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24.09.2019

Honorable ladies and Gentlemen,

Allow me to introduce myself: My name is Vasilis Kagios, President of the "**Democratic Union of the Hellenic Minority**"- **OMONIA**. OMONIA represents the Ethnic Greek Minority of Albania, which is officially recognized and it is the largest ethnic minority of the country. It was founded in 1991, having as aims the representation of the Ethnic Greek Minority and the promotion of the Greek culture, the teaching of the Greek language, the preservation of customs and traditions, the unity of all members of the Ethnic Greek Minority, irrespective of political affiliations, and the preservation of the national identity of the minority, through language, history and culture.

Given this background, the purpose of my presentation is to inform you about the main issues that, even in nowadays, we face, as Ethnic Greek Minority in Albania.

**Firstly**, I would like to recall that in October 2017, the Albanian Parliament adopted the "Law on Protection of National Minorities in the Republic of Albania". Among other provisions, the Law provided that, within six months after its adoption, the Albanian Government should have adopted the Secondary Legislation. However, today, **almost two years after the adoption of the Law**, the Albanian Government **has yet to publish** the Secondary Legislation, which we expect that could rectify some problematic clauses of the Law, such as **the self-identification, the use of Minority language and the right of education in the minority language**.

**The issue of the free right to self-identification**, in particular, is of major importance for us and all national minorities in Albania as it constitutes the core for the implementation of the law. During the communist period, the regime arbitrarily designed the theory and practice of "minority zones". From our point of view, as well as international law experts, representing the OSCE and the Council of Europe, this new law continues this tradition, on the part of the Albanian state, of restricting the geographical scope of minorities' protection, at least as far as the Greek National Minority is concerned. It does so by making dependent the exercise of the right of self-identification, **on the Civil Status Office ethnicity data** (Article 7 par.1) and **the Census legislation** (Article 6 par.1).

The reference made by the minority law **to the census legislation** as regards the exercise of a person's right to declare his/her belonging to a national minority serves the same purpose. The census law currently in force was amended only three months before the holding of the 2011 census, introducing a 100.000 ALL (700 EUR) fine for incorrect replies to the questionnaire and determining that a reply would be considered **"incorrect" if it did not correspond with data contained in the civil registry**. Feeling that their rights were being denied, the minorities abstained from the process and denounced the census.



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Unfortunately, the Albanian Government wants to return to the practices of 2011: According to article 22 of the draft law on “2020 census”: “the refusal to provide the information according to the article 5 of this Law, or giving false information, is punished with a penalty from 50,000 to 100,000 lek; the refusal to give information, based on free will of the individual, according to the 2<sup>nd</sup> point of article 4 of this Law, does not constitute an administrative violation.

For OMONIA, this development constitutes, again, a violation of Article 3 of the Framework Convention for the Protection of National Minorities, as it continues the practices that the Albanian Government followed in the previous Census, which forced National Minorities to boycott it.

From our point of view:

- The free exercise of the right to self-identification shall be guaranteed throughout the territory of the Republic of Albania in accordance with the relevant international instruments to which the Republic of Albania is a party
- Civil status office documentation should not restrict in any way the right to self-identification of any Albanian citizen, a right which should be exercised throughout Albania and not only within specific geographical areas (“minority zones”).
- Modification of Article 22 par.1 and 2 of the draft Law as follows: “1. Failure or refusal to provide the information required under Article 4, or the provision of false information shall be punishable with a fine of 100,000 leks, except that there shall be no penalty in the case of any information to be collected on a voluntary basis”.
- The right to self-identification should be exercised through a self-declaration of minority (subjective element) while taking into account objective criteria, in particular language and religious characteristics.

### **Regarding the issue of the the right of education in the minority language (Article 13) we believe that**

- The right of education in the minority language should be ensured **for all 12 school grades**, “in local government units inhabited traditionally or in substantial numbers by persons belonging to national minorities”.
- In the primary school the ratio of subjects taught in the students’ mother tongue to the subjects taught in Albanian should be in favour of the former while in secondary education teaching in Albanian would be increased.
- **The opening of a minority school/class** should take place at the level of *the smaller* administrative units/*njësie administrative* (and not of the “enlarged” Municipalities),





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when the substantial number or traditional inhabitation criteria are met and the number of the pupils per class is at least 10.

- **The text books for the minority schools** need a substantial improvement in terms of quality and prompt preparation and delivery.

### **(a) Use of the minority language (Article 15)**

1. Once again, we believe that the enlargement of the Municipalities, due to the 2014 territorial reform, makes it imperative that the use of the minority language be ensured if the 20% threshold or traditional inhabitation by a minority occurs *at the level of the smaller administrative units/njësie administrative* (whose administrative borders coincide with those of the former Communes/Municipalities). The relevant decision should be taken by the Municipal Council (since administrative units do not have administrative autonomy) and not the Regional Governor. In addition, the Municipal Council should be legally obliged to take this decision when the criteria set by the law on minorities are met.
2. “Local government units traditionally inhabited by persons belonging to a national minority” cannot constitute a different name for the former “minority zones”. For example apart from the “recognized” Finiq and Dropul Municipalities, areas traditionally inhabited by persons belonging to the Greek National Minority include also Himara, Narta, Moursi, Saranda, Gjirokaster, Korca and others. The term “non-traditionally inhabited” should denote areas where members of the minority reside due to, for example, displacements or internal migration, as for many members of the Greek National Minority is the case of Tirana and Durres.

### **A. The protection of Property Rights**

1. As it is widely recognized, the property rights in Albania constitute the most complicated issues after the change of the regime in the early 90s. For the Greek National Minority, in particular, the protection of its property rights is vital for its survival in Albania, especially in Himara.
2. The municipality of Himara is the coastal region with the highest potential for touristic development in the south of Albania. The majority of population in Himara belongs to the Greek National Minority (a right that the Albanian State does not recognize to them). These practices will take a toll on the ability of the members of the Greek Minority to remain in the wider region of Himara, since they deprive them of basic human rights and means to make a living.
3. For almost 30 years the Albanian State has refused to allow to the residents of Himara to register their property. Not only that:



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- In 2014 a Decision of the Council of Ministers significantly reduced the referential prices in the Albanian coastline compared to the prices of 2012. For example, referential prices of the agricultural land in the village of Palase of the Municipality of Himara was 327 leks/ sq.m. in 2012 and after 2014 204 leks/ sq.m.
  - In 2017, the Municipal Council of Himara adopted the so-called “Master plan” for the touristic development of the coast of Himara with the support of the Albanian Government, but without any previous public deliberations with the residents. This plan constitutes a real and imminent threat to the landscape of the region as it doubles urban space at the expense of agricultural and natural lands which are drastically reduced. In Himara, the vast majority of the owners lack property titles, due to the hindering policy of Albanian Authorities to the ethnic Greek inhabitants of Himara from registering their properties. As a result, private land of extremely high value is treated as public. Through the implementation of the master plan, many of the locals will lose their valuable land and will be forced to leave their homes, without even being compensated.
  - In February 2018, the Council of Ministers adopted Decision 138/ 2018 “For the Temporary Suspension of Procedures of Transfer of Ownership to Beneficiaries of the Agricultural Land, Former-Agricultural Farming Enterprises and Registration of Land Ownership Acquiring Acts, in the Important Zone for the Support of Strategic Investments Fund”. With this Decision owners who already possess an ownership title (ATMP) over agricultural land in touristic priority zones couldn’t register their land at IPRO. In addition, Albanian Government established a Task Force in order to “control” ownership in the coastal area.
  - In November 2018 the Council of Ministers of Albania adopted Decision No 708/ 21.11.2018, which it designated large parcels of privately owned land (1377 hectares in the Municipality of Himara), situated in the coastal area between Vlora and Saranda, as “state property”, which would henceforth be administered by the Ministry of Tourism of Albania for tourist development.
4. However, large parts of these lands are private, with the owners either having certificates according to L. 7501, or have been trying for years, in vain, to get titles, or the owners, after long legal battles, acquired Court decisions in their favor and then found out that, in the meantime, their properties were taken over or sold by the state.
  5. Thanks to the reaction of International Community, the Albanian Government had to modify the Decision in May 2019.
  6. Still, the real purpose of the Albanian government was revealed:  
Refusal of first registration of land for a very long period of time and, after that its nationalization in order to be offered to private interests, in the name of Touristic





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development, which, according to the Laws 95/ 2015 on Strategic Investments and 93/ 2015 on Tourism is considered as a “sector of public interest”. This definition allows:

- Expropriation for commercial purposes in the name of public interest.
  - Compensation is based on referential prices determined by the Government, which as a rule are lower (<1 Euro/sq. m) than the real market value which stands at 100 Euros/ sq.m.
  - Strategic investors enjoy special support by the State and are even entitled to benefit land from private owners through an expropriation process in case when they have failed to reach an agreement with the owners, for the purposes of carrying out the strategic investment
7. Even though the Government has put in the request for the opinion on the draft law, in the last months, it has already adopted a series of DCMs which in effect implement the draft law that was frozen.

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