



Unrepresented **N**ations and **P**eoples **O**rganization

Mission Report
on
the situation of
the Greek minority
in Albania

prepared by Mr Roeland Bos
in cooperation with
the members of the mission

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Facts on the Greek Minority in Albania

Geographic situation

The greater part of the Greek minority in Albania lives in a 5,000 square km area of Southern Albania close to the border with Greece. The region is called Northern Epirus by the Greeks, referring to the historical state of Epirus, which was divided between Albania and Greece in 1913, when this region came under Albanian control.

Size of the minority

The size of the Greek minority in Albania is a matter of dispute between the Greeks and the Albanian government. According to the Albanian census of 1989, out of a total population of Albania of 3,182,417 there were 58,785 Greeks. The Greeks estimate the Greek minority in Albania to be around 280,000 people (8°10 of a total population of 3.4 million people, see CIA World Factbook 1992). According to the chairman of the Council of the Gjirokastra district, Mr. Sokrat Kalivopulos, the discrepancy in these figures is at least partly due to the admitted unreliability of statistics developed under the regime of the communist dictatorship of Hoxha, which had an important interest in down-playing the number of Greeks in Albania and promoting their assimilation. In the last few years, due to the preferential treatment given to Greeks by the Greek government for visas to Greece, a large number of young Greeks left Albania to seek employment in Greece. With the money they earn in Greece, they are able to support the relatives left behind in Albania.

Legal basis for the rights of the Greek minority

The Protocol of Corfu, signed by the Albanian government and the Epirotan constituent assembly on 17 May 1914 is disputed. This document accepted and guaranteed the Greek ethnic character of the territory and assured its people internationally recognized self-government under nominal Albanian sovereignty. The legitimacy and applicability of this document is being disputed.

The Albanian Declaration on the Protection of Minorities, submitted by Albania on 2 October 1921. This unilateral Declaration was a condition for Albania's admission to the League of Nations. Article V of the Declaration states "Albanian nationals who belong to racial, religious or linguistic minorities will enjoy the same treatment and security in law and in fact as other Albanian nationals."

The "Minority schools in Albania" case of the Permanent Court of International Justice of 6 April 1935. By an 8-3 vote, the Court ruled that a "right", recognized by the state and the international community, cannot be abolished at will by the state, and that Albania had an obligation under international law to restore the rights of its minorities to establish their own schools.

The 1966 International Covenant on Civil and Political Rights, in particular article 27 which states " In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other

members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language". Albania is one the signatories of this Covenant.

The 1990 CSCE Copenhagen Document, in particular chapter IV dealing with persons belonging to national minorities. As a CSCE member state, Albania is obligated to implement all the provisions of this Document (see appendix)

The Albanian Constitution of December 1993, in particular chapter I (general provisions), and chapter VII (fundamental freedoms and human rights). (see appendix)

The Charter of Fundamental Freedoms and Human Rights of 31 March 1993, which is a separate chapter of the Law "On Principal Constitutional Provisions" of Albania, in particular article 25 dealing with the principle of equality before the law, and Article 26 dealing with the rights of minorities (see appendix)

Political Organizations

The Democratic Union of the Greek Ethnic Minority People in Albania (OMONIA), was created in 1991 as an association representing the Greek Minority in Albania. In the 1992 elections, OMONIA was not represented, due to the fact that the Law on Political Parties (passed in July 1991) disqualified parties on a religious, ethnic or regional basis. For this reason, the Union for Human Rights Party was created with a national mandate and support going beyond the representation of the Greek minority, but still primarily representing the interest of the Greek minority and drawing most of its support from persons belonging to that minority. The Union for Human Rights Party took part in the 1992 elections and its candidates have been elected to local government positions in southern Albania and have a two seats in Albania's parliament.

Religion

Eastern Orthodox, Christian.

The Orthodox Church in Albania is autocephalous. There is an estimated 600,000 Albanian citizens that are Orthodox, these include both ethnic Albanians and Greeks. Although the April 12, 1937 'Law on the autocephalous status of the Albanian Orthodox Church' requires that the head of the Albanian Orthodox Church must be ethnic Albanian and appointed by the King, the present Head of the Church is a Greek Arch-bishop who was appointed by the Patriarch of Istanbul.

Mandate and purpose of the mission

At the Third General Assembly of UNPO in January 1993, the UNPO General Secretary received a request from the Greek Minority in Albania, which is a Member of UNPO since 1991, to send a mission to Albania in order to investigate the situation of the Greek Minority in Albania and to assist in efforts to reduce or prevent tensions in the region.

The representative of the Greeks in Albania proposed the inclusion in a UNPO Mission of Albanian representatives from Kosova, also a Member of UNPO.

At a meeting in Geneva on 5 August, 1993 an agreement was reached between Ms. Edita Tahiri (representative of the Albanians of Kosova and Member of the UNPO Steering Committee), Mr. Menelaos Tzelios (representative of the Greek minority in Albania and UNPO Assistant General Secretary for United Nations Affairs and the Americas) and Dr. Michael van Walt van Praag (General Secretary of the UNPO) on the composition and mandate of a mission to Albania and Greece. The agreement was set out in a Memorandum, the most important terms of which provided:

1. UNPO will send a high-level mission for the purpose of diffusing tensions and potential conflict with respect to the situation of the Greek minority in Albania.

2. The mission will be composed of Ms. Edita Tahiri, Mr. Menelaos Tzelios, Dr. Michael van Walt van Praag, a person appointed by the General Secretary who is neutral to the dispute a senior representative of the Greeks in Albania and a senior representative of Kosova.

3. The mission will seek to meet:

- the President and/or senior officials of the Albanian government; - the leaders of the Greek minority in Albania;
- the Prime Minister and/or senior officials of the Greek government.

4. The mission will seek information on the current situation of the Greek minority in Albania, and will seek to organise one or more meetings between senior representatives of the Albanian government and senior representatives of the Greeks in Albania, in an effort to diffuse tensions and work towards a solution of differences.

5. A report shall be written by the mission describing its activities, findings and conclusions. This report shall be for internal use by UNPO only. Any public statement, communique, or report, shall only be made with the agreement of all parties concerned.

In order to organise this mission, Ms. Edita Tahiri would discuss this Memorandum with the relevant leaders of Kosova and Mr. Tzelios would discuss the same with leaders of the Greek minority in Albania and each would inform the UNPO General Secretary of the results of these discussions. As part of the said discussions, Ms. Tahiri would request the assistance of the Government and leaders of Kosova and Mr. Tzelios that of the leaders of the Greek minority in Albania to facilitate the mission. In particular, Ms. Tahiri would request the assistance of the Government and leaders of Kosova to facilitate a meeting with officials of the Albanian government; and Mr. Tzelios would request assistance to facilitate a meeting with officials of the Greek government.

Finally, it was agreed that UNPO would also send a mission to Macedonia in order to look into the situation of Albanians there and to review the issue of UNPO membership of the Albanian Minority in Macedonia. This mission took place 2 days before the mission to Albania and Greece, and consisted of the Dr.M.van Walt van Praag, Mr.M.Tzelios, Ms.E.Tahiri, Mr.R.Bos, and Mr.Q.Sheji. The findings of this missions are contained in a separate report.

Composition of the UNPO Mission

In order to enhance the ability of the mission to make an objective assessment of the situation and to obtain the trust of all parties concerned, the mission was composed of Greeks, Albanians and persons neutral to the situation. Such a composition was possible because both, Albanians in Kosova as well as Greeks in Albania, are Members of the UNPO.

The Mission was constituted as follows:

Dr. Michael van Walt van Pram General Secretary of UNPO;

Mr. Menelaos Tzelios, Assistant General Secretary for UN Affairs and the Americas, and representative of the Greek Minority in Albania;

Ms. Edita Tahiri, member of the UNPO Steering Committee and member of the Republic of Kosova Presidency;

Dr. Shkelzen Raga, Albanian expert from Kosova with expertise on Greece and Albanians in Greece;

Mr. Thomas Lindblom, representative to UNPO from Scania, Sweden;

Mr. Roeland Bos, Director of Human Rights and Relations with International Organisations, UNPO Secretariat;

Mr. Oenan Sheji, representative of Albanians in the (former Yugoslav) republic of Macedonia, took part in the first days of the Mission

Itinerary of the UNPO Mission

The UNPO Mission took place from 24 January to 3 February 1994. In Albania the Mission traveled to Tirana, to the Gjirokastra, Saranda and Delvina regions of southern Albania, and then returned to Tirana. In Greece the Mission traveled to Athens.

In Tirana, the Mission met with:

The newly appointed Adviser to the Prime Minister and Director of the Office for National Minorities, Mr. Albert Beja;

President of Parliament, Mr. Pjeter Arbnori;

Members of the Albanian Parliamentarian Committee on Human Rights, including Mr. Leka Toto, Chairman of the Committee and deputy of the Saranda district, Mr. Rushen Golenzi and Ms. Ilir Metra;

Two former Ministers of Education, currently Members of Parliament, and leaders of the Social Democratic Party (Opposition), Mr. Pascal Milo and Mr. Gjinushi Skender; Chairman of the Parliamentary Committee for Security, Mr. Azem Hajolazi;

Members of the Albanian Helsinki Committee, including into chairman Mr. Jusuf Vrioni, Mr. Max Velo, Mr. Kujtim Cashku and Mr. Renzi Lani;

Self-styled Albanian experts on the Greek Minority, including Mr. Masar Krasniqi, ex-chairman of the International Commission of Defence in the Balkan, Mr. Halil Molla, a television journalist, and Mr. Sherif Delvina an historian

The Foreign Minister of Albanian, Mr. Alfred Serreqi wished to receive the Mission upon its arrival in Tirana on 28 January 1994, but due to a communication problem with respect to the schedule, the Mission was unable to arrive at the Foreign Ministry in time for the scheduled meeting.

In the Gjirokastra, Saranda and Delvina regions the Mission met with:

President of OMONIA, Mr. Sotiris Kyriazatis
Member of Parliament, Mr. Kostas Makariadis;
President of the Political Party Union for Human Rights in Gjirokastra, Mr. Christakis Tolis;
President of OMONIA in Gjirokastra, Mr. Theodor Bejjanis;
Governor of Saranda, Mr. Vasilis Tsakos;
President of OMONIA in Ksamil (Saranda region), Mr. Sotiris Panagiotis;
President of OMONIA in Delvina, Mr. Panagiotis Martos;
Director of the State Department of Education in Gjirokastra district (appointed by the Minister), Mr. Yzehir Poshi;
Chairman of the Council of the Gjirokastra district, Mr. Sokrat alivopullos;
Head of the Organization of Political Prisoners, Mr. Irakhi Sirmo Dervician
Director of the State Department of Agriculture and Food in Saranda, Mr. Novvus Akmeti;
Various principals and teachers of local schools in the city of Saranda and Delvina; Greeks and Albanians of various walks of life including journalists, writers, medical doctors, farmers etc.

A representative of the Albanian Foreign Ministry, Miss Alba Vata, accompanied the Mission during their visit to the Gjirokastra, Saranda and Delvina regions.

In Athens, the delegation met with:

The Deputy Foreign Minister of Greece, Mr. G. Papandreou;
The Director of the Albania desk at the Greek Foreign Ministry, Ms. Caterina Boura; A number of journalists.

UNPO wishes to thank the Albanian and Greek Governments and the leaders of the Greek community including leaders of OMONIA, as well as all the Albanian and

Greek officials, parliamentarians and other people whose co-operation and assistance enabled the Mission to carry out its task.

Findings of the Mission

a. History

The Greeks in the region of Southern Albania have always been a distinct community. As part of the Balkan, the region was ruled by the Turks for almost 500 years until the beginning of this century. With the decline of the Ottoman Empire, borders in the Balkan region changed drastically. In December 1912, the Great Powers' Ambassadorial Conference in London declared Albania an autonomous state. A year later, the partition of Epirus, with the northern portion to become part of the new Albania, was announced in the so-called "Florence agreement". The new borderline between Greece and Albania was drawn by the International Commission for Definition of Boundaries.

The Conference decided to include Northern Epirus into Albania under the Florence agreement, due to the strategic position of this region, which lies just below the narrowest point in the Adriatic sea and, therefore, controls the entry and exit to the western Balkans. Especially Italy and Austria-Hungary were afraid that Russia would gain access to the Adriatic, if Albania were to be divided between Serbia, and Greece.

Under the Florence agreement, Greek troops were to vacate their positions in Northern Epirus. But as the troops withdrew, the Greeks revolted against Albanian rule and swiftly gained control of much of the countryside. Matters between the two parties were then settled by the signing of the Protocol of Corfu on 17 May, 1914. This disputed document examined and recognised the rights of the Greek minority and assured its people internationally recognised self-government under nominal Albanian sovereignty.

The treaty was only just concluded when the First World War broke out and brought political chaos in Albania. When the war ended, the settlement of the Albanian borders once again became an issue. In 1920, Albania was admitted to the League of Nations under the condition that the Albanian government gave a formal assurance that the rights of ethnic and religious minorities would be fully respected. This was done in the form of a declaration, ratified by Albania on 17 February 1921, which provided that all minorities in the country shall have the right to maintain, manage, and control their own "charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein." A few months after this declaration was ratified, a special commission of the League of Nations reconfirmed the border between Greece and Albania as it had been fixed under the Florence agreement.

The assurances contained in the 1921 declaration were disregarded by Albania almost from the start. In 1934, under a new Albanian constitution promulgated by King Zog, all non-state schools, including those of the ethnic Greek communities, guaranteed by the

Albanian declaration of 1921, were closed. Greece brought the matter to the Council of the League of Nations, which referred it to the Permanent Court of International Justice. In defending its actions, Albania argued that it had closed all minority schools and, therefore, had not discriminated against the Greek minority in closing Greek schools. But the Court ruled that a "right", recognised by the state and the international community, cannot be abolished at will by the state, and that Albania had an obligation under international law to restore the rights of its minorities to establish their own schools.

The legal victory of the Greek Minority was short-lived because the second World War broke out not long after. The Italian and German occupations of Albania during the war period brought much hardship for the Greek minority. Many Greeks in Albania were murdered or harassed and forced to flee the region in large numbers.

At the 1946 Paris Conference of Allies, Greeks were hopeful that the conference participants would be persuaded to reunite Northern Epirus with Greece. Athens, supported by Britain, France and the United States, objected to the admission of Albania to the United Nations until the border question was settled. These efforts delayed Albania's Admission to the UN. In 1955, as part of a broader agreement engineered by the Soviet Union, Albania was admitted into the UN together with Japan, which the West was anxious to have admitted. This was done without any substantive review of the frontier question and other issues relating to Albania's eligibility.

Despite its admission to the international community, the brutal Communist regime in Albania under Enver Hoxha increasingly isolated itself from the rest of the world, ultimately breaking off ties even with the Soviet Union and later Communist China. Left completely to its own devices, the Hoxha regime proceeded to rule the Albanian population, including the Greek minority with an iron fist.

Under the Hoxha regime gross violations of human rights were committed against all population groups in Albania. The Greek minority suffered especially from the religious persecution and the denial of their national and cultural identity. Along with churches, several Greek schools and cultural institutions were closed. The names of ninety cities and villages were changed because they sounded Greek, and new-born children were forbidden to have Greek names.

b. Present situation

The present situation of the Greek minority in Albania and the minority's sensitivities and concerns cannot be understood without first understanding the tremendous suffering and fear experienced by the Greek minority and the entire population of Albania in the decades of brutal Communist dictatorship, and the great hope, shared by all people in Albania, that the new democratic government would bring a complete reversal of all evils of the dictatorship. For the Greek minority, which feels especially vulnerable, this included the expectation of a recognition and implementation of all minority rights.

Albania is undergoing a difficult process of transformation from an extreme form of communist dictatorship to a democratic political system and society and a market economy. This requires understanding, realism, and a degree of patience from all involved. Many Greek community leaders and politicians recognise this; but others expressed to the delegation members, as did some Albanians, impatience and scepticism about government policies.

A serious cause of tensions and potential conflict lies in the divergent views concerning the education of Greek children in their mother tongue. If this issue is not quickly resolved, serious conflict could erupt in the region.

The Mission was pleased to hear from Albanians and Greeks alike, that social, economic and personal relations are good between the two communities. No efforts should be spared to maintain these good relations. The economic situation in Albania is very difficult at this time. The living conditions of most of the Greeks are no worse than those of the Albanians, and in some cases they are even better as a result of the support Greeks get from relatives working in Greece.

At this time, tensions that exist are at a political level where some Members of Parliament, representatives of political organisations and other individuals, display a lack of willingness to understand the views of others. The refusal of some politicians to admit that members of the Greek minority have any legitimate grievances, give as much cause for concern as the sometimes polarising views expressed by some OMONIA members and others. Both attitudes display a level of irresponsibility which could, if not modified, lead to tensions and unnecessary confrontation.

c. Representation at National Level

Representation of the Greek minority in the Albanian Parliament is cause for some discontent as a result of the questionable application of the electoral law with respect to proportional representation seats.

The 140 Members of the Albanian Parliament are partly elected by district, and partly by a proportional system. 100 Members of Parliament are elected by a district system. The remaining 40 seats are filled through a proportional election system. During the elections of 22 March 1992, 49,000 people voted for the Union for Human Rights (2,9 percent of votes cast). Two representatives of the Union for Human Rights were elected to Parliament by the district system. However, the Union for Human Rights was unable to participate in the distribution of the remaining 40 seats reserved for the proportional system, since a minimum of 33 candidates per party was required by the High Electoral System in order to qualify. Although the Union started with 38 candidates, 9 Greek candidates were disqualified by the High Electoral System for reasons the members of the Greek community do not consider legitimate.

d. Representation at the Local Level

- Elected administration

The representation of the Greek minority in elected organs of government at the local level appears to be satisfactory. Thus, for example, in the districts of Gjirokastra and Saranda, where the population is ethnically mixed, the District Councils have a majority of Greek members.

The local government in Albania is hierarchically ordered into districts, municipalities, and communes (see appendix, chapter V of the Constitution). In the Gjirokastra district the Greek minority constitutes about 35 percent of the district's population (26,000 out of 90,000 (35°10)) ; and the city Gjirokastra has a Greek minority of around 20 percent (6,000 out of a population of 29,000). The population of the district is about 60 percent rural, and 40 percent urban. 13 out of the 25 members of the District Council are member of the Union for Human Rights, the main political party for the Greek minority in Albania. In the Municipal Council for the city of Gjirokastra 6 out of the 17 members are from the Union for Human Rights. Of the eleven communes in the district, those of High Dropulli, Down Dropulli, and Pogoni are 100 percent Greek in population. The Member of Parliament for the region, Mr. Kostas Makariadis is from the Union for Human Rights party.

- Appointed administration

A consistent complaint of the Greek minority in the southern districts concerns the under-representation in the centrally- appointed administrative posts. These posts include organs such as the Department of Public Order, the Financial Police, the Health Department, the Department of Education, the Department of Agriculture and the Labour Office. Under-representation of the Greek minority in the above mentioned organs, at national but also at local levels, are of particular concern because the decisions taken by these departments usually carry more authority than those taken by the elected local councils. Moreover, these departments are in control of the local/district budget and the local taxation.

With respect to these non-elected positions, the Greek minority leaders complained particularly of the lack of Greek police officers even in regions with large concentrations of Greeks, and the lack of Greeks in the military and the courts.

Local leaders favour a greater and more effective decentralisation of government. In terms of the Albanian legal framework, there exists a law on Local Democracy adopted by the Parliament on 16 June 1992 (Law no. 7573), as well as a plan proposed by President Berisha to enact a more decentralised form of government, which should be presented to the Parliament by the end of September. However, up to this point, there has not been any real or effective implementation of either of these two initiatives.

Demands for absolute regional autonomy or even extreme demands for the redrawing of international borders are occasionally expressed. In a village of Dropull the Mission found an extremist slogan in Greek writing from an Organization called "EPEN" representing an ultra-nationalist party in Greece. However, these views do not appear to reflect the

aspirations of the Greek minority as a whole, whose members do not challenge their Albanian citizenship.

e. Minority zones

A number of problems concerning the Greek minority in Albania are related to the designation of so-called "minority zones".

This ill-defined term was introduced by the Hoxha regime, and somewhat arbitrarily designated villages and towns that were essentially Greek to be "minority zones". The designation of these "minority zones", could legitimately help the Albanian government to deal with the problems of minorities in a more effective way. The main difficulty with the designation of "minority zones", however, is that it leaves a large number of Greeks who live outside of these zones with a different status and less rights than the Greeks who happen to live in the zones. This situation is at the root of the present problems concerning the education of the Greek minority in their mother tongue.

f. Education

The most serious problem the Mission encountered concerns the education of Greek children. This issue, if not handed properly could lead to tensions and conflict. Greeks of all walks of life whom the delegation met, emphasised the importance of education for the preservation of their culture and identity. Although there is a department of Greek Language and Literature within the University of Gjirokastra, which educates Greek language teachers for schools in Albania, many Greeks still feel that the government in Tirana is not adequately responding to their demand for the restoration of the right to Greek language education.

In 1991, the Ministry of Education of the previous government, under Ramiz Alia, issued Instruction No.17 (See Appendix), giving the regional prefects the authority to approve Greek-language classes in elementary schools in areas where they felt they were needed. The Instruction did not make any distinction between "minority zones", and areas which were not designated as such by the government. As a result, classes in Greek started in towns where sizeable Greek populations live, like Gjirokastra, Saranda and Delvina, in addition to Greek being taught in the Greeks schools of the 101 almost entirely Greek vil-lages already designated as "minority zones".

A new Instruction for the education in the mother tongue of minorities in elementary schools, Instruction No.19, was issued at the beginning of the new school year in September 1993 (see Appendix). This Instruction prescribed an educational plan which prohibited first grade classes in the mother tongue of minorities, in areas not designated as "minority zones". Only the existing classes (the second and the third grade) and the schools in "minority zones", were allowed to continue classes in the Greek language. Thus new Greek pupils of the first grade in seven schools in the towns of Gjirokastra, Saranda and Delvina were no longer permitted to have education in their mother tongue. Many Greeks expected that the closing down of the first grades was only a first step to closing down other grades also. At

any rate, they complained that this was a "cutting of the education process of Greeks in their own language at the roots".

The direct result of Instruction No.19 was the abrupt closing of 7 first grade Greek parallel classes, only days after the opening of the school year: 3 in Saranda, 3 in Delvina and 1 in Gjirokastra. Two of these schools were visited by the delegation.

A first example is provided by the Adem Sheme school, visited by the Mission. This elementary school with Albanian and Greek pupils, had to close down its Greek first grade parallel class due to the Instruction no.19.

At the beginning of the academic year 1993/94 a total of 179 pupils (55 Greeks and 124 Albanians) were registered at the Adem Sheme school in Saranda for 2 Greek first grade classes and 5 Albanian first grade classes. On 18 September the headmaster received a written order from the Ministry of Education in Tirana to teach first grade classes only in the Albanian language. When the headmaster verified this order with the district department of education he was told simply to execute the order and not ask for any reasons. Although the District Council wanted him to ignore the order and keep the school open for Greek first grade students, the principal decided to obey the higher order of the Ministry. In the two weeks that followed, all the first grade teachers were only allowed to teach in Albanian. Most of the Greek teachers refused to do this. To protest against this order, parents kept sending their children to school in the following two weeks. The children were made to stay outside in the playground. The principal did everything he could to persuade the parents of the children to follow classes in Albanian but was not very successful.

At the time of the Mission's visit only 3 Greek children were following Albanian classes, and 52 Greek children were not going to school at all. Greek first grade classes in the neighbouring "minority zone" villages, are too far away, and no adequate public transport is available. Private lessons are not permitted, although a law on private schools is soon going to be discussed in the parliament. The decision of the parents to keep their children at home, is made more difficult by a decree from the President (No 7635, dated 11 November 1992) which puts penalties on parents of children who do not send their children to school. If the children miss up to 50% of classes without any "reasonable justification", the fine can go up to 800 lek per two months, and if continued, a 1000 lek fine may be imposed.

The Mission also visited a school in Delvina which had to close down its Greek first grade class. In this case the 32 Greek pupils were forced by the police to leave the school, which led to a few violent incidents between the parents of the children and the police officers. In protest, the parents and some teachers opened a barrack opposite the school where Greek first grade students could follow lessons in their mother tongue. However, after a week, the barrack was closed down by the police and the teachers were fined.

The President of the Albanian Parliament gave the Mission assurances that a new draft law on primary and middle education, which is presently before Parliament, will be passed in April 1994. The new law would, the Mission was told, provide for the (re)establishment of parallel Greek classes in areas where there is a sufficient number of Greeks to

justify them and would permit the creation of private schools. The Mission welcomed the intention to pass such legislation and emphasised to Albanian officials the importance and urgency of it.

At the moment of the publication of this report (end of May 1994), the Albanian Parliament has passed a law on higher education, but is still considering a draft law on primary and middle education.

g. Albanian office for Minority affairs

During his visit to Albania in the summer of 1993, the CSCE High Commissioner on National Minorities, Mr. Max van der Stoel, recommended that within the Government's structure a special office for minority questions be created.

At the time of the Mission's visit such an office had just been created under the Prime Minister's authority. The purpose of this "co-ordinating office for ethnic problems", is to promote a dialogue with minorities. Such dialogue would be maintained through regular consultations with representatives of minorities, including minority organisations or associations, especially concerning legislation which could be of special relevance to minorities.

During its stay in Albania, the Mission spoke twice with the newly appointed head of this office, the Advisor to the Prime Minister and director of the Office for National Minorities, Mr. Albert Beja. The positive attitude of Mr. Beja, and his willingness to understand the views of the Greek Minority and to respond to their needs, left a good impression with the Mission.

Mr. Beja assured the Mission that he wants Albania to adopt and apply the highest standards of minority protection available in Europe. At the same time, he does not want Albania to become a laboratory for untested policies, however.

The Mission welcomes the appointment of the Advisor and hopes it will contribute to an effective and speedy resolution of the principal sources of friction.

h. The view of the Greek government

In Athens the delegation discussed its most important findings to the Deputy Foreign Minister of Greece, Mr. G. Papandreou and to the Director of the Albanian desk at the Greek Foreign Ministry, Mrs. Caterina Boura.

The Mission met with Mr. G. Papandreou, the Deputy Foreign Minister of Greece, who was very interested in the findings of the Mission and what would happen with the results.

The delegation explained that the UNPO would visit the High Commissioner on National Minorities, Mr. Max van der Stoel, to brief him in more detail about the findings of the Mission, and it told the Deputy Minister that it would send a report to the different parties concerned, and that the UNPO would remain in contact with all of them, in order to closely monitor the situation and use whatever influence they have to reduce possible tensions.

In his reaction to the Mission's findings, Mr. Papandreou expressed some scepticism about the Albanian commitment to improve the situation in the field of education by a new education law. He pointed out that as long as the Albanian government will use the concept of "minority zones", the difficulties with respect to minority rights will remain.

In response to the Mission's findings, Mrs. Caterina Boura told the delegation that she was very pleased to hear that there were no serious tensions between the two communities in the southern region of Albania. She believed that some progress was made by the Albanian government in the last few years, but added that not all problems had been solved.

Her main concern was that important laws such as the Constitution and the law on education were not yet passed by the Parliament. She emphasised that respect for human rights, the rule of law and minority rights should be guaranteed by national legislation. In this respect, she hoped that the Albanian Charter of Fundamental Freedoms and Human Rights (see Appendix), which was passed by the Parliament on 31 March 1993, would become part of the Constitution.

Miss Boura also mentioned the visit of Mr. Papoulias to Tirana in September, 1993. During his visit, Mr. Papoulias, at that time Greek Minister of Foreign Affairs, discussed the creation of an ad hoc committee consisting of both Greek and Albanian experts, to find an acceptable solution to the problems of the Greek minority in Albania. The Albanian government suggested that a similar committee would also look into the question of Chameria. The Greek Foreign Minister, who emphasised that the issue of the Chams is fundamentally different from the issue of the Greek minority, agreed to have the legal issue of the loss and return of property of the Chams investigated by a group of legal experts of the Greek government.

(It was not within the Missions mandate to consider the question of Chameria. It was nevertheless brought up by some Albanians. The question of Chameria concerns the Albanians indigenous to the northern part of Greece (southern Epirus). Most Chams now live in Albania or Turkey. The Chams in Albania associated themselves in the "Qameria" Patriotic-Political Association in order to promote the return to their homeland. According to the Greek government, the question is a legal one regarding the question of loss of property and its return or compensation, and not an issue of repatriation.)

In answer to Mr. Papandreou's question on what the Greek government should do, the delegation responded with the two recommendations given below, and furthermore suggested a dialogue on expert level with the Albanian Director of the Office for National Minorities, Mr. Albert Beja. The Deputy Minister promised to do all three things.

Recommendations

To the Albanian Government:

1. Not to underestimate the tension and conflict which an inadequate or slow resolution of the education problems faced by the Greek minority could trigger. The passage of the draft law on education should be expedited, and any remaining obstacles to the opening of parallel Greek classes wherever the numbers of Greek children so justifies should be removed;

2. To ensure the appointment of Greeks in the police and other departments of the civil service and in the courts in regions where Greeks live;
3. To intensify and broaden the dialogue between the government and the Greek Minority;
4. To undertake a census (or registration) of the whole population of Albania under international supervision, which would provide reliable statistics on, inter alia, the size and distribution of the Greek minority in Albania.

To the leaders and other members of the Greek Minority:

1. To avoid all activities that could provoke conflict and to exercise restraint, patience and realism in pursuing their objectives;
2. The OMONIA organisation should refrain from claiming rights or responsibilities in areas that properly belong the government authorities, such as the appointment of police personnel and other civil servants. Appropriate political channels, including the elected local councils, should provide channels for exercising democratic rights in government;
3. To improve the method of work and organisation, in particular, the collection, preparation and presentation of factual information;
4. To use the opportunity of dialogue, given by the Albanian government through the newly created "Office for Ethnic Affairs".

To the Government of Greece:

1. To exercise whatever influence it can to prevent the rise of tensions between Greeks and Albanians in Albania. Such efforts should include the encouragement of moderation among leaders of the Greek minority;
2. To continue to monitor the situation with regard to the Greek Minority in Albania.
3. To open a dialogue on expert level with the Albanian Director of the Office for National Minorities, Mr. Albert Beja.

To the International Community, including especially the UN, CSCE, EU and Council of Europe:

1. To closely monitor the passage of laws and implementation of assurances made with respect to the Greek minority, while, at the same time, discouraging forms of international (or outside) pressure which could inflame the situation, create false expectations or heighten fears among the Greek or Albanian populations of the country;
2. To encourage and assist in the financing of a census/registration process under international monitoring in 1994.

UNPO will closely monitor the situation in Albania with respect to the Greek Minority. It will maintain the good contacts it has developed with all relevant parties and will exercise whatever influence it does have to promote an improvement in the situation and prevent conflict. UNPO will keep the international community informed of developments. In its activities, UNPO will remain in touch with the CSCE High Commissioner on National Minorities and others, so that various efforts may be most effective.



Unrepresented Nations and Peoples Organization

OFFICE OF THE GENERAL SECRETARY

STATEMENT OF THE GENERAL SECRETARY ON THE UNPO MISSION TO ALBANIA AND ON THE SITUATION OF THE GREEK MINORITY IN ALBANIA

Athens/ Geneva, 4 February 1994

The Unrepresented Nations and Peoples Organisation (UNPO) sent a six-person high-level mission to Albania and Greece from 24 January to 3 February 1994 in order to investigate the situation of the Greek Minority in Albania and to assist in efforts to reduce or prevent tensions in the region. The mission was undertaken at the request of the Greek Minority in Albania, which is a Member of UNDO since 1991. It conducted its work with the full co-operation and assistance of the Albanian Government, leaders of the Greek Minority, and the Greek Government. UNPO wishes to thank them and the Presidency of Kosova for their support.

The composition of the Mission was as follows:

Dr. M. C. van Walt van Praag, General Secretary UNPO

Mr. M. Tzelios, Assistant General Secretary for UN Affairs and representative of the Greek Minority in Albania

Ms. E. Tahiri, member of the UNPO Steering Committee and representative of Kosova

Mr. T. Lindblom, representative of Scania, Sweden

Mr. R. Bos, Director of Human Rights, UNPO Secretariat

Dr. S. Raqa, from Kosova.

Mr. Q. Sheji, representative of Albanians in Macedonia/Skopje, also took part in the first days of the Mission.

Before the start of the Mission's work, Mr. Van Walt van Praag, Mr. Tzelios, Ms. Tahiri, Mr. Bos, and Mr. Sheji spent two days in the (former Yugoslav) republic of Macedonia to study the situation of Albanians there.

In Albania the Mission traveled to Tirana and the Gjirokastra, Saranda and Delvina regions of southern Albania. It met with senior Albanian government officials, including the newly appointed Adviser to the Prime Minister on Minority Affairs; representatives of the Foreign Ministry, the President of the Parliament; the Chairman and Members of the Parliamentary Human Rights Committee, leaders of Albania's main political parties (including those of the Union for Human Rights), a number of Members of Parliament, two former ministers of Education; local government officials, including the Chairmen and Members of the District Councils of Gjirokastra and Saranda; the head of the Education department of Gjirokastra District, the leaders of the Omonia organisation and of the branches of Omonia in a number of regions; School principals and teachers, and many other persons of various walks of life. The Foreign Minister of Albania wished to receive the Mission upon its arrival in Albania, but due to a communication problem with respect to the schedule, the Mission was unable to arrive at the Foreign Ministry in time for the scheduled meeting.

In Greece, members of the Mission were received by the Deputy Foreign Minister and the Head of the Albania Desk of the Foreign Ministry.

FINDINGS

The present situation of the Greek population in Albania and the minority's sensitivities and concerns cannot be understood without first understanding the tremendous suffering and fear experienced by the Greek minority and the entire population of Albania in the decades of brutal Communist dictatorship, and the great hope, shared by all people in Albania, that the new democratic government would bring a complete reversal of all evils of the dictatorship. For the Greek minority, which feels especially vulnerable, this included the expectation of a recognition and implementation of all minority rights.

Albania is undergoing a difficult process of transformation from an extreme form of communist dictatorship to a democratic political system and society and a market economy. This requires understanding, realism, and a degree of patience from all involved. Many Greek community leaders and politicians recognised this; but others expressed, as did some Albanians, impatience and scepticism about government policies.

The Mission was pleased to hear from Albanians and Greeks alike, that social, economic and personal relations are good between the two communities. No efforts should be spared to maintain these good relations. At this time, tensions that exist are at a political level where some Members of Parliament, representatives of political organisations and other individuals, display a lack of willingness to understand the views of others. The refusal of some politicians to admit that members of the Greek minority have any legitimate grievances, give as much cause for concern as the sometimes exaggerated views expressed by some Omonia members and others. Both attitudes display a level of irresponsibility which could, if not modified, lead to tensions and unnecessary confrontation.

The representation of the Greek minority in elected organs of government at the local level appears to be satisfactory. In the districts of Gjirokastra and Saranda, where the population is ethnically mixed, the District councils have a majority of Greek members (of the Union for Human Rights). Representation in the Albanian Parliament is cause for some discontent as a result of questionable the application of the electoral law with respect to proportional representation seats.

With respect to non-elected positions, i.e. government appointments, the Greek minority leaders complained particularly of the lack of Greek police officers and men even in regions with large concentrations of Greeks, and the lack of Greeks in the military and the courts.

The most serious problem the Mission encountered, however, concerns the education of Greek children. This issue, if not handled properly could lead to tensions and conflict.

Greeks of all walks of life whom the delegation met emphasised the importance of education for the preservation of their culture and identity. Many feel that the government in Tirana is not adequately responding to their demand for the restoration of the right to Greek language education. In villages and towns that are essentially Greek and which are designated as "minority zones" Greek schools are established. The problems arise in areas outside such designated "minority zones" where sizeable Greek populations live.

The delimitation of certain areas as "minority zones", an ill-defined term, creates a series of problems for Greeks living in other areas, such as Saranda and Delvina, where they have large populations. A disturbing example of the problems resulting from this classification was the closing of seven Greek first grade parallel classes, in some cases apparently with the help of the police, in September 1993. The classes have yet to be reopened, and the affected children are consequently being deprived of education, at least in their mother tongue.

The President of the Albanian Parliament gave the Mission assurances that a new draft law on primary and middle education which is presently before Parliament, will be passed in March at the latest. The new law would, the mission was told, provide for the (re)establishment of parallel Greek classes in areas where there is a sufficient number of Greeks to justify them and would permit the creation of private schools. The Mission welcomed the intention to pass such legislation and emphasised to Albanian officials the importance and urgency of this.

Local leaders also expressed annoyance at what they felt was excessive interference by the central government in local affairs. They favoured greater and more effective decentralisation of government. Extreme demands for ethnic autonomy or even the redrawing of borders, though occasionally expressed, do not appear to reflect the aspirations of the Greek population, who do not challenge their Albanian citizenship.

The Mission felt that despite the fact that there are today no significant tensions between the Greek and Albanian communities, serious tensions could arise if the issues referred to above, especially in the field of education, are not resolved satisfactorily in the very near future. A prolongation of the problem could provide an excuse for people with more extreme views in the Albanian and Greek communities to harden their positions and raise tensions. A number of Greeks and Albanians referred to "outside forces" as potential sponsors of tension and conflict.

The Mission welcomed the appointment of the Advisor on Minority Affairs by the Prime Minister and hoped it would greatly contribute to effective and speedy resolution of the principal sources of friction.

The Mission will issue a detailed report of its findings and recommendations which will be presented to all parties, to the CSCE, the UN and other relevant bodies. Specific recommendations will be formulated in the report. On the basis of recommendations already conveyed by the Mission to the parties concerned, the General Secretary recommends the following:

RECOMMENDATIONS

To the Albanian Government:

1. Not to underestimate the tension and conflict which an inadequate or slow resolution of the education problems faced by the Greek minority could trigger. The passage of the draft law on education should be expedited, and any remaining obstacles to the opening of parallel Greek classes wherever the numbers of Greek children so justifies should be removed,
2. To ensure the appointment of Greeks in the police and other departments of the civil service and in the courts in regions where Greeks live.
3. To intensify and broaden the dialogue between the government and the Greek minority.
4. To undertake a census (or registration) of the whole population of Albania under international supervision, which would provide reliable statistics on, *inter alia*, the size and distribution of the Greek population in Albania.

To the leaders and other members of the Greek Minority

1. To avoid all activities that could provoke conflict and to exercise restraint, patience and realism in pursuing their objectives.
2. The OMONIA organisation should refrain from claiming rights or responsibilities in areas that properly belong to government authorities, such as the appointment of police personnel and other civil servants. Appropriate political channels, including the elected local councils, should provide channels for exercising democratic rights in government.
3. To improve the method of work and organisation, in particular, the collection, preparation and presentation of factual information.

To the Government of Greece

1. To exercise whatever influence it can to prevent the rise of tensions between Greeks and Albanians in Albania. Such efforts to include the encouragement of moderation among leaders of the Greek minority.
2. To continue to monitor the situation with regard to the Greek Minority in Albania.

To the International Community, including especially the CSCE , EU and Council of Europe

1. To closely monitor the passage of laws and implementation of assurances made with respect to the Greek minority, while, at the same time, discouraging forms of international (or outside) pressure which could inflame the situation, create false expectations or heighten fears among the Greek or Albanian populations of the country.
2. To encourage and assist in the financing of a census/registration process under international monitoring in 1994.

Appendices

- + Map of Albania
- + Chapter IV CSCE Copenhagen document (1990)
- + Charter of Fundamental Freedoms and Human Rights (1993)
- + Chapter I, V and VII of the Albanian Constitution (1993)
- + Instruction of education no. 17 (27-9-1991)
- + Instruction of education no. 19 (13-9-1993)

DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE

(30) The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.

They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious

identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against theirIn particular, they have the right

- (32.1) - to use freely their mother tongue in private as well as in public;
- (32.2) - to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;
- (32.3) - to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;
- (32.4) - to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;
- (32.5) - to disseminate, have access to and exchange information in their mother tongue;
- (32.6) - to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other member of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take, the necessary measures t() that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(34) The participating States will endeavour to ensure that persons belonging to national minorities; notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighborly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(37) None of these commitments may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations, other obligations under international law or the provisions of the Final Act, including the principle of territorial integrity of States.

(38) The participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not yet done so, including those providing for a right of complaint by individuals.

(39) The participating States will cooperate closely in the competent international organizations to which they belong, including the United Nations and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities. They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

(40) The participating States clearly and unequivocally condemn totalitarian racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) - take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to - violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) - commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

- (40.3) - take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;
- (40.4) - endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;
- (40.5) - recognize the right of the individual to effective remedies and endeavor to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;
- (40.6) - consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;
- (40.7) - consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.