Dispute between Albania and Greece over the Delimitation of Maritime Zones

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ABSTRACT

The law of the sea guarantees the sovereignty of states and preserves the territorial integrity of sovereign states under international law. Disputes under the law of the sea often arise in the international arena. This study analyses a dispute, brought under the law of the sea, between Albania and Greece. The long-standing dispute between Albania and Greece over the delimitation of maritime zones was revived by the Greek Parliament’s January 20, 2021 approval of the expansion of the country’s territorial waters in the Ionian Sea from six miles to twelve miles. The Greek Parliament’s action triggered numerous debates and reactions, as Albania questioned how Greece’s decision affects the maritime zones between the two countries, particularly with respect
to the continental shelf of Albania and the Greek islands. Beyond the desire and interests of the parties to resolve the «issue of the sea», international law imposes certain rules and principles on the signatories to its various international conventions. The issue between Greece and Albania has become even more controversial due to the assessments of international law experts in Albania that a small island and continental land cannot have equal rights. This article analyses the effect of normative acts on the law of the sea in Albania and the legal issues of the Albanian legislation; the effect of the Albanian legislation in light of the international law of the sea; and the problems of the agreement between Albania and Greece for delineation of the continental shelf, which the Constitutional Court of Albania has declared invalid.

The keywords: law of the sea, dispute settlement, Albania, Greece, agreement, delimitation.

Introduction
Disputes often appear in the international arena in various forms and on different subjects of international law, due to political, legal, economic, and cultural diversity. Disputes become visible and deepen when the actions of international actors go against the norms of contemporary international law. Extensive doctrinal (Yoshifumi, 2019; Chandrasekhara & Gautier, 2018; Castillo, 2015; Rothwell & Stephens, 2016; Karaman, 2012; Walker, 2012; Kariotis, 1997) and normative (United Nations Convention on the Law of the Sea) analysis of international organizations provides the right background for dealing with this phenomenon that develops through the use of peaceful means for resolving disputes. Analysis of these international disputes in the context of the law of the sea is of special interest. “Maritime law is a fundamental and vital field of international law” (Martin, 2005) within the norms of international law as reinforced in the doctrine. According to the Constitutional Court of the Republic of Albania, “Contemporary international maritime law is the result of the confrontation of different interests, dialogue, concessions and compromises between states on issues related to the division of maritime space and the use and exploitation of their effective in the national interest” (Decision 15, 2010).
The Conference of Ambassadors in London first sanctioned the demarcation of the borders between Albania and Greece in 1913, followed by the January 27, 1925 Florence protocol. The borders of Albania were finally delimited on January 27, 1925, confirmed at the Conference of Ambassadors in Paris on July 30, 1926, and signed by the representatives of Albania, Greece, and the former Yugoslavia. These decisions and protocols established beyond dispute the border over land between Albania and Greece, which both countries accepted after establishing diplomatic relations in 1971 (Reci & Zefi, 2021).

However, the question of the maritime border between the two countries remained open. Eventually, the parties agreed upon the maritime border between the two countries, but that agreement was overturned by the Constitutional Court of Albania, citing aspects of the UN Convention on the Law of the Sea. The two countries finally decided to turn to the International Court of Justice in The Hague to resolve the issue.

One of the most important documents in international maritime law is the 1982 United Nations (UN) Convention on the Law of the Sea (UNCLOS, otherwise known as the Montego Bay Convention), successor to the first United Nations Conference on the Law of the Sea held in Geneva in 1958 and 1960. Albania ratified the Montego Bay Convention in 2003; Greece ratified it in 1995. Under this convention, which is considered the “constitution of the law of the sea”, each state has the right to declare the scope of its territorial waters, which may not extend more than twelve nautical miles from its shoreline. The Montego Bay Convention includes various provisions governing and limiting the exercise of this right. It is precisely the definition of “territorial waters” that has triggered legal debate over the meaning of the term when applied to the coasts of Albania and Greece, including the Greek islands of Corfu, Lazareto, Erikuza and Othonoi.
Methodology

This study analyzes a possible dispute between Albania and Greece over the application of the law of the sea. The research methodology applied in this study is the qualitative method, applying a normative legal framework to the Albanian legal order on the law of the sea and identifying important principles for resolving international disputes by peaceful means. Undoubtedly, the doctrine, in addition to the analysis of the legal framework, constitutes an important aspect of the resources used in the study, both by national and international researchers. Two prominent experts in the field of maritime law in Albania are Professor Ksenofon Krisafi and First Captain Artur Meçollari, two of the thirteen who originally negotiated the Maritime Agreement with Greece on behalf of Albania (Alpe News, 2018).

In addition to the analysis and legal interpretation of the case, we also outline technical and procedural arguments for the delimitation of maritime borders with Albania. Following this reasoning, the hypothesis raised in the study raises doubt whether “the Albanian legal framework applies to the law of the sea without a legal gap”. Meanwhile, the main research question is whether and to what extent the issue of maritime law in Albania is legally regulated in the ratified national and international legislation? If so, what are the causes and problems for international disputes with other entities regarding the law of the sea in Albania? What are the peaceful methods for resolving international disputes applied in this case?

To answer these questions, we address two main issues. First, we discuss Albanian law on maritime law and borders, and the relationship between Albanian law and international maritime law. We focus on the way in which Albanian law defines maritime territorial boundaries, the problems created by Albanian law for application of the law of the sea, and the role of the international
law of the sea in the Albanian legal system. Secondly, we identify some of the political, legal and technical issues involved in delimiting maritime borders between Greece and Albania, based on the Constitutional Court of Albania’s decision to declare the agreement between Greece and Albania on the law of the sea unconstitutional.

1. Albanian legal order for the regulation of the law of the sea

1.1. Albania’s maritime territorial

Albania is a coastal country with significant coastlines on both the Ionian and the Adriatic Seas. Its ability to control passage to the Otranto Canal makes Albania strategically important to peace and security in Southeast Europe and the Western Balkans.

Albania shares maritime borders with three neighboring countries: Italy, Montenegro and Greece. With the exception of Greece, Albania’s relationship with its neighboring countries for the division of maritime space has been undisputed.

Albania’s agreement with Italy for the delimitation of the continental shelf was signed in 1992, according to the equidistance method of delimitation (Charney & Lewis, 2004; Symmons, 1996; Giampiero, Scovazzi & Roman, 1994), carried out in accordance with Presidential Decree No. 816 (26th April 1977), which declared the baseline, and in accordance with Article 7 of UNCLOS 1982 (Meçollari, 2014). The 1992 agreement defined the continental shelf in both the Adriatic Sea and in the Otranto Channel and outlined the sovereign rights of both parties to use natural resources found in the continental shelf (Law No. 7685, 1993).

The 1997 agreement between Albania and Montenegro for delimitation of the Continental Shelf (Law 1987) was reached while Montenegro was part of the former Yugoslavia. Albania accepted Montenegro’s proposal for a straight dividing line during the negotiations for the delimitation of the territorial sea.
Montenegro’s proposal for a straight dividing line is based on Law No. 01-1469 / 2, dated 26 December 2007, entitled “On the Declaration of the Law of the Sea” (Meçollari, 2014).

The long-standing dispute between Albania and Greece over the division of maritime borders boiled over after the signing by both parties of the Agreement of 2009, entitled “On the delimitation of their respective areas, the continental shelf and other maritime areas belonging to international law”. There were efforts to hold talks on the division of maritime space in the early 1990s, but the parties were unable to reach an agreement (Zaganjori, 2012). Negotiations between the two parties began in earnest in 2007, culminating in the Agreement of 2009, which the Constitutional Court of Albania declared in 2010 to be incompatible with the Constitution of the Republic of Albania ((Decision 15/2010).

The territorial borders of Albania were first determined by the Conference of Ambassadors in London in 1913 and later reinforced by the Florence Protocols (the 1913 London Agreement), drafted by a Special Commission set up by the Conference of Ambassadors. The territorial borders established under the Florence Protocol have been uncontested. Maritime borders, in contrast, have been hotly contested, mainly a result of the dispute between Albania and Greece over the applicability of the law of the sea.

According to the Albanian Constitutional Court: “In the Florence Protocol of 1913 it is accepted that the border between Albania and Greece in the area of the Corfu canal passes through the strait, which has never been disputed by the parties. Also, with the laws approved by the Albanian parliament are provided as part of the Albanian territory as territorial waters as well as inland waters” (Decision 15, 2010). At the same time, the Constitutional Court summarized the position of the Albanian Ministry of Foreign Affairs and the Ministry of Defence this way: “The Florence Protocol of 1925 defines only the land border. Even the Albanian legislation over the years has never had a clear definition regarding
the maritime border with Greece. In this document there is no coordinate to determine the division line of the maritime border between these two countries. Consequently, there was no other division line previously defined by these countries by agreement, but there were lines defined unilaterally by each country” (Decision 15, 2010).

To summarize the dispute: According to the requesting party, the Florence Protocol defines the maritime borders, as the border is located in the area of the Corfu canal that passes through the strait. According to the Ministry of Foreign Affairs and the Ministry of Defence, the Florence Protocol defines only the land borders and not the maritime borders. Furthermore, such maritime borders as exist have been unilaterally determined by each party and, although respected by each party, have not been formally agreed to.

The 1925 Florence Protocol, which is comprised of twelve articles and five annexes, includes a paragraph entitled “General description of the border line”, which defines the maritime space in which the territorial sea border between Albania and Greece is delimited (Meçollari, 2021). However, it is questionable whether the methodology applied by the Florence Protocol to determine the delimitation line and its definition applied the same methodology used by the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which Albania has ratified (Law No. 9055, 2003).

In considering these arguments and claims, the Albanian Constitutional Court stated that “State borders, including naturally the border of the Territorial Sea between the Republic of Albania and the Republic of Greece, have existed” (Decision No. 15/2010), thereby declaring resolved the determination of maritime territorial boundaries according to the Florence Protocol, one of the points of contention over the validity of the 2009 Agreement between Greece and Albania.
1.2. Reconciling the Albanian legal system with the international law of the sea

Preservation of Albanian territorial integrity and sovereignty is outlined in a series of national and international normative acts. Despite the legal, practical and technical complexity of defining the boundaries of maritime space, the domestic legal framework and the ratification of a number of international acts on the law of the sea have made it possible to outline all aspects of the law of the sea. The maritime legal regime is regulated in accordance with important international acts. In general, Albanian law makes the principles of international law binding on domestic legislation.

In this context, the binding nature of international normative acts upon Albanian law is specified by Article 5 of the Constitution of the Republic of Albania (2016), which provides that “The Republic of Albania applies the international law binding on it”, and by Article 5 of the Maritime Code of the Republic of Albania (2004), which states (among other things) that “in the Albanian maritime activity the international law is obligatory and has priority over this Code…”. In addition to these acts, maritime legislation is regulated by a series of laws (Law No. 168/2013; Law No. 10109/2009; Law No. 9861/2008; and Law 60/2012), and by various decisions, orders and instructions (General Maritime Directorate, 2021).

However, any action regarding maritime space and any attempt to sign international agreements under the law of the sea must comply with what is considered the “Constitution of the law of the sea” (Treves, 2018), which the Montego Bay Convention adopted on December 10, 1982 (Law No. 9055/2003). Albania, under communist rule at the time, initially refused to adopt the Montego Bay Convention and denounced it as “a UN mechanism in the service of American Imperialism and Soviet Social Imperialism” (Meçollari, 2014). Albania eventually ratified the Montego Bay Convention in late 2003, after the end of communist rule.
The 1946 Corfu Channel incident, a dispute between Albania and the United Kingdom arising after British ships passing through the Corfu Channel were damaged by mines, was resolved by a decision of the International Court of Justice (ICJ) in 1949. This case constituted the first decision of the ICJ, one of the organs of the United Nations, where it served as the main tool for resolving international conflicts (Zaganjori, 2012). The delimitation of Albania’s territorial waters as within six miles of its coast was declared in 1946, after the Corfu Channel incident.

2. Problems and methods applied in the Greek-Albanian Sea Dispute

We address two aspects of the peaceful resolution of the dispute over the delimitation of the maritime border between Albania and Greece: firstly, the problems involved in this maritime dispute; and secondly, the method used to resolve the Greek-Albania dispute. We focus first on the three types of problems identified in this dispute: political, legal, and technical. As for the method used to resolve the dispute, we describe the negotiations between the parties, as well as some of the other means of dispute resolution provided in Article 33 of the 1945 Charter of the United Nations.

2.1. Problematic elements of the Sea Dispute

(i) Problems of a political nature

The dispute between Albania and Greece over the law of the sea, the escalation of the dispute, and the signing of the infamous 2009 Agreement, among other things, had both political and diplomatic aspects. Albania has been trying for years to become part of the large European family; Greece, as a member of the European Union, must agree to Albania’s membership in the European Union. Thus, the interests of both parties in signing such an unjust and unconstitutional agreement were clear and direct.
Greece’s interests and its benefits through the signing of the Agreement of 2009 were apparent. *First*, as the Albania Constitutional Court, the 2009 Agreement awarded Greece a considerable amount of maritime space (350 km², according to some researchers (Meçollari, 2015)) at Albania’s expense (“According to the agreement under review, ... there is a significant disproportion to the disadvantage of the Albanian side” (Decision No. 15/2010)). *Secondly*, according to geological studies conducted jointly in the 1960s by Russian and Albanian geologists and research conducted between 2013 and 2015 by Norwegian companies, experts estimated that the space gained by Greece from Albania is likely to be rich in oil and gas, an extension of the Patos-Marinëz-Vlore oil field (Top Channel, 2018). *Thirdly*, the transfer of maritime space from Albania to Greece will become precedent for Greece to expand its claims over the Aegean Sea, following its early maritime disputes with Turkey. Turkey announced that any territorial expansion by Greece into the Aegean Sea would be considered unacceptable and a cause for a justification for war (“casus belli,” Meçollari, 2015). According to the official website of the Greek Foreign Ministry, in response to the 2009 Agreement “the Turkish National Assembly adopted a resolution [on June 8, 1995] authorizing the Government of Turkey to take all necessary steps [in response], including military action” (Meçollari, 2015). In adjudicating the constitutionality of the 2009 Agreement, the Constitutional Court noted that Article 2 “affected maritime spaces belonging to other states” (Decision No. 15/2010).

In contrast to the reaction of Albanian experts and the Albanian public, Greek scholars and experts took an entirely different position. Kariotis, a member of the Delegation of Greece to the United Nations Conference on the Law of the Sea, stated that “Greece must insist that this agreement was absolutely fair and legal for both states and put pressure on Albania to agree with it, so that the Albanian Supreme Court does not find again a justification
for its rejection” (Kariotis, 2007). According to Kariotis, the decision of the Albanian Court was unfair and reflected definite interference from third parties, meaning Turkey (Kariotis, 2007).

Albania’s interests – more precisely, those of Albanian political actors acting on behalf of their parties – were clear. Albania agreed to the 2009 Agreement to buy Greece’s assistance in gaining Albania’s admission to the European Union. In addition, Albania became a full member of the North Atlantic Organization (NATO) in April 2009 (Ministry of Defense, 2021). Moreover, Greece has technically been at war with Albania since 1941, a legal and political paradox considering that both countries are members of NATO and are supposed to act based on the concept of collective security (Mehmetaj, 2018). But investigating the state of war between the two countries is not the focus of this research.

With parliamentary elections scheduled for June 2009, Albania’s majority political party stood to gain from Greece’s support for Albania’s admission to the European Union. Albania’s opposition party responded by petitioning the Albanian Constitutional Court to abrogate the April 2009 agreement as incompatible with the Albanian Constitution. The April 2009 Agreement with Greece was indeed unanimously rejected by the Constitutional Court of the Republic of Albania in 2010 (Decision No. 15/2010).

Another problematic aspect, apart from the fact that the April 2009 Agreement with Greece was kept secret from Turkey (the party primarily affected by the agreement), Italy, and the United States, was that the terms agreed to by the Albanian negotiating team violated the Constitution and important constitutional principles, such as the separation of powers and state of law (Xhezair & Methasani, 2011). The Albanian negotiators signed the Agreement without respecting basic principles of the Albanian and international legal system, chiefly, the powers of the Albanian Head of State to negotiate treaties. In its decision, the Constitutional
Court noted that “Lack of plenipotentiary makes the agreement unconstitutional” and that “Lack of plenipotentiary constitutes a violation of a constitutional guarantee” (Decision No. 15/2010). According to the Court, the failure of Albania to formally delegate to its negotiators the power to negotiate with Greece violated the Albanian Constitution, the Vienna Convention on the Law of Treaties (Law No. 8696/2000), and the Law “For the Conclusion of International Treaties and Agreements” (Law No. 8371/1998).

(ii) Problems of a legal nature

Aside from the political problems caused by the 2009 Agreement, there were significant legal problems with the Agreement itself. It conflicted with the Montego Bay Convention on the Law of the Sea, the Vienna Convention on the Law of Treaties, the Albanian Constitution, and a number of other acts.

According to the 2010 Decision of the Constitutional Court, a number of provisions of the 2009 Agreement conflicted with the Albanian Constitution, specifically, Articles 3, 4, 7 and 92 (Decision no. 15/2010), which corresponded to the fact that the Albanian negotiating delegation entered into the Agreement without a delegation of the regular powers of the President of the Republic of Albania (Decision no. 15/2010). The Constitutional Court also cited a series of technical shortcomings with respect to the law of the sea, which are explained below.

With respect to the unconstitutionality of the 2009 Agreement, Albania’s territorial borders were delimited by the Law on the State Borders of Albania (Law No. 8771), which established maritime borders with Greece and Montenegro. However, Albanian political actors repealed the Law on State Borders of Albania in 2001, six months after the signing of the 2009 Agreement.

Another earlier legal issue had to do with a reckless legal action by Albanian political actors who in 2008, six months after the negotiating groups sat down in talks and signed the
2009 Agreement, repealed the Law on State Borders of Albania (No. 8771) on April 19, 2001. Albania’s territorial borders were regulated by the Law on the State Borders of Albania, a law which regulated the maritime borders with Greece and Montenegro (Law No. 8771/2001) and the law on the protection and control of the state border of the Republic of Albania (Law No. 8777/2001).

Article 3 of the Law on State Borders (No. 8771) provided that the territorial waters of the Republic of Albania extended twelve nautical miles from the straight baseline with closed bays, in accordance with Article 3 of the Montego Bay Convention, which stipulated that “every state has the right to establish a latitude over territorial waters up to a limit not exceeding 12 nautical miles, measured by the baseline established in accordance with the Convention”. This delimitation of territorial waters was reflected in the official map that Albania submitted to the United Nations under the Convention.

Law No. 8771, although nominally repealed on April 19, 2001, remained in force until the Albanian Parliament enacted Law No. 9861 on January 24, 2008, Article 53 of which officially eliminated the previously defined boundaries (Law No. 9861/2008). Law No. 9861 allowed Albanian domestic actors to sign the 2009 Agreement with Greece, to Albania’s great detriment. The repeal of Law No. 8771 created a dangerous, nonsensical approach to the negotiations with Greece.

Article 3 of Law No. 8771, enacted on April 19, 2001, was replaced in 2008 with the following language of Law No. 9861: “The state border of the Republic of Albania is established and regulated on the basis of international agreements, ratified by the Assembly, as well as treaties, bilateral or multilateral, concluded with countries other”. Therefore, a majority of the Albanian Parliament established maritime territorial boundaries that were based on agreements, but not on the straight baseline with closed bays, as they were before. Albania has defined the baseline since
the 1970s and its definition has never been contested (Decree No. 4650/1970). The 1992 Agreement with Italy was also based on straight baselines with closed bays, although this was not the methodology followed by Albania’s representatives to the negotiations with Greece. Straight baselines with closed bays were favored by Law No. 9861. “[C]losure of bays on the ground, despite the fact that they can meet the requirements of Articles 7 and 10 of UNCLOS 1982, according to Article 16 must be promulgated by national legislation. Greece has not declared by law the closure of the Gulf of Corfu with a straight line.” (Decree No. 4650/1970).

(iii) Technical problems

Problems with the 2009 Agreement of a technical nature stemmed from the methodology it used to define maritime borders. These problems could have been largely avoided by referring to the UN Convention on the Law of the Sea. Also, according to the Constitutional Court, equity is explicitly mentioned as the main criterion for resolving disputes over the division of maritime space (Decision No. 15/2010). The 2009 Agreement on delimitation of maritime borders used the wrong methodology, to the detriment of Albania. In Decision No. 15, dated 15.04.2010, the Constitutional Court noted the following deficiencies and technical defects:

a) the title and content of the agreement, as well as the need to determine the respective maritime spaces;

b) implementation of the principle of strict equality of distance for the division of maritime spaces belonging to both countries;

c) the influence of islands and rock masses in the determination of maritime spaces; and

d) failure to attach analog maps to the agreement (Decision No. 15/2010).

In this context, among others, some of the problems produced by the 2009 Agreement had to do with the methodology used
in it. Wrong was the use of the strict equality method sanctioned in Article 1 of the Agreement and subsequently rejected by the Constitutional Court. According to experts, “The maritime agreement with Greece has built a delimiting line with equal distances for the three maritime spaces, not making distinctions between the methodologies of their construction depending on the space that is delimited” (Decision No. 15/2010).

The second mistake had to do with the recognition given by Article 1 of the Agreement to the Greek islands. The Agreement treated the Greek islands, and a small rock (the Barketa Stone), as though they were part of the European continent. But the Barketa Stone, being not even an island, cannot have the full rights accorded to countries under international maritime law, because the granting of such power significantly affected the border line and arbitrarily reduced Albania’s maritime space by 15 square kilometres.

Other problems related to the title of the Agreement, which was supposed to divide the maritime space of the Continental Shelf, Inland Waters, and the Territorial Sea, and the lack of official maps defining Albanian maritime space. The 2009 agreement, built on these substantial problems, reflects the consequences that result from violation of the principles of international law (Krisafi 2020).

2.2. Peaceful means applied in the dispute between Greece and Albania for the delimitation of the sea border

International conflicts and disputes should be resolved only by peaceful means: war is otherwise considered illegal under the norms of international law. Within these norms, we find both legal and political instruments that can be used to resolve disputes over the law of the sea in peaceful ways similar to other disputes of international law. Scholars, including Brownlie and Merrills, assign a dispute to a specific legal or political issue with the claim of a right that has been violated by one of the parties to the dispute.
These claims relate to an alleged violation of one or more legal obligations (Brownlie, 1979), and on this violation a claim has been made by a particular party, which has been rejected or denied by the other party to the dispute.

Because international conflict resolution mechanisms seemed to be the best alternative, they were evaluated and eventually selected by the two countries’ respective governments (Reci & Zefi, 2021). In the case of the dispute over the delimitation of the sea border, Greece claims that the 2009 Agreement does not allow Greece to intervene in the Albanian maritime space; Albania claims the opposite, mainly on the basis of the rejection of the 2009 Agreement by its Constitutional Court (Merrills, 2005).

International acts, such as the Charter of the United Nations, the Statute of the International Court of Justice, the UN Convention on the Law of the Sea, the Hague Conventions of 1899 and 1907 for the Pacific Settlement of International Disputes and many other international conventions, govern international disputes either in their entirety or in separate sections. These normative acts also provide the appropriate instruments and alternatives for resolving international disputes by peaceful means. Meanwhile, internal acts of the Albanian legislature, the Albania Constitution, special laws, and Maritime Code all serve as legal regulators of possible claims in the dispute with Greece.

The guiding provision will always remain Article 33 of the Charter of the United Nations (UN), particularly important because of the means it offers to resolve international disputes of a political and judicial nature. According to Article 33, “the resolution of a conflict can be done through negotiations, analysis, mediation, trials, court decisions, the involvement of regional institutions or agreements or through other peaceful means in the choice of parties”. Thus, the peaceful means which can be used to resolve the conflict between Greece and Albania are either political (negotiation, mediation, talks and dialogue) or judicial (trials, court decisions).
The main tool used by the two parties thus far has been negotiation. Order No. 153 of the Prime Minister dated 23.08.2007 authorized Albanian negotiators to begin negotiations with Greece for the delimitation of maritime borders. The negotiations that resulted in the signing of the 2009 Agreement, however, continued to be the main tool for the parties, even after the signing of the 2009 Agreement, to reach an agreement on maritime space. According to Ksenofon Krisafi (2021), the head of the negotiating delegation for the delimitation of the border with Italy, recently also part of the negotiating group with Greece, “there is no other more normal and legal way than that of negotiations”.

Negotiators met in Crete, Korca, Athens, and Tirana in 2018 and 2020 (Krisafi, 2021). The choice of negotiations as a method of resolving the dispute necessarily implies the parties hold opposing positions: parties may well favor different methods for resolving the dispute. For the Greek side, a possible solution to the pending issue could be developed through *dialogue*. Albania, on the other hand, seeks to resolve the dispute with the help of a third party, either through *mediation* or in the *International Court of Justice*. In our opinion, resolving the maritime dispute through the Hague Tribunal or the Hamburg Court would be the best and final method of realistically and fairly determining the norms of international maritime law, without the undue influence of any possible party.

Because both countries have ratified the 1982 Montego Bay Convention (Greece in 1995; Albania in 2005), both countries are subject to Section 5 of that Convention, “Settlement of Disputes and Advisory Opinions”. In the event that the parties fail to reach an agreement through political means, negotiations, talks, dialogue or other means for the peaceful settlement of disputes, Section 5 of the Convention provides for resolution of the dispute by the International Tribunal for the Law of the Sea. The jurisdiction of the International Tribunal for the Law of the Sea is not mandatory, however: submission of the dispute to the International Tribunal is
voluntary. Albania has expressed the desire for a judicial resolution; Greece still does not see it as an alternative. However, according to the former Albanian Foreign Minister, international law recognizes at least three institutions to which the case may be referred, of which the International Tribunal for the Law of the Sea is only one: others are the International Court of Justice and the Permanent Court of Arbitration (Bushati, 2021).

**Conclusions**

The dispute over the law of the sea between Albania and Greece involves fundamental legal, political and technical problems. Despite the legal problems created by Albania’s repeal of the Law “on the state border of Albania” in 2001, and the adoption of the Law “on the control and surveillance of the state border” in 2008, Albania has ratified a number of important normative acts, such as the United Nations Convention on the Law of the Sea. Albania and Greece deliberately entered into a false Agreement on the delimitation of maritime borders in 2009, which was later declared unconstitutional by the Constitutional Court of Albania. The 2009 Agreement posed problems for Albania and for Greece, both legally and technically. In addition, the 2009 Agreement created political problems by interfering with the sovereign rights of third countries, notably, Turkey. Negotiations have reduced tensions between Albania and Greece but have not resolved the issue, leading Albania to seek judicial resolution of the issue.

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Мехметай Й., Мечай С. Спір між Албанією та Грецією про розмежування морських просторів. – Стаття.

Морське право гарантує суверенітет держав і сприяє збереженню територіальної цілісності суверенних держав відповідно до міжнародного права. На міжнародній арені часто виникають спори, пов’язані з морським правом. У цьому дослідженні аналізується спір між Албанією та Грецією. Цей давній спір щодо розмежування морських зон був відновлений після того, як парламент Греції 20 січня 2021 року схвалив рішення про розширення територіальних вод країни в Іонічному морі з шести до дванадцяти миль. Дії грецького парламенту викликали численні дебати та реакцію, оскільки Албанія поставила питання про те, як рішення Греції впливатиме на морські простори між двома країнами, особливо щодо континentalьного шельfu Албанії та грецьких островів. Поза бажанням та інтересами сторін вирішити “питання моря”, міжнародне право приписує певні правила та принципи особам, які підписали різні міжнародні конвенції. Питання між Грецією та Албанією стало ще більш суперечливим через оцінки експертів з міжнародного права в Албанії стосовно того, що малий острів і континentalьна земля не можуть мати рівні права. У цій статті аналізується вплив нормативних актів на морське право в Албанії та питання албанського законодавства; дія албанського законодавства у світлі міжнародного морського права; і проблеми угоди між Албанією та Грецією про розмежування континentalьного шельfu, яку Конституційний суд Албанії визнав недійсною.

Ключові слова: морське право, врегулювання спорів, Албанія, Греція, угона, розмежування.

Мехметай Й., Мечай С. Спор между Албанией и Грецией о разграничении морских пространств. – Статья.

Морское право гарантирует суверенитет государств и содействует сохранению территориальной целостности суверенных государств в соответствии с международным правом. На международной арене часто возникают споры, связанные с морским правом. В данном исследовании анализируется спор между Албанией и Грецией. К этому давнему спору по поводу разграничения морских пространств было вновь привлечено внимание после того, как 20 января 2021 года парламент Греции одобрил расширение территориальных вод страны в Ионическом море с шести до двенадцати миль. Действия греческого парламента вызвали многочисленные дебаты и реакции, поскольку Албания задалась вопросом, как решение Греции повлияет на морские пространства между двумя странами, особенно в отношении континентального шельфа Албании и греческих островов. Помимо стремлений и интересов сторон разрешить “морские вопросы”, международное право предписывает
определенные правила и принципы для участников различных международных конвенций. Вопрос между Грецией и Албанией стал еще более спорным из-за оценок экспертов международного права в Албании о том, что небольшой остров и материковая земля не могут иметь равных прав. В данной статье анализируется влияние нормативных актов на морское право Албании и вопросы албанского законодательства; действие албанского законодательства в свете международного морского права; и проблемы соглашения между Албанией и Грецией о разграничении континентального шельфа, которое Конституционный суд Албании признал недействительным.

Ключевые слова: морское право, разрешение споров, Албания, Греция, соглашение, делимитация.