

Institutions that Returned the Sovereignty of Albania. 1920

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Abstract

There are many historical studies on the Congress of Lushnja, but not on the history of the political institutions, political operators, the ones who organized or who proved to be a barrier to the Congress. In July 29, 1913 Albania was proclaimed an autonomous, sovereign and hereditary Principality. In 1919 at the Peace Conference Clemenceau and Lloyd were defending the thesis of "the inability of the Albanians to self-determination". As a solution to this they offered, sharing the responsibility of governing between Yugoslavia and Italy and implementation of the secret Treaty of London, of April 26, 1915 on the territorial division of Albania. The Congress of Lushnja, was a radiant meteor in the hopeless and dark surroundings and it destroyed the anti Albanian political intrigues. For the first time in Albania all powers of government were created under the principles of Montesquieu. The fact sources and act sources of the discipline of law influenced on the creation of the "National Council", the "High Council" and the Cabinet. The historical tradition which was beautifully expressed by S. Frasheri, was integrated with the modern political philosophy of the Constitutional Law of Celzen. At the Congress of Lushnja, the international acts were de jure abrogated.

Key Words: National Assembly, National Council, High Council, Senate, Cabinet

I. Introduction

On the occasion of the 15th anniversary of Albanian liberation Day, in 1959, the Directorate of State Archives published "historical material documents the struggle of the Albanian people for freedom and democracy, 1917-1941". Documents contained archival data from the October socialist revolution in Russia, until the establishment of the Albanian Communist Party. The edition also held archival data for Lushnja congress. In the minutes of the opening of the meeting, on January 21st, it said that delegates were gathered at Mr.Kaso Fuga home. In the following sentence there is this symbol $\text{\textcircled{0}}$, indicating the end of page. There are four lines missing! This symbol $\text{\textcircled{0}}$ is found throughout the notes, indicating missing three lines, two lines missing, missing ... missing. In order to know what "was hiding "behind this mysterious symbol, I studied the archive file for Lushnja. I draw to the conclusion that the mysterious symbol," replaced" names of protagonists. What was removed? January 21st session

was deleted this sentence: "After a request from the honorable Sheh Ibrahim Karbunara, Mr.Ferid Vokopola, in the name of Lushnja Committee, delivered a speech to which he responded with patriotic words to Aqif Pasha Elbasani." Same practice is followed for the other sessions. At January 28th session it was removed the sentence: "As the majority of delegates were present, the assembly set to work ... Aqif Pasha Elbasani, was elected President of the Congress and Sotir Peci, vice president." This fact shows that our political history "deleted" names of protagonists and set up monuments of events and dates. Therefore false impression, though, our political history, is very poor and its protagonists are numbered with the fingers of one hand. I.Qemali, Esat Toptani, Noli, King Zog and Haxhi Qamili.

2. Methodology

At the core of the methodology is the principle historical criticism. The study was built on the simple hypothesis with reference to variables. Sources, unused data from State Archives, the literature of foreign authors and local authors' monographs. Historical facts have been accepted as historical truth, after being confronted the views of the authors, domestic and foreign, for the same variable.

3. Historical Necessity of the Lushnja Congress.

On December 25th, 1918, the Congress of Durres formed Turhan Pasha's government. So, Albania had a government but not recognized by any foreign state. Italy did not allow even a notice for this event. Minister, Mehmet Konica, only after a month, was able to tell, by telegram, through Yugoslavia "Vatra" Association in USA. The greatest surprise was reserved for Albanians. The Peace Conference did not recognize the Albanian delegation, headed by Turhan Pasha. In the session held at the Commission, "Review of Greek demands", on February 26th, 1919, the chairman of the commission, the Englishman Borden, did not want Albanian delegates to participate in discussion. While Frenchman Pinto (Laroche) said that there is no Albanian official delegation, while there was a well-known internationally recognized Albanian government. According to them, there was a government which could not be put on an equal footing with the Greek government. Through such behavior, Durres's government delegation status was intended to be equal to "the Greek delegation of Northern Epirus" led by Karapanos, author of Corfu Protocol for "Northern Epirus autonomy" in 1914. Albania was being treated as a "new Turkey in Europe." In creating this opinion affected the anti-national policy of Esat Pasha. His adjutant, Basri Bey, wrote that, in its majority of Muslims, Albania sees itself as a small Turkey. Esat Pasha, claimed to represent Albania in this conference. It seemed as Albania was represented

by two delegations. Such comical situation, but also tragic, favored anti-Albanian circuits. During discussion to place Albania under Italian "mandate" the debate between delegates Mehmet Konica and Dr. Mihal Turtulli and Mit'hat Frasherri who were American oriented broke out. These representatives maintained ties with Albania through patriot Fuat Dibra, who collaborated with American Red Cross representatives. Fuat Dibra, along with Sulejman Delvina, represented Albanian colony of Istanbul in Paris. Even Pandeli Evangjeli, head of the delegation of the colony of Albanians of Romania and representatives of the Albanian community in America, znj. Parashqevi Qirjazi, Nikolla Ivanaj, Nuredin Vlora, etc., were against Italian interests. Turhan Pasha and other members of the delegation through the Italian delegate in Paris A. De Martino, on May 28th, 1919, knew the "strategic interests" of Italy, and offered the island of Sazan, bay of Karaburun and Zvërnec. On paper it was thrown the idea of "an Italian prince on the throne of Albania" (A. Puto Political Albania folder Foreign Ministry Fund No. 6 (26). Through such act it was accepted the "mandate" and loss of earning status in July 29th 1913. But the Treaty of July 29th, 1919, Titton-Venizelos brought boomerang effect to the Italian influence in Albania, an event that marked the beginning of the Albanian uprising against the Italian presence in the South and beyond (P.Pasteroli, L'Albania. p.140 cited by A.Puto, Political Albania). Mehmet Konica and dr.Mihal Turtulli had contacts with England, by Colonel Phillips, commander of the British unit in International Corps in Shkoder and Captain Morton Eden, the British delegation in Paris consultant and consul in south Albania. Philips becomes the Foreign Office spokesman. British delegate Crowe, sent a letter to Foreign Office Minister Lord Curzon: "Albanians seem to have lost faith in the Italians as their protectors and since the agreement Titton-Venizelos and Titton's speech are convinced that The Italians are a danger to the independence of Albania, as well as Serbia and Greece" (A.Puto Political Albania. Documents on British Foreign Policy 0.1919-1939 . I series vol.IV.d.III). On November 1919, the U.S. consul in Torino, Joseph Haven in relation with Tefik Mborja, Secretary General of Durres government, organized meetings in Albania. On December 29th, 1919, Luigj Bumçi and Gjergj Fishta, meet Pope Benedict XV, who in turn meets the ambassadors of England and the United States, to not tear Albania apart. In south of Albania, there were organized celebrations for the Flag Day under the leadership of Osman Haxhiu with slogans: "Long live Albania, Long live Vlore in Albania", "Foreigners outside." Jani Minga kept a fiery speech. In this political situation, it became a necessity the organization of Lushnja Congress.

4. National representation in Congress, supporters and opponents.

Initiator of the congress was the Albanian national movement's political elite, the

opposition to the Durres government. After the departure of Prince Wilhelm von Wied, it was established the organization called "National Wing", which in November 1918 was renamed the "National Defense Committee of Kosovo". The President was Hoxhë Kadria, laureate for law and secretary general Bedri Peja. The organization had its newspaper "People", under the direction of Muço Qullit and Sali Nivica. In the letter sent on October 2nd, 1919, to the Minister of Interior Affairs in Durres's government, regarding Serbs and French intrigues in Shkoder district, reminded that Shkoder and its districts require the same political form the Albanian state had on the Italian requirement for Vlore and the Serbian government should retire to the borders according to London Conference 1913. A copy of the treaty was addressed in Paris. The Committee delegation led for speeding the Congress works. Hafiz Ali Korca in his book, "Seven dreams of Albania", written in 1924 considers Ferid Vokopola, as one of the greatest initiators. Ali Korca himself was one and mediated the union of two personalities Aqif Pasha and Abdi Toptani, who were important to the Congress works speeding. For the organization of the congress discussions were held in the house of Abdul Ypi and there were Sotir Peci, Eshref Frashëri, Sali Vuçiterni, Halim Gostivari, Xhavit Leskoviku and author of memoirs Sejfi Vlamasi. Sheh Ibrahim Karbunara, Iliáz Vrioni who have had an impact on Berat region. Only when Iliáz Vrioni expressed support for the Congress the commission organizer sent notices to every city and town. Even Ahmet Zogu was united with the national side and collaborated in organizing the congress with Fazli Frashëri. The role of "Vatra" Association was essential to the political developments, acting as a government in exile, for Albanians during the First World War. On December 1918, "Vatra" headed by Anastas Pandeli organized emergency convention and created the national fund and workers' salaries. This is an astounding example of patriotism of the Albanians, says Joseph Swire, when it ruled the opinion that the Albanians have no national conscious feelings. A particular role played ministers of Durres's government, Mehmet Konica, Mihal Turtulli and Bishop Luigj Bumçi, who welcomed the organization of the Congress. The congress was attended by people of Esad Pasha, Osman Bali, Osman Mema, Hamit Toptani etc., thinking that after the Congress Esad with his authority, could take the lead in the country. The consul Morton Eden, had been very active in organizing the Congress. On December 1919 he went to Berat, Gjirokaster and Vlore. In Gjirokaster he met with Mayor Beso Bega and Javer Hurshiti. In confidence he said that the British government liked the formation of a national government, instead of Durres's active government. Such a role is confirmed by Eqerem Bey Vlora. "He asked me to work for the Congress but I did not believe it was possible, his organization went wrong" says in his memoirs Mr. Vlora. The seriousness of Congress seemed in its composition of organizing commission with 22 members such as Ferid Vokopola, Xhavit Leskoviku, Eshref Frashëri, Xhemal Bey Prishtina, Halit Libohova, Llazar

Bozo, Besim Nuri, Hysni Curri etj. The Commission sent to all of municipalities, the congress program, appointment of delegates and imbuing them with "representation letter." Local representative bodies have set delegates. One among many facts is the decision of January 8th, 1920, of the collective municipality gathering in Elbasan on January 6th, 1920, which states: in the meeting conducted by the primacy of the country on January 1st, 1920, as well as the program that was up, after long talks it was considered that the Government did not provide up to the task within the limits prescribed by the meeting in Durres and is working against national interests. So we see the great need to be improved upon a general meeting and send delegates to Lushnja". In the decision it was stated the opinion of a group that accepted governmental deficiencies but were afraid that "such a meeting causes dissatisfaction against the government and with its collapse there can not exist an Albanian delegation to Paris." Therefore, before the Senate (which did not work), governments activity should had been analyzed, then to organize the Congress. These facts, even detached, provided a vision for democratic mentality and the seriousness of preparing congressional meetings. Against the Congress were Italian government, biggest feudal lord Verlaci and Italian pro ministers Mufid Libohova, Fejzi Alizoti and Mustafa Kruja. Fejzi Alizoti on January 13th, 1920, ordered Lushnja vice Prefect Veli Vasjari, to prevent the Congress for political reasons. In order to create a state of panic organizers Abdul Ypi and Sali Nivica were assassinated.

5. Political institutions and institutes of law.

Political institutions of the state are established by decisions of the Constitutional Assemblies. Assemblies operate on legal constitutional norms. On what constitutional legal norms was held Lushnja Congress? On formal sources (acts), constitutional law, or material resources (facts)? Albania, following the departure of Wied, had Organic Statute of Albania on April 10th, 1914. This constitutional legal value document was still in force. According to chronological criteria of constitutional law, "Lex posterior derogate priori" Organic Statute was in force but could not serve to establish new political institutions. For the National Council establishment, "High Council" and the Cabinet, as a source of law served source material (facts) and formal sources, (act.). A combination of traditional and historical principles were intertwined, beautifully expressed by Sami Frashëri in his book "Albania, what was, what is and what will be", a modern political philosophy of constitutional law according to Kelzen. Our historical tradition probably found the formula of creating "The High Council", with four representatives of the four religions dominions. Sami Frashëri, envisioned the head of state as a wise men council, with representatives from 15 "plots" (administrative units). According to him, Albania will go to the Republican form of government. By

the Organic Statute of Albania, was taken the monarchist form of government, legitimizing the continuity of institutions, according to the decision of July 29th, 1913 and the Organic Statute of April 10th, 1914. Probably the choice of Aqif Pasha Elbasani was not a coincidence. In 1916, Aqif Pasha and Ahmet Zog, tended the organization of the Congress of Elbasan, but this Congress was not allowed by the Austria-Hungarians. The aim of such Congress was to have back Prince Wied. With him gone there was no abdication document. On September 3rd, 1914, the Prince stated that he was forced to leave the country, unable to perform his duties and Turhan Pasha Government did not provide resignation. According to article 11 of the Organic Statute, the sovereignty of state power, in cases without the possibility of the exercise of power by the Prince, may be exercised by a senior state functionary. Aqif Bey replaced Esat Pasha, Minister of the Interior, in 1914. On February 1916, the National Assembly, in Elbasan charged to establish a government Turhan Pasha. During his duty mandate he appointed vice Prefect of Mat Mr. Blloshmi. At the same time, in accordance with Article 44 of the Statute, national assembly members elected by indirect vote, three representatives from Sanxhak. Through these legal solutions, the National Assembly had the constitutional sovereignty and legitimacy to establish political institutions, opposed on January 30th by Piacentini. Another moment note that confirms the constitutional and institutional democratic mentality is the procedure of delegitimizing Turhan Pasha Government. After being constituted by the National Assembly, the discussion was on motions of trusts for the government. By 45 votes in favor and 6 against the government was dismissed, clearing the institutional path to the election of the new government headed by Prime Minister Sulejman Delvina, as a result of a spirit of compromise. Lushnja Congress created for the first time, all the powers of the state, without the influence of external factors. With creation of political and legal institutions, they abrogated de facto international acts, which determined the status of Albania.

6. Albania, a Monarchy or a Republic?

Creating the "High Council" was a "sui generis" solution. But was it a "High Council", "Collective Monarchy" or a "Collective Presidency"? On the basics of the High Council Common Law it was determined that, "with the settling of the King on the throne, the Council is automatically dismissed". So the "High Council" was the regency, to exercise the rights of the King. But this was not accepted by all senators (members). Noli every time referred to the High Council called it "our beautiful Republic". Vërlaci called it "our Monarchy". Such mist continued in the National Assembly in January 1922. Sejfi Vllamasi, in "political confrontation", says that one of the members of the "National Union" were for a collective republic, as decided in

the Lushnja Congress. And the "Democratic group" of Gjirokastra, called it a collective republic, which basically was the "High Council." This confusion was solved by the extended statute of Lushnja. At Section I of the Statute, it is stated: The "High Council" can replace temporarily the King. But this was interpreted in different ways. The interpretation dilemma was ended by Luigj Gurakuqi. The Albanian state is a Monarchy. The sense emerges spontaneously from an article of the Lushnja Statute, which states that the "High Council" could replace the King. But forms of the regime could not be determined under the Statute of Lushnja. The form of government, according to the Lushnja Congress would be determined, only by a Constitutional Assembly from free democratic elections. Elections for the Assembly took place in December 1923. But there were no discussion about the form of the regime in the 1924 Assembly. The debate was more focused on the legitimacy of the elections and competencies of the "High Council" rather than to form the government. The form of regime was sealed only on January 21st, 1925, when Albania was declared a republic and Ahmet Zog President.

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