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TREATY OF LAUSANNE: THE TOOL OF MINORITY PROTECTION FOR THE CHAM ALBANIANS OF GREECE

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Abstract

Cham Albanians, a predominantly Muslim sub-group of Albanians who originally reside in the coastal region of Southern Epirus in Greece's border region with Albania, had been expelled from Greece twice. As the majority of Cham Albanians were Muslim, they were treated with the same contempt as ethnic Turks living in Greece. According to official data, 3,000 of them were transferred to Turkey as part of the Greek-Turkish population exchange according to the Convention Concerning the Exchange of Greek and Turkish Populations signed at Lausanne on 30 January 1923. Articles 37 to 44 of the Lausanne Peace Treaty attribute substantive rights for exempted Muslims in Greece and non-Muslims in Turkey from the Greek-Turkish population exchange and 17,008 of them were exempted from the exchange. In this paper, legal status of Muslim Cham Albanians of Greece that were exchanged with Orthodox minority that lived in Turkey after World War I and exiled from Greece after World War II, will be analyzed. This paper aims to emphasize that Muslim Cham Albanians of Greece are already recipients of special rights as a subject of law, according to the Treaty of Lausanne (1923) that guarantees the rights

of the Muslim minority in Greece. We find very important to analyze Cham Question in the context of the Treaty of Lausanne while Greek government insists that the minority is not “Turkish” but “Muslim” to justify banning associations that include the word “Turk”.

Keywords

Cham Albanians, Minorities, Population Exchange, Albania, Greece, Turkey, Treaty of Lausanne

1. Introduction

Albania’s “Cham Issue” or Greece’s “non-issue” (hereinafter referred to as “Cham Question”) refers to the forceful and violent displacement of ethnic Albanian Muslim communities from the region of Southern Epirus in northwestern Greece, also known as Chameria (Çamëria), into Albania at the end of World War II. The question has become modern Albanian question after the fall of the communist regime in Albania in 1991 and emerged as one of the major European questions with the democratization process in the Western Balkans and the influence of the EU on this process. While Greece maintains that the issue is not open for discussion, Cham question is the main topic in Albania-Greece agenda.

In June 2016, Greek Member of European Parliament Maria Spyraiki asked for European Commission's opinion of protests the day before the high level visit by the Greek Minister of Foreign Affairs to Albania where protesters chanted “*Chameria, our mother, wait for us!*” and she accused Albania of "irredentism" against a EU Member State over the Cham question in her question for written answer to the Commission. (European Parliament, 2016a) European Commissioner for European Neighborhood Policy and Enlargement Johannes Hahn mentioned the “Cham Issue” as an "existing one" between Albania and Greece adding that “*Commission welcomed that the two countries are discussing the establishment of a joint mechanism for the resolution of outstanding bilateral issues*”, including “*the rights of persons belonging to minorities*” which is the starting point of this paper, in his reply to MEP Spyraiki in September 2016. (European Parliament, 2016b) His statement was interpreted as taking Albania's side over the Cham question by both Albanian and Greek sides. In October, one month after the answer given by Commissioner Hahn on behalf of the Commission, Greek Minister of Foreign Affairs Nikos Kotzias has sent a harsh letter to Commissioner Hahn and called his words “irresponsible”. While this paper was being prepared, Greece's Ministry of Foreign Affairs strongly rejected claims by Albanian officials that the issue of Cham Albanians is being

discussed between Greece and Albania as part of the bilateral talks to resolve open issues between Athens and Tirana.

In an interview with Greek newspaper Ta Nea on 6 February 2018 Albanian Prime Minister Edi Rama stressed the pending “Cham Issue” and explained that “Albania has no territorial claims over Greece, he believes that the descendants of the Cham population who fled Greece after World War II should be allowed to claim their property rights. (Ta Nea, 2018) It has been confirmed that the Albania’s issue is repatriation of the Cham Albanians and the return of their property. Using the term “Issue” on this issue became a symbol that represents user’s side of the issue. And 73 years old discussion between the two former enemies who became NATO allies, is still ongoing. (Gözübenli & Çavuşoğlu, 2018; Hima, 2010)

In this study, first, we will take a comprehensive look at the background of the Cham Issue, then civil and political rights of Cham Albanians and contemporary applications will be compared and will be analyzed in the context of articles 37 to 44 of the Lausanne Peace Treaty that attribute substantive rights for exempted Muslims in Greece.

2. An Overview of the Cham Question

Cham Albanians, known in Greek as Tsamides (Τσάμηδες) or Muslim Albanophones (Αλβανόφωνοι), are a predominantly Muslim sub-group of Albanians who originally reside in the coastal region of Epirus in northwestern Greece, an area known among Greeks as Threspotia and among Albanians as Chameria (Çamëria). (Vickers, 2002) The tragedy of Albanian population in Epirus region of Greece (Chameria) began with the Greek annexation of region on 21 February 1913 during the First Balkan War. The Cham population consisted of more than 40.000 Muslim and 30.000 Christian Albanians. (Llalla, 2016) Nine months after the annexation the Treaty of Athens (1913) which indicates that, civil rights of the Muslims are assured as well as their equal treatment with citizens from Greek origin was signed between the Ottoman Empire and the Kingdom of Greece. After the World War I, the Treaty of Sèvres on Minorities of August 10, 1920 which concerning the protection of “all” minorities in Greece and Turkey was signed between occupying states and Turkish state. This Treaty was later renounced by Turkey and was superseded by the Lausanne Peace Treaty. Three years later the Convention Concerning the Exchange of Greek and Turkish Populations (1923) governed the exchange of Muslim residents in Greece with Orthodox residents in Turkey, except the Greek-Orthodox residents of Istanbul and the Muslims living in Western Thrace including Turks, Pomaks and Roma. Extra-

conventionally, 24,000 Muslim Albanian Chams in Greece have been exempted from the population exchange, too and settled mainly in Epirus (Chameria). (Potz & Wieshaider, 2004) In March 1926, the Greek Government declared that the Population Exchange was over and according to the previous agreements that give Muslim minorities equal treatment with citizens from Greek origin, Cham Albanians would have the same rights with Greek citizens from Greek origin. (Gözübenli & Çavuşoğlu, 2018) According to the statistics that was declared by 14 Subcommittee of Epirus, a total of 2.993 Albanian Chams were exchanged during the Population Exchange process 16,000 Greek refugees were settled in the region until 1926. (Llalla, 2016) According to the statistics from first census in Greece after the Population Exchange which took place on 15-16th May 1928, there were 17,008 Muslim Cham Albanians. (Manta, 2009)

During the inter-war period, Albania acted as a kin-state for the Cham Albanians who lives in Greece backed to a certain extent by Italy. (Tsitselikis, 2007)The outbreak of World War II has raised the possibility of the remaining Albanian-speaking regions being united with the establishment of Albanian Kingdom, consisting of Kosovo, West Macedonia and the parts of Montenegro, a Client state of Nazi Germany after the German-Italian Agreement in 1941. Invasion of Greece by Fascist Italy and Nazi Germany in April 1941 deepen worries about the formation of Greater Albania to include Albanian-speaking regions in Yugoslavia and Greece. In October 1944 when Nazi Germany began withdrawing from Greece, the remaining Muslim Cham Albanians were accused of collaborating with the Nazis and they were regarded as the enemy within by Greek residents and the government. (Çela & Lleshaj, 2014) In attempt to establish an ethnically pure border region with Albania, Southern Epirus was occupied by the militias of General Napoleon Zervas (1891-1957), a former Gestapo leader and a local commander of the right-wing nationalist EDES (National Republican Greek League) in late 1944. In 1944 and early 1945, unknown numbers of Muslim Cham Albanians were killed and around 20.000 were driven into Albania and Turkey by the Greek guerrillas of EDES. (Mojzes, 2011) Some reports say that they were 25,000 that fled into Albania. Miranda Vickers raises this number to 35.000. (Vickers, 2002) But as a result of the ELAS victory over the EDES in Epirus, in January - February 1945, about 5.000 Cham Albanians returned to their homes from Albania. EDES quickly regained control of the region and returned back to Chameria to finalize the expulsion of Cham Albanians. Of the 18.600 Muslims who at the end of 1930s lived in Chameria, there were only 207 left in 1946. (Tsitselikis, 2012)

After the expulsion of Cham Albanians from Greece in 1946-1949, Greece was engulfed by a civil war between the right governmental forces and the left forces of the Greek Democratic Army-DSE led by Markos Vafiadis. After the victory of the governmental right wing forces in the civil war of 1946-1949, the ethnic cleansing of Northern Greece from ethnic-Macedonians who were supporters of the Democratic Army of Greece (the militia of the Greek Communist Party (KKE)) was started. In 1952, the Greek government has confiscated Cham properties and cancelled their citizenship. The Communist government in Albania gave Cham Albanians citizenship. Today the exact number of Muslim Cham Albanians in Greece is unknown. Many of them live in Albania and Turkey.

3. Peace Treaty of Lausanne as a Tool of Minority Protection

The first legal framework that covers the rights of Cham Albanians is the Treaty of Athens which was signed between the Ottoman Empire and the Kingdom of Greece on 14 November 1913. The legal status and civil rights of the Muslim community in general, which is distinct from those who belong to the Muslim minority and live in Western Thrace, was recognized by the Treaty. (Tsitselikis, 2004) As the first legal shield of Cham Albanians, Article 11 of the Treaty of Athens granted a number of rights to Muslims, including equality before the law, and the right to religious freedom and religious autonomy. (Hellenic Republic - Ministry of Foreign Affairs, 1913)

Ten years later, Treaty of Lausanne (1923), final peace treaty concluding World War I, was signed on 24 July 1923 by the the occupying British Empire, France, Italy and Greece with their their allies San Marino, Japan, Romania and the "Serbo-Croat-Slovene" State on one party and Turkey on the other. The Treaty settled the Anatolia and East Thrace of the partitioning of the Ottoman Empire by annulment of the Treaty of Sèvres (1920) that imposed harsh terms upon Turkish State and placed most of Anatolia under Allied and Greek control. The Treaty also ended the regime of the Ottoman dynasty of nearly six centuries in Turkish State and fixed the geographical borders of modern Turkey. The Treaty that is the only legal document still in force that regulates the status of the Muslim minority in Greece (Anagnostopoulos, 2017) and the non-Muslim minority in Turkey, shaped the foundational legal framework and the strategies of the Turkish state regarding minorities in Turkey and Greece. Articles 37 to 45 of the Section III: Protection of Minorities in the Treaty of Lausanne attribute substantive rights for exempted Muslims in Greece and non-Muslims in Turkey from the Greek-Turkish population exchange.

The Article 1/38 of the Treaty that guarantees the rights of non-Muslim minority in Turkey obligates Turkey to protect the lives and human rights of everyone living in Turkey without any discrimination on the base of nationality, language and religion and as Article 1/45 of the Treaty conveys the same responsibilities on Greece that in the articles 37 to 44 including Article 1/38, by saying “*The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.*” (Great Britain, 1923)

On the other hand, Article 1/44 of the Treaty indicates minority rights and privileges are placed under international guarantee by saying, “*The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final.*” and International Court of Permanent Justice stated in 1936: “The existence of communities is a question of fact; it is not a question of law”. When we combine all of the above, state parties of this problem are not Albania and Greece but Turkey and Greece, according to the Treaty of Lausanne (1923) that guarantees the rights of the Muslim minority in Greece, as Konstantinos Tsitselikis emphasized it’s applicable to the exempted minorities from the “Greek-Turkish population exchange” of 1923. (Tsitselikis 2010; Tsitselikis 2012)

4. Conclusion

Despite the fact that the “issue” is beyond the borders of both states, there are few researches on this issue. Because of the harsh denial by the Greece of Cham Issue, research efforts on this issue are limited. We are aware of that the issue can be easily manipulated and can be used as a political tool between countries, so the scope of our study is all about analyzing the rights of an ethno-religious minority that were torn by expatriation and massacres.

When we consider the Cham question is the issue of recognition of “legal personality”, as Tsitselikis stated minorities in both Turkey and Greece according to the Lausanne Peace Treaty are already recipients of civil rights as a subject of law. On the other hand, nevertheless, by articulating the rights for “all Turkish citizens” and even for “everyone living in Turkey,” and “all Greek citizens” and “everyone living in Greece” the Section III makes the Lausanne Treaty go beyond minority rights and makes it a document of human rights. Cham Albanian population have been counted as Muslim minority and more than two third of were exempted from the “Greek-Turkish population exchange” and Cham Albanians should enjoy basic human rights that

originate from Treaty of Lausanne which is applicable to the exempted minorities from the “Greek-Turkish population exchange” of 1923 and Greece is a signatory party. Beyond this, according to the agreement that give Muslim minorities equal treatment with citizens from Greek origin, Cham Albanians would have the same rights with Greek citizens from Greek origin. Greece does not acknowledge Cham Issue, as an existing one and ignore the minority rights of Cham Albanians. As the Cham Albanians claim property rights through the court of law, as every citizen of Europe normally does, the Treaty of Lausanne provides property rights and additionally to this the Treaty also provides education in the language of the minority and for the teaching of the official language of the state. But No Albanian-language school were permitted and deterrence policy applied against Albanian language as Articles 41 and 42 of the Treaty of Lausanne implements a narrow interpretation of educational autonomy for minorities.

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