



# Weekly Briefing

**Bosnia-Herzegovina External Relations briefing:**  
**Peljesac Bridge in BIH-Croatian relations**  
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## **Peljesac Bridge in BIH-Croatian relations**

### **Is Croatia dancing on a thin ice?**

Untampered statements given by Croat member President-elect Zeljko Komsic shortly after declaring the victory not only infuriated Croats living in Bosnia and Herzegovina and aggravated tensions between Croats and Bosniaks in the Federation (FBIH), but they had significant resonance in Croatia. His “treacherous” comments on his Bosnian identity was a call to Zagreb to stand behind Bosnian compatriots who apparently got an “anti-Croat member” for Presidency. Media campaign in Croatia and protests against Komsic in Croat-inhabited parts of Bosnia and Herzegovina meant also to instigate Zagreb to react on international level. Zagreb knew that fragile inter-ethnic stability was at stake, therefore initial reaction tended to raise “constitutional anomaly” (Bosniaks voting on Croat ballot) as conducive to further instability and migrations of Bosnian Croats. Croatian Prime Minister Andrej Plenkovic after exchanging verbal fire with Komsic, promised to put constitutional problem of Bosnian Croats on the agenda for the EC meeting at the end of October.

Komsic has crossed the line when, in an interview for Bosnian newspapers, said that Croatia is unrightfully proceeding with construction of Peljesac bridge. He promised to send a protest note to the European Commission if the construction continues before the both countries made an agreement on territorial dispute regarding Neum bay. Moreover, if the EC rejects the mediation, he even announced his support to Bosnian claimants in pursuing arbitration through the European Court of Arbitration. Croat(ian) public and politicians, those few left believing that Komsic is a leader with whom they can work with, were appalled by the gesture, tone and feasibility of his plan. It is interpreted as aiming only to elicit further confrontation with Zagreb and cause gruesome reactions in Croatia.

This might be true as the first somewhat hasty respond arrived from Croatian Foreign Minister Marija Pejcinovic-Buric who “trespassed” into Bosnian internal affairs by saying that Croatia will refuse cooperation with Komsic. HDZ BIH leader and former Croat-member, Dragan Covic, announced his party will block all appointments in state and federal parliaments where his caucus holds majority, unless the amendments for electoral law were put into procedure. Bosnia and Herzegovina is thus likely to enter in yet another post-electoral political crisis that, just like the one in 2010, can last more than couple of months.

Zagreb already entered too deep into troubled waters by giving the support to Bosnian Croats in their grievances with the constitution. Denis Zvizdic, Bosnian Chairman of the Council of Ministers, already criticized Plenkovic’s parenting over Bosnian constitution telling him “to stop pretending to be BIH Prime Minister”. Some Western media reported that Croatia is giving too much weight to nationalist factions within Bosnian Croats, some have also warned that radical nationalism slipped through ‘Herzegovina faction’ into Croatian HDZ threatening to infect otherwise prudent Croatian leadership in making choices that could put inter-ethnic stability in danger. The US embassy and the High Representative (HRBIH) rejected Covic’s proposal this week, showing also how far Croatia can go in meddling with Bosnian constitutional issues.

### **Can Peljesac Bridge project become an issue?**

Meanwhile, the issue of Peljesac bridge is exacerbated as much as the tensions between political elites of two ethnic groups in the federation. Having Croat-member on their side, Sarajevo-based political parties are becoming more encouraged in claiming Neum, small Croat community and the only Bosnian town with access to the Adriatic Sea, as a strategic port for Bosnian tourism and transport, even promoting ideas that it should become special economic zone with free trade, low taxes and tourism-based economy. In this imaginary, Peljesac bridge, cutting Bosnian access to open sea is dooming the chances for

Neum to ever become “Bosnian Hong Kong”. More realist objections claim Peljesac bridge by linking Croatian highway with Dubrovnik will, in fact, turn Neum into transportation backwater and take away the important source of revenue on which its economy was thriving all these years. As relevant as it can be, this objection was dismissed as it was mainly coming from Sarajevo. Dominantly Croat population in Neum, on the other hand, didn’t see their long-term interests threatened like Sarajevo predicted. Indeed, they supported the bridge as it will relieve Neum of the traffic congestion, especially in the summer months.

Commotion that Sarajevo created after Croatia in June 2017 announced construction of Peljesac bridge, wasn’t taken very seriously among Croats living in Neum and surrounding areas. More it was perceived as an utopian projection of unitarist desperados from Sarajevo. However, with Komsic taking Sarajevo position, Croats will be less heard so as local voices with more cooperative stance regarding the construction project. As a matter of fact, even though Peljesac bridge is still not a source of bilateral dispute between Bosnia and Herzegovina and Croatia, Sarajevo might well play out local opposition by employing sort of unitary paternalism or in another way claim that local Croats are acting against Bosnian state interests. This will put Sarajevo directly against Zagreb and, as much as it may seem unlikely for a time being, in a long run it could require concessions from Zagreb regarding the demarcation of Neum bay, extended right of navigation under Peljesac bridge, and even more mundane political favors.

Right now, Zagreb is not willing to concede to any of terms proposed by Sarajevo. First of all, Croatia firmly rejects any bilateral dispute with implications on Peljesac bridge because, strictly speaking, Bosnian side cannot get consensus of all three President-members to put a matter on official bilateral level. Dragan Covic was impassable hurdle in previous term, now Serb-member Dodik announced he will be against any action regarding Peljesac bridge. Hence, in this “dispute” Sarajevo is not metonym for Bosnia and Herzegovina, but

rather signifies a group of unitarist and Bosnia-affiliated politicians who happen to arrive from Sarajevo. Second, Croatia has strong European support in the matter. Few days after Komsic's statement, the European Commission in a very dismissive tone assured both parties that the construction of the bridge won't be stopped.

### **Background check**

To backtrack the issue to 2009 when Croatia applied for European funds to sponsor "Peljesac bridge" construction project. Croatia had to assure the EC that there are no legal issues related with the territory and land where the bridge was planned. Documents that followed the application also included written memorandum signed by officials in the Ministry of Foreign Affairs of both Croatia and Bosnia and Herzegovina which "suggested" that pending border demarcation agreement between two sides is not posing any legal obstacle for the construction project. After making due screening and evaluation, the European Commission declared the project documentation as valid and approved the funds for the project.

According to Sarajevo-based interpretations, the border demarcation issue on which the objections against bridge construction project are based, should be furtherly backtracked into 1996, when BIH President-member Alija Izetbegovic and Croatian President Franjo Tudjman signed an agreement which declared current border demarcation as provisional and declared that any change of current status would require consent of the two parties. They had also established protocol for bilateral committee to negotiate the sea border demarcation which would respect the UN Convention on the Law of the Sea (UNCLOS) and include international arbitration as the last instance.

Sarajevo wants to establish that Peljesac bridge interferes into border demarcation protocol. Since the issue underwent internal contentions, opinions supporting dispute escalation are still in the process of forming consistent stance against Croatian claims as well as against internal 'pro-Croatian' opinions.

Therefore, they claim Bosnian politicians were tricked or bribed to put their signature on documents on which the EC established Croatian *uti possidetis*; instead they prefer to base their objections on earlier documents made by BIH-Croatia Bilateral Committee for Cooperation in which “Izetbegovic-Tudjman agreement” has been reinforced. In 2007, for example, Serb-member Radmanovic requests Croatian side “not to engage in any unilateral decision regarding the bridge construction” until the both parties determine whether the bridge encroaches into Bosnian territorial waters and unlawfully limits Bosnian access to open sea.

Croatian side, on the other hand, claims that Peljesac bridge is well beyond Bosnian waters, will be high enough to allow passage for larger ships and thus it does not constitute the change in the current demarcation status. Croatia also made promise to fully respect Bosnian right for access to open sea and agreed for a need to correct current territorial status of waters surrounding Klek peninsula.

Currently the most important arbiter is the EU, which as a main project investor gives unconditional support to Croatia. Due to this fact, some Sarajevo politicians and analysts called Komsic`s statement rushed and urged objectors not to raise more tensions, “unless they want to fight against the whole Europe”. This is very likely the reason why the objections from Sarajevo might stop for some time, but Peljesac bridge will certainly continue to be an important topic in Bosnian internal political bickering.

Until now it can be said that Sarajevo-based Bosniak parties with Peljesac bridge dispute succeeded in reclaiming their primacy in conducting bilateral relations with their first neighbor - a position they never quite had. Hence, on the other hand, Croatian overpotent defense of Peljesac bridge also signals nervousness in losing they preferred line of communication with Bosnia and Herzegovina. As a matter of fact, with Sarajevo having more say in bilateral relations, Croatian constructive factor would be less pronounced and more lost in translation between benevolent interference into inter-ethnic stability and

meddling into constitutional affairs. Peljesac bridge will be reminder that despite all facts saying contrary, Zagreb will have to accept Sarajevo as an ultimate partner in bilateral dialogue.