

# The Hellenic Minority in Albania: Status and Current Developments

**Keywords:** Albania; Greece; minorities.

## 1. INTRODUCTION

Ever since the creation of the Albanian state in 1913, the Greek-Albanian relations have often been tense and emotional. Mainly focused on the presence and the rights of the Hellenic minority in Albania - and especially in the region of Northern Epirus which was the object of Greek territorial claims for many decades - over the years, these bilateral relations have known many periods of tension with international repercussions. Indeed, from the time of the League of Nations until the catalytic changes in Europe in 1989 and the post-bipolar international order, the issue of the Hellenic minority has dominated and defined the bilateral relations, and has often caused the reaction of international institutions and emotional outbursts of Greek public opinion. Furthermore, it has affected the broader Balkan stage and the security and stability of the region, with the interrelation of minority questions in all Balkan countries.<sup>1</sup>

The situation has remained stable over the last 25 years, with three important landmarks: firstly, the establishment of diplomatic relations between the two countries in 1975; secondly, the lifting by Greece of the state of war with Albania in 1987;<sup>2</sup> and thirdly, the fall of the authoritative regime of Alia. This observation does not leave aside the existence of other bilateral issues (e.g., the issue of the delimitation of the borders, of

- 
1. For dimensions of this issue, see E.P. Stickneg, *Southern Albania or Northern Epirus in European International Affairs 1912-1923* (1926); B. Papadakis, *Histoire Diplomatique de la Question Nord-Epirote (1912-1957)* (1958); G. Leon, *Greece and the Albanian Question on the Eve of the First World War*, 11 *Balkan Studies* 61-80 (1970); E. Protopsaltis, *The Northern Epirus Question* (1978) (in Greek); C. Manolopoulou Varvitsioti, *Contemporary Problems of Minorities in the Balkans* 89-128 (1989) (in Greek); and H. Poulton, *Balkans: Minorities and States in Conflict* 193-201 (1993).
  2. For a legal discussion of the question, see C. Panayotacos, *Existe-t-Il Juridiquement un État de Guerre Entre la Grèce et l'Albanie?*, 1 *Revue Hellénique de Droit International* 173 (1948); and P. Pararas, *The Procedure of the Lifting of the State of War with Albania*, 1980 *To Sintagma* (The Constitution) 77-96 (in Greek).

Leiden Journal of International Law 9: 141-158, 1996.  
© 1996 Kluwer Law International

the Albanian properties in Greece, of illegal migration, etc.), which are also affected directly or indirectly by the treatment of the Hellenic minority by the Albanian authorities. The present article will first deal with the status of the Hellenic minority in Albania and, subsequently, with the recent legal and political developments as well as the disputes which have arisen between the two countries in respect of this issue.

## 2. THE HELLENIC MINORITY IN ALBANIA: AN HISTORICAL OVERVIEW

The Hellenic presence in Albania dates back to the era of ancient Greece. The rapid historical developments in the Balkans in the beginning of the century have also affected Albania, which was created by the 1913 London and Florence Protocols. The fate of the existing Hellenic minority there, which had enjoyed a short period of autonomy within the Albanian state (Corfu Protocol of 1914), has been affected by the military and political intervention of foreign powers in the region, but also by the repressive policy of the Albanian authorities, which often reached close to the limits of the extinction of the national and cultural identity of the minority.

For more than 50 years, the question of the Hellenic minority was linked directly to the so-called 'issue of Northern Epirus' and the Greek territorial claims, which were left unsatisfied at the end of World War II. With the gradual reestablishment of the good neighbouring relations in recent years and under the influence of the principles of Helsinki I and II, the territorial question seemed to be forgotten, leaving only the minority issue to monopolize the interest of Athens and to define the developments between the two countries.

With controversial figures claimed by both sides, the population of the Hellenic minority has gradually known an important diminution, especially after the migration and persecutions. Today it is estimated to number between 150,000 and 200,000 people. However, circles of the Greeks of Albania raise the number to 400,000 people, while official Albanian sources, based on the census of 1989, mention no more than 60,000 people. This last estimation is not accepted by the minority, since the census did

not take into account the Greeks of Avlona, Korytsa, and Veration.<sup>3</sup> The minority is largely concentrated in the southern region of Albania, but is also present in other parts of the country. This constitutes a permanent source of conflict with the Albanian government, which insists that the minority is restricted 'geographically' only to certain minority zones (Argyrokastro, Agii Saranda, Delvino, etc.).

### 3. THE LEGAL ASPECTS OF THE PRESENT STATUS OF THE HELLENIC MINORITY IN ALBANIA: INTERNATIONAL AND NATIONAL DIMENSIONS

#### 3.1. From the League of Nations until 1990

Despite the fact that Albania undertook the obligation to protect the minorities living in its territory (especially in the field of religious freedom and education) by its Declaration of Accession to the League of Nations in 1921,<sup>4</sup> the Albanian government adopted restrictive measures of a constitutional character adversely affecting the Hellenic minority. This problem was taken up by the League of Nations and the Permanent Court of International Justice (PCIJ). The latter, in its Advisory Opinion of 1935,<sup>5</sup> obliged Albania to change its policy in respect of the Hellenic schools. However, problems continue to exist as far as religious freedom is concerned, especially after the adoption of the Law on Religious Communities of 1930.

After World War I, Albania followed a systematic and continuous policy aimed at eliminating the Hellenic minority. Although formally the Albanian constitution recognized the rights of ethnic minorities to education, free use of their language, etc., in reality the attitude towards the Hellenic minority has been destructive (forced population movement, 'albanian-

---

3. Concerning those estimations, see Hellenic Centre for European Studies, *Semi-Annual Report for the Balkans*, at 116 (December 1994); D. Dodos, *Electoral Geography of Minorities* (1994) (in Greek); and Minority Rights Group (Ed.), *World Directory of Minorities* 106-107 (1990). It must also be noted that about 200,000 Blachs exist in the region of Korytsa, the majority of which had a Hellenic conscience in the past. See Dodos, *Electoral Geography*, at 125.

4. Declaration of Accession to the League of Nations, 9 LNTS 174 (1921).

5. See *Minority Schools in Albania*, 1935 PCIJ (Ser. A/B) No. 64, at 4.

zation' of names, prohibition of any religious activity, obstacles in education and the use of the Greek language, other prohibitions, and violation of individual rights).<sup>6</sup> This situation was facilitated by constitutional provisions as well as by certain provisions of the Albanian Criminal Code.<sup>7</sup>

The matter repeatedly attracted the attention of international institutions, such as the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, the European Parliament, and Non-Governmental Organizations (NGOs), such as Amnesty International. This international mobility, however, did not produce any effective results since Albania was internationally isolated. Moreover, the lack of bilateral relations until 1971 and the fact that Greece preserved the characterization of 'hostile' state for Albania until 1987, left very limited ground for the improvement of the situation.

### 3.2. After 1991

Legally speaking, the status of the Hellenic minority is defined by a series of provisions of national and international law. Particularly in the field of international protection of human rights and minorities, Albania has ratified the two UN Covenants on Human Rights of 1966 (without accepting the option of the interstate or individual complaints procedure before the Human Rights Committee), the 1984 UN Convention Against Torture (without interstate or individual complaints procedure before the Committee Against Torture) and certain other conventions of a universal character. Albania is bound neither by the 1950 European Convention on Human Rights (ECHR) and its Protocols, nor by the specialized conventions of the Council of Europe for minorities (1992 European Charter for Regional and Minority Languages, 1995 Framework Convention for the Protection of National Minorities).<sup>8</sup> On the other hand, Albania has accepted all the

- 
6. See B. Kondis & E. Manda (Eds.), *The Greek Minority in Albania: A Documentary Record 1921-1993* (1994); E. Kofos, *The School Textbooks During the E. Hotza Period*, 34 *Balkan Studies*, 85-104 (1993); B. Kondis & E. Manda, *Greece and Albania*, in G. Hassiotis (Ed.), *Greece and Her Neighbours*, 24-26 (1995) (in Greek); and Poulton, *supra* note 1, at 198-200.
  7. See V. Socratidis, *Albania: An Area of Europe Where Systematic Violation of Human Rights Still Persists*, in Marangopoulos Foundation for Human Rights, *Human Rights in Occupied Cyprus and in Albania* 30 (1990).
  8. See J.B. Marie, *International Instruments Relating to Human Rights: Classification and Status of Ratifications as of 1.1.1995*, 16 *Human Rights Law Journal* 75-91 (1995); see also Council

instruments of the Organization for Security and Co-operation in Europe (OSCE), of which it became a member in 1991.

Turning now to national law, it must be emphasized that Albania still lacks a constitution promulgated under democratic rule. A Constitutional Bill, proposed by President Berisha, was rejected by the majority of the Albanian people in the referendum of 11 November 1994.<sup>9</sup> In general, the question of human rights and of minorities is regulated by Constitutional Law No. 506 of 31 March 1993, incorporated into Law No. 7491 of 29 April 1991, on the main constitutional provisions on fundamental freedoms and human rights. In this respect two provisions are of particular importance: the first concerns the freedom of religious conscience (Article 18); the second deals with minorities (Article 26). More specifically, Article 18 provides that

[t]he freedom of thought, conscience and religion is inviolable.

Anyone can freely change his religion and beliefs and can express himself, individually or collectively, in his public or private life by means of ritual, teaching, practice, or observance of religious rules.

The freedom to declare one's religious or other beliefs is only subject to the limitations set by the law and the requirements of a democratic society for the protection of public order, health, morality, and the respect for other people's rights and freedoms.

Article 16 on minority rights stipulates the following:

[p]ersons that belong to certain minorities will enjoy the fundamental human rights with no discrimination and in equal terms before the law. They can

---

of Europe, Parliamentary Assembly Doc. 7393/22.9.1995 (1995).

9. This project for a Constitution provided safeguards of minority rights. In particular, Art. 44 recognizes the right of the members of national minorities to exercise in full equality before the law the basic human rights of free preservation, promotion, and development of their national, cultural, religious, and linguistic identity, the right to be taught in their mother tongue, and the right to associate for the protection of their rights and their identity (Art. 44(1)). Also, the ethnicity is determined on the basis of internationally recognized rules (Art. 44(2)). Moreover, it was stipulated that "in Albania political parties that are based on a religious or ethnic basis are not allowed" (Art. 6(3)). With regard to the relations between the church and the state, it is stipulated that the church is separate and independent from the state, as is the case with any other religious community. However, Art. 7 sets serious restrictions on the right to religious freedom, providing that "the leaders of large religious communities must have an Albanian nationality, they must have been born in Albania, and must be residents for the last twenty years". Also the provisions concerning religious freedom stipulated that "any religious activity that jeopardizes the existence of the Albanian Republic or the democratic institutions, as well as the use of religion for political objectives is prohibited".

freely express, maintain, and develop their own ethnic, cultural, religious, and linguistic identity, they can teach and be taught in their mother tongue, and they can participate in organisations and associations for the protection of their interests and identity. Ethnicity is determined on the basis of internationally recognised rules.

In the changing legal and political environment in Europe, where the principles and rules for the minority rights have become an essential element of the new order in the European area (especially through the activities of the OSCE and of Council of Europe), Albania seems to face this changing environment with extreme reservation. This conclusion becomes even more obvious, if seen in the light of the general attitude of Albania towards the undertaking of international commitments for the protection and promotion of human rights. Indeed, the Albanian process towards the adoption of the international standards of the above-mentioned *corpus* of law is problematic, with serious consequences in the internal life of the country.

The incorporation of democratic principles and the establishment of the rule of law and respect for human rights should be a priority for post-communist Albania, given the importance of their consequences for the citizens of the country, including the Hellenic minority. This was also stated during the recent accession of Albania to the Council of Europe as its 36th member. This accession of Albania took place only after Albania undertook a series of commitments which enable it to conform to the rules and principles of the organization.<sup>10</sup> Among these commitments are the following: to ratify the ECHR and Protocols 1, 2, 4, 7, 11, and, within a short period, Protocol 6; to recognize the right of individual petition and the jurisdiction of the European Court of Human Rights; to ratify the European Convention Against Torture as well as other conventions concerning human rights; to ratify the two above-mentioned Conventions concerning the minorities and implement Recommendation 1201/1993 of the Parliamentary Assembly of the Council of Europe for the protection of minorities. In addition, Albania has committed itself to adopt and ratify

---

10. See Hellenic Centre for European Studies, Semi-Annual Report on the Balkans 66-67 (June 1992); see also Council of Europe, Parliamentary Assembly Docs. 7304/10.5.1995, 7338/27.6.1995, and 7339/27.6.1995, related to the application of Albania for accession to the Council of Europe; and Doc. 7362/13.7.1995, Res. (95)8 du Comité des Ministres Invitant l'Albanie à Devenir Membre du Conseil de l'Europe.

in a timely fashion a new Constitution, to promote the equality of its citizens; to protect the identity of its ethnic minorities and to safeguard the freedom of expression, thought, and religion; to create the necessary conditions for the promotion of culture; to allow the use of alternative languages by ethnic minorities in public areas as well as in their contacts with the state authorities; and to guarantee the independence of justice and particularly the protection of judges.

It must be noted that, in general, the issues of respect for human and minority rights are negatively affected by the malfunctioning of the legal order in Albania (e.g., deficiencies of the judicial system and the administration of justice; absence of a democratic tradition on legal institutions;<sup>11</sup> the restrictive application of the freedom of the press and the persecution of journalists; etc.). Two observations can be made at this point. Firstly, that there is no special status for the existing Hellenic minority in Albania, deriving from international and national provisions. The exercise and the enjoyment of rights is determined by the described existing legal framework, as delimited by national law and international human and minorities standards binding Albania.<sup>12</sup> Secondly, that the general function of legal order and the process of establishing a rule of law is problematic.

#### 4. THE ALBANIAN POLICY *VIS-À-VIS* THE HELLENIC MINORITY AND THE REACTIONS OF GREECE: RECENT LEGAL AND POLITICAL DEVELOPMENTS

The Hellenic minority in Albania constitutes an important 'bridge' of communication between the two neighbouring countries. Its presence, with complete respect for its ethnic and cultural identity as well as its individuals' rights, defines the character of contemporary relations between Greece and Albania. This view is the foundation of the Hellenic position and has governed the evolution of the bilateral relations of the two countries for the last five years. Although it is the objective of Greece to create

---

11. During the communist rule there was no Ministry of Justice. Moreover, since 1967 the lawyers' profession was prohibited.

12. Foucher considered that "the Greek minority have had the guarantee of its status confirmed by the advent of democracy". See M. Foucher, *Minorities in Central and Eastern Europe* 32 (1994).

and establish good neighbouring relations and co-operation, the process of promotion of bilateral and multilateral co-operation with Albania is linked with the Albanian policy towards the Hellenic minority. The Greek government has not hesitated to express this position in international fora, thus creating problems for Albania, and has exercised political pressure on the Albanian regime for change, both in the institutional field and in its policy concerning the Hellenic minority of Albania. For these reasons there have often been disputes and tensions between the two countries, albeit of a temporary character.

The attitude of the Berisha regime *vis-à-vis* the Hellenic minority in Albania should be examined taking into consideration some basic parameters of Greek-Albanian relations, i.e. the development in the Balkans and the general efforts of Albania for a (new) place on the European and international stage. In this framework, two elements are of special importance and influence the Albanian policy towards the Hellenic minority. Firstly, the internal Albanian developments in the institutional, political, economic, and social field, where the country faces serious problems. The lack of serious progress in this field puts Albania in the last place in the Balkans as far as the transition to democracy and economic transition are concerned, and have negative effects on the Albanian population who seek a better future abroad through mass (illegal) migration, mainly towards Greece and Italy. Secondly, the Albanian policy as regards the former Yugoslavia, especially Kosovo and the Former Yugoslav Republic of Macedonia (FYROM), where the Albanian elements cherish the vision of a 'greater' Albania.

The change of the political climate in Albania in 1990 marked the starting point of new developments in Greek-Albanian relations. The Greek Prime Minister, C. Mitsotakis, visited Tirana twice, in 1991 and in 1992, and set the framework of the bilateral relations. The Hellenic minority in Albania was to be the central focus of these relations, and in particular their right of living without fear and with full respect of their individual rights. At the same time, an important illegal migration movement towards Greece was observed. Already in mid-1992, approximately 150,000 Albanians, including members of the Hellenic minority, were present illegally in Greece. This number has increased, aggravating the existing bilateral problems, especially since Albania expressed complaints about the way the illegal Albanian immigrants were treated by the Hel-



lenic authorities. In any case, it seems that the 'tolerance' of the Greek authorities towards the presence of illegal Albanian immigrants has always been connected to the level of the treatment by the Albanian authorities of the Hellenic minority in Albania. At the same time, and in order to strengthen its negotiating position, the Albanian side has brought up the question of the property rights of the Chams of Cameria<sup>13</sup> and the so-called 'Albanian minority' in Greece, issues that the Greek government views as non-existent and unfounded.

The main developments and the most important disputes concerning the question of the Hellenic minority in Albania, in the period between 1991-1995, will be treated in the following.

#### 4.1. The participation of the Hellenic minority in the political life of the country

In January 1991, members of the Hellenic minority founded the 'Democratic Union of the Hellenic Minority' (Omonia) in order to participate in the parliamentary elections. This political-social-cultural organization had as its objectives the improvement of the status and role of the minority as well as the fight for the right of the members of the minority to remain domiciled in their place of residence.<sup>14</sup> Omonia participated in the first multi-party elections of Albania in 1991, but was allowed to have candidates only in the officially recognized 'minority zones'. Five representatives of Omonia were finally elected and Omonia became, in terms of voting power, the third strongest parliamentary group.<sup>15</sup>

In July 1991, the Albanian parliament adopted a law prohibiting the establishment of political parties with religious, ethnic, or local character. Later, in February 1992, a clause was added to the election law which prohibited the participation of Omonia in the elections of 22 March 1992. This movement of restriction of the political expression of the minority

---

13. The Chams are a small Albanian Muslim minority of about 25,000 people, who used to live in the district of Thesprotia, in Epirus, Greece. After collaborating with the occupying powers, Germany and Italy, during World War II, they were declared war criminals. Afterwards, in the mid-1940s, they moved to Albania.

14. See, concerning Omonia, Dodos, *supra* note 3, at 124-128.

15. It is remarkable that the Hellenic government and the governing conservative party (Nea Demokratia) reacted with reservation to the creation of the organization of Omonia and supported the Albanian 'Democratic party'.

caused the reaction of both the Greek government and the European Community (EC), while the Albanian side justified its response by claiming that Omonia advocated the return of Northern Epirus to Greece.<sup>16</sup>

As a reaction to this law, Omonia initiated the creation of another political party to represent the minority, the 'Union for Human Rights' (UHR). The establishment of the UHR was not seen positively by the Albanian authorities, which sought its exclusion from Parliament. Seven lists of candidates of the UHR were considered 'invalid' by Albania in 36 voting zones. Despite these difficulties and obstacles, and amidst a very hostile climate,<sup>17</sup> UHR got 48,923 votes and elected two representatives with a percentage of 2.9.<sup>18</sup> The intention of the Albanian authorities to further limit the representation of the Hellenic minority was also evident after the parliamentary elections of 1992. In fact, in the local government elections of 1992, the Albanian authorities divided the region of Saranda, where the presence of the Hellenic minority is important, in two, in order to diminish the representation of the minority in the institutions of local government. This measure, seemingly, did not succeed since the UHR got a higher number of votes than in the parliamentary elections (56,452).<sup>19</sup>

As a conclusion, it can be said with certainty that the Albanian policy towards the participation of the Hellenic minority in the political life of Albania is restrictive.<sup>20</sup> It should also be noted that Omonia, since its

---

16. See G. Hudso, *Tension Among Neighbours: Greek-Albanian Relations and Their Impact on Regional Security and Stability*, Studies on Conflicts and Terrorism 127 (1995).

17. See the Communiqué of 17 February 1992 of the EC Council concerning these incidents. It reads: "[t]he Community and its Member-States express grave concern at a series of incidents against the Greek minority in Albania, in the course of the last days. They appeal to the Albanian authorities to urgently take the necessary steps so that incidents of such a nature be put a stop to and order be re-established to the benefit of all people living in Albania. They also remind the Albanian government of its solemn commitments to strictly abide by CSCE provisions, particularly those pertaining to guarantee respect for human rights and the rights of minorities including those with regard to participation in national elections". 1992 EC Bull. 1/2, at 1.5.20.

18. See also Dodos, *supra* note 3, at 129-130; and G. Harvalias, *Albania*, in Th. Veremis (Ed.), *Balkans: From Bipolarism to the New Era* 209-216 (1994) (in Greek).

19. See, for an analysis, Dodos, *supra* note 3, at 135-138.

20. See also the analysis of M. Vihou *et al.*, *The Political Presence of the Minority*, in Th. Veremis *et al.* (Eds.), *The Hellenism of Albania* 59-102 (1995) (in Greek).

creation has been very active in publicly denouncing violations of human rights also to the relevant international organizations.<sup>21</sup>

#### 4.2. Questions of religious freedom

As has already been mentioned, the communist regime has followed a repressive policy towards religion, orthodoxy, the property of the church, and other related matters. The return to parliamentary life in Albania gradually changed the climate towards the Greek orthodox christians, who regained their right to exercise their religious freedom, but in a way fraught with difficulties.<sup>22</sup> However, the breaking up of the orthodox church in the country has been a serious problem for the full enjoyment of religious freedom. For that reason, and in order to reorganize the 'Autocephalous Orthodox Church of Albania', the Ecumenical Patriarch designated in 1992 the Greek bishop Anastassios as Archbishop of Albania. At the same time, some other Greek priests went to Albania in order to support the reconstruction of the orthodox church and to serve the Greek-speaking congregations. After the visit of the Albanian Prime Minister Mexhi in Athens, the political dialogue seemed to be improving, when a certain incident occurred, shadowing the positive developments.

In June 1993, the Albanian government hardened its position and expelled the reverend Chrisostomos "for preaching anti-Albanian propaganda".<sup>23</sup> The forcible expulsion of Chrisostomos caused a Hellenic reaction, with massive expulsions of 10,000 illegal Albanian immigrants from Greece. The Greek government protested, putting forward the issue of religious freedom of the Hellenic minority both to the Berisha government and to international organizations. In Strasbourg, the European Parliament (EP) adopted on 15 July 1993 a resolution condemning the expulsion of Chrisostomos and urging the Albanian authorities to respect the rights of the minority.<sup>24</sup> The Greek government stated that the claims of the Hellenic minority are substantially linked with the respective claims

---

21. See, e.g., Balkan Briefing (1 September 1993, 8 May 1994, and 9 June 1994).

22. See, for a global approach from a Greek perspective, S. Georgoulis, *Orthodoxy in the Modern Albanian State: A Historical Survey*, in Veremis et al. (Eds.), *supra* note 20, at 147-182 (in Greek).

23. See Hudso, *supra* note 16, at 129.

24. See 1993 OJ C 255.

of the Albanian minority of Kosovo.

Following this incident, which caused high tension between the two countries, the Greek Prime Minister Mitsotakis expressed some conditions for the improvement of the bilateral relations in a press-conference in September 1993. These conditions, which mainly concerned the treatment of the Hellenic minority in a state of rule of law and respect for human rights, hardened the Albanian position even more. Supported by a part of the press, the Albanian side with statements of Berisha and Mexhi claimed that due to the "nationalistic and expanding policy towards Albania",<sup>25</sup> the Hellenic position was unacceptable. At the same time, and while Omonia referred to the OSCE High Commissioner for National Minorities, Van der Stoel, the question of granting a special status of autonomy to the Hellenic minority, President Berisha repeated his view that the Hellenic minority enjoyed its rights fully and its living conditions were very good compared to those of the Albanians in Greece.

Problems in the full exercise of the religious freedom by the minority also continued later on. In spring 1994, the Albanian government prohibited the religious procession during orthodox Easter, causing new tensions and reactions. It is indicative that both the European Parliament and the OSCE High Commissioner for National Minorities expressed their preoccupation on this question. The High Commissioner included in his recommendations to the Albanian side the return of the property of the church or adequate compensation<sup>26</sup> and generally the need for the safeguarding of religious freedom. Some aspects of the same question were discussed in the European Parliament<sup>27</sup> which, in a resolution adopted on 9 February 1994 concerning European Union-Albanian relations, reminded Albania of the above-mentioned recommendations of the High Commissioner of the OSCE and called Albania to strictly abide by the OSCE

---

25. See Balkan Briefing, *supra* note 21, at 8-9.

26. The Albanian government treats all religious communities in the same manner as other former owners of large properties who, according to the 1991 Law on Property, are not guaranteed full restitution of lands. See US Department of State, Human Rights Country Reports (1994). It must be noted that Commissioner Van der Stoel has repeatedly intervened, requesting the Albanian authorities to abide by their international obligations in respect of minority rights. See N. Ziogas, *Human and Minority Rights and the Greeks of Albania*, in Veremis *et al.* (Eds.), *supra* note 20, at 299 *et seq.* (in Greek).

27. See EP Debates, 1994 OJ Annexes No. 3-442, at 71-74; see also 1993 OJ No. 3-448, at 266 (Greek version).

provisions and to secure the full respect of minority rights, including religious freedom.<sup>28</sup>

During 1995, the Albanian authorities continued to impede the function of the Orthodox Church (a number of icons and other religious objects still remain in state hands and Albanian authorities do not accept the nomination of three Greek bishops by the Patriarch). Furthermore, they repeatedly hindered the work of the moderate Archbishop Anastasios, whose leaving the country for treatment in a hospital in Greece because of serious health problems was temporarily prohibited.

#### 4.3. Tension reaches its peak: the trial of the members of Omonia

From November 1993 onwards, Greece undertook new initiatives in order to ease the tension between Athens and Tirana, which served neither Albania (which was subject to the Hellenic reactions), nor Greece, since the repercussions of the Albanian policy on the position of the Hellenic minority were negative. The new Minister of Foreign Affairs, K. Papoulias, met with President Berisha and other Albanian officials and discussed the problems of the Hellenic minority and the possible methods of coping with them. He firmly insisted on the need to respect the rights of the Hellenic minority throughout Albania and not only in the so-called 'minority zones', giving special emphasis to the question of education.<sup>29</sup>

Unfortunately, the emerging positive climate was reversed in April 1994, after an incident at the military camp of Episkopi, on the Albanian border. During this incident, two Albanian soldiers were killed and three others were injured, and a considerable number of weapons was stolen.<sup>30</sup> The Albanian side reacted immediately and in an acute way. They accused the Hellenic side of being responsible for this incident<sup>31</sup> and further proceeded in massive prosecutions of members of the Hellenic minority, numerous arrests and investigations. While Greece denied any responsibility concerning the incident in question, the Albanian government further

---

28. See EP Doc. A3-0046/94, 1994 OJ C 61.

29. See 1 Balkan Briefing, *supra* note 25, at 8-9.

30. See Hudso, *supra* note 16, at 131-142; see also Hellenic Centre of European Studies, Semi-Annual Report for the Balkans 60-61 (July 1994).

31. The secret Greek organization 'Movement for the Liberation of Northern Epirus' (MAVI) claimed responsibility for the incident.

escalated the tension. It imprisoned six leading members of Omonia and brought them to trial, charging them with high treason and illegal possession of weapons. The trial which followed on 15 August 1994 raised international concern, partly due to the reactions of the Greek government. The trial was conducted in a tense climate, with expulsions of Greek and Cypriot journalists covering the trial, and under unacceptable conditions of administration of justice, while the preliminary proceedings (investigation, etc.) did not meet the internationally accepted standards for a fair trial. This is a short description of the situation:

[t]he arrest, investigation, and trial of the five ethnic Greek members of Omonia did not conform to internationally accepted standards. It is not clear that the Ministry of Public Order officials had proper warrants authorizing the search of the homes and offices of the Omonia members incident to their detention on April 18. None of the arrestees had access to legal counsel during their initial detention. Once arrested, only one of the arrestees had immediate access to a lawyer during the subsequent investigative phase. The Government claims to have written waivers of the right to counsel from the other arrestees. In fact, the four other arrestees were not represented by counsel during the major part of the investigation, and one was not represented until immediately before the trial. During the trial defendants and their lawyers were required to testify before any other witnesses were called. Although this is permissible under Albanian law, it may have prejudiced the defendants' right to a presumption of innocence and avoidance of self-incrimination. The court admitted the written testimony of several witnesses who, despite the requests of defense lawyers, did not appear in court, thus denying the defendants the opportunity to confront them. The Government denied assertions made by several of the defendants at their trial that their statements during the investigation had been coerced by torture or the threat of torture. To discredit defense claims of coercion, the prosecution introduced videotapes of the defendants secretly made during the investigation. The judges, defendants, defense attorneys, prosecutors, and selected Albanian journalists were the only ones permitted to view them. Neither the Government nor the prosecution made any further attempt to investigate allegations of mistreatment.<sup>32</sup>

All these procedural irregularities and violations of human rights were denounced and provoked reactions both internationally<sup>33</sup> as well as within the country,<sup>34</sup> which intensified with the imposition of unjust sentences of imprisonment to the defendants. The Greek government reacted

---

32. See US State Department, Human Rights Report (1994).

33. See, e.g., Amnesty International, the OSCE High Commissioner on National Minorities, etc.

34. See 10-11 Balkan Briefing 8 (1994).

drastically. It interrupted any dialogue with Tirana, denounced the Albanian behaviour in international fora,<sup>35</sup> blocked the granting of financial aid amounting to 35 million ECU by the EU to Albania, and asked persistently for the immediate release of the unjustly accused members of the minority. Those multiple international pressures along with the political developments (Berisha's loss of the elections of November 1994 and the rejection of the draft constitution) changed the position of the Albanian government, which finally released the members of Omonia in February 1995, although one of them had already been released because of serious health problems.

It should be mentioned that even before the release, the Greek government removed the veto for granting financial aid to Albania and consented to the participation of Albania in the NATO initiative 'Partnership for Peace' as a sign of goodwill. In the Ministerial Session of Black Sea Economic Cooperation (BSEC) in Budapest, in November 1994, the Greek minister of Foreign Affairs summarized the position of Greece towards Albania. This position was based on "the respect of the territorial integrity of its neighbours, the non-intervention in its internal affairs, the promotion and support for the procedure of democratisation". Albania's obligations would be to respect completely human and minority rights, as laid down by the OSCE and other organizations.<sup>36</sup>

In spite of the positive outcome, the Omonia trial indicated that the limits and the possibilities of persecution of the Hellenic minority by the Albanian government are wide, especially in a country with such a democratic deficit and lack of legal order, in search of the fundamental principles to guide its functioning. The release of the five members of Omonia, coupled with the attitude of Greece towards Albania in the international fora by the end of 1994, marks a change in the climate of tension and a new beginning of bilateral dialogue. This new period of relations started with the visit of the Greek Minister of Foreign Affairs K. Papoulias to Tirana on 13 March 1995. From then on, the re-approach focused on high level contacts and frequent meetings of delegations. In addition, the two states decided the institution of new mixed committees for the discussion

---

35. The letter of the Greek Prime Minister A. Papandreou to his EU counterparts is typical: *see id.*

36. *See* 14-15 Balkan Briefing 10 (1994).

of bilateral issues. In this phase, the Greek-Albanian dialogue also included the issue of illegal migration and the presence in Greece of thousands of illegal Albanian migrants, the issue of the guarding of borders, economic and military co-operation and, naturally, respect for the human rights of the Hellenic minority in Albania.<sup>37</sup>

#### 4.4. The question of education

The question of education combined with the abolition of the doctrine of the 'minority zones' were both the subject of long-standing and continuous claims by the Hellenic minority, but also the main issues of concern for the Greek government. It is only natural that this specific issue was a central point of conflict because special education constitutes a main component of the ethnic-cultural identity of a minority and, moreover, the Albanian policy on this matter had significant repercussions on the life of the Hellenic minority in the past.<sup>38</sup>

Already in 1993, Omonia had expressed its position on the issue of the education of minority members, which included as its focal point the right to education in the Greek language.<sup>39</sup> In the same period, the Greek government called attention to the prohibition of teaching in Greek in public schools, and in the arbitrarily labelled minority zones. The Greek government also pointed out the prohibition on establishing new private schools and other related matters. These requests and claims attempted to compensate for the *de facto* situation of institutional lack of specific provisions. It is noteworthy that the first regulation on minority education dates back to September 1991. According to the relevant regulation, in the eight-class schools of the Hellenic minority, teaching would take place in Greek as provided for in the programme of the Ministry of Education. The Albanian language would be taught as a foreign language. Since then, however, the policy of the Albanian authorities restricted the education of the

---

37. See Hellenic Centre of European Studies, Semi-Annual Report for the Balkans 67 (June 1995).

38. For a global approach, see S. Georgoulis, *The Status of Hellenic Schools From the Creation of the Albanian State Until the Present Day*, in Veremis et al. (Eds.), *supra* note 20, at 183-243 (in Greek).

39. Omonia's goal is to have the lessons performed in Greek, in all grades of education in places where the Hellenic minority has a numeric majority on an important percentage of the population. See *id.*, at 224-225.



minority. As a consequence, the Hellenic minority had to establish private schools where the Greek language was taught.

In 1994, with Decision No. 396 of 22 August 1994, the Albanian government further restricted the function of minority education. Indeed, Article 6 of this Decision provides that for gaining permission to establish a new school, a minimum number of pupils of at least 30 would be needed and that the relevant application of the parents must be submitted six months before the beginning of the academic year.<sup>40</sup>

Recently, within the framework of institutional changes in education, the Albanian government has promulgated Law No. 7952 of 21 June 1995, which contains two provisions with special interest for the Hellenic minority. The first one, found in Article 10, provides that

individuals belonging to ethnic minorities have the possibility to learn and be taught in their mother tongue and to learn about their history and civilization in the context of their academic curriculum.

The same Article continues without mentioning the concept of 'minority zones', by stipulating that

the education of members of minorities takes place in specified educational units, the establishment and operation of which is governed according to the procedures determined by the Council of Ministers.

The second provision, on private education (Article 44), states that

in the case of private educational institutions in which the courses take place in a foreign language and which cover religious material, an operating license needs to be granted by the Council of Ministers upon recommendation from the Ministry of Education does not contradict the national interests, the Albanian legislation, and the public order.<sup>41</sup>

Under these circumstances, with the reestablishment of the Greek-Albanian dialogue in the spring of 1995, initially it seemed that the Albanian side would change its policy. Soon, however, disappointment replaced optimism both in the circles of the minority and in Athens, and,

---

40. See Kondis & Manda, *supra* note 6, at 37-38, where they observe correctly that with this measure the Albanian Government seeks to legitimize the arbitrary closing down of schools in Argyrokastro, Agii Saranda, and other places.

41. See Hellenic Centre of European Studies, Semi-Annual Report for the Balkans, at 65 (June 1995).

when the Albanian Foreign Minister visited Athens in September 1995, he did not seem willing to implement the necessary changes.<sup>42</sup> The only outcome of the meeting of the two Ministers of Foreign Affairs in New York on 27 September 1995, was the decision for the establishment of a mixed committee which would proceed with the determination of the number of the Greek students necessary for establishing the minority schools.

The way the Albanian authorities dealt with the issue of education of the minority and their persistence in the arbitrary doctrine of 'minority zones' has had detrimental consequences for the Hellenic minority. This policy, coupled with the economically unfavourable situation in the country, has led many families of the Hellenic minority to leave their homes and emigrate to Greece.<sup>43</sup>

## 5. CONCLUDING REMARKS

The end of 1995 found Greek-Albanian relations progressing in a positive direction. The treatment of the Hellenic minority in Albania and the recognition of and respect for its rights steadily remained the barometer of these relations. The policy of the Albanian authorities often demonstrated restrictions in the enjoyment of the fundamental rights of the minority, particularly in the field of political expression, religious freedom, and education. For the Greek government, this constitutes an indispensable condition for the substantial improvement and promotion of bilateral relations.

Under these circumstances, the future of the Hellenic minority in Albania is uncertain. It remains to be seen whether Albanian intransigence will give way, for the benefit of the consolidation of Greek-Albanian bilateral relations, which will contribute in general to the international peace and security of a region where the ethnic and minority problems constitute a basic factor of destabilization.

*Stelios Perrakis\**

---

42. See 23-24 Balkan Briefing 10 (1995).

43. See Kondis & Manda, *supra* note 6, at 39.

\* Associate Professor, Panteion University of Athens, Greece; Director, Hellenic Centre of European Studies, Athens, Greece.