

Formation of sovereign Croatia from a perspective of the International Public Law

Abstract

This diploma thesis is focused on a question of the formation of sovereign Croatia as independent state divided from the Socialist Federal Republic of Yugoslavia. The proclamation of the independence is being considered on the basis of historical-legal events and a subsequent reaction of the international community.

Firstly, the requisites of a statehood, based on the Montevideo Convention (1933) – citizens, territory, effective government and the ability to enter into international relationships – were considered. Especially their fulfilment in the moment of the proclamation of independence.

Secondly an effect of a state recognition is considered, bearing in mind an existence of a declaratory and a constitutional theory of recognition. Those were then applied on the act of recognition of Croatia by other states.

The process of creation of Croatia took place under difficult conditions, because of an armed conflict, which took place on Balkan at that time. Therefore, solving the problem of legal status of the successor states, which divided from the federation, was of a huge importance.

Within a Conference for a peace in Yugoslavia a commission was established. So called Badinter Commission was meant to solve legal problems which arose from the separation of federal republics.

Except the legal questions of statehood itself, the commission also covered the issue of succession into the rights and obligations of the federation by the successor republics. Therefore, even this thesis mentions an Agreement on Succession made between Bosnia and Herzegovina, Croatia, Macedonia, Slovenia and the Federal Republic of Yugoslavia (Monte Negro and Serbia).

The specificity of the process itself can also be seen in the fact, that the date of the sovereignty of Croatia is unclear. Not in the way of its existence, but in a way of two (and more) possible dates, for and against which there are many possible argumentations. Nevertheless, the most probable dates are 25th June 1991 and 8th October 1991.

Key words: state, Croatia, Badinter Commission