



Research Article

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The Historic Mission of the Constituent Assembly to Determine the Form of Government

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Abstract

The Lushnja Congress had decided that the form of government of Albania would be decided by a Constituent Assembly, which should be formed by free elections, after the borders of Albania were determined by the International Border Commissions. This thesis was one of the issues discussed in the National Council during the discussion of the Extended Statute of Lushnja. On that occasion, MP Hilë Mosi said that Albania could not stay in that form of government, republic or monarchy for a long time. Therefore, the elections for the Constituent Assembly had to be organized. Prime Minister Sulejman Delvina resigned because the High Council and the National Council did not accept that the elections be held for the Constituent Assembly, but for the parliamentary elections. Prime Ministers Iliaz Vriani and Xhafer Ypi also made commitments to organize the elections, but they remained only promises. The election was organized by Prime Minister Ahmet Zogu in December 1923. The Constituent Assembly began work in January 1924, but the assembly failed to approve Albania's constitution and the country was engulfed in a political movement called the June Democratic Revolution in political history. End of the political institutions created in a democratic way by the Congress of Lushnja.

Keywords: Assembly, assembly members, resignation, decree, statute

1. Introduction

The Lushnja Congress had decided that the form of the Albanian government would be decided by a Constituent Assembly to be formed by free elections, once the borders of Albania had been determined by the International Border Commissions. This thesis was one of the issues discussed by some governments. It received its final form in the National Council during the discussion of the Extended Statute of Lushnja. MP Hilë Mosi, on that occasion, said that Albania could not stay in that form of government, republic or monarchy for a long time. According to him, the Statute of Lushnja had tied his hands and feet, as the meeting of the constituent assembly was related to the definitive determination of the borders of Albania. But constitutionalist MP Koço Tasi thought the call by the Constituent Assembly was within the competence of parliament, which had to declare the need and time when it would take place, while the government had only one consultative vote. Noli, defended the thesis of Hilë Mosi, and Koço Tasi. He said that the time of the non-assembly meeting was set at the Congress of Lushnja and was related to the demarcation of the borders of Albania. But, as Noli pointed out, "if we wait until the borders are definitely set, from what information I have received, I believe that the border commission will not finish work in two years and this will be a very long time. If the assembly is done as soon as the limits are set on the card, then it is good, otherwise we will set a time ". (BKK, page. 207-221. 46-s Meeting, 25 September 1922).

The election for the Constituent Assembly had become an "apple of discord", and it was discussed and promised every time the cabinets changed. Sulejman Delvina resigned in November 1920, precisely because of the implementation of the constitutional obligation imposed by the Lushnja Congress on the appointment of a form of government by a Constituent Assembly. But he was not supported by either the National Council or the High Council, as they wanted parliamentary elections. Even the "Ypi Government", under pressure from the risk of destabilizing the country, decided to postpone the elections for the Constituent Assembly by claiming the difficult crisis in the country, when the Paris Peace Conference and the Conference of Ambassadors were engaged in the appointment, final boundary. According to it, the external risk required a stable internal situation. (CSA, page. 152, year. 1921, d. 35, page.3, act i pm, 30 december 1921).

2. Legitimacy of Organizing Elections for the Constituent Assembly

The reluctance to hold elections for the Constituent Assembly prompted intellectual circles to express their views publicly. Some newspapers addressed in their editorials the need for elections and the mission of the assembly. Teki Selenica, in an article in May 1922, clarified the need for the approval of the Basic Statute of the state, and even did the theoretical treatment of how the assembly could be elected. He said that "a special council of people's representatives is elected to elaborate and defend the theory of national sovereignty. This council takes the constitutive assembly name, so the Parliament that votes and makes the laws cannot elaborate. The task of the Constituent Assembly in the life of the state is to make the statute and to distribute it". (*New Day - Official Journal*, no. 6, May 3, 1922, Teki Selenica, "Statute and Constituent Assembly I.").

Teki Selenica, with the clarity of theoretical, political and institutional thinking, explained that "the constituent assembly, in order to be a symbol of the national will, had to be made, when the people who will vote would be known, when the borders would be known, where we have them and what we have and when the will of the people reign. According to him, the registration of the people was continuing, the demarcation of the borders was coming to an end, the disarmament was coming to an end and so we are approaching the assembly constituted with a free mouth and a calm body. (" *New Day - Official Journal*," no. 6, dt. May 24, 1922, T. Selenica, "Statute and Constituent Assembly IV").

In August 1923, the Albanian Parliament was facing the major challenge of preparing the situation for the Constituent Assembly and preparing to determine the form of the constitutional political regime, as a major step towards state consolidation.

On August 14, 1923, the government introduced in Parliament the Draft Law on the Call of the Assembly or the Constituent Assembly. The accompanying material explained that the draft law submitted for voting had in mind "the elections for the Constituent Assembly for the reason that the provisional regime of Lushnja should be terminated and our state should be given the final regime that suits it Provisional Statute in action, so valid for abnormal past times cannot be considered valid for the quiet period that our State has gained over time". (*"History of the Albanian People"*, V.III, p.214)

The elections were announced by decree of the High Council of the Albanian State. The High Council decreed the holding of elections for the Constituent Assembly. His decree emphasized: The High Council of the Albanian State in support of the annex to the Statute dated 12-6-1923 which gave the first legislature a grant on 30-9-1923 of Article 44 of the Statute and the law on the election of The Constituent Assembly on 10-10-1923 ordered: Elections for the missions of the Constituent Assembly. The first voters start voting on Monday, November 26, 1923, and the second voters vote on Thursday, December 27, 1923. (CSA, p. 147, y. 1924, doc. I-56, p.2. "Response of the High Council (Xh. Ypi) sent to the Prime Minister, dt. 2.1.1924, on the decree of the call of the members of the Constitutional Assembly")

But the decree did not specify when the Constituent Assembly would be convened. Prime Minister Ahmet Zogu addressed a letter to the High Council: "I am honored to present to him the Excellent High Council that the Council of Ministers in its conversation on 30-XII-1923 Nr. 672, we saw that in the law on the election of Misses of the Constitutional Assembly there is no record on the place and date of the meeting of the assembly in question, decided whether to write to him the

Excellent High Council to provoke a decision by which to the constituents of the Constituent Assembly are called to be here in Tirana since Monday, January 21, 1924. (CSA, p. 147, y. 1924, doc. I-56, p.1. "Letter from the Prime Minister A. Zogu, dt. 2-I-1924, sent to the High Council, on the collection of corn of the constitutional assembly in Tirana")

The High Council announced the date of the meeting of the assembly on 2.I, 1924, according to the proposal of the Council of Ministers no. 672 me 30 / XII / 923. "We, the High Council of the Albanian State, Decree: The Constituent Assembly, which opened here on 21 Kallnuer 1924, on Monday at 10 o'clock before lunch. They gave to Tirana, with two Kallnuers, a thousand and nine hundred and four and a half zet".

At the end of the parliament, Speaker Esheref Frashëri said: "Gentlemen deputies, honest and loving friends; We have been meeting here in Parliament for two years. At this time, we have tried to lay the sound foundations of the state with both the law and other things. All the talks that took place here only and only for the interest of the State, all the deputies of each party abroad seemed to unite in a brother who reigned among them, and this shows that every conversation and opposition that took place here was not for ambition purposes. Personal State insurance. Today is the time to disperse. But Albania has these intellectuals and these people who are her cream, because they were elected, and again in the assembly these with other friends, after the number of mice has increased, they will come. Therefore, in the elections, let us not have quarrels, if we try not to go out on our own, let other friends come out who have the principle of securing the interests of the State. In these two years, we have passed the important law, and we have prepared the statute for the assembly, which saves such a valuable time, for which they have to thank us. That is why we have made the law of elections, which is quite good. With this word, the first legislature of the Albanian State is elected. The meeting closes at 5 o'clock after lunch. (BKK, Vol. III, 1923, p. 2695-1706. 32nd Meeting, 30.IX. 1923)

3. Electoral Entities that Participated in the Elections of the Constituent Assembly

The announcement of the election was accompanied by the reorganization of opposition groups or political parties. The Liberal Party operated in Korça and Përmet, which also included Fan Noli and Bahri Omari. The newspaper Elbasani reported that on August 18, 1923, the deputy of Vatra, Monsignor Fan Noli, had given a speech from the balcony of the Metropol Hotel, in Korça, in front of a popular crowd, where he had presented some conditions for holding the elections. According to Noli, parliament was to declare a general amnesty for political crimes. He demanded that the Constituent Assembly elections be held by an impartial government that should guarantee the freedom of the vote and the expression of the will of the people. The strongest condition was that the Constituent Assembly be held in Vlora in memory of the flag that was hoisted there in 1912. Noli had warned that, "if the Constituent Assembly elections did not meet the demands of the opposition, they would do more harm than good". (Local journal "Elbasani", nr. 21, 22.08.1923)

Noli's speech was highly praised and even considered the program of the Panfederata Vatra. Fan Noli also went to Gjirokastra, Saranda and Delvina. In the Municipality of Gjirokastra he criticized the electoral law. (Local journal "Elbasani", nr. 21, 22.08.1923)

On October 26, 1923 in Elbasan, another group appeared, with an interesting name, the group "Neither Pasha nor Beut", led by Ahmet Dakli, and the newspaper Shkumbini Bridge. The political group "Neither Pasha nor Beut" seemed to be against Aqif Pasha and Shefqet Vërlac. (Local journal "Zëri i Popullit", Korca, nr.62, 22.08.1923 "On the election sistem")

This political group reactivated the electoral group "Pleqësia", with conservative supporters. Its leader was Ahmet Hastopalli and the Elbasan Gazette was the body. The group was considered pro-government, propagated Albania's rule through old age, and wanted Albania as the capital of Albania. In Berat, the group "Nacional Demokrat". In Vlora, the group "Nacional". The Mountain Hour was created in Shkodra. In its program, the appointment of Shkodra as the capital was a priority. Luigj Gurakuqi was the main defender of the alternative. (R. Mita, Elbasan, "Political situation in years 1920-1924, page 206).

An interesting competition with a prominent political spirit took place in Gjirokastra, where several groups competed, the Liberal Party, the Gjirokastra Democratic Group, the Libohova

National Group and the Myfit Libohova Group. There was also an alliance between Myfit Libohova and Petro Haritos, who claimed to be defending the interests of the Orthodox, but was posted as a supporter of Ahmet Zogu. (R. Austin, *"The forbidden path of Fan Nolit"*, page. 68).

The Xhoka group operated in Tirana. This group was known more by its critical sense than by its program. On December 26, 1923, her supporters protested the assassination of Haxhi Jusuf Kazazi, who was the second voter in Kavaja.

An election group called the Independent Group also appeared in the election campaign. The newspaper Korë right Korçë provided detailed information on independent candidates. According to her, they were lawyer Vasil Kondi, Afëz Ali Korça, journalist Mihal Grameno, professor-journalist Leonida Naçi, veteran trader Lambi Bimbli, lieutenant colonel Mehmet Emin Mengulasi. (*Independent Journal "Justice", Korca, nr. 16, December 25, 1923*)

4. The Constitutional Assembly Forgot the Mission of Determining the Form of Government

The Constitutional Assembly was opened on January 21, 1924 in memory of the fourth anniversary of the Lushnja Congress by the next chairman of the High Council, Xhafer Ypi. He stressed that the Assembly should provide Albania with "the best basic law". (*History of Albanian People Vol.III, page.216, Tirana "Toena pres.", 2007*).

All scholars have pointed out that the December 1923 elections to the Constituent Assembly did not bring a clear majority, a stable parliamentary majority. According to them, Ahmet Zogu, although the winner of the election, did not have an absolute majority to form the new government. The opposition group led by Fan Noli and Avni Rustemi opposed the process, but also aimed at power. Both sides needed a coalition with the group of independent assembly members, led by Iljaz Vrioni.

According to constitutionalist researcher Luan Omari, the Constituent Assembly did not fulfill the task for which it was formed. He divides the assembly into progressive forces that strongly supported the republic and conservative ones that wanted a monarchy. Therefore, according to him, the assembly was initially stuck in a vital issue, where two diametrically opposed views were concentrated. (L. Omari, *"Parliamentary System"*, page 176-177).

I think that the division of the assembly members into progressive and conservative, due to the preference of the form of the regime, does not really reflect the constitutional and institutional truth. The Western civilized world with parliamentary democracy had both forms of government, such as the Presidential Republic of the United States and the Monarchy of England. But both countries have been and are very advanced in parliamentary democracy.

Researchers who have analyzed the creation and functioning of institutions in this historical and institutional period have rather reflected what has happened. I wanted to use archival documents to find out what happened, to show my opinion, what should have happened. And in this respect, the thesis does not seem to me correct, that the Constituent Assembly would be a real parliament, instead of the National Council, elected in a close circle in Lushnja, after the first parliament of Albania had left the elections. The first parliamentary elections held in 1921.

The National Council was a legitimate legislative power and remained the only power that resolved the strongest institutional conflicts, especially after the dismissal of members of the High Council, Aqif Pasha and Luigj Bumçi, who also enjoyed great authority in Albania. Consequently, the Constituent Assembly would not replace the National Council, but the parliament, and this is one of the sharpest issues at the constitutional and institutional level.

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