

YUGOSLAV FEDERALISM

THE DEVELOPMENT OF YUGOSLAV FEDERALISM:
FROM UNITARY STATE TO SOCIALIST FEDERATION

By
VLADIMIR BILANDŽIĆ, B.A.

A Thesis
Submitted to the School of Graduate Studies
in Partial Fulfilment of the Requirements
for the Degree
Master of Arts

McMaster University

November 1972

MASTER OF ARTS /1972/
/Political Science/

McMASTER UNIVERSITY
Hamilton, Ontario.

TITLE: The Development of Yugoslav Federalism: From
 Unitary State to Socialist Federation

AUTHOR: Vladimir Bilandžić, B.A. /Belgrade University/

SUPERVISOR: Professor Peter J. Potichnyj

NUMBER OF PAGES: ix, 192

A B S T R A C T

Throughout the 50 years existence of the Yugoslav Nation, federalism, initially as a political movement, subsequently as a type of state organization, has been continually present in the country's socio-political life. Federalism has, without any doubt, acquired and retained its important role on the Yugoslav political scene, particularly due to the multi-national composition of the Yugoslav community. Ethnical heterogeneity, made even more apparent by considerable variations in the levels of cultural and economic development of the Yugoslav nations, was indeed the basic source of strength and vitality of the federalist movement, the aspirations and aims of which were, however, only to be attained after the Second World War. On the other hand, paradoxically as it may seem, centralists invoked ethnical, cultural and economic differences, in support of their points of view, i.e. they claimed that only by means of a strong and centralized State could these differences be overcome and conditions created for the rapid and complete integration of the Yugoslav nations. However, on the basis of a study on the 50 years development of Yugoslav society, we can safely claim that these aims can only be achieved if national equality is not impaired and this requires

that the multi-national society be organized on the principles of federalism.

Although the subject of this work is primarily the evolution of Yugoslav federalism from 1918, i.e. from the time when the South Slavs first formed a common state, to the present day, special attention is directed to the historical background of this question in the post-war period, and, in particular, to the trend in the sphere of internationality relations, and to the important changes in the Yugoslav constitutional system in the course of 1970 and 1971. It is only natural that priority should be given to the study of federalism in socialist Yugoslavia because it was only during and after the Revolution that it was able fully to assert itself, whereas in pre-war Yugoslavia, it only appeared as part of the opposition parties' and movements' programs. The policy of hegemony and national inequality pursued by the royal government was, finally, to lead to the dissolution of the State, which occurred after Yugoslavia was attacked by the Axis Powers in April, 1941. The fact that Yugoslavia was reconstructed only four years later can be attributed to the persevering efforts of the Communist Party of Yugoslavia, which, as early as the mid 1930's, introduced into its programme the struggle for a democratic, socialist and federal Yugoslavia in which the equality of all its nations would be ensured. The aims of the Communist Party,

which expressed the aspirations of the vast majority of Yugoslav people were already achieved, in substance, in the course of the Peoples' Liberation War, brought to a successful conclusion in 1945.

However, in the first post-war years, there was a certain departure from the principles of federalism, and national equality was partially impaired. The socio-political system of Yugoslavia was created under the strong influence of Soviet theory and practice, and it can be said that Yugoslavia's first Constitution of 1946 was basically a copy of the Soviet Constitution of 1936. This actually meant that federalism existed only formally, while, in reality, the State was organized along rigidly centralistic lines. This system was however, rejected as early as the 1950's, when the Yugoslav Communist Party embarked upon the edification of socialism in accordance with the principles of democratic socialism based on self-management. The concept of self-management was, however, primarily achieved in the economic sphere, whereas centralism was still considerably felt in relations between nations and republics and was reflected in the great political and economic power wielded by the federal organs. The persistence of centralism in the field of inter-nationality relations led to conflicts between the republics and the Federation and between the republics themselves, as well as to the revival of nationalism in the second half of the

1960's which threatened to plunge Yugoslavia into a deeper and lasting crisis. The Yugoslav Party leadership sought to solve these problems by radically reducing the federal power and transferring it to the federal units - the republics and provinces. These changes were sanctioned and implemented through the adoption of Constitutional amendments in mid 1971. The essence of these Constitutional changes resides in the fact that all Yugoslav republics have assumed the same rights and obligations in the Federation, regardless of their size, economic power or number of inhabitants. Time will show to what extent this new political system will strengthen the Yugoslav multi-national community and create a lasting basis for the full equality of all its peoples. The time that has elapsed since the adoption of the Constitutional changes is not sufficient to permit us to take a final assessment on these questions.

Although the author's basic purpose was to familiarize the reader with the specific aspects of the development of Yugoslav federalism, and, thus, to help towards a better understanding of Yugoslav society as a whole, we believe that this work can have a broader significance, as the Yugoslav experience in solving inter-nationality problems and promoting national equality may be of assistance to other multi-national communities in the world, faced with similar problems in their development. Finally, certain specifically

Yugoslav solutions regarding the organization and functions of the federal State, may serve as contribution to the theory and practice of contemporary federalism.

TABLE OF CONTENTS

ABSTRACT	iii
I. YUGOSLAVIA AS A UNITARY STATE	13
1. The Creation of the Kingdom of Serbs, Croats and Slovenes: The Victory of the Unitaristic Concept	13
2. Centralism in the First Constitution of 1921	26
3. The Royal Dictatorship 1929: Undisguised Centralism and Unitarism	28
4. The Cvetković-Maček Agreement 1939: An Attempt of Limited Federalization of Yugoslavia	32
5. The Position of the Yugoslav Communist Party Regarding the National Question in Pre-War Yugoslavia	39
II. THE CREATION AND THE DEVELOPMENT OF YUGOSLAVIA ON FEDERALISTIC FOUNDATIONS	45
1. The Revolutionary Constitutional Act of 1943 on the Formation of the Yugoslav Federation	45
2. The 1946 Constitution: Federalism in the Constitutional Provisions - Centralism in Practice	56
3. The Period 1953-1963: The Strengthening of Self-Management and Socialist Democracy	71
4. The 1963 Constitution: The Charter of Self-Management	80
III. THE CRISIS IN INTER-NATIONALITY RELATIONS AND THE 1971 CONSTITUTIONAL REFORM OF THE FEDERATION	88
1. The Origins and the Consequences of the Crisis in Relations Between Nationalities	88
2. The Political Struggle Against the Bureaucratic-Centralistic System	102

3. The Ideo-Political Platform of the 1971 Constitutional Reform of the Federation	115
4. The Substance of the Constitutional Reform of the Federation	127
5. Public Criticism of the Constitutional Reform of the Federation	155
CONCLUSIONS	168
APPENDIX I	183
APPENDIX II	184
APPENDIX III	185
APPENDIX IV	186
BIBLIOGRAPHY	187

INTRODUCTION

Federalism as a political theory and a type of political organization of society dates back to ancient Greece. In fact, the first form of federation was the association of the Greek city-states called "league", which joined together in order to better organize their defense from foreign enemies. A similar type of federalism reappeared in the Middle Ages, when federations of free commercial cities were established in Italy, Germany, Netherlands, Belgium, Denmark and Spain. It was also in the mid-seventeenth century that the term "federal" was coined by British theologians from the Latin word "foedus", meaning covenant. The first major work on federalism was published in 1603, and its author, Johannes Althusius is rightly regarded as the real father of modern federal theory. Later, a significant contribution to the theory of federalism was given by Hugo Grötius and Montesquieu, who was the first to introduce the term "federative republic". These theorists, as well as those who came after them /Madison, Rousseau, Tocqueville, Calhoun, Proudhon, Bryce etc./, studied the problem of federalism from many different aspects and used the term differently. Nevertheless, it can be stated that it has been generally accepted that the term federalism, in the

broadest sense of the word, refers to "the mode of political organisation which unites separate polities within an overarching political system so as to allow each to maintain its fundamental political integrity".¹

The first federal state in the modern sense of the word originated in 1787, when thirteen independent North American states, former British colonies, joined together and formed the United States of America. The American system soon became the prototype for most other modern federal systems, especially for the other states that were created on the American continent. Thus, three largest Latin American countries - Argentina, Brazil and Mexico were formed in the nineteenth century as federal states, while federal principles were included in the political systems of Colombia and Venezuela. As late as 1867 the Dominion of Canada was formed as a federal union, and this type of state organisation was preserved and further developed after the country gained full independence.

In Europe, until the end of World War I, the only federal states were Switzerland and Germany. Between the two world wars Austria and the USSR also adopted the federal organisation of the state. Yugoslavia emerged from the World War II as the second socialist federal state.

The movement towards "federalization" gained strength

¹International Encyclopedia of the Social Sciences,
/New York: 1968/, V, 353.

after the end of the Second World War and in the world of today there are, according to valid constitutions, 19 federations, which means that about 40% of the world's total population is living in the federal systems. However, in the contemporary world there is also a noticeable and growing trend towards centralization and strengthening of state authority. Even the states with a long history of independence transfer a portion of their sovereignty to the supranational organizations in order to integrate their economies and exploit more fully the advantages of modern technology and science /Common Market countries/. The trend towards centralization is even noticeable in the first federation in the world, the United States of America, where federal units and local communities do not have nearly the importance and independence they used to have in the nineteenth century. On the other hand, the federalism in the first socialist state, the Soviet Union, has also lost its real socio-economic and political meaning, and exists only formally in the Constitution, but not in practice.

An important, if not the only exception /besides Canada/ in this movement towards centralization and unification is Yugoslavia, and this we shall try to show in our study. Despite occasional set-backs, federalism in Yugoslavia has been constantly developing since 1945, and it was particularly strengthened and fully implemented with the enactment of twenty-two constitutional amendments in 1971. The

post-war history of federalism in Yugoslavia, and especially the newly adopted amendments do not only have an importance for understanding the country as the whole, but they also present an important and interesting contribution to the theory and practice of federalism in general. Yugoslav federalism is unique in the sense that it is set in a political system which is based on the principles of social self-management and that it exists under conditions of socialism and a one-party parliamentary system. Accordingly, the development of the federal system in Yugoslavia is closely connected with the development of self-management and with the gradual implementation of the principle of "the withering away of the state".

An additional element which makes Yugoslavia interesting for a student of federalism is the tremendous ethnic diversity of the country, which served as the most important factor in determining the federal structure of the state. Since the knowledge of the ethnic composition of Yugoslavia is an essential prerequisite for the proper understanding of the problems of Yugoslav federalism, we will present here some basic data on the size and geographical distribution of Yugoslav nationalities.

Undoubtedly, Yugoslavia has an extremely complex national structure, possibly the most complex in Europe. According to the latest census in 1971² the population of Yugo-

²All figures were published in Belgrade weekly NIN, No. 1116/May 28, 1972/, p. 33.

slavia, which totalled slightly over 20.5 million people, was composed of Serbs 39.7%; Croats 22.6%; Moslems /in the ethnic sense/ 8.6%; Slovenes 8.3%; Albanians 6.4%; Macedonians 5.8%; Montenegrins 2.5%; Hungarians 2.3%; Yugoslavs /so declared/ 1.3% etc. These nationalities live in six federal units - socialist republics /Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia and Montenegro/ and in two autonomous provinces /Vojvodina and Kosovo/ which are incorporated into the republic of Serbia. However, the only ethnically homogeneous republic is Slovenia where the Slovenes make up almost 97% of the total population. On the other end of the scale there is Bosnia and Herzegovina whose population includes Moslems, Serbs and Croats, and none of the three nationalities has an absolute majority. In Croatia, slightly less than 80% of the population are Croats, and slightly more than 14% are Serbs. In Serbia proper Serbs make up almost 90% of the population, but in the province of Kosovo the majority of the population are Albanians /73.7%/. The population of Vojvodina is composed of Serbs /55.8%, Hungarians /21.7%, Croats /7.1%, Slovaks /3.7%, Romanians /2.7%, etc. In the republic of Macedonia only 69.3% of the population are Macedonians, the other belonging to national minorities: Albanians /17% and Turks /6.6%. Finally, the population of the smallest of the republics - Montenegro is composed of Montenegrins /67.1%, Moslems /13.3%, Serbs

/7.5%/ and Albanians /6.7%/.

However, a reader should not get the impression from this crude picture of Yugoslav ethnic structure that the ethnic, cultural or historical differences between various Yugoslav nationalities are so great that they have very little in common. On the contrary, one must not lose sight of a number of elements that link up the peoples of Yugoslavia and strengthen the internal cohesion of the country. Although they have been living in a common state for not more than the half of a century, Yugoslav nations have a comparatively high degree of ethnical, cultural and linguistic similarity and kinship, similar histories and a number of common economic and political interests. For example, the Serbs, Croats, Moslems and Montenegrins /i.e. nearly 75% of the Yugoslav population/ speak the same language /the Serbo-Croat or Croat-Serbian version/, while Slovenian and Macedonian belong to the group of affiliated Slavic languages.

Nevertheless, the fact remains that the multinational composition of the country makes it rather difficult to create the conditions in which all the basic interests of every Yugoslav nation and their full political and economic equality would be completely achieved. The failure or unwillingness to create such conditions endangers the unity of the country and even its very existence, as the turbulent history of pre-war Yugoslavia and four years of bloody frat-

ricidal war from 1941 to 1945 have clearly shown. The history of Yugoslavia has also shown that the federal organization of the state is an essential and indispensable basis and prerequisite for the country's independence and its national security and for the full legal equality and freedom of all its nationalities and national groups.

In this study we shall deal, using basically the historical approach, with the development and evolution of federalism in Yugoslavia in relation to the "national question", with a special emphasis on the recent constitutional reform which is, undoubtedly, so far the most important event in the history of Yugoslav federalism.

As we already mentioned, Yugoslavia was not established according to federal principles before the end of the Second World War, but the strong federalist movement has existed in the country ever since its formation in 1918. Accordingly, the knowledge of the pre-war history of the country is necessary for the proper understanding of its present federal system. Because of that, the first chapter of this study will be devoted to the constitutional developments in the former Yugoslavia and to the political struggle between the governing centralistic structure and the oppositional federalistic forces. The second chapter will cover the period between 1941, the year when the centralistic Kingdom of Yugoslavia collapsed, and 1963, the year when the adoption of

the second constitution of socialist Yugoslavia marked at the same time the end of a stage in the development of socialist federalism in which the "class" component had the absolute priority over the "national" component, and the beginning of the process or reaffirmation of national and republican sovereignties within the Yugoslav federation. This process ultimately lead to the radical reform of the Yugoslav constitutional and federal system, and that is going to be the subject of the third chapter of this work. The problems which will be dealt with in this chapter include: the crisis of the political system which manifested itself in the deterioration of inter-nationality relations and in the inefficiency of the federal administration; the partial reorganization of the Yugoslav federation /constitutional amendments of 1967 and 1968/; the first initiatives for a radical reform of the federation and the debate about the character and the scope of the reform; the agreement about the essence of the amendments and their enactment in 1971; the explanation of those amendments which changed most profoundly the structure of the Yugoslav federation; and the first experiences in the functioning of the new federal system. Finally, in the concluding pages of this study we will endeavour to give some predictions on the future developments in the Yugoslav federalism.

The literature used for the preparation of this thesis included books and articles written by Yugoslav

authors and various documents /speeches and statements made by leading Yugoslav politicians, official editions of laws, etc./. For the period until the end of the Second World War a sufficient number of books is available which deal with the problems of pre-war Yugoslavia extensively and in depth, and especially with the national question and the controversy "centralism-federalism". Since most of these were published in the socialist Yugoslavia their authors have taken a very critical, but, we should say, at the same time an objective stand towards the developments in the old Kingdom.

However, the case is somewhat different in respect to the literature which deals with the post-war history of Yugoslavia. First of all, there are very few books that deal comprehensively with this subject, and, as far as we know, there is not a single book published by a Yugoslav author which would deal exclusively with the history of post-war Yugoslav federalism. If one wishes to get acquainted with this subject, one is left with the choice of either reading textbooks on the Yugoslav constitutional law or theoretical works on other aspects of the Yugoslav socio-political system /notably self-management/ which deal implicitly with some problems of Yugoslav federalism. Two major works in this field are: "The New Constitutional System" and "The Political System", both written by a Belgrade professor Jo-
van Djordjević, one of the leading Yugoslav theorists in

law and political science, who is also a member of the Constitutional Court of Yugoslavia. Both his books are on the highest theoretical level, but in spite of their magnitude /over 1,000 pages each/ they are not a very useful source of information, particularly for the foreign reader, because they provide hardly any data on the Yugoslav constitutional and political system. One has to agree with a foreign author, who stated that "the chief quality of the classical Yugoslav law textbook - its logic and its theoretical consistency - is, at the same time, its chief defect", because "reality is somewhat more complicated and somewhat less logical."³ The Yugoslav literature on the contemporary internal political developments, which is mainly articles, suffers also from another deficiency: it is often apologetic and sometimes represents a mere paraphrase of the views of the country's leading politicians. Thus, one often learns much more from the direct analysis of the important political statements and speeches, than from the articles that interpret them.

However, in the last few years a number of young authors appeared on the Yugoslav scene, and they brought with them the unprecedented openness and frankness in the treatment of the most important issues in contemporary Yugoslav society. Even the delicate issue of the relations be-

³Frits W. Hondius, The Yugoslav Community of Nations, /The Hague-Paris: Mouton, 1968/, p. 7.

tween the Yugoslav nationalities, which was for a long time considered as a taboo theme, became the subject of polemical discussion on the pages of Yugoslav sociological, philosophical and legal journals. The "production" of the articles in this field notably increased in 1970 and 1971, when the debate on the constitutional amendments reached its peak. However, many of the articles published during this period became too much politically or nationally "coloured" and they lost much of the objectivity and theoretical consistency that characterized the works of the "older school". Among the authors who preserved both a critical and objective attitude toward the problems of federalism and inter-nationality relations the name of the Zagreb sociologist Stipe Šuvar should be mentioned here.

After the adoption of the constitutional amendments, the interest of Yugoslav scholars rapidly shifted from the problems of federalism to other problems, especially those related to economy and the further development of self-management. Almost a year has elapsed since the introduction of the new federal system, but no major work, apart from articles, has been published on this subject. Thus, our study is, in a way, the first attempt to deal with these problems in a more comprehensive manner. Of course, due to the limited purpose and scope of this thesis and to the other factors, we do not claim that our work will bring something entirely

new in this field and that the defects of previously published works on this subject will be avoided. However, we will try to be as concrete and as objective as possible in our analysis and interpretation of the political processes connected with the problems of federalism and inter-nationality relations, and we hope that the knowledge which the reader will gain from this study will help him to better understand the developments in contemporary Yugoslavia.

Chapter I

YUGOSLAVIA AS A UNITARY STATE

1. The Creation of the Kingdom of Serbs, Croats and Slovenes: The Victory of the Unitaristic Concept

A wider movement for the union of all South Slavs into one common state originated in the nineteenth century in the ranks of intellectuals and young middle class, and reached its peak at the beginning of the twentieth century, particularly during the First World War. This movement was politically and ideologically heterogeneous, it had its "ups" and "downs", but it never died out completely, because the economic and cultural advancement made South Slavs increasingly aware of their ethnical and linguistic kinship. The idea about the necessity of the creation of the common state was particularly strong among the Serbs and Croats, who were not just the two most numerous and most developed, but also the two ethnically and linguistically closest Yugoslav nations.

However, there was a number significant differences between these two nations, which were mainly due to their century-long separation. Indeed, until the twentieth century the Serbs and Croats never lived together in one common state. They have relatively early succeeded in building their own

medieval feudal states /Croats in the tenth, and Serbs in the twelfth century/, which, however, were not of a long duration. Croatia lost its full statehood already in 1102, when it merged with Hungary, and on the eve of First World War it was still incorporated in the Austro-Hungarian Empire. It should be mentioned, though, that during all these years Croatia preserved some attributes of its statehood, like Diet /Sabor/, Duke /Ban/ and a sort of provincial government /zemaljska vlada/. On the other hand, Serbia completely lost its independence at the end of the fourteenth century and became the part of the Turkish /Ottoman/ Empire. However, in the first half of the nineteenth century Serbia gradually freed itself from the Turkish hegemony, regained full independence in 1878, and Serbia emerged from the Balkan wars of 1912 and 1913, which it fought against Turkey and Bulgaria, respectively, as the victorious power and expanded its territory over Kosovo and most of Macedonia.

The consequences of such different and separate paths of historical developments of Serbs and Croats, and of the other Yugoslav nations, were manifold. Croatia and Slovenia, which spent hundreds of years within the boundaries of a relatively prosperous and stable Austro-Hungarian Empire, reached, at the beginning of the twentieth century, a much higher level of economic and cultural development than Serbia and Montenegro, which were developing

very slowly within backward feudal Turkey.¹ Beside this, the fact that the Croats and Slovenes were Catholic and used the Latin alphabet, while the Serbs and Montenegrins were Orthodox and used the cyrillic alphabet, served as an additional factor of division between these Yugoslav nations.

However, the fact that both Serbia and Montenegro had enjoyed, already at the beginning of World War I, a comparatively long period of full independence and statehood, which was not the case with Croatia, and especially Slovenia, exerted the greatest influence on the attitudes of the leading representatives of these nations in respect to how the union was to be achieved and the type of organization of the future common state. We shall present here only the views of the Serbian and Croatian politicians, respectively, because they played the most active and decisive role in the negotiations regarding the creation of Yugoslavia.

Although the idea of the Yugoslav union appeared as early as the nineteenth century, until 1914 the political circles in the Yugoslav countries did not consider more specifically the type of union itself and the question of the

¹The share of rural population in Serbia, Croatia and Slovenia, respectively, was at the turn of the century 84%, 79% and 67%, respectively. /*Enciklopedija Jugoslavije*, Vols., VIII, IV and VII, pp. 8, 197, 350./. The illiteracy rate in Slovenia in 1910 was 13.5% /*op.cit.*, VII, p. 349/; in Croatia in 1890 it was 68.7% /*op.cit.*, V, p. 245/.

organization of the future state. A single Yugoslav state looked like a good idea, but most people thought that its realization could only be achieved in a rather distant future. However, when World War I broke out and the possibility of the dissolution of the Austro-Hungarian Empire became more real, firstly contacts, and then negotiations started between the political representatives of Yugoslav nations, above all between the Serbian government in exile and the so-called "Yugoslav Committee" from London, which represented the South Slavs from the Habsburg Empire.

The Serbian government, and especially its prime minister Nikola Pašić, advocated Great-Serbian unitarism. Their point of view was that there was no need to form a new state, but merely to extend the territory of the Kingdom of Serbia by annexing the other territories populated with Serbs and other Yugoslav nationalities. The Serbian politicians justified their attitude by the assertion that Serbia was already an internationally established factor, that it had fought successfully during the war on the side of the allies and that, accordingly, it could most effectively defend the integrity and the vital interests of all the Yugoslav nations against the possible territorial aspirations of the neighbouring states /notably Italy/. Besides, they claimed that the unitary and centralized state would contribute to the rapid merger of all Yugoslav nationali-

ties into one, strong nation /of course, they envisaged this nation as a Serbian one/. Finally, the Serbian bourgeois politicians alleged that a strong, centrally organized state would create the most favourable conditions for a rapid economic development of all Yugoslav countries. This was, however, also motivated by the desire of the newly formed Serbian industrial and commercial circles to preserve their dominant position in the new state, in order to secure their political and economic interests.

The Yugoslav Committee, as a representative of all South Slavs who lived in the Austro-Hungarian Empire, did not have a completely undivided stand on the question of the organization of the future Yugoslav state, but it resolutely resisted the hegemonistic plans of the Serbian government. It should be added that the Serbian parliamentary opposition, as well as the Montenegrin politicians who were out of their country, were also against the concept of the annexation of the Yugoslav countries to Serbia, although they agreed that the new state ought to be organized in a centralized way. The pure federalistic principle was supported and advocated only by some Croatian politicians, and particularly by Frano Supilo who was one of the most prominent members of the Yugoslav Committee. Although he considered Serbs, Croats and Slovenes to be ethnically one nation, Supilo emphasized that the individual Yugoslav countries should preserve their

traditional state and legal institutions even in the new common state. In 1917, Supilo made a draft on the structure of the future Yugoslav state, which had markedly federalistic characteristics, because it envisaged, besides the central parliament, five autonomous parliaments and regional governments for Serbia, Croatia, Slovenia, Bosnia and Montenegro.² Furthermore, Supilo thought that the question of the union ought to be postponed, if the Serbian government did not agree to the federal organization of the state, and that in the meantime Croatia and Serbia should exist as the two entirely separate and independent states. However, even the majority of the members of the Yugoslav Committee did not share Supilo's views and they maintained that the union should be achieved as soon as possible, in order to prevent the neighbouring states, Italy in particular, to acquire the parts of Croatia and Slovenia, on which they had territorial claims. Having gained no support for his federalistic conceptions, Supilo resigned from the Yugoslav Committee in 1917, just at the time when this body established its first direct contacts with the Serbian Royal Government.

The negotiations between the representatives of the

²For a more detailed analysis of Supilo's draft, see: Ferdo Čulinović, Razvitak jugoslovenskog federalizma, /Zagreb: Školska knjiga, 1952/, pp. 49-52, and Hodimir Sirotković, "Razvitak ideje federalizma u jugoslovenskom zemljama do Ustava od 1946. godine", in Ustavna reforma /Zagreb: Centar za aktualni politički studij, 1971/, pp. 96-98.

Yugoslav Committee, who were headed by Dr. Ante Trumbić, on one side, and the Serbian Government and opposition, on the other, started on the 15th of June 1917 on the Greek Island of Corfu and lasted, because of the number of differences in the positions of the two sides, until the 20th of July, when the final document, known as the Corfu Declaration was signed.³ The basic importance of the Declaration laid in the fact that it represented the first official act in which the Yugoslav nations declared their firm determination to unite into one state. However, the Declaration also represented a compromise between the positions of the two sides, and it contained some ambiguous formulations, the interpretation of which later became a source of certain misunderstandings. Thus, in the Declaration it was not explicitly stated what type of state organization should be adopted /i.e. the centralized or decentralized state/ and many writers of that time claimed that both the Conference and its Declaration did not solve this question at all. Today, however, there is a general opinion that the unitaristic concept on the centralized state prevailed at the Conference and in its final docu-

³For the complete text of the Declaration, see: Ferdo Čulinović, Jugoslavija između dva rata /Zagreb: Izdavački zavod Jugoslavenske akademije znanosti i umjetnosti, 1961/, I, 42-45.

ment,⁴ although Article 14 of the Declaration provided that the future Constitution "will give an opportunity to the people to develop individual energies within the self-managing units, marked by natural, social and economic circumstances" /the "ethnical factor" was not mentioned!/.

However, in respect to the way of union, the hegemonistic concept of the Serbian government did not win. Although it was decided that the future state should be a constitutional and parliamentary monarchy headed by the Serbian Karadjordjević dynasty, it was emphasized that this was going to be a new, joint state, and not the enlarged Serbia. Regarding the name of the future state, the name "Yugoslavia" was dropped because of the resistance of the Serbian politicians who claimed that it was "artificial and created on the West", and it was agreed that the new state would be called Kingdom of Serbs, Croats and Slovenes.

Finally, the national problem was "solved" by the adoption of a concept of one nation, but with three names /"triune nation" - troimeni narod/, which practically meant that the national unitarism prevailed here.

Although the Corfu Declaration suffered from many

⁴This attitude is endorsed by Hodimir Sirotković, "Ideologija o nacionalnom i federativne zajednice u toku stvaranja prve jugoslovenske države 1914-1918. godine", in Federalizam i nacionalno pitanje /Beograd: Savez udruženja za političke nauke Jugoslavije, 1971/, p. 203, and by Ferdo Čulinović, Razvitak jugoslovenskog federalizma, op. cit., pp. 57-59.

inadequacies and ambiguities /the negation of national individualities, the absence of the Montenegrin representatives at the Conference, the avoidance to mention the Macedonian nation, etc./, its political significance was not small, and this was reflected in the decision of the Serbian government to present the Declaration to the representatives of the allied powers at Corfu, which meant that they were officially informed about the determination of the Yugoslav peoples to unite into a new, joint state.

The next step on the road to the union was the Geneva Conference, held at the beginning of November, 1918. While the Yugoslavs from the Austro-Hungary were represented at the Corfu Conference by the Yugoslav Committee, which was actually a group of the prominent politicians who had lived in exile, at the time of the Geneva Conference they practically had their own state. Indeed, during October, Slovenia and Croatia gradually broke all their ties with Austria, and on 29th October 1918 the Croatian Diet proclaimed Croatia an independent state, which immediately joined with Slovenia into the State of the Slovenes, Croats and Serbs.⁵ Thus, the negotiations at Geneva were conducted

⁵It should not be confused with later established Kingdom of the Serbs, Croats and Slovenes. The State of the Slovenes, Croats and Serbs comprised only those territories formerly incorporated in Austro-Hungary. /Except Vojvodina which became part of the Kingdom of Serbia immediately after the dissolution of the Austro-Hungarian Monarchy./

between two formally equal partners: the Serbian Government and the legal Government /which was called "National Council"/ of the newly formed state, and this equality was reflected in the final document of the Conference: The Geneva Declaration. The Declaration envisaged the union of the State of the Slovenes, Croats and Serbs and the Kingdom of Serbia into the new State of the Serbs, Croats and Slovenes, and the establishment of a joint ministry for federal matters in which both sides would have the same number of ministers, while the autonomous matters would remain the authority of the National Council and the Serbian Royal Government, respectively, until the definitive organization of the new joint state was finally decided upon in the democratically elected Constituent Assembly. Undoubtedly, the opinion that the provisions of the Geneva agreement meant practically the establishment of a confederative state is quite correct.⁶

However, the Geneva Declaration remained a dead letter on paper, because it was neither ratified by the Serbian Government nor by the National Council. After returning to Belgrade, the Serbian Prime Minister Pašić resigned, alleging that he had signed the Declaration under duress, which practically amounted to the annulment of the Declaration by the Serbian side.

⁶Hodimir Sirotković, op. cit., in Federalizam i nacionalno pitanje, op. cit., p. 205.

After the Geneva Conference, the course of events made the union of the Yugoslav countries a matter of prime urgency. In the Yugoslav countries, parts of the former Austro-Hungary, a sort of pre-revolutionary situation was created, especially under the influence of the former prisoners of war in Russia who witnessed the October Revolution or took an active part in it. The Slovenian and Croatian governing circles became afraid of the possibility of the establishment of a Soviet republic, as it already happened in Russia, and was about to happen in neighbouring Hungary. At the same time, the international position of the State of Slovenes, Croats and Serbs rapidly deteriorated. Having gained no official recognition from the Allies, and without its own army and forces for keeping internal order, the new state was not able to successfully defend itself from foreign pressure, which encouraged Italy to start with the annexation of the territories in Istria and Dalmatia.

Faced with such a situation, and unable to resolve it alone, the National Council sent a delegation to Belgrade at the end of November, in order to find with the Serbian Government an immediate solution for the question of the union. Still, the National Council gave to its delegation written instructions, with the terms under which the act of union should be concluded. Thus, the National Council demanded, inter alia, that a future Constituent Assembly

should, with a two-thirds majority vote, decide on the final organization of the joint state, including the question whether it was going to be a monarchy or a republic. In the instructions it was explicitly stated which matters should come under the competence of the central government, and which matters should remain within the jurisdiction of the provincial governments. However, the delegation did not persevere in the defense of these principles and they were not accepted by the Serbian side.

On the evening of 1st December 1918, the delegation was received by the Prince Regent Alexander, and Dr. Ante Pavelić, head of the delegation, read an address in which he expressed the desire of the South Slavs of the former Austro-Hungarian Empire to unite with the Serbs and Montenegrins in a single state. Regent Alexander's address of reply represented the proclamation of the formation of the new state. Its most important part read as follows:

...., so now in the name of His Majesty King Peter I, I proclaim the union of Serbia with the lands of the independent State of Slovenes, Croats and Serbs into a single Kingdom of Serbs, Croats and Slovenes.⁷

So, although the joint state was a common aim of all the Yugoslav nations, the final decision of union was not an

⁷Ferdo Čulinović, Jugoslavijska izmedju dva rata, op. cit., p. 145.

expression of the popular wish, but the unilateral proclamation of a ruler, made after the bargaining in a small and closed circle of politicians. During that bargaining, the Serbian side took advantage of the unfavourable position of the Slovenian and Croatian partners and did not accept most of their demands regarding the way of the union and the organization of the state.

In many parts of the country, and especially in Croatia, people protested against this kind of the union. The Croatian Peasants Party, headed by Stjepan Radić, even refused to admit such an act of the union. The Party's leadership sent a memorandum with the signatures of over 160,000 people to the Peace Conference in Paris, asking that the Croatian people should be given an opportunity for self-determination and demanding the creation of a "neutral republic of Croatia" within a "neutral, federal republic of Yugoslavia".⁸ Undoubtedly, this was a demand for the establishment of a confederative state, in the purest sense of the word. However, such a demand was at that moment both unrealistic and undesirable, if we take into account the unfavourable international position of the newly formed state. Nevertheless, the fact that conflicts of this sort arose already at the moment of the formation of the first

⁸ Franjo Tudić, "O hrvatskoj državnosti - jučer i danas", Kritika, No. 18, 1971, p. 393.

Yugoslav state clearly shows the complexity of the problems that burden the Yugoslav community of nations and points to the difficulties of creating conditions that would respect the individuality of different national groups and regions.

2. Centralism in the First Constitution of 1921

As it was mentioned above, the question of the internal organization of the first Yugoslav state was not solved at the very moment of the union, and already the first elections showed that the political forces in Yugoslavia would polarize according to the question: federalism or centralism. This was further confirmed during the preparations of the drafts on the first constitution of the new state. Most of the proposals, that were made by the Serbian political parties and individuals, suggested a centralized and monarchical form of state, while the leading Slovenian and Croatian parties demanded if not a federative, then at least a decentralized organization of the state.

The draft, which was submitted by the Croatian Republican Peasants Party, provided even for the confederative form of the state. According to the draft, Yugoslavia should be established as a union of three sovereign national states /Serbia, Croatia and Slovenia/, in which the only joint organ would be a supreme representative body, formed on the basis of strict parity, whose decisions would have

only a consultative character. The basis of this union would be a contract, with the characteristics of an inter-state act, and it would be subject to registration at the League of Nations.⁹

As expected, at the voting in the Constituent Assembly on the 28th of June 1921, because of the numerical superiority of the Serbian parties, the Government draft was voted as the first constitution of the Kingdom of the Serbs, Croats and Slovenes. According to the Constitution /known as the Vidovdan Constitution/, the first Yugoslav state was a constitutional and parliamentary monarchy, in which the triune nation of Serbs, Croats and Slovenes lived. The state was divided into 33 regions, according to the "natural, social and economic conditions", and each region could have at most 800,000 inhabitants. Accordingly, the ethnic criterion as the basis of the division of the state was completely excluded. Actually, the Constitution adopted the concept of the single "Serbo-Croatian-Slovenian" nation, that spoke "Serbo-Croat-Slovenian" language /a non-existent language!/, and found the justification for centralism in the principle "one nation - one state".

Thus, it can be concluded that the first Constitution, although it contained a number of fairly democratic

⁹Ferdo Čulinović, Razvitak jugoslavenskog federalizma, op. cit., p. 100.

provisions regarding the civil and political rights of individuals, was, from the point of view of most national groups in the country, a step backward, because it formally abolished even that small degree of statehood, which traditionally belonged to some Yugoslav nations, like Croatia. According to a Belgrade historian, the Vidovdan Constitution represented a legal basis for the future political domination of the political parties which regarded the union as an annexation of the other Yugoslav countries to Serbia, while the refusal to accept the federalistic demands is characterized as a political mistake which compromised the very idea of the union.¹⁰

3. The Royal Dictatorship 1929: Undisguised Centralism and Unitarism

The course of events in the first decade of joint life of Yugoslav nationalities in the newly formed state confirmed the fears of those who had predicted that the conflicts between the different national groups and political parties would become more and more acute and would lay a heavy burden on their mutual relations. The struggle for political domination in the country was waged between the two major parties, the Radical Party /Serbian/ and the Croatian Peasants Party, and the outcome of that struggle often depended on the posi-

¹⁰ Ružica Guzina, "Istorijski osvrt na probleme federativnog uređenja jugoslovenske države", Gledišta, No. 3, Mart 1971, p. 464.

tion that was taken by the third most important party, the Slovenian People's Party. Up until 1925, the Croatian Peasants Party was constantly in the opposition and it resolutely fought against the hegemonistic policies of the Radical governments, which made it very popular with the Croatian voters. However, in 1925, the Government, on the basis of the "Law of the protection of the State", jailed the leaders of the Croatian party, who consequently renounced most of their demands and, for the first time, publicly recognized the Monarchy and Vidovdan Constitution. As a result, a coalition government was formed from the representatives of the Radical and Croatian Peasants Parties, and Stjepan Radić became its deputy prime minister.

However, this unnatural alliance of the two parties of entirely different conceptions did not last long. When the Croatian Peasants Party lost over a quarter of its voters in the elections of 1927, its leadership decided to withdraw from the Government. After that, the political situation in the country became again unstable, reaching a dramatic culmination on the 20th of June 1928 when the three leaders of the Croatian Peasants Party, including Stjepan Radić, were killed, during the parliamentary debate, by the Radical deputy Puniša Račić, who probably acted on instructions from the Court. This brutal murder evidently showed that the bourgeois parties were unable to secure a normal political and

economic life and the internal unity in the country with their stubborn centralistic policies.

The King and the Belgrade Government, however, did not try to find the solution for the political crisis in the democratization and federalization of the country, although this was demanded by all progressive forces in Yugoslavia. On the contrary, on the 6th of January 1929, the King dissolved the Parliament, banned all political parties, abolished all political freedoms and appointed the commander of his body guard, general Petar Živković, as the new head of the government. The King justified the introduction of an open dictatorship by proclaiming that it was his "sacred duty to maintain by all available means national unity and state integrity".¹¹ Ten months later, on the 3rd of October 1929, stating that "national unity" was achieved, the King changed the name of the country to the "Kingdom of Yugoslavia". A new territorial division of the country was also introduced: the country was reorganized into nine Provinces /Banovine/, which were formed according to the geographical, but not ethnical, conditions. Consequently, the Provinces bore the names of the rivers which flowed through them, while the old historical names were abandoned, in order not to remind to the ethnic heterogeneity of the country. At the same time,

¹¹For the complete text of the King's proclamation, see: Ferdo Čulinović, Jugoslavija između dva rata, op. cit., II, 7-8.

all national flags, except the state flag of Yugoslavia, were banned.

On the 3rd of September 1931, the King issued a new Constitution, which, to a certain extent, mitigated the absolutist character of his regime. The formal political liberties were introduced again, but neither the official attitude towards the national question, nor the territorial organization of the state were changed. Actually, there were no provisions in the new Constitution which explicitly referred to the relations between the nationalities, because the official policy was that this question was definitively solved. The organization of the state was set up according to the principle of one, integral Yugoslav nation, living in a single state, headed by one king.

Naturally, this state centralism and national unitarism was not the right answer to the country's political and economic problems. On the contrary, it strengthened the opposition to the regime, and even provoked the awakening of separatist movements in the non-Serbian regions /Croatia, Macedonia/, which worked on the forcible dissolution of Yugoslavia, and were supported by fascist Italy and Hungary.

It seems that the King himself had finally realized that the historically inherited national, linguistic, religious and political differences in Yugoslavia could not be

simply wiped out if one ignores or hides them. As it were, the Croatian sculptor Ivan Meštrović, who was a close friend of the King, claimed that the King, at the beginning of October 1934, on the eve of his departure for a state visit to France, told him that he intended to divide Yugoslavia into two political units, Serbia and Croatia, each having its own parliament.¹² However, this idea, if it ever existed, did not materialize, because King Alexander was, on 9th October, assassinated in Marseilles by a Macedonian terrorist, who acted under the instructions of Croatian extremist separatist movement /Ustaše/.

4. The Cvetković-Maček Agreement 1939: An Attempt of Limited Federalization of Yugoslavia

Even after the death of King Alexander the regime continued with its strict centralistic policy. Furthermore, the principle of the "Integral Yugoslavism" was affirmed with the creation of two "Yugoslav" political parties: the Yugoslav National Party and the Yugoslav Radical Union. In fact, the two parties were "Yugoslav" only by their name; their political basis was restricted to Serbia, primarily to the bourgeoisie and state administration. Besides, the leadership of the Yugoslav National Party had clear monar-

¹²Ivan Meštrović, Uspomene na političke ljude i događaje /Zagreb: Matica Hrvatska, 1969/, p. 237.

cho-fascistic tendencies, and while the representatives of the party dominated in the government, Yugoslav foreign policy was oriented towards the fascist Italy and Nazi Germany. The dissatisfaction of the people with such a foreign and domestic policy of the regime found its expression already at the May elections of 1935, when the oppositional group of the Croatian Peasants, Democratic, Agricultural and other parties won the majority of the seats. This, however, did not bring about the radical change in the political situation.

In the years that followed, the international position of Yugoslavia rapidly deteriorated. The country alienated itself from its traditional allies, France and England, and became tied, both economically and politically, to Germany. Such a foreign political orientation, although it produced some ephemeral political and economical advantages, inevitably led to the growing dependency of Yugoslavia on the good will of Germany. Internally, the Yugoslav political scene was characterized by instability and growing separatist movements in Croatia and Macedonia, which were the reaction to the long lasting centralistic and hegemonistic policies of Belgrade governments. Federalism, as an idea, gained support in the ranks of some oppositional Serbian and Bosnian parties, and the demand that an agreement with the Croats should be concluded and that autonomy should be given to

them was heard repeatedly.

Finally, on the 26th of August 1939, such an agreement was concluded between the Prime Minister Dragiša Cvetković and the leader of the Croatian Peasants Party, Dr. Vlatko Maček. The most important provision of the agreement provided for the establishment of the autonomous Province of Croatia /Banovina Hrvatska/, with its own legislative body /Sabor/ and the executive organ /Ban-duke/, who was appointed by the King. The new Banovina had 4,423,000 inhabitants, of whom 73% were Croats, 22% Serbs and 4% Moslems, while the remaining 1% were different ethnic minorities.¹³

Although the political significance of the Cvetković-Maček agreement was undeniable /it was the first victory of the federalistic concept in pre-war Yugoslavia/, it is questionable what was the real position of the newly formed Banovina and to what extent the centralistic character of the state organization was affected by this act. The Croatian historian and academician Ferdo Čulinović dealt extensively with this problem.¹⁴

According to Čulinović, the Croatian Banovina did not possess separate statehood, although some characteris-

¹³Ivan Ribar, Politčki zapisi /Beograd: Prosveta, 1952/, IV, p. 120.

¹⁴See: Ferdo Čulinović, Razvitak jugoslavenskog federalizma, op. cit., pp. 119-124 and Jugoslavija između dva rata, op. cit., pp. 148-153.

tics made her close to it. Thus, it had its own territory, and the matters which were the exclusive responsibility of the Banovina /agriculture, trade, forestry, mining, construction, social policy, justice, education, internal administration, etc./ were executed only by the organs of the Banovina. Then, the Ban was responsible only to the Croatian Sabor /diet/ and to the King, but not to the central government, and the decisions of the Sabor, which was the supreme legislative and representative body, could not be changed or annulled by any other organ in the state. However, a series of important matters remained in the competence of the Kingdom: security and public order, citizenship, national means of transport and interprovincial trade, maritime law, commercial law, basic legislation on educational policy and local government, and general principles of labour legislation and insurance. Besides, the matters that were in the joint competence of the Banovina and the Kingdom were executed solely by the central state organs, and not by the joint organs of authority. Finally, it should be added that the army and foreign policy remained completely in the hands of the Royal Government. Taking into the consideration all the mentioned facts, Čulinović concluded that the constitutional position of the Banovina varied between a self-governing administrative-territorial province and a member state in a federation.

Regarding the national question, the importance of the creation of the Banovina laid in the fact that it was finally, though still only implicitly, officially recognized that there was no one single Yugoslav nation; this was the definitive defeat of the fiction of the "integral Yugoslavism".

However, with the creation of the Banovina, the centralized character of the state organization in the other parts of the Kingdom was not affected at all. The other provinces kept their "un-ethnic" names, and the range of their competences remained the same.

On the basis of Cvetković-Maček agreement, the leader of the Croatian Peasants Party took over the post of deputy premier in the central government, while a few other members of the Party became ministers in the government. With this act, the leading Croatian political party finally left the opposition, and began constructive co-operation with the Belgrade government. Because of that, the Agreement was at the time hailed, both in the country and abroad, as the definitive solution of the "Croatian question" and an important contribution towards strengthening the internal unity and international position of Yugoslavia.¹⁵ In our view, however, this agreement had all the characteristics --

¹⁵Ivan Ribar, Politički zapisi, op. cit., pp. 69-72.

of a political compromise, that was concluded between the leading representatives of the Serbian and Croatian bourgeoisie, which both used it as a device for the preservation of their vital interests. The Serbian side had to, primarily because of the unfavourable international circumstances, satisfy and appease the Croats, while the Croatian side viewed the Agreement as a first step towards creating a completely independent and separate Croatia. The hegemonistic and centralistic policy of the Greater Serbian bourgeoisie lasted much too long, and left tragic consequences on the mutual relations of the Yugoslav nationalities. Thus, it is quite understandable that no agreement, and particularly of that kind, could improve the situation overnight.

All the Yugoslav nations /including the majority of the Serbs/, except the narrow circle of the governing class and the Court, were affected by such policies. Still, the Croats were in a more difficult position, and this can be illustrated by a few examples. In pre-war Yugoslavia there were 25 changes of cabinet; 24 times the premier was a Serb, and never a Croat. Never was a Croat the minister of the army, and among the few hundred generals of the Yugoslav army, less than 1% were Croats. There were no Croats occupying leading posts in the governmental and semi-governmental banking institutions, and in the period between

1919 and 1941 the government invested eight times more money in the development of the railroad network in Serbia, than in the other parts of the country.¹⁶

Besides Croats, in a very bad position in the Kingdom of Yugoslavia were the Macedonians and Montenegrins, who were both denied their national identity. Finally, it should be emphasized that the Greater Serbian and hegemonistic policy of the Belgrade government did not bring much benefit to the Serbian people, but only to the narrow circle of the state bureaucracy, army and industrial-financial complex. When all this is taken into account, it becomes much clearer why Yugoslavia so easily and practically without any resistance capitulated when she was attacked in April 1941 by the Axis powers. Although the defeat was inevitable, because of the enormous military superiority of the aggressors, the extent of the April catastrophe could have been reduced if there internal unity in the country had existed. However, very few believed in the possibility of the re-establishment of Yugoslavia, and many were not interested in the restoration of such a State, at least in the type which had existed between the two World Wars. Four years of the bloody civil war had to pass, until the revived and considerably altered idea of Yugoslavism regained the support of all Yugoslav nations.

¹⁶Ivan Ribar, op. cit., III, 85-86.

5. The Position of the Yugoslav Communist Party Regarding the National Question in Pre-War Yugoslavia

We thought that it would be useful if the reader were presented with some basic characteristics of the attitude of the Yugoslav Communists towards the national question between the two wars, in spite of the fact that the Yugoslav Communist Party was banned most of the time in pre-war Yugoslavia and consequently could not participate directly in the political processes in the country. Nevertheless, the Party's influence on the country's political and economic developments should not be underrated. Thus, on the first general elections in 1920 the Communist Party of Yugoslavia /CPY/ won the third largest number of votes among the 22 parties that contested.¹⁷ Soon afterwards the Party was outlawed but it continued to act through various professional, youth and cultural organizations. In the years when Yugoslavia was occupied, CPY emerged as the only political force in the country capable of organizing the resistance and leading the masses in the struggle for the revival of Yugoslavia. One of the most important factors that helped the Party to gain popular support was its clear position regarding the national question. However this position developed and varied in the twenty pre-war years, and its evo-

¹⁷Hodimir Sirotković, op. cit., in Ustavna reforma, op. cit., p. 99.

lution will be subject of our consideration on the next few pages.

In the first period of its activity /1919-1924/, the Party claimed that there was no national question as such, i.e. it considered the Serbs, Croats and Slovenes to be ethnically one nation. This showed that the CPY was still supporting the standpoints of social-democracy, i.e. the idea of the "pure class struggle", whereby the peasantry was proclaimed the "reactionary masses" and the movements of the nationally oppressed peoples were considered as a nuisance, hindering the working class in waging the class struggle.¹⁸ Because of this attitude, the Communists lost much of their influence among the peasantry, and even among the ranks of the working class of the oppressed nationalities. For example, the vast majority of the Croatian peasants and a significant part of the working class gave their support to those oppositional bourgeois political parties /e.g. Croatian Peasants Party/ and groups which emphasized the struggle for the solution of the national question in their political programmes.

At the beginning of 1924 the CPY abandoned its standpoint that there was no national question and recognized the existence of different nations in Yugoslavia, which

¹⁸ Lazar Djurovski, "KPJ u borbi za rešenje nacionalnog pitanja izmedju dva svetska rata", in Klasno i nacionalno u suvremenom socijalizmu /Zagreb: Naše teme, 1970/, I.252.

should be given the right to self-determination, including the right to secession. The unitaristic conception, however, still had a certain number of followers among the Communists, including one of the Party's secretaries Sima Marković. The final turning-point came in June 1924 when the Comintern, at its Fifth Congress, sharply criticized the views of this group of Yugoslav Communists. However, influenced by the Comintern, the Communist Party of Yugoslavia went to the other extreme and started to support the thesis about the necessity of the dissolution of Yugoslavia /which was considered to be an "artificial product of the Versailles Conference"/ and the establishment of 4-5 Soviet republics uniting in the Balkan or Danube confederation. This thesis was officially confirmed at the 4th Congress of the CPY, which was held in Dresden in November 1928. Undoubtedly, this concept, if implemented, could have only detrimental effects. It did not take into account the fact that the real interest of all Yugoslav nations did not lie in the breaking-up of the joint state, but in the transformation of Yugoslavia into democratic community of equal partners - nations. Besides, the concept of the breaking up of Yugoslavia failed to take into consideration the unfavourable international situation of the country and in Europe in general /the rise of fascism, the territorial aspirations of Yugoslavia's neighbour states, etc./, which made the

realization of the unrealistic concept of a federation of Soviet republics in the Balkans virtually impossible. With this extreme position regarding the national question, the Communist Party of Yugoslavia became even more alienated from the majority of the people and from the patriotic forces of all Yugoslav nationalities.

However, the strengthening of fascism in Europe and the rise of radical bourgeois nationalism in Yugoslavia, persuaded the Party leadership to finally, in 1935, adopt a basically right policy regarding the national question. Still stressing the respect for national individualities, national equality and the need for struggling against the Greater Serbian hegemony, the Communist Party abandoned the thesis that Yugoslavia had to be dissolved. On the contrary, it should be preserved and transformed into a state of the federal type, in which all nations should have equal rights. The federal principle was applied in 1937 to the organization of the Party, and separate Communist Parties for Croatia and Slovenia were created in the framework of the Communist Party of Yugoslavia. However, the "federalization" of the Party was not carried out completely, and the separate Communist Parties for Serbia, Montenegro and Macedonia were not formed at the time. The leadership of the Party probably believed that the Serbian working class was not "nationally" imperilled to the same extent as the Slovenian and Croatian

working classes were, and that the struggle for its vital interests could be quite successfully waged within the framework of the Communist Party of Yugoslavia. Also, the Party still considered the centralism, manifested in the Greater Serbian hegemony, to be the principal enemy, and with the creation of the Communist Parties of Croatia and Slovenia, respectively, it intended to give an additional impulse to the struggle against it. Finally, with the creation of these two Parties, Communists wanted to prevent extreme separatist and nationalist movements, which were growing in Slovenia, and particularly Croatia, from attracting youth and the poorer strata of these nations.

Undoubtedly, such an attitude towards the national question was, to a certain extent, the result of the appointment of Josip Broz-Tito as the Party's leader /this happened in 1937/. Tito elaborated his position on the national question in a letter, which he wrote in 1936:

... The leftists resolutely support the principle of the right to national self-determination, including the right to secession. This right must be recognized to every nation, if it is to be equal. But this does not mean that the secession is in every situation both compulsory and beneficial. In the present situation they /leftists/ are against breaking up Yugoslavia ... The leftists are for the free community of all Yugoslav nations in the present state boundaries, organized on the federal principle, and they are against any oppression¹⁹ or hegemony by any nation over another nation ...

¹⁹ "Ponovo u zemlji", Politika /May 21, 1972/, p. 9.

In November 1940, the Fifth Conference of the CPY, which was held clandestinely in Zagreb, adopted a resolution, which underlined that the struggle for the national equality of the oppressed peoples was one of the most important tasks of the Party.²⁰ Thus, even before the April collapse of Yugoslavia, the Party's position on the national question was correct and unequivocal, and this later proved to be one of the most important factors that contributed to the success of its struggle for the re-establishment of Yugoslavia on new foundations.

²⁰Lazar Djurovski, op. cit., p. 263.

Chapter II

THE CREATION AND THE DEVELOPMENT OF YUGOSLAVIA ON FEDERALISTIC FOUNDATIONS

1. The Revolutionary Constitutional Act of 1943 on the Formation of the Yugoslav Federation

With the defeat in the April war of 1941 Yugoslavia practically ceased to exist as a state. The aggressors on Yugoslavia /Germany, Italy, Hungary and Bulgaria/ took advantage of its multinational composition and the unresolved national question, and divided the country into separate units. Slovenia was divided between Germany and Italy, which also annexed great portions of the Adriatic coast and some islands, and occupied Montenegro. The territories of the Croatian Banovina, Bosnia and Herzegovina and the South-Western part of Vojvodina were assembled in the so-called "Independent State of Croatia", which was actually first an Italian, and then a German satellite. This "state" was governed by Ustaše /the Croatian fascist nationalists/, who immediately spread terror and genocide practices against the Serbs, Jews and the Croatian Communists. The German Army occupied Serbia and installed a "Government of National Salvation" in Belgrade, which was reminiscent of the Petain government in France. Eastern Serbia and Macedonia were annexed by Bul-

garia, while most of Vojvodina became a part of Hungary. The Banat /Eastern Vojvodina/ was administered by its Volksdeutsch minority, which practically meant that this region was incorporated to the German Reich.

In such a situation, there were really very few people, both in the country and abroad, who believed in the possibility of the revival of Yugoslavia. The Royal Government, which went into exile in London and was recognized by the Allies as the only legitimate government of Yugoslavia, soon discredited itself in the eyes of the Allies, and particularly in the eyes of the Yugoslav people, who had never trusted it very much. Within the Government, conflicts continued along the national and party lines, with the domination of Greater Serbian hegemonistic elements. Thus, the Government represented only those political forces which wanted the re-establishment of the Monarchy. The leading exponent of this policy in occupied Yugoslavia was the so-called "Royal Army in the Fatherland", whose members were better known by the name of "Chetniks" /četnici/. The Chetnik military formations, which consisted entirely of Serbs, declared, at the beginning of the occupation, that they were going to fight the enemy, but soon directed their activity exclusively against the only genuine resistance force in the country, the Partisans. The Chetniks responded to the Ustaše crimes in the same way, killing indiscriminately many innocent Croats

and Moslems. Thus, these two groups became the most responsible for inciting the fratricidal war in Yugoslavia, which accounted for probably two-thirds of 1,700,000 war victims, that lost their lives in the period of 1941-1945.

In this nightmare, unprecedented in the modern history of Europe, it was only the Communist Party of Yugoslavia that offered the real solutions. Although its membership, at the beginning of the war, was only 12,000, the Party was the only organized political force which represented all Yugoslav nationalities, and which had a programme with precisely defined objectives and aims. Two principal characteristics of this programme were: the struggle for a new socio-political system /"revolutionary component"/, and the struggle for liberation and national equality /"national-liberation component"/. It is hard to tell which of these two components should be credited more for the people's support to the Party, because they were both parts of an indivisible whole. Still, the fact is that during the war, and particularly in its first two or three years, the Party did not make it too apparent that one of its principal goals was the overthrow of the capitalist regime and the establishment of a socialist society. Even within the liberation movement itself, the Party did not act like an open to all political organization; for example, the meetings of the Party cells were held almost clandestinely. According to Edvard Kardelj:

such a political orientation of the Communist Party and the movement was partially the expression of internal political requirements, because the People's Liberation Front and Communist Party aimed, with such a policy, to leave the door wide open to all patriotic forces to unite on the principles of the people's liberation war against the occupying powers. On the other hand, this orientation was also the expression of the foreign political situation of the time, for we did not want with our policies ... to complicate the relations between the Allies in the anti-Hitlerite coalition, i.e. between the Soviet Union and the Western powers.¹

With regard to the subject of this work, the following pages will be devoted only to the "national" component of the struggle of the Yugoslav Communists and peoples in the period of 1941-1945, but we emphasize again that this struggle was also a socialist revolution of its own kind.

The military arrangement of the uprising already represented the realization of the Party programme concerning the national question, the essence of which was the respect for the principles of national equality and federalism. This was evident already in September 1941, when the Central Committee of the CPY decided that, in addition to the General Headquarters for the People's Liberation and Partisan Detachments of Yugoslavia, separate military headquarters should be formed for every Yugoslav country /today: republic/. Although a guerrilla-type warfare, which was waged in Yugosla-

¹Edvard Kardelj, "O sudbini Jugoslavije odlučili su Jugosloveni", Politika /Beograd: May 25, 1972/, p. 8.

via, undoubtedly required a decentralized system of commanding and decision-making, it is also certain that, in the Yugoslav case, this type of military structure of the uprising was also determined by non-military, i.e. political and ethnic factors.

One of the most important documents from the first stage of the uprising is the article "The National Question in Yugoslavia in the Light of the People's Liberation Struggle" by the Supreme Commander Tito, published in December 1942. These sentences from the article have been often quoted in the Yugoslav publications:

The present people's liberation struggle and the national question in Yugoslavia are inseparably bound ... The word "people's liberation struggle" would be just a phrase, or even a fraud, if it did not have, besides the all-Yugoslav meaning, also the national meaning for each Yugoslav nation individually, i.e. if it did not mean, besides the liberation of Yugoslavia, also the liberation of the Croats, Slovenes, Serbs, Macedonians, Albanians, Moslems, etc. ...²

The war successes of the people's liberation struggle created the pre-conditions for the establishment of the new political system based on the federal principle. This process began already in mid-September 1941, when the Slovenian People's Liberation Committee, a body with the functions of a supreme state organ, was formed in that part of Yugoslavia. Until the end of 1943, similar organs were

²Milivije Kovačević, Od AVNOJ-a do novog Ustava /Beograd: Sedma sila, 1963/, p. 6.

formed also in other Yugoslav countries. Although in the war conditions, the possibilities for the functioning of these organs were severely limited, the significance of their formation was great, because they represented the first practical realization of the principle of equality and sovereignty of all Yugoslav nations.

The capitulation of Italy, in September 1943, gave an additional impulse to the development of the people's liberation movement and to the process of the creation of the new state. The Partisan forces disarmed fifteen Italian divisions and liberated many regions in the country, above all in Bosnia and Dalmatia. At the end of 1943 the Partisan Army totalled about 300,000 soldiers and controlled most of the territory of Yugoslavia, which was covered with the fairly developed network of the people's liberation committees.³

Assured of the power of the people's liberation movement, and its ultimate victory, the Party leadership determined that the basic conditions for the official proclaiming of the new state and the formation of its most important organs were created. This historical act took place at the second session of the Antifascist Council of People's Liberation of Yugoslavia /AVNOJ/, which was held on 29th November 1943, in the Bosnian town of Jajce. At

³Enciklopedija Jugoslavije, V, 138.

this session 142 delegates, who represented all Yugoslav nations and countries, except Macedonia, were present. /The Macedonian delegates could not, because of the bad weather, reach Jajce on time./

The decisions of the AVNOJ session were laid down in a declaration, of a general political significance, and in three resolutions, which had a constitutional character. By the First Resolution, AVNOJ transformed itself into "the supreme legislative and executive representative body of Yugoslavia" and appointed the first government of the new state, which was called "The National Committee for the Liberation of Yugoslavia" and consisted of 13 members, headed by Marshal Tito. The Second Resolution denied the Royal Government in Exile the right to act as the legal government of Yugoslavia and forbade King Peter II to return to the country. This practically meant the abolition of the monarchical and the establishment of the republican form of state. Finally, the Third Resolution, the one that is most interesting for us, confirmed that new Yugoslavia would be created on the federal principle.

In its preamble, the Third Resolution stressed that the decision on the federal state was based on "... the right of every people to self-determination, including the right of secession or of union with other

peoples...".⁴

The Resolution itself had four articles. In the first article, it stated that the peoples of Yugoslavia had never recognized the dismemberment of Yugoslavia by the fascist imperialists and that they had shown, in a joint armed struggle, their firm will to remain united in Yugoslavia. The second article emphasized that Yugoslavia was developing and would develop according to the federal principle, which would guarantee full legal equality to the Serbs, Croats, Slovenes, Macedonians and Montenegrins, respectively to the peoples of Serbia, Croatia, Slovenia, Macedonia, Montenegro and Bosnia and Herzegovina. The third article stated that the federal principle was already being realized in the conditions of the armed struggle by the fact that individual Yugoslav nations had their own supreme organs of authority /The Country's Antifascist Councils/, while AVNOJ acted as "the supreme representative of the sovereignty of the people and of the State of Yugoslavia as a whole". Finally, the fourth article guaranteed to national minorities in Yugoslavia all national rights.

Although one cannot speak, under war conditions, about the complete statehood of individual Yugoslav coun-

⁴Ferdo Čulinović, Razvitak jugoslavenskog federalizma, op. cit., p. 135.

tries and Yugoslavia as a whole, all Yugoslav authors agree that the decisions of AVNOJ had the constitutional character and marked the birth of a new state. According to a Zagreb professor Leon Geršković, the essence of the "AVNOJ federation" was in the high degree of statehood and individuality of the federal units, in spite of the fact that AVNOJ itself did not have fully developed organs, particularly not the specific federal organs /e.g. AVNOJ was unicameral/. However, by its spirit and by its political relationship towards the federal units, AVNOJ was the emanation of the genuine federation and the independent statehood of individual federal units, although they were not yet fully formed in the constitutional and legal sense.⁵

The first reaction of the Allied powers to the AVNOJ decisions was not favourable. The Western powers still recognized the Royal Government in London as the only legitimate government of Yugoslavia while Stalin was afraid that this independent move of the Yugoslav Communist Party and the people's liberation movement would make his relations with London and Washington more complicated. Expecting such a reaction, the leadership of

⁵Leon Geršković, "Pravno-politički aspekti reorganizacije federacije", in Reorganizacija federacije i razvoj političkog sistema /Zagreb: Centar za aktualni politički studij, 1970/, p. 49.

the CPY made it known in advance, neither to Moscow nor to the Western Allies, that it intended to make so far-reaching decisions, because it knew that their international recognition was bound to come about sooner or later.

In the course of 1944 the process of the establishment of the Yugoslav federation gained new momentum. The Antifascist Councils of all Yugoslav countries held their sessions, on which they constituted themselves into supreme state organs on their respective territories and appointed their executive organs. At these sessions all federal units issued declarations by which they approved the activity of their respective delegates at the second session of AVNOJ. By this act, all Yugoslav nations expressed, through their respective sovereign representative bodies, their agreement to the re-establishment of Yugoslavia as a federal state, and recognized AVNOJ as the supreme legislative executive body in Yugoslavia and the only representative of Yugoslavia in the international relations.

The two agreements, concluded on the 16th of June and the 1st of November 1944, respectively, between Tito, who represented AVNOJ, and Dr. Ivan Šubašić, who represented the Royal Government in Exile, have special importance for the international recognition of new Yugoslavia. By the first agreement, the Royal Government recognized the

decisions of the second session of AVNOJ, while on the basis of the second agreement a coalition Government of "The Democratic Federal Yugoslavia", with Tito as a Prime Minister, was formed on 8th March 1945. In the meantime, on the 12th of February 1945, the leaders of the USA, USSR and Great Britain practically recognized, in the seventh chapter of their joint Yalta Declaration, the governmental changes in Yugoslavia, including the establishment of the federal state. Consequently, all three Great Powers sent their ambassadors to the liberated Belgrade already in March 1945.⁶

At the beginning of August, AVNOJ, whose membership was enlarged with the pre-war Assembly deputies who had not collaborated with the enemy, held its third and final session in Belgrade. At the session AVNOJ transformed itself into a Provisional National Assembly of Democratic Federal Yugoslavia, which acted as the supreme representative and legislative body until the elections for the Constituent Assembly. At the elections, which were held on 11th November 1945, the candidates of the People's Front, which was dominated by the Communists, gained an overwhelming majority of slightly over 90% of all votes. The Constituent Assembly met on the 20th of November 1945, on the second anniversary of the II session of AVNOJ, and proclaim-

⁶Enciklopedija Jugoslavije, V, 141.

ed the establishment of a republic named the Federal People's Republic of Yugoslavia /FNRJ/. This act marks the end of the first stage in the development of the Yugoslav federation.

2. The 1946 Constitution: Federalism in the Constitutional Provisions - Centralism in Practice

The first Constitution of socialist Yugoslavia, which was enacted on the 31st of January 1946, was strongly influenced by the Soviet Constitution of 1936. Considering the domestic and international circumstances of the time, one can say that the similarity between the two Constitutions was almost inevitable. The Soviet Union was, at the time, the only socialist state in the world, and its thirty-years experience in the building of the new social system served as an universal example to all Communist Parties, including the CPY. The reputation of the Soviet Union increased by the fact that it emerged as a victorious power from the Second World War, after liberating most of Eastern Europe or helping the resistance movements in the East-European countries, including the Partisan movement in Yugoslavia. Most, or virtually all Communist Parties, including the CPY, did not know, or wished not to know, about the serious deformations in the Soviet socio-political system during the Stalinist period. Finally, if the resistance to

the Soviet model appeared in some East-European countries, it was relatively easily and quickly suppressed by overt or covert Soviet pressure. However, it should be emphasized that, in the Yugoslav case, the acceptance of the Soviet model was primarily the result of the free choice of the Yugoslav Communists. Tito referred to this question at the Ninth Congress of the League of Communists of Yugoslavia /LCY/:

The conception of the CPY on the edification and the development of Yugoslavia as a socialist country was initially influenced by the Soviet theory and practice, which was quite understandable considering the conditions of the time. This was not forced upon us from abroad, because we made our choice freely. It would be historically incorrect if we did not emphasize that the social system in the USSR was then a synonym of socialism for the Yugoslav Communists and that, in the free determination for our way of development, we took the example of the experience of the Soviet Union ... because this was, at the time, the only experience in the building up of the socialist system.⁷

The acceptance of the Soviet Constitution as a model for the first Yugoslav Constitution was influenced by an additional important factor: a similar national question in the Soviet Union and Yugoslavia. Like Yugoslavia, the USSR is a multi-national state, whose vitality and stability depends, inter alia, on the right solution of the national question. The October Revolution provided an answer to the

⁷Quoted in: Stipe Šuvar, "Nacionalno i klasno u federativnoj socijalističkoj zajednici", in Federalizam i nacionalno pitanje, op. cit., p. 20.

problem, in establishing the federation, which was intended to guarantee full equality to different nationalities and federal units within the USSR. However, it is well known that the practice of the Soviet federalism deviated greatly from these conceptions and that the centralism in the Soviet Union reached unprecedented magnitude, particularly during the Stalinist era. Unfortunately, the Yugoslav Party leadership still firmly believed that the Soviet experience in dealing with the national question also represented an example which ought to be followed.

The Yugoslav Constitution of 1946 was divided in two parts. The first part contained so-called "fundamental principles", while the second part was more concrete and dealt with the organization of the State. We will limit our analysis to those constitutional provisions that refer to the legal position of the republics and to the division of the competence between the federal organs and the organs of the federal units - republics.

In its first article, the Constitution defined Yugoslavia as "a federal people's State, republican in form, a community of peoples equal in rights who, on the basis of the right of self-determination, including the right of separation, have expressed their will to live together in a federative State." It is interesting to note that the draft Constitution did not mention the right of separa-

tion which was, as we have seen, proclaimed in the AVNOJ decisions in no uncertain terms. In his report on the draft Constitution, Moša Pijade stated that this right was omitted because the Constitution of new Yugoslavia should not provide a basis for "the separatist aspirations of the reactionary forces".⁸ However, this principle was included in the final text of the Constitution, although most legal theorists still considered that the right of separation of individual nations died out by their union into the federative Yugoslavia and was kept in the Article 1 only as "a historical reminiscence."⁹

According to Article 2 of the Constitution, The Federative People's Republic of Yugoslavia was composed of six federal units - People's Republics /Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia and Montenegro/. Article 2 also mentioned that the People's Republic of Serbia included the Autonomous Province of Vojvodina and the Autonomous Kosovo-Metohijan Region.

The multinational composition of the country and its federal system found their expression in the bicameral structure of the federative parliament /the People's Assembly/, which was composed of the Federal Council and the

⁸Moša Pijade, Izabrani govori i članci 1941-1947, /Beograd: Kultura, 1948/, p. 90.

⁹Hodimir Sirotković, op. cit., in Ustavna reforma, op. cit., p. 107.

Council of Nationalities. The Council of Nationalities, as a guarantor of the equality of the republics and their peoples, was established on the principle of parity, i.e. each People's Republic, irrespective of its size, was represented with 30 deputies, while the Autonomous Province and Autonomous Region were represented with 20 and 15 deputies, respectively. The equality of rights between the Council of Nationalities and the Federal Council is best perceived in the provision that no law could be passed by the Assembly, unless it was voted in both Assembly Councils.

Article 9 stated that the sovereignty of the People's Republic was limited only by the rights which were given by the Constitution to the federation. Each People's Republic enacted autonomously its own Constitution, but it had to be in conformity with the federal Constitution. The statehood of the People's Republics was also reflected in the fact that each of them had their own national flag and coat of arms, which expressed their national individuality and historical traditions. The Constitution also provided that the boundaries of the People's Republic could not be changed without its consent. Incidentally, the delimitation of the inter-republican frontiers was not an easy task, primarily because of the fact that the Yugoslav population is ethnically very much intermingled. There are some indications that in 1945 there were serious disagreements in

the commission of the Federal Assembly, which was dealing with this problem.¹⁰

Judging by the mentioned Constitutional provisions, the Yugoslav State had all the basic characteristics of a federation, whose federal units were fully equal in the legal sense and enjoyed a comparatively high degree of autonomy. This was emphasized also in an article by Moša Pijade, which was published shortly after the adoption of the Constitution. Pijade, one of the creators of the Constitution, wrote:

... we can say without any qualifications that, except for the Constitution of the Soviet Union, there is no other country where the relations between the peoples living in the same State are so democratically and so equitably solved. The equality of our peoples is complete and ensured. They, represented by their People's Republics, enjoy full sovereignty, which is limited only if they, by their joint will and through the Constitution, transferred to the central, federal authority a portion of their sovereign rights in the common interest.¹¹

Although these words, and particularly the reference to the Soviet Constitution, bear the mark of the political circumstances of that period, they undoubtedly represent an expression of the true belief of the Yugoslav Communists that the national question was solved in the best possible way. Did the real state of affairs justify such self-confidence among the Yugoslav Communists?

¹⁰ Moša Pijade, op.cit., p. 107.

¹¹ Ibid., p. 71.

It should be emphasized, above all, that in the first post-war years the vast majority of Yugoslavs had simply "forgotten" the existence of the national question, so it really looked as if it would never again jeopardize the unity of Yugoslavia. Such a favourable state in the inter-nationality relations can be explained by several factors. Firstly, the memories of the atrocities of the fratricidal war were still present, and people consciously avoided raising issues which could impair the painfully achieved trust between the Yugoslav peoples. Secondly, the Communist Party of Yugoslavia, which fully controlled the political situation in the country, had a genuine all-Yugoslav character, not just by the fact that it had the representatives from all Yugoslav nationalities within its ranks, but primarily because it showed, through the armed struggle, its devotion to the ideals of brotherhood and national equality. Finally, the difficult task of the rebuilding the country and the desire for the "escape from poverty" absorbed all creative forces of the country, which produced an unprecedented mass enthusiasm that created the illusion that a society without conflicts had been achieved. In such conditions, the national question was raised only by "reactionary" forces which were against the new social system, but these became discredited already during the war and lost any significant support.

However, it is an undeniable fact that the socio-economic system, which found its legal expression in the 1946 Constitution, did not represent a basis which could provide a lasting solution for the relations between the nationalities in Yugoslavia. Federalism existed only in the Constitutional provisions, but not in the real life of the country. In fact, in the period 1946-1950, Yugoslavia experienced an enormously high degree of centralization, which was noted neither in pre-war Yugoslavia, nor in the period after 1950. How was it possible, considering the fact that federalism was one of the main slogans of the Communist Party's political programme and that even the Constitution itself laid the legal foundations for the federative organization of the State?

Centralism in Yugoslavia, like in other East-European countries, derived its power from and was influenced by the character of the ownership over the means of the production. Between 1946 and 1948 the complete nationalization of industry, mining, transport and communications, commerce and banking was carried out in Yugoslavia, making the State the sole proprietor of all assets in these basic branches of economy. The State performed its functions in the economic sphere primarily through the federal ministries and the Federal Planning Commission, thus leaving the organs of the People's Republics with the limited role

of implementing decisions made by the federal organs. Any thought of some "national autonomy" in the economic field was looked upon as an anti-Communist and nationalist act. Thus, in the first post-war years Boris Kidrič, the leading economic expert of new Yugoslavia, labelled the demands for budgetary autonomy for the republics as "an expression of bourgeois nationalism".¹²

Quite logically, the State control did not remain merely limited to economic activities, but extended to all spheres of social relationships. This was the reason why the State apparatus in the period 1946-1949 doubled, while the relations between the state organs became rigidly centralistic and hierarchical.¹³ Needless to say, the federal organs were at the top of the decision-making pyramid.

The division of authority between Federation and Republics was laid down in Article 44 of the 1946 Constitution. The Article listed in its 24 points those matters which were in the exclusive competence of the Federation. It is sufficient to only mention the most important of these matters: changes in the Constitution, admission of new Republics, establishment of the frontiers between the Republics, international relations, questions of war and peace, federal citizenship, national defense and state

¹²Stipe Šuvar, op.cit., p. 20.

¹³Jovan Djordjević, Ustavno pravo /2nd ed.; Beograd: Savremena administracija, 1967/, p. 78.

security, foreign trade, transport and communications, posts, economic planning and statistics, budgeting, monetary and credit system, industry and trade of national importance, insurance, etc. All matters not mentioned in Article 44 /and these were very few/ were formally in the autonomous competence of the federal units. However, even here, the Federation exerted its decisive influence, mainly by its legislation. The federal legislation regulated most social problems and relations, either completely or by establishing so-called "basic principles" for the legislation of Republics. One can see how extensive the federal legislative activity was in this period if we consider that the Federation passed between 1946 and 1952 a total of 216 different laws, while one of the federal units /Croatia/ passed in the same period only 60 laws.¹⁴

It is not within the scope of this study to examine if, and to what extent, such centralism was really necessary and how it affected the different aspects of socio-economic relationships in post-war Yugoslavia. Our interest will focus on the influence of the centralistic system on the condition and the development of the inter-nationality relations in the Yugoslav society.

¹⁴ Dragan Medvedović, "Pravna tehnika podjele zakonodavne nadležnosti izmedju federacije i posebnih jedinica i njena primjena u Jugoslaviji", in Ustavna reforma, op. cit., p. 75.

Firstly, an important fact should be noted. Unlike the pre-war centralism and the Greater Serbian hegemony, the post-war "revolutionary" centralism did not favour any nation at the expense of some other nation. This can be explained primarily by the correct attitude of the CPY which, as it was born and as developed in the struggle against Greater Serbian hegemonism and Greater Croatian separatism, could neither lead a pro-Serbian nor a pro-Croatian policy, but only a genuine Yugoslav policy of national equality. However, this state of affairs could not last for ever. Every centralism creates the bureaucratism, of which no Communist Party is immune, and in a multi-ethnic community all this leads inevitably to the supremacy of "biger" nations over "smaller" nations. Centralism in Yugoslavia did not, fortunately, last long enough for these tendencies to become a reality, but the mere existence of the centralism meant objectively that the possibility of national "inequality" was constantly present.

In a centralized planned economy, where the State is the sole owner of the means of production, the national income is accumulated in one centre, and then re-distributed to different branches of economy and to different regions - in the Yugoslav case, to different republics. If centralism lasts for a long time, the criteria for the re-allocation of income may become subjeztivistic and voluntar-

istic, which is not only economically harmful, but also constitutes a potential source of conflicts between the different regions and, in the Yugoslav case, between the different nationalities.

All this leads to the conclusion that centralized political-economic structure is incompatible with national equality, especially if it is of a prolonged duration. However, centralism in post-war Yugoslavia reached its climax in 1949, and has been gradually diminishing ever since. Centralism as a basis of the CPY's political-economic orientation, was abandoned mainly as a result of the conflict and subsequent breach with the Soviet Union and other East-European countries. The disagreements between Yugoslavia and the Soviet Union appeared immediately after the end of the Second World War, primarily because Yugoslav Communists resolutely opposed the Soviet aspirations to determine the course of the Yugoslav domestic and foreign policies. For example, the Soviet Union tried to obtain Yugoslav consent for establishing joint Soviet-Yugoslav companies in the Yugoslav economy. Then, the Yugoslav-Bulgarian Federation did not materialize mainly because of the Soviet opposition. The Soviet military and economic experts interfered openly in the internal affairs of Yugoslavia. The relations between the two countries deteriorated gradually and entered into their last, dramatic stage at the beginning of 1948. In the period from March till

May, the Soviet Party leadership sent several letters to the Yugoslav leaders, accusing the Communist Party of Yugoslavia of conducting an anti-Soviet and nationalist foreign policy and a revisionist, i.e. non-Marxist, domestic policy. When the Yugoslav leaders rejected these unfounded accusations, the leadership of all East-European Parties met on the 28th of June 1948 in Bucharest and issued a resolution, by which the Yugoslav Party, and the country itself, were practically excommunicated from the "socialist world". The USSR and its satellites unilaterally broke off all political and economic relations with Yugoslavia, openly threatening with the possibility of an armed intervention and calling upon the Yugoslav people to depose its own Government.

Faced with such formidable outside pressure, the Yugoslav Party, which had the support of the vast majority of the people, concentrated its forces on the protection of the country's independence and its internal unity, still hoping that the Soviet Union would eventually recognize the absurdity of its accusations. However, soon it became clear that the real causes of the Soviet hegemonistic foreign policy, which was reflected so clearly in Stalin's treatment of Yugoslavia, laid in the deformed social structure of the Soviet Union itself. Hence, the Yugoslav Communists started to critically re-examine the theory and practice of not only the Soviet, but also of its own, Yugoslav social system. This

marked the beginning of the new, specifically "Yugoslav" road to socialism.

One of the first conclusions derived from the reappraisal of the Soviet and Yugoslav systems, respectively, and from the re-examination of the Marxist theory, was that the bureaucratization of the Communist Party represented one of the greatest dangers in the development of a socialist society. This was emphasized already in May 1949, in a speech that Edvard Kardelj, one of the most prominent leaders of the CPY, held in the People's Assembly:

It should never be forgotten that no perfect bureaucratic apparatus even headed by an inspired leadership, can develop socialism. Socialism can be developed only from the initiative of the millions, with the proletariat in the leading role. Therefore, the development of socialism cannot proceed in any other way but through the constant strengthening of socialist democracy, in the sense of increasing the self-management of the peoples' masses...¹⁵

These theoretical principles were soon implemented. In the mid 1949's the autonomy of the local organs of authority - People's Committees was radically increased. The forms of direct democracy - the local referendum and the local meetings of electors gained in importance. A year later, on 27th June 1950, the People's Assembly enacted a law, which introduced workers' self-management into the factories. This historical act marked the beginning of the era of "self-

¹⁵ Dušan Bilandžić, Management of Yugoslav Economy /1945-1966/, /Beograd: Yugoslav Trade Unions, 1967/, p. 67.

managing socialism" in Yugoslavia.

However, in the sphere of the inter-nationality relations this period brought nothing new. Although the practice of inter-nationality relations within the Soviet Union was criticized, the leadership of the CPY still considered these relations within Yugoslavia to be definitively solved in the best possible way. Besides, the country was, at the time, exposed to foreign political and economic pressure, and nobody raised questions of this kind in order not to harm the internal unity.

Nevertheless, the fact that rigid centralism was abandoned inevitably led to a certain strengthening of the role of the republics, primarily in the economic sphere. Thus, in the course of 1950 the federal ministries of electrical power, mining, agriculture, forestry, light industry and construction were abolished and these matters were formally turned to the competence of the Republics. At the beginning of 1951, additional reorganization of the federal apparatus cut its size by 40-60%.¹⁶

All these important measures made it necessary to adapt the constitutional system to the changed socio-economic structure. Consequently, already in 1953, only seven years after it had been introduced, the system, modelled

¹⁶ Pavle Korać, O razvitku organizacije upravljanja privredom u FNRJ /Beograd: Rad, 1951/, p. 119.

after the Soviet example, was formally abandoned.

3. The Period 1953-1963: The Strengthening of Self-Management and Socialist Democracy

The way in which the Constitutional reform of 1953 was accomplished reflects the transitional period in the Yugoslav society, in which the centralized bureaucratic structure was gradually yielding to the new "self-managing socialist" relationships. Hence, an entirely new Constitution was not adopted, but the People's Assembly, on 13th of January 1953, proclaimed the so-called "Constitutional Law" of 115 articles, which did not abolish all parts of the 1946 Constitution. However, in the period that followed, the remaining provisions of the 1946 Constitution were gradually substituted by various legal acts so the Constitution eventually lost its validity almost completely.

The Constitutional Law, in one of its most important provisions, proclaimed "the social ownership of the means of productions, the self-management of producers in the economy and the self-management of working people in the local community, town and district" as the basis of the social and political system of Yugoslavia. This meant that self-management extended beyond the limits of the enterprise and entered into all spheres of social activity. Accordingly, many modifications were introduced into the structure of the supreme State organs. The "Councils of

Producers" were introduced into Federal and Republican Assemblies, respectively, the Federal and Republican Governments were transformed into "Executive Councils", Ministries changed their names to "State and Republican Secretariats," respectively, and the function of the President of the Republic was introduced instead of the Presidium /the collective Head of the State/. These changes did not only have formal or terminological meaning, but signified a new role, position and mutual relations of the mentioned organs. This was the beginning of the realization of the concept of the "Assembly Government" /skupštinska vlada-vina/, which is characterized by the supremacy of the Legislative function /i.e. of the Assemblies on all levels/ over the Executive and Administrative functions, respectively. This principle was further affirmed in 1955, when the new "communal system" was inaugurated and the Commune was proclaimed as the basic socio-political unit.

What were, in fact, the changes brought by the Constitutional Law in respect to the relations between Federation and Republics? Undoubtedly, it was logical to expect that the Constitutional Law, by the very fact that it proclaimed self-management as the basis of the social system, would contribute to the greater autonomy of all political-territorial units, including the Republics. However, self-management in that period existed more on paper and in the

Constitutional text, and less in the real life, so it could not significantly alter the relationship Federation-Republics.

Moreover, one can say that the Constitutional Law overlooked, to a certain extent, the multi-national component of Yugoslav society. The Constitutional system of 1953 was formally less "federalistic" than the system created by the 1946 Constitution. Thus, the Constitutional Law practically abolished the Council of Nationalities /it was substituted with the Council of Producers/ and incorporated it, as an ad hoc organ, into the Federal Council of the Federal People's Assembly /this was the new name for the former People's Assembly of the FNRJ/. By this act, according to a Macedonian scholar, Yugoslavia became the only federal State in the world whose federal units were not represented by a separate chamber in the federal representative legislative body.¹⁷

Although it is true that the presence of the Council of Nationalities in the administrative centralistic period /1946-1953/ had more a symbolic than real value, the fact remains that the abolition of the Council did not serve as a positive contribution to the development of federalism in Yugoslavia. In our view, this act reflected the state of

¹⁷ Evgeni Dimitrov, "Problemi i iskustva federalizma", in Federalizam i nacionalno pitanje, op. cit., p. 16.

the Yugoslav theoretical thinking in that period, i.e. the absence of a clear vision on the place and role of the "national factor" - federalism in the building up of the new, self-managing society. It seems that the makers of the new system envisaged future Yugoslavia as a federation of Communes, rather than a federation of nations, i.e. Republics. Nevertheless, the nations in Yugoslavia were still a living reality, and the federal system the only possible guarantor of their legal equality, so that the concept of a "Federation of Communes" could not be stated explicitly, let alone put into practice.

The decisive role of the Federation in the legislative sphere remained basically unaffected by the enactment of the Constitutional Law. Although the Constitutional Law was, as compared to the 1946 Constitution, somewhat more precise in dividing the legislative authority between the Federation and Republics, the line of delimitation was still not visible enough and this made it possible for the federal organs to maintain a dominant position in this field. The fact that the Federation enacted a total of 359 laws between 1953 and 1962, while one of the federal units /Croatia/ enacted only 175 laws¹⁸ in the same period supports this statement. Nearly 85% of the 359 federal laws were so-called "exclusive laws", i.e. laws which regulated certain social relationships

¹⁸ Dragan Medvedović, op. cit., p. 77.

in their totality, without leaving any possibility for the Republics to enact their additional or supplementary acts in this particular case.

The State organs, particularly the Federal organs, also continued to exert a decisive influence on the economic developments after the enactment of Constitutional Law, in spite of the fact that self-management was introduced into the economic field as early as 1950. The Federal Government still disposed of a great portion of the investment funds, and by different monetary and credit measures and by determining the prices, it greatly influenced the economic position of the different enterprises, economic branches and ultimately of the Republics. Still, the share of Federation in the total investments dropped in 1953 to only 16%, comparing with 78% in 1952, while the share of Republics increased to over 48%. However, this change had formal, rather than real value, because it was the transmission of authority from higher to lower organs, on the basis of the decisions made by central State organs. Already in 1954, the Federation again disposed of over 40% of investments, and all Republics had less than 15%. The same ratio was preserved during the second half of the 1950's: Federation possessed between 30% and 40% of investments, Republics less than 10%, and the share of the enterprises varied bet-

ween 30% and 40%.¹⁹

However, the picture of the socio-political system which was created by Constitutional Law would not be complete if we did not mention that some provisions of the Law represented a certain progress in strengthening federalism and the autonomy of the Republics in some fields. The competence of the Federation was particularly reduced in the spheres of education, culture and public health. Also, the Constitutional Law, by the introduction of the principle of "Assembly Government", diminished the dependence of the Republican administrative organs on the Federal administrative organs. In other words, the administrative organs became subordinated only to their respective Assembly and its executive body /e.g. Republican administration is subordinated to the Republican Assembly and to the Republican Executive Council/, and not to the administrative organs of the "higher" socio-political community /e.g. Federation/. This practically meant the abolition of the rule of "double subordination" /both vertical and horizontal subordination/, and the retaining of the horizontal subordination only.

The Constitutional Law stressed the role of the Republic within the Federal executive bodies. Thus, Article 82 of the Law expressly stated that "every People's

¹⁹Statistički bilten Službe društvenog knjigovodstva, No. 1, Beograd, 1965, p. 35.

Republic must be represented in the Federal Executive Council" and that "Presidents of the Executive Councils of the People's Republics are ex officio members of the Federal Executive Council."

Finally, a change in the name of the federal representative body shows that the Constitutional Law took the "factor of federalism" into consideration. In fact, this body changed its name from "The People's Assembly of the FNRJ" to "The Federal People's Assembly". Although this terminological change had only a formal meaning, it nevertheless emphasized the complexity of the political and ethnical structure of Yugoslav society.

Summing up, we can repeat our assertion that the Constitutional Law of 1953 did not bring significant changes to the relationship Federation-Republics, i.e. it did not adopt a definite position regarding the question of federalism. To be more precise, the makers of the Constitutional Law still considered the national question to be basically solved during the Revolution and that the development of self-management would automatically result in a more complete legal equality of the Yugoslav nations. As already stated, the substitution of the 1946 Constitution with the Constitutional Law was primarily motivated by the desire to give an impetus to the development of self-management. At the same time, the Constitutional Law was mainly concerned with self-management at the levels of the enterprise and

the Commune, respectively. The focal point was Man as Producer and Citizen rather than as member of a particular ethnic group or nation. This was a basically positive and progressive attitude, but it would have been even more positive and complete if it had not neglected the "national component", which is particularly important in a multi-ethnic community.

There were no important events in the development of inter-nationality relations and federalism in the period until the early sixties. There were no conflicts of the "national" /ethnic/ kind. It looked like practice was confirming the conviction of the Yugoslav Communists that the real and lasting solution for the national question had been found. Similarly, during that period there were no new developments either in the other spheres of socio-political life.

The "finest hour" of the theoretical, ideological and political struggle of the CPY against Stalinism, with the self-management theory as the main product of that struggle, ended with the Sixth Congress of the CPY in October 1952. In the course of that struggle, and within the movement for the democratization and liberalization of political life, a movement for the re-establishment of the multi-party system in Yugoslavia emerged. The chief exponent of that movement was Milovan Djilas, one of the leaders of

the Communist Party. Realizing that to tolerate the activity of anti-Communist political organizations might ultimately lead to another civil war, the leadership of the CPY suppressed these tendencies without any hesitations. In connection with this, the Central Committee of the LCY /the League of Communists - the new name which the Yugoslav Party adopted at its Sixth Congress/ passed a resolution in April 1954, which proclaimed that self-managing socialism in Yugoslavia was, more or less, completely achieved, adding that the demands for further radical changes in Yugoslavia represented anti-Communism.

These internal developments coincided with important events on the international scene which also slackened the rhythm of the changes in Yugoslav society. Indeed, during 1954 and 1955 Yugoslavia definitively broke off the economic blockade and political isolation which USSR has imposed on her. The new Soviet leadership publicly admitted the "mistakes" done to Yugoslavia, and the relations between the two countries markedly improved. Thus, Yugoslav Communists triumphantly ended its seven-year struggle against Stalinism.

At the same time, after a five-year economic stagnation /from 1948 till 1952/, Yugoslavia reached the top of the world scale by its rate of economic growth /during the period 1953-1961 the average rate of growth of Yugoslavia's industrial production was about 12% per annum/.²⁰

²⁰ Jugoslavijska 1945-1964 /Beograd, Savezni zavod za statistiku, 1966/, p. 81.

Consequently, the successes in the economic sphere, in the institutionalization of self-management and in foreign policy meant a period of relative stability and tranquillity in Yugoslavia in the mid fifties.

4. The 1963 Constitution: The Charter of Self-Management

The period of calm internal developments in Yugoslavia was, however, relatively brief. The LCY, which considered itself, especially after the conflict with Stalinism, a genuine revolutionary future-oriented workers' party could not reconcile itself with the ideological stagnation and could not accept the status-quo, even in case when this status-quo did not objectively necessitate major changes. The quintessence of such spirit of the Yugoslav Communist Party was expressed by the last sentence of the Programme of the LCY, which stated as follows:

Nothing that was created must be so sacred, that it could not be transcended and that it could not give way to something which is even more progressive, even more free and human.²¹

However, in practice the Yugoslav Party could not free itself from the dogmatism sui generis, which manifested itself in the conviction of the LCY that the development of self-management would solve all social problems, includ-

²¹Program Saveza komunista Jugoslavije /Beograd: Kultura, 1958/, p. 240.

ing the national problem. This was proved once more in the course of the discussions about the enactment of a new Constitution, which started in 1961, and in the concept and substance of the Constitution itself, which was adopted in April 1963.

Preparing the new Constitution, the leadership of the LCY reappraised the whole social structure of Yugoslavia and determined the directions for its future developments. In the draft and the Constitution itself a one-sided orientation emerged. The chief preoccupation of the makers of the Constitution was how to design a political system which would ensure "the withering away of the State", which was the principal aim of the LCY after its break with Stalin. The whole pre-Constitutional debate was subordinated to this idea. According to Edvard Kardelj, who was the chief writer of the Constitution, the principal aim was to make the political system of Yugoslavia close to "... Marx's thesis that the State of the transitional period /i.e. the Socialist State/ should be the type of statehood which he /Marx/ called 'working class organized as the State'".²² In accordance with this concept, the 1963 Constitution introduced novelties into the structure of all Assemblies, starting from the Commune up to the Federation. Along with the

²²Edvard Kardelj, "Novi Ustav socijalističke Jugoslavije", in Prednacrt ustava Federativne Socijalističke Republike Jugoslavije /Beograd, Komunist, 1962/, p. 105.

traditional chamber which represents all citizens-electors, the Constitution provided for the establishment of so-called "Chambers of the Working Communities". These were: the Economic Chamber, the Chamber of Education and Culture, the Chamber of Social Welfare and Health and the Organizational-Political Chamber /only in the Republican and Federal Assemblies/. Needless to say, the Federal Chamber in the Federal Assembly and the Republican Chamber in the Republican Assembly were kept.

In order to prevent the bureaucratization of society, the Constitution introduced the principles of "rotation" and of the restriction of re-election. These rules applied to all electoral functions, from the manager in the enterprise to the Head of the State. It goes without saying that the spirit of self-management prevailed through the whole text of the Constitution. Consequently, Article 6 of the Constitution proclaimed:

The basis of the social-economic system of Yugoslavia is free, associated work with socially-owned means of labour, and self-management of the working people in production and in distribution of the social product in the working organization and social community.

Therefore, the 1963 Constitution was rightly called "The Charter of Self-Management".

Finally, the Constitution changed the name of the State from "The Federative People's Republic of Yugoslavia" into "The Socialist Federal Republic of Yugoslavia". Inci-

dentally, the order of the words in the Draft Constitution was reversed: "Federal Socialist", instead of later adopted "Socialist Federal". The creators of the Constitution probably wished to emphasize the socialist, rather than the federal character of Yugoslav society.

However, the 1963 Constitution did not alter the existing, still basically centralistic, nature of the Federation, although Edvard Kardelj, speaking at the joint session of the Federal People's Assembly and the Federal Committee of the Socialist Alliance of the Working People of Yugoslavia on the 21st of September 1962, stated:

... the Draft of the new Constitution regulates the relations between the Federation and the Republics more concretely and more precisely than the previous Constitutional texts. The basis for working out these relations is the principle that - everything that the Constitution did not establish as an universal principle for all or transferred to the exclusive competence of the Federation - remains the right, duty and material and political responsibility of the Republic.²³

Kardelj's words did not, however, correspond to reality. The operational part of the Constitution did not contain any provisions which would ensure Kardelj's proclamation and this supports our thesis that the centralistic structure of the Federation remained basically unaffected by the enactment of the new Constitution. Professor Leon Geršković, one of the makers of the 1963 Constitution, seven years after its enactment, during the discussions on the Constitutional

²³ Edvard Kardelj, op. cit., p. 119.

amendments 1971, characterized the 1963 Constitution in these words:

... the 1963 Constitution did not solve all problems that originated from the self-management system. I would mention, as the essential characteristic of that Constitution, that it was great by its conceptions, but that its operational provisions were mutually contradictory and contradictory to its basic principles. The 1963 Constitution established the new social-political system by creating a self-managing society, on the one hand, and by emphasizing the autonomy of the Republics, as the basic units in our Federation, on the other hand. However, there were conflicting tendencies during the work on the 1963 Constitution. We, who were working then on the formulation of the Constitutional text, had almost every-day arguments about various categories and institutions, mainly because every self-managing or federative provision was accompanied by a clause which made it possible to evade such a provision. Thus, for example, the 1963 Constitution determined in principle /see "Basic Principles"/ that the Federation executed only those matters which the Republics transferred to it. However, when the enumeration of the legislative function and of the provisions on social-economic system was done, it turned out that all relations were regulated by the federal law. Article 161 of the Constitution even provided for so-called "open clause" which made it possible to enact federal laws in all matters ...²⁴

After the enactment of the 1963 Constitution, the Federation still had the unreduced power to determine the relations in all major spheres of social-economic life in Yugoslavia. Dr. Geršković commented also on that:

After the enactment of the Constitution came a period in which this constitutional system had to be implemented. The implementation was not in the spirit of the principles of the Constitution... The laws, with minor exceptions, were conceived in the same

²⁴ Leon Geršković, op. cit., p. 50.

way, as before the enactment of the new Constitution. Looking from the constitutional-legal aspect, this legislative period from 1963 to 1965 was in fact the annulment of the principles of the Constitution.²⁵

The scope of the Federation's legislative activity can be illustrated with data regarding the ratio between the federal laws and laws of the Socialist Republic of Croatia in the period 1963-1968. While the Federation enacted a total of 720 laws in this period, of which 508 were "exclusive and complete" laws /i.e. the federal laws which left no possibility for the Republics to enact their supplementary or additional laws/, SR Croatia's legislative body enacted only 290 Republican laws.²⁶

Finally, it is logical to ask ourselves why the 1963 Constitution could not change the centralistic character of the Federation.

No constitutional or any other proclamations could alter the centralistic nature of the Federation as long as it was based on two very strong foundations: the first foundation was the Yugoslav Communist Party, which itself was organized centralistically and whose political decisions were binding for all Republics. The second foundation was the economic power of the Federation which, from 1945 onwards, disposed of the greatest portion of Yugoslav financial capital, which was concentrated in the federal

²⁵Ibid., p. 51.

²⁶Dragan Medvedović, op. cit., p. 81.

banks. The reform of the Federation could not be achieved unless these two crucial factors were modified, and this, quite obviously, no Constitutional text itself can do.

In the concluding remarks on the 1963 Constitution, which was predicted by its makers to be of long duration, we can say that it was already obsolete at the moment of its enactment, at least in these parts dealing with the federal system of Yugoslavia. Indeed, quite strong political tendencies directed against centralism emerged already in 1963, particularly in the Republics of Croatia, Slovenia and Macedonia and in the Province of Kosovo. These tendencies developed primarily amongst the younger generation which, contrary to the war generation which was gradually leaving the political scene, did not experience the bloody inter-nationality conflicts. However, these tendencies could not yet develop and act legally, in the open, and some of their exponents chose to act in the illegal and extreme-nationalist way. In a speech at the Congress of the Yugoslav Youth in January 1963, shortly before the enactment of the Constitution, Tito spoke in favour of a higher degree of "socialist unity and integration" of the Yugoslav community and, at the same time, warned about the dangers of extreme nationalism. He stated:

... the opinion that integration is in contradiction to the interests of individual Republics is as erroneous as the opinion of those who think that integration should liquidate nationalities

and that its aim is to create a new, single nation. These people actually confuse Nation and State, and that is nonsense. The views that every nation, every Republic in a socialist community must have all attributes of a State are also senseless. Logically, this egocentric mode of thinking can have very harmful consequences on the development of a socialist community. There are even some nationalistic elements who say that the national Republic should have its own army, its own money and even its own foreign policy. Of course, these people have nothing in common with the socialist treatment of the national question and, consequently, they are enemies of the socialist community as a whole.²⁷

Tito's words symbolically foreshadowed the revival of the national question which had been, for almost two decades, a "non-issue" in socialist Yugoslavia. Soon it became clear that the ideology of the LCY and its political struggle towards achieving a self-managing socialist society came also into conflict with the federal centralism, as it was an impediment to furthering self-managing rights of the Republics, Provinces, Communes and Enterprises and, consequently, endangered the realization of the essential programme orientation of the LCY. Less than two years after the enactment of the new Constitution, the Yugoslav Communist Party, at its Eighth Congress which was held in December 1964, initiated a struggle against centralism and unitarism, thus creating a platform for further political and constitutional changes which ultimately resulted in the radical reform of the Federation in 1971.

²⁷NIN, No. 1115 /Belgrade: May 21, 1972/, pp. 47-48.

Chapter III

THE CRISIS IN INTER-NATIONALITY RELATIONS AND THE 1971 CONSTITUTIONAL REFORM OF THE FEDERATION

1. The Origins and the Consequences of the Crisis in Relations Between Nationalities

On the preceding pages we more than once have emphasized the incompatibility between the multi-ethnic character of the Yugoslav community and the centralistic statist structure of the Federation. The Socialist Revolution has, on the one hand, destroyed the concept and the political power of the Greater Serbian hegemony and of the Greater Croatian separatism, respectively, but, on the other, it was compelled, owing to historical circumstances, to form a State monopoly and, on its basis, a unitary administrative - centralistic system which ultimately became incompatible with the principle of national equality and the freedom of every nation to develop its autonomy and the attributes of its statehood, within the framework of the Federation. In the course of the Revolution and during the whole post-war period until the mid-sixties, the political power was centered on a narrow circle of Communist Party leaders, who also occupied top functions in the State apparatus. Conse-

quently, the leadership of the Republics could not be autonomous. They were merely partial participants in the decision-making process concerning the most important social issues. Actually, the style of decision-making, established during the Revolution in the war cabinet, was preserved in the mentioned period.

The sharp criticism of unitarism, as a practice and as a ideological orientation, was revived, for the first time in post-war history, at the Eighth Congress of the LCY, in the course of the debate about inter-nationality relations. At the Congress, the Communist Party, for the first time after it came to power in 1945, discussed inter-nationality relations as an open problem of Yugoslav society. The Congress, however, neither approached that problem as a constitutional-legal nor as a political problem, but, in the spirit of the self-management theory, declared that the centralistic economic structure was incompatible with the principle of legal equality of nations and that every nation must be sovereign in controlling its national income.

In his report to Congress, Edvard Kardelj stated:

... in the relations between the nations, with certain modifications, the same principle must be applied valid for the socialist economic relations between the people, i.e. that every nation has the right and real possibility to live and develop in accordance with the results of its work ..., and that no force outside of the nation itself, and outside of the Constitutionally established mutual relations between the working people and between nations,

respectively, can dispose of the products of its work...¹

The unitaristic concepts were particularly strongly attacked by Veljko Vlahović, another rapporteur at the Congress:

... Suggestions were made that "nations ought to wither rapidly away", that the national question is "bourgeois prejudice" - which essentially reflects unitaristic and bureaucratic-statist views, respectively, which lead to the appearance of chauvinism and narrow-minded nationalism. The logical consequence of these theories was the conclusion, which could be heard here and there, that "it is unfortunate that Yugoslavia is a multi-national community"...

... The view that the national differences would disappear soon after the victory of the revolution is not only scientifically unfounded, but also disguises, in most cases, the bureaucratic, unitaristic or hegemonistic tendencies...²

The cited views of Kardelj and Vlahović, respectively, were quite correct if we take into account their theoretical consistency and the principles which should serve as a basis for the full legal equality of the nations. However, a concrete programme of the measures for the implementation of these principles was lacking. And that explains why this platform just remained a political attitude, waiting to be transformed into real changes of the system. It is essential to note here that the legitimacy of the changes was based rather on the concept of worker's self-managing sovereignty, by means of which all freedoms, including the national one, are realized, than on the concept of national

¹VIII Kongres SKJ /Beograd: Kultura, 1965/, p. 412.

²Ibid., p. 503.

sovereignty itself. Still, it was the Eighth Congress which, by criticizing unitarism, made the first step in the building up an ideological-political platform for further changes in Yugoslav federalism, both as a theory and as a practice.

What were the factors in the existing social system which necessitated a radical reorganization of the Federation and demanded a greater sovereignty for the Republics and Provinces, respectively. We have already earlier pointed out the inadequacies in the centralized economic and political system of Yugoslavia. Thus, we shall, once again more systematically, emphasize only those factors which we consider to be of a particular importance.

Undoubtedly, the key to the proper understanding of the negative effects of centralism on the inter-nationality relations lies in the economic sphere, i.e. the acquisition and re-distribution of the major part of the national income by the federal administration, which also constituted a permanent source of the inter-Republican, and consequently inter-nationality conflicts. The federal administration accumulated, mainly through taxation, enormous financial wealth and re-distributed it again, according to its own criteria, to different regions and Republics. Besides, the federal administration regulated the use of funds, which were allocated to the enterprises, Communes and Republics, respectively. In short, the federal State structure regulat-

ed all aspects of the country's economic activity and became an important economic factor. In such conditions, every Republic strove to obtain more financial resources and to get a more favourable treatment in respect to its major economic branches. The inter-Republican conflicts became more and more intense. The system of self-management was an additional factor that reinforced the intensity of the inter-Republican confrontations. Indeed, the material position of a worker depended on the volume of income of his enterprise, and this was dependent upon conditions determined by the State /it determined the prices of virtually all products, provided the credits, provided the licences for import and export, etc./. Any change in these conditions directly affected the material position of the worker and his family. Thus, it was not too hard to get millions of people involved in the inter-Republican, i.e. inter-nationality controversies.

Another factor that caused the discontent of the Republics was the exhaustive legislative competence of the Federation. Initially created in the Revolution and the first post-war years, the powerful federal authority tended to perpetuate its existence, and therefore regulated all social relationships, in spite of the fact that it was in the nature of the "national being" of every nation to regulate these relationships itself and thus to express its national sover-

eignty. But, as we have already seen, the centralized structure of the Federation blocked possibilities for such expression. It regulated almost all spheres of social life, from economy to culture, and such a practice generated opposition, even in the case when the federal laws, orders and other legislative acts were in the interest of the nation they referred to. Actually, this was the practice that alienated the federal apparatus from its very basis, i.e. from the nations that created that apparatus and entrusted it to perform its functions.

The incompatibility between the self-managing ideological-political doctrine of the LCY and the centralistic character of the Federation was an additional, specifically "Yugoslav", source of inter-nationality confrontations. However, it was at the same time one of the factors which created the pre-conditions for the reorganization of the Federation. What were the basic characteristics of this incompatibility?

In the course of its struggle against Stalinism, the Yugoslav Communist Party developed the doctrine of "the withering away of the State", on which anti-centralist forces based the legitimacy of their demands for dismantling the centralized federal state apparatus. According to that doctrine, the essential pre-condition for developing Socialism is the gradual withering away of the State, and above all, the disappearance of the state's economic func-

tion. In Yugoslavia, this economic function was almost entirely in the hands of the Federal organs of authority. In accordance with the doctrine, the progressive majority of the LCY insisted, from the early fifties, that every working organization, every Commune and every Republic ought to manage with the results of its work - which is, according to the official ideology of the LCY, the conditio sine qua non of the self-managing socialist development of Yugoslavia. The concept of self-management is at the same time actually the concept of anti-bureaucratic revolution, which was primarily directed at the unitaristic centralistic organization in Yugoslavia, which began to undergo a transformation already during the fifties. Every step towards the realization of self-management was, at the same time, a step towards reducing federal bureaucratic organization, and a step towards strengthening the autonomy of the enterprises, Communes and, ultimately, of the Republics. Decentralization brought new rights and new responsibilities to all these subjects and this led to the consolidating of the political power of the Republican political centers, which were no longer satisfied with the role of "transmission belts" of the federal political center. The interaction of all these factors also led to conflicts, both between the individual Republics and between the Republics and the Federal administration. These conflicts affected the efficacy of the

Federal organs, and a crisis developed in the management of those spheres which were in the competence of the Federation.

As a reaction to the omnipotence of the Federation, and as a form of political pressure for its reorganization, at the beginning of the fifties, a revival of nationalism was noted in almost all Yugoslav nations. The prolonged bureaucratic centralism fostered, on the one hand, unitaristic and greater-statist tendencies, whose adherents began to believe that the Yugoslav "socialist unitarism" was an everlasting state of affairs, and, on the other, it provoked nationalist, and even separatist tendencies. Possibly the best explanation of both tendencies was the one given by Dr. Stipe Šuvar, who has done much research in the field of inter-nationality relations in contemporary Yugoslavia. Thus, we think that it would be useful to quote him here in extenso. In his book "The Nation and the Inter-Nation Relations" Šuvar described the main characteristics of "unitarism" as follows:

... Unitarism was the ideology of national oppression in the old bourgeois Yugoslavia, the ideology which was persistently forced upon by the Greater Serbian bourgeoisie, and it had its adherents in the ranks of the bourgeoisie and governing strata of not only the Serbian but also of the other our nations ...

... The unitaristic policy in new Yugoslavia could not, and was not allowed to, become openly restored... However, this does not mean that in our post-war period the unitaristic tendencies, which endan-

gered the national equality of our nations and nationalities, did not emerge and strengthen in certain circumstances...

... Unitaristic views and actions are rather widely manifested. We shall point to those which are characteristic. This is, above all, the tendency to impose some Yugoslav nation, which should absorb the existing "national fragmentation"... The creation of the "Yugoslav nation" presupposes the compulsion over the basic human rights, including the right of national determination... There is no, and there cannot be a single Yugoslav nation, and every policy directed to its "creation" can have only one ultimate result: the dissolution of Yugoslavia... The specific socio-psychological basis for the unitaristic views and behaviors is the impression of some people that the national heterogeneity is a real misfortune for Yugoslavia, that it weakens the country and thwarts its development... It seems that such opinions and impressions have a twofold origin. On the one hand, the survival of the tradition of the orientation from a distant, though somewhat near, past, which was referred to by Kardelj "the Illyrian Yugoslavdom". In its starting point, this tradition contained progressive aspirations towards the union of the Yugoslav nations... The act of union was also considered as the possibility of a merger of ethnically related communities into one single Yugoslav nation. Modern history has shown sufficiently how illusory and naive the Illyrian orientation was but this does not mean that such tradition does not show its traces even nowadays...

... The second, undoubtedly more important source /of unitaristic views - V.B./ is the incorrect views about the nature of socialist society, and the misunderstanding of the general laws of its development. In our Communist and progressive movement essentially Stalinist views took root concerning the nature of Socialism as a homogeneous and non-conflict society, in which there is an uniformity of ideas, harmony of interests and universal equality of people. The nations and national allegiance were and remained superfluous in such an understanding of Socialism... In the post-war years, we copied some Soviet solutions in different spheres, for a relatively long period of time, including the sphere of inter-nation-

ality relations.³

Dr. Šuvar also explained the two "classical" forms of nationalism in Yugoslavia: Greater Croatian nationalism and separatism, and Greater Serbian nationalism and hegemony. According to Šuvar, the basic manifestations of the Croatian nationalism are:

... the Croatian thousand-year culture as a part of the West, which is the inspiration for a certain supremacy over other /Yugoslav/ nations; the aspirations towards establishing an "independent" Croatian state on the whole "historical and ethnic region", in the name of which... /Croatian nationalists/ claim unduly not only the whole of Bosnia and Herzegovina, but also Boka Kotorska, Sandžak and a part of Vojvodina; the traditional distrust in any State connection and social community of Yugoslav nations is complemented by the opinion of modern Croatian nationalists that new Yugoslavia is only insignificantly improved old Yugoslavia and that Croatian people are not at home even in it; the origins of all recent historical misfortunes it /Croatian nationalism/ finds in other Yugoslav nations, mainly in the Serbian nation;...

The counterpart of Croatian nationalism, the Greater Serbian hegemony has, according to Šuvar, the following characteristics:

... The Greater Serbianism is expressed in the attempts to negate the national individuality of the Montenegrin and Macedonian nations, respectively, as well as the ethnic individuality of the Moslems; in claiming unduly of the cultural heritage of not only these nations, but also of the Croatian nation ...; it appears as an exclusive, almost racist intolerance towards the Albanian nations and its settlements in Kosovo, as assimilating tendencies to-

³ Stipe Šuvar, Nacije i medjunacionalni odnosi /Zagreb: Naše teme, 1970/, pp. 98-102.

⁴ Ibid., pp. 111-112.

wards ethnic minorities, as an aspiration to emphasize the supremacy of the Serbian national history and culture; it is reflected as an undue claim over Bosnia and Herzegovina and a large part of Croatia. As explicit anti-Serbian feelings are characteristic of Croatian nationalism, so explicit anti-Croatian feelings are characteristic of Serbian nationalism; it /Serbian nationalism/ constantly develops the cliché about the exclusive heroic traits of the Serbian people, contrary to the defeatist nature of the Croats; and also the cliché that the Serbian nation is the exclusive guardian of Yugoslavia, in which the Croatian nation plays a subversive rôle...⁵

Finally, Stipe Šuvar evaluates the chances of a nationalist "takeover" in contemporary Yugoslavia.

... The nationalisms - the Croatian, Serbian, Macedonian, Slovenian and all others - do not have in our country any real chances to play their sinister role, except in the case two pre-conditions were fulfilled: if the Great Powers attack and enslave Yugoslavia, and then introduce their "solutions", or if the Yugoslav socialist development falls into a permanent deep crisis because of its internal contradictions and weaknesses.⁶

Of course, all these forms of nationalism, which were so clearly explained by Šuvar, could not manifest themselves openly and legally in the political life of Yugoslavia because their manifestations have been heavily punishable by the Criminal Code ever since 1945. Still, the nationalist tendencies were gradually increasing, most often in a disguised form, and thus they motivated the leading forces in the LCY to fight them with political and legal means, on the one hand, and to change those relationships in the federation

⁵Ibid., p. 112.

⁶Ibid., p. 113.

which fostered the revival of nationalism, on the other. This practically meant that the LCY had to act energetically against the centralistic-administrative tendencies which were still very powerful, particularly in the organs of the Federation. However, the Yugoslav Communist Party was itself divided on this issue. From the beginning of the sixties two political factions became evident in the League of the Communists. The "progressive majority" had a democratic self-managing orientation, while the "conservative minority" had dogmatic views and made efforts, if not to restore the old statist system, then to block the process of transformation from the administrative to the self-managing social structure. For a period of a few years, the conflict between the two groups within the Party developed mainly behind the scenes, though an open confrontation was inevitable, and it took place in the summer of 1966, when the leading exponents of the state-centralistic group were removed from all their offices and expelled from the Party. The leader of the group was Aleksandar Ranković, Vice-President of the Republic, who has been one of the Party's secretaries since 1937, and the top man in the state security agency /UDBa/ since its formation in 1944, in one word, the second most important personality in the Yugoslav Party and the State for almost thirty years.

The state security apparatus played an important

role in the political life of Yugoslavia in the whole post-war period. However, it gradually became the private domain of some individuals. The structure of UDBa, its methods, its objectives and assignments, were not subjects of discussion in any Party or State organ during the whole post-war period.⁷ The state security agency dealt systematically with political problems and often tended to pass judgments upon the activity of the political leaderships at all levels. As the leading political functionary of the UDBa, Aleksandar Ranković, who was at the same time the secretary of the Central Committee of the LCY whose competence covered the cadre policy, used to appoint his men from the security to various important positions in the State and Party apparatus. However, his influence was sometimes felt even at the level of the Commune.

Instead of concentrating on the external threats to Yugoslavia, the UDBa became primarily engaged in controlling political processes in the country and in gathering confidential information about the people who took part in the political life of Yugoslavia. The state security interfered with the achievement of Party and governmental decisions, thus impeding the democratization of political life and the development of the self-management.

⁷Četvrti plenum Centralnog komiteta Saveza komunista Jugoslavije /Beograd: Komunist, 1966/, p. 15.

However, such activity on the part of state security organs had particularly harmful effects on the state of inter-nationality relations in Yugoslavia. As the political orientation of the "Ranković group" was typically centralistic and unitaristic, it used the UDBa in order to suppress those political forces which demanded more autonomy for the federal units - both Republics and Provinces. The people who were "too" outspoken in defending the interests of their Republics and nations were often branded and dealt with by the UDBa as "nationalists and counter-revolutionary elements". As it was revealed later, the malpractices of the UDBa were particularly frequent in the Province of Kosovo, the home of the Albanian minority in Yugoslavia.

Because of the enormous political authority and power of Ranković and his followers, for years it was almost impossible to initiate an open political action for the reorganization of the state security agency. Finally, the initiative was taken by Tito personally. On 16th June 1966 he summoned the members of the Party's Executive Committee and a commission was formed, with the task of investigating the situation in the state security. Two weeks later, on the 1st of July, the Central Committee of the LCY met on the island of Brioni and unanimously accepted the commission report. The Central Committee also condemned "the deformations in the work of the organs of security" and concluded that no

institution must remain out of the public control of the self-managing society. The Party's leading organ called upon all Communists to uphold and improve self-management and democracy.⁸ Finally, the Central Committee dismissed Svetislav Stefanović from his post of the Minister for Internal Affairs and expelled him from the Party, and accepted the resignation of Ranković, who was also eventually expelled from the Party.

The political significance of the Brioni decisions was great. Although the Ranković group consisted of about twenty persons, it represented the hard core of the centralistic and unitaristic wing in the Party. Consequently, by removing this group, a serious obstacle that blocked the road to further democratization and decentralization ceased to exist. The traces of centralism and dogmatic Communism are sometimes still present in the political life of Yugoslavia, but with the fall of Ranković, the adherents of such an orientation have lost their last real chance to achieve their political aims.

2. The Political Struggle against the Bureaucratic-Centralistic System

The last and decisive stage in the struggle against centralism began with the fall of unitaristic-bureaucratic

⁸Ibid., p. 89.

and dogmatic conservative group of Ranković. Already at the Brioni Plenum it was decided that, along with the reform of the state security, a reform of the League of Communists should be carried out as soon as possible. However, it was not a new concept of the LCY that was necessary. This question was solved as early as 1952, at the Sixth Congress of the Party, when it was decided that the Party should be a factor of ideological-political streamlining, and not a factor of State authority. This concept was confirmed both at the Seventh Congress, when it was adopted in the Party's new Programme and Statute, and at the Eighth Congress. Thus, it was the practice that had to be changed, or, to be more exact, it was a new type of relationships in the Party organization that was necessary.

The public discussion on the reorganization of the Party lasted almost three years - until the Ninth Congress, when the new documents about the role of the LCY in the self-managing society were adopted. In the course of that discussion it became clear that a contradictory situation was created regarding the socio-political function of the LCY. Indeed, the LCY was the initiator of the democratization of society, it helped further democratic practice in other socio-political organizations, in representative and self-managing bodies, but in the LCY itself the democratic relations were least developed. The relations within the LCY were, even after

nearly twenty years of post-war development, characterized by practice from the administrative period. In the practice of the Party, centralism had overpowered democracy, the directives suppressed creativeness, and subordination and hierarchy blocked initiative. The tradition from the Revolution and from the first post-war period hindered the rise of a new type of relationships within the League of Communists. The result of this situation within the Party was that it became impossible for it to accomplish its own programme of self-managing democratization.

During the three-year discussion about the reform of the LCY, the opinion prevailed that the democratization of relations within the LCY ought to be the basic component of its transformation in accordance with the requirements of the self-managing society. The first wave of intra-Party democratization affected the practice of the elections for the functions within the LCY. Before the Brioni Plenum, almost all Party functionaries were appointed from "above", by the Central Committees. After Brioni a new practice was introduced. The basic organizations of the LCY elected directly delegates for the Regional Conferences of the LCY and proposed candidates for members of the executive organs of the Regional Conferences. Similarly, the Regional Conferences elected their delegates for the Republican Congress and the Congress of the LCY, respectively, and also

proposed candidates for members of both the Republican Central Committees and the Central Committee of the LCY.

The new spirit and practice in the LCY was already felt during the preparations for the Republican Congresses of the League of Communists, and in the work of these Congresses, which were held at the end of 1968. For the first time in the history of the Yugoslav Party, the Republican Congresses were held before the Federal Congress. This practically meant that the Republican "Communist Parties" were given an opportunity to influence and to determine the character of the decisions of the Federal Congress. The Republican Congresses could, for the first time, really autonomously work out lists with the names of their candidates for the Federal forums of the LCY. These lists were then only confirmed by the Federal Congress. The radical changes in the composition of the Republican Congresses also took place at the end of 1968. About 90% of the delegates were for the first time participants in the activity of the Congresses. Almost 70% of the new Central Committees of the Republics were composed of new members. During the year 1968, about 100,000 young people were admitted to the League of Communists. All these facts confirmed that the process of transformation of the LCY had gained momentum.

The democratization of the League of Communists paved the way for further liberalization in the political

field. This resulted in the creation of a multi-polar structure of the socio-economic power. All major subjects in the political and economic life of the country - enterprises, communes, trade unions, Republics - became more autonomous. Different ideo-political orientations emerged and confronted themselves on a more open political scene. The exponents of these different orientations represented different strata of Yugoslav society: workers, students, intellectuals, Party and State functionaries, etc. The crude analysis of the Yugoslav daily press and publications from the period 1967-1969 would show that such a high degree of free criticism of the Yugoslav social system was unprecedented and unimaginable before the fall of the Ranković group. The student activity did not remain restricted only to verbal criticism, but took the form of a political action. The mass student demonstrations, which demanded more social justice and equality, took place in the summer of 1968. However, the demonstrations were, to a great extent, inspired by the appearance of the New Left movement in the West European countries.

The tense political situation created big dilemmas for the leadership of the LCY. It had the option of two alternatives: either to restore the autocratic power of the State, or a still higher degree of democratization and decentralization. It should be mentioned that "the firm hand

rule" was not demanded only by dogmatic and conservative forces, but also by many well-intentioned citizens who asked for more "order" in society. The Party leadership resisted the demands for the "firm hand" and decided to continue to resolve crisis in society by the method of reforms. In accordance with such an orientation, the political struggle against the remaining centralistic forces in the Federal administration continued and was even intensified.

Actually, a new style of political decision-making at the federal level was introduced already in 1966, after the fall of the Ranković group. This was particularly evident in the activity of the Federal organs of the League of Communists. In October 1966, at the Fifth Plenum of the Central Committee of the LCY, the new Executive Committee was formed, with much less power and authority than the earlier ones, because its members were young, less known personalities than the leaders of the Revolution, who had stepped down from the political scene. This act contributed to diminishing the power of the political structure of the federation. The new Executive Committee reflected, in a greater measure, the federal structure of the Yugoslav society. The secretaries of the executive committees of the republican Leagues became ex officio members of the federal Executive Committee. Both the Executive Committee and a new organ, the Presidium were

set up according to the principle of parity. This meant that every republican League, irrespective of the size of its membership, was represented by the same number of delegates in these two central organs of the League of the Communists of Yugoslavia. Another sign of the "federalization" of the League was the already mentioned change in the order of convening the republican Congresses and the federal Congress.

After the Brioni decisions, the hierarchical relationship between the leadership of the LCY and the republican leaderships largely disappeared. We shall recall that, until 1966, the nominations and the dismissals of the high-rank, middle-rank and local functionaries were executed exclusively by the Central Committee of the LCY. Such practice created the bureaucratic obedience of those functionaries to the body which appoints and dismisses them, and this often means the obedience of the cadres from Republics to the Federal organs. However, after 1966, the right of the appointments and dismissals was transferred to the exclusive competence of the Republics, which strengthened their political power and made organs of the Federation more dependent on them.

Another consequence of the new redistribution of political power, from the Federal to Republican organs, was that the important decisions were not any more made only by the Federal top, but also through direct contacts of

the representatives of the Republics - in the forms of bilateral and multilateral visits of the Republican state and Party delegations, who talked and reached decisions without any intermediary role of the Federal organs. An important contribution to the new style of decision-making was given by President Tito himself, because he would more and more often make his political decisions after receiving and talking to the delegations of different Republics, and not after consulting the narrow circle of his associates from the Federal top, which was customary in the earlier days.

The new type of political relations within the Federation had to be, sooner or later, formally legalized in the Constitutional text. It was evident that some provisions of the 1963 Constitution were contradictory to the ideo-political platform of the relations within the Federation. Thus, on the 19th of April 1967 - only four years after the enactment of the 1963 Constitution, the Federal Assembly proclaimed six Constitutional Amendments, which were attached to the main text of the Constitution. Incidentally, these were the first amendments in the constitutional history of Yugoslavia. As was mentioned earlier, the 1946 Constitution was not changed by amendments, but by so-called Constitutional Law.

Undoubtedly, the most important changes were introduced by Amendment I, which dealt with the Chamber of Nationalities. The competence of this Chamber, which still remained

formally incorporated in the Federal Chamber, was significantly enlarged. The section 2 of the Amendment determined that the Chamber of Nationalities should meet obligatorily:

... in order to discuss the situation of the equality of the Republics, peoples and national minorities and the protection of the constitutionally guaranteed rights of the Republics, draft on the social plan of Yugoslavia, draft laws on the opening of resources and revenue categories for the socio-political communities, as well as drafts for a basic or general law.

The intention of the legislator when he chose these matters for the obligatory meetings of the Chamber of Nationalities was clear. The social plan determines the economic policy and conditions for the activity of all subjects in the economic sphere, the law on the resources of financing determines the proportions and the character of all taxes, revenues and expenditures of the Communes, Republics and the Federation, and the basic and general laws establish the principles for the Republican laws. The vital importance of these matters for the position of the Republics made them, quite often, the major source of inter-Republican disagreements, and even conflicts. By putting these matters under the control of the Chamber of Nationalities, the legislator created the conditions for more trust and more cooperation between the Federal units.

The position of the Chamber of Nationalities as the guarantor of the equality of nations and nationalities was

reaffirmed by the provision of the Amendment I which stated that the Chamber would consider "... every question of interest to the equality of the Republics, peoples and national minorities, and questions relating to the constitutionally determined rights of the Republics, when five of its members, or the President of the Assembly so require."

Amendment III considerably reduced the economic functions of the Federation. Practically, it deprived the Federation of the right to invest whenever it so deemed necessary. The Federation could still finance investments from its federal funds, but only in certain cases which were determined by federal law.

Once started, the process of the Constitutional reform in Yugoslavia continued without serious interruptions. Twelve more amendments were solemnly proclaimed by the Federal Assembly on 26th of December 1968. Amendment VII gave, for the first time, to the Autonomous Provinces the status of a constitutive element of the Federation, although they were not given the character of Federal units, as the Republics were. Amendment VIII changed the structure of the Federal Assembly, giving to the Chamber of Nationalities full rights and responsibilities of a separate chamber and abolishing, at the same time, the Federal Chamber. This was the end of an interesting twenty-year evolution in the position of the Chamber of Nationalities. It should be re-

membered that the first post-war Federal Assembly was composed, according to the 1946 Constitution, of the Federal Chamber and of the Chamber of Nationalities. The 1953 Constitutional Law abolished the Chamber of Nationalities as a separate chamber and incorporated it into the Federal Chamber, adding the Chamber of Producers. This composition of the Federal Assembly and the position of the Chamber of Nationalities were, more or less, reaffirmed by the 1963 Constitution. And finally, in 1968, Amendment VIII re-established the Chamber of Nationalities and abolished the Federal Chamber. The composition of the Federal Assembly was laid down by section 1 of the Amendment as follows:

The Federal Assembly is composed of: the Chamber of Nationalities, as a chamber of delegates of the Republics and the Autonomous Provinces; the Economic Chamber, the Chamber of Education and Culture and the Chamber of Social Welfare and Health, as the chambers of delegates of the working people in the working communities of the respective fields of labour; and the Socio-Political Chamber as a chamber of delegates of citizens in communes.

However, it seems that this organization of the Federal Assembly will undergo further radical changes in the near future. According to discussions which are, at present, held in the constitutional commission, it is expected that the future Federal Assembly will be unicameral, with the Chamber of Nationalities as the only chamber. That confirms the trend to the "federalization" /and according to some, even to the "confederalization"/ of the Federal

Assembly, and of the Yugoslav society as a whole, which started in 1966 with the fall of Ranković group.

But, let us go back to the 1968 constitutional amendments. The first section of Amendment XIX stated solemnly: "In the Socialist Federal Republic of Yugoslavia the nations and nationalities are equal in rights." This equality was confirmed, inter alia, by the provision of the Amendment which gave full right to the members of the nationalities to use their language "in exercising their rights and responsibilities, as well as in the proceedings before governmental or other public authorities."

Of course, all these changes in the constitutional system of Yugoslavia, both of 1967 and of 1968, did not go so smoothly and without any resistance, as it might be concluded from this text. On the contrary, the movement towards liberalization and democratization, which particularly strengthened from 1966 onwards, provoked the emergence of a counter-movement. The resistance of the conservative forces was not directed only to the reform of the Federation but to the general course of democratization. Some social strata dramatically and almost tragically experienced such radical changes in society such as: the diminishing of the power and might of the Party organizations, the revival of market economy and competition, the opening of the country to various, especially Western influences, the rise of the

middle-class mentality, the ideology and the value system of so-called consumer society. These changes were particularly deeply and dramatically felt by the War generations, whose majority was still in the zenith of its generational power. These generations were also quite numerous - it should not be forgotten that the Partisan Army at the end of the Second World War totalled more than 800,000 soldiers. Many of them experienced the changes as the end of the illusions on achieving a monolithic, conflictless society. Their anguish was a genuine and human one.

Of course, beside this kind of resistance to the new social processes, which was mainly passive resistance, another form of resistance developed in those social circles whose material interests were directly affected by the reforms, and this was primarily the Federal administration. Behind the curtains, the battles of opinions grew into conflicts of interests, and efforts were made by the Federal "administrative-financial complex" to block the trend towards the radical dismantling of the Federal power. This tense and contradictory political situation affected the efficacy of the Federal administration, whose quality of decision-making and managing sharply deteriorated. The prominent persons were unwilling to take posts in the Federal organs, giving preference to the new, emerging centers of political power - to the Republics and Provinces. Even the Federal Government

itself became hard to form, because the Republics often delegated to it secondrate persons.

Such an attitude of the Republics clearly indicated that the centralistic forces were losing their last battle. In spite of the above mentioned opposition, the decentralization movement could not be stopped, because the vast majority of social groups in all Yugoslav nations approved it or, in any case, did not actively oppose it.

3. The Ideo-Political Platform of the 1971 Constitutional Reform of the Federation

The direct cause, which hindered the further reform of the Federation, lay in the frequent inter-Republican conflicts and frequent conflicts between the political organs of individual Republics and the organs of the Federation. As stated earlier, after the changes carried out in the period 1966-1969, a qualitatively new political situation was created. The legitimacy of the struggle of the Republics and Provinces for their everyday and long-term interests was definitively recognized in the political practice of the country. The authoritative position of the Federal state and political structure was profoundly shaken. The members of the Federal administration became more or less obedient clerks of the Republics they represented. As the Republics gained in importance, the process of national homo-

genization in them was encouraged, either in order to improve the position of the respective republic or preserve the advantageous position achieved in the administrative period.

The struggle between the opposing interests of the Republics themselves and the struggle between the individual Republics and the Federal structure gradually reached the pages of Yugoslav newspapers and other mass media and became known to the public, both in Yugoslavia and abroad. A first major crisis, which became a all-Yugoslav problem widely known to the public, was the so-called "highway affair", which took place in the summer of 1969 in Slovenia.

Indeed, on the occasion of the distribution of funds from the international loan for building the highway network in Yugoslavia, the Slovenian government accused the Federal organs of a "discriminatory" treatment of that republic. The Slovenian political leaders had popular support for their stand in the Republic. This created a tense political situation and it was feared that the Slovenian act would lead to the practice of political pressures for achieving the individual interests of the separate Republics, which could ultimately endanger the survival of the Federation. However, the "highway affair" ended without "political victims", in a compromise. Still, an experience and warning remained that something had to be changed in the political

relationships in Federation.

Another crisis in inter-republican relations developed after the Tenth Plenum of the Central Committee of the League of Communists of Croatia, which was held in January 1970. In the course of a three day discussion, the Central Committee of the Croatian Party examined all aspects of the political situation of the time in Yugoslavia and concluded that unitarism, as an ideology and as a practice, still represented the dominant political tendency in the country and the major obstacle for the normal socio-political development of Yugoslavia. The Croatian Party made this assertion independently, without prior consultations with the other Republican Leagues or with the Federal leadership of the LCY. This was the first time in the history of the Yugoslav Communist Party, that the course of Yugoslavia's long-term development and its current political problems were analyzed so thoroughly at the Republican level. Naturally, the other Republican Parties reacted to the Croatian act with a certain distrust and doubts. However, the Tenth Plenum of the Croatian Party played an important role, because all Federal units eventually accepted, by the end of 1970, the thesis about the necessity of abandoning unitarism definitively, which practically meant that a consensus on the radical reform of Federation was reached.

After the Tenth Plenum a political campaign for re-

affirming Croatian national individuality developed in the Socialist Republic of Croatia. The campaign was supported by all major social forces in the Republic. The producers expected that the reform of the Federation and the increased autonomy of their Republic would enlarge their share in the distribution of the national income, the non-economic activities /culture, education, science/ also anticipated more resources, while the intellectuals predicted better conditions for their creativeness. By the middle of 1971 this political campaign acquired new dimensions and political forces, whose orientation was openly or covertly anti-Communist, appeared on the scene, demanding more radical reforms including the separation of Croatia.⁹

In one word, a situation was created where the inter-nationality and inter-republican relations became the most important and almost only problem of Yugoslavia.¹⁰ The

⁹Petar Šegedin, one of the most outspoken Croatian nationalists, wrote at the beginning of 1971: "What we /the Croats - V.B./ have experienced in this half a century of living in our community has been so often a perfidious fraud, which is felt and seen by all people who do not want to be cheated." /Petar Šegedin, "Sudbina", Forum, No. 1-2 /1971/, p. 39./

¹⁰Miko Tripalo, the former representative of the League of Communists of Croatia in the Executive Bureau of the Presidency of LCY, stated in his discussion at a colloquium, that was held at the Zagreb Law Faculty in December 1970: "The national question is no tactical issue whose announced solution should serve to win broad strata, especially of the rural population, over to the communist movement. Nor is it a second-rate issue subordinate to the class issue. The national question is a component and inseparable part of the class struggle, a component of the working class' strategy in its struggle for socialism." /Miko Tripalo, "Medjunacionalni odnosi u Jugoslaviji i promjene u političkom sistemu", in Ustavna reforma, op.cit., p. 11./

radical reform of the Federation became a issue of the highest priority, which, if prolonged, might be disastrous for the unity of Yugoslavia. As in most cases when the development of Yugoslavia had reached a crucial juncture, the initiative was once again taken by its leader Tito. During his talks with the political activists of Zagreb, on the 21st of September 1970, the Yugoslav President proposed the establishment of a collective Presidency of the State and urged that the activity on changing the political system should be intensified. His initiative was accepted and already on the 28th of October, the Commission on constitutional matters met and decided to proceed immediately with the preparations for changing the Constitution.

As it is customary on the occasions when important political decisions are being made, it was the LCY which determined the political platform, scope and directions of the constitutional reform. Accordingly, the Conference of the LCY was convened for the 29th of October 1970 in Belgrade. After discussions which lasted three days, the Conference gave its full support to the proposed reorganization of the Federation. This support was formulated in the final document of the Conference in the following words:

The League of Communists ... particularly emphasizes the necessity of developing more consistently our socialist self-managing federalism on the basis of a more complete equality among nations and nationalities, an equal responsibility of Republics and responsibility of Provinces for the policy of the community, a greater solidarity and mu-

tual ideological and political support of the Communists and other progressive forces of all our nations and nationalities. The Federation should be further developed so that the direct responsibility and influence of associated labour, self-managing - political and representative bodies of the Republics and Provinces are secured in a more complete way. It is necessary to make further steps towards the building the Federation as a function of statehood and sovereignty of every Republic and the autonomy of the Provinces, as a stronghold of equality among the nations and nationalities of Yugoslavia. This will help overcome the disagreements between the Republics and Provinces, strengthen mutual trust and contribute to eliminating existing delays and inefficiency in making necessary decisions.¹¹

The Conference also determined which matters constituted those essential interests of the nations and nationalities of Yugoslavia, which ought to be regulated in a uniform way at the all-Yugoslav level, i.e. which matters ought to be kept in the competence of the Federation. The first group of these common interests was defined as "the defense of independence and the struggle for peace in the world on the basis of the policy of nonalignment", which, in simpler terms, meant defense and foreign policy. The second group are the interests which constitute "the unity of the socialist self-managing system as an expression of the continuity of the Revolution" which, needless to say, meant the unity of the political system. Finally, the third group were the economic matters: "the unified market ... and the unified economic system to the extent which is determined by the

¹¹ Konferencija Saveza komunista Jugoslavije /Beograd: Komunist, 1971/, pp. 23-24.

requirements of the unified market and by the uniform system of the socialist and self-managing relations, as well as by the requirements which are related to the function of Federation in the sphere of international relations". The last part of this long formulation refers to foreign trade.

The Conference, in its final document, also expressly stated that "the Federal organs cannot ... form any investment funds or other funds, nor undertake other financial obligations except those related to the accomplishment of the constitutionally determined functions of the Federation, which are primarily to provide resources for the Fund for the development of inadequately developed Republics, and to provide special treatment of the Socialist Autonomous Province of Kosovo".¹²

By the end of February 1971, the Constitutional Commission had completed the draft Constitutional amendments, and was able to submit the report on its work to the meeting of the Presidency of the League of Communists of Yugoslavia, held in Belgrade on the 2nd of March 1971. The rapporteur was Edvard Kardelj, President of the Commission, and his lengthy report probably presents, beside the above mentioned final document of the Conference of the LCY, the most authentic source for interpreting the ideological and poli-

¹²Ibid., p. 33.

tical basis of the constitutional reform of the Federation. Because of the importance of the text, we will quote it in extenso.

At the very beginning of his report, in the section concerning the "principle of continuity of the constitutional development" of Yugoslavia, Edvard Kardelj said:

... There is no democracy and socialist progress based on self-management for any one nation, if all the nations in our community do not feel equally free and secure. If our society wishes to prevent disturbances in inter-nationality relations, then all that our nations and nationalities have achieved so far with regard to the consolidation of their freedom, security and equal rights has to be incorporated into the constitutional system and become part of the relations prevailing in the Federation. For, it is precisely the stability of democratic relations and conditions for the fully free and independent assertion of every people and nationality that create the necessary prerequisites for their free cooperation, for a conscious identification of common interests, for mutual association and rapprochement, that is to say, for the strengthening of relations that we described by Tito's slogan; brotherhood and unity.¹³

According to Edvard Kardelj, the basic reason that necessitated the reform of the Federation was the conflict between the self-managing system, on the one hand, and the state monopoly, on the other. The question was which of the two would prevail: state monopoly or self-management - the parallelism of the two systems created permanent economic and political problems. Kardelj explained this thesis in

¹³Edvard Kardelj, "Report on the Amendments to the Constitution", Socialist Thought and Practice, No. 42 /January-March 1971/, p. 7.

the following words:

The whole sphere of the movement of surplus labour, materialized in the form of financial resources in the process of social reproduction - which Marx termed as the circulation of capital in the capitalist system - was, in fact, integrated in the centres of concentration of state-owned accumulation, while the banks, insurance companies, big foreign trade organizations etc., were only a part of that system. The contradiction between self-management in the enterprise, on the one hand, and state-ownership relations and tendencies towards creating a bureaucratic-technocratic monopoly in the sphere of social reproduction, on the other, gave rise to well-known economic and political problems. In fact, the contradiction inherent in such social relations and development were manifested, to the greatest measure, in the form of a direct clash between the state and the working class.

Relations between the nations, too, became complicated under the impact of this system. If capital has a state-ownership character, it has also at the same time a national character. That is why the question of how to divide this state capital among the republics was inevitably raised.

With time, the duality of the system became quite untenable in practice, although there were powerful forces who defended it in the name of greater-state centralism.¹⁴

Such economic relationships, which gave the Federation the greater power, aggravated the inter-republican conflicts and threw a wrench into the normal activity of the Federal Government and other organs of the Federation, so that:

The postponement of decisions and solutions is often the way out of this dilemma. Sometimes this may be all right, but sometimes precisely postponement is the worst solution. Thus, the contradiction between self-management and state centralism has,

¹⁴Ibid., p. 10.

in everyday political practice, been manifested as a conflict between the republics and the Federation, as a kind of crisis of the political and economic mechanism of the Federation. Since, as a society, we have been admitting rather slowly the necessity to reform - concurrently with and within the framework of the our economic system and our society - the socio-political system as a whole, and the Federation in the first place, so-called inter-nationality problems and dissesions have emerged in our social life as the main political problem of the moment. However, although objectively these dissensions are not the central problem but are largely the consequence of other deeper causes, their very emergence has provided a sufficiently clear indication that we must reform the Federation and that any postponement would merely result in a further accumulation and aggravation of problems in inter-nationality relations.¹⁵

According to Kardelj, another cause which made the reform of the Federation necessary was the fact that the structure of the Yugoslav nations had undergone a profound change. Kardelj explained his statement:

From the revolution they emerged as economically still relatively underdeveloped and predominantly peasant nations, possessing a more or less limited potential of techniques, technology and science. Today they have become - in spite of differences in levels of development - complete modern nations which are bound to claim all the indispensable conditions for their full and all-round economic, political and cultural assertion among the other nations of the world and, in particular, in international economic exchanges. This fact, too, obviously calls for reforms in the structure of relations in the Federation...

... There has been, for instance, a rather widespread view in our country that the Yugoslav nations are different from other nations: in other words, that in fact they are not complete nations at all, and their consciousness is somewhere halfway in the process of being transformed from a

¹⁵Ibid., p. 14.

provincial consciousness into a national one. There lies one of the sources of so-called unitarian Yugoslavism. This is a very dangerous delusion, which may become the source of a grave errors in national policy. I am not asserting that such concepts have ever played a dominant role in social life, but it cannot be denied that they did exert strong influence on some aspects of the policy of federal organs.

Actually, as I have already stressed, the Yugoslav nations are fully-fledged and stabilized nations, and not since yeasterday either; they have a long tradition and firmly-formed consciousness. They have and react like all other nations in the world, and perceive their interests in the same way as other nations do. For that reason, they can and will be ready to solve their mutual relations only as all other nations do...¹⁶

Kardelj further emphasized that the differences in the interests of individual Yugoslav nations also required a reform of the Federation:

... we have to take into account the fact that there exist not only different, but also certain objectively opposing interests in the relations among the nations, or republics, of Yugoslavia. In the unified market, the position of a developed republic is not the same as that of an underdeveloped one... The structure of productive forces in various republics is also different and sometimes contradictory, and so it may easily happen that the measures of the uniform policy of the Federation actually affect the republics unequally and thus create conflicts. It is obvious that we cannot overcome objective contradictions by means of ideological formulations and even less by sheer state coercion exercised through the Federation. On the contrary, the hypertrophy of such coercion could involve the Federation in an extremely grave political crisis.

That is why we have endeavoured, in the draft amendments, to approach these problems openly with, so to say, clear accounts, and to find solutions or at least a way for the constant overcoming of such contradictions. In doing so we have oriented our-

¹⁶Ibid., p. 14 and pp. 17-18.

selves primarily towards the method¹⁷ of consultation and agreement among the republics.

Finally, Kardelj pointed out to the phenomenon that a Nation more readily tolerated the "coercion" of its own state than a coercion coming from a "supra-national" organization:

... there exists also a broad range of questions which can be regulated by the state more easily at the level of the republic than at that of the Federation, because people in a republic find it much easier to accept certain state regulations, measures and changes which are adopted by the republic than those handed down by the Federation.¹⁸

Incidentally, Kardelj's statement was indirectly supported by the findings of a survey of the Slovenian public opinion, made by Peter Klinar and other Slovenian sociologists from the Faculty of Sociology, Political Science and Journalism in Ljubljana. The results of the survey indicated that the Slovenian public opinion valued more highly the efforts of both the Republican Assembly and the Republican Government, in improving the well-being of the citizens, than the efforts of the appropriate Federal organs.¹⁹

The above-quoted excerpts from Kardelj's report clearly show that the essence of the programme to reform the Federation was to base the reform on the principle that

¹⁷Ibid., p. 19.

¹⁸Ibid., p. 20.

¹⁹Peter Klinar, "Izvori pojavnih oblika nacionalizma u Jugoslaviji", in Federalizam i nacionalno pitanje, op.cit., p. 218.

the Republics in Yugoslavia had the characteristics of a state and that the structure of the Federation must express this component of Yugoslav federalism.

4. The Substance of the Constitutional Reform of the Federation

The next important date in the calendar of constitutional changes was March 29th 1971, when the draft Constitutional amendments were accepted by the Chamber of Nationalities of the Federal Assembly. Then, in the period between March 30th and May 15th, the public discussion on the draft amendments took place in all Yugoslav republics and provinces. Finally, on June 30th 1971, after they were submitted to all Chambers of the Federal Assembly, the Constitutional Amendments were solemnly proclaimed by the Chamber of Nationalities.

Altogether forty-three amendments were enacted /XX-XLII/, of which all, except amendments XXI-XXIV, dealt, in a direct or indirect way, with the structure of the Yugoslav Federation. Amendments XXI-XXIV regulated the principles of self-management in the economic sphere /so-called "workers' amendments"/, and since they are not within the subject of this thesis they will not be discussed here.

Unlike the 1946 Constitution, the 1953 Constitutional Law and the 1963 Constitution, the Constitutional Amendments are based on the principle that the sovereign rights

are exercised in the Republics and Provinces, respectively, and in the Federation only when it is explicitly determined by the Constitution, on the basis of the consensus of all Republics and Autonomous Provinces. This principle is affirmed by the first in the group of the Constitutional Amendments, Amendment XX:

1. The working people, nations and nationalities shall exercise their sovereign right in the Socialist Republics and in the Socialist Autonomous Provinces, in conformity with their constitutional rights, and in the Socialist Federal Republic of Yugoslavia when in the common interest it is so provided by the Constitution of the Federal Socialist Republic of Yugoslavia.

2. The Socialist Federal Republic of Yugoslavia is a federal state having the form of a state community of voluntarily united nations and their Socialist Republics and of the Socialist Autonomous Provinces of Vojvodina and Kosovo, which make part of the Socialist Republic of Serbia, based on the power of, and self-management by, the working class and all working people; it is at the same time a socialist, self-managing democratic community of working people and citizens, and of nations and nationalities having equal rights.

3. The Republics are states based on the sovereignty of the people and of the power of, and self-management by, the working class and all working people, and are socialist, self-managing democratic communities of the working people and citizens, and of nations and nationalities having equal rights.

4. The Provinces are autonomous socialist self-managing democratic socio-political communities in which working people, nations and nationalities realize their sovereign rights, and when so specified by the Constitution of the Socialist Republic of Serbia in the common interests of the working people, nations and nationalities, they also do it in their Republic.

.....

This constitutional definition of the Federation,

and even more so, the real political relations, make the Yugoslav Federation a special type as compared to other federations in the world. It is hard to classify the Yugoslav Federation into the classic types of federations - confederations, although, in our view, it is nearer to a confederation, because its /con/federal units are defined as states and, according to some theorists,²⁰ the status of the Autonomous Provinces does not differ, in essence, from that of the Republics. We will, however, deal with the dilemma "federation-confederation" more extensively in the concluding part of this study. We want to emphasize here that Yugoslavia's specific position can be accounted for by the theory and practice, the ideas and realities that have been shaping it. Yugoslav federalism grew from the theory and practice of a self-managing society. As an ideological and political concept, self-management means collective decision making in all important matters. This is the principle of the system of self-management, where the authority is vested in collective hands and not in individual. True, collective decision-making is not only specific for the self-managing concept of society. Other systems too have the collective organs, which make decisions collectively. What dis-

²⁰ See: Radomir Lukić, "Federacija i konfederacije u vezi s ustavnim promenama", in Federalizam i nacionalno pitanje, op. cit., p. 89; and Pavle Ristić, "Razvoj ideje federalizma u ustavnim tekstovima od 1946 do 1949", in ibid., p. 254.

tinguishes self-management from other systems is its aspiration that decisions should be made not by the simple rule of the majority, but by the method of adjusting different interests and objectives. Outvoting and overvoting are used only exceptionally, when an adjustment cannot be achieved and when the character of the problem does not permit a procedure of adjustment. Such an attitude is a powerful safeguard against the domination of the majority, which is quite possible in systems which are based on a majority rule. In accordance with this doctrine, the constitutional amendments, in almost all cases of the decision-making at the level of the Federation, /in the Federal Executive Council, the Federal Assembly, the Presidency of the SFRY and in the other Federal agencies/, demand a procedure of coordination /adjustment/ in order for a decision to have legal validity. This principle, however, was not introduced just because of the ideological concept of self-management but also because of the power relationships in the Federation and as a consequence of some lessons from the past. One must bear in mind that, in the Yugoslav multinational community, no nation is so great, as compared to other Yugoslav nations, that it could attain a lasting domination in the Federation.

As we already mentioned earlier, the principal source of disagreements and conflicts between the Republics

was economic relationships, or, to be more exact, the more or less monopolistic function of the Federation in the economic sphere. Therefore, one of the major objectives of the reform of the Federation was the establishment of new economic relations in Yugoslavia. The chief component of the new economic system was that the right of the Federation to make investments was abolished. Thus, Amendment XXXIV, in its fourth section, forbade the Federation to set up any funds or undertake any obligations, except when so authorized by the Federal Constitution, or when the formation of funds or the undertaking of obligations had been agreed upon by the assemblies of the Republics and Autonomous Provinces. Undoubtedly, this provision is of a particular importance because the former monopoly on matters of financing investments was the foundation of the political power of the Federal administration.

Although the rights and responsibilities of the Republics as far as the regulation of economic life was concerned have increased substantially in the new constitutional system, the Federation is primarily responsible, by the Constitution, for securing the unity of the Yugoslav market. Consequently, Amendment XXV proclaimed that any enactment or any conduct which upset the unity of the Yugoslav market was unconstitutional. Incidentally, the Croatian nationalists, demanded, inter alia, that the unified market be abandoned

and substituted by a common market, and some of them even went as far as dismissing the idea of a common Yugoslav market.²¹ Their concept was, however, repudiated as a conservative, autarchic and even separatistic one.

According to the second section of Amendment XXV, the basic principles of unity of the Yugoslav market are: the free movement and association of labour and means of production, and a free exchange of goods and services, scientific achievements and technical know-how throughout the entire territory of Yugoslavia; a uniform currency and a uniform monetary system, uniform monetary policy and common principles of credit policy; a uniform system and common policy regarding economic relations with other countries; the free formation and association of organizations of associated labour and their freedom to operate throughout the entire territory of the country; free competition on the market; self-management agreements and social contracts regarding the promotion of production and trade and the integration of social

²¹Šime Djodan, former associate professor at Zagreb Law Faculty, wrote: "... we must say that in the existing conditions we /the Croats - V.B./ do not benefit from the common market. It should be added that we pay an onesided tax for the common market. Namely, if we want to sell in Macedonia, we must pay it in the form of the contribution for the development of the underdeveloped regions..." /Šime Djodan, "Ustavni amandmani i problemi jedinstvenog tržišta", Kolo, No. 4 /1971/, p. 391/.

labour; the prevention of gaining advantages by means of market monopolies and of other socially and economically unjustifiable benefits; and economic and social development planning.

Although Yugoslavia's economy is a market one, because of its socialist character, economic planning still plays a significant role. Therefore, Amendment XXVI, which deals with this aspect of economic life, determined that the necessary precondition for enacting the social plan of Yugoslavia was "the agreement reached among Republics and Autonomous Provinces regarding economic policy of common concern".

Amendment XXVII deals with the monetary system. The most important change in this sphere is the formation of National Banks of Republics and National Banks of the Autonomous Provinces which, together with the National Bank of Yugoslavia, execute the common issue policy. However, the money issue is the responsibility of the National Bank of Yugoslavia. The management of the National Bank of Yugoslavia has also been reorganized. It is now managed by a board of governors composed of the governor of the National Bank of Yugoslavia and the governors of the National Banks of the Republics and Autonomous Provinces.

Another innovation in the new constitutional system is that the system of taxation and the sources and kinds of taxes are no longer determined by provisions of the federal

constitution, but by the laws of the Republics and Provinces respectively. However, the taxation on the sale of goods and services and the rates of the sales tax will still be determined by the federal statute. Finally, the Republics and Provinces are obliged to cooperate in the pursuance of tax policy and to adjust, through mutual consultations and agreements, the basic principles of tax policy and the tax system, whenever this is necessary to ensure the unity and stability of the Yugoslav market /Amendment XXVIII/.

The sources of revenue of the Federation are determined by Amendment XXXIV. These are tariffs, federal taxes and proceeds from the work of federal agencies and organizations, and contributions paid by the republics and provinces through the assignment to the Federation of part of their revenue collected from the sales tax as fixed by the federal statute. All revenues and expenditures of the Federation are determined by the Federal Budget, whose funds are used mainly for financing the Army, federal agencies and organizations and obligations to economically underdeveloped republics and provinces.

The common interests of nations, nationalities, working people and citizens are listed in Amendment XXIX. These common interests are:

sovereignty, equality and national freedom, independence, territorial integrity, security and social self-protection, the defence and international position of the country and its relations with other

states and inter-state organizations, the system of socialist socio-economic relations based on self-management, the unity of the political system, the basic democratic freedoms and rights of man and citizen, the solidarity and social security of the working people and citizens and the unity of the market...

/Amendment XXIX, section 1/

The common interests are realized and ensured at the Federal level, primarily through Federal agencies and Federal organizations, with the participation, on terms of equality, and the responsibility of the Republics and Autonomous Provinces in formulating and executing the federal policy. Consequently, Amendment XXX defined the jurisdiction of the Federal agencies and organizations, on the basis of the aforementioned principle that the working people, nations and nationalities of Yugoslavia exercised their sovereign rights in their Republics and Provinces, and in the Federation only when the Federal Constitution specified it was so in their common interest.

As we mentioned earlier, the extensive activity of the Federation in the legislative sphere seriously restricted the autonomy of the Republics. Amendment XXXI, which concerns the implementation and enforcement of federal statutes and other federal regulations, will probably put an end to this practice. This was emphasized by Edvard Kardelj in his report on the draft amendments:

According to the draft amendments, there is no area of law where the republics and provinces cannot adopt

their own laws within the limits of their rights and competences... In principle, federal legislation is confined to the fields of national defense, international relations, unity of the bases of the self-managing socialist system and the unified market...

In this way, the division of federal laws into general, basic and special laws - which often gave rise to disputes and enabled federal legislation to encroach upon the competences of the republics - has been virtually abolished.²²

Accordingly, Amendment XXXI expressly stated that, "in areas regulated by federal statutes, the Republics and Autonomous Provinces may pass laws within the scope of their powers and duties." Furthermore, if in areas which are to be regulated by federal statutes no such statutes have been passed, the Republics and/or Autonomous Provinces may pass their own laws if required for the realization of their rights and duties.

Amendment XXXI also regulated the executive and administrative functions of the Federal agencies and set up the new principles for the relations between the federal and republican agencies, thus confirming the full autonomy of the latter. According to the sixth section of the Amendment, the relations between the Federal agencies and the agencies of the Republics and/or Autonomous Provinces in the implementation and enforcement of federal statutes shall be based on mutual cooperation, information and consultation. Federal administrative agencies shall communicate with commune ad-

²²Edvard Kardelj, op. cit., p. 31.

ministrative agencies through appropriate Republican and/or Provincial agencies.

The procedure for amending the Federal Constitution is regulated by Amendment XXXII. The basic principle of the procedure is that the amendments to the Federal Constitution shall be decided upon by the Federal Assembly, in agreement with the assemblies of all Republics and Autonomous Provinces. The assemblies of the Republics and Autonomous Provinces may also introduce a motion for the amendment of the Federal Constitution. The Federal Assembly may decide to initiate proceedings for the amendment of the Federal Constitution only after a motion for the amendment has been approved by the Assemblies of all Republics and Autonomous Provinces. Accordingly, an amendment to the Federal Constitution shall be considered passed when the text adopted by the Federal Assembly has been agreed upon by the assemblies of all Republics and Provinces. Undoubtedly, these provisions only confirm the federal character of the Yugoslav state and particularly of the statehood of its federal units.

One of the most significant novelties is the new constitutional system, and one which is a true expression of sovereignty and legal equality of the Yugoslav Republics and Provinces, is the constitutional principle of adjustment of views between the Republics and Provinces on issues of common concern. In other words, in matters which the Federal Consti-

tution defined as "issues of particular concern to the Republics and Autonomous Provinces", no federal decision can be made before the agreement of all Republics and Provinces has been secured. These issues and the mode of coordinating the views of individual Republics and Provinces are defined and regulated in Amendment XXXIII.

The first provision of the Amendment determined that the procedure of adjusting views is obligatory, particularly in the following spheres: the monetary system and money issues, the foreign exchange system, external trade and credit relations with other countries; tariff and non-tariff protective measures; social control of prices of goods and services; crediting accelerated development in economically underdeveloped republics and provinces; fixing the revenue of the socio-political communities accruing from the taxation of goods and services; and the system, sources and the total volume of funds for financing the Federation. We must not forget that these matters presented the greatest source of inter-republican conflicts in the centralistic period.

In order to reach a common decision in these fields, this procedure is usually followed. The initiative for passing an enactment may come from the Federal organizations /Federal Executive Council, Federal Assembly, the Presidency of the SFRY/, as well as from the Republican and/or Provin-

cial organs. Actually, in practice, the Republics and Provinces determine their policy first and then adjust their views through inter-republican committees, which act within the framework of the Federal Executive Council. The inter-republican committees are set up on the basis of equal representation of the Republics and a corresponding representation of the Autonomous Provinces. The inter-republican agreement is deemed to exist when the Republican and Provincial Executive Councils or other competent republican and/or provincial agencies have declared that they will endorse the draft enactments or that they are not against their adoption. Finally, a draft enactment relevant to the agreement which has been reached, is adopted in the Federal Assembly. This mode of decision-making clearly shows that the final decision is only formally a decision of the Federation. In fact, it is a common decision of all Republics and Provinces.

Amendment XXXIII also regulates the procedure for cases in which the Republics and Provinces have failed to reach an agreement. This procedure is outlined in detail in provisions 3, 4, 5 and 6 of the Amendment:

3. If no agreement has been reached with the competent republican and/or provincial agencies, the Federal Executive Council shall notify the Presidency of the SFRY thereof and submit to it its opinion and proposals thereon. The Federal Executive Council may propose to the Presidency of the SFRY to pass a bill or other enactment in order to temporarily regulate matters on which no agreement has been reached /provision on temporary measures/.

If the Presidency of the SFRY considers that the solution of specific questions on which no agreement has been reached is indispensable in order to ensure the stability of the market, or that the failure to solve these questions might result in considerable damage to the social community, or that it might result in unequal economic relations among the republics and/or autonomous provinces, or that because of this obligations to underdeveloped republics and autonomous provinces, or the obligations of the SFRY to other countries could not be fulfilled, it shall propose to the Federal Assembly or the Federal Executive Council to enact the provision on temporary measures. If no agreement with the competent republican and provincial agencies regarding the total volume of funds for financing the Federation has been reached by the day fixed for the adoption of the Federal Budget, the needs of the Federation shall be temporarily financed on the basis of the preceding year's budget.

4. A motion for the enactment of the provision on temporary measures, the adoption of which falls within the competence of the Federal Assembly, shall be considered adopted by the Chamber of Nationalities if it receives a majority vote from the delegations from each republic and autonomous province in this Chamber.

If the motion for the enactment of the provision on temporary measures has not been adopted in the Chamber of Nationalities by the majority vote required, the Presidency of the SFRY may move that the provision on temporary measures, in the text adopted by the Chamber of Nationalities and the other competent Chamber by the majority vote specified in Article 181, section 1 of the Federal Constitution /a simple majority vote - V.B./, be applied until adoption by the Federal Assembly of the final enactment on the basis of stands adjusted with the competent republican and provincial agencies.

5. The Federal Executive Council shall enact the provision on temporary measures by a two-thirds majority vote of all members of the Council.

6. The provision on temporary measures shall remain in force until, on the basis of stands adjusted with the competent republican and provincial agencies, the final enactment has been passed, but no

longer than a year after the adoption of the provision on temporary measures. If the final enactment has not been passed within this period of one year, the provision on temporary measures shall remain in force in the next year.

During popular discussion on the draft amendments, Amendment XXXIII, and particularly the above quoted provisions, were subject to much criticism, particularly amongst the legal theorists. Thus, at a symposium which was held in March 1971 in Novi Sad, some participants expressed the opinion that the procedure, provided by Amendment XXXIII, will impair the efficacy of decision-making, precisely in matters which are crucial for the normal functioning of the Federation.²³ Some argued that the provisions of the Amendment practically amounted to introducing the veto power which, in our view, is not far from the truth. However, practice has so far justified the establishment of the procedure of adjusting views of the Republics and Provinces in the manner in which it has been done in Amendment XXXIII. At the time the Constitutional Amendments were enacted, there were 124 issues on which the Republics and Provinces failed to reach an agreement.²⁴ After the amendments were adopted, the Federal Executive Council implemented the provisions of Amendment XXXIII, forming five inter-republican committees: for develop-

²³ Majda Strobl, "Podela nadležnosti u saveznoj državi", in Federalizam i nacionalno pitanje, op. cit., pp. 95 - 96; and "Pregled usmene rasprave na simpozijumu 'Nacionalno pitanje i federalizam'", in ibid., p. 334.

²⁴ Komunist /Beograd: March 30, 1972/, p. 7.

ment policy, the foreign exchange system and foreign trade, for the monetary system, the market, and for finance. Every committee is set up on the principle of strict parity and consists of nine members: eight of them are delegated by the six Republican and two Provincial Executive Councils, while the ninth is a member of the Federal Executive Council and he presides at the meetings of the committee. Through these committees, the Republics and Provinces succeeded in reaching an agreement on 92 controversial issues, mostly in the period between December 1971 and February 1972. Although this success is partly the result of a favourable political climate, which reigned in the country after the Croatian nationalistic leadership stepped down, it is not only the result of that factor, but also of the inherent advantages of the process of adjusting views of individual Republics and Provinces. However, on the remaining 32 issues, the inter-republican committees failed to reach an agreement. Still, the long and complicated procedure, which is outlined in the aforementioned sections 3-6 of Amendment XXXIII, was not implemented. The agreement was reached by the so-called coordinating commission, which is another type of inter-republican body, though, we might say, on a higher level, comparing to the inter-republican committees. The coordinating commission of the Federal Executive Council, which is its full title, has 25 members: eight of them are Presidents of the Republican

and Provincial Executive Councils, eight are delegated by the Federal Executive Council, according to the national and republican representation, eight are delegated by the Republics and Provinces according to their own choice, and the twenty-fifth member is the President of the Federal Executive Council, who is at the same time the president of the coordinating commission. It is interesting to note that the establishment of such a body as the coordinating commission has no legal basis, neither in any of the amendments nor in any other enactment. Thus, it is only an informal body, but because of the great political authority of its members, it has proved to be indispensable in cases when other forms of coordinating policies and positions of the Republics and Provinces failed to provide a solution. Summing up, we can say that the principle of adjusting views of the Republics and Provinces is, on the one hand, a reflection of the multi-national and federal structure of Yugoslavia and, on the other, the only and the best possible way to execute the common policy, without restricting the separate statehood and sovereignty of any of Yugoslavia's federal units, irrespective of their size or economic power.

In the sphere of foreign relations, the Constitutional Amendments did not bring such radical changes as they did in the sphere of inter-republican relations within the country. The formulation of Yugoslavia's foreign policy and the

maintenance of political, economic and other relations with other states and inter-state organizations is still within the direct competence of the Federation /Amendment XXX, section 6/. However, the increased autonomy of the Republics led to the introduction of some new principles in the field of foreign relations, which are laid down in Amendment XXXV. The important novelty is that the international treaties, entailing the enactment of new or amendments to existing republican and/or provincial statutes, or special obligations for one or more Republics and Provinces, must be concluded in agreement with the Republican and/or Provincial assemblies. Another innovation is that the Republics and Provinces may maintain direct ties with agencies and organizations of other states and with international agencies and organizations, providing that they keep within the established foreign policy of Yugoslavia and the international treaties. Finally, Amendment XXXV affirmed the principle of equality of languages of Yugoslav nations in the field of international communication. Thus, when international treaties are written in the languages of the signatory countries, the languages of the nations of Yugoslavia shall be used on terms of equality. In practice, this usually means that the Yugoslav version of an international treaty is written in the native tongue of the head of the Yugoslav delegation which concluded the treaty.

Similarly to foreign relations, the national defense was kept within the direct jurisdiction of the Federation /Amendment XXX, section 1/. However, Amendment XLI entrusted the Communes, Autonomous Provinces and Republics with the right and duty to regulate and organize national defense as well as territorial and civil defense on their respective territories, and to take charge of national resistance in the event of an attack upon the country. Needless to say, this provision does not mean the introduction of republican armies, as the republican territorial defense units make together with the Yugoslav People's Army, the Armed Forces of the SFRY, which is a unified whole. The principle of the equality of languages and scripts of the nations and nationalities of Yugoslavia must be observed in the Armed Forces of the SFRY. As regards the commanding staff and promotion to higher commanding and leading posts in the Yugoslav People's Army, the principle of the most proportional representation of the republics and autonomous provinces shall be applied.

The system of federal agencies has been significantly changed in the new constitutional system. Before the enactment of the new amendments, the federal agencies were: the Federal Assembly, the Federal Executive Council and the President of the Republic, as the individual Head of the State.

Constitutional Amendment XXXVI, however, introduced the Presidency of the Socialist Federal Republic of Yugoslavia, as a collective Head of State. According to Edvard Kardelj, "the basic task of the Presidency is to represent the Socialist Federal Republic of Yugoslavia, i.e. the republics and autonomous provinces composing it, in the world and also to coordinate, for the purpose of ensuring the equality of the nations and nationalities, the common interests of the republics and autonomous provinces."²⁵ In accordance with such a role, the Presidency is comprised of three representatives from each of the six Republics, and of two representatives from each of the two Autonomous Provinces. The presidents of the Republican and Provincial assemblies are ex officio members of the Presidency. The remaining 14 members are elected by the Republican and Provincial assemblies, respectively, and the results of the election and the composition of the Presidency are merely announced in the Federal Assembly. Such a procedure reflects the fact that the members of the Presidency are primarily delegates of their respective Republics and Provinces. Consequently, the members of the Presidency are responsible to the republican and provincial organs which elected them, and not to the Federal Assembly.

Members of the Presidency are elected for a term of

²⁵Edvard Kardelj, op. cit., p. 41.

five years, and no one may be elected member of the Presidency for two consecutive terms. The Presidency elects a president and a vice-president from among its members for a term of one year, after determining a schedule for the election of the president and vice-president for a period of seven years, by rotation from each Republic. The members of the Presidency from the two Autonomous Provinces have alternatively one term of office. The president and vice-president of the Presidency may not be from the same Republic or the same Province.

In accordance with its role as the highest body for coordinating the interests of individual Republics and Provinces, the Presidency makes decisions on the basis of adjustment of views of its members. The Presidency has the right to take political and legislative initiative, as it may propose to the Federal Assembly, the basic lines of policy and the adoption of laws and other enactments, including amendments to the Federal Constitution. It is also the supreme organ in charge of the administration and command of the Armed Forces of the Socialist Federal Republic of Yugoslavia in times of war and peace.

Undoubtedly, the Presidency and the Federal Assembly are the two most important organs of the Federation. Their mutual relationship should be one of cooperation and mutual responsibility. However, it seems that the political

authority of the Presidency will be greater because it is composed of the most prominent representatives of each Republic. The Presidency will exert great influence through political agreements which are reached among its members. It is unlikely that any body, including the Federal Assembly, will be able to oppose these agreements, because they represent the established joint opinion of the most authentic delegations of each Republic and Province, respectively. Therefore, one of the most important functions of the Presidency is to act as the ultimate arbiter in inter-republican conflicts, although this is not expressly formulated in the amendments.

Amendment XXXVI, besides entrusting the Presidency with the rights and responsibilities of Head of State /it proposes a candidate for the president of the Federal Executive Council, promulgates federal statutes, appoints ambassadors, appoints generals, confers decorations etc./, also gave it the right to bring individual questions within its jurisdiction, before the Federal Assembly and move that the latter take a stand thereon. On the other hand, the Federal Assembly may demand from the Presidency to express its views on individual questions which fall within the Presidency's jurisdiction and are of concern for the work of the Assembly. If the Presidency and the Federal Assembly fail to agree on the Presidency's initiative in the political or

legislative sphere, the Federal Assembly is dissolved and the tenure of the Presidency terminated.

While the relations between the Presidency and the Federal Assembly are based, as mentioned above, on the principle of mutual cooperation and responsibility, the relations between the Presidency and the Federal Executive Council are characterized, in some aspects, by the subordination of the latter to the former. Thus, the Presidency has the right to call a meeting of the Federal Executive Council, place specific items on its agenda, and stay the enforcement of decrees and other regulations of a general political significance passed by it. Furthermore, the Presidency may introduce in the Federal Assembly a motion for a vote of confidence in the Federal Executive Council /Amendment XXXVI, section 9/.

The position and the competence of the Presidency, and especially the character of its relations to the Federal Assembly, as determined by Amendment XXXVI, were criticized by some Yugoslav law theorists. For example, professors Nikolić and Pupiće, from Belgrade and Novi Sad Law Faculties, respectively, argued that the institution of the Presidency, in the form it was established by Amendment XXXVI, was not in accordance with the Assembly system, which should be the governing principle of the Yugoslav political sys-

tem.²⁶ Professor Nikolić substantiated his opinion with the following facts: the manner of election of the members of the Presidency contradicts, in many ways, the basic principle of the Yugoslav assembly system that all federal organs should be elected exclusively by the Federal Assembly; the Federal Assembly does not dispose of any measures for sanctioning the activity of the Presidency; the procedure of solving disagreements between the Presidency and the Federal Assembly is also incompatible with the position of the Federal Assembly and the concept of the assembly system.

Undoubtedly, professor Nikolić's argumentation is convincing, and his claim that the establishment of such a Presidency jeopardized some basic principles of the assembly system is justified. In our view, however, the assembly rule has been weakened only at the federal level, and not at the republican level, because the members of the Presidency are fully responsible to their respective Republican and Provincial assemblies. One must not forget that one of the most important roles of the Presidency is to serve as a guarantor of the sovereignty and legal equality of the Yugoslav Republics and Provinces. If the Presidency had been made sub-

²⁶Pavle Nikolić, "Položaj političko-izvršnih organa u skupštinskom sistemu", in Federalizam i nacionalno pitanje, 137, and Borivoje Pupiћ, "Protivrećnosti kretanja i shvatanja oblika državnog uređenja", in Ibid., p. 173.

ordinated to the Federal Assembly which, except for the Chamber of Nationalities, is still not set up according to the principle of equal representation of the different Republics, the sovereignty of the federal units could be seriously impaired. Only after the Federal Assembly is reorganized according to the principle of strict parity of the Republics, the relations between it and the Presidency can be changed so that responsibility of the latter becomes greater than that of the former.

A peculiarity of the present Yugoslav constitutional system is that the office of the President of the Republic has been retained, in spite of the formation of the Presidency. However, this is an exception, provided by Amendment XXXVII, made only for Josip Broz Tito, "in view of his historical role in the National Liberation War, ... in the development of Yugoslav socialist self-managing society ... and in line with the expressed will of the working people and citizens, nations and nationalities of Yugoslavia" /Amendment XXXVII, section 1/. Once he no longer holds this office, all the powers and duties of the President of the Republic will be transferred to the Presidency. As President of the Republic, Josip Broz Tito still performs the basic rights and duties of Head of State, including the post of Commander-in-Chief of the Yugoslav Armed Forces. He also holds the office of President of the Presidency of the Socialist Federal Re-

public of Yugoslavia, but he may entrust the vice-president of the Presidency with the conduct of some affairs which are in the competence of the President of the Republic.

Amendment XXXVIII, which deals with the Federal Executive Council, did not significantly change its position and competence. The Council was reaffirmed as the executive political organ of the Federal Assembly, but its competence were somewhat broadened since it was conferred the right to enact regulations for the implementation of federal laws and other acts of the Federal Assembly. The principle of parity of the Republics and the appropriate representation of the Autonomous Provinces was expressed in the provision of Amendment XXXVIII which determined that "an equal number of members of the Federal Executive Council shall be elected from each Republic and a corresponding number from each Autonomous Province". Finally, another important novelty concerning the position of the Federal Executive Council, though not directly connected with the reform of the Federation, is the introduction of the vote of confidence in the Federal Executive Council. As mentioned above, the Presidency of the SFRY has the right to propose a vote of confidence in the Federal Executive Council. Amendment XXXVIII also conferred this right to the Federal Assembly, stating that each of its chamber may, on the proposal of at least ten deputies, members of the chamber concerned, introduce a motion for a

vote of confidence in the Federal Executive Council.

Formally, the organization and the competence of the Federal Assembly remained unaltered, but in practice its power is significantly reduced because many matters which used to be within the jurisdiction of the federal authority, have now been placed in the competence of the Republics and Provinces. Also, the establishment of the Presidency, which was given the right to take political and legislative initiative, and the broadened competence of the Federal Executive Council, at the same time meant that the authority of the Federal Assembly was diminished. Finally, it is certain that the organization of the Federal Assembly will undergo radical changes in the second phase of the constitutional reform, which is expected to take place in 1973. According to newspapers reports, the opinion of the constitutional commission was that the future Federal Assembly should be unicameral, with the Chamber of Nationalities as the only chamber.²⁷ Such a structure of the Federal Assembly would further contribute to the increased autonomy and sovereignty of the Yugoslav Republics and Provinces.

Summing up the interpretation of the constitutional amendments, we can conclude that the competence of the

²⁷ Dragoš Ivanović, "Varijacije o skupštinskim variantama", Politika /Beograd: May 4, 1972/, p. 5.

Federation in the new constitutional system may be divided into three groups:²⁸

a/ The joint competence of the Federation and the Republics. This is the competence in matters where prior adjustment of views of the Republics and Provinces is a prerequisite for making decisions. The procedure of adjustment and the joint competence are laid down in Amendment XXXIII, which has already been explained in detail..

b/ The direct competence of the Federation is regulated by Amendment XXXI, section 4, and implies the full /legislative, executive and judiciary/ authority of the Federation in the spheres of international relations, national defense, state security, economic relations with other countries, the unity of the Yugoslav market etc. However, this is not the exclusive competence of the Federation, because the Republics and Provinces have certain rights in all these spheres.

c/ The transferred /ceded/ competence refers to the competence of the Federation in all matters which are listed in Amendment XXX, and which do not fall within the sphere of the direct or joint competence of the Federation.

²⁸ Ljubomir Radovanović, Federalizam u ustavnom sistemu Jugoslavije /Beograd: Komunist 1972/, p. 46.

5. Public Criticism of the Constitutional Reform of the Federation

As we emphasized in the earlier sections of this work, the great majority of Yugoslav people realized the necessity of the reform of the Federation and supported the transfer of a great portion of the federal political and economic power to the Republics and Provinces. Still, during the debate about the Constitutional Amendments, some of the new solutions were criticized, as was already pointed out in the above analysis of individual amendments. Even the work of the constitutional commission did not go smoothly and there were difficulties in adjusting the views of the representatives of different Republics in formulating the text of the draft amendments. The records on the activity of the commission were not made accessible to the public, so we do not know what were the positions of the individual Republics on particular issues, but the president of the commission, Edvard Kardelj, revealed that there were disagreements:

The drafting of the proposal on constitutional amendments... has required much work with regard to the technical preparations of proposals and political coordination of stands...

An atmosphere of democratic and constructive discussion prevailed in the Coordination Commission. In this atmosphere all problems were discussed openly, without any reservations. Precisely this has made it possible to arrive at common solutions for all essential questions which the Coordination Commission was

entrusted to examine although, in some cases, solutions were found with great effort and by means of compromises.²⁹

After the draft amendments were made public, the debate, which started immediately, showed that some circles, especially among Belgrade University professors, were outspoken in their criticism. True, most of the critics addressed themselves to only some amendments, and not the constitutional reform as a whole, but when they rejected the solutions like the Presidency or the method of adjusting views of the Republic and Provinces, it practically amounted to the rejection of the very essence of the reform of the Federation.

We shall present here some characteristic opinions that were expressed at the symposium "Federalism and the National Question", which took place in Novi Sad at the end of March 1971. The procedure of drafting amendments was criticized openly by Dr. Josif Trajković, deputy secretary for the administration of justice of the Socialist Republic of Serbia. He stated that the decisions on the amendments were made in an undemocratic way, in a narrow circle of the "leading forces". The constitutional changes were made in the name of "working class, nations and nationalities, freedom and self-management", but those in whose name all this is done were not given the opportunity

²⁹Edvard Kardelj, op.cit., pp. 4-5.

to express their points of view directly, without an intermediary.³⁰

According to Dr. Mihailo Popović professor of philosophy from Belgrade, the amendments are a political compromise between hitherto progressive socialist achievements and the rising nationalist and other deformations in the development of the Yugoslav society. He particularly attacked the treatment of the market and its relationship to socialist planning, emphasizing that Amendment XXVI, which determines the content of the Social Plan of Yugoslavia, is "the shortest and the textually poorest" of all the amendments.³¹

Another participant at the symposium, Dr. Mirko Perović, a member of the Supreme Court of Yugoslavia, expressed the view that the class element was neglected and the national element was overemphasized in the reform of the Federation. He pointed out that this was particularly evident in Amendment XX, which defined Yugoslavia primarily as a community of sovereign Republics, and only secondly as a self-managing community of the working people.³² Finally, he

³⁰ Josif Trajković, "Federalizam i demokratija u Jugoslaviji", in Federalizam i nacionalno pitanje, op. cit., p. 119.

³¹ Mihailo Popović, "Klasni i nacionalni odnosi u razvoju jugoslovenskog društva", in Federalizam i nacionalno pitanje, op. cit., pp. 75-76.

³² Mirko Perović, "O konstituisanju i perspektivama nacionalnosti", in Federalizam i nacionalno pitanje, op. cit., p. 39.

added that it seemed that in the discussion on amendments, much more attention was paid to elements that separated Yugoslav nations than to those elements that united them.

Similarly, Amendment XX was criticized by Dr. Jovan Djordjević, professor at the Belgrade Law Faculty, who claimed that this amendment misused the concept of the sovereign rights, contrary to the usual criteria and subjects.³³ He was supported by Ljubomir Radovanović, former ambassador, who argued that the republics could not be sovereign, because sovereignty is indivisible. In his opinion, the concept of sovereignty is used primarily in an international legal sense and, consequently, it is the Federation which is sovereign and not its federal units.³⁴

Besides this kind of criticism, which we might characterize as a constructive and well-intentioned one, another type of criticism of the constitutional amendments arose in some circles of Serbia and Croatia and represented the revival of traditional concepts which were defeated in the Revolution and the post-war development of Yugoslavia. Actually, one should speak here of two types of criticisms, which bore the characteristics of extreme Serbian and Croa-

³³Jovan Djordjević, "Varijacije na temu o federalizmu i nacionalnom pitanju danas", in Federalizam i nacionalno pitanje, op.cit., p. 43.

³⁴Ljubomir Radovanović, "Dejstvo samoupravljanja na koncept i ustrojstvo federalizma", in Federalizam i nacionalno pitanje, op.cit., p. 80.

tian nationalism, respectively, and which were mutually opposing and intransigent. However, the ideological and political basis of the two nationalisms is essentially the same and one of them provokes the other and vice versa, so we deem it appropriate to present their basic characteristics side by side.

The criticism of the constitutional reform, from the standpoint of Serbian nationalism, manifested itself most vividly at the discussion on draft amendments which was organized by professors of the Law Faculty in Belgrade, from the 18th to the 22nd of March 1971.³⁵ One of the participants, Dr. Mihailo Djurić, did not consider the reform of the Federation necessary, emphasizing that the constitutional changes were determined and forced upon by a nationalist blindness, which acquired alarming dimensions in Yugoslavia in the past few years, and by an aggressive nationalism, which is not only tolerated, but enjoys a privileged position. According to Djurić, this nationalism implies that exclusivism, hatred and fabrication are the genuine and best way to achieve the national assertion. Evidently, Professor Djurić's statement alluded to Croatian nationalism which, according to him, provoked the constitutional reform of the federation.

Djurić continued by asserting that the constitutional

³⁵ All excerpts from the discussion are cited according to the student newspaper Student /Beograd: April 4, 1971/.

reform practically amounted to the abandonment of the very idea of a common state community of the Yugoslav nations. According to him, Yugoslavia is already today just a geographical concept, and, under the disguise of developing legal equality of its nations, several independent and mutually antagonistic national states are emerging on "its ruins". The discussion of Dr. Rade Stojanović was much the same. He expressed the view "that Yugoslavia, after the enactment of the constitutional amendments, will not exist any more as a state, but as a form of association of states".

After claiming that Yugoslavia had practically ceased to exist, Dr. Djurić returned to the question how Serbia should be organized and how the vital interests of the Serbian nation should be preserved in such a situation. He pointed out that the Serbian nation was already in an inferior position comparing to other Yugoslav nations and that the proposed constitutional reform was directed opposed to its most vital interests. The ultimate consequence of the reform would be, in the opinion of Djurić, the complete disintegration of the Serbian nation. For Djurić, the present boundaries of the Socialist Republic of Serbia are neither the ethnic nor the historical boundaries of the Serbian people, because Serbs live, outside of Serbia, in four of five remaining republics. According to him, the Serbian people in Croatia and Macedonia do not have any special constitutional-

ly guaranteed rights of their national life, in Bosnia and Herzegovina the Serbs, although they make up the majority of the population,³⁶ cannot even use their cyrillic alphabet, and in Montenegro, the Serbian people are denied the right to their own national name, i.e. this right is denied to those Montenegrins who consider themselves to be Serbs. Thus, concludes professor Djurić, we should not discuss the proposed text of amendments, but demand and strive for some other, more serious, more responsible and historically founded, solutions.

Undoubtedly, Dr. Djurić advocates the establishment of Serbia as an independent and separate state with a significantly enlarged territory. This is essentially the concept of Greater Serbia, which was designed by the Serbian governing class in the nineteenth and at the beginning of the twentieth century.

Another scholar from the Belgrade Law Faculty, Kosta Čavoški, also dismissed the idea of the reform of the Federation, stressing that the introduction of the veto power of the republics and provinces would mean a tyranny of the majority of the republics and provinces or would lead to the dissolution of the Federation.

³⁶ However, according to the latest census in 1971 the Moslems, and not the Serbs, are the largest ethnic group in Bosnia and Herzegovina./See NIN, Beograd: May 28, 1972, No. 1116, p. 33./

Dr. Živomir Djordjević, professor of civil law, did not a priori deny the necessity of this reform, but he expressed dissatisfaction with the position of Serbia in the Yugoslav community, demanding a change of its present constitutional status. He said:

... pleading for a clear physiomy of the Republic of Serbia within the framework of Yugoslavia, I neither demand the abolition of the autonomous provinces in Serbia, nor I wish to deny the existence of a reasonable scope of their rights... However, no one is stupid enough not to know what sovereignty is, what the state is, what the republic is, and what the autonomous province is. Everything must be laid clearly, i.e. the republic should be the republic, and not an abortive child or monster, and the autonomous provinces should really be an autonomous province and not a republic.

The opinions that we cited above, and especially those of Dr. Djurić, do not deserve any special comment, because it is evident that they belong to the arsenal of extremist conceptions, known as hegemonistic. However, it is symptomatic that the authors of these statements, except the last one, do not strive for unitary Yugoslavia, but they consider it historically untenable, and that one should struggle for a separate /Greater Serbian/ state.

Before giving some characteristic examples of criticism of the constitutional reform as seen from positions of Croatian separatist nationalism we think that it would be useful to point to some facts which would help the reader to situate this problem in wider context of the Croatian recent history. The League of Communists of Croatia has

been, ever since the introduction of the system of workers' self-management in the early fifties, very active and even radical in demanding the de-etatization of society at all levels, from the Federation through the Republic to the Commune, as an necessary prerequisite for the further development of self-management. However, since the Federal state was the backbone of etatism and centralism, such a policy of the Croatian League was actually directed only at the Federal state structure which, it has been emphasized repeatedly for almost twenty years, was the major source of almost all problems of the Yugoslav society. Therefore, such a policy was supported by those who demanded the dismantling of the federal power exclusively for one purpose: the strengthening of Croatian statehood and the eventual separation from Yugoslavia. Finally, within the framework of the widespread criticism of the federal centralism, a nationalist separatist movement emerged and, as it was tolerated by the leadership of the Croatian League of Communists, it gradually organized itself into an oppositional political party sui generis, under the disguise of the cultural organization "Matica Hrvatska". The strength of that movement can be assessed from the fact that in 1970 and 1971 "Matica Hrvatska" regularly published 14 papers and journals, while its membership at the end of 1970 totalled 41,000 and was organized into regional branches all over

Croatia.³⁷

The strategy and tactics of this movement were to support, in the beginning, the so-called "radical progressive" wing of the League of Communists of Croatia, and then to constitute itself into a new political force with its own programme for acceding to power. As a part of this strategy, the nationalist movement supported the reform of the Federation, but criticized the constitutional amendments for allegedly leaving too much power to the Federation. In the period after the constitutional reform of the Federation was accomplished, the Croatian nationalists focused their activity in two directions: on the one hand, they demanded that the amendments on the Croatian republican constitution should express, as much as possible, the independent statehood of Croatia and, on the other, they argued that the reform of the Federation had to be pursued even more radically, explaining that it was in the spirit of the adopted amendments. This activity culminated in students demonstrations in Zagreb, which took place at the end of November and at the beginning of December 1971. During the demonstrations, the separatists publicly demanded the creation of a Croatian national army, the admission of Croatia into the United Na-

³⁷ 28. sjednica CK SKH, Izvještaj o stanju u Savezu komunista Hrvatske u odnosu na prodor nacionalizma u njegove redove, /Zagreb: Informativna služba Centralnog komiteta Saveza komunista Hrvatske, 1972/, pp. 152 and 160.

tions and other international organizations etc. Realizing the possible dangers of such a tense situation for the unity and independence of Yugoslavia, President Tito and the majority in the Central Committee of the Croatian Communist Party took a decisive action against the Croatian separatist movement. By the end of December, those leaders of the League of Communists of Croatia who had tolerated and implicitly supported the Croatian nationalists resigned under the political pressure and criticism of the majority in the Central Committee, while the leaders of the "Matica Hrvatska" and the student leaders were jailed.

What was the political platform of the Croatian separatists? According to the report that was adopted by the Central Committee of the League of Communists of Croatia on its 28th session, which was held at the beginning of May 1972, the basic political concepts of Croatian nationalism were as follows:

Yugoslavia is a prison for Croatia; Croatia is being robbed and has been robbed; the governing people in Croatia are Serbs; the Croatian language is being persecuted; the Croatian state should be strengthened and made more independent, with Croats as the only holders of the sovereignty; the Croatian state should be a state of "class peace"; the Croatian Communists have betrayed the national cause and one can trust only those who belong to "the progressive nucleus" and who are ready to work for the "national liberation" and to take part in the "national revival".

In accordance with such political concepts, the Croatian nationalists glorified, in a mythical way, the Croatian history and certain historical perso-

nalities and devalued and negated the achievements of the Revolution and post-war socialist development, they spread a systematical propaganda against the integrity of the Yugoslav People's Army, demanded an "independent" foreign policy for Croatia, etc.³⁸

The alleged economic subordination and stagnation of Croatia within Yugoslavia was one of the favourite slogans of the Croatian nationalists gathered in "Matica Hrvatska". This is a characteristic example:

The drain of resources /from Croatia - V.B./ has been lasting already from a century or, to be more precise, since the Croatian-Hungarian Compromise /Nagodba/ in 1868. Rather large resources were permanently drawn from Croatia and used outside of her. Of course, this was always done under a certain justification and in the name of some "higher" interests. The drain of resources was accompanied by the drain of the most able section of the population, in the form of economic emigration. Thus we were doubly exploited, both economically and biologically... It does not surprise us that we were exploited in the conditions of a semi-colonial status in capitalist hegemonistic Yugoslavia, because this was the nature of the state and of the system - but today it is incompatible with the essential principles of our self-managing socialism that the national income, which is created by our working man, is being taken away from our people and that some super-national bureaucracy disposes of our income as it wishes, and often against our interests.³⁹

As mentioned above, the ultimate escalation of the nationalist demands took place during the Zagreb student demonstrations. The public demands of radical students and nationalists from "Matica Hrvatska", if considered as a whole, practically amounted to an open and broad political

³⁸ Ibid., pp. 35-36.

³⁹ Šime Djodan, "Gospodarski položaj Hrvatske", Kritika, No. 17 /1971/, p. 348.

programme for the separation of Croatia from Yugoslavia. The Croatian separatists demanded, inter alia, the following: that Croatia apply for membership in the UN, form a Croatian Bank, appoint its governor, and apply for credits in Washington; that the "National Assembly of Socialist Forces" should be formed as the supreme organ of authority in Croatia, in which all political forces should be represented; that the draftees should do their military service on the territory of their respective Republic and that the official language in the Army units in Croatia should be Croatian; that the republican organs of Croatia should suspend further transfers of foreign exchange to the Federal Banks; that Croatia should issue its own stamps and form its own legislative system.⁴⁰

Finally, we would like to point out that we have limited our review of the criticism made regarding the constitutional reform from the positions of nationalism only to Serbia and Croatia because of the scope of this thesis and, which is more important, because such a sort of criticism did not develop in remaining Yugoslav republics. On the contrary, the people of Slovenia, Macedonia and Province of Kosovo accepted the reform of the Federation with enthusiasm, while Bosnia and Herzegovina and the Province of Vojvodina supported it without any reservations. Thus, we

can conclude that the constitutional reform was a true expression of the wish of the majority of the Yugoslav people and that the resistance of the Serbian nationalists and the exaggerated demands of the Croatian nationalists were only minor incidents which did not endanger the implementation of the reform at any moment.

CONCLUSIONS

There are two basic characteristics which make contemporary Yugoslav society in many aspects different from other countries in the world. These are self-managing socialism and a multi-national structure of the country, which is reflected in the federal organization of the State. While self-management is a relatively recent product of the theory and practice of the Yugoslav Communist movement, the "national factor" and the inter-nationality relations have been constantly present and alive in the history of the joint Yugoslav state since its creation in 1918. Moreover, inter-nationality relations emerged from the very beginning of the existence of Yugoslavia as the country's "number one" problem and remained so almost continuously up to the present day.

Already at the beginning of the twentieth century the three major Yugoslav ethnic groups, Serbs, Croats and

Slovenes, were established as fully formed nations, with their own national consciousness, their own history, national culture, language, territory and all other elements of a modern nation. There are three principal reasons why these three nations did not form their own separate national states at the end of the First World War, but decided to unite in a common state. The first factor is the ethnic kinship of the Serbs, Croats and Slovenes. Secondly, the survival of these Yugoslav nations has been, for centuries, endangered by foreign invaders, and that made it impossible for them to preserve their independent national states. And thirdly, the Yugoslav ethnic groups are so much territorially intermingled that it is almost impossible to delimit the pure ethnical boundaries between them. Of course, there were /and still are/ considerable differences between these nations and their motives for uniting somewhat differed, but common interests prevailed when they opted for a common state.

However, two decades of joint life in the Kingdom of Yugoslavia did not justify expectations which most Yugoslav nations had when they decided to form a common state. In Yugoslavia, the period between 1918 and 1941 was characterized by Greater Serbian hegemony and centralistic policies of the Royal Governments, and by strained internationality relations and a permanent political crisis, which resulted in the eventual dissolution of the country. The

attempt of the Serbian and Croatian bourgeoisie to reconcile their adverse interests /Cvetković-Maček agreement of 1939/, came too late and its scope was not wide enough to prevent the ultimate failure of a stubborn centralistic policy.

For Yugoslav people, the Second World War will be remembered for its four years of unprecedented fratricidal struggle which claimed hundreds of thousands of human lives. In these four tragic years, when the very biological survival of the Yugoslav nations was at the stake, the only organized political force that resolutely fought for and believed in the re-establishment of the joint Yugoslav state was the Yugoslav Communist Party. By the end of the war, the Yugoslav Communists gained a wide popular support, primarily because of their correct attitude towards solving the national question. The Communist Party recognized the existence of different nations in Yugoslavia and the necessity of their full legal equality, and dismissed the idea of one single Yugoslav nation. From the very beginning of the Revolution, the Communist Party of Yugoslavia formed regional organs of authority and set up its armed formations - Partisan units according to the national principle and on a federal basis. The most important milestone on the road to the creation of a new Yugoslavia in this period was the famous Declaration of the Second AVNOJ of November 29th, 1943, in which all Yugoslav

nations expressed their wish and determination to re-unite in a federal and republican Yugoslav state.

In the first phase of Yugoslav post-war socialist development Soviet practice was copied in almost all spheres of social life, including the sphere of inter-nationality relations. Consequently, the first Constitution of Yugoslavia of 1946 was modelled after the Soviet example, which meant that all federal units - the Republics - were guaranteed full legal equality and the same rights and responsibilities, including the right to separation. However, in reality, such federalism did not exist, but was supplemented by rigid political and economic centralism, which even surpassed that of pre-war Yugoslavia. Thus, in spite of its desires and its political programme, the Communist Party of Yugoslavia, after it came to power, failed to escape the danger of its own bureaucratic centralism, although it fought against and defeated the conception of unitary, Greater Serbian centralism of the Kingdom of Yugoslavia. The historic fact is that no socialist revolution, as well as other forms of revolution, could avoid centralism, and that is why the Yugoslav State, which emerged from a socialist revolution, was established on a centralistic basis, although, from the formal point of view, it was a federal state. In this way, the Yugoslav Communist Party, unintentionally and without being aware of it, impaired the relations between the Yugoslav

nationalities and created the conditions for the eventual revival of the national question.

However, already in the early fifties, the Yugoslav Communists completely and definitively abandoned Stalinism as a theory and practice, and proclaimed "social self-management" as the basis for the development of the Yugoslav social system. By this, an essential prerequisite for breaking federal centralism was created, because the concept of self-management implied the autonomy of all subjects in society, including national autonomy. Still, self-management developed rather slowly and centralism prevailed until the mid-sixties, although to a much lesser degree, than in the first post-war period. Besides, the Communist Party was not completely right in its conviction that the development of self-management would automatically result in a more complete freedom of all Yugoslav nations and, as a consequence, it neglected other, "traditional" forms of national assertion. A consequence of such an attitude was the 1963 Constitution which overemphasized self-management and did not take into account sufficiently of the multi-national composition of the country and therefore had to be amended, firstly in 1967 and 1968, and then again, to a much greater extent, in 1971.

The 1971 constitutional reform of the Federation was brought about by several factors. Above all, it was a reaction to excessive centralism and an attempt to resolve the crisis

through the activity of the Federation which developed as a result of the stalemate which appeared on the way of realizing the concept of self-management. In our view, however, the constitutional reform, besides being a confirmation of the ultimate failure of centralistic management, was determined primarily by the revival of the national phenomenon, which manifested itself in the legitimate demands of Yugoslav nations for more autonomy and national assertion within the framework of the Yugoslav self-managing community, but also in traditional forms of nationalism.

What caused such an acute reappearance of the national phenomenon and nationalism in Yugoslavia in the past few years? Although we dealt with this question, both directly and indirectly, in earlier parts of this study, we think that it would be useful to point out some characteristic explanations, provided by noted Yugoslav scholars.

According to Dr. Branko Horvat, a well known economist and sociologist, the principal factor which brought about the revival of nationalism was social insecurity. The rapid economic growth produced a migration of population from rural to urban areas, and, as a result, many migrants could not adjust to the new way of life. In such a situation, support and identity is sought in the identification with a wider social group, most frequently with its own nation. The justification for personal failures and difficulties, which are common

at times of rapid changes, is found in the alleged subordination of one's own nation, and personal security is found in the conviction that one's own position will be improved through a joint struggle with other members of the nation. In Horvat's opinion, this is why there is a widespread belief among all Yugoslav nations that each of them has been, in one way or another, discriminated against or neglected in favour of other nations.⁴¹ Undoubtedly, the explanation of Branko Horvat is quite convincing and unorthodox, especially for Yugoslav social science, but we think that it is onesided because it puts too much emphasis on psychological factors. Of course, we do not deny the importance of these factors, but, in our view, their role is not so significant.

Economic factors are often cited by Yugoslav scholars as an important source of the revival of nationalism. This view is endorsed by Dr. Mihailo Popović who considers economic regional disparities as a factor which provoked the reappearance of the national phenomenon.⁴² Basically the same view is shared by Peter Klinar, a sociologist from Ljubljana, and is confirmed by public opinion surveys in Slove-

⁴¹NIN, No. 1069 /Beograd: July 4, 1971/, p. 12.

⁴²"Pregled usmene rasprave na simpozijumu 'Nacionalno pitanje i federalizam'", in Federalizam i nacionalno pitanje, op. cit., p. 330.

nia, which were carried out in 1967.⁴³

However, according to Dr. Radovan Pavičević from Belgrade, contemporary problems in inter-nationality relations are primarily a reflection of a general crisis in the Yugoslav society, and not due to the fact that some nations were allegedly in a more favourable and privileged position, than others.⁴⁴ Sergej Flere agrees that nationalist sentiments and the nationalist movements appear in periods of social crises, or immediately after such a crisis, but he does not imply that the Yugoslav society is in one.⁴⁵

A more comprehensive analysis of the national phenomenon in a socialist society is made by the Croatian scholar Ivo Petrinović.⁴⁶ According to him, the roots of the rise of national sentiments in contemporary socialism are primarily situated in three spheres. Firstly, in the rapid economic growth, which results in national prosperity and in a greater economic potential, but also in regional economic disparities. Secondly, the strengthening of the State in a socialist society produces a situation in which State interests are

⁴³Peter Klinar, op. cit., p. 219.

⁴⁴"Pregled usmene rasprave na simpozijumu 'Nacionalno pitanje i federalizam'", in Federalizam i nacionalno pitanje, op. cit., p. 330.

⁴⁵Sergej Flere, "Nacija kao blokirana zajednica", in Federalizam i nacionalno pitanje, op. cit., p. 69.

⁴⁶Ivo Petrinović, "Korijeni jačanja nacionalnog osjećaja kao fenomena i u suvremenom socijalizmu", in Klasno i nacionalno u suvremenom socijalizmu, op. cit., pp. 193-198.

identified with national interests, while the State apparatus becomes the champion of national interests or of the interests of the privileged nation in a multi-national state. The next step is the mystification of State interests, i.e. of national interests and of the national past, which creates favourable conditions for the rise of national intolerance and chauvinism. And thirdly, the crisis of ideological values and disillusionment with governing ideologies, which is evident also in socialism, is often compensated for by the return to national myths and to national history, which is glorified, and this provokes the revival of traditional nationalism.

In our view, the recent revival of nationalism in Yugoslavia is also a consequence of the ideological crisis of the modern Yugoslav society.⁴⁷ In the first post-war period such a crisis did not exist, because the majority of Yugoslav people accepted the attractive idea of a classless Communist

⁴⁷In support of this assertion we can cite the following statement of Veljko Vlahović, a member of the Presidency of the LCY, which he made at the 34th session of the Presidency, that took place on Brioni on July 11, 1972. Vlahović said: "We must admit that there is a great pressure for the abandonment of the ideological determinations in our society too. There is an opinion that such a determination is outmoded and that it does not correspond to the modern development of industry, and that it obstructs the development of science, technique and technology. There is not enough resistance within the League of Communists against such attitudes. This facilitates various ideological thrusts into the League of Communists, including the nationalist deformation of conscience." /Večernje Novosti /Belgrade: July 12, 1972/, p. 4./

society and concentrated all their efforts for its achievement. The first disillusionment came in 1948, with the breach with the Soviet Union, but was almost immediately compensated with the new belief in the concept of self-managing socialism. However, the realization of this concept went rather slowly, and by the mid-sixties it still looked almost as distant as it used to be in the beginning. As a result, many Yugoslavs accepted the rising value system of a consumer society, especially after the country opened its gates to the West. On the other hand, those who felt the need to believe in something which is not so profane as a car or TV set, returned to the traditional concept of the Nation. This might be an explanation why the Yugoslav youth became, to the surprise of many, susceptible to nationalism. A young man has to believe in something, and if that cannot be found in the present, the answer might be an orientation towards the future or, as in this case, a return to the past. Thus, we think that a lasting solution to the national question in Yugoslavia will depend both on the eradication of economic causes of nationalism and on the reaffirmation of the concept of self-management, as an ideology whose pivotal point is the belief in the creativeness of Man as a producer and manager.

However, this process will be of long duration and it is likely that, in the meantime, inter-nationality con-

licts and nationalism will remain present in the everyday life of Yugoslavia. Nevertheless, we think that the recent constitutional reform, by reducing the power and the range of competence of the Federation, has also reduced the area which contributed to the emergence of such conflicts. Already the very fact that all Yugoslav Republics and Provinces have agreed on the necessity of the radical reform of the Federation represents an important contribution to the rebuilding of mutual trust between the Yugoslav nationalities and lessens the possibility of the emergence of new, more serious conflicts between them. Of course, for the time being, the Yugoslav nations agree primarily on the fact that they do not share common interests in all spheres of political and economic life and that, consequently, the authority of the joint, federal state should be transferred to the federal units. In the future, the number of these common interests might again gradually increase, and the Federation might regain its power, or they might disappear altogether, and the Yugoslav Republics may continue to exist as separate States. We do not think that it is possible, at the present, to find an answer to this question, but we would like to make a few remarks on the character of the Yugoslav federation, as it is now.

In dealing with this problem, some Yugoslav scholars tried to answer the question whether Yugoslavia would be,

after the constitutional reform, a federation or a confederation. A detailed analysis of this question was given by Dr. Radomir Lukić, from the Belgrade Law Faculty.⁴⁸ According to Lukić, Yugoslavia is a mixture of a federation and a confederation, with the prevalent influence of confederative elements. Lukić based his opinion primarily on the new constitutional provision which determined that the amending of the Federal Constitution could be done only if all Republics and Provinces agreed so. This practically means that the Federal Constitution is a kind of the covenant between the member states of the confederation, i.e. that the member states are not bound by any provision which they do not accept. If the right to separation was explicitly confirmed in the Federal Constitution, Yugoslavia would be, according to Lukić, a clear case of a confederation. Additional confederative elements in the Yugoslav constitutional system are, in Lukić's opinion, the Presidency, which is elected by the Republics and which is responsible to them, and a federal clause, in the cases of concluding international treaties. The federative elements in the Yugoslav constitutional system would be a single, unified Army, the sovereignty of the Federation in the sphere of international relations and a still relatively wide competence of the Federation in the sphere of international economic relations and legisla-

⁴⁸Radomir Lukić, op. cit., pp. 83-90.

tion.

One could add that the confederative character of the Yugoslav state is confirmed by the provisions of Amendment XX, which designated the nations and their Republics as the constitutive elements of the Federation, and not the working people and nations of Yugoslavia, like it was done in 1963 Constitution.

In our view, however, the comparison "federation-confederation" might be very useful from a formally legal point of view, but if one should like to determine the character of the Yugoslav state, he should analyze primarily the real political and social processes in the country. And we think that the unifying elements still prevail over the divisive ones in contemporary Yugoslav society. These elements that bind together Yugoslav nations and their republics are, inter alia, unified market and a unified political system, the devotion to principles of socialist self-management and, above all, the Communist Party of Yugoslavia, as the only organized political force in the country, whose members share the same ideology and have the same attitude towards most problems regarding the country. Thus, as long as the Communist Party preserves its internal unity and its leading role in society, the unity of the country itself will be secured.

Of course, the important characteristic of Yugoslav

society is that it allows diversity within unity, and that is why the country has been organized as a federal State. Consequently, it has the basic characteristics of a federal state, but also some new, specific features which make it a different type of federalism. These new characteristics - new methods in the functioning of the Federation are: the compulsory adjustment of views of different republics and provinces, the introduction of the principle of parity in the formation of all federal agencies, and other forms of achieving the principle of full legal equality of all Yugoslav nations and nationalities. We have dealt with these characteristics in detail in the earlier parts of this study and there is no need to repeat them again.

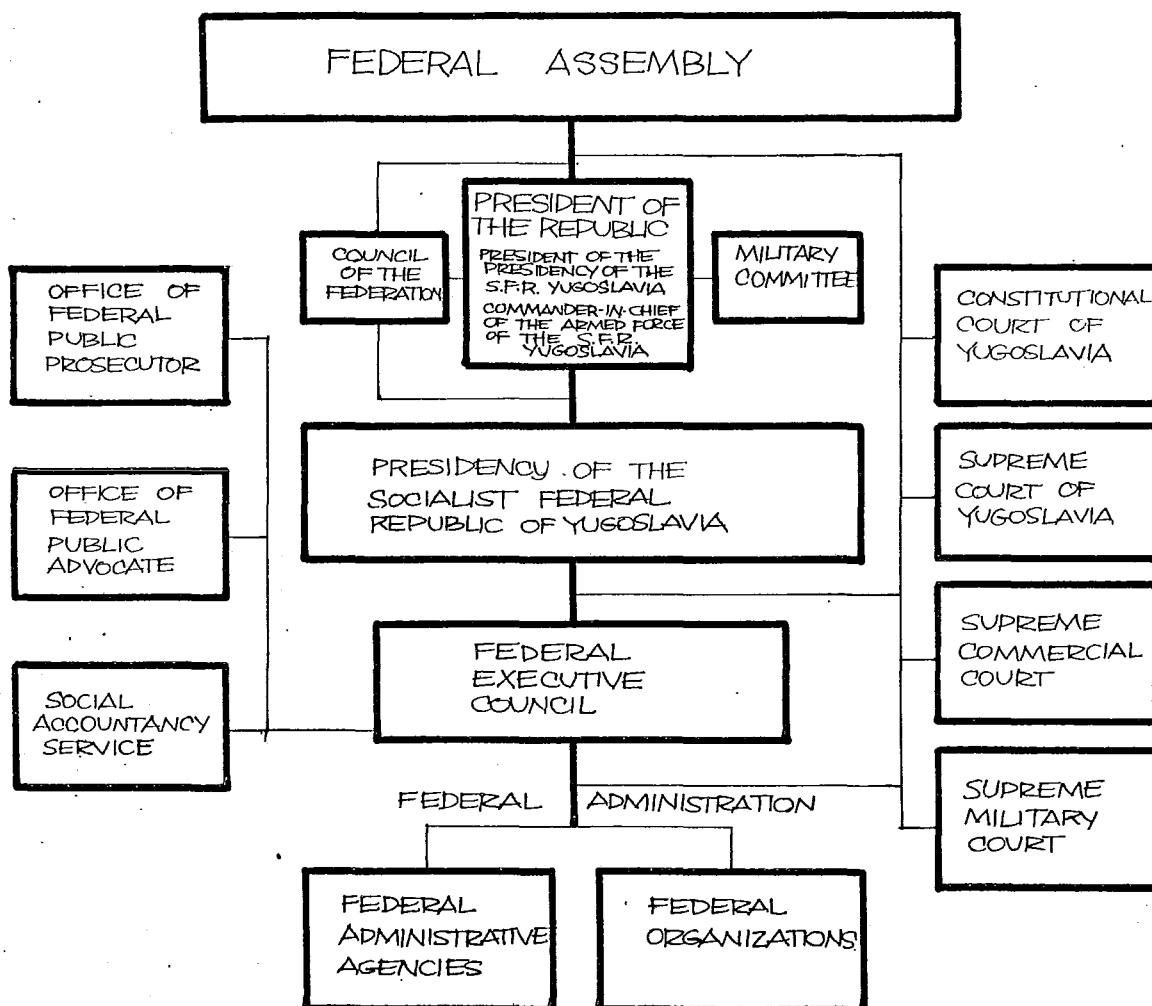
Finally, we would like to point out that the future of the new Yugoslav federation will depend on several factors, such as the economic progress of the country, the ideological-political unity, international developments, but, above all, it will depend on the success or failure of the Yugoslav concept of the creation of the self-managing socialist community, because the new type of the Yugoslav federalism is an inseparable component of that concept. Although the realization of that concept started more than two decades ago, it still has not established itself completely in Yugoslav society and will have to prove its viability in the conditions of industrial and post-industrial era. Thus, it is not pos-

sible to make, at the present time, firm predictions as to the future developments of the Yugoslav self-managing society and of the Yugoslav federal community.

APPENDIX I

ORGANIZATIONAL SCHEME OF FEDERAL AGENCIES

/Situation as per October 25, 1971/



APPENDIX II

REPUBLICAN AND PROVINCIAL REPRESENTATION IN THE FEDERAL ADMINISTRATION, WHERE THE PRINCIPLE OF PARITY IS APPLIED (on the 31st of March 1970 and 1971, respectively)

	Bosnia & Herzeg.		Monte- negro		Croatia		Macedonia		Slovenia		Serbia		Kosovo		Vojvodina	
	70	72	70	72	70	72	70	72	70	72	70	72	70	72	70	72
a) Members of the Federal Executive Council	5	4	4	4	5	4	4	4	6	4	4	4	1	2	3	2
b) Deputies federal secretaries	4	3	2	2	6	5	3	4	2	3	6	4	1	2	2	3
c) Undersecretaries	7	9	9	4	4	4	3	6	3	5	8	7	1	3	1	2
d) Assistant secretaries	7	11	8	12	16	12	9	10	8	12	13	11	2	5	1	7
e) Heads of departments in the Federal Secretariat for Foreign Affairs		2	2	3	6	4	2	2	1	1	2	1	-	-	-	-
T o t a l (b-e)	18	25	21	21	32	25	17	22	14	21	29	23	4	10	4	12

APPENDIX III

THE PROPORTIONS OF REPRESENTATIVES FROM REPUBLICS AND PROVINCES IN THE TOTAL NUMBER OF CHIEFS OF DIPLOMATIC AND CONSULAR MISSIONS OF THE SFYR, TO WHICH THE PRINCIPLE OF PARITY APPLIES (ON THE 8th OF MAY 1970 AND 15th OF MARCH 1972)

		Bosnia & Herz.	Monte- negro	Croatia	Mace- donia	Slove- nia	Serbia	Kosovo	Vojvo- dina
Ambassadors and Chiefs of Permanent Missions	1970	11	9	17	7	8	13	3	5
	1972	12	10	13	11	11	11	5	5
Consuls General	1970	4	2	5	4	5	2	1	3
	1972	5	2	6	4	4	3	1	1
Consuls	1970	2	-	2	1	2	1	-	2
	1972	1	1	4	2	3	1	-	2
T o t a l	1970	17	11	24	12	15	16	4	10
	1972	18	13	23	17	18	15	6	8

APPENDIX IV

THE PROPORTION OF REPRESENTATIVES FROM REPUBLICS AND PROVINCES IN THE TOTAL NUMBER OF PRESIDENTS AND JUDGES OF THE
FEDERAL COURTS

	The Constitu- tional Court of Yugoslavia	The Supreme Court of Yugoslavia	The Supreme Eco- nomic Court Judges	Jurors
Bosnia and Herzegovina	2	3	1	9
Montenegro	2	6	1	9
Croatia	2	4	-	9
Macedonia	2	2	1	9
Slovenia	2	3	1	9
Serbia	2	5	2	9
Kosovo	1	-	-	5
Vojvodina	1	1	1	5
T o t a l:	14	24	7	64

BIBLIOGRAPHY

Books and Pamphlets

- Aktuelna pitanja podele normativne funkcije izmedju federacije i republika: materijal sa savetovanja održanog 11. i 12. maja 1970. u Beogradu. Beograd: Institut za uporedno pravo, 1970.
- Bilandžić, Dušan. Management of Yugoslav Economy /1945-1966/. Beograd: Yugoslav Trade Unions, 1967.
- The Constitution of the Socialist Federal Republic of Yugoslavia. Beograd: The Secretariat for Information of the Federal Executive Council, 1963.
- Constitutional Amendments XX-XLII. Belgrade: The Secretariat for Information of the Federal Executive Council, 1971.
- Čulinović, Ferdo. Razvitak jugoslavenskog federalizma. Zagreb: Školska knjiga, 1952.
- Nacionalno pitanje u jugoslavenskim zemljama. Zagreb: Biblioteka Instituta za historiju države i prava na Pravnom fakultetu u Zagrebu, 1955.
- Jugoslavija izmedju dva rata. 2 vols. Zagreb: Izdavački zavod Jugoslavenske akademije znanosti i umjetnosti, 1961.
- Što je nacija. Beograd: Naučno delo, 1964.
- Djordjević, Jovan. Politički sistem. Beograd: Savez udruženja pravnika Jugoslavije, 1967.
- Ustavno pravo. 2nd ed. Beograd: Savremena administracija, 1967.
- Ekonomske funkcije federacije: predlozi Socijalističke Republike Srbije. Beograd: Republički sekretarijat za informacije, 1970.
- Enciklopedija Jugoslavije. 8 vols. Zagreb: Jugoslavenski leksikografski zavod, 1960-1971.

Federalizam i nacionalno pitanje: zbirka radova. Beograd: Savez udruženja za političke nauke Jugoslavije, 1971.

Geršković, Leon. Uz diskusiju o prednacrtu Ustava FSRJ. Zagreb: Narodne novine, 1962.

Hondius, Frits. The Yugoslav Community of Nations. The Hague-Paris: Mouton, 1968.

Izveštaj o stanju u Savezu komunista Hrvatske u odnosu na prodor nacionalizma u njegove redove. Zagreb: Informativna služba Centralnog komiteta Saveza komunista Hrvatske, 1972.

Karakter i funkcije federacije u procesu konstituisanja samoupravnog društva. /A Symposium/. Beograd: Institut za političke studije VŠPN, 1968.

Klasno i nacionalno u suvremenom socijalizmu. 2 vols. /A Symposium/. Zagreb: Biblioteka Naših tema, 1970.

Kovačević, Milivoje. Od AVNOJ-a do novog ustava. Beograd: Sedma sila, 1963.

Meštrović, Ivan. Uspomene na političke ljude i događaje. Zagreb: Matica hrvatska, 1969.

Osmi kongres Saveza komunista Jugoslavije. Beograd: Kultura, 1965.

Pijade, Moša. Izabrani govori i članci 1941-1947. Beograd: Kultura, 1948.

Prednacrt ustava Federativne Socijalističke Republike Jugoslavije. Beograd: Komunist, 1962.

Program Saveza komunista Jugoslavije. Beograd: Kultura, 1958.

Prva konferencija Saveza komunista Jugoslavije. Beograd: Komunist, 1970.

Radovanović, Ljubomir. Federalizam u ustavnom sistemu Jugoslavije. Beograd: Komunist, 1972.

Reorganizacija federacije i razvoj političkog sistema. Zagreb: Centar za aktualni politički studij, 1970.

Ribar, Ivan. Politički zapisi. 4 vols. Beograd: Prosveta, 1952.

Šuvar, Stipe. Nacije i medjunacionalni odnosi. Zagreb: Biblioteka Naših tema, 1970.

Ustavna reforma: saopćenja sa kolokvija na Pravnom fakultetu u Zagrebu. Zagreb: Centar za aktualni politički studij, 1971.

Ustavne promene: XVI sednica Predsedništva SKJ i obrazloženja na sednici ustavne komisije Savezne skupštine. Beograd: Komunist, 1971.

Ustav Socijalističke Federativne Republike Jugoslavije. Beograd: Savremena administracija, 1964.

Ustav SFRJ, ekspozice Milentija Popovića, ustavni amandmani od I do XLII. Beograd i Sarajevo: Komunist-Oslobodjenje, 1971.

Articles

"Amandmani: za i protiv", Pitanja, III/No. 24, svibanj 1971/ 325-370.

Babić, Ivan. "Urgentnost promjena u političkom sistemu SFR Jugoslavije", Politička misao, VIII /No. 1, 1971/, 5-10.

-----". "Politološki pristup ustavnim promjenama", Politička misao, VIII /No. 1, 1971/, 17-21.

Cijan, Rafael, and Dušan Josipović. "Medjurepublički komiteti", Upravljanje društvenim poslovima, VIII /No. 1, januar-mart 1972/, 5-13.

Djodan, Šime. "Ustavni amandmani i problemi jedinstvenog tržišta", Kolo, No. 4 /1971/, 388-397.

-----". "Aktualni gospodarski položaj Hrvatske", Kritika, No. 17 /1971/, 348-353.

-----". "Jugoslavenko tržište, samoupravnost poduzeća i suverenitet republika", Kritika, No. 18 /1971/, 477-486.

Fazlibegović, Abdulah. "Jednostrano o jedinstvenom tržištu", Gledišta, XII /No. 7-8, juli-avgust 1971/, 1093-1101.

Guzina, Ružica. "Istorijski osvrt na probleme federativnog

- uredjenja jugoslovenske države", Gledišta, XII /No. 3, mart 1971/, 459-473.
- "Jedinstveno tržište, nacionalne ekonomije i jugoslovenska privreda", /A discussion/, Gledišta, XII /No. 3, mart 1971/, 357-435.
- Kardelj, Edvard. "Current Problems of Our Political System", Socialist Thought and Practice, No. 41 /October-December, 1970/, 3-38.
- ."Report on the Amendments to the Constitution", Socialist Thought and Practice, No. 42 /January-March 1971/, pp. 3-48.
- Košćak, Vladimir. "Formiranje hrvatske nacije i slavenska ideja", Kritika, No. 17 /1971/, pp. 267-280.
- Koštunica, Vojislav, and Kosta Čavoški. "Nacije i federalizam u našem vremenu", Gledišta, XII /No. 4, april 1971/, 677-684.
- Košutić, Budimir. "Savez država ili savezna država", Gledišta, XII /No. 3, mart 1971/, 446-451.
- Lovrić, Ivan. "Organi federacije i njihovi međusobni odnosi prema ustavnim amandmanima", Upravljanje društvenim poslovima, VII /No. 2, 1971/, 1-26.
- Mangovski, Petar. "Suverenost republika u ustavnom sistemu SFRJ", Jugoslovenska revija za međunarodno pravo, XVI /No. 3, 1969/, 409-417.
- Marković, Milenko. "Klasno i nacionalno u samoupravnom socijalizmu", Socijalizam, XIV /No. 2, 1971/, 159-183.
- Mileta, Vlatko. "Neki prijedlozi u vezi s promjenama ekonomskih funkcija federacije", Politička misao, VIII /No. 1, 1971/, 10-17.
- Miljević, Djordje, Nikola Stefanović and Dušan Marinković. "The Latest Changes /1971/ in the Constitution of the Socialist Federal Republic of Yugoslavia", Yugoslav Survey, XII /November 1971/, 1-36.
- Padjen, Ivan. "Vanjski poslovi u nacrtu amandmana", Pitanja, III /No. 24, svibanj 1971/, 379-399.

Pašić, Najdan. "Federalism and Relations Between Nationalities and National Groups in Yugoslavia's Contemporary Development Period", in Socialism in Yugoslav Theory and Practice: Collection of Conferences, Vol. 3, Beograd: University of Beograd International University Centre for Social Sciences, 1971, pp. 173-190.

-----". "Razvojne dileme jugoslovenske federacije", Socijalizam, XIII /No. 11, 1970/, 1382-1404.

-----". "Samoupravna formula jedinstva nacionalnog i klasnog", Socijalizam, XIV /No. 3, 1971/, 295-306.

-----". "Nacionalni odnosi i samoupravljanje", Socijalizam, XIV /No. 11-12, 1971/, 1274-1288.

Petrović, Ruža. "The Numerical Strength and Territorial Distribution of the Nations and Nationalities of Yugoslavia", Yugoslav Survey, XII /No. 1, 1971/, 1-14.

Raičević, Jovan. "Reafirmacija klasno-samoupravne orijentacije", Socijalizam, XIV /No. 11-12, 1971/, 1263-1273.

Ratković, Radoslav. "Ideološki aspekti ustavnih promena", Socijalizam, XIV /No. 3, 1971/, 285-294.

Simović, Vojislav. "O aktuelnosti proučavanja odluka Drugog zasedanja AVNOJ-a", Analiz Pravnog fakulteta u Beogradu, XVI /No. 3-4, 1968/, 327-341.

-----". "O prirodi federalizma i federacije", Gledišta, XII /No. 7-8, juli-avgust 1971/, 1041-1054.

Šošić, Hrvoje. "Emisija novca - funkcija i pravo republika", Kritika, No. 17 /1971/, pp. 305-318.

Špadijer, Balša. "Razvoj jugoslovenskog samoupravnog federalizma i ustavni amandmani", Socijalizam, XV /No. 1, 1972/, 27-41.

Šegedin, Petar. "Sudbina", Forum, No. 1-2 /1971/.

Tadić, Ljubomir. "Državnost ili samoupravnost", Gledišta, XII /No. 3, mart 1971/, 443-446.

-----". "Da li je nacionalizam naša sudbina", Gledišta, XII /No. 7-8, juli-avgust 1971/, 1054-1060.

Trajkovski, Trajko. "Zastupljenost republika i pokrajina

u federaciji", Socijalizam, XIII /No. 10, 1970/, 1217-1235.

Trumbić, Ante. "Elaborat o hrvatskom pitanju", Kritika, No. 18 /1971/, pp. 402-416.

Tudjman, Franjo. "Stjepan Radić i hrvatska državnost", Kritika, No. 18 /1971/, pp. 386-401.

Vlajčić, Gordana. "Zvanični stavovi KPJ i Kominterne o nacionalnom pitanju u Kraljevini SHS 1919-1924", Kulturni radnik, XXIII /No. 5, 1970/, 3-44.

Vojnić, Dragomir. "Razvoj društveno-ekonomskog sistema i ustavni amandmani", Pitanja, III /No. 24, svibanj 1971/, 373-378.

Vratuša, Anton. "Constitutional Amendments 1971", Review of International Affairs, XXII /No. 518, November 5, 1971/, 26-30.