Official Gazette. According to dates stated by Petrinja since the year 1947 for the localities of Gradena and Pregara, when they were under the jurisdiction of Croatia, on account of this, “more than 20 people were persecuted. In his book ‘Spring in Istria’, Julij Beltram states on page 111 that more than 70 people were imprisoned and more than 200 emigrated.” For the municipality and the inhabitants of Piran, the issue of the integrity of the municipality was not solved since the end of World War II. The municipality of Piran and the townspeople demanded on multiple occasions for the extent of the municipality with Kaštel and Savudrija to be returned in the original municipal structure, which is why they addressed their requests to competent bodies of the Republic of Slovenia.**

According to the administrative regulation in 1955, the reduced municipality of Piran included:

- a) the town of Piran
- | | |
|------------------------|----------------|
| cadastral territories: | settlements: |
| Piran (part) | Piran (Mostra) |
- b) other cadastral territories and settlements:
- | | |
|--------------|--|
| Korte (part) | Dragonja (part, Slami) |
| Piran (part) | Parecag (Gorgo, Špilugola), Portorož (Beli Križ, Fijeso, Fazine, Stari Portorož, Sv. Bernardin, Šentjan), Strunjan (part), Sečovlje (Mlini, Lončan, Krog), Sv. Lucija (Kampolin, Laminjan, Lučan, Vinjole), Sv. Jernej (Nožed, Seča) |
| Sv. Peter | Dragonja (part) (Križišče-Sečovlje), Nova vas nad Dragonjo (the former name of the settlement Nova vas), Padna, Raven (Ivankovec, Koščici, Letišče, Pasjanci, Sv. Peter, Špehi, Šternici) |

The economic importance of the sea

In the middle of the 18th century, Venice was already losing its importance. Maria Theresia began with the development of Trieste as the connection of the sea with Central Europe, which was of great importance for the old Austria. The issue of the jurisdiction over Trieste was already important before World War I. According to Gustinčič: “There are only three good ports in the northern part of the Adriatic Sea: Venice, which has a too shallow harbour, Rijeka, which is too much under the influence of southern winds, and Trieste, which is the only good port and also the only real trade port. /.../ And the one, who has Trieste and Rijeka in his power, controls the trade of the entire Central Europe.” Before World War I, Slovenians in Trieste owned financial institutions, companies and stores and had in their possession the majority of the land tenure.

In the border negotiations, whereby a substantial part of the negotiations was the **free access of Slovenia to the open sea**, there were, as stated by J. B. Duroselle in his work *Le conflit de Trieste 1943-1954*, more possibilities for a solution:

- 1) Trieste would be obtained by Italy in exchange for Gorizia (however, this was not the only option);
- 2) an ethnic corridor, according to which Trieste with its surroundings would be left over to Italy in exchange for a stripe towards the sea including Žavljje, Škedenj and Milje;
- 3) Italy would obtain Zone A and Yugoslavia Zone B;

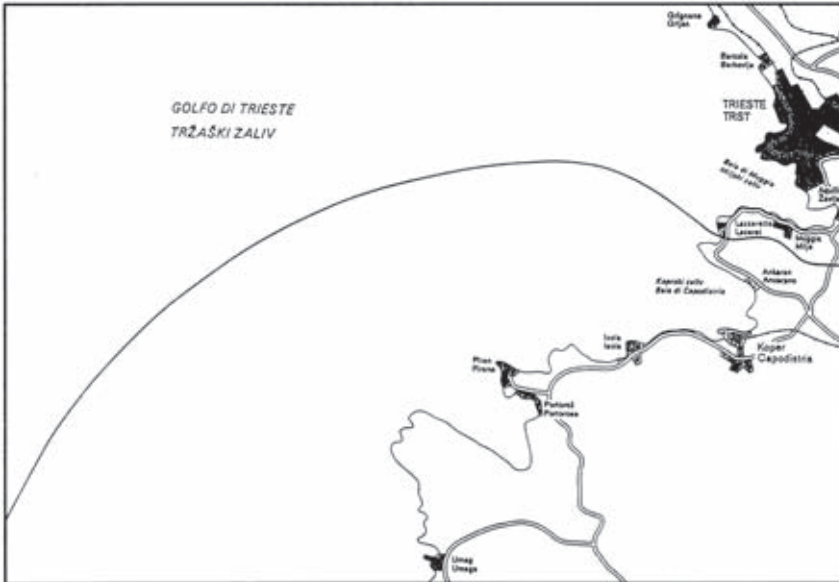
4) a joint administration or condominium of Trieste, which would be led by a governor.

In all cases, the condition was “**a Slovenian port**”, Koper in the first and third case, a port south of Trieste in the second one and Trieste in the fourth one. According to the London Memorandum of Understanding, Zone A came under the jurisdiction of Italy and Zone B under the jurisdiction of Yugoslavia. Even after World War II, the state of Yugoslavia lost in the game of the big states on account of a great part of the Slovenian ethnic territory in the west. And also after World War II, Slovenians paid for the establishment of the second Yugoslavia with the loss of their ethnic territory. The Yugoslav idea of the tri-fold nation of Serbs, Croats and Slovenians, the placing of unity ahead of the national interest by Slovenian pre-war politicians and the ideology of fraternity and unity after World War II had as their consequence the fact that even the administrative boundaries of municipalities with Croats were for the Slovenians not shaped according to historical and ethnic principles.

For the Slovenians in Istria, maritime fishery also represented an important economic branch. The Act on Maritime Fishery of 1976 determined the fishing sea, which was part of the coastal sea of Yugoslavia within the borders of the republic of Slovenia. A decree of the republic of 1962 determined: “In the inner part of the Bay of Portorož, which is limited towards the land by the coast-line and towards the open sea with a straight line between the repository of the salt-works and the Slovenija-ceste quarry, maritime fishing with all kinds of nets, forks and by using fishing lanterns shall be prohibited until further notice, due to the cultivation of highbred fish and shellfish.” In 1987, the Community of Coastal Municipalities adopted a decree on maritime fishery determining: “The fishing reserve in the Bay of Portorož includes the area situated within the line running from the salt repository Monfort in Portorož to the abandoned quarry in Kanegra on the peninsula of Savudrija.” The municipality of Piran regulated the annual traditional fishing of mullets in the Bay of Piran.

The maritime border in the Bay of Trieste between the former Yugoslavia and Italy from the Osimo Agreements was not traced out “equidistantly, through the middle of the bay, but ‘nautically’ and pushed towards the Istrian coast in such manner that a stripe with depths of over 20 metres was left on the other side of it.” Thereby “the already extremely modest share of the Slovenian sea became additionally restricted, at least by a tenth,” states Darko Radinja in the Slovenian geographers’ publication ‘Primorje’ in 1990. The Yugoslav part of the Bay of Trieste represented 36% and the Italian 64%. The reason for this was supposed to be the oil crisis and the construction of larger tankers, even though this construction had already ceased in the ‘70s and even though the

depth is even greater in the middle of the bay. We find it difficult to answer the question why Slovenians would not need the deep sea and half of the bay for their port in Koper.



The border on the sea according to the Osimo Agreements in 1975.

In the second Yugoslavia, there was no delimitation on the sea between the republics, which is why also the sea border in Istria between the former Republic of Slovenia and the Republic of Croatia was not determined. Slovenian ships of *Splošna plovba Piran* and ships headed for the port of Koper ploughed the common Yugoslav sea, which stretched from the Italian to the Albanian border.

Independent Slovenia 1991

The Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia on 25 June 1991 determined: “The state borders of the Republic of Slovenia are the internationally recognised state borders of the former SFRY with the Republic of Austria, the Republic of Italy and the Republic of Hungary in the part, in which these states border on the Republic of Slovenia, **as well as the border between the Republic of Slovenia and the Republic of Croatia within the framework of the former SFRY.**” According to the statements in the *Illustrated History of the Slovenians* (1999), the sovereignty of the

Republic of Slovenia is “temporarily limited by an undetermined (especially maritime) border with Croatia, the unsettled financially-legal succession of the SFRY, partly by the political consciousness carried over from the times of the appurtenance to the former Yugoslav state...”

Along with the independence, the issue of the integrity of the municipality of Piran, which has now become the issue of the state border between Slovenia and Croatia on land and on the sea, began to be raised again in Slovenian Istria. The sea between the former republics was never divided. The Act on the Coastal Sea and the Epicontinental Zone (1987) determined: “The sovereignty of the SFRY on the sea shall extend to the coastal sea of the SFRY, the air-space above it, the sea-bottom and its underground in the maritime area. The coastal sea of the SFRY shall consist of the internal maritime waters and the territorial waters.” (Article 1.) “The territorial sea of the SFRY shall be a maritime zone of 12 nautical miles in width, measured from the basic line in the direction of the open sea.” (Article 16.) The Act on the Maritime and Inland Navigation (1977) determined: “The course of navigation in the coastal sea of the SFRY shall be a zone in this sea, sufficiently deep and sufficiently wide for a safe navigation of a vessel /.../.” (Article 9.)

Within the framework of the former Yugoslavia, Slovenia had free access to the open sea, while the Bay of Piran represented internal maritime waters under Slovenian administration. In the book ‘From Protectors to Maritime Policemen’, published by the Ministry of Internal Affairs, Štefan Žugec writes that the control was in force until the independence in 1991 and states: **“In this way, it held true that the Maritime Border Police unit controlled the entire Bay of Piran until Savudrija and further on up to the so-called “spire”, where the border between Italy and the former common state turned towards the south.”** In January 1991, the data on the extent of the municipality of Piran throughout history were kept by the Commission on Maritime Affairs of the Assembly of the Republic of Slovenia. On a synoptic map of the municipalities Koper-Izola-Piran, published by the Geodetic Institute of the SRS with the Surveying and Mapping Authority and the Community of Coastal Municipalities in 1985, Škodelin, Bužini and Mlini are within the municipality of Piran, and in the lower stream, both banks of the river-bed of the Dragonja are on the Slovenian side as well.

In 1993, in order to be able to solve border issues, which also existed in other places: for instance the Tomšič parcel on Snežnik, Trdinov vrh, Razkrižje, Štrigova..., governments of Slovenia and Croatia signed an agreement “on the establishment and competencies of joint bodies for the ascertainment and denotation of the state border”. The agreement came into force in April 1995. Consequently, Slovenia had borders, which were determined by negotiations and stated in border treaties: with Au-

stria in 1965, with Italy, it was determined by the-so called Osimo Agreements in 1975. The regulation of the border with the northern neighbour lasted 20 years and with the western neighbour 30 years after the end of World War II. Although a sufficient amount of proofs have been gathered and presented to government bodies as well as to the wider public, a lot of time will still be needed to reach a consensus with Croatia on a just border between the two countries.

This contribution represents an abridged text of a feuilleton, published by the newspaper 'Primorske novice' in September 2002.

Ana Kalc – Hafner

THE SUCCESSION OF INTERNATIONAL CONVENTIONS RATIFIED BY THE FORMER SFRY

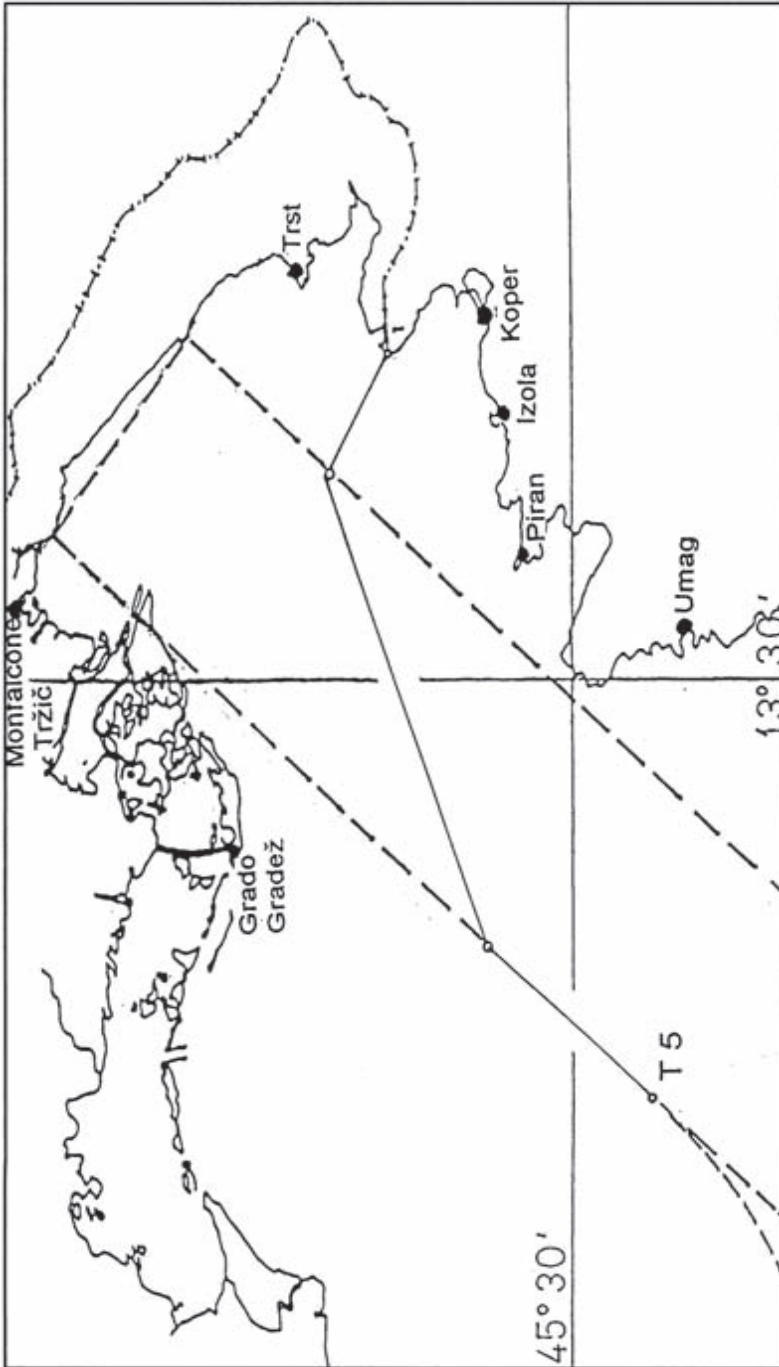
after the disintegration of the Austro-Hungarian empire and the defeat of the Italian empire a full two decades later, Slovenians and Croats were finally also included in the decision-making with regard to the fate of the territories in the northern Adriatic, where they had lived for centuries. Official negotiations on the new delimitation began immediately after World War II at the Paris Conference and were concluded with the adoption of the so-called London Memorandum in October 1954.

In our view, the negotiations in the middle of the last century between the Western allies (Great Britain, the United States, France), Italy and Yugoslavia would also have stipulated the solution of the current unsolved issues between Slovenia and Croatia, since their outcome was a so-called “compensation of ethnic territories”. Moreover, the Slovenian (or Yugoslav) side consistently rejected every solution, which would not ensure the Republic of Slovenia a free access to the sea and the possibility to establish a Slovenian port. Evidence about this fact is given in the archives of the Federal Republic of Yugoslavia, which were used by the author and the contributors to the, I should dare to say, most unbiased study on the issue of Trieste, from which I am taking over some data.¹

Already the memorandum, which was prepared in 1945 by the government of the Federal Republic of Yugoslavia with regard to the issue of the Julian March and other territories, which were previously under Italian rule, among others states that “Trieste is a natural exit to the sea for northern Yugoslavia and the only port of the federal state of Slovenia.”²

¹Jean Baptiste Duroselle: Le conflit de Trieste 1943-54. Centre européen de la dotation Carnegie pour la paix internationale. Etudes de cas de conflit internationaux III. Editions de l'Institut de sociologie de l'Université libre de Bruxelles, 1966.

²Ibidem, page 114.



If the coastal area from Barkovlje to Štivan had come under the jurisdiction of Slovenia after World War II, the issue of the access of Slovenia to the international waters would not even exist. Slovenians have inhabited this part of the coast for centuries.

Also in the negotiations on the partition of the Free Territory of Trieste, the issue of the Slovenian port and the free access to the sea drags itself as a main thread. Both Yugoslavia and Italy were referring to the national affiliation of the inhabitants of the disputed territories, only that the Italian negotiators insisted on the so-called “uninterrupted ethnic line”, which would mean that Trieste as well as the towns and the hinterland of Koper, Izola, Piran, Buje, Umag and Novigrad would come under the jurisdiction of Italy. The Yugoslav side based its claims on the fact that Slovenians and Croats lived in the direct suburbs and that an exchange or compensation of territories was acceptable at the most. Here, we are confronted with an extremely important issue for us: the coast from the Trieste suburb of Barkovlje up to the estuary of the Timava at Štivan was, in spite of the violence against the Slovenian population between both wars, even after World War II still inhabited by a majority Slovenian population. Evidence about this fact was given by old place names³ and election results from the years 1949 and 1952 in the former Zone A of the Free Territory of Trieste, which were carried out by the allied military administration and which proved the Slovenian majority in the municipalities of Devin – Nabrežina, Zgonik and Repentabor. If Slovenia had kept this coastal stripe, it would today not have any problems with access to international waters.

Individual phases of negotiations and solutions offered by the Yugoslav negotiators testify on the importance of the issue of the exit to the sea for Slovenia. I find the following proposals the most interesting:

1. The proposal by Kardelj in 1951 (the meeting in Bled between Edward Kardelj and Gaetano Martino, Ministers of Foreign Affairs of Yugoslavia and Italy, and Ernest Davies, Undersecretary of State at the British Foreign Office), according to which Yugoslavia would cede Koper in exchange for the Slovenian municipalities in Zone A, which means the coastal stripe between Trieste and Štivan.⁴

2. At the end of 1951, Aleš Bebler, Permanent Representative of Yugoslavia to the United Nations, and Gastone Guidotti, Italian diplomatic representative at the United Nations, established contacts. They met within the framework of the 6. United Nations General Assembly in Paris. Guidotti demanded an uninterrupted coastal line, including the district of Buje. Bebler rejected this claim, since Slovenia would in such way be cut off from the sea. He presented the Italian side with a map, according to which Trieste would come under the jurisdiction of Italy, but without

³ Old place names are very clearly indicated on the map – annex to the book: Bruno Volpi Lisjak: Slovensko pomorsko ribištvo skozi stoletja od Trsta do Timave. Mladika, Trieste, 1995.

⁴J. B. Duroselle: Le conflit de Trieste 1943-54, page 333.

its southeastern suburb and without a corridor (railway and road) from Trieste to Monfalcone – Tržič.⁵

3. On 3 January 1952, Bebler presented a new idea and proposed that the southeastern suburb of Trieste (Škedenj and Žavlje) would be assigned to Yugoslavia, while Koper would be ceded to Italy in exchange. Guidotti demanded compensation up to Buje and Novigrad.⁶

4. In the final phase of the trilateral negotiations (Great Britain, United States of America and Yugoslavia) in London, the Yugoslav side offered to renounce the claim for the coastal stripe between Trieste and Tržič. However, it demanded in exchange the southeastern suburb of Trieste: Žavlje and Škedenj, which was based on the necessity of a Slovenian port.⁷

The negotiations were concluded with the allocation of Zone A to Italy and Zone B to Yugoslavia, namely with smaller corrections of the border, which should enable the expansion of the port in the Bay of Koper.⁸ The Americans have supposedly offered their assistance in the construction of this port.⁹

The establishment of the new independent states of Slovenia and Croatia throws a new light on the issue of territorial compensations: in fact, it was exclusively Slovenia that ceded territory and inhabitants to Italy. Therefore, this should play an important role in the succession negotiations and as well in the determination of the border between Slovenia and Croatia on the sea.

It is also significant that the London Memorandum and consecutively the Osimo Agreements, which ultimately solved the issue of the delimitation between Slovenia (Yugoslavia) and Italy, bind both contracting states not to change internal administrative borders, which means that the northern side of the peninsula of Savudrija should still belong under the jurisdiction of the municipality of Piran. (See annex.)¹⁰

With regard to the emigration of people of Italian ethnicity from the former Yugoslavia after World War II, we should draw the attention to the following facts:

1. The number of optants, who emigrated from the territories of today's Croatia, is much bigger than the number of emigrants from today's Slovenia.

2. The Italian authorities systematically constructed settlements for optants on Slovenian land, in order to change the ethnic structure in the

⁵ Ibidem , page 338.

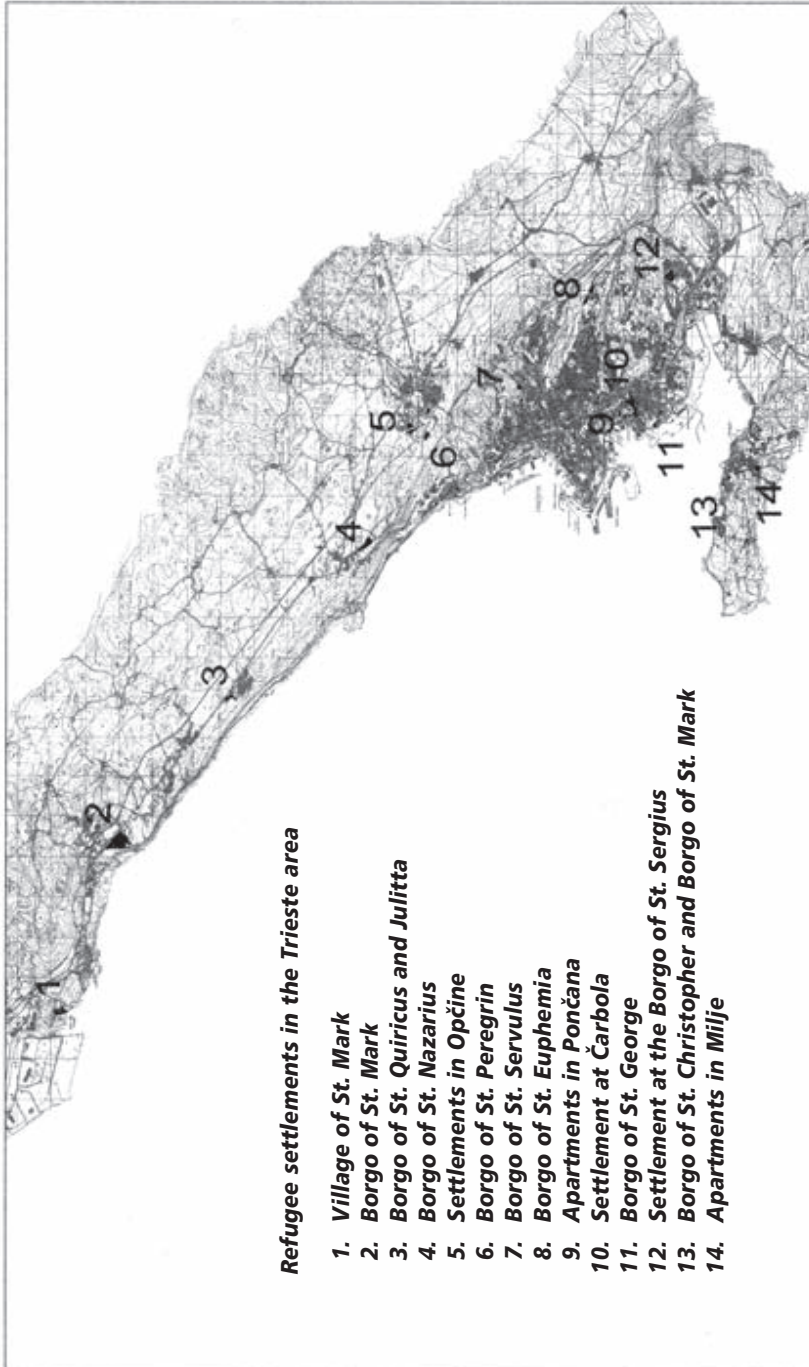
⁶ Ibidem, page 338.

⁷ Ibidem, page 410.

⁸ Ibidem, page 416.

⁹ Ibidem, page 414.

¹⁰ Annex No. 3 to the book: J. B. Duroselle: *Le conflit de Trieste 1943-54.*



This map was published as an annex to the book by Sandi Volk: *Istra v Trstu, Koper, 2003.*

Trieste hinterland and especially in the coastal stripe between Trieste and Štivan. (See annex.)¹¹ Croatia did not have to sacrifice neither the territory nor their compatriots, who would thereby constitute a Croatian minority in Italy.

I quote from the book 'Istra v Trstu' by Sandi Volk¹²:

“On the basis of the data of the Slovenian authorities, altogether **49,132** persons left the territory, which was incorporated into Slovenia, from 1945 to 1958. However, out of these, only 27,810 can be seen as actual Istrian optants and emigrants.

As far as the emigration from Croatian Istria, Rijeka, Zadar and the islands of Cres, Lošinj and Lastovo is concerned, a study is available by the Croatian researcher Vladimir Žerjavić, who processed the data through the use of demographic statistical methods and came to the conclusion that these territories were left since the year 1943 by **180,000** persons: 46,000 Italians that immigrated after the year 1918, 117,000 autochthonous Italians and 25,000 Croats.”

The Osimo Agreements ratified the delimitation on the sea, which assigned to the then Yugoslavia a smaller part of the northern Adriatic, which makes new solutions additionally difficult. In spite of this, Slovenia and Croatia should conclude an agreement, which would, also in the newly-arisen circumstances after their independence, ensure both states a fair and equitable solution, which means for Slovenia a compensation for the lost coast and coastal sea as well as contact with international waters.

¹¹ Map, annexed to the book: Sandi Volk: *Istra v Trstu, Naselitev istrskih in dalmatinskih ezulov in nacionalna bonifikacija na Tržaškem 1945-1966*. Knjižnica Annales, Koper 2003.

¹² *Ibidem*, page 51.

Samo Pahor

A CONTRIBUTION TO THE SOLUTION OF THE ISSUE OF THE LINGUISTIC AFFILIATION OF THE POPULATION OF THE NORTHWESTERN PART OF CROATIAN ISTRIA

1.

Just simply logically, we can probably set as a starting-point the statement that there are no boundaries between languages belonging to the same language group: *Natura non facit saltus*. The arising of a so-called linguistic boundary is usually caused by a basically insurmountable natural barrier or a lasting political barrier, while this is nowadays to a great extent an acculturation procedure, which is being carried out by school and television through the implementation of a standard form of the official / literary language, which inevitably differs from the local varieties.

2.

In various periods, the name Istria denoted a territory of a changing extent. In the antiquity, besides from the peninsula, it also denoted the territory to the north and the northwest of it up to the area of Postojna, where we have to look for the “Istrian gate” from the letter of Gregory the Great, and the area of Devin, where, according to the testimony of Titus Livius, the first conflict between the Romans and the Histri can be located. In a certain measure, we can identify the territory of the diocese of Trieste in its oldest known extent with the outmost northern part of ancient Istria. However, the question remains unsolved of whether the northern part of the Quarnero coast of the Istrian peninsula in the antiquity belonged to Istria or to Liburnia. At the time of the migration of peoples and the Byzantine occupation of Istria, the boun-

dary probably moved to the neck of the peninsula, as the course of the boundary of the municipality of Trieste could indicate (Sistilanu, publica, Castilir). In the High Middle Ages, the coast of Liburnia up to Rijeka was certainly incorporated into Istria. After 1815, the administrative unit of Istria was established, the boundary of which lay on the Kokoš, Brda and Gomance from 1825 until 1918.

3.

The settlement of the Slavs within the borders of Istria, related to the incursions of the Langobards and the Avars, was certainly the settlement of the predecessors of the Slovenians. The enlistment of Slavs into the Byzantine army in Istria could also have attracted the population from the Croatian littoral and Dalmatia. The settlement of the Slavs in the first period of the Franconian rule was very likely another settlement of the predecessors of the Slovenians. If we accept the logic of the belief that the Franconian duke rather populated the imperial estates with the Slavic population than the deserted lands of the local population, we are able to set up a hypothesis that the first stronger settlement of the predecessors of the Slovenians occurred in the area of Novigrad, where imperial estates were found. Linguists also ascertained the presence of an idiom with the characteristics of Slovenian in the upper valley of the river Mirna and its affluent Bračana.

4.

The state border, which could have had an influence on substantial linguistic divergences, is the Austro-Venetian border, which, except for smaller modifications in 1508, subsisted for 377 years (1420-1797). Especially on the territory of the principality of Pazin, which was incorporated into Carniola, smaller divergences could have occurred in relation to the adjacent Slovenian dialects, as this was the case with the neighbouring Croatian dialects. The example of the Pazin dialect in 1864, when the elementary school system was not yet strongly developed, could perhaps be interpreted in this sense.¹ However, a detailed linguistic analysis would be needed before we could issue a scientific opinion on this matter.

Dua od gnih so hodili po suosee puote; jeden je vidil jeno sechiro i vrjschi: Vis vis za san ja nassal. Ne bis imiel rech san nassal, ma smo nassli mu reze on drughi. Malo za ten prideju oni chi so bili sgubili

¹ L'Istria, I., 18 (4 April 1846), p. 70. The quoted text is followed by the fable about the grasshopper and the ant.

sechiro, i cada so jo vidili va gnigove rouche, so ga pezali tratat caco tata. Mertvi smo, pozel je vrischiet, ma gnigov cumpagn mu reze: ne bis imiel rech, mortvi smo, nego mert son, saz malo pervo cade si bil nassal sechiro si vrischiel sanjo nassal, i ne smojo nassli.

Dva od njih so hodili po svoje Poute; jedan je vidil jeno sekiro i vrišči: Viš, viš, ča san ja našal. Ne biš imjel reč san našal, ma smo našli mu reče on drugi. Malo za ten prideju oni, ki so bili izgubili sekiro, i kada so jo vidili va njegovou rouke, so ga počeli tratat kako tata. Mertvi smo, počel je vriščiet, ma njegov kumpanj mu reče: ne biš imjel reč, mortvi smo, nego mert son, zač malo pervo kade si bil našal sekiro si vriščiel san jo našal, i ne smo jo našli.

(Two of them went their way; one of them sees an axe and screams: "Look, look what I found." "You shouldn't say 'I found', but 'we found'," says the other one. Shortly afterwards the ones, who had lost the axe, turn up, and when they see it in his hands, they start treating him as a thief. "We are dead," he starts screaming, but his companion says: "You shouldn't say 'we are dead', but 'I am dead', since just a while ago, when you found the axe, you screamed 'I found it' and not 'we found it'.")

Otherwise, the author from the time before the March Revolution sees the inhabitants of Pazin and its surroundings as Serbs of a special lineage, constituting a link between the Serbs and the Slovenians,² while later authors label them as Serbo-Croats, who are called *Bezjaks* by their neighbours.^{3,4}

5.

The Church boundaries, which are also supposed to cause divergences between various idioms and dialects, did not follow the rule on this territory:

- a) in the mother-parish of Jelšane, the southeastern part was Croatian already in 1900, not to mention the area of Mune and Žejane, where the Čiči had settled already in the 15th century;
- b) in the mother-parish of Hrušica, Golac was Croatian already in 1900;
- c) in the mother-parish of Lanišće, all the population was Croatian in 1900;
- d) in the mother-parish of Buzet, all the inhabitants of Rakitovec were Slovenian already in 1900;
- e) in the mother-parish of Zrenj, all the population was Croatian in 1900, but the village of Pregara later turned out to be Slovenian.

² L'Istria, I., 18 (7 March 1846), p. 45-47: Della geografia genetica dell'Istria.

³ Bernardo Benussi, Manuale di geografia dell'Istria, Trieste 1877, p. 56-59.

⁴ Norbert Krebs, Die Halbinsel Istrien, Leipzig 1907, p. 123-128.

All of this refers to the mother-parishes of the diocese of Trieste. The already mentioned author from 1846 designates the inhabitants of the upper valley of the river Mirna as Slovenians.⁵ These same inhabitants are called Fučki and are determined as a linguistically mixed population by later authors.^{6,7} Krebs assigned to the Fučki on the map the territory to the south of Roč, which mainly lies in this mother-parish, partly in the mother-parish of Buzet and also in the former diocese of Pičen.⁸

On the other hand, the village of Gradin, which was located in the mother-parish of Oprtalj in the diocese of Novigrad, later turned out to be Slovenian.

In the dioceses of Koper, Trieste and Novigrad and perhaps also in the diocese of Poreč, there were a lot of inhabitants, whose idiom is denoted by Istrian authors as *schiavetto*. An unknown author from 1846 denotes them like this: there are about 15,000 italianised Slavs south of the Dragonja and along the Mirna; the basis of their language is Slovenian, however, it is mixed with Italian in such way that we need to ask ourselves whether they are italianised Slavs or Italians speaking Slavic.⁹ We know from other sources that they use a predominantly Italian vocabulary, but they decline and conjugate it in the Slavic manner. (The sentence is known: *Smo kantali in fiščali, je blo šaldo lepu.*) We would still need to examine whether this manner was more Slovenian or Croatian. On the map, Krebs presents them as a population of an Italo-Croatian character and divides the areas where the Italian language prevails in the medley from the areas where the Croatian language prevails.

With regard to the influence of the clergy on the ethnic affiliation, the following anecdote is interesting: when cultural associations were being reintroduced after World War II in the linguistically transitional territory, the question arised on whether they should be called *Slovenian* or *Croatian* association. The local people are supposed to have answered to the officials of the cultural associations' union: "When we had a Slovenian priest, we were Slovenians, when we had a Croatian priest, we were Croats, but we have always spoken in our way."¹⁰

Slovenian priests mainly served in the diocese of Trieste-Koper, on the territory, which today lies in the Republic of Croatia, after 1830, when the bishopric was for a number of years held by Slovenians. We can state for the year 1847 that the subscribers of the newspaper 'Kmetijske

⁵ L'Istria, I, 18 (7 March 1846), p. 45-47: Della geografia genetica dell'Istria.

⁶ Bernardo Benussi, Manuale di geografia dell'Istria, Trieste 1877, p. 56-59.

⁷ Norbert Krebs, Die Halbinsel Istrien, Leipzig 1907, p. 123-128.

⁸ Norbert Krebs, Die Halbinsel Istrien, Leipzig 1907, p. 123-128.

⁹ L'Istria, I, 18 (7 March 1846), p. 45-47: Della geografia genetica dell'Istria.

¹⁰ A testimony by Drago Pahor. It should be referring to the villages within the Free Territory of Trieste. It is not known whether this was north or south of the Dragonja.

in rokodelske novice' were the following priests in service in Istria:

1. Ban, Anton, parish priest in Baljana in Istria (?),
2. Cvitko, Jozef, vicar in Kastva near Rijeka (Kastav),
3. Cimerman, Matija, in Savinjana near Trieste (Sovnjak?),
4. Debelak, Mihael, vicar in Gimina near Trieste (Žminj),
5. Eržen, Ignaci, parish priest in Golac near Kasteljnova (Golac),
6. Ferjan, Janez, vicar in Karkanca (Krkavče),
7. Glavič, Janez, parish priest in Boc in Istria (Roč?),
8. Gregorič, Franc, parish priest in Antinjana (Tinjan),
9. Hribar, Anton, curate in Antinjana (Tinjan),
10. Jelovšek, Jožef, parish priest in Pas in Istria (Paz),
11. Jerala, Jožef, parish priest in Berdo in Istria (Brdo),
12. Juvan, Boštjan, parish priest in Draguča in Istria (Draguč),
13. Kavčič, Mihael, parish priest in Pazna (Pazin),
14. Kosmač, Andrej, parish priest in Suzanjevica in Istria (Šušnjevec),
15. Kušar, Gregor, vicar in Operta in Istria (Opertalj),
16. Paušič, Jožef, parish priest in Korta Izola (Korte),
17. Železnikar, Janez, dean in Ospa in Istria (Osp).¹¹

We will still need to examine more precisely whether this and other clergy actually had an influence on the linguistic situation in individual parishes.

6.

It is also possible to come to the conclusion that the area of Buzet has a Slovenian linguistic grounding on the basis of the fact that a great number of people from this area naturally became involved in the life of the Slovenian minority in Trieste. Let me mention only the surnames, which made themselves more known: Klobas, Kozlovič, Turina, Zubalič.

7.

While I had been researching the march of the 43rd Istrian division towards Trieste around the year 1985, I came in direct contact with this issue. In the village of Salež, the local people spoke in a manner, which was evidently different from the manner of speaking of my Croatian companion, while in the village of Štrped, an elderly man was explaining to us that the inhabitants were actually Slovenians, but that the authorities had never allowed them to declare themselves as such.

8.

Prior to the ceremony on the occasion of the opening of a new build-

¹¹ Names of the addressees of the newspaper 'Kmetijske in rokodelske novice' in 1847.

ding of the Italian school in Izola, I found out about the following from a villager from Pregara: around the year 1950, the inhabitants of Gradin and Pregara decided to request an incorporation into Slovenia. As a protest, they did not withdraw their pensions and they manifested their will in similar manners. The police turned up in both villages and interrogated and beat up the persons, who had exposed themselves, before bringing them away to work at the coal mine at Raša. When the southern part of the Free Territory of Trieste, by the London Memorandum of Understanding from 5 October 1954, passed over to the Yugoslav civil administration, both villages were allowed to become incorporated into the district of Koper. I only found out about these events too late in order to be able to carry out the necessary research in the field and in the archives. Today, I therefore cannot say anything for certain about them. In the future, these events will by all means also need to be expertly dealt with.

Leon Marin

THE AGREEMENT ON THE ORGANISATIONAL-TERRITORIAL (MILITARY-OPERATIONAL) DELIMITATION REMAINED THE BASIS FOR THE LATER BORDER BETWEEN THE TWO REPUBLICS

1.0. Introduction

Milan Guček, one of the creators of the agreement from February 1944, literarily described the events in Maliža.¹

“With Andrija, we leaned over the geographic map and didn’t find it difficult to come to terms. The border shall be there where the territory, on which people still speak distinctly Slovenian, ends. As a matter of fact, the organisation of our Liberation Front also reached this far, here the inhabitants see themselves as Slovenians.

So we just traced out the border and assessed the villages as we went along. We started at the estuary of the Dragonja at the end of the Sečovlje salt-works, then we went all the time along the stream of this river up to beneath the village of Topolovec, then to the southeast beneath the village of Pregara, towards east above Štrped ahead of Buzet and towards Vodice.

We shook hands. There will now be no more disagreements on what belongs to whom. We may also have carried out the work for the future borders of the republics. Who knows?”

The agreement on the military-operational delimitation remained the basis for the later border between the two republics. However, Guček’s satisfaction, doubt and open question remain a timely topic even nowadays.

¹ Milan Guček, Čakaj prihodnje pomladi, Koper 1959, p. 197-200.



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2.0. The borders of the commune of Piran and the municipality of Piran²

The oldest descriptions of the territorial extent of the dioceses and their division into administrative units in the second half of the 17th century are presented in their works by the bishop of Novigrad Giacomo Filippo Tommasini, don Pietro Rossetti for the diocese of Trieste and the bishop of Koper Paolo Naldini. Their descriptions of the Church administration and the affiliation of the parishes to the dioceses are complementary and corresponding to each other. The organisation of the secular authority towards the end of the rule of the Venetian Republic is evident from the detailed reports on the number of inhabitants in Istria.

The commune of Piran with its territory extending from Strunjan to Sečovelje and the rural communes of Kaštel and Savudrija represented the podestary of Piran. The parishes of Piran and Savudrija belonged to the diocese of Koper and to the vicarage and chapter of Piran, while the curatial parish of Kaštel was incorporated into the vicarage of Krkavče, which was under direct administration of Koper.

At the time of the transition from the 18th to the 19th century, the borders and the territorial appurtenance of Istria changed frequently due to Napoleon's wars of conquest. With the peace treaty of Campoformio in 1797, Austria and France divided the territory of the Venetian Republic between themselves. For the former Venetian Istria, the Austrians established a provisional government – magistracy with its seat in Koper. From 1797 until December 1805, the local administration was divided into seven large municipalities, among which were Koper and Piran.

After the Austrian defeat at Austerlitz in 1805, Austria lost the territory of the former Venetian Republic. This territory was on 1 May 1806 incorporated into Napoleon's Kingdom of Italy as the department of Istria, divided into cantons and municipalities. The territorial extents of the municipalities of Koper, Milje, Izola and Piran had changed. The municipality of Piran lost Kaštel, which was acquired by Buje. However, the latter returned it to Piran already in 1811.

After the French victory at Wagram, Napoleon established the Illirian Provinces with their seat in Ljubljana on 14 October 1809. The municipalities in the district of Koper remained in the boundaries from 1807, with the exception of the change in the municipality of Piran, when

² Leon Marin, Upravna in teritorialna razdelitev slovenske Istre v zadnjih treh stoletjih, in: *Annales, Anali Koprškega primorja in bližnjih pokrajin* 1/91, p. 135-148, and in: *Annales*, 2/92, p.159-174 with an extensive quotation of sources and literature.

the village of Kaštel, taken away from Buje, was returned to it. The local administrative units were the municipalities – communes (*arrondissements communaux*), established after the example of the French ‘*mairies*’. Their extent is evident from the population census in 1811, published in the official gazette of the government of the Illyrian Provinces. The municipality of Piran preserved its former extent from the time of the podestary from Strunjan to Kaštel with a quite extensive territorial zone including Montrin, Marija na Krasu, Valica, Frančeskija and Borozija with Savudrija. Such an administration maintained itself until 1813, when Austria occupied the Illyrian Provinces and restored the Trieste gubernium. With the First Treaty of Paris on 30 May 1814, the entire territory of the Provinces came under the jurisdiction of Austria.

The Austrians turned the French administrative communes (*arrondissements communaux*) into main municipalities with lord mayors and submunicipalities. The district of Piran included only the main municipalities of Izola and Piran. The main municipality of Piran was divided into the submunicipalities of Piran, Savudrija and Kaštel. In 1843, the district prefect Franz count Stadion increased the local autonomy of the municipalities through the provisional municipal regulations. Already in the elaboration of the cadastre, the submunicipalities became the foundation for the establishment of new tax or cadastral territories. On the basis of the land cadastre and the provisional municipal regulations by count Stadion, new political municipalities with elected mayors were established in March 1849 after the March Revolution through the imposed constitution of Emperor Franz Josef. The local municipality of Piran included two cadastral territories, Piran and Savudrija, while the cadastral territory of Kaštel was an independent municipality until 1868.

On the basis of acts and decrees of the minister of the interior in May and June 1868, Istria obtained the administrative appearance, which it kept until the disintegration of the monarchy. The judicial district of Piran consisted of the municipalities of Izola and Piran. The municipality of Piran included the cadastral territories of Piran, Sv. Peter, Kaštel and Savudrija.

After the disintegration of the Austro-Hungarian monarchy at the end of World War I, the territory of Istria was occupied by the Kingdom of Italy. With the peace treaty between the Kingdom of Serbs, Croats and Slovenians and the Kingdom of Italy at Rapallo on 12 November 1920, the delimitation between the two states was determined. After the incorporation into Italy on 5 January 1921, the former Austrian administrative division was preserved, as well as the organisation of the administration, which had a lot of advantages in comparison with the administration in the other Italian provinces. The extent of the municipality of Piran remained unchanged.

2.1. Littoral Slovenia and Slovenian Istria 1945-1947

Just like elsewhere in Slovenia, the bodies of the people's authority in the Slovenian littoral were formed out of the political bodies of the Liberation Front, which had in the first phase acted at the same time as bodies of the political movement and of the authority. Even before the capitulation of Italy, 13 district and several hundred field committees of the Liberation Front had been active in Primorska, which is the territory to the west of the Rapallo border between Italy and Yugoslavia up to the old Austro-Hungarian border with Italy. These committees began to assume individual functions of the people's authority. The beginning and the development of the people's authority in Primorska is systematically dealt with in the works by dr. Tone Ferenc³ and in the miscellany 'Slovenska Istra v boju za svobodo' (Slovenian Istria in its struggle for freedom).⁴

At the time of the capitulation of Italy, there were two departmental national liberation committees (**Brkini – Slovenian Istria and Trieste**) on the territory of southern Primorska. The Manifesto of the Supreme Plenum of the Liberation Front of the Slovenian Nation on the incorporation of the Slovenian Littoral into a free and unified Slovenia within a free and democratic Yugoslavia on 16 September 1943 and of the Assembly of the Delegates of the Slovenian Nation on 3 October 1943 in Kočevje was ratified by the presidency of the AVNOJ (Antifascist Council of National Liberation of Yugoslavia) on 30 November 1943.

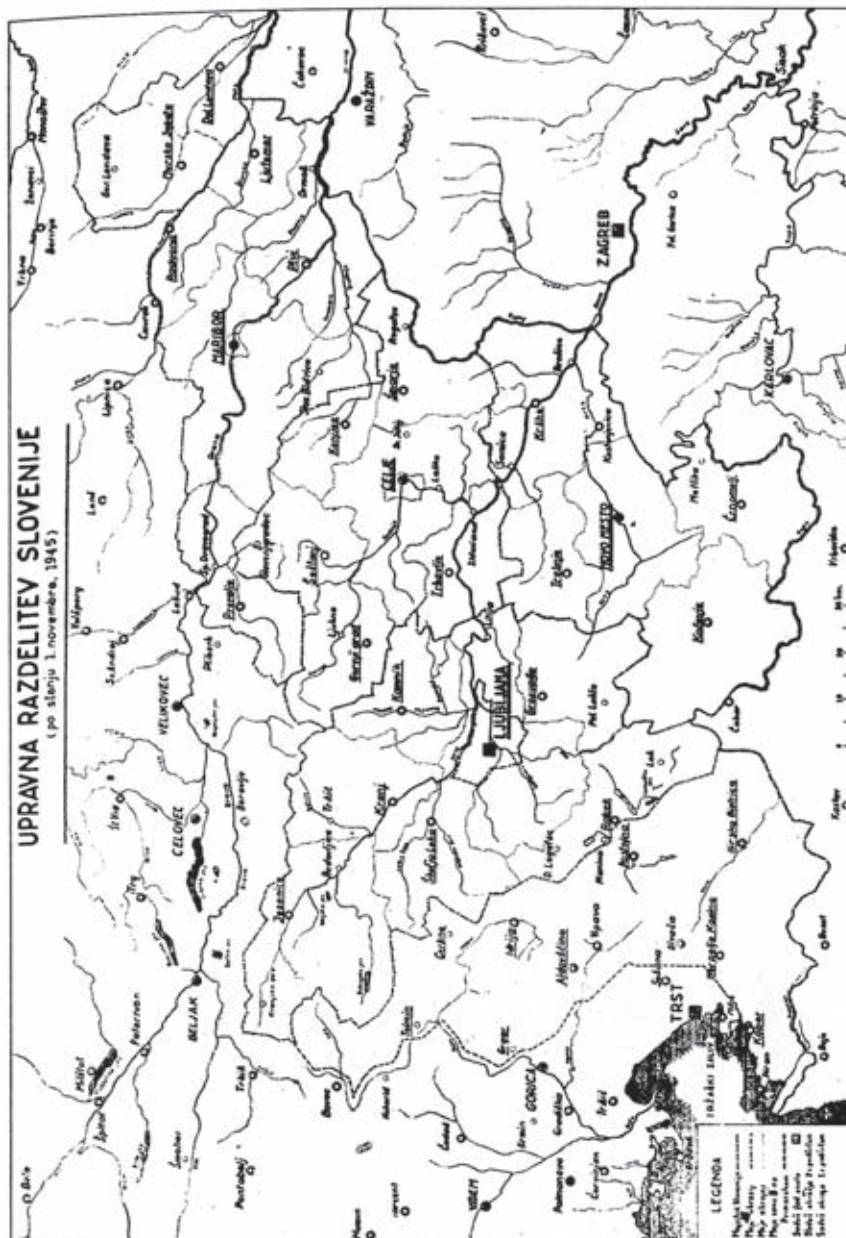
The National Liberation Council for the Littoral Slovenia was established on 11 September 1943 and assumed the public administration on the liberated territory on 16 September.⁵ The development and formation of the people's authority in the Slovenian littoral was interrupted by a major German offensive (rastrellamento) at the end of September and the beginning of October 1943.

After the capitulation of Italy had been made public, Germany systematically began to occupy all the towns and larger villages in the Julian March, as well as all the more significant arterial roads. On 15 October 1943, Hitler established the **Operational Zone Adriatic Littoral** (Ope-

³ Tone Ferenc, Kratak pregled razvoja KPS in OF v Slovenskem Primorju od decembra 1942 do septembra 1943, Prispjevki Inštituta za zgodovino delavskega gibanja, Volume I, No. 1 (hereinafter: Razvoj), Ljubljana 1960, p. 105-170; T. Ferenc, Ljudska oblast na Slovenskem 1941-1945, second book (hereinafter: Ljudska oblast 2), Ljubljana 1985; T. Ferenc, Ljudska oblast na Slovenskem 1941-1945, third book (hereinafter: Ljudska oblast 3), Ljubljana 1991; T. Ferenc, Sodelovanje med slovenskim in hrvaškim NOB v Istri, Borec XXXVI, Ljubljana 1986, No. 5, p. 337-350.

⁴ Slovenska Istra v boju za svobodo, Prispjevki za krajevno zgodovino, Koper 1976 (hereinafter: Slovenska Istra, 1976).

⁵ T. Ferenc, Razvoj, p. 18; T. Ferenc, Ljudska oblast 2, p. 8, 23, 37, 87.



Administrative division of Slovenia in 1945.

rationszone Adriatisches Küstenland), which included six of the former Italian provinces: Ljubljana, Gorizia, Trieste, Rijeka or Quarnero, Pula or Istria and Udine. At the time of the establishment of the Operational Zone Adriatic Littoral, Germany had the intention to annex the territory, which had belonged to Austria-Hungary before 1919. The Germans did not carry out any modifications with regard to the Italian administrative organisation. After the German offensive at the beginning of October 1943, Germany established an occupation administration in all the coastal towns. After the capitulation of Italy, also the **Nezavisna država Hrvatska** (Independent State of Croatia) annexed territories in Dalmatia, which Italy had obtained after World War I and in 1941. On 9 September 1943, Ante Pavelić proclaimed on Radio Zagreb the incorporation of Rijeka as well as of eastern and central Istria into the Nezavisna država Hrvatska. Hitler was strongly opposed to this and resolved that the borders on land and in the Bay of Quarnero should remain unchanged, just like between Italy and Germany in Tyrol.⁶

On 15 September, the National Liberation Council issued a decree on the elections of the municipal national liberation committees. However, already on 19 September 1943 the name 'local national liberation committees' was used for them. The decree restored "*the old municipalities in the borders, which existed before the occupation and before the encroachment of the occupier upon their division*".⁷ The 'Primorski poročevalec' wrote: "*The local (municipal) national liberation committees represent the basis of all the authority in the Littoral Slovenia. Our old municipalities, such as they have arisen in a long historical development and which best covered our needs, have been restored. In all of these municipalities, elections to the local (municipal) national liberation committees are now being carried out, and in most of these municipalities, the new committees have already assumed the authority.*"⁸

Simultaneously with the decree on the elections of the municipal national liberation committees, the National Liberation Council issued a "*decree on the establishment of departmental national liberation committees*" as bodies of the second-degree authority in nine departments. In November 1943, the department of Brkini-Istria was divided into two departments, **Slovenian Istria and Brkini**. In both of these departments as well as in the department of Trieste, there had been no elections of local (municipal) national liberation committees, due to the consequences of

⁶ T. Ferenc, Ustanovitev operacijske cone "Jadransko primorje" jeseni 1943. leta, Zgodovinski časopis, XIX-XX (1965-1966), p. 401-419.

⁷ Decree on the elections of the municipal national liberation committees, Article 3, Primorski poročevalec, Vestnik Osvobodilne fronte slovenskega naroda, Year II, No. 10, 4 October 1943.

⁸ Primorski poročevalec, Year II, No. 11, 20 October 1943, article: Svoboden narod – ljudska oblast, p. 6.

the German offensive at the beginning of October 1943, which is why their duties were carried out by the committees of the Liberation Front.

The National Liberation Council for the Littoral Slovenia was active for four months. It was abolished on 15 January 1944. All the duties of the dissolved National Liberation Council were taken over by the Provincial Committee of the Liberation Front; in the departments, districts, municipalities and villages, the political and administrative functions were likewise united within the committees of the Liberation Front.

After the capitulation of Italy, Ivan Cah – Iskra and Ante Cerovac agreed on 16 September 1943, upon authorisation by the departmental committee of the Communist Party of Slovenia for Brkini – Slovenian Istria, on the actions of Croatian and Slovenian partisan units. The most significant actions were the liberation of prisoners in Koper and the occupation of Izola.⁹

The contacts between the Slovenian and the Croatian national liberation movement in Istria were established very late and even then more on the Croatian request. Simultaneously with the development of the people's authority in Slovenian Istria, the latter was also set up in Istria. The **departmental national liberation committee for Istria** was established on 20 August 1943 and included the districts of Pazin, Poreč and Labin. The departmental national liberation committee for Istria and the ZAVNOH (United Antifascist Council of National Liberation of Croatia) adopted decisions on the incorporation of Istria into Croatia. At the assembly in Pazin on 25 September 1943, the **Provincial National Liberation Committee for Istria** was established, which renamed itself at the end of January 1944 into the **Regional National Liberation Committee for Istria** with the districts of Pazin, Buzet and Pula.

The connection between the departmental committee of the Liberation Front for Slovenian Istria and the departmental national liberation committee of Buzet was only established in February 1944. Prior to this, disagreements already occurred between the population and the Croatian partisans, who claimed to have precedence in the military interventions, supply and mobilisation in Slovenian Istria. In order to solve operational issues in an easier way, an agreement with regard to the delimitation of territories between the Slovenian and the Croatian liberation movement was reached on 10 February 1944 in Malija.

It is not evident from our sources with what kind of mandate the secretary of the departmental committee of the Liberation Front of the Slovenian Nation for Slovenian Istria Milan Guček, with an illegal name

⁹ Božo Jakovljević, *2. istarska brigada*, Rijeka 1978, p. 16; Slovenska Istra 1976, p. 351; Stevo Sunajko, *Sodelovanje slovenskih in hrvaških narodnoosvobodilnih enot 1941-1945*, Ljubljana: Partizanska knjiga, 1971, p. 219-229.

of Milan Javor, and the representative of the Provincial Committee of the Communist Party of Croatia Andrija Babić came together. The monthly report¹⁰ to the Provincial Committee of the Liberation Front for the Littoral Slovenia states: *“At the invitation of the representatives of our fraternal Croatian organisation, we have gathered in two meetings for the sake of the **determination of the organisational boundaries between the two organisations of the Liberation Front.** This boundary runs approximately like this: from the sea beneath the Piran salt-works it is on the river Dragonja up to beneath the village of Topolovec, then it turns to the southeast up to beneath the village of Pregarje, from there towards east up to above Štrpet ahead of Buzet and then in the direction towards Vodice. **In the localities, which lie to the north of this line and above the river Dragonja, the population is solely of Slovenian ethnicity, while this ethnicity is in a great majority in a few marginal villages, a strict border cannot be determined.** As a matter of fact, there were Croatian schools in these localities under the Austrian administration, which was due to the decision of a bishop, who had stayed in these places and distinguished Slovenians and Croats – by their head-coverings! **The population sees itself as Slovenian and speaks Slovenian.**”*

The report states that the Croatian units of the National Liberation Army *“behave rather arrogantly and declare that all of Istria is Croatian”*, which was designated as *“chauvinistic nationalist and ‘imperialistic’ statements of the Croatian partisans”*, because of which they had already *“made a protest with the Croatian organisation”*.

Already on 23 February, an *“instructive reply to the report”*, as it is indicated on the cover of the folder,¹¹ arrived from the Provincial Committee with the following contents: *“Your relations with the Croatian partisans have to be as fraternal and cordial as possible. Establish contacts with them and organise joint meetings. Suppress any occurrence of resentment from the side of the people towards the Croats. Today’s national liberation struggle of the nations of Yugoslavia has everywhere created a truly genuine brotherhood among the nations of Yugoslavia, which is why such occurrences in your places are incomprehensible. Establish contacts with the Croatian organisation, which should for its part also do everything it can in order to make the relations truly fraternal.”*

The problems continued even after the agreement on the operational delimitation. The monthly report of the departmental committee for March¹² states: *“However, we have to mention the incomprehensible actions of*

¹⁰ Archives of Slovenia, department for dislocated records II., Ljubljana (AS II.); Fund: partisan civilian, fasc. 634 Department of Slovenian Istria (folder: Monthly reports to the Provincial Committee until 1 June 1944), monthly report 47-634/III, 10 February 1944.

¹¹ AS II., fasc. 634 (folder: Instructive replies to the reports), Provincial National Liberation Committee to the Departmental Committee of the Liberation Front for Istria (23 February 1944).

*the Croatian partisan units. Some time ago, we reported to you on the attainment of an **organisational-territorial delimitation** between the Croatian and our organisation, which we have determined together with their delegates. We are now almost on a daily basis receiving reports from the territory along the border referring to transgressions of the Croatian troops and field organisations against the consideration of the competence of our field and military organisation. In such way, the Croats had some time ago carried out the mobilisation for their units also in our localities, which was met with an opposition of the Slovenian population, saying that they were going into the Slovenian army.” “As we have already reported to you earlier, the Croats are continuously offending against our population with their imperialistic and sectarian policy.”*

The reply¹³ by the Provincial Committee of the Liberation Front for the Littoral Slovenia already pointed out the gravity of the situation, since a path for the solution of the problems was indicated with “diplomatic notes” to the Croatian leadership. *“With regard to the actions of the Croatian units on our territory, we suggest that a report on the irregularities, which have occurred, needs to be sent to the Executive Committee of the Liberation Front, which needs to be requested to intercede with the general command of the National Liberation Army and the Partisan Detachments of Yugoslavia for Croatia, in order to regulate the conduct of the Croatian border units on our territory. As it is evident from your report, the actions of the Croatian units indeed need to be validly regulated once and for all.”*

On 9 May 1944, the Regional Committee of the Communist Party of Slovenia for the Littoral Slovenia demanded from the departmental committee of the Communist Party of Slovenia for Brkini¹⁴ to report in greater detail on the “*relations with the fraternal party*” and “*eventual contentious issues*”. It also ordered the departmental committee for Slovenian Istria:¹⁵ *“In written and personal reports, you have repeatedly referred to the relations with the Croats. With regard to an eventual meeting, prepare us a more detailed report on this issue. However, it would be wrong to limit yourself only to general grumbling. If you have any reason for complaints, state the cases mentioning persons, places and dates.”*

On the session of the departmental committee of the Communist Party of Slovenia for Slovenian Istria on 21 June 1944, a short decision was adopted under the item *Other business*:¹⁶ *“Relations towards the Com-*

¹² AS II., fasc. 634, monthly report for March 49-634/III, 49-634/I, 15 April 1944.

¹³ AS II., fasc. 634, instructive replies to the reports 55-634/III, 6 May 1944, signed Tomo Brejc and dr. Joža Vilfan.

¹⁴ Archives of Slovenia, department for dislocated records I, Ljubljana (AS I.), Regional Committee for the Littoral Slovenia 1944, Littoral departments 1944, correspondence with the departments, Brkini, fasc. 114, arch. no. 10234.

¹⁵ AS I., Regional Committee for the Littoral Slovenia 1944, correspondence with the departments, Slovenian Istria, fasc. 115, arch. no. 10447.

¹⁶ AS I., fasc. 115, arch. no. 10462.

munist Party of Croatia: a meeting needs to be organised with the Regional Committee of the Communist Party of Croatia, at which at least one member of our departmental committee as well as comrade Ksenja should be present.”

The development of the events indicates that the **military-operational delimitation** was also **the first ethnic partition of Istria between the Slovenians and the Croats**.¹⁷

In the localities, which lie to the north of this line, the population was solely of Slovenian ethnicity, while the Slovenians were in a majority in a few marginal villages. A strict border could not be determined, while on 21 and 23 April 1944, several borderland villages in the surroundings of Buzet demanded the incorporation into the Slovenian department. After the liberation, these villages were incorporated into the district of Koper in 1947, afterwards into Croatia and in 1956 some of them once again into Slovenia.

On 21 May 1944, the **Presidency of the Slovenian National Liberation Council** adopted the Decree on the Localities and Departments and their National Liberation Committees.¹⁸ The Act on the Administrative Division of Slovenia was adopted after the end of the war, only on 8 September 1945.¹⁹

At the time of the elections, from the middle of July until the end of August 1944, the departments and districts in Primorska were thoroughly re-organised. The *departments of Brkini, Istria and Pivka* were united into the **department of Southern Primorska**. More detailed data on the elected local national liberation committees in Slovenian Istria were only gathered after the liberation. In the spring of 1944, the department of Slovenian Istria was divided into nine districts, namely: I. Rižana, II. Čezarji, III. Tinjan (formed through the unification of the districts of Gabrovica and Škofije), IV. Šmarje, V. Dolina, VI. Socerb, VII. Lopar, VIII. Pregarje and IX. Mali Kras.²⁰

During the course of the elections, the nine Istrian districts were united into four districts. The coastal district mainly included the territory of the municipalities of Izola and Piran, however, without Savudrija and Kaštel.²¹ The district was under the control of the Germans. There were posts in almost every village and this is why no elections took place.

¹⁷ Milan Guček, Čakaj prihodnje pomladi, Koper 1959, p. 197-200; Guček's autobiographical data is also stated by T. Ferenc in the treatise Sodelovanje med slovenskim in hrvaškim NOB v Istri (Borec 1986, p. 343-344) and again by Guček in 1976 in the miscellany Slovenska Istra 1976, p. 429-430. See also France Ostanek, Slovensko-hrvatska jezikovna meja v Istri, Annales 1, Koper 1991, p. 218.

¹⁸ Official Gazette of the Slovenian National Liberation Council, No. 2-10/44.

¹⁹ Official Gazette of the Slovenian National Liberation Council, No. 33-231/45. The Act was not in force on the territory of the former Julian March.

²⁰ T. Ferenc, Ljudska oblast 3, p. 209, 270, 276; Slovenska Istra 1976, p. 419, 430.

²¹ T. Ferenc, Ljudska oblast 3, p. 272, 274-275; Slovenska Istra 1976, p. 575, 588.

After the liberation, on 6 May 1945, the **Provincial National Liberation Committee for the Slovenian Littoral and Trieste** introduced a new administratively-territorial regulation and divided the province into the department of Gorizia, the department of Trieste and the autonomous city of Trieste. Thereupon, the department of Trieste included the districts: *Devin-Nabrežina, Milje-Dolina, Hrpelje-Kozina, Ilirska Bistrica, Koper, Piran, Postojna, Sežana and Tržič*. Altogether 377 local national liberation committees were active within the department of Trieste.

The district national liberation assemblies, elected already at the time of the National Liberation Struggle or immediately after the liberation, were only able to come into session in the second half of May (Piran on 24 May, Koper on 25 May).²² The national liberation committees were elected in the towns as well.

In February 1945, at the Yalta Conference on the Crimea, the British foreign minister warned about a serious risk of conflicts with Yugoslavia, in case the Yugoslav army should occupy the Julian March. After the Yugoslav liberation of Trieste, the allied command was willing to consent to the delimitation of the Julian March.

After the liberation of Primorska, Istria and Trieste by the Yugoslav army and the IX. Corps, talks were held on 8 May 1945 in Belgrade between Tito and Lieutenant General W. D. Morgan, Chief of Staff of the Allied Headquarters in the Mediterranean. Morgan proposed to Tito the draft of an agreement on an allied administration in a part of the Julian March. The agreement was signed in Belgrade on 9 June 1945. On its basis, **an agreement was signed in Devin** on 20 June 1945. With the Agreement of Belgrade between the governments of Yugoslavia, the USA and Great Britain, the territory of the Julian March, which had been occupied by the Yugoslav forces on 12 June 1945, was divided by the so-called "*Morgan line*" or "*blue line*" into Zones A and B.²³

According to the Agreement of Devin on 20 June 1945, the entire territory between the Anglo-American allied occupational territory or the blue line and the Rapallo border represented Zone B under the occupation and the ***Military Administration of the Yugoslav Army for the former Julian March, Rijeka, Istria and the Slovenian Littoral*** with its seat in Opatija. The territory to the west of the blue line belonged under the allied military administration as Zone A. As a temporary military boundary, the blue line did not pay regard to geographical or any other boundaries,

²² T. Ferenc, *Razvoj*, p. 38-39.

²³ Sporazum između savezničkog vrhovnog komandanta na Sredozemlju i vrhovnog komandanta Jugoslovenske armije, potpisano u Devinu 20 juna 1945 godine, in: *Međunarodni ugovori FNRJ, Belgrade 1945, No. 3*, p. 24 and further; Janko Jeri, *Vprašanje naše zahodne meje 1945-1954*, in the miscellany: *Slovenci v Italiji*, p. 56-58.

and of course also to administrative boundaries.

In Zone B, the Military Administration of the Yugoslav Army supervised the implementation of the Agreements of Belgrade and Devin, adopted decisions concerning the entire Zone (finances, custom duties, transport, etc.), co-ordinated the work between the national liberation committees and the bodies of the hinterland military authority as well as the military offices outside of the Zone, represented the supreme judicial authority within the Zone, etc.²⁴

The civil administration in the Slovenian part of Zone B was in the hands of the **Provincial National Liberation Committee for the Slovenian Littoral**, while the Croatian part of Zone B had the **Regional National Liberation Committee for Istria** with its seat in Labin, and in Rijeka the City National Liberation Committee for Rijeka was active. In such way, the people's authority of the national liberation committees was maintained and began to collaborate with the Military Administration of the Yugoslav Army.²⁵

In Zone B of the Slovenian littoral, the Provincial National Liberation Committee established the **department of Eastern Primorska** with nine districts. From the beginning of June 1945 on, this area was administered by the **Commissionership of the Provincial National Liberation Committee** for the Slovenian Littoral and Trieste in Ajdovščina.

Already in July 1945, the *districts of Buje and Umag were united into the district of Buje*. On 22 July 1945, the Commissionership of the Provincial National Liberation Committee issued a decree on the modification of the number of districts and their unification. The *unification of the districts of Koper and Piran into the district of Koper* with its seat in Koper was carried out on 3 August 1945 at the session of both assemblies in Izola.

Until the implementation of the peace treaty with Italy in 1947, the district of Koper included the village of Perci, the village of Črnica with the settlements of Abrami, Črnica, Jakci, Podrečak, Podstaje and Pužane as well as the village of Kodolje with the settlements of Confi, Fantiniči (Gorišica), Konti (Kodolje), Radini – Suzaniči and Slape (Mlin), all of which lay within the cadastral territory of Črnica. The district of Koper also included the cadastral territory of Topolovec.²⁶

The former administrative territories ceased to exist already during the war with the downfall of Italy, which is why in November 1945, with

²⁴ T. Ferenc, Razvoj, p. 40; V. Beltram, Povojni razvoj slovenske Istre – Koprski okraj 1945-1947, Kronika, časopis za slovensko krajevno zgodovino, 37, No. 1-2, 1989, p. 108; B. Milanović, Hrvatski narodni preporod u Istri, second book (1883-1947), Pazin 1973, p. 600.

²⁵ Slovensko Primorje in Istra, Boj za svobodo skozi stoletja, Belgrade 1953, p. 651; V. Beltram, Kronika, 37, No. 1-2, p. 108.

²⁶ Cadastre national de l'Istrie d'après le Recensement du 1er Octobre 1945, Édition de l'Institut Adriatique, Sušak 1946, p. 60, 461-462, 472-473.

the consent of the Military Administration of the Yugoslav Army, also the municipal registrar's offices were abolished and their operations were assumed by the district registrar's offices.²⁷ In this way, any kind of connection with the administrative division and organisation of the bodies of the pre-war authority was broken off.

At the meeting of the foreign ministers of the four great powers in May 1946, the French proposal prevailed, which had foreseen the establishment of the **Free Territory of Trieste**.

At the beginning of 1947, the bodies of the people's authority in the territories, which were awarded to Yugoslavia by the draft of the peace treaty, were already getting themselves ready for the incorporation into Yugoslavia. On the territory of Zone B of the Free Territory of Trieste, the Commissionship of the Provincial National Liberation Committee and the Regional Committee for Istria established on 20 February 1947, upon the proposal of the Military Administration of the Yugoslav Army, the **department of Istria with the districts of Koper and Buje**. The joint session of the district assemblies was held on 3 August 1947 in Piran, where the departmental people's committee for the department of Istria was elected. Also the local national liberation committees renamed themselves into local people's committees.²⁸

On 15 September 1947, the Presidium of the People's Assembly of the Federal People's Republic of Yugoslavia issued an ordinance with regard to the extension of the validity of the constitution, acts and other regulations to the territory, which became incorporated into the Federal People's Republic of Yugoslavia. On 18 September 1947, the Presidium of the People's Assembly of the People's Republic of Slovenia as well issued an ordinance with regard to the extension of the validity of the constitution and acts to the annexed territory of Primorska.²⁹

2.2. The Military Administration of the Yugoslav Army on the Free Territory of Trieste and the department of Istria

The **peace treaty with Italy** entered into force on 15 September 1947, when the four great powers deposited the ratification documents with

²⁷ Decree on the establishment of registrar's offices and the provisional regulation of the operations (valid as of its promulgation 5/12-1945), Official Gazette of the Commissionship of the Provincial National Liberation Committee for the Slovenian Littoral, No. 3-19/45.

²⁸ V. Beltram, *Kronika*, 37, No. 1-2, p. 109.

²⁹ Festive issue of the *Primorska Borba, Ajdovščina*, 20 September 1947 (reprint of both ordinances); Official Gazette of the Federal People's Republic of Yugoslavia, No. 80/47; Official Gazette of the People's Republic of Slovenia, No. 39/47.

the French government. On the same day, the Free Territory of Trieste was founded, as was determined in Article 21 (item 2) of the peace treaty, which states that the Italian sovereignty over the Free Territory of Trieste ceases with the enactment of the peace treaty. In accordance to the provisions of the Instrument for the Provisional Regime (item 3), which had been issued by the Council of Foreign Ministers and ratified by the Security Council of the United Nations, the Free Territory of Trieste was established.

Annex seven of the peace treaty with Italy – the Instrument for the Provisional Regime of the Free Territory of Trieste – determines that the Free Territory of Trieste remains under the administration of both allied military commands in their zones, until the authority has been assumed by the governor.³⁰

The Free Territory of Trieste was divided into two zones; in accordance to the agreement, the southern-lying Zone B was governed by the **Military Administration of the Yugoslav Army of Zone B of the Free Territory of Trieste**. Territorially, Zone B included the administratively-territorial units in the extent of the Austrian administrative division of Istria from 1910 into municipalities and cadastral territories. These were the municipalities of Koper, Marezige, Pomjan, Izola, Piran, Bujе, Novigrad, Umag and Brtonigla in their integrity. A part of the cadastral territory of Škofije was taken away from the municipality of Milje and annexed to zone B; the cadastral territories of Osp and Socerb were taken away from the municipality of Dolina; from the municipality of Dekani, the cadastral territories of Tinjan, Sv. Anton (part of), Sv. Nedelja (part of the cadastral territory of Rožar) and Dekani remained within zone B; from the municipality of Oprtalj, the cadastral territory of Topolovec; the municipality of Grožnjan was left without the cadastral territories of Šterna and Završje.³¹

In December 1948, the Istrian departmental people's committee adopted a decree on the maintenance of registers and on carrying out the registrarship.³² The decree states the people's committees in the towns of Izola, Koper and Piran as well as the local people's committees of Korte, Strunjan, Kampel-Šalara, Semedela, Sv. Tomaž, Vanganel, Šmar-

³⁰ The peace treaty with Italy, concluded in Paris on 10 February 1947, annex VII. Instrument for the Provisional Regime of the Free Territory of Trieste (see Article 21 of the peace treaty), Article 1, Official Gazette of the Federal People's Republic of Yugoslavia, No. 527-74/47.

³¹ Slovensko Primorje in Istra, Belgrade 1953, p. 650.

³² Decree on the maintenance of registers and on carrying out the registrarship, Decrees of the Istrian Departmental People's Committee (Official Gazette of the Military Administration of the Yugoslav Army on the Free Territory of Trieste and of the Istrian Departmental People's Committee, No. 2-105/48).

je, Koštabona, Dekani, Čezarji, Osp, Škofije, Marezige, Boršt, Sečovlje, Sv. Lucija, Portorož and Sv. Peter.

In a similar way as the Anglo-Americans slowly restored the validity of the Italian legislation and relinquished the administration in zone A to Italian bodies, also the Military Administration of the Yugoslav People's Army for the Free Territory of Trieste allowed the implementation of the Slovenian legislation in the department of Istria.³³

In 1952, municipalities were introduced in Slovenia.³⁴ Only two months later, the Istrian departmental people's committee also divided the department of Istria into districts and municipalities.³⁵ Within the department of Istria, the districts of Koper and Buje were divided into municipalities. For the first time after the war, we are able to reconstruct the administratively-territorial units on the basis of the cadastral territories and the settlements within them.

The municipality of Piran included a part of the cadastral territory of Piran, which, beside the town of Piran, also comprised Mostra, Sv. Bernardin and a part of Fjesa.

The second part of the cadastral territory of Piran (Gorgo, Špilugola, a part of Sv. Jernej, Sečovlje, Krog, Loncan, **Mlini**), a part of the cadastral territory of Korte (Križišče-Sečovlje, Slami) and a part of the cadastral territory of Sv. Peter (Sv. Peter, Šterneci, Koščici, Letišče, Špehi, Raven, Ivankovec, Pasjanci) belonged to the municipality of Sečovlje.

The third part of the cadastral territory of Piran with a greater number of settlements (Stari Portorož, a part of Sv. Bernardin, a part of Fjesa, Portorož, Šentjane, Fizine, Beli Križ, Sv. Lucija, Vinjole, Kampolin, Liminjan, Lučan, Nožed, Sv. Jernej, Seča, Strunjan) formed the independent municipality of Portorož.

This division of cadastral territories represented a unique case of the splitting of territorial units after the war. In other parts of Slovenia, the-

³³ Official Gazette of the Military Administration of the Yugoslav People's Army of the Yugoslav zone of the Free Territory of Istria, No. 6-6/52, Decree No. 31 on the extension of the validity of the Act of the People's Republic of Slovenia on the District People's Committees (Official Gazette of the People's Republic of Slovenia, No. 19-89/52); Official Gazette of the Military Administration of the Yugoslav People's Army, No. 6-10/52, Decree No. 35 on the extension of the validity of the Act of the People's Republic of Slovenia on the Elections and the Recall of the Members of the People's Committees (Official Gazette of the People's Republic of Slovenia, No. 19-91/52); Official Gazette of the Military Administration of the Yugoslav People's Army, No. 10-9/53, Decree No. 114 on the extension of the validity of the Act of the People's Republic of Slovenia on the District People's Committees.

³⁴ Act on the Division of the People's Republic of Slovenia into Towns, Districts and Municipalities (Official Gazette of the People's Republic of Slovenia, No. 11-39/52).

³⁵ Decree on the division of the department of Istria into districts and municipalities (Official Gazette of the Istrian Departmental People's Committee, No. 6-26/52).

re was a tendency to maintain the cadastral territories in their integrity and to keep a regulated cadastre and regulated land registers.

In the said year, the **district of Buje** included the following municipalities, cadastral territories and settlements:

The **municipality of Buje** included a part of the **cadastral territory of Kaštel** with the settlements: Kaldanija, Markovac, Mazorija, Plovanija, Simonetija, Kaštel, Gadari, **Bužin**, Malotija, Montrin, Vuki, **Škudelin**, Vižinada, Kapitanija, Volpija and Vinjarija.

The **municipality of Umag** included the **cadastral territory of Savudrija** with the settlements: Bašanija, Volparija, Alberi, Borožija, Frančeskija, Vrh, Kortine, Medegija, Savudrija, Lokvice, Vela Stancija, Jurcanija, Goli Vrh, Romanija, Zambratija, Sipar, Kruna, Valica, Salvela, Sv. Petar, Šoši, Rebro, Mazorija, Kanegra, Crni Grad, Grupija, Brutija, Barboj, Cupilija, Karpanijan, as well as a part of the **cadastral territory of Kaštel** (Marija na Krasu, Šaini, Lukvini, Buščina, Bjela kuča, Fratricca, Kolombanija, Tavjanija).

The settlement of **Brič** in the **cadastral territory of Brdo** belonged to the **municipality of Momjan**.

A much greater amount of data with regard to the extent of the settlements, stating the smallest hamlets, can be found in the decree on the division of the municipalities into electoral units. In 1950, the settlement of Mlini was in the electoral unit of the local people's committee of Sečovlje,³⁶ likewise two years later.³⁷

At the census of industry and trade³⁸ in April 1951 in the district of Koper, carried out by the Office of Statistics and Record-keeping of the Istrian departmental people's committee Koper, the mill beneath Kaštel on the Dragonja, the owner of which was Matija Mahorič, is stated in the nominal list of tradesmen.

2.3. After the annexation of Zone B of the Free Territory of Trieste

By the *Memorandum with Annexes of Understanding between the Governments of Italy, the United Kingdom, the United States and Yugoslavia on the Free Territory of Trieste*, signed in London on 5 October 1954, the annexed

³⁶ Istrski tednik, Glasilo osvobodilne fronte koprškega okraja. Year I, No. 3, Koper, 17 March 1950, Volitve bodo 16. aprila 1950.

³⁷ Decree on the ratification of the decisions of the municipal people's committees on the division of municipalities into electoral units and the determination of the number of members of the committees (Official Gazette of the People's Committee of the District of Koper).

³⁸ Office of Statistics and Record-keeping of the Istrian Departmental People's Committee Koper, Census of industry and trade in the district of Koper on 30 April 1951, p. 32.

part of the Free Territory of Trieste came under the sovereignty of the Federal People's Republic of Yugoslavia.³⁹ The Yugoslav constitution and legislation were introduced,⁴⁰ on the territory of the district of Koper the constitution and the acts of the People's Republic of Slovenia⁴¹ and in the district of Buje the Croatian legal regulations.⁴²

The first major change entered into force on 30 June 1955 with the Act on the Territories of Districts and Municipalities in the People's Republic of Slovenia,⁴³ i.e. with a new administrative division of Primorska and Slovenian Istria.

This act also states the names of the former settlements, which, as a consequence of this act, ceased to exist as independent settlements and were incorporated into other settlements. Just like all subsequent acts regulating the administrative and territorial division of Slovenia, also this act states the names of the settlements in the cadastral territories. The names of the settlements could only be changed through an amendment of the act, which is why we need to examine the modifications of the legislation in the period from 1955 until 1980.

Among others, the *municipality of Koper* included the cadastral territory of Koštabona with the settlement of **Brič** (Novi Brič).

The *municipality of Piran* included the territory of the cadastral territories of Korte (part of), Sv. Peter and Piran (part of) together with the settlement of Sečovlje, which at that time included the independent settlements of **Mlini**, Lončan and Krog.

A new administrative division was established, which simply took as its basis the former cadastral territories, while it abolished the municipalities in the countryside around Koper and substantially **curtailed the extent of the municipality of Piran** as well as the former Austrian **judicial district of Piran** and the political district of Koper on the left

³⁹ Međunarodni ugovori i drugi sporazumi, Dodatak, Official Gazette, Belgrade 1954, No. 6, p. 5. The agreement was ratified and promulgated in the Official Gazette on 27 October 1954. Londonski sporazum, Založništvo tržaškega tiska, Trieste 1969 – supplement of the Primorski dnevnik at the twenty-fifth anniversary (reprint).

⁴⁰ Act on the Validity of the Constitution, Acts and other Federal Legal Regulations on the Territory, to which the Civil Administration of the Federal People's Republic of Yugoslavia was Extended in Accordance to the International Agreement, Official Gazette of the Federal People's Republic of Yugoslavia, No. 45-551/54.

⁴¹ Act on the Extension of the Validity of the Constitution, Acts and other Legal Regulations of the People's Republic of Slovenia to the Area of Koper, Official Gazette of the People's Republic of Slovenia, No. 43-156/54.

⁴² Ukaz o proglašenju Zakona o važenju Ustava, zakona i drugih pravnih propisa NR Hrvatske na području kotara Buje (Decree on the promulgation of the Act on the Validity of the Constitution, Acts and other Legal Regulations of the People's Republic of Croatia on the Territory of the District of Buje), Narodne novine, Official Gazette of the Republic of Croatia (hereinafter: Narodne novine), Year X, No. 53-554/54.

⁴³ Official Gazette of the People's Republic of Slovenia, No. 24/55.

bank of the Dragonja. The territory of the district of Koper was incorporated into the People's Republic of Slovenia, while the district of Buje was incorporated into the People's Republic of Croatia.

Already in the next year, in 1956, the delimitation between the People's Republic of Slovenia and the People's Republic of Croatia was modified.⁴⁴ The cadastral territory of Gradin with the settlements of **Abianti, Brezovica, Gradin and Sirči** and the cadastral territory of Pregara with the settlement of **Pregara** were annexed to the municipality of Koper. Likewise, a part of the cadastral territory of Topolovec with the settlements of **Belvedur, Koromači-Boškini and Močunigi**, which was from 1947 on under the jurisdiction of the People's Republic of Croatia, came under the jurisdiction of the district of Koper into the municipality of Koper. Already in 1947, the cadastral territory of Črnica with the settlements of **Črnica, Konti and Perci** came under the jurisdiction of the Republic of Croatia.

After the incorporation into Croatia, a new administrative division was also adopted in the district of Buje.⁴⁵ This division was not based on the extent of the cadastral territories, as solely the localities and settlements are stated, since the boundaries of the municipalities were determined by the municipal statutes and eventual boundary disputes between the municipalities were solved by the district people's committees.⁴⁶

The **municipality of Buje** included the settlements: Baredine, Buje, Gamboč, Kaldanija, Karšete, **Kaštel**, Krasica, Lozari and Triban.

The **municipality of Umag** included the settlements of Babići, **Bašanja**, Čapljani, Juricani, Kmeti, Lovrečica, Marija na Krasu, Materada, Murine, Petrovija, **Savudrija**, Šeget, Umag, Umag-Komunela, **Valica**, Vardica, Vilanija and **Zambratija**.

The **municipality of Momjan** included the settlements: **Brič**, Brda, Kučibreg, Marušiči, Merišće, Momjan and Skorušica.

The first rectifications of the administrative division in Croatia were carried out in 1955 and 1962 with a more detailed enumeration of the settlements in the municipalities.⁴⁷

Some modifications with regard to the extent of the municipalities in Slovenia and the names of the settlements within the municipalities occurred between 1960 and 1964.⁴⁸ In the municipality of Piran, the cadastral territory of Piran was dissolved into three cadastral territories – Piran, Portorož and Sečovlje. A part of the cadastral territory of Korte was also incorporated into the latter.

⁴⁴ Official Gazette of the People's Republic of Slovenia, No. 13/56.

⁴⁵ Narodne novine, Year X, No. 53-555/54.

⁴⁶ Narodne novine, Year XVIII, No. 39-109/62, Articles 5 and 9.

⁴⁷ Narodne novine, Year XI, No. 36-127/55; Narodne novine, Year XVIII, No. 39-109/62.

⁴⁸ Official Gazette of the Socialist Republic of Slovenia. No. 35/64 (consolidated text).

In 1975, the municipalities of Buje, Novigrad and Umag were united into one municipality of Buje.⁴⁹

For the first time in the post-war period, the act from 1980 does not state the names of the settlements within the cadastral territories, which is why we can only make use of the statutes of the municipalities as a source for the quotation of the official names of the settlements. In the municipal statutes, the names are listed in alphabetical order and not territorially according to the cadastral territories.

The Act on the Territories of Municipalities in the Republic of Slovenia delimited the extent of the municipalities.⁵⁰

The *municipality of Piran-Pirano* includes five cadastral territories in their integrity: Nova vas, Piran-Pirano, Portorož-Portorose, Raven and Sečovlje-Sicciole.

After the independence and the international recognition in 1992, both states modified their administratively-territorial division. Croatia introduced counties with towns and municipalities.⁵¹

Beside the settlement of **Brič**, the **town of Buje** also includes **Novi Brič**, which did not exist in older descriptions of municipalities. There were no further territorial changes, which would be of interest to us. Articles 7 and 8 of the act, which regulate a new method of the determination of the extent of the municipalities and the resolution of conflicts, represent a novelty.⁵² The boundaries of the municipalities run along

⁴⁹ Narodne novine, Year XXXI, No. 1-2/75.

⁵⁰ Official Gazette of the Socialist Republic of Slovenia, No. 28/80, 9/82, 27/84.

⁵¹ Zakon o područjima županija, gradova i općina u Republici Hrvatskoj (Act on the Territories of Counties, Towns and Municipalities in the Republic of Croatia), Narodne novine, Year XLVIII, No. 90-2333/92.

⁵² Narodne novine, Year XLVIII, No. 90-2333/92.

Article 7: Granice općina, odnosno gradova idu granicama područja rubnih katastarskih općina. U slučaju, da se granice područja rubnih katastarskih općina ne podudaraju s granicama rubnih naselja, odnosno mjesta koja ulaze u sastav općina, odnosno gradova, granice općina, odnosno gradova, idu granicama područja rubnih naselja prikazanih u službenoj evidenciji prostornih jedinica. Granice područja općina i gradova moraju biti obilježene u prirodi s posebnim propisima. (The boundaries of the municipalities or towns run along the boundaries of the territory of the bordering cadastral territories. In case the boundaries of the territory of the bordering cadastral territories should not correspond to the boundaries of the bordering settlements or localities within the territory of the municipalities or towns, the boundaries of municipalities or towns shall run along the boundaries of the territory of the bordering settlements, indicated in the official records of the territorial units. The boundaries of the territory of municipalities and towns need to be marked on location in accordance to special regulations.)

Article 8: U slučaju da granice područja rubnih katastarskih općina, odnosno naselja, nisu jednoznačno prikazane u službenim evidencijama prostornih jedinica, susjedne jedinice lokalne samouprave dogovorno će uskladiti ove granice. Ako se dogovor ne postigne, granicu će utvrditi Vlada na prijedlog organa središnje državne uprave nadležne za katastar zemljišta. (In case the boundaries of the territory of the bordering cadastral territories or settlements should not be clearly indicated in the official records of the terri-

the boundaries of the bordering cadastral territories. In case the boundaries of the cadastral territories do not correspond to the boundaries of the bordering settlements, the boundaries run along the external boundaries of the settlements, determined by the official records, which are kept by the competent body of the cadastre.

In 1994, the National Assembly of the Republic of Slovenia determined by an act⁵³ that the hamlets of **Bužini**, **Škodelin** and **Škrilje** should become independent settlements.

3.0. The AVNOJ borders

Several authors designate the internal administratively-territorial borders of the federal units within Yugoslavia as the “*AVNOJ borders*”. This statement should be based on the documents of the AVNOJ (Antifascist Council of National Liberation of Yugoslavia) or its executive body, which would have determined the borders of the federal units. However, this was not found in the archives in Belgrade,⁵⁴ whereas the Slovenian and Croatian⁵⁵ authors do not have an insight into them.

The Yugoslav federation came into existence during World War II. Its development and constituting took place in three phases. The first signs of a federal structure of the future state already became apparent in the first months of the armed insurrection, when the central and provincial military bodies were formed. The organisation of the liberation movement simply adapted itself to the historical provinces and the pre-war federalist conceptions of the communist party with the establishment of provincial and national organisations of the communist party.

The decisions of the second session of the AVNOJ on the establishment of a federal state represent the second phase in the development of the federation. With its decrees, the AVNOJ acknowledged the integrity of Yugoslavia in its borders after World War I and did not recognise the occupational and territorial partition of Yugoslavia. At the same time, it emphasised the claim of Yugoslavia on some of the territories, which

torial units, the neighbouring units of local authority shall adjust these boundaries by an agreement. Should an agreement not be reached, the boundary shall be determined by the Government upon the proposal of the body of the central state authority, competent for the land cadastre.)

⁵³ Official Gazette of the Republic of Slovenia, No. 60/94.

⁵⁴ Prof. dr. Miodrag Zečević, dr. Bogdan Lekić, *Državne granice i unutrašnja teritorijalna podela Jugoslavije*, Belgrade 1991; Bogdan Lekić, *Administrativne granice u Jugoslaviji posle drugog svetskog rata*, p. 145-162, in: *Istorija 20. veka, 1-2/1992* (Institut za savremenu istoriju, Belgrade), 1992.

⁵⁵ Mladen Klemenčić, *Novija historijsko-geografska osnovica jugoslavenskih izvanjskih i unutarnjih granica s posebnim osvrtom na hrvatske granice*, in: *Političko-geografska i demografska pitanja Hrvatske (Savez geografskih društava Hrvatske)*, Zagreb 1991, p. 317-334; Ljubo Boban, *Hrvatske granice od 1918. do 1993. godine*, Zagreb 1995.

had not been incorporated into Yugoslavia after World War I, with the decrees on the annexation of these territories. The AVNOJ acknowledged five nations and six federal units, as well as the right of every Yugoslav nation to self-determination and secession.⁵⁶

In the last, third phase, six members constituted themselves with the establishment of national political representative bodies, the first one being Slovenia on 19 February 1944 in Črnomelj. One would expect that the AVNOJ would have devoted more attention to the determination of administratively-territorial boundaries at the time of the constituting of federal units from 29 March to 10 July 1945, when Sandžak became divided between Serbia and Montenegro. In issuing a directive for the establishment of the governments of the federal units on 5 April 1945, also the National Committee for the Liberation of Yugoslavia⁵⁷ did not deal with the issue of the internal borders. According to this directive, national governments were established between 9 April and 5 May 1945.

The arising of the constitutional-legal bases of the republics also represented the arising of borders between the republics. Even though they were not marked on location, the borders between the republics still met the general definition of a border as a line dividing territories of a different sovereignty, which were in the Yugoslav case, of their own free will, united in a federal state.⁵⁸

3.1. The territorially-administrative delimitation between the People's Republic of Croatia and the People's Republic of Slovenia. Open issues in Istria.⁵⁹

On 22 September 1945, the Ministry for the Constituent Assembly informed the Presidency of the provisional people's assembly that it had, in regulating and implementing the territorial division into departments and districts in individual federal units, become aware of the fact that there were still particular bordering areas, where the issue of the affiliation to a federal unit had still not been appropriately solved, which was why it still provoked discontentment among the crowds as well as conflicts between individual leaders or institutions.

On the basis of the reports from Slovenia and Croatia, **the ministry informed the Presidency of the provisional people's assembly that**

⁵⁶ M. Zečević, B. Lekić, op. cit., p. 17-18.

⁵⁷ B. Lekić, op. cit., p. 145-146; National Committee for the Liberation of Yugoslavia, Uputstvo o osnovnim načelima za obrazovanje vlada federalnih jedinica (Directive on the basic principles for the instructions to the governments of the federal units), 5 April 1945.

⁵⁸ M. Klemenčić, op. cit., p. 323.

⁵⁹ B. Lekić, op. cit., p. 158-160; M. Zečević, B. Lekić, op. cit., p. 34-35, 108-109.

the issue of the delimitation between these two federal units on the territory of the municipality of Štrigova had not been solved.⁶⁰ Furthermore, it added: “... *the issue of a proper delimitation between Croatia and Slovenia in Istria is still not solved. (We do not have accurate data.)*”

On 15 May 1946, the Secretary General of the government of the Federal People's Republic of Yugoslavia sent to the governments of the people's republics a letter with the following content:⁶¹ “*In the constitution of the Federal People's Republic of Yugoslavia, a territorial delimitation of the People's Republics is foreseen. Although the said delimitation is not bound to a deadline, individual rectifications need to be carried out as soon as possible, since this is the only way to suppress disagreements and eventual conflicts.*” Thereupon, he asked the governments for proposals with regard to modifications of the delimitations. Proposals had to be precisely explained and had to include the data on the ethnic structure of the localities and their economic connectedness as well as the motives for modifications. Maps of the republics were to be enclosed to the proposals, on which, beside from the existing borders, also the proposals for the modifications of the delimitation were to be drawn in. Such proposals were only referring to the internal borders between the republics and did not include borders, which were at the same time state borders with neighbouring states.

The report on the delimitation between the national republics⁶² – contentious territories (31 October 1946) states in its second chapter the contentious territories between the People's Republic of Croatia and the People's Republic of Slovenia. The report deals with the open issue of the former municipality of Štrigova. For the contentious territory between the districts of Črnomelj and Karlovac, an agreement had already been reached between the representatives of the two republics, which was also to be ratified in the People's Assembly of the Federal People's Republic of Yugoslavia with the Act on the Delimitation Between the People's Republic of Croatia and the People's Republic of Slovenia. The report does not state the open issues in Istria, until the peace conference would determine under whose jurisdiction this territory would fall.

Due to a lack of documents, we can only have a look at the printed documentation, drawn up in the years 1945-1946. With regard to the ‘Cadastre national’⁶³ with the cartographic annexes, already B. Grafena-

⁶⁰ M. Zečević, B. Lekić, op. cit., p. 108-109, Document No. 30 ... došlo (je) do jačeg sukoba između pojedinih rukovodioca iz Slovenije i Hrvatske ... po pitanju granice u Istri. Poblizje podatke nemamo. (... a heavier conflict occurred between individual leaders from Slovenia and Croatia ... with regard to the issue of the border in Istria. We do not have more detailed data.)

⁶¹ M. Zečević, B. Lekić, op. cit., p. 108, Document No. 29.

⁶² M. Zečević, B. Lekić, op. cit., p. 117-119, Document No. 34.

⁶³ Cadastre national de l'Istrie après le recensement du 1er Octobre 1945, Édition de l'Institut Adriatique, Sušak 1946.

uer⁶⁴ ascertained that the statistical documentation of the cadastral territories of Kaštel and Savudrija is still at the “administrative” municipality of Piran, while these two cadastral territories had, on the third cartographic annex *III. Repartition administrative de l’Istrie en 1910 et en 1945*, already been annexed to the district of Buje, and the cadastral territories of Topolovec and Gradin had been separated from the district of Buzet and annexed to the district of Koper.

We can interpret this in the following way. On 22 September 1945, the Ministry for the Constituent Assembly informed the Presidency of the provisional people’s assembly on the contentious border between Croatia and Slovenia in Istria. The population census was carried out on 1 October 1945; the ‘Cadastre national’ was subsequently published in Sušak in 1946.

The results of the population census, published in the ‘Cadastre national’, also represent a particularity, since they strictly adhere to the border, traced out on the enclosed maps. With regard to the “delimitation line”, the population is majority Slovenian or Croatian. The results of the census are interesting in the villages in the Buje Karst with a considerable share of an ethnically undetermined population (indeterminé): Merišče (100%), Skorušica (42.12%), Kuberton (14.85%), Štrena (1.78%), or which have a large share of Slovenians: Kodolje (92.06%).

In the meantime, something happened, since the Almanac of the Society of St. Hermagoras for the Ordinary Year 1946, in its article entitled ‘Public Administration in Slovenia, the Judiciary and the Public Prosecution Department’ on page 83, published the map ‘Administrative Division of Slovenia’ (according to the situation on 1 November 1945) with the marked borders of Slovenia, the Rapallo border, the Morgan line as well as the boundary of the municipality of Piran and the district of Koper on the southern boundary of the cadastral territory of Kaštel and the cadastral territory of Savudrija. The author is not mentioned beneath the article.⁶⁵

The majority of the subsequent treatises were aimed at the argumentation of the ethnic and political border on the line, agreed upon in Malija, without devoting any attention also to the ethnically mixed territory to the south of this line and to the validity of the boundaries of the administrative territories in 1910 and 1939.

An example of such a work is the frequently quoted study by France Ostanek (Slovensko-hrvaška jezikovna meja v Istri, gradivo za obdobje

⁶⁴ Bogo Grafenauer, Miti o “Istri” in resnica istrskega polotoka, in: Acta Histriae I., Koper – Milje, Capodistria – Muggia, 1993, p. 9-53, p. 45-46.

⁶⁵ Koledar družbe sv. Mohorja za navadno leto 1946, Celje 1945, Javna uprava v Sloveniji, sodstvo in javno tužilstvo, p. 82-87.

od leta 1860-1956 / Slovenian-Croatian linguistic boundary in Istria, documentation for the period 1860-1956), published in *Annales* 1/91 and 2/92. On the initiative of Anton Melik, the documentation was gathered in the years 1956-1957, which strictly adheres to the delimitation, introduced at that time and on the agenda today.

3.2. The Slovenian-Croatian border from the viewpoint of the Croatian authors

The Croatian authors emphasise the importance of the historical provinces and historical law. In the works on the borders of the Republic of Croatia, they always accurately analyse the historical development of the border of Croatia with Bosnia and Herzegovina and with Montenegro, starting with the Venetian-Turkish wars in the 17th and 18th century up to the unification and the establishment of the Kingdom of Serbs, Croats and Slovenians. For the Croatian-Slovenian borders, they only state that they mainly have a century-long tradition and will therefore be dealt with elsewhere.⁶⁶ They also devote a lot of attention to dealing with the constitutional plans of individuals and political groups in Croatia between both wars, including the views on the imposed constitution and the rejection of the division of Yugoslavia into ban's dominions, as well as the position of the ban's dominion of Croatia in 1939. They always emphasise historical law and the particularities of the Croatian historical units of Slavonia, Croatia and Dalmatia, which were incorporated into the Kingdom of Serbs, Croats and Slovenians.⁶⁷

According to the opinion of the Croatian authors,⁶⁸ today's Slovenian-Croatian border mostly represents the old border of the feudal provinces of Carniola and Styria with the ban's dominion of Croatia and the Military Frontier and runs on the Sotla, Žumberačka gora and Kolpa.

In distinction from the largest part of the Slovenian-Croatian border, which was established a long time ago, its western part does not lean on a historically-geographical basis. This part of the border between the Republic of Croatia and the Republic of Slovenia has arisen after the year 1945. The sector of the border between Snežnik and Topolovec was formed in 1947. At Topolovec and Gradin, the border changed in 1947 and later also in 1956.⁶⁹

The westernmost part of the border in Istria was determined after

⁶⁶ L. Boban, *op. cit.*, p. 20.

⁶⁷ L. Boban, *op. cit.*, p. 23-43.

⁶⁸ M. Klemenčić, *op. cit.*, L. Boban, *op. cit.*

⁶⁹ Official Gazette of the Federal People's Republic of Yugoslavia 15-253/56; M. Klemenčić, *op. cit.*, Fig. 2, Sastavni dijelovi i granice Hrvatske, p. 324.

the end of World War II or in 1954, when the Free Territory of Trieste was divided between the Federal People's Republic of Yugoslavia and the Republic of Italy. The part of the Free Territory of Trieste, which came under the jurisdiction of Yugoslavia, was divided between Slovenia and Croatia, mainly according to the **“ethnic principle”**.⁷⁰

It is interesting how briefly and coldly historical law is done away with, how the historical description of the modifications of the border in the cadastral territories of Topolovec and Gradin is omitted and how the appurtenance of the cadastral territories of Kaštel and Savudrija to the municipality of Piran is ignored and forgotten.

With regard to the situation in 1918, today's territory of Croatia is enlarged by Istria, Rijeka, Cres, Lošinj, Zadar, Lastovo and Palagruža. Ethnically and in part also historically, these are Croatian territories, which were in the period between the two wars under the jurisdiction of Italy.⁷¹ In their opinion, the administrative map from 1945 represents a certain return into the year 1918, into the time of the constituting of the Yugoslav state.⁷²

The states, which recognised the former Yugoslav republics as independent states, proceeded from the position that, according to the constitution from 1974, this was the delimitation between states (republics are states). After the independence of the Yugoslav republics, the borders became international borders.⁷³

The international community could only base its position on the viewpoints of the division of the republics into municipalities and the extent of the latter – in as far as the descriptions of the extent of the bordering municipalities were not even questionable.

3.3. Conclusions

For the time being, it is impossible to establish with certainty on when and who decided about the borders of the federal units. The illegal manner of work of the Communist Party of Yugoslavia had a strong influence on everybody's work, also on the work of the state bodies, while the cleansing of the archives in the 'Informbiro' conflict and after the Brioni Plenum could also have contributed its share. It is also incontestable

⁷⁰ M. Klemenčić, op. cit., p. 326, for more about the ethnic balance see: Nada Jaman, Načelo etničke granice i etnička ravnoteža u razgraničenju Jugoslavije s Italijom (1945-1977), in: Vjesnik Istarskog arhiva, volume 1 (XXXII), 1-1991, Pazin 1991, p. 65-74, where it is defined: *“ethnic boundary”* (represents the border line, which would leave a minimal number of persons of the other ethnicity in both states) *“ethnic balance”* (represents the border, which would leave an *“equal”* number of inhabitants of the other ethnicity in both states).

⁷¹ M. Klemenčić, op. cit., p. 330, 331.

⁷² L. Boban, op. cit., p. 62.

⁷³ L. Boban, op. cit., p. 61.

that the internal borders were determined in a narrow circle of the highest party and state leaders with a decisive role of Josip Broz Tito, without having left written documentation. Due to a formal conception of the borders between the republics and in the conviction that the national issue was not open, the officials of the republics could not or did not want to represent the interests of their republics.⁷⁴

It would be realistic to expect that this issue would have been solved before the adoption of the 'Uputstvo o osnovnim načelima za obrazovanje vlada federalnih jedinica' (Directive on the basic principles for the instructions to the governments of the federal units) on 5 April 1945 and in any case before the adoption of the acts on the territorial division of the republics.

It is incomprehensible how the federal units and their governments could have been constituted in April and May 1945, whereupon the acts on the administrative internal division of the republics were adopted, without having had adopted on the federal level the regulations on the establishment of borders between the republics, whereby also the conflicts between the republics could have been avoided. How could the federal constitution have been adopted, without having had legally solved the issue of the borders between the republics in 1945?

The conflicts between the republics, which lasted from 1945 until 1956, indicate that the issue of the borders between the republics was not solved in an appropriate manner. The first conflict started already in May 1945 (15 May, Srem – Vinkovci, Šid, Vukovar), which was one month after the adoption of the Directive on the establishment of the governments of the federal units and more than half a year before the adoption of the federal constitution in January 1946.

The control commissions, which were solving the conflicts between the republics, substantiated their proposals as provisional solutions and thereby always emphasised that the necessary regulations needed to be adopted by the relevant state body. In the decision-making process, there were no clear criteria for the regulation of the internal borders and the required expert analyses.

The fact that the borders between the republics had never been enacted, even though they were of a territorially-administrative character, can be explained by the following reasons:

- Opening up the issue of the borders between the republics would at the same time represent opening up the national issue, which encumbered Yugoslavia from its establishment in 1918 on.

- It was indispensable to avoid the inter-ethnic conflicts as well as the issue of the wartime crimes against Croats, Moslems, Serbs, Jews

⁷⁴ B. Lekić, op. cit., p. 147, 160-161, M. Zečević, B. Lekić, op. cit., p. 36-37.

and Roma and therewith the issue of the ethnically modified circumstances in individual regions.

- The issue of the revision of borders on the basis of common and unified criteria would be opened, which would, however, not suit everybody to the same extent.

- The possibility also needed to be avoided that those persons that took part in the discussions, when the borders between the republics were determined against the will of the inhabitants and the representative bodies of the authority, would become disclosed.

- And last but not least, the borders between the republics had never been state borders, but only administratively-territorial, which is why their existence was, within the federal state, only perceived as a formality.

Consequently, the causes were quite varied: from the fear of a conflict between the ideas of Greater Serbia and Greater Croatia up to waiting for a more appropriate time. However, the "appropriate moment" never came: first there was the 'Informbiro' conflict, which was followed by the constitutional amendments in 1953, the political activity in the Third World, the second amendment of the constitution with the economic reform and the Brioni Plenum, the "nationalisms and movements" in the beginning of the seventies, the constitutional amendments in 1974 as well as the awaiting of the personal changes in the political and military leadership of the federation.

Pavel Zupančič

CURRENT GUIDELINES FOR THE DETERMINATION OF THE STATE BORDER BETWEEN SLOVENIA AND CROATIA



In the regulation of the relations between Slovenia and Croatia, which in the first place includes the issues of the determination of the state border, not only on the sea but as a whole, we have to proceed from the situation arisen:

1. The agreement Drnovšek-Račan was not implemented. This enables a better starting-point for Slovenia, since this agreement was disadvantageous for her. This agreement was rejected by Croatia, this should have been done by Slovenia.
2. The accession of Slovenia to the EU and the need of Croatia to regulate the border issues with Slovenia as soon as possible for the sake of its accession to the EU represent a negotiating advantage for Slovenia, especially from the point of view of the incontestable legal foundations, which speak on behalf of Slovenia's legitimate claims, since the then Republic of Slovenia in the common state was indisputably carrying out the administrative authority on the contentious territory and had an equal exit to the open sea as the Republic of Croatia. In the federal state of Yugoslavia, the administrative authority was entirely carried out by the republics.
3. Irrespective of the prejudices and real acts, which were committed by Croatia on the Slovenian territory, which is being claimed by the Croats in the last years, the Republic of Slovenia is entitled to the consideration of historical facts before the proclamation of independence.
4. The EU will not directly take part in the negotiations. However, it will not be able to avoid the fact that Slovenian claims are being solved on the basis of the actual and legal authority in 1991.

Also the positions of Italy with regard to the establishment of the economic and fishing zone show that Croatia does not enjoy the support for its unilateral acts. This is why also

the regulation of the border needs to be dealt with at the same time as the solution of the problem of the economic-fishing zone.

5. The government and the foreign ministry have to respond in an effective way to the restrictions in the implementation of the sovereignty in the Bay of Piran. Passivity gives the appearance that we consent to the admissibility of such acts.

The government and the foreign ministry have to lean to a greater extent on the documents of the borderland municipalities as well as on legal, historical and cadastral documents, with which it was provided by a group of experts shortly after the proclamation of independence. However, our authorities and diplomacy have never used them.

The agreement Drnovšek-Račan could not have been ratified in our National Assembly, since it is in contradiction to the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia. The latter is namely based on the delimitation within the framework of the borders between the Republic of Slovenia and the Republic of Croatia and on the appurtenant administrative authority. This authority was indisputably under the jurisdiction of Slovenia, especially from the point of view of the police, which carried out the control on the sea. This control was related to vessels entering the Slovenian territorial waters. This entrance was seen to be at the end of the peninsula of Savudrija.

The regulation of Slovenia's exit to the open sea in the shape of a chimney represents a digression from the legitimate territorial delimitation, especially because it only determines the navigation regime for the entry through the chimney, while the exit would take place through the Italian sea.

The agreement Drnovšek-Račan could also not have been ratified in our National Assembly because it is in contradiction to the Constitution of the Republic of Slovenia. This agreement cedes the settlements on the other side of the Dragonja to a foreign state, even though these are settlements where Slovenian citizens live. This is in contradiction to the constitutional requirement that the Republic of Slovenia protects the interests of its citizens, especially if these have predominantly managed their administratively-legal relations in Slovenia, including the right to education. At the time of the proclamation of independence, the said settlements belonged under the Slovenian school authority.

We also need to assess the agreement Drnovšek-Račan from the point of view of the unacceptability of the negotiating positions. Slovenia strongly yielded with regard to the delimitation on land on account of a better position on the sea, which proved itself as bad.

This agreement is in contradiction to Article 47 of the Constitution

of the Republic of Slovenia, which talks about the extradition of Slovenian citizens, Article 3, where it is written that Slovenia is a state of all of its citizen, and Article 4, which determines that Slovenia is a territorially unified and indivisible state.

At the occasion of the recent political events in Italy, the statement was repeated that the Paris Peace Treaty unfoundedly took Istria and Dalmatia, where a lot of Italians had lived, away from Italy. The delimitation between Italy and Yugoslavia was based on the fact that each state would be left with an approximately equal minority. The Slovenian ethnic territory with 145,000 Slovenians was incorporated into Italy, while Croatia obtained Istria, Dalmatia and the islands, where about 145,000 Italians lived. This is why it is also necessary to set out this fact in the negotiations and stop the unjustified claims of Croatia, which is also consistent with the principle of equity and the criteria of proportionality.

The Slovenian authorities were already immediately after the proclamation of independence passive and unproductive with regard to the regulation of the border relations with Croatia, which the latter successfully used to its own advantage. The Committee on Foreign Policy and its special working group on borders finally became aware of this fact. On 9 June 1994, this working group, consisting of **dr. Dimitrij Rupel**, **Zoran Thaler**, **Borut Pahor** and **Zmago Jelinčič**, with the collaboration of **mag. Mitja Deisinger** and **Vlado Habjan** prepared the following document:

A proposal of standpoints and measures of the Committee of the National Assembly on Foreign Policy and of the National Assembly – with regard to the determination of the border with Croatia

1. Several events draw our attention to the fact that the Slovenian state (the Ministry of the Interior) and the municipality of Piran made a mistake by abandoning the control over the territory and the inhabitants of the Slovenian villages of Škrile, Bužini and Škode-lin. This is the territory south of the Dragonja or the Canal of St. Odorik, which belongs under the jurisdiction of the municipality of Piran. The fact that Croatia is proceeding with the construction of the border crossing at Plovanija or Sečovlje is warning us about the gravity of this mistake. Slovenia immediately has to put this mistake right. The state bodies should implement the sovereignty of the Republic of Slovenia in this part of the state territory, while a temporary bridge across the river Dragonja should at once be set up for the inhabitants of these villages, in order to enable them the access across the river past the Slovenian border crossing at Sečovlje.

2. In May 1994, the Slovenian government proposed to Croatia an agreement “on the provisional regulation of the regime on the sea and the construction of the provisional border crossing Sečovlje-Plovanija”. The Croats do not accept this agreement, to which a map is enclosed, on which Slovenia has the access to the open sea. The agreement is also controversial with regard to the actual interests of the Slovenian state, since it does not fully solve the problem of the Bay of Piran.
3. With regard to the problem of the border, Croatia prepared two documents (the letter of Šarić to Drnovšek of 22 January 2003 and the “Stajališta” of 18 November 2003), in which it suggests the border on the Slovenian territory. With this and several other public appearances, which indicated territorial claims against Slovenia, Croatia exonerated us from the original resolution with regard to the border between the Republic of Croatia and the Republic of Slovenia, resulting from Section II of the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia. The latter is only related to the undisputed parts of the border and not to those parts where the border is not yet precisely determined or not determined at all (for example Trdinov vrh or Sveta Gera, Snežnik, the area of the former Zone B of the Free Territory of Trieste).
4. After 1954, when Zone B of the Free Territory of Trieste came under the jurisdiction of the former Yugoslavia, the border between the republics of Slovenia and Croatia was not definitively determined at all, which is why it still needs to be determined by negotiations.
5. Slovenia still respects the principle “uti possidetis”, which above all indicates the sovereignty of Slovenia over the Bay of Piran. The Committee on Foreign policy proposes to the National Assembly and to the Government to conduct from now on the negotiations in such way that the fundamental interests of the Republic of Slovenia will be ensured. The Slovenian negotiators can thereby propose optimal solutions for Slovenia, just like the Croatian negotiators have already proposed solutions in their favour.
6. The last internationally recognised border in Istria is the southern border of the Free Territory of Trieste (the river Mirna). We should take into consideration item 7 of the Special Statutes of the London Memorandum, which prohibits the partition of municipalities with a minority population. On the basis of these standpoints, the Slovenian negotiators should propose the following possible delimitations of the southwestern part of the state border:
 - a) the border of Zone B of the Free Territory of Trieste as the last

internationally recognised border,

b) the southern border of the cadastral territories of Kaštel and Savudrija as constituent parts of the municipality of Piran with a border on the sea, which enables the free access to the open sea.

7. The Committee of the National Assembly on Foreign Policy proposes a re-organisation of the diplomatic commission and its replenishment with relevant experts from the legal and historical field. Such a commission and the Government should elaborate a new proposal, which would take into consideration the full complexity of the situation arisen and which would also include alternative scenarios, among which are i.e. the possibility of the re-categorisation of individual border crossings, the consideration of Croatia's needs for road connections, etc.

This document was sent to the Government of the Republic of Slovenia and to the parliamentary groups. With the consent of the author Roger Gogala, I have transcribed it from the book 'Struggle for the southern border'.

After almost ten years, some of the authors of this document still perform important positions in politics and diplomacy. By supporting the agreement Drnovšek-Račan, they have substantially moved away from their standpoints from 10 years ago. Deferment, passivity and avoiding the preparations for an arbitration only deteriorate the Slovenian starting-points.

In item 1 of the said document, it is written that a bridge should at once be set up across the Dragonja for the inhabitants, in order to enable them the access across the river past the Slovenian border crossing at Sečovlje. This bridge has still not been built. The interested inhabitant across the river Joško Joras is still striving to acquire the building-licence in order to set up the bridge at his own costs.

With regard to the positions, related to the determination of the border between Croatia and Slovenia, we have to go back at least in the year 1994. We have to start with item 7 of the said document. This represents the re-organisation of the diplomatic commission and the appointment of new members, relevant experts from the legal and historical field. Such a commission and the Government should elaborate a new proposal, which would take into consideration the full complexity of the situation arisen and which would work in an unencumbered and fair manner for the benefit of Slovenia and Slovenian citizens living along the border and by the sea. An extensive task of preparing the documentation for the arbitration is waiting for this expert commission. At the meeting with the Croatian foreign minister, minister Rupel finally said that Slovenia has a positive opinion with regard to arbitration.

THE DOUBLE LAND CADASTRE IN THE AREA OF SEČOVLJE

AS THE OUTCOME OF THE DISRESPECT OF AGREEMENTS AND THE FALSIFICATION OF OFFICIAL DATA BY THE REPUBLIC OF CROATIA



How is it possible that there can be two official records of great importance on real property and their ownership? I argue that there cannot be, which is why it is only fair to have a look at their origin.

What is a land cadastre?

Together with the land register, the land cadastre represents the official record on pieces of land. The land cadastre includes data on parcels, their shape, location, size and use. The latter also includes the buildings on the pieces of land. The land register regulates legal relations with regard to the pieces of land. This includes the acquisition and assignment of land ownership, restrictions with regard to the disposal of pieces of land, easement and encumbrance.

The origin of the land cadastre

On the territory of Austria-Hungary, which included Slovenia, the land cadastre was established in the first half of the 19th century. In 1817, the Act on the Land Tax (Grundsteuerpatent) was adopted. By the year 1829, the Slovenian territory had been measured among others and cadastral maps were drawn up in the scale of 1:2,880, which are to date still valid on most of the territory of Slovenia, since there has been no further systematic measurement. The measurement was carried out by municipalities, which were divided into smaller units, cadastral territories. In such way, the municipality of Piran among others included the cadastral territories of Sečovlje (Piran I, Piran II), Kaštel and Savudrija. The coat of arms of the municipality of Piran can still be found on the fountain beside the church in Savudrija.

The cadastral territory of Sečovelje always extended and still extends itself across the Dragonja, where the settlements of Škrile, Mlini, Bužini and Škodelin can be found. I obtained the original cadastral data in the record office in Trieste, where I also inquired on who was interested in these data before me. Croats and Italian emigrants from Istria searched for these data, while the employee at the record office did not remember having seen any representatives of Slovenian authorities or experts in this field.

On the territory of Istria, population censuses were carried out at the time of Austria-Hungary in 1880, 1890, 1900 and 1910. Some of the data on the population of Istria can be found in the book 'Cadastral territories in Istria', which was published in French and was designed for the negotiations in Paris. It was published in 1946 by the "l'Institut Adriatique" in Sušak. When looking at these data, which were gathered by Austria-Hungary, we can today only wonder at how many Slovenians lived in Istria at that time, many more than we could imagine today. There was not even one Croat in the cadastral territory of Savudrija at all the stated censuses, while there were two in the cadastral territory of Kaštel in 1900.

After World War I, Istria was under the jurisdiction of Italy. The cadastral maps were copied, the content was preserved, they were provided with Italian inscriptions and names.

After World War II, the Free Territory of Trieste with internationally determined and recognised borders was established. The border with Yugoslavia ran on the river Mirna. Official languages in this area were the Slovenian and the Italian one, which proves that almost no Croats lived there. In October 1954, the Free Territory of Trieste was abolished by the London Memorandum. Zone A with Trieste was incorporated into Italy and Zone B into Yugoslavia, with its administration being carried out by Slovenia. However, not for long. Bakarić and Kardelj soon started to arrange for a part of the Slovenian territory to come under the jurisdiction of Croatia, which was in evident contradiction to the just adopted London Memorandum. Article 7 of the Special Statutes determines: "No modifications of the boundaries of basic administrative units in the territories, belonging under the civil administration of Italy and Yugoslavia, may be carried out with the intent of jeopardising the ethnic structure of the corresponding units."

In the 1950s, the Geodetic Institute of Slovenia carried out a new measurement on the territory of the cadastral territory of Sečovelje, which includes the settlements of Mlini, Bužini, Škodelin and Škrile. The boundaries of this measurement were the boundaries of the cadastral territories from the time of the first measurement in the first half of the 19th century. This represents the presently valid land cadastre and on the basis of these data also the land register.

The establishment of another cadastre for the same territory

At the first meeting of the expert groups on the border issue between the Republic of Slovenia and the Republic of Croatia on 9 December 1992, it was agreed that the border would be divided into 11 sectors and that geodetic experts from both states would prepare the data on the boundaries of the cadastral territories, where the status as of 25 June 1991 would be taken into account. They agreed on the criteria for the ascertainment of discrepancies. Aberrations of up to 50m represented aberrations “within the framework of the agreed criterion”. As Sector 11, which is the area near the Dragonja, was dealt with at a meeting in Koper, this meeting ended without having carried out a comparison, because the Croats did not have any data. In the archives of the Surveying and Mapping Authority of the Republic of Slovenia, protocols can be found on the work of the joint expert group.

Thereafter, the Croats elaborated a cadastre by copying the valid cadastral maps, renumbered the parcels and transcribed the data from the land register, as well as set up another land register for this territory. In such way, a cadastre was established without archival data, which are indispensable for the maintenance of the cadastre. This is a cadastre without a legal basis, which is why landowners are paying the tax on cadastral revenue to Slovenia. The land register as well has no collection of documents for the period before 1994.

Regretfully, the Slovenian authorities and diplomacy rather rely on all kinds of information and falsified data, which are unfavourable for Slovenia, while they make no use of evident Slovenian rights and never present any claims against Croatia. This is why we cannot expect anything even from an arbitration. In October 2002, at the time of a motion of no-confidence against the Croatian Prime Minister, Mr. Račan was reproached in the Sabor for handing over to Slovenia, through the agreement Drnovšek-Račan, what the Slovenians had never claimed.

It seems that the Slovenian government doesn't even respect those international agreements, which are favourable for Slovenia. It adopted the Act Notifying the Succession to the Agreements Between the Former Yugoslavia and the Italian Republic (Official Gazette of the Republic of Slovenia, No. 40/92, Mp 11 – Items 38, 40, 44). According to this Act, Slovenia has the same border with the Italian Republic as the one Yugoslavia had. The border runs between the points 1 and 92 on land and up to the point T 5 on the sea. Hence it follows that Croatia does not border on Italy.

The indulgence with regard to the determination of the border on land is extremely detrimental for the preservation of the Slovenian free access to the open sea, since a majority appurtenance of the territory in the Bay of Piran to Slovenia would rule out the possibility of the Croatian position on the course of the border in the middle of the bay.

A CHRONOLOGY OF EVENTS RELATED TO THE BORDER ON THE SEA AND ON LAND

in Istria from 1947 until 2004

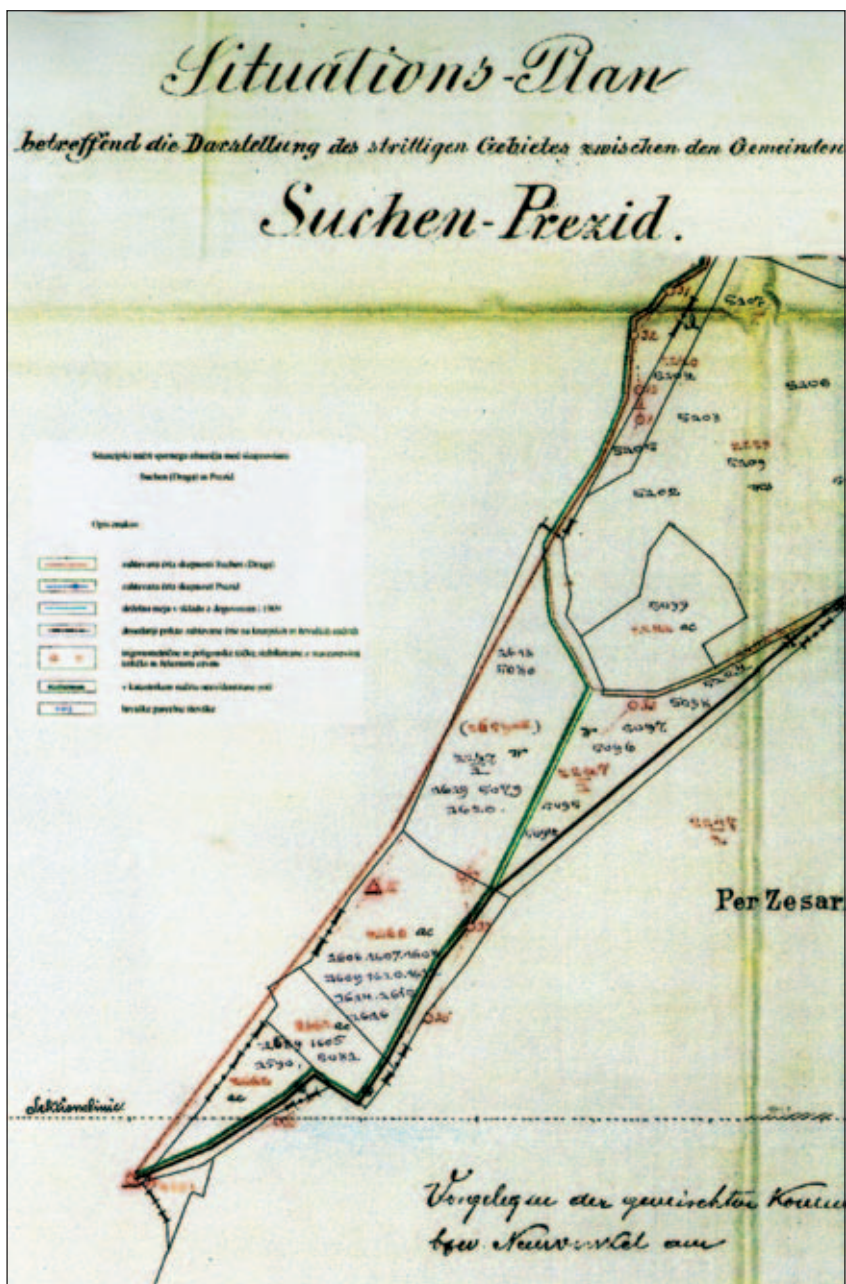
In the northern Adriatic, the Slovenians have always in history been a maritime nation. They have been seamen and fishermen for centuries, they have had a free seaway to the open sea.

- 1947:** By the Paris Peace Treaty, the Free Territory of Trieste is established, giving Slovenians the access to the open sea from the Timava to the Mirna.
- 1947:** The municipality of Piran includes Kaštel and Savudrija, altogether 7,973 hectares.
- 1947-1954:** Negotiations for the Slovenian sea and a Slovenian port.
- 1952:** Decree on the division of the department of Istria into districts and municipalities, according to which the municipality of Piran is left without Kaštel and Savudrija. This decree does not have the nature of an interstate agreement on the border.
- 1954:** The coast from the Timava to Trieste, which had been Slovenian from the settlement on, comes under the jurisdiction of Italy.
- 1954:** The municipality of Piran, which had from the second half of the 13th century on extended up to the middle of the peninsula of Savudrija, is left without Kaštel and Savudrija.
- 1954:** No border on the sea existed between the republics of Yugoslavia.
- 1962:** A decree of the Republic of Slovenia determines a protected zone for fishing between the repository of the salt-works in Portorož and the Slovenija-ceste quarry in Kanegra.

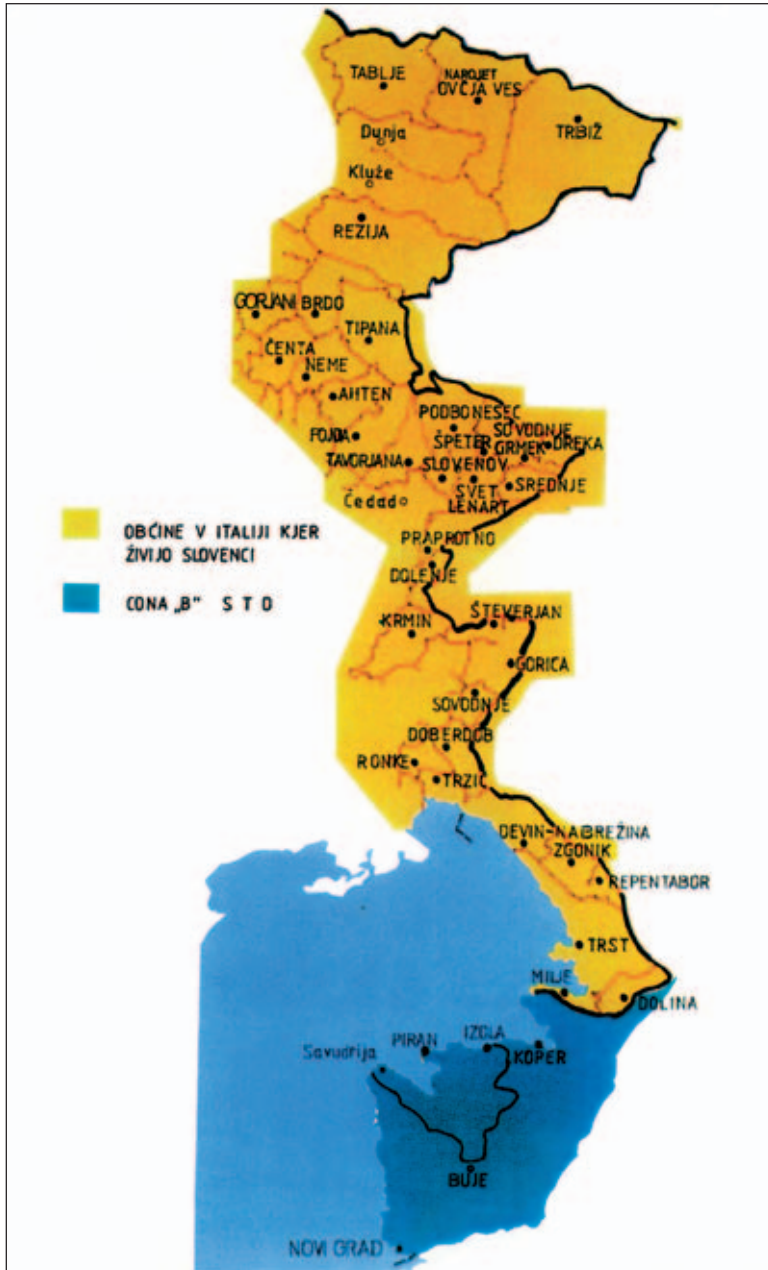
- 1975:** According to the Osimo Agreements, the control point of the Slovenian police was up to the “spire”, i.e. at the latitude 45° 27’20” north and at the longitude 13° 12’90” east. The police controlled all of the Bay of Piran up to the point T 5.
- 1987:** The fishing reserve extends from the salt repository Monfort in Portorož to the abandoned quarry in Kanegra.
- 1991:** The territory in the extent of 113 hectares south of the Dragonja has been under Slovenian jurisdiction all of the time after World War II.
- 1991:** The Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia on 25 June 1991 determines that the new border is the “border between the Republic of Slovenia and the Republic of Croatia within the framework of the former SFRY”.
- 1991:** The Croatian control point is set up on the road – parcel No. 5451, which represents a public good in the cadastral territory of Sečovlje of the municipality of Piran.
- 1992:** The Act on the Ratification of the Agreement Between the Socialist Federative Republic of Yugoslavia and the Italian Republic – SFRY-MP 1-1/1977 – is valid on the basis of the Act Notifying the Succession to the Agreements Between the Former Yugoslavia and the Italian Republic, Official Gazette MP 11-60/1992 (RS 40/1992) – the Osimo Agreement, according to which the control point of the Slovenian police was up to the point T 5.
- 2004:** The coalition agreement includes a new start of the negotiations with Croatia and the establishment of the status as of 25 June 1991. The inhabitants of the settlements to the south of the Dragonja live in Slovenia, the Bay of Piran is Slovenian and Slovenia needs to have an ensured free territorial access to the open sea.



The municipality of Piran also includes half of the peninsula of Savudrija. A section of the map of the administrative division of the Littoral in 1911.



A case of the solution of the contentious border near Prexid before World War I.



Municipalities, populated by Slovenians in Italy, in comparison with Zone B of the Free Territory of Trieste.



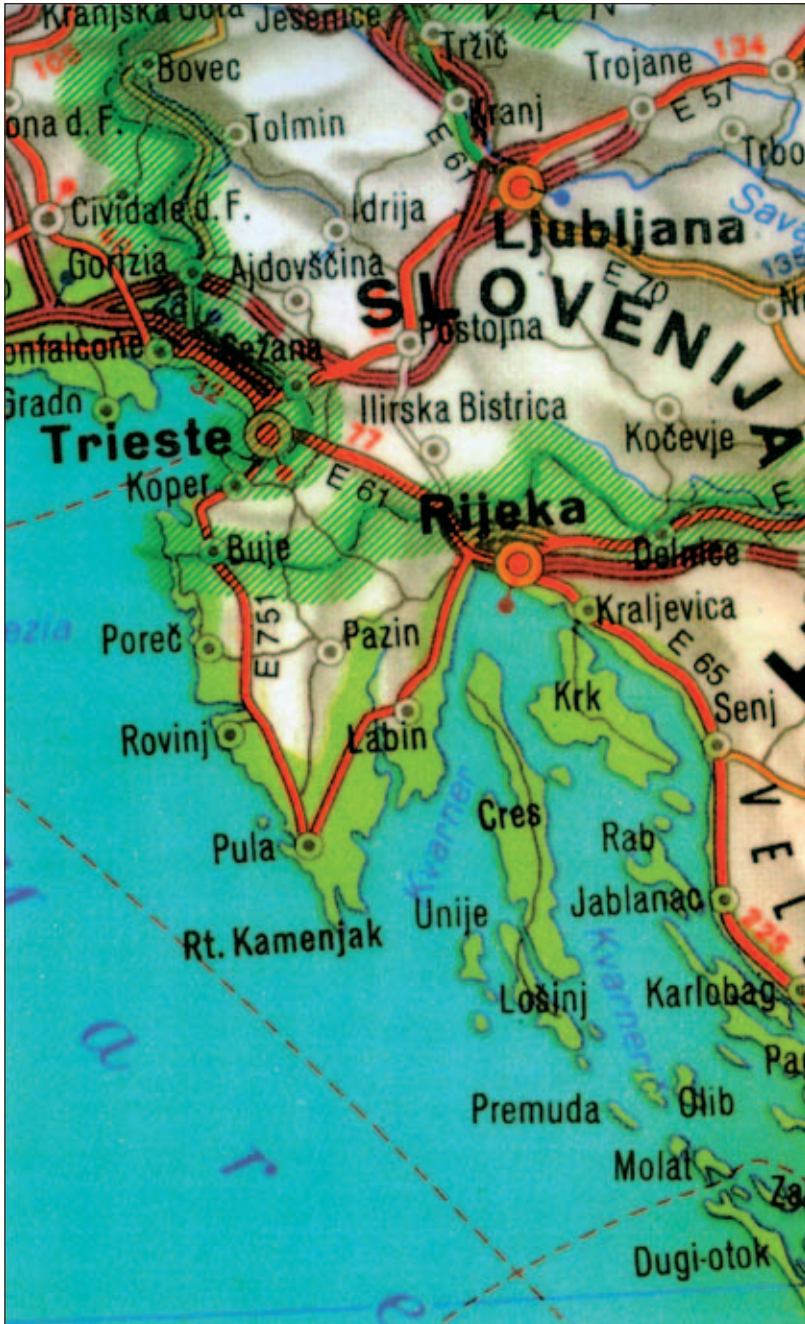
A map, published in Zagreb in 1958.



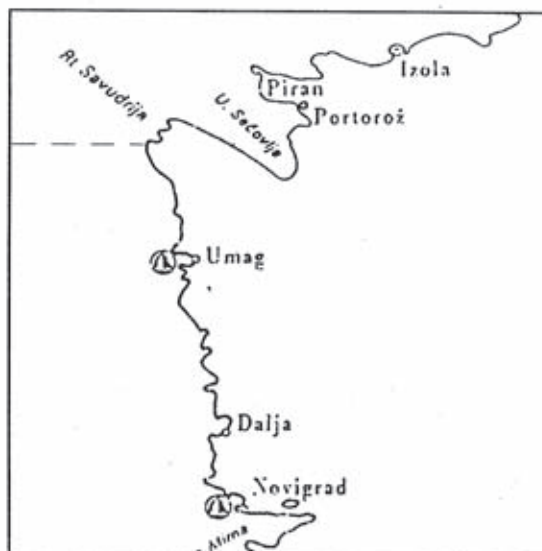
Map of the politically-administrative division of Yugoslavia in 1958. From the book by Silvo Kranjec-Vladimir Leban 'Zemljepis Jugoslavije. Za gimnazije.' Ljubljana 1958. Approved by the Council for Education of the People's Republic of Slovenia, 1958.



A section of a school atlas, printed in the USA in 1958.



A section of a road map of Europe, printed in Florence in 1991.

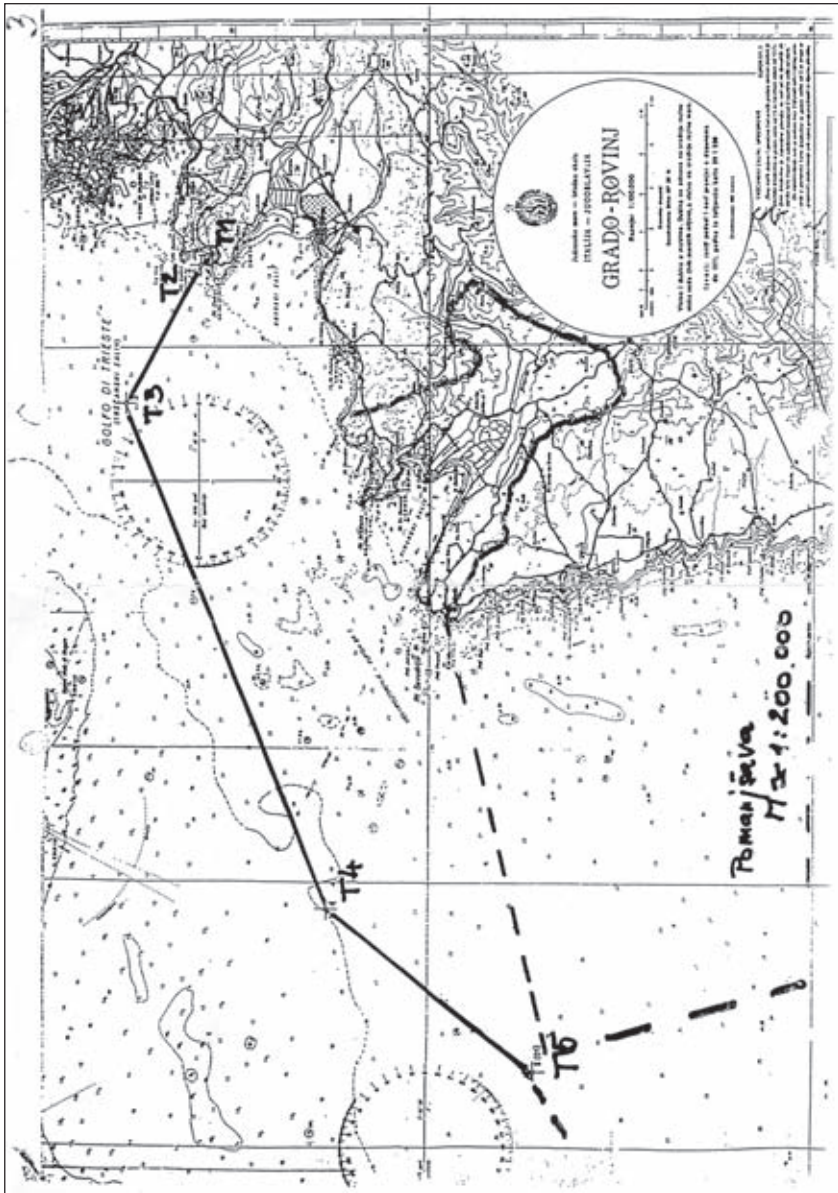


leta 1986

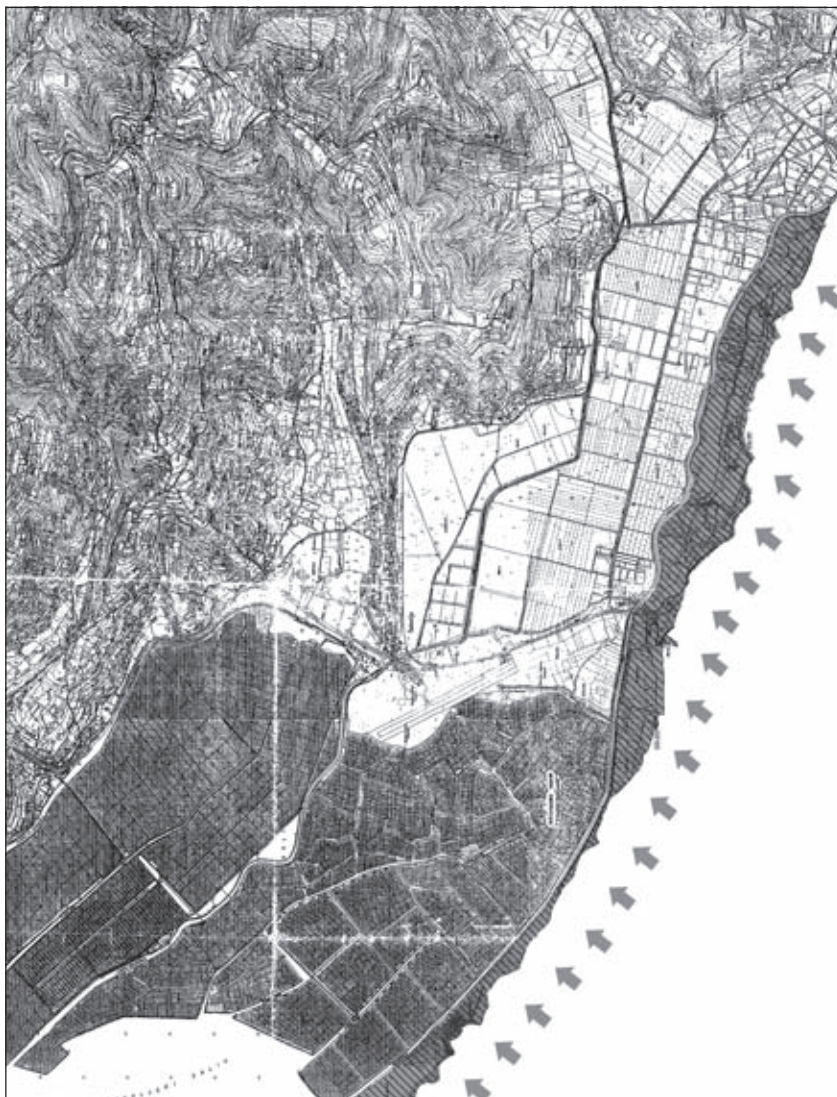


leta 1989

Differences in drawing the border on the sea in 1986 and 1989, which is presented in the work 'Peljar za male brodove' that was published in Split.



The border on the sea according to the Osimo Agreements in 1975.



The territory of the municipality of Piran from the year 1954 on, which lies south of the Dragonja.