People's Republic of Albania: Shall We Now Enter an Era of Negotiation with It after Twenty-Five Years of Confrontation

John Nelson Washburn

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The People's Republic of Albania: Shall We Now Enter An Era Of Negotiation With It After Twenty-five Years Of Confrontation? ↑

Introduction – How Present Sino-Albanian Ties Relate to the United States

The People’s Republic of Albania is strategically located, and rugged yet vulnerable. Its great importance to world peace despite its small size is best reflected in the graphic sentence contained in a telegram dated September 17, 1968 from Communist Party Chairman Mao, Communist Party Vice-Chairman Lin Piao and Premier Chou En-lai, addressed to Albanian Labor Party First Secretary Enver Hoxha and the Chairman of the Council of Ministers, Mehmet Shehu, which appeared high on the front page of Peking’s official Chinese-language daily, Renmin Ribao:

If the U.S. imperialists, the Soviet modern revisionists and their running dogs dare touch a hair on the head of Albania, nothing but complete, ignominious and irrevocable defeat awaits them.

Those prone to discount such a lopsided Asian-European military link, as at the most merely symbolic, should ponder the message published in the official English-language weekly Peking Review, No. 29, July 16, 1971, alongside the Hsinhua News Agency dispatch, announcing that Premier Chou En-lai and Dr. Henry Kissinger, President Nixon’s Assistant for National Security Affairs, held talks in Peking from July 9 to 11, 1971. That message, dated July 9, was from the Minister of National Defense of the People’s Republic of China to the Vice-Chairman of the Council of Ministers and Minister of Defense of the People’s Republic of Albania, on the occasion of the 28th anniversary of the founding of the Albanian People’s Army, and concluded:

↑ In view of the very detailed references given in the text of this lengthy article, the author believes footnotes are neither necessary nor desirable. Research for the article was made possible by a grant from the Earhart Foundation, Ann Arbor, Michigan.
Let us, the Chinese and Albanian peoples, unite with the people throughout the world and strive jointly to defeat the U.S. aggressors and their running dogs completely!

A Review of United States Recognition Policies
Toward Albanian Governments: 1921–1971

Since December 1921, the United States Government has continually been faced with appraisals and reappraisals of various Albanian governments, in order to determine the feasibility as well as the timing of according de jure recognition after considering conditions in that country, the stability of those in authority, existing or prospective American interests there, and whether or not other nations had arranged to accord de jure recognition.

United States conduct towards Albanian Governments, in according and in withholding de jure recognition between World War I and II, as well as during and after World War II, can with the benefit of hindsight provide us with useful clues as to what approach to try in 1972 with respect to the People’s Republic of Albania. The instances investigated and reviewed below in considerable detail, are believed to hold the key in charting our future policy in the direction of recognition.

Prewar (1922) Recognition

In July 1922, Secretary of State Charles Evans Hughes completed swift action to recognize an Albanian government, in the light of warnings received in April 1922 from Ambassador Richard W. Child at the American Embassy in Rome. He had expressed fear that American interests in Albania would be harmed, should other countries gain early ascendancy there. Secretary of Commerce Herbert Hoover in Washington, had reached the same conclusion after talking with a representative of the Sinclair Oil Company negotiating for an Albanian oil concession. Ambassador Child had concluded:

It is quite possible that if skilfully handled some definite benefit could accrue to American interests through the promise of recognition and the timely culmination of the event.

Secretary Hoover, in his letter dated April 26, 1922 to Secretary Hughes, had pointed to recognition of the Albanian Government by England and Italy, and then asked him “to give serious consideration to the recognition of Albania.” By the time (May 22, 1922) Hughes had answered Hoover’s letter, help for American interests was on its way in the person of Consul General Blake, formerly Diplomatic Agent and Consul General at Tangier. On Blake’s recommendation of the “propriety and expediency of immediately according American recognition of Albania,” based on the
commitments in writing favoring American commercial interests made by Albanian Prime Minister Djafer Ypi under date of June 25, 1922, Hughes telegraphed Blake on July 25 that he could extend United States de jure recognition on July 28, 1922.

Prewar (1924) Non-Recognition

A new Albanian government seeking United States de jure recognition between June and December 1924, met with American inaction and was overthrown. Within a week of the public announcement in mid-June of the composition of the Albanian Government headed by Prime Minister Fan Noli, American Minister in Albania, Grant-Smith, had received the Prime Minister, who pleaded for recognition by the United States. The American Minister informed his visitor that American policy in Europe regarding recognition was one of "avoiding the impression of hasty actions." He then reminded Noli that the prior Albanian régime "had failed to fulfill its promises as to equality of opportunity" and had not yet brought to justice those responsible for the murder of two Americans in Albania on April 6, 1924.

Secretary of State Hughes did no more than authorize Minister Grant-Smith to continue at his discretion to carry on relations with the then present Albanian Government; action constituting de jure recognition on the part of the United States Government was not taken. On October 10, 1924 the American Chargé d'affaires in Tirana reported that the Noli Government was as weak as ever and the Prime Minister remained abroad. He concluded:

I do not believe that it will serve American interests to take up formal relations at present with the Nationalist régime, in view of all the facts and considering that Greece is the only nation represented here which is not reserving recognition for a more favorable time.

On December 25, 1924 Minister Grant-Smith telegraphed the Secretary of State that the Albanian revolution had succeeded, Ahmet Zogu having entered Tirana that morning.

Prewar (1925) Recognition

Following the reconvening of the Constituent Assembly on January 15, 1925 for the purpose of regularizing the new regime, which appeared to American Minister Grant-Smith to be "relatively stable," a Republic was proclaimed on January 21. Ahmet Zogu became its President. In a telegram dated January 22, 1925, Secretary of State Hughes said: "There is nothing to be gained by indefinitely withholding recognition." Nevertheless, he requested certain assurances from President Ahmet Zogu, that more vigorous action would be taken with respect to those Albanians.
responsible for killing American citizens Coleman and De Long on April 6, 1924. American Minister Grant-Smith obtained such assurances. Informed of this January 30, Secretary of State Hughes on January 31 cabled Minister Grant-Smith authorization “to extend recognition to the new régime in Albania and to acknowledge the receipt of official notification of establishment of the republic.” This was done under date of February 2, 1925.

Within a year the new American Minister in Albania, Charles C. Hart, could report that, by virtue of a unanimous vote of both houses of the Albanian Parliament:

Engagements made by the Albanian state as the conditions upon which recognition was granted by the American Government on July 28, 1922, have at last been removed from the field of controversy.

After the measure passed unanimously by parliament on December 14 was signed December 21 by President of the Republic Ahmet Zogu, equal commercial opportunity for the United States became part of the law of Albania on December 28, 1925, the statute taking effect on that day with its publication in the Official Gazette.

Events Preceding Wartime (1944) Non-Recognition of the Hoxha Government Formed at Berat

The Albanian Government of former President Ahmet Zogu, on September 1, 1928 proclaimed His Majesty Zogu I, King of the Albanians. He was of the illustrious Albanian family of Zogu, and thereafter ruled in accordance with the Fundamental Statute of the Kingdom of Albania, but his government disintegrated following the occupation of Albania by Italian troops in April 1939. King Zogu eventually received admission to England. The United States Government never formally terminated its relations with King Zogu, but instructions were given to American Minister Hugh G. Grant to leave Albania, and the Albanian Legation in Washington was closed late in the spring of 1939. The United States Government never recognized the subsequent annexation of Albania by the Italian crown, and it refused to recognize the puppet government established in Albania by Italy; moreover, from 1942 to 1944 it publicly sought to encourage Albanian resistance and unity.

In a widely disseminated “Statement by the Secretary of State,” released to the press on December 10, 1942 (and published in the Department of State Bulletin December 12, 1942) a call for self-government was issued within the context of the restoration of a free Albania, as envisaged in the joint declaration of President Roosevelt and Prime Minister Churchill, made on August 14, 1941 and known as the “Atlantic Charter.” A sequel termed “Statement by the Department of State” was released to the
press April 6, 1944 (and published in the Department of State Bulletin April 8, 1944). It expressed pleasure that the Albanian struggle for freedom had not been abandoned after the fall of Prime Minister Benito Mussolini in 1943, and the commencement of the Nazi German occupation of Albania.

The first formal step toward Albanian unification within Albania took place in Permet, a small town in southern Albania not far from the Greek frontier, even before Allied Forces had entered Rome. The First Anti-Fascist National Liberation Congress, adopted in Permet on May 24, 1944, a lengthy "Declaration" in which Secretary of State Cordell Hull's Statement, and similar ones also released in December 1942, by British Secretary of State for Foreign Affairs Anthony Eden and by Vyacheslav Molotov's People's Commissariat of Foreign Affairs, were referred to in a preambular paragraph as constituting solemn recognition of Albania's right to independence. There followed a paragraph ascribing exceptional importance to this First Anti-Fascist National Liberation Congress, because it would create an Anti-Fascist National Liberation Council as the Albanian people's "supreme legislative and executive organ," which would in turn create an Anti-Fascist National Liberation Committee as the "chief executive organ, with the attributes of a provisional government."

The formal decision of the Permet Congress to elect such a Council, and to empower it to form such a Committee, came on May 27. Thereupon this Council, on May 27, issued a six-point decree, providing for this Committee "having all the attributes of a provisional people's government." Later that day this Council issued three more decrees. One of the three named Enver Hoxha Commander in Chief of the Partisan Volunteer National Liberation Army and bestowed upon him the rank of Colonel General. This decree took on added significance due to the fact that the Permet Congress had indicated, as the eighth point of its formal decision of May 27, the desire of the Congress that both the Soviet Union and the United States of America send military missions to be attached to the PVNLA's General Staff. Of possible interest, but little importance, was the fact that all these Permet decrees dated May 27 or 28, 1944 bore the signature of the Secretary of the Anti-Fascist National Liberation Council, Koço Tashko, who had attended Harvard University in 1921.

The Anti-Fascist National Liberation Council of Albania, by virtue of its decree dated October 22, 1944, issued in the city of Berat, was transformed into a "Democratic Government of Albania." The adjective "provisional" rendered both as "përkohešme" and "provizore" in the Permet Congress declaration of May 24, and the AFNL Council decrees

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of Permet dated May 27–28, did not appear once in the AFNL Council decree of October 22. Colonel General Enver Hoxha gained additional stature under this Berat decree, being designated Prime Minister as well as Minister for War and for National Defense.

The ostensible domination of this new “Democratic Government of Albania” by a man reputed to be one of the leaders of the Communist Party of Albania founded in Tirana on November 8, 1941, could not help but worry Prime Minister Churchill. His British Government already faced “confusion and disaster” in Greece, England’s old ally, due in large part to lack of firmness exhibited under what Churchill so expressively described as “the general principle of slithering to the left.” By November 3, 1944 it had been decided, not surprisingly, that “In the present confused situation in Albania, His Majesty’s Government do not propose to recognize the Provisional Government,” i.e., the Hoxha Government. On November 21, 1944, the Department of State concurred in this decision, explaining:

The Department of State concurs in the view of the British Government that any request for recognition of the provisional government formed at Berat which may be received at this time should not be granted. The Department feels, however, that there may be a stage in the not distant future in which it may be found expedient to consider the desirability on practical grounds of establishing with such governing authority as may be in de facto control of the country such relations as would enable this Government to open an office in Tirana for the purpose of protecting American interests there and coordinating the activities of the representatives of other American agencies who may be sent to Albania. The Department will be disposed to give sympathetic consideration to a request for de jure recognition by an Albanian Government only at such time as it may be able to demonstrate that it is non-Fascist in character, that it has established its authority over the country, that it represents the will of the people and is prepared to fulfill its international obligations.

Preliminary (1945) Concerted Allied Steps toward Recognition of the Hoxha Government

By the time (January 12, 1945) the British Government had expressed complete agreement with the American position taken in the Department of State Memorandum of November 21, 1944, both British and American de jure recognition of Hoxha’s Albanian Government had been rendered more complicated. Colonel General Enver Hoxha, as “Chairman of the Council of Ministers of the Democratic Government of Albania,” had on December 21, 1944, sent a personal letter appealing for recognition of his Government to President Roosevelt.

Letters with an identical text were addressed to Prime Minister Churchill and Chairman of the Council of People’s Commissars Marshal Stalin.
This tripartite appeal was repeated by publication of the text on the front page of the January 4, 1945 issue of Tirana's leading newspaper Bashkimi (The Union), Organ of the General Committee of the National Liberation Front. In his letter to President Roosevelt, written in French, Enver Hoxha termed the events at Permet and Berat the crowning achievements in Albania's five-year struggle for national liberation and then declared:

Aujourd'hui notre pays étant libéré, le Gouvernement Démocratique est le seul Gouvernement qui représente l'Albanie chez nous comme à l'étranger. En Albanie comme à l'étranger personne ne peut contester le fait de l'existence de notre gouvernement. L'autorité de notre gouvernement s'étend sur toutes les régions du pays, sur tout le peuple albanais.

In conclusion, Enver Hoxha sought recognition by Albania's three Great Allies:

Pour garder et consolider les rapports d'amitié contractés dans la lutte commune contre le fascisme, pour consolider la collaboration entre l'Albanie et les Grands Allies, j'ai l'honneur de Vous présenter l'expression de la volonté du peuple Albanais à ce que son gouvernement soit reconnu en premier lieu de la part de nos Grands Alliés Anglo-Sovieto-Américains et d'établir des relations diplomatiques entre Votre gouvernement et le notre.

The official seal of the Council of Ministers appeared over the edge of the signature of Enver Hoxha.

As we discover from a Memorandum dated March 17, 1945 in the Department of State's Division of European Affairs, of which Cavendish W. Cannon was the drafter, Enver Hoxha's letter "came to the attention of the President only after his return from the Crimea Conference," which took place February 4-11, 1945. Meanwhile, the Department of State had under active consideration, a plan to send to Albania an informal and unofficial survey mission to determine when and under what conditions American representatives might be officially established in Tirana. Acting Secretary of State Joseph Grew had this plan outlined in a memorandum dated January 26, 1945 in mind when cabling instructions on January 31 to the United States Political Adviser to the Supreme Allied Commander, Mediterranean Theater, Caserta, Italy.

The Colonel General was to be told: (1) his request for recognition addressed to Roosevelt had been received in Washington, but the Department of State planned no formal reply; (2) the United States Government, before according recognition to any Albanian Government, would have to be more fully informed than at present regarding the situation in Albania. According to the aforementioned Cannon Memorandum dated March 17, President Roosevelt had indicated he would like to speak to the Secretary of State about the question of recognition of the present Albanian Government, but on the recommendation of the Division of European Affairs, the
discussion had been postponed until a report could be received on the progress made to conduct a preliminary survey of conditions in Albania.

Shortly thereafter, on March 19, a telegram was sent to Caserta over the signature of Acting Secretary Dean Acheson, providing the text of a memorandum to be prepared for delivery to Colonel General Hoxha with respect to his request for recognition. In essence it stated that the United States Government wished to become more fully informed regarding conditions and developments in Albania, and proposed to send into Albania a small group on an informal basis to obtain the necessary information upon which to base any official recognition. Any delay in working out some such arrangement would only delay the decision on official recognition by the United States Government sought by Colonel General Hoxha. The memorandum prepared in Caserta long these lines was delivered to Colonel General Hoxha on March 23, and, although he commented adversely on the fact that it was unsigned, the next day he sent a note in reply accepting the proposed mission for the purpose of “facilitating the recognition of our Democratic Government.”

By April 7, 1945 detailed instructions from Secretary of State Stettinius had been prepared for Foreign Service Officer Joseph E. Jacobs, who had been chosen to head the mission. A major policy consideration was outlined:

It is our view that no one of the three principal Allied Governments should take any decisive action with regard to Albania on matters of international importance, such as recognition, boundaries, federation, alliances, et cetera, except in consultation with the other two Allied Governments.

Jacobs was instructed as to when he should make an informal call on Colonel General Enver Hoxha, and how he should conduct himself during that call:

You should leave no doubt in his mind that your presence is not to be in any way construed as representing any degree of recognition whatever and that the carrying out of your mission is a prerequisite to this Government’s consideration of the question of establishing official relations, whether de facto or de jure with the existing Albanian authorities.

In accordance with these instructions, after his arrival in Tirana on May 8, 1945 with a party of eight comprising the unofficial American survey mission, Jacobs called on Colonel General Hoxha, Chairman of the Council of Ministers of the Democratic Government of Albania. In a telegram reporting on this call of May 9, he commented:

Hoxha strikes me as a forceful character with ambitions but suffering from effects of an inferiority complex because of his failure to win recognition.

Six days later, after acquainting himself with the findings of Brigadier D. E.
P. Hodgson, Commander of the British Military Mission to Albania, Jacobs reported:

Finally I feel that unless present regime falls before my report is submitted which seems highly unlikely continued failure of the United States and Great Britian to recognize will drive it completely into Yugo-Slavia-Soviet fold.

Jacobs filed a preliminary summary of the findings of his survey mission on July 1, 1945, and sent a summary report incorporating final recommendations on August 15, 1945. His principal recommendation in each instance was to the effect that recognition should be accorded the present authorities on condition that they undertake to hold elections of a free and democratic nature subject to international supervision in accordance with a joint British-Soviet-American formula; simultaneous recognition by the three Allied Governments would follow as soon as possible. At sessions of the Council of Foreign Ministers in London in October 1945, with Jacobs present to assist, arrangements were made for concerted tripartite notification of expeditious recognition of the Hoxha Government. In this connection, the French Government was requested to postpone its recognition of the Hoxha Government until the British-Soviet-American notification had taken place.

*The Tripartite Notification of Recognition, Tirana, November 10–12, 1945*

Concerted Allied action on recognition of the Hoxha Government appeared probable and imminent from Washington's viewpoint by the close of business November 8, 1945. That afternoon two telegrams were sent to Tirana to Acting Representative in Albania Harry T. Fultz. The first provided him with the text of the United States note on recognition for Colonel General Enver Hoxha; the second informed him that British and Soviet representatives in Tirana had been instructed by their respective Governments to communicate notes on recognition to Hoxha on November 10, and instructed him to deliver the note of the United States Government on that day.

On the morning of November 10, Fultz, who had received the second telegram but not the first, was compelled to improvise. Brigadier Hodgson, Fultz's British counterpart in the proposed tripartite notification procedure, informed him that Soviet representative Colonel Sokolov had already called on Hoxha at 8:00 a.m.; it was not known whether he had done so by instruction or on his own initiative. Fultz then arranged to accompany Hodgson to his meeting with Hoxha, which took place at 11:00 a.m. At that meeting Fultz handed Hoxha an informal note mentioning the con-
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certed tripartite notification procedure and then explaining that the United States note on recognition had been delayed in transmission but would be delivered to Hoxha immediately upon receipt; the note would be released to the press in Washington on November 10 as scheduled, however.

Colonel General Hoxha finally received the text of the United States note, delivered by Fultz, on November 12 at 11:30 a.m. By then the Anglo-American team had been placed in an awkward position in the Albanian press. A special one-page edition of Bashkimi on November 10 contained only the unconditional Soviet note signed by Colonel Sokolov, Head of the Soviet Military Mission, and Anglo-American notes of recognition were reported to have been delayed in transit. When Bashkimi's regular four-page edition appeared November 11, separate treatment was given to the British and American notes on recognition, bringing more loss of face to the United States. The process was culminated November 17 when Bashkimi printed side by side the British note on recognition containing one condition and the American note setting forth two.

The Belated United States Note on Recognition

The pertinent paragraphs of the United States note released to the press November 10 (and published in the Department of State Bulletin November 11, 1945), were candid and unambiguous:

The Government of the United States, having considered the request of the Albanian authorities for recognition, has instructed me to inform you of its readiness to enter into diplomatic relations with the existing regime in Albania as the provisional Government of Albania.

In establishing official relations with an Albanian Government, the United States Government desires to act in conformity with the obligations and principles to which it subscribed in the Crimea Declaration on Liberated Europe and accordingly requests assurances that the forthcoming elections for a Constituent Assembly shall be held on a genuinely free basis, with secret ballot and without threats or intimidation; that all democratic individuals and groups in Albania shall enjoy freedom of speech and the right lawfully to present and support their candidates; and that foreign press correspondents shall be permitted to enter Albania to observe and report freely on the elections and the work of the Constituent Assembly.

The Government of the United States also desires that the Albanian authorities shall confirm that the treaties and agreements which were in force between the United States and Albania on April 7, 1939, remain valid. The United States Government, on its part, confirms the continuing validity of these instruments.

Upon receipt of the assurances requested, the Government of the United States will be prepared to proceed with the exchange of diplomatic representatives.

I have also been directed to advise you that the present proposal of the
United States Government with regard to the establishment of diplomatic relations should not be construed as prejudicing consideration, at a later date, of other questions of an international character involving Albania.

I shall be most happy to transmit to my Government your reply to the proposals set forth above.

*Mutual Accommodation (November 15, 1945) on the Legal Issue Involved in Recognition*

The official Albanian reply of November 15 to Mr. Fultz for transmission to the United States Government, contained one paragraph devoted to the subject of the continuing validity of Albanian-American treaties and agreements, which read in this writer’s translation from the original Albanian text:

> As for any treaties or agreements which have been entered into between Albania and the United States previous to April 7, 1939, we refer to our letter of November 13, 1945, in which we have requested that we be sent copies of these treaty instruments in order that we may look into them because the majority of the archives of the Foreign Ministry of Albania were burned or stolen by the invaders. However, we hope that this will not cause any delay in the establishment of diplomatic relations between our countries, so that our Government can quickly take into consideration all the agreements that may exist between the two states.

The last part of the original Albanian text is very misleading, for it meanders like a stream from “treaties” (traktateve) to “agreements” (mareveshjet), and from “countries” (vendeve) to “states” (shteteve). Faced with perhaps a deliberately misleading text, the mission staff translated it in a manner which tended to raise false hopes of Albanian accommodation. This translation, which had the approval of Albanian-speaking Harry T. Fultz, the Action American Representative in Albania, was sent to Washington in dispatch No. 120 dated November 22, 1945. The final Albanian sentence had been split in half, the final Albanian clause rendered in English as:

> In this way our government will take over all the agreements which may exist between the two states.

The key verb to be translated here is a compound one appearing in the original Albanian test as “marë shpejt në shqyr tim,” which means literally “take quickly into consideration.” Having rendered these four words as “will take over,” Acting Representative Fultz was committed to an overly optimistic interpretation of the note dated November 15, 1945, signed by Colonel General Enver Hoxha as Prime Minister of Albania:

> In paragraph five, the final sentence of which reads, ‘in this way our government will take over all the agreements which may exist between the two states’, General Hoxha is apparently stating that his government in general will respect treaties previously entered into by the two countries but
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seeks the privilege first of knowing specifically to what past governments have committed the country. This position does not seem to diverge greatly from the proposal made by the Department in its telegram no. 109, referred to above.

As a matter of fact, the Department's telegram No. 109 sent to Tirana November 15 may well have evoked the optimistic interpretation from Fultz, because it reflect genuine anxiety about facilitating recognition of Hoxha's Government:

Please inform Gen Hoxha that in view of destruction of Albania State archives and time required for copies of treaties to reach Tirana US Govt is willing, provided Albanian authorities will affirm established principle of international law respecting continuing validity of treaties entered into by former Govts and not legally terminated, to proceed with establishment of diplomatic relations upon receipt of assurances concerning free elections. You should add, however, that in accepting temporary postponement of reply by Albanian authorities confirming validity of specific treaties which were in force between US and Albania on April 7, 1939, this Govt will expect to receive assurances regarding status of these instruments as soon as possible after copies of them are made available in Tirana.

Enver Hoxha Cites a Legal Bar to Assurances Sought by the United States

This United States Government offer to accept from Albania authorities in lieu of confirmation mere affirmation, pending subsequent examination of specific treaty texts, of the established principles of international law concerning the continuing validity of treaties entered into by previous Governments and not legally terminated, was transmitted November 17 to Colonel General Enver Hoxha. In his reply dated November 23, Hoxha cited a provision of Albanian law which, he contended, barred assurances by Albanian authorities of the continuing validity of such Albanian-American legal instruments.

The provision cited can be found on pages 4 and 5 of the Official Gazette (Gazeta Zyrtares), No. 1, December 21, 1944, published by the Democratic Government of Albania's Ministry of Press, Propaganda and People's Culture. The provision is actually the second of three operative sections of a decree issued May 27, 1944 in Permet, by the First Session of the Anti-Fascist National Liberation Council, which this issue of the Official Gazette identified in its Table of Contents as: "Decree of the AFNL Council on Forbidding the Return of Zogu to Albania—No. 3." Major excerpts from this official text are set forth below in this author's translation:

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The Anti-Fascist National Liberation
Council of Albania

No. 3
Decree
of the First Session of the Anti-Fascist National Liberation Council on
Forbidding the Return of Zogu to Albania before Total Liberation of Our
Country

... Considering the destruction of the country's economy and the placement
of Albania in a completely vassal-like position economically by concluding
economic treaties with Fascist Italy,
... Considering the betrayal of the Fatherland through contriving Italian
Fascism's domination of Albania by importation of military organizers and
organizers of youth and via concessions granted to various Italian corpo-
rations,
... The Anti-Fascist National Liberation Council, expressing the will of the
Albanian people, has decreed:

I.
That the entry of Zogu into Albania is forbidden until the regime it will
have has been decided by the people after total liberation of our country.

II.
That all agreements, economic and political, concluded with foreign states
be reviewed and those made by the Zogu government which are damaging to
the Albanian people be breached and replaced by new ones.

III.
That not one agreement and not one international commitment be accepted
which was made outside or within Albania by reactionary cliques, whether
acting as a political group or as a government.

CHAIRMAN
Dr. Omer Nishani [signature]

SECRETARY
Koço Tashko [signature]

An Analysis and Critique of Colonel General Hoxha's
Legal Citation of November 23, 1945

Before undertaking an analysis and critique of Hoxha's legal citation, it
is appropriate to quote a paragraph providing general coverage of this
decree which appeared in an official, authoritative publication issued in

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The Congress of Permet decided that the question of Albania's régime be settled immediately after the country's liberation, but it prohibited the return of King Zogu to Albania and it did not recognize any other government formed, inside the country or abroad, against the will of the Albanian people. The Congress voted to reconsider all political and economic agreements entered into by previous governments, especially by that of Zogu, and to annul all those that jeopardized the sovereignty of the people or the economic interests of the country.

In view of the wording of my translation above and the general statement of an authoritative character made twenty-five years after the action taken in Permet in May 1944, it is submitted that in explaining to Jacobs in mid-December 1945 "that all treaties and agreements of former régimes must be abrogated and new treaties negotiated" Hoxha tended to exaggerate the scope and effect of this May 27 decree, at least of section II, which was the sole legal provision cited by Hoxha, and probably did so to give the United States Government the impression that his hands were tied by it.

It is also submitted that Hoxha may have given on November 23, 1945 an imprecise citation of a legal provision and an unjustifiably harsh interpretation thereof deliberately, because he was then ignorant of the particular treaties and agreements the United States had in mind. According to Jacobs, who had returned to Tirana on November 29 after a long absence, Hoxha did not know what instruments were actually involved until November 30, 1945:

He expressed keen disappointment that US had made affirmation of former treaties condition precedent to recognition, especially as British Government had not done so. He said that members régime were extremely suspicious of all treaties negotiated by former Albanian Government; so much so that mere word treaty had become in minds of Albanians a symbol of the sale or gift of Albania's birthright to foreign powers. Until I handed him yesterday (informally pending receipt of certified copies from Department) copies of the four treaties (arbitration, conciliation, extradition and naturalization) he and his régime did not even know what treaties existed between US and Albania.

It is further submitted that Hoxha needed a legal bar to assurances sought by the United States because his Government was then concerned about whether France would accord it unconditional recognition regardless of the outcome of the dispute over the continuing validity of the prewar treaties and agreements. According to a telegram from Jacobs dated December 18, 1945:

Hoxha makes much of fact that British and Soviet recognition without

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commitments regarding treaties (knowing that Soviet has none) and that acceptance either our alternatives may lead to complications with France which on basis commitment with US might seek to revive concessionaire treaties.

Shortly thereafter, on December 21, 1945, the French Government’s decision to recognize unconditionally the Albanian Government of Colonel General Hoxha was communicated to Minister of Foreign Affairs Omer Nishani through the Chief of the French Military Mission, who received a greatful note dated December 22, 1945 in reply.

Finally, it is submitted that not only Colonel General Hoxha but also Mr. Harry T. Fultz, the Acting Representative of Albania in the absence of Mr. Jacobs, had a mistaken idea of what precisely was done at Permet in May 1944. In a despatch to Washington dated November 24, 1945 Fultz explained:

The laws referred to as enacted in Permeti May 25, 1944, I believe, are in fact resolutions adopted at the time. We do not have available a copy of the decision taken at Permeti but suggest that a translated version of this should be available in OSS files, should you find it desirable to check this.

From the explanation provided one may conclude that with respect to vital decisions taken at Permet the American mission was unable to distinguish between actions taken there (on May 24 a Declaration and on May 27-28 eight decrees), and had not thought of checking those actions in the only authoritative Albanian source—the *Official Gazette*.

**Albanian-American Relations Start to Deteriorate (January-March 1946)**

Eventually, on January 16, 1946, certified copies of all treaties and agreements in effect between the United States and Albania on April 7, 1939 were delivered to Colonel General Hoxha. By then the status of the unofficial survey mission headed by Foreign Service Officer Jacobs had markedly deteriorated from the previous year. Its activities were being effectively circumscribed, and it was subjected to such discourtesy on the part of the controlling authorities that closing the mission had become a possibility.

The change in the relationship of the American survey mission to the Hoxha Government was reflected in developments in January 1946 with respect to that Government. After elections to the Constituent Assembly had been successfully held on December 2, 1945, the newly elected Constituent Assembly convened on January 10. The following day it proclaimed Albania a “People’s Republic,” officially dissolved the Zogu monarchy, and acted “to approve all laws and decisions of the Anti-Fascist
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National Liberation Council, and its executive organ, from the Congress of Permet to the day when the Constituent Assembly was convened.”

Meanwhile, the question of assurances requested by the United States Government concerning the status of treaties and agreements in effect between the two countries on April 7, 1939, became linked more closely with frantic efforts by the new People’s Republic of Albania to obtain membership in the United Nations. Despite its efforts, assumption of a responsible place for the People’s Republic of Albania within the postwar family of nations seemed to depend upon affirmation of the continuing validity of such prewar treaties and agreements. Rebuffed in its efforts to gain sufficient support to overcome direct and indirect Anglo-American resistance to membership for the People’s Republic of Albania in the United Nations, the Albanian Government in general, and Colonel General Hoxha in particular, simply ignored the suggestion of long standing made to Hoxha in a note from the United States Government delivered December 1, 1945.

This was unfortunate, because the suggestion was the most sensible one made by the United States in the entire controversy and should have been advanced earlier. The suggestion was that should American-Albanian agreements or provisions thereof require, according to the Albanian authorities, modification, suspension pending conclusion of new agreements, or termination due to changed circumstances or other legitimate reasons, then the United States Government was convinced that such steps should be taken by common accord, resulting from negotiation following appropriate prior notification rather than by unilateral repudiation.

On February 27, 1946 Jacobs was told by Hoxha that the Albanian Government’s position remained unchanged—any reexamination of existing prewar treaties and agreements must follow United States recognition and the arrival in Tirana of an American Minister.

American Support (April-August 1946) for Greece’s Territorial Claims Angers Hoxha

During the spring and summer of 1946, one major issue plaguing American relations with the People’s Republic of Albania, was the manner in which the United States Government supported Greek Government Claims to “Northern Epirus” (Southern Albania). These claims were raised primarily at the Paris Peace Conference, where provisions of the Treaty of Peace with Italy were being hammered out.

On April 12, 1946, Colonel General Hoxha sought an official explanation from the United States Government for a resolution (S. Res. 82)
introduced by Senator Claude Pepper which, on March 27, 1946, had been reported out of the Senate Foreign Relations Committee favorably and without amendment:

Resolved, That it is the sense of the Senate that Northern Epirus (including Corytsa) and the twelve islands of the Aegean Sea, known as the Dodecanese Islands, where a strong Greek population predominates, should be awarded by the peace conference to Greece and become incorporated in the territory of Greece.

The reply to Hoxha was in the form of a Memorandum sent out on May 11, 1946 over the signature of Acting Secretary of State Dean Acheson. The Memorandum concluded that Senate action on S. Res. 82 should not be construed as indicating the attitude of the United States Government’s Executive Branch as to its merits, pro or con.

In the Senate passage of S. Res. 82 came on July 29, 1946 after a short debate in which misconceptions about geography on the part of a number of Senators were on exhibition. However, it was the follow-up action on August 30 at the Paris Peace Conference which angered Hoxha. The United States vote then in favor of placing the issue of Greek territorial claims to Northern Epirus on the agenda of the Paris Peace Conference, was denounced by Hoxha in the presence of Jacobs on more than one occasion, although it was a vote not on the substance of the matter but one of procedure. Both Prime Minister Hoxha and Greek Prime Minister Tsaldaris had made statements at the Paris Peace Conference in late August, concerning draft provisions of the Treaty of Peace with Italy in the context of relations between Albania and Greece.

Hoxha’s Compromise Offer (August 13, 1946) on Existing Albanian-American Instruments

On August 13, 1946, five days before departing for Paris to become Head of the Albanian Delegation at the Paris Peace Conference, Prime Minister Hoxha submitted what was to be his Government’s final offer on the subject of the continuing validity of treaties and agreements in effect between Albania and the United States on April 7, 1939. As reported by Jacobs (articles being omitted for brevity’s sake) Hoxha had presented the compromise offer in these terms:

Government of the Republic of Albania having always in mind friendship based on mutual respect for international and national rights as link between our two countries, as well as similar relationships with all other democratic and progressive countries, most sincerely and patiently accepts validity of treaties of international character which existed between our two countries as listed below: (here Department should insert titles of eleven multilateral treaties copies of which Department submitted to Albania authorities through this Mission in January).
With respect to other treaties of bilateral character as listed below: treaties of arbitration, conciliation, naturalization and extradition the Albanian Government is ready to take them under consideration immediately with American Minister who will come to Tirana after our government is recognized. After necessary corrections have been made by two parties these treaties will enter into force at once.

Then, comparing this cable text of Hoxha’s letter dated August 13 with Hoxha’s oral comments on that day on this subject, Jacobs noted astutely:

Letter reiterates substance what Hoxha said, mentioning eleven multilateral and four bilateral treaties, but contained no reference to nature desired corrections and does not mention passport fees agreement, money order convention and, what is far more important, most-favored-nation treatment, exchange of notes beginning 1922 and completed 1925 which Hoxha did not mention orally.

Hoxha’s letter, equivocal as usual and with the emphasis upon treaties rather than agreements, and upon multilateral treaties rather than bilateral ones, went unanswered. Hoxha, obviously impatient, took the opportunity of discussing his compromise offer in public among his supporters on October 7, 1946, when he addressed the General Council of the Democratic Front. According to the text provided by the newspaper Bashkimi the following day, Hoxha began the presentation of his case by railing against the series of nefarious treaties concluded by the Zogu Government, and by praising the Albanian people’s delegates gathered at Permet in May 1944 for rejecting those treaties.

Besides impatience, another reason for this show of displeasure with the United States on the part of Hoxha, may have been his anger over the forthcoming departure of Jacobs, whose farewell call on the Prime Minister took place on October 9. Whether or not Hoxha knew that Jacobs had become head of the American survey mission with the understanding that if de jure recognition was ever accorded to the Hoxha Government, he would be the new American Minister, Hoxha must have surmised that, with the departure of Jacobs, such recognition was no longer envisaged.

Withdrawal of the American Survey Mission in November 1946

Almost a month before Prime Minister Hoxha delivered his major political address, Secretary of State James F. Byrnes had reached the conclusion that United States de jure recognition of the People’s Republic of Albania had become completely undesirable. He embodied his conclusion in a telegram dated September 20, 1946:

I wish that no steps be taken toward recognition of the régime in Albania at this time. Regardless of what Albania may do to accept the validity of our treaties, any recognition extended at this time would be widely mis-interpreted.
On November 2 the decision to withdraw the entire mission was communicated to Tirana and, on November 5, an informal note was delivered to Hoxha acknowledging that "the Mission has been unable to achieve the purposes for which it was originally sent to Albania." Prime Minister Hoxha quickly placed his interpretation on this new development, incorporating it in a lengthy note delivered to the American mission on November 7 and published in Bashkimi on November 12, in which he lauded the compromise offer made August 13 and criticized the impolite Americans for their failure to respond. Meanwhile, the United States Government presented its side of the matter in dispute, setting forth the history of the mission and the rationale for its withdrawal in a State Department press release of November 8 (published under the title "American Mission to Albania Withdrawn" in the Department of State Bulletin November 17, 1946), which read in part:

The proposal made by the United States Government on November 10, 1945, to recognize the Albanian regime headed by Col. Gen. Enver Hoxha specified as a condition that the Albanian authorities affirm the continuing validity of all treaties and agreements in force between the United States and Albania as of April 7, 1939, the date of the Italian invasion of Albania. The requirement of such an assurance from the Albanian regime as a prerequisite to United States recognition is in accord with the established practice of this Government to extend recognition only to those Governments which have expressed willingness to fulfill their international obligations. The Albanian regime on August 13, 1946, after a delay of nine months, indicated its acceptance of the multilateral treaties and agreements to which both the United States and Albania are parties, but it has failed to affirm its recognition of the validity of bilateral instruments between the United States and Albania.

In view of the continued unwillingness of the present Albanian regime to assume these bilateral commitments and obligations, which are in no instance of an onerous character and concern such customary subjects as arbitration and conciliation, naturalization, extradition, and most-favored-nation treatment (see the appended list), the United States Government can no longer serve any useful purpose by remaining in Albania. . . .

Bilateral Treaties and Agreements between the United States and Albania

Arbitration treaty

Conciliation treaty

Naturalization treaty

Extradition treaty
The People's Republic of Albania

Agreement relating to most-favored-nation treatment and other matters.
Signed at Tirana, June 23 and 25, 1922. Effective July 28, 1922.

Agreement effected by exchange of notes for the waiver of passport visa fees for non-immigrants.
Signed at Tirana, May 7, 1926. Effective June 1, 1926.

Money order convention.
Signed Apr. 13 and June 18, 1932. Effective July 1, 1933.

On November 14, 1946 a three-minute flag lowering ceremony took place at the Department of State's survey mission in Tirana, and its American staff drove off for Durres and, on November 15, ships carrying the mission's American staff weighed anchor in heavy seas off this Albanian port en route for Naples, arriving the next afternoon. Ironic sidelights in connection with the hazardous boarding operation completed nearly ten miles off Durres, despite ten-foot waves and minimal cooperation of Albanian authorities, were a prior protest by the Albanian Government to the United Nations charging the American mission with an improper request for "two military craft," apparently UNRRA-owned but Albanian-operated cargo lighters, for transferring freight from the docks to ships at anchor, and subsequent claim of nearly $1,000 for the "loan" of the UNRRA owned tug and lighter actually used in quitting Durres.


A number of noteworthy developments have occurred since Prime Minister Enver Hoxha in his New Year’s Message of December 31, 1946 castigated the United States Government, and referred to the departure of the American survey mission as good riddance.

On December 14, 1955, the People's Republic of Albania was admitted to the United Nations, and, at the United Nations General Assembly's 601st Plenary Meeting of November 29, 1956, participated in the Assembly's general debate for the first time. On that occasion Minister of Foreign Affairs Behar Shtylla announced that on the basis of the five well-known principles of peaceful coexistence, the People's Republic of Albania had established diplomatic relations with twenty countries and was "ready and willing to establish normal relations with every country desiring this."

At the 872nd Plenary Meeting of the General Assembly, on September 28, 1960, Chairman of the Council of Ministers, Mehmet Shehu, made the invitation more specific:

We again confirm our readiness to establish normal relations with all States which wish to have such relations with us, including the United States and the United Kingdom.

Three years before addressing those conciliatory words to the United

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States and British Governments, Mehmet Shehu had received in Tirana the enterprising foreign correspondent of *The New York Times*, Harrison E. Salisbury. As the first American newspaperman to enter Albania in ten years, Salisbury owed that honor to Mehmet Shehu himself. Despite this small token of goodwill toward one individual, amplified obliquely to include the United States itself in comments made by Mehmet Shehu, reported by Mr. Salisbury in the series of articles he wrote to describe a week's visit in Albania, officials of the Department of State were quoted in *The New York Times* of September 13, 1957, as saying that there was "no present prospect of any change in United States relations with Albania."

On March 16, 1967 it became less inappropriate for Americans to seek to enter the People's Republic of Albania as far as the United States Government was concerned. On that date the Department of State published in the *Federal Register* a revision of Section 51.72 Passports invalid for travel to restricted areas, of the Code of Federal Regulations. On the same date, in the *Federal Register*, four public notices, Nos. 256–259, emanating from the Office of the Secretary of State, pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72, were published. These public notices for United States citizens set forth a restriction on travel to, in, or through Mainland China, Cuba, North Korea and North Viet-Nam.

The restriction on travel to Albania was not published, indicating that the Secretary of State had not determined, as he could have, that in addition to the aforementioned restricted areas or countries, Albania was now a "country or area to which travel must be restricted in the national interest because such travel would seriously impair the conduct of U.S. foreign affairs." Therefore, the restriction on travel to Albania is no longer in effect as of March 16, 1967. However, this does not mean that the United States Government is in a position to afford normal protection to its citizens traveling there; it only means that United States passports no longer need to be specially validated for travel to Albania.

"Study the Past" and "What is Past is Prologue"

On the Pennsylvania Avenue side of the National Archives Building in Washington there are impressive statues, each bearing one of these inscriptions. It is evident from the within detailed account of diplomatic and legal ramifications with respect to the policies of *de jure* recognition and non-recognition, as applied by the United States Government to Albanian Governments over the past fifty years, that the facts are now available upon which to develop in 1972, a new and far more constructive policy.
The People’s Republic of Albania

The People’s Republic of Albania toward the present Maoist-oriented Albanian Government still controlled by those two comrades in arms of World War II—Colonel General Enver Hoxha and Major General Mehmet Shehu.

One of the facts which can be documented in the files reposing in the National Archives is the very close relationship between Albanians in the United States of America, and their kinfolk in the southern part of Albania, mainly in the prefectures along the Greek frontier. Although cut off from their American kinfolk from 1939 to 1945, and again from 1946 to 1971, they undoubtedly remain, as in June 1945, “highly pro-American” and unaffected by anti-American propaganda.

A report on southern Albania based on personal observation, May 31–June 3, 1945, contained the sentence: “There are still hundreds of people in the South who depend wholly on their husbands, parents, or close friends in America.” The truth of this statement can be seen in such newspaper reports as the recent one entitled “Four Weeks in Albania,” by an Albanian American, Bill Gounaris. His personal account was serialized throughout most of 1971 in Liria, one of the two Albanian-language weekly newspapers published in Boston, the undisputed center of Albanian American activities in the United States.

The Gounaris account of his travels in southern Albania during his stay in Albania from November 3 to December 1, 1970, provides current support for the recommendation of July 1, 1945 made by Foreign Service Officer Joseph Jacobs to the Secretary of State. Jacobs urged that, irrespective of recognition, communications between the United States and Albania should be reopened for, according to his best estimates from the vantage point of Tirana, “about 25% of Albania’s population have either been in US or have friends and relatives who have been there.”

The Peking Precedent: From Confrontation to Negotiation—An Historic First Step

Now that President Richard Nixon has made his historic journey to Peking, the saying attributed to the Chinese that a long journey begins with a single, first step should enjoy even more currency. From the day (October 26, 1970) when President Nixon in a toast to visiting President Nicolae Ceausescu of Romania at the White House, deliberately used Peking’s official title—the People’s Republic of China, the first time an American President had ever done so, to the day of his arrival in Peking (February 20, 1972) is a long time, almost sixteen months.

Inasmuch as the People’s Republic of China and the People’s Republic of Albania, through public expressions of mutual respect and joint assis-

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tance by their respective Party leaders, Chairman Mao and First Secretary Enver Hoxha, e.g., in the exchange of telegrams between Peking and Tirana dated September 9 and 17, 1968, within the context of an everlasting and a "great and unbreakable militant friendship between the peoples of China and Albania," do indeed form a sort of big and baby brother combination, little (2 million population) Albania should not be overlooked as a result of the awesome size of China (over 700 million population) and the long distance from Peking to Tirana.

Moreover, President Nixon, in moving beyond the watershed year of 1971, has reasserted in his Third Annual Report on the State of United States Foreign Policy dated February 1972, the continuing validity of the American approach toward all potential adversaries as set forth in his Inaugural Address of January 20, 1969, which contained these statements:

Let all nations know that during this Administration our lines of communication will be open.

We seek an open world—open to ideas, open to the exchange of goods and people—a world in which no people, great or small, will live in angry isolation.

If, when he spoke those lines, President Nixon did not have in mind, besides the great People's Republic of China the small People's Republic of Albania, he should be reminded of the statement he made July 15, 1971 to explain his Journey for Peace to Peking, in which he expressed the conviction "that all nations will gain" from an improved relationship between the United States of America and the People's Republic of China.

Recommendations in Conclusion

It is respectfully submitted that the approach promised by President Nixon in his Inaugural Address contemplating entry now into an era of negotiation has proved to be valid with respect to the People's Republic of China. Accordingly, the approach should be pursued without delay with respect to the People's Republic of Albania which, under the leadership and control of Enver Hoxha, has engaged in continuous confrontation with the United States of America for almost five years longer than the People's Republic of China and as recently as the autumn of 1971—when it sponsored the resolution for "Restoration of the lawful rights of the People's Republic of China in the United Nations."

Moreover, in view of the statesmanship he has exhibited by visiting two crucially pivotal Balkan nations, one would hope that President Nixon will seek and find an appropriate occasion, as with Ceausescu at the White House, for deliberately using as President of the United States, Tirana's official title—the People's Republic of Albania. From this new start we
The People's Republic of Albania may find it possible to discard the sterile formula invariably utilized in connection with the existing Albanian authorities, for almost three decades and as recently as March 1971 in Secretary of State Rogers' detailed report *United States Foreign Policy 1969–1970*, to the effect that because the United States does not recognize the Government of Albania it has no diplomatic relations with it.

Postponement of the opening of official bilateral channels of communication between the two countries only serves to perpetuate errors and shortcomings exhibited on both sides, in such matters as the diplomatic and legal issues connected with the existing pre-war bilateral treaties and especially the bilateral agreements. Having written personal letters requesting recognition to President Roosevelt (December 21, 1944) and President Truman (July 25, 1945), which went unanswered, Enver Hoxha can with some justification expect President Nixon to take the initiative in resuming the dialogue.