WAVES LARGER THAN BILATERAL RELATIONS: THE ALBANIAN-GREEK MARITIME BORDER DISPUTE

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Abstract: The maritime border dispute is one of contentious issues between Albania and Greece as the delimitation of the continental shelf at the Ionian Sea has been of strategic priority for both countries. Bilateral relations hit rock bottom after the Constitutional Court of Albania nullified the initial agreement (2010), and it took more than a decade to (publicly) relaunch the process of having the maritime borders demarcated. A new agreement—even as a verdict by the International Court of Justice—would bear the parties with mutual benefits: Albania would avoid a possible veto over its EU accession from Greece, while Greece, amid growing tensions with Türkiye over the Aegean, would delimitate (and possibly extend) its maritime borders with Albania. The rivalry between Athens and Ankara over the East Mediterranean, the economic potentials (fossil fuels) of the sea as well as the race for influence in the Western Balkans supplement this border dispute with additional foreign policy perspectives that go beyond Albanian—Greek bilateral relations.

Keywords: Albania, Greece, maritime border, conflict resolution, foreign policy

A Short Introduction of a Long Dispute

Southeast Europe is still home for territorial and border disputes, most of those stem from the disintegration of Yugoslavia or the contested status of Kosovo (Ármás–Németh, 2021:4). There are also some bilateral

issues in the region that concern maritime borders: the still unresolved dispute over the Gulf of Piran between Slovenia and Croatia, the Prevlaka peninsula between Croatia and Montenegro and the case of the Pelješac bridge in the context of Bosnia and Herzegovina's exit to the Adriatic Sea (Reményi, 2020:112-113). A little further to the south, off the coast from the island of Corfu at the Ionian Sea, another dispute is making waves. The analysis looks at the brief history and recent developments concerning the Albanian–Greek maritime border dispute, the attitude of citizens toward the border demarcation as well as the external driving forces (the return of Greece to Southeast Europe and its rivalry with Türkiye) behind the intensified efforts in resolving the bilateral issue.

The delimitation of the continental shelf-the era around the Strait of Corfu and the maritime border of Northern Epirus (Symmons, 1996:72)-between Albania and Greece has impacted bilateral relations to a great extent, especially after the nullification of the initial agreement in 2010. Rakipi notes that this maritime border dispute is "an essential source of political tensions" (Rakipi, 2019) since decades, despite that fact that both countries are part of the same, Western politico-military alliance. The strategic importance of the dispute that goes beyond bilateral relations is, however, many times missing from analyses. For Albania, this lingering problem with Greece, an EU member state, could translate into serious consequences in its EU integration path if Athens decides to use its veto power over the dispute. For Greece, however, having this issue resolved is not only about Albania; it has a lot to do with countering Türkiye and its influence in the Balkan peninsula-and over the sea too. It can thus be perceived as a strategic goal of Athens to have its maritime borders delimited (and extended, where possible). To get a better understanding of the context and recent developments, one must first examine the genesis of the maritime border dispute.

The roots of the bilateral issue between Albania and Greece could be traced back to the establishment of the independent Albanian state (1912) and the delimitation of its (maritime) borders (1913). Reci and Zefi give an extensive overview on the evolution of the Albanian–Greek relations in the 20th century and to the documents that demarcate

their shared land and maritime borders. The first fundamental treaties (agreements) concerning and confirming the modern-day maritime borders between the states are the "On the demarcation of the borders of Albania and Greece" from the London Conference in 1913 and the Protocol of Florence in 1926 (Reci–Zefi, 2021:300). Interestingly, some decades later, Albania was the first country to be in the centre of a maritime dispute in front of the newly established International Court of Justice (ICJ) with the so-called Corfu Channel case (United Kingdom v. Albania) in 1947. In addition to being the first public international law case of the court, the decision greatly impacted the prevailing law on the sea. It is important to highlight that the ICJ did examine and, furthermore, did not contest Albania's maritime borders (with Greece); thus, one could argue that from a legal perspective the ICJ gave the highest form of legitimacy to the land and maritime borders of Albania.

After the fall of the socialist regime in 1991, Albania started focusing on its maritime borders again and sought cooperation proactively with its Italy, mainly concerning the protection of the Adriatic Sea (Cenaj, 2015:144). Although the delimitation of the continental shelf between Tirana and Rome was signed in 1992, no comprehensive agreement with its costal neighbours (Greece and Montenegro, respectively) has been reached so far (nor about the Exclusive Economic Zone between Albania and Italy in the Adriatic). As for the bilateral relations between Athens and Tirana, the Treaty of Friendship, Cooperation, Good Neighbourliness and Security from 1996 is still the highest document to date that confirms the acceptance of the prevailing borders between the countries (Dervishi, 2019:31).

According to Article 76(1) of the United Nations Convention on the Law of the Sea, "the continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance." Article 55 of the Convention defines the Exclusive Economic Zone as "an area beyond and adjacent to the territorial sea" that, citing Article 57, "shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured" (UNCLOS, 1982).

Potential concerns from the Greek side over Albania's maritime borders-in the light of the above-mentioned legal documents-did not take place. It was not until the beginning of the new millennium, however, when Greece started showing special interest in Albania (and their shared border). In the years to come, heightened diplomatic pressure were put on the unresolved status of the continental shelf demarcation. As a result of the growing tensions between Greece and the Recep Tayyip Erdoğan-led Türkiye by the mid-2000s, Athens intensified its efforts in having maritime border agreements reached, culminating in negotiations with Albania in 2008.

The Failed Delimitation Agreement: Causes and Consequences

Negotiations between Albania and Greece about the delimitation of the continental shelf and Exclusive Economic Zone begun in 2008 and finished as early as the following year, signed by foreign ministers Lulzim Basha and Dora Bakoyannis, endorsed by then-Prime ministers Sali Berisha and Kostas Karamanlis as well as Albanian President Ilir Meta. On the surface, everything indicated a success for both parties: Albania, with the support of Greece, almost immediately applied for EU membership, while for Greece it was a foreign policy triumph in its quest to delimitate (and extend) its maritime borders at the Ionian Sea.

It was rather surprising that two, right-wing parties managed to find a common position on the subject matter in a relatively short period of time. Traditionally, in post-Socialist Albania, right-wing parties, such as the main governmental party at that time, the Democratic Party of Albania (*Partia Demokratike e Shqipërisë*, PD) were always more nationalist and thus paid a special attention to the kin-minority and their compatriots in neighbouring states–Greece included. The PD and Berisha himself were most probably driven by two factors: firstly, the prospects of Euro-Atlantic integration would have been delayed if Greece had decided to use its veto powers over the unresolved border dispute. Seeing the

attitude of Athens towards North Macedonia-especially at the Bucharest Summit (2008) when Greece vetoed its northern neighbour's accession to NATO (Brunnstorm-Pawlak, 2008)—, the Albanian government could not risk this fiasco. Secondly, the need to broaden the party's voting base at the expense of a more "Greek-leaning" Socialist Party of Albania (*Partia Socialiste e Shqipërisë*, PS) could explain the government's openness to have the issue resolved. The left-wing PS, the main opposition party had always nurtured stronger ties with Athens. By the mid-2000ies, however, given internal political changes, the constructive relations between PS and the governments in Greece were about to take an unpleasant turn.

The joy of having an agreement reached was short-lived. Opponents of the agreement on delimitation included Albanian academics and civil society organisations as well as Edi Rama who at that time served as the leader of the PS. His greatest concern included that fact that in accordance with the agreement, the country gave Greece "some 225 square kilometres of Albanian waters". (Taylor, 2022) In addition, opponents raised concerns over the lack of involvement of the public and consultation with civil society during negotiations as well as the alleged unpreparedness of the Albanian negotiating team. Consequently, the PS (then in power) started an investigation in 2014 that concluded that only a handful of experts were involved in negotiating the agreement (Ndoj, 2015:140). Cenaj argues that at least four major factors led to the demise of the agreement: 1) incompetent negotiators and negotiating team from the Albanian side, especially taking into consideration the professionality of Greek diplomats and their expertise on the law of the sea; 2) lack of sufficient and due diligence research/knowledge on similar cases; 3) technical shortcomings, such as the lack of proper maps; and 4) lack of transparency between the negotiating team and the Albanian public, including legal scholars (Cenaj, 2015:147).

On a political level, the fierce resistance of Rama could be explained by the struggle for power between the PS and the PD, especially during the 2009 parliamentary elections. There is nothing to indicate that Rama had any direct ill-intention towards the Greek government or negotiators. The drastic turn against Athens by the PS could be explained as Rama wanted to break the monopoly of Berisha (and PS) as being the sole supporter of the Albanians abroad. Pursing a more "pro-Albanian", nationalist policy before the general elections would, consequently, also imply colder and confrontative relations with Greece (Abrahams, 2015: 292). The fierce opposition against the maritime border agreement could be perceived as a testament to the political discourse of Rama.

Soon after the agreement had been reached, the PS appealed to the Constitutional Court of Albania (Gjykata Kushtetuese e Republikës së Shqipërisë), claiming territorial integrity violations. The Court in 2010 nullified the agreement citing "procedural and substantial violations of the Constitution and the UN Convention of the Law of the Sea" (Ndoj, 2015:138). The Court, furthermore, set out conditions that must be met in future negotiations, for instance that appliance of principles of international law (the methodology) and concerning the status of islands/rocks around Corfu and the strait of Corfu (the status of the islands). (Feta, 2020) As a consequence, the decision of the Constitutional Court of Albania crated a "climate of distrust" (Voudouri, 2021) between Athens and Tirana for the decade to come. Greece did not only blame the PS and Rama himself for the failure of the agreement but also suspected malign influence over the Court's decision from Türkiye. Bilateral relations therefore hit rock bottom, especially after the unexpected turn of PS to a more nationalist direction, and it took several years and a complete political change in both countries to start with a clean(er) slate on this subject.

Revival of the Negotiations: Internal and External Driving Forces

The fiasco of having the maritime border dispute resolved greatly impacted bilateral relations. In the next decade, Greece would continue to argue and stress the necessity of having the already negotiated agreement implemented by the Albanian side. Leaked diplomatic sources from 2011,

for example, claim that Athens put significant pressure on Tirana to have the border delimitation deal in its original form accepted. (Erebara, 2020) These closed-door attempts, however, remained unsuccessful as no tangible or visible steps were taken up until 2016.

Although the border dispute has been widely discussed in Athens and Tirana in the years to come, the issue itself has not been the main point of contention between states and it did not impact Albania's EU accession process either. On the contrary, it was under the Greek EU Presidency in 2014 when Albania received the official candidate status from the EU (in accordance with the Greek Agenda2014 envisioning the country's priorities). Enlargement has always been a significant policy field for Greece (the Thessaloniki Summit in 2003 also testifies about this), however, for a long time Athens was considered "an obstructing actor" (Armakolas–Triantafyllou, 2015:129); it was thus to be expected that Greece would give the same treatment to Albania–given their ongoing issues–as to North Macedonia. The maritime border dispute, hence, has never been a topic that would potentially trigger a veto from Athens but appeared on a rhetorical level on several occasions (Reka, 2014).

By 2015, a new political leadership in both Albania and Greece sought to normalize relations, including putting an end to their unresolved maritime border dispute (Likmeta 2015). In Albania, the PS-with newly appointed prime minister Rama-came to power in 2013, and soon signalled that it wishes to bring positive changes to bilateral relations with Greece as well as demonstrated openness to a new agreement on maritime borders (Cela-Lleshaj, 2014:3). In his first speech in the Albanian parliament (*Kuvendi*), Rama not only acknowledged Albania's ongoing issues with Greece but made a promise to work on resolving those. By declaring so, the prime minister also set the foundations to his so-called "Zero Problems with Neighbours" policy, indicating a foreign policy approach with the aim of fixing any bilateral issues from the past and present with neighbouring states (Feta, 2018:74-75). In Greece, the Alexis Tsipras-led Coalition of the Radical Left – Progressive Alliance (*Synaspismós Rizospastikís Aristerás*

– Proodeftikí Simachía, SYRIZA) won the early parliamentary elections in 2015, ousting the right-wing New Democracy (Néa Dimokratía, ND), the party that negotiated the previous (failed) delimitation agreement from power.

Although the Greek government at that time was occupied with the consequences of the economic and euro crises, small steps have been taken to the direction of Albania too. Already in 2015, the newly appointed foreign ministers, Ditmir Bushati and Nikos Kotzias held meetings concerning the maritime border dispute (Taylor–Michalopoulos, 2022). Moreover, in 2016, the Greek side presented a package of proposals which resulted in an understanding about the necessity of a road map in resolving the issue (Maksimovic, 2016:13). Although SYRIZA showed interest and more constructiveness towards Tirana, its greatest achievement remained the Prespa agreement (2019) with North Macedonia. Apart from trust-building measures (including technical and high-level governmental meetings), little have been achieved concerning the border dispute (Feta, 2019).

The following Greek parliamentary elections in 2019 resulted in the return of ND to the governing seat and consequently, ending the four-year reign of SYRIZA. The "rapprochement" in Greek politics left politicians pondering about the possible (new) approach of Athens towards Southeast Europe, including Albania (Voudouri-Armakolas, 2019). Experts predicted "a more aggressive foreign policy" (Krisafi, 2019) as a response to SYRIZA's behaviour to constructively addressand if necessary, make concessions on-bilateral issues with Greece's neighbours. This fear was only partially confirmed in practice: although relations with Türkiye became more tense but remained lenient with the Western Balkan countries. The appointment of Nikos Dendias as the new Minister for Foreign Affairs of Greece, however, signalled the strategic importance of the delimitation of country's water borders (Krisafi, 2019). Moreover, Prime minister Kyriakos Mitsotakis stated that Greece would also want to expand its territorial waters from 6 to 12 nautical miles into the Ionian Sea (Ekathimerini, 2020), presumably out of economic considerations. The following years marked an intense period with Greece's maritime neighbours (with Italy and

Egypt, respectively) in a quest of having their shared maritime borders demarcated. As for Albania, ND still sticked to its point on having the already negotiated agreement from 2009 implemented and Athens would only agree on minor altercations.

In recent years, a new impetus is visible in both sides with the aim of having the bilateral dispute resolved with third-party involvement. Albeit the efforts of the US and Germany to mediate between parties, Albania and Greece were unable to make any tangible progress (Gencturk, 2022). Hence, it seems like a convenient compromise that in 2020, Prime minister Rama and Minister for Foreign Affairs Dendias agreed on taking the issue over delimitation of the continental shelf and Exclusive Economic Zone over the Ionian Sea to the ICJ (Pollatos, 2020). Although this commitment was reaffirmed by Prime minister Mitsotakis in 2021 to speed up the ICJ proceeding (Greek City Times, 2021), however, not much has been achieved so far. In 2022, during the Prague summit of the European Political Community, leaders of Albania and Greece discussed the maritime issue, but no tangible results were made either. (Taylor, 2022) At this point it is highly questionable whether the ICJ would take on the case, especially taking into consideration the profile of the cases from the past in front of the court. Nevertheless, there is a prevailing political will from both sides-driven by different motivations-to come to terms and end the maritime border dispute for good.

One question, however, remains unanswered: what triggered the sudden interest in sending the maritime border dispute to the ICJ and having a solution found in the foreseeable future? It cannot only be explained by the political willingness of the governments (which is also of high importance), especially that Rama was a fierce opponent to the previous, failed agreement and the ND does not seem to want to make significant changes to the first delimitation deal. There are at least three factors that might play a defining role in driving the parties to reach an agreement: 1) the attitude of the societies and their perception on the importance of the border issue; 2) the return of Greece to Southeast Europe; and, most importantly 3) the ongoing Greek–Turkish rivalry over influence and possible economic benefits over the sea.

Attitude of the Citizens Towards the Maritime Border Dispute

There are several issues that hinder bilateral relations on a political level and create distrust between Albanians and Greeks. A survey conducted by the Albanian Institute for International Studies (2013) indicates that Albanians perceive the maritime border dispute (46 percent) as the most pressing bilateral issue concerning their southern neighbour, followed by the so-called Cham question (21 percent) and the status of Albanian migrant workers in Greece with 19 percent (Cela-Lleshaj, 2014:29). A similar, comparative study by ELIAMEP (2021) reconfirms that the main issues for Albanians concerning their southern neighbour remained unchanged: the delimitation of maritime borders (30 percent) as well as the Cham issue (17 percent) are still leading the list (ELIAMEP, 2021:52). Additionally, 60 percent of respondent do believe that referring the maritime border dispute to the ICJ is a positive development (Voudouri, 2021).

The maritime border dispute, on the other hand, does not register at the Greek public and there is also a lack of widespread knowledge on the issue. Concerning bilateral relations, the well-being of the Greek kin-minority in Southern Albania ranks as their primary issue of concern for the public, followed by the fear of the so-called Great Albania. (ELIAMEP, 2021:12) Therefore, the ongoing dispute only seems to be important to the Albanian public which could explain (in addition to EU integration) the political will of the government in Tirana on dealing with the border demarcation. Whereas in Greece, other internal and external factors—such as the economic potentials and rivalry with Türkiye—certainly play a larger role.

The Return of Greece to Southeast Europe

Greece has traditionally played a defining role in the Balkan peninsula, and the country's interest were primarily driven by its geographic proximity to the region, historical ties, and economic interests (Mazrek, 2022). The economic and euro crises of 2008, however, forced Greece to

recalibrate its internal and external policies and focus on its own financial situation. As a result, the partial exit of Athens from the Balkans–especially under the first years of the SYRIZA government–left a political and economic vacuum that was filled by other regional players, including Türkiye (Dervishi, 2019:33).

As the country partially left its economic problems behind by the end of the 2010s and in addition to its growing tensions with Türkiye, we could experience Athens' return to the Balkans as well. Greece enjoys good bilateral relations with all the countries of the Western Balkans: for example, it has strong economic and political ties with Serbia, and growing connections with North Macedonia after the Prespa agreement. Even as a non-recogniser, Athens maintains political and ever-growing ties with Kosovo. As a testament to its renewed/heightened interest in the region, Dendias appointed Ambassador Sofia Grammata as Greece's Special representative to the Western Balkans in 2022.

The re-emergence of Greece as a regional player in Southeast Europe (especially in the Western Balkans) is coupled with another issue of high importance to Athens: balancing and possibly reducing the influence of Türkiye in the region and over the sea. In addition, reducing Ankara's economic interests in the Western Balkans-especially in the Muslim communities—could also explain the foreign policy of Athens towards the region.

The strong ties between Albania and Türkiye, however, might be unfavourable from Athens' perspective. Greece has always viewed the Albanian–Turkish relations with suspicion (even in the case of the failed delimitation agreement). Since Rama's premiership, the country has intensified its political and military ties with Ankara, in a quest to either balance out the influence of Athens or to be able to be a facilitator between the two states.

The Role of Türkiye and the Race for Economic Benefits

For Albania, having good neighbourly relations—in accordance with Rama's Zero Problems with Neighbours principle—, especially with EU countries, is essential, given Greece's history (and leverage) to block candidate

country's EU advancement. For the Greek side, however, the maritime border dispute is more far-reaching than Albania. The hostile relations between Greece and Türkiye appeared once again in the 2010s as "Ankara" has become a central protagonist on the Mediterranean geopolitical chessboard" (Schmid, 2022) under the rule of Erdoğan. It has become the strategic attempt of Athens to decrease Türkiye's influence in the Balkan peninsula and possibly over the sea (Erebara, 2020). To execute the latter, the best possible way is to have Greece's own maritime borders demarcated and extended. This desire explains the intensive negotiations between Greece and its maritime neighbours in recent years: agreement on the delimitation of continental shelf and Exclusive Economic Zone with Italy and Egypt were made in 2020, in addition to the similar agreement between Egypt and Cyprus. These agreements, especially the ones concerning the Exclusive Economic Zone, testify that there is a significant economic factor that also motivates Athens. Having the continental shelf and Exclusive Economic Zone delimited with Albania, Greece would be able to send a strong message to Türkiye: the country is not only back to Southeast Europe, but it is the primer "ruler" of the East Mediterranean.

Demarcating maritime borders on the Aegean and Ionian Seas are high on Athens' foreign policy agenda for economic reasons too. The potential of the sea has also emerged as a point of contention between Athens and Ankara as oil and gas reserves in the Eastern Mediterranean are still untapped (Ramkaj, 2020). Türkiye has also started searching for oil and gas in the Aegean shelf which is, according to Athens, goes against maritime laws, causing renewed political rifts between neighbours since 2019 (Krisafi, 2021). On the other hand, Greece has been conducting the same exploration activities on the other side of the Balkan peninsula: Athens has so far invested 500 million euros for oil explorations at the Ionian Sea, around its contested maritime border with Albania (off the island of Corfu) (Ramkaj, 2020).

Tirana could also benefit from the economic prosperity of Greece: Greek foreign direct investments (mainly in tourism in Southern Albania) and remittances from the Albanian workers in Greece are of high importance

for the Albanian economy. The latter constitutes more than 10 percent of Albania's annual GDP as Greece is the second destination country for Albanian economic migrants (Mandalenakis, 2009:13). The economic significance of Greece to Albania is further underlined by the fact that Greece is the largest investor and number one trading partner. Consequently, having increased Greek economic activity in Albania (as well as over the Ionian Sea) would bear with potentials not only for Athens.

Conclusion

The interests of Albania and Greece in resolving their maritime dispute might overlap but the sources are different. For Tirana, having bilateral issues resolved with its neighbours-especially with EU member states-is important as Athens could veto its EU accession process. The need to have an agreement reached (even in a form of an IJC decision) is also important from the society's point-of-view. There is, however, no guarantee that the Court's decision would be favourable to Albania or that Greece would not use its veto power to hinder its neighbour's EU accession path in the future. For the time being, Greece seems to be cautious of being once again the country that blocks the enlargement process as Athens does not want to anger fellow member states nor Western Balkan countries (again) (Armakolas-Triantafyllou, 2015:137). Albeit most of the Greek political parties are pro-enlargement, it would likely be the treatment of the Greek minority in Albania that would cause an additional veto, and not the maritime border dispute.

The motivation of Greece in resolving the issue with Albania are more complex and does not necessary concern its neighbour. It is Athens' national and geopolitical interest to have its maritime borders demarcated and extended as it would not only mean economic benefits to the country but would also counter Türkiye's influence. The "aggressive foreign policy focused on resolving border problems with

neighbours" (Ramkaj, 2020) could be perceived through these lenses as well. In addition to these, after a decade of abandoning Southeast Europe, Greece is back to the region and would seemingly like to get back its (political, but mainly economic) positions. As the rivalry between Athens and Ankara has risen in the previous years, the Western Balkan countries—where Türkiye is a notable external power—might became a hotspot in their rivalry too.

The fate of the maritime border dispute, however, is still unknown. No tangible results have been made since the renewed interest in having this open issue closed and it is questionable whether the ICJ would take the case. A decision that would not be desirable for either party, would certainly make their own waves.

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