

# CONTESTED WATERS – MARITIME DELIMITATION ISSUES IN SOUTHEASTERN EUROPE

## *EVENT SUMMARY*

On May 14, 2014, the Wilson Center's Global Europe Program hosted a discussion on maritime delimitation issues in Southeastern Europe with **Agron Alibali**, Title VIII-Supported Scholar. The event was moderated by **John Lampe**, Senior Scholar in the Global Europe Program. The discussion focused the countries on the Adriatic, Ionian, Aegean, and Black Seas, particularly in the wake of the collapse of the Soviet Union and the former Yugoslavia.

On May 14, 2014, the Wilson Center's Global Europe Program hosted an event on maritime delimitation issues in Southeastern Europe with Title VIII Supported Scholar **Agron Alibali**. Mr. Alibali discussed the research he has been carrying out at the Wilson Center during his time in residence. The conversation and subsequent question and answer session were moderated by **John Lampe**, Senior Scholar with the Global Europe Program.



Mr. Alibali began his presentation with an overview of maritime issues in the region. All countries on the Adriatic, Ionian, Aegean and Black Seas, except Turkey, are signatories to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), also known as “the Constitution of the Sea”. Another notable exception to the UNCLOS is the United States. However, the fact that a country has not ratified the Convention does not mean that it won’t follow the principles promoted therein. Mr. Alibali analyzed the evolution of maritime delimitation issues in Southeastern Europe around two specific time periods: 1990 and 2014. He then explained the current state of some existing agreements and unresolved disputes.

Italy, for example, initiated the process of the delimitation of the continental shelf with the former Yugoslavia, which led to the first such agreement in the Mediterranean in 1968. This was followed by similar agreements with Greece and Albania. The method of equidistance, with the boundary following the median line, used in the Italy’s agreements was facilitated by the rather regular, often parallel configuration of the opposite coasts in the Adriatic and Northern Ionian Sea

Mr. Alibali noted that, after the dissolution of the former Yugoslavia, internal administrative boundaries were, in most cases, converted into international boundaries according to the

principle of *uti possidetis iuris* (i.e. existing boundaries did not need to be renegotiated). In addition, coastal states of the former Yugoslavia applied the international law principle of succession and recognized former agreements with Italy. However, while land boundaries in the former Yugoslavia are mostly settled, almost all lateral maritime boundaries between the newly emerged adjacent states in the Eastern Adriatic remain unresolved. “In a sense, the current maritime delimitation exercises between Slovenia and Croatia, Croatia and Bosnia, and Croatia and Montenegro represent the very final act of the dissolution of the former Yugoslavia”, added Alibali.

Mr. Alibali placed a special emphasis on two other issues. The first was the maritime delimitation agreement between Albania and Greece of April 2008, which was invalidated by the Constitutional Court in Tirana. No map came with the agreement except 150 coordinates, which Mr. Alibali was able to map for the first time in a scientific fashion with assistance from the Library of Congress (see below). According to his analysis the botched bilateral agreement, although arguably based on strict equidistance, did not produce an equitable result as required by international law. For that reason, the Constitutional Court of Albania nullified it. Apparently, this is the first instance in which, during the ratification process, a domestic court has intervened and invalidated a bilateral maritime delimitation agreement. At present the issue will be how to move from this situation, since Greece insists that there is already an agreement and the problem is its implementation, while Albania has declared its intent not to proceed with the ratification.

Moving to the Aegean, Mr. Alibali observed that “with the current positive rapprochement between Greece and Turkey, a repeat of anything remotely close to the Imia / Kardak crisis in 1996 – which almost led to a military confrontation between two NATO allies – is unthinkable”. Both countries, noted Alibali, are currently in the 56th round of negotiations on maritime delimitation, and a number of confidence building measures have already been agreed to and are in effect. Mr. Alibali noted that, in the Black Sea, Turkey’s all-purpose boundary is fixed as a result of the bilateral agreements between Turkey and the former Soviet Union and between Turkey and Bulgaria. The Black Sea section north of this boundary has now been put into question with the latest events in Crimea, according to the customary law principle “land dominates the sea”.

The spectrum of discussions, negotiations, agreements and adjudications currently underway from Trieste in the Adriatic to Constanta in Romania represents a fascinating development for international law in general and for international law of the sea in particular in this historical part of the Mediterranean and the Black Sea.

