



## RESOLUTION:

### **Suspending the illegal expropriation and demolition procedures in Albania**

*Adopted at the YEPP Council Meeting in Belgrade, on 02.12.2017*

#### **Acknowledging that:**

- During the Hoxha regime in Albania, most individual properties, without the exception of those belonging to minority groups, were taken by the state. As a consequence, after the fall of his regime an official procedure of re-registering each citizen's property was initiated. This procedure is still ongoing. According to the European Commission's report on Albania, the registering of private property has to be completed very soon, and is set as a condition for the country's accession<sup>1</sup>.
- Despite the ongoing re-registration of private property procedure, the Albanian government of Edi Rama has proceeded to conducting a reconstruction plan in regard to certain regions, and especially Himara, which includes compulsory expropriation or purchase of individual and public property.
- As the danger of demolishing or expropriating unregistered private property - unfortunately, even a church was demolished, during this procedure- the Albanian court issued a decision for the temporary protection and suspension of any action of execution. However, the demolition work were continued, until the matter took greater publicity.
- The Albanian State has officially recognized the existence of ethnic and lingual minorities throughout its territory.
- The Albanian Ombudsman<sup>2</sup> has repeatedly stated that Albania needs to comply with its obligations under EU law, in regard to minority and private property rights protection.
- The European Commission in its 2016 report has stated that even though progress in comparison with the situation during the communist regime has been made, the Albanian state needs to advance to completing the ownership rights procedure and better protect individual's rights, including minority and property rights.
- In compliance with the conditions set by the European Union for Albania's accession to the European Union, the Albanian State voted on 14th October 2017 a law on the protection of minority rights. However it is not yet applicable leaving minorities in a far more vulnerable position in regards to the above mentioned situation.

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<sup>1</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_albania.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf)

<sup>2</sup> <http://www.avokatipopullit.gov.al/en>

- The EU institutions, the OSCE as well the Ombudsman have repeatedly reported alarming inefficiencies and corruption of the Albanian judicial system leading to not proper protection been guaranteed.

### **Recognizing that:**

- Individual property rights are the very foundation of modern democracies of free citizens, therefore their protection and respect is non-negotiable under EU and international Treaty law.
- Art. 1 of the 1st Protocol attached to the European Convention on Human rights, as well as art 2 of the International Covenant on Civil and Political Rights declares that no one should be deprived of his own individual property, unless certain legal guarantees are met.
- Any expropriation procedure that is held while ownership status disputes have not been already resolved, does not guarantee the protection of the above mentioned fundamental rights and values.
- During any such procedure the rule of law and non-discrimination basis, as well as strict conditionality and proper justification principles shall be applied, with guaranteeing the right of ones to appeal.
- Not respecting judicial decisions consists a major aggression to the rule of law and modern democracies and endangers the proper protection of any other human rights declared by the law.
- The protection of religious freedom, cultural heritage, the rights of minorities and the administration of property are among the fundamental values of our common ideology and the European Union as a whole.
- Under article 2 TEU, article 1, 2 and 6 of the Framework Convention for the Protection of National Minorities, as well as art. 27 of the International Covenant on Civil and Political Rights and art. 1, 14 Protocol No.12 attached to the European Convention on the Human Rights, each state shall respect national minorities, no discrimination shall be made on the basis of belonging to a certain minority group and has got no power over shaping, or in any way intervening in the development of demographic characteristics.

### **YEPP Calls on:**

- The Albanian government to refrain from any action consisting an aggression to the above-mentioned core values of the European Union.
- The Albanian State to guarantee proper individual rights protection, with adopting an effective and fair ownership titles re-registration procedure, the right to appeal when disputes arise and a fair compensation granted when expropriation is necessarily initiated.

- The Albanian government to refrain from any actions in regard to property expropriation and demolition as long as the aforementioned procedure is still ongoing, or disputes and appeals to the above-mentioned cases have been filed.
- The Albanian State to respect minorities throughout its territory and their freedoms, as well as refrain from any actions that are directly or indirectly influencing the demography of any area.
- The EU Institutions to take efficient measures so that the above-mentioned situation is suspended and call on the Albanian State to comply with each international obligation in regards to private property and human rights as a whole.
- The EU Commission to closely monitor and raise awareness over the private property protection, expropriation procedures and minority rights protection situation in Albania, ahead of the state's accession to the EU.
- The EU Institutions to abstain from any progress in the accession procedure of the Albanian State, unless the aforementioned situation is resolved.
- The EU Institutions to take any necessary efficient action in order to put more pressure onto the Albanian state to refrain from illegal actions, insulting our core values and the protection of basic human rights.
- All Member States to coordinate their policies towards pressuring the Albanian government, as an EU Member Candidate to refraining from illegal and arbitrary actions and guaranteeing proper human rights protection as well as administrative transparency.