The Constitutional Crisis in Yugoslavia and the International Law of Self-Determination: Slovenia’s and Croatia’s Right to Secede

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INTRODUCTION

On June 25, 1991, Slovenia and Croatia, two republics of the Socialist Federal Republic of Yugoslavia, declared their independence. Generally, the international community reacted negatively to Slovenia’s and Croatia’s secessionist actions. The United States stated that it would not recognize Slovenia or Croatia under any circumstances, and the European Community (EC) announced that it expected Yugoslavia to remain one country. Many members of the international community insisted that Yugoslavia remain intact in accordance with the international legal principle of territorial integrity, which prohibits the changing of borders. Underlying the reluctance to recognize Slovenia and Croatia was a fear of violence in Europe and the precedent that independence would establish for the multitude of separatist ethnic groups in Eastern Europe.

World opinion of Slovenia’s and Croatia’s actions changed, however, after a Yugoslav army offensive against Slovenia. Some commentators noted that the initial U.S. and EC policies might have encouraged the violent actions of the Yugoslav army. Following the military action, and possibly because they realized their policies may have provoked the violence, the United States and EC began to voice their support of the republics. In doing so, the United States and EC cited such fundamental values as freedom and the right to self-determination.

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1 Yugoslavia Is Such A Bother, Economist, June 29, 1991, at 41 [hereinafter Such A Bother].
2 See id.
3 Id.
5 Id.
6 Id.
7 Id.
8 Id. The U.S. and EC decisions may have been influenced by Germany’s and Austria’s
The right of Slovenia and Croatia to determine their own political, economic, social, and cultural development is an issue that has consequences for ethnic minorities around the world, particularly in Eastern Europe. Since the fall of Eastern Europe's communist regimes in 1989, nationalism has become an increasingly potent force. Nationalism has encouraged ethnic minorities to voice demands for recognition, the restructuring of governments, and even the redrawing of borders. Lithuania, Latvia, and Estonia, for example, have successfully asserted their independence. The continued existence of the Soviet Union has been drawn into question. Nationalist groups elsewhere in Eastern Europe are now vocally asserting themselves as well.

An examination of the principle of self-determination can assist in judging the legitimacy of actions by ethnic minorities against parent states. The principle of self-determination gives certain peoples a right to exercise local autonomy. International law defines "peoples" subjectively, by focusing on the will of a group. International law also defines peoples objectively, by requiring a group to possess common objective characteristics. The principle of self-determination can grant peoples autonomy ranging from simple participation in government to full self-government. Whether the principle of self-determination includes a right to secede from an existing state, however, has been widely supported by Slovenia and Croatia. See David Binder, Some Western Nations Split Off Yugoslavia, N.Y. Times, July 3, 1991, at A6.

10 Id.
12 Id.
15 Id. at 9–10.
16 Id. at 10.
17 Id. at 11–12.
In the post-World War I era, self-determination was initially identified as the right of all peoples to an independent state. Since the end of World War II and the beginning of the process of decolonization which followed, self-determination has been more restricted.

This Comment assesses the legitimacy of the secessionist actions of Slovenia and Croatia in light of the principle of self-determination. Part I identifies the parties and the dispute over the right to secede under Yugoslav constitutional law. Part II traces the development of the principle of self-determination, while Part III examines the modern concept of self-determination. Part IV applies the principle of self-determination to the present situation in Yugoslavia. This Comment concludes that under international law, Slovenes and Croats are peoples who have the right to self-determination, and, consequently, the right to self-government. This Comment also concludes, however, that Slovenia and Croatia do not have a right to secede because this right has not yet been recognized under international law.

I. The Constitutional Crisis in Yugoslavia

Yugoslavia is a federation of six republics and two autonomous provinces. Eight major ethnic populations live in areas roughly corresponding to the political divisions of the federation. Each ethnic population, however, is represented in other republics or

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21 The republics of Yugoslavia are Serbia, Croatia, Slovenia, Bosnia-Hercegovina, Montenegro, and Macedonia. Serbia possesses two autonomous provinces: the province of Vojvodina and the province of Kosovo. See Kenneth C. Danforth, Yugoslavia: A House Much Divided, NAT'L GEOGRAPHIC, Aug. 1990, at 92, 104–05.
22 Id. The names of the republics generally correspond to their majority populations. The province of Kosovo, however, possesses an Albanian majority. Id. Additionally, the province of Vojvodina possesses a significant Hungarian population, although Serbs are in the majority. See PEDRO RAMET, NATIONALISM AND FEDERALISM IN YUGOSLAVIA, 1963–1983 68 (1984). The 1981 Yugoslav census counted 22.4 million people, consisting of 9.3 million Serbs, 4.6 million Croats, 4.1 million Bosnians, 1.9 million Macedonians, 1.8 million Slovenes, 590,000 Montenegrins, 1.7 million Albanians, and 470,000 Hungarians. The census also counted 120,000 Turks, 83,000 Slovaks, 58,000 Romanians, and 70,485 Gypsies. BRUCE McFARLANE, YUGOSLAVIA: POLITICS, ECONOMICS AND SOCIETY 2 (1988).
provinces. Additionally, there are a significant number of ethnic minorities in Yugoslavia. This ethnic mixture has resulted in the use of four official languages, a host of unofficial languages, and two different alphabets. The cultural diversity is further emphasized by the existence of three major religions that are practiced primarily along ethnic lines.

A. The Parties to the Crisis

The constitutional crisis in Yugoslavia arises from a dispute over the future political relationships among the country’s republics and provinces. Croatia and Slovenia, with some support from Bosnia-Hercegovina, Macedonia, and Kosovo, favor a loose confederal system, rather than the centralized, federal system endorsed by Serbia, Montenegro, and Vojvodina. Powerful Serbia’s resistance to negotiating a confederal arrangement has led Slovenia and Croatia to take steps toward secession from Yugoslavia. The federal government has resorted to military action to preserve the union.

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23 RAMET, supra note 22, at xvi.
24 McFARLANE, supra note 22, at 2.
25 The four official languages are Serbo-Croatian, Slovenian, Macedonian, and Albanian. Danforth, supra note 21, at 104.
26 Roman Catholics comprise 32 percent of the population, and are primarily either Croats or Slovenes. Orthodox Christians constitute 41 percent of the population, and are primarily Serbs, Montenegrins, or Macedonians. Muslims constitute 12 percent of the population, and include Bosnians, Albanians (Kosovo-Metohians), and Turks. McFARLANE, supra note 22, at 2.
29 Warfare in Yugoslavia has left more than 600 people dead and has caused billions of dollars worth of property damage. Tony Smith, Croatian, Yugoslavian Army Leaders Sign Cease-Fire, BOSTON GLOBE, Oct. 9, 1991, at 2. Additionally, 140,000 people have been displaced. John Tagliabue, Serbia Says It Is Accepting European Peace Proposal, N.Y. TIMES, Sept. 1, 1991, at 3 [hereinafter Tagliabue, Serbia Says]. Fighting began in Slovenia shortly after Slovenia and Croatia declared independence on June 25, 1991 when federal troops moved into Slovenia and recaptured republican border posts. Since July, fighting has centered in Croatia, where members of Croatia’s ethnic Serbian minority have rebelled in opposition to Croatia’s secession. The Yugoslav army has claimed that it is acting as a buffer between the Croats and Serbian insurgents, but the Serbian-dominated military is actually supporting Serbian guerrillas. Richard Boucher, Call for a Cease-fire in Yugoslavia, Statement by Acting Department Spokesman (Aug. 29, 1991) in DEPT’R ST. DISPATCH, Sept. 2, 1991, at 652; Tagliabue, Serbia Says, supra. Croatia is on the verge of declaring war against Yugoslavia to assert its independence and to respond to the actions of Serbs and the Yugoslav army. It appears that the war may spread as fighting in southern Croatia
The polarization within Yugoslavia, however, is not solely the result of differing views of the proper role of states within a union. The crisis represents a resurgence of nationalist conflicts that have frequently arisen since the formation of Yugoslavia in 1918. The crisis involves the traditional fears of Croats, Slovenes, and the other nationalities that their state would be controlled by Serbs. Non-Serbs believe that a strong central Yugoslav federal government permits Serbia, the largest republic in size and population, to dominate government.

In addition to ethnicity, differences in religion and wealth also characterize the parties to the conflict. Slovenes and Croats are Roman Catholics while Serbs are Orthodox Christians. Additionally, the Slovene and Croatian economies are strong enough to compete in western markets. The other republics are less-developed and in need of economic aid.

The crisis also involves opposing political philosophies. Serbia is communist, while Croatia and Slovenia are non-communist. Some have attributed Serbia’s support for an autocratic communist regime to such a regime’s ability to suppress opposition from the other republics and preserve the Serbian-dominated system. In contrast, a confederation, where considerable power is retained by the republics, would assure local control over purely internal matters. This arrangement would secure the benefits of cooperation in matters of common interest, such as defense.

has intensified and Bosnia-Hercegovina has begun to aid Croatia with information on Serbian movements. Additionally, further strife may occur as a result of Macedonia’s vote to become independent if a Yugoslav confederation cannot be established. John Tagliabue, Yugoslav Republic Votes To Secede, The Third To Do So, N.Y. TIMES, Sept. 10, 1991, at A1, A6.

31 Id.
32 Id.
33 See Landay, supra note 27.
34 See Jadranic, supra note 30; Landay, supra note 27.
35 McFarlane, supra note 22, at 2.
36 See Landay, supra note 27.
38 Landay, supra note 27.
39 Croatian and Slovene Presidencies Propose Model of Yugoslav Confederation, British Broad-
B. Positions of the Parties

In their attempt to move the country toward a confederation, Slovenia and Croatia held plebiscites on the issue of independence. Both republics voted for independence if a confederation could not be established in Yugoslavia. Slovenia and Croatia also adopted new republican constitutional provisions, giving themselves the right to secede from the existing Yugoslav federation.

Slovenia and Croatia maintain that they have a constitutional right to self-determination, including a right to secede. The
1946 federal constitution had granted the republics both these rights.\textsuperscript{44} Furthermore, the 1963 constitution and the present constitution, adopted in 1974, state that these rights belong to the "nations of Yugoslavia."\textsuperscript{45} At the same time, however, the current constitution includes a number of provisions that may deny a right to secede. Article 203, for example, precludes the use of constitutionally-granted rights in ways which threaten the existence of the state or in ways which "stir up national, racial, or religious hatred or intolerance."\textsuperscript{46} Secession may threaten the existence of the state, thus article 203 may nullify a republican right to secede. Article 244 of the constitution also appears to preclude secession by guaranteeing Yugoslavia its territorial integrity.\textsuperscript{47} On the other hand, the constitution contemplates changes in Yugoslavia's borders in articles 5 and 283.\textsuperscript{48} Article 5 requires the consent of all republics and provinces before the borders of Yugoslavia can be altered.\textsuperscript{49} Article 283 gives the Yugoslav Assembly the power to determine alterations in the state's boundaries.\textsuperscript{50} Thus, the provisions of the constitution seem to suggest that secession is possible if the federal government and all of the republics and provinces agree to it.

The Yugoslav Presidency has conceded that nations have a right to self-determination and secession, and that all nations in Yugoslavia are sovereign.\textsuperscript{51} Furthermore, the Presidency has stated that "no solutions will be or can be imposed upon any nation if [the solutions] are not in accordance with the nation's freely expressed will and interests."\textsuperscript{52} The Yugoslav Presidency, however, views Slovenia's plebiscite as an illegal act of secession

\textsuperscript{44} Ramet, supra note 22, at 78.

\textsuperscript{45} Constitution, supra note 42, at Introductory Part, Basic Principles I. The Basic Principles of the Constitution of the Socialist Federal Republic of Yugoslavia states: "The nations of Yugoslavia, proceeding from the right of every nation to self-determination, including the right to secession, on the basis of their will freely expressed in the common struggle of all nations and nationalities in the National Liberation War and Socialist Revolution . . . have, together with the nationalities with which they live, united in a federal republic . . . ." Id.

\textsuperscript{46} Id. at art. 203.

\textsuperscript{47} See id. at art. 244.

\textsuperscript{48} Id. at arts. 5, 283(5).

\textsuperscript{49} Id. at art. 5.

\textsuperscript{50} Id. at art. 283(5).


\textsuperscript{52} Id.
because it is a unilateral act that ignores the interests of other Yugoslav nations.53 The Presidency contends that before seceding, Slovenia must first explore options for redefining relations with the other republics, including defining a procedure for secession.54 The Yugoslav Presidency has stated that the process of constitutional reform in Yugoslavia must be "implemented in a peaceful, democratic and legal way based on the Constitution, in which the [Yugoslav] Assembly and [A]ssemblies of all republics have a clear constitutionally-based role and responsibility."55

The Yugoslav Constitution56 and the federal government57 tacitly acknowledge that a right to secede may exist. In order to assert this right successfully, however, Slovenia and Croatia must first convince the rest of Yugoslavia that the constitution permits separation from the federation and not merely a rearrangement of the existing constitutional framework.58 Furthermore, even if the federal government and the other republics were to acknowledge Slovenia's and Croatia's right to secede, these two republics would still have to negotiate a procedure for a transition acceptable to all the parties involved.59 Most notably, secession by Croa-

53 Id.
54 Id.
55 Id. The Federal Chamber of the Yugoslav Assembly has asked the Assembly Commission for Constitutional Issues to formulate legislation that will resolve the constitutional crisis. The Federal Chamber has also called on the Federal Executive Council to "examine and assess" the decisions and measures of Slovenia in light of the Council's obligation to guarantee constitutional order. SFRY Assembly Federal Chamber Conclusions on Slovene Plebiscite, British Broadcasting Corp., Summary of World Broadcasts, Dec. 22, 1990, available in LEXIS, Nexis Library, Current File.

The Federal Chamber of the Yugoslav Assembly brought suit in the Constitutional Court of Yugoslavia under article 379 of the Yugoslav Constitution challenging Slovene legislation allowing the republic to take control of military, foreign, and monetary policies. Id. On January 11, 1991, the Constitutional Court issued a temporary injunction to prevent the Slovene government from taking any steps under the authority granted to it by the plebiscite until a final decision on the legality of the vote. The court reasoned that an injunction was necessary to avoid "irreparable, harmful consequences." Jonathan S. Landay, Court Orders Slovenia to Suspend Moves to Secede, UPI, Jan. 11, 1990, available in LEXIS, Nexis Library, UPI File. The court held that the Slovene actions impinged on "rights and duties" vested in the federal government, and that Slovenia's secession would be an unconstitutional, unilateral decision to change Yugoslavia's borders. Id.

The Yugoslav Presidency initiated a suit in the spring of 1991 to challenge the validity of the Slovene and Croatian resolutions and constitutional provisions authorizing secession. It is apparent that the court will rule in accordance with its previous decision disallowing unilateral secession. SFRY Presidency Condemns, supra note 41.

56 See supra notes 43–50 and accompanying text.
57 SFRY Presidency Says, supra note 51.
58 See Ramet, supra note 22, at 78.
59 See SFRY Presidency Says, supra note 51.
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tia would require it to redraw its borders because Serbia will demand control over Serbs living in Croatia.60 Redrawing its borders is unacceptable to Croatia. Furthermore, Serbia is opposed to the secession of Slovenia and Croatia. These factors make it difficult for the separatist republics to assert their claims pursuant to Yugoslav law. Thus, it is desirable to examine Slovenia's and Croatia's actions under international law.

II. THE DEVELOPMENT OF THE PRINCIPLE OF SELF-DETERMINATION

The principle of self-determination has developed in two distinct historical contexts during the twentieth century—the post-World War I rise of nationalist movements and the post-World War II decolonization process.61 Following World War I, the Allies initially emphasized self-determination as a basic right belonging to all peoples.62 Commentators also equated the right to self-determination with the right of a people to their own independent state.63 Following World War II, during the period of decolonization, self-determination was viewed as a right of freedom from foreign oppression, permitting the inhabitants of existing territories to assume governmental control.64 Both these views influenced the development of the modern concept of self-determination.

A. Post-World War I Rise of Nationalist Movements

The Allies adopted the principle of self-determination in redrawing European borders during the Peace Conference of 1919 following World War I.65 Woodrow Wilson, perhaps the most vocal proponent of self-determination at the time,66 hoped that by taking into account the desires of nationalist minority groups, the Allies could restructure Europe and ensure lasting world

62 COBBAN, supra note 19, at 57.
63 Id. at 39.
64 Note, supra note 61, at 804–05.
65 See UMOZURIKE OJI UMOZURIKE, SELF-DETERMINATION IN INTERNATIONAL LAW 23 (1972).
peace. He believed that satisfying nationalist demands might preclude the type of nationalist violence that sparked World War I. Wilson also believed that the principle of self-determination could be used to build a new world order. He equated self-determination with the democratic principle of government by consent of the governed. Such government would further world peace, Wilson believed, because it reflected basic human goodness.

Wilson's original vision of self-determination, however, was too idealistic to be fully realized. Still, it did influence the current scope of the principle of self-determination. The Allies and the League of Nations applied the principle of self-determination to the lands of the vanquished powers in Europe although they did not apply it to the Allies' own territories. The Allies defined peoples as nationalities, utilizing language as a test of nationality. This definition resulted in the establishment of many new nations, but it also created new minorities. Nevertheless, the Wilson era recognized the principle of self-determination, the use of language to define nationality, and the importance of the will of the people in implementing self-determination.

B. Post-World War II Decolonization Process

The dismantling of European colonial empires beginning after World War II and continuing into the 1960s and 1970s also

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67 COBBAN, supra note 19, at 63. In his Fourteen Points Address to Congress, Wilson stated: "No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property." 54 CONG. REC. 17, 442 (1917).

68 Thibodeau, supra note 66, at 126.

69 COBBAN, supra note 19, at 63.

70 Id.

71 Id.

72 Id. at 62-63.

73 Id. at 68.

74 Id. at 69.

75 UMOZURIKE, supra note 65, at 21-22. From the Austro-Hungarian Empire, the Allies created Austria, Hungary, Czechoslovakia, and Yugoslavia, and gave territory to Greece and Romania. From the Russian Empire, Finland, Estonia, Latvia, Lithuania, and Poland emerged. The Allies, under the supervision of the League of Nations, created mandates for the peoples of the Ottoman Empire and the German colonies. The Allies placed these peoples under the administration of Allied nations because they were deemed not yet ready for self-government. Id. In redrawing borders, the Allies formed new minority populations, including the Bulgars of Romania and Yugoslavia, the Magyars of Schutt Island, the Germans of Italy, and the Albanians of Yugoslavia. Id. at 22.

76 Id. at 23.
influenced the development of the principle of self-determination. The principle of self-determination utilized during the decolonization era, however, differed fundamentally from the principle exercised after World War I. During the decolonization era, former colonies, rather than peoples per se, exercised self-determination. The former colonies retained their colonial borders as they achieved statehood. By maintaining their colonial territorial integrity, the new states avoided the conflicts over borders that can result when a new state is formed from a previously existing state. Emphasis on territorial integrity thus functioned as a limit on the extent to which a group could exercise self-determination.

C. International Agreements Incorporating the Right to Self-Determination

The United Nations Charter (U.N. Charter or Charter) explicitly recognizes the principle of self-determination in articles 1(2) and 55. Self-determination is also recognized in Chapters XI, XII, and XIII of the Charter. These chapters require trustee states of Non-Self-Governing and Trust Territories to encourage self-determination in those territories. Furthermore, the 1970

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77 Buchheit, supra note 14, at 7.
78 See supra note 61, at 805.
79 See Buchheit, supra note 14, at 7.
80 See Buchheit, supra note 14, at 7.
81 See Nanda, supra note 18, at 263–64.
82 U.N. CHARTER art. I, ¶ 2. Article 1(2) states that the purposes of the United Nations are "[t]o develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace . . . ." Id.
83 Id. at art. 55. Article 55 states:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples, the United Nations shall promote: . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinctions as to race, sex, language, or religion.

Id.
84 Id. at art. 73. Article 73 states:

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and to this end: . . . to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions . . . .

Id.
Declaration on Friendly Relations (1970 Declaration) states: "By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all people have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development. . . ." The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Declaration on the Granting of Independence to Colonial Peoples and Countries (1960 Declaration) describe the right to self-determination in a similar fashion. Furthermore, a number of General Assembly resolutions passed in the context of specific world events also refer to the right to self-determination. Finally, the United Nations has recognized the utmost importance of the right to self-determination by declaring it a fundamental human right.

III. THE MODERN CONCEPT OF SELF-DETERMINATION

A. Defining A People

A people with a right to self-determination have a right to determine their political, economic, social, and cultural status.

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91 1970 Declaration, supra note 85. Scholars have argued both for and against the proposition that the principle of self-determination constitutes customary international law. UMORZUKI, supra note 65, at 177. See excerpts of various arguments in MICHLA POMERANCE, SELF-DETERMINATION IN LAW AND PRACTICE ix (1982). For example, one
This right, however, is qualified. Perhaps the most significant limitations on the right are those imposed by an exact definition of the right to self-determination.

Only a group meeting certain subjective and objective criteria can invoke a legitimate claim of self-determination.92 The subjective standard requires individuals to manifest a desire to form a distinct political entity.93 The reasoning underlying this requirement is the principle of government by consent of the governed, enunciated during the Wilson era. This standard also reflects the decolonization era view of self-determination as a right of freedom from foreign domination. It can be satisfied by a plebiscite on the issue. Thus, before a new government can be established for a region, it must have clear popular support.94

The objective standard requires a group to possess certain common characteristics.95 These characteristics may include bonds which are racial, historic, geographic, ethnic, economic, linguistic, or religious in nature.96 The objective standard derives from the Wilson era view of self-determination as a right of

commentator, J.H.W. Verzijl, has argued: "The right of 'self-determination' ... has never been recognized as a genuine positive right of 'peoples' of universal and impartial application, and it never will, nor can be so recognized in the future." Id. Another commentator, Hector Gros Espiell, has argued the contrary position: "Today no one can challenge the fact that, in the light of contemporary international realities, the principle of self-determination necessarily possesses the character of jus cogens." Id.

Determining whether a doctrine constitutes customary international law, however, requires ascertaining the practice of states. The notion that self-determination has been the practice of states is supported by the fact that only 19 of the 83 existing nations in 1954 had a continuous existence longer than that of the United States. Furthermore, since the formation of the United Nations, more than 70 territories around the world have exercised self-determination during the period of decolonization following World War II.

John A. Collins, *Self-Determination in International Law: The Palestinians*, 12 CASE W. RES. J. INT'L L. 137, 147 (1980). Although legal scholars have widely debated the status of self-determination, the U.N. Charter, numerous U.N. declarations and resolutions, and judicial opinions have affirmed the right to self-determination as international law in the 1971 *Namibia* decision and the 1975 *Advisory Opinion of the Western Sahara*. The court stated that developments in the doctrine of self-determination over the past 50 years have led to its acceptance as international law today.


92 BUCHHEIT, supra note 14, at 9–10.
93 Note, supra note 61, at 817.
94 BUCHHEIT, supra note 14, at 5–6, 10.
95 Id. at 10.
96 Id.
nationality and the decolonization period view of self-determination as a fundamental human right. The objective standard recognizes the basic human need of groups of individuals with common backgrounds to freely associate. Defining groups by common characteristics is desirable because such characteristics are often indicative of group cohesion and the subjective claim to exist as a unit.

B. Self-Government Versus the Right to Secede

Although a people may have the right to self-determination, they do not have an accompanying right to secede. Following World War I, the international legal community initially interpreted self-determination to mean the right to exist as an independent state. The 1970 Declaration states that self-determination may be expressed by independence, free association or integration with an independent state, or any other freely determined political status. The idea that self-determination includes a right to secede is logically derived from the fact that where a people are ruled by an oppressive regime, independence may be the only way they can pursue their political, economic, social, and cultural development.

International law, however, has not generally recognized secession as part of the right to self-determination except in the context of decolonization. Rather, other norms of international law, including the principle of territorial integrity, limit the scope of the right to self-determination in international law. Both the 1970 Declaration and the 1960 Declaration support this view. The 1970 Declaration states that the affirmation of self-determination shall not be "construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States . . . ." Likewise, the 1960 Declaration states:

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97 Note, supra note 61, at 805.
98 See Eisuke Suzuki, Self-Determination in International Law, 89 Yale L. J. 1247, 1251 (1980).
99 Id. at 1250–53.
100 1970 Declaration, supra note 85, at 124.
101 Nanda, supra note 18, at 265.
102 See Buchheit, supra note 14, at 16–18.
103 See Note, supra note 61, at 809.
104 1970 Declaration, supra note 85, at 124.
"Any attempt aimed at the partial or total disruption of the national unity or political integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." Accordingly, although a people have the right to determine their political status, and pursue economic, social, and cultural development, they must do so within the existing state; a right to secede does not exist for a people outside of a colonial context.

Other principles of international law, as well as the policy that international law must be structured to promote peace, also support the view that a right to secede does not exist. Secession disturbs the world order. It disrupts the stability of the parent state by depriving it of its power base: people, territory, and resources. The reluctance of parent states to accept such losses may lead them to violate the basic principles of international law prohibiting violence and intervention. This breach may occur if a parent state suppresses an uprising, if separatists use force to achieve their goal, or if either group retaliates against the other. Secession can also lead to intervention by neighboring states that sympathize with one side, or by states seeking to prevent the conflict from spreading.

Some commentators have argued that the right to self-determination is even more limited, applying only to former colonial peoples. The United Nations passed many resolutions affirming self-determination during the period of decolonization following World War II. The perception then may have been that self-determination applied only in the context of decolonization. It is not clear, however, that this limited perception existed when the General Assembly passed both the 1960 Declaration and 1970 Declaration. Contemporaneous documents declare that all people have a right to self-determination, and many documents refer not only to the right to be free from colonialism

106 Nanda, supra note 18, at 263.
107 Id.
108 Id. at 264.
109 See, e.g., RUPERT EMERSON, SELF-DETERMINATION REVISITED IN THE ERA OF DECO-LONIZATION, OCCASIONAL PAPERS IN INTERNATIONAL AFFAIRS 30 (1964).
111 Id.
but also from "racist regimes or other forms of alien domination." 112

The 1970 Declaration arguably legitimizes secession in certain situations outside the context of decolonization. 113 The Declaration states that territorial integrity applies only to those "sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples . . . and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour." 114 This suggests that a group may exercise self-determination by secession if the state from which it is seceding maintains a nonrepresentative government. 115 Furthermore, the 1970 Declaration implies that a group may legitimately secede if it can show unequal treatment of a particular racial or ethnic group by the state. 116 Divergent political beliefs, claims to resources, or ethnic or cultural identification, however, do not establish a right to secede. 117 Rather, a people must demonstrate that the parent state has violated their human rights or denied them participation in government in order to establish a right to secede.

Self-determination should be recognized outside of the colonial context. As a fundamental right, it is applicable to all people, not only to those with a certain historical background. It would be illogical to guarantee self-determination to some groups and to deny it to others. To recognize a right of secession for a people in the context of colonization but to deny this right to a people subjugated in a different historical context is inconsistent. This is especially true when a people may have suffered equally as much, but only in a different context. 118

Another limitation on the right to self-determination is that a people exercising self-determination have the duty to exercise


113 Thibodeau, supra note 66, at 132–33.

114 1970 Declaration, supra note 85.

115 See Thibodeau, supra note 66, at 132–33.

116 Id. at 130–32.

117 See Nanda, supra note 18, at 277.

118 BUCHHEIT, supra note 14, at 17–18.
their right without causing undue economic and political impact on the parent state. Additionally, such a people cannot exercise their right at the expense of the legitimate rights of other peoples living in the parent state. There is a range of political relationships short of independence which can exist between a parent state and a people exercising its right to self-determination. Such relationships may allow a group to exercise self-determination without infringing on other norms of international law. A political relationship short of independence may also be in the best economic and political interests of the self-determining group.

IV. Slovenia's and Croatia's Right to Self-Determination

A group can exercise a right to self-determination where it can show: (1) the group constitutes a people under the subjective and objective standards; and (2) the people seek to determine their political status, and pursue economic, social, and cultural development. Under the 1970 Declaration, a people should also be entitled to self-determination by secession if they can show that the group is governed by a non-representative government or that the people have been subject to unequal treatment within the state.

A. Slovenes and Croats As Peoples

1. Subjective Standard

Under international law, the Slovenes and Croats are peoples who have a right to self-determination. Slovenia and Croatia both satisfy the subjective standard because the large majority of each republic's population favors autonomy, or in the alternative, independence. The plebiscites of December 23, 1990 and May 19, 1991 are evidence of these desires. Furthermore, the Slovenes and Croats satisfy the subjective standard because the majority of each ethnic group views itself as a people distinct from the other peoples of Yugoslavia and the other countries of the world. Additionally, both groups consider themselves sovereign.

119 Thibodeau, supra note 66, at 139.
120 Id.
121 See Landay, supra note 27 (Slovenia); Lookers-On, supra note 40 (Croatia).
122 See Landay, supra note 27 (Slovenia); Lookers-On, supra note 40 (Croatia).
123 See Landay, supra note 27 (Slovenia); Lookers-On, supra note 40 (Croatia).
2. Objective Standard

Slovenes and Croats also satisfy the objective standard and thus they are peoples under international law. Within each group, there are common identifying characteristics. These characteristics include geographic, ethnic, linguistic, religious, economic, and historical bonds.

a. Geography

Slovenes and Croats generally reside within geographical boundaries distinct from the other peoples of Yugoslavia. Furthermore, the current republican borders closely correspond to the original borders of the lands that joined together to form Yugoslavia in 1918. Although Slovenia and Croatia possess definitive borders, both republics contain ethnic minorities from other republics, especially Serbs. The minority populations in Slovenia and Croatia, however, are relatively small, and thus their existence should not undermine the republics' claim to a distinct geography.

Still, the Serbian population of Croatia may be an obstacle to Croatian secession. In fact, Serbia has voiced special concern about the future of Croatia's Serbian minority should Croatia secede. Slobodan Milosevic, President of Serbia, has declared that if Croatia secedes, Serbia's borders should be redrawn to encompass those Serbs presently living in Croatia. It will be difficult for Croatia to accede to this demand because Serbs are not concentrated along the borders of Croatia and most of Croatia does not border Serbia.
b. Ethnicity

Slovenes, Croats, Serbs, Montenegrins, Macedonians, and Bosnians form distinct ethnic groups, but each group is a member of the broader ethnic classification of Slavs. This fact, however, does not significantly affect the claim of Slovenes and Croats to autonomy or a separate state. Poles, Czechs, and Russians, for example, are also Slavs and they possess their own states. Similarly the Germans and Dutch are distinct ethnic groups, but they are also members of the broader ethnic classification of Germanic peoples, and they possess their own states.

c. Language

The Serbs, Croats, Bosnians, and Montenegrins speak Serbo-Croatian. Serbian and Croatian nationalists, however, have argued that there is a separate Serbian language and a separate Croatian language. The dispute, in reality, is more political than linguistic. The major difference between the two is that

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132 See Singleton, supra note 127, at 14, 100. Approximately 83 percent of the population of Yugoslavia is Slavic. David Binder, National Rivalries Cloud Dream of Yugoslav Unity, N.Y. Times, July 6, 1991, at 4. Ethnically, Bosnians are classified as Muslim-Slavs. Both Serbs and Croats claim that Bosnians are members of their respective ethnic groups who were converted to Islam during the Ottoman occupation from the fourteenth to the nineteenth centuries. They refer to this period as the "long Turkish night." Singleton, supra note 127, at 21. The Hungarians of Vojvodina and the Albanians of Kosovo are not Slavs. Binder, supra.

133 See Singleton, supra note 127, at 14.

134 See Ramet, supra note 22, at 108. The Macedonians, Albanians, and the Hungarians speak their own languages, as do the multitude of ethnic groups within Yugoslavia.


136 Ramet, supra note 22, at 109. The actual differences between Serbian and Croatian dialects stem from the language differences that the original Slav invaders brought with them to the Balkan peninsula in the sixth century A.D. By medieval times, Croats spoke three dialects: cakavian, kajkavian, and old western stokavian; Serbs spoke two dialects: old eastern stokavian and torlak. After the twelfth century, the Serbian dialect of old eastern stokavian and the Croatian dialect of old western stokavian merged into a new dialect, neostokavian. Around 1700, after a period of migrations within the region, neostokavian developed into three subdialects (ijeckavian, ikavian, and ekavian). These three subdialects can be broken down into seven more subdialects. Today Serbs, Croats, Bosnians, and Montenegrins still speak all of these dialects, including those originating in medieval times. Serbs,Croats, and Bosnians, however, are divided by the different dialects.

The ijeckavian dialect has three subdialects: East Hercegovinian (spoken by Serbs, Bosnian Muslims, and Croats of Southern Dalmatia); East Bosnian (spoken by Serbs and Bosnian Muslims); and Zeta (spoken by Montenegrins). The ikavian dialect has two subdialects: Western (spoken by Croats and Bosnian Muslims) and Slavonian (spoken by
written Serbian uses the Cyrillic alphabet while Croatian uses the Latin alphabet.

The similarity between Serbian and Croatian dialects is illustrated by the fact that linguists from both republics met in 1954 to collaborate in the creation of a common orthography in a definitive Serbo-Croatian dictionary.137 When the first two volumes of the dictionary appeared in 1967, however, Croatian linguists denounced the work. They objected to the dictionary because it presented words from Serbian dialects as standard and words from Croatian dialects as deviations.138 The Croatian cultural association therefore withdrew from the joint project in 1970.139 In addition to aggravating ethnic relations, the publication of this dictionary led to the 1971 publication of the Croatian Orthography.140 Thus, language identifies Croats as a distinct people under the objective standard.

The Slovene language emerged from the medieval Croatian dialect, cakavian, through the work of the leading Slovene Protestant reformer, Primoz Trubar (1508–1586).141 Trubar laid the foundation for a Slovene literature and a unitary linguistic standard.142 The development of the Slovene language was of paramount importance in creating Slovene national consciousness.143 Language, therefore, also identifies the Slovenes as a distinct people under the objective standard.

d. Religion

Croats and Slovenes are primarily Roman Catholics. Serbs, Montenegrins, and Macedonians are primarily Eastern Orthodox Christians.144 The Muslim-Slavs of Bosnia-Hercegovina and the

137 Ramet, supra note 22, at 107–08.
138 Id. at 108.
139 Id. at 109.
140 Id. Broz-Ivekovic produced the Dictionary of the Croatian Language in 1901, and it was considered authoritative until 1968, when Ljudevit Jonke, President of the Croatian Cultural Association, published an article criticizing the work for relying heavily on Serbian sources and for citing Serbian roots as the origins of about 90 percent of the words. Id.
141 Banac, supra note 135, at 112.
142 Id.
143 Id. at 113.
144 The line dividing Yugoslavia into Western and Eastern Christians is attributable to the division of the Roman Empire by Diocletian. Christianity in the Western Roman
vast majority of Albanians of Kosovo are Islamic. In this context, the Croats' and Slovenes' religious beliefs identify them as distinct peoples under the objective standard.

e. Economy

Slovenia is Yugoslavia's most prosperous and most industrialized republic. Croatia is its second most wealthy republic. Combined, the two republics produce approximately 50 percent of Yugoslavia's total exports and they enjoy the highest standards of living in Yugoslavia. Thus, Croatia's and Slovenia's advanced economic development helps identify their peoples as distinct under the objective standard.

f. History

Although the citizens of Yugoslavia have shared a common state since 1918, their common history ends there. The first Slavic tribes invaded the home of the Romanized Illyrians in the fourth century A.D. The Croats settled in their present homeland by the seventh century A.D. In 803, they accepted the rule of the Holy Roman Emperor, Charlemagne, but by the late ninth century, the Byzantines had asserted control over them. In 924, Tomislav declared himself King of the Croats and formed an independent kingdom which flourished throughout the tenth and eleventh centuries. The kingdom probably extended from the Adriatic coast from Rijeka to the Neretva River, inland to the Hungarian border north of Zagreb and to the Drine Valley in the south. At the beginning of the twelfth century, the ruling

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145 See supra note 26 and accompanying text.
147 See Smolowe, supra note 4, at 28.
148 Id.
149 McFarlane, supra note 22, at 4.
151 Id. at 28.
152 Id.
153 Id.
154 Id. at 28–29.
dynasty lacked an heir. The ensuing succession crisis was resolved with the accession of Prince Kalman of Hungary to the throne of Croatia in 1102. 155 When Kalman inherited the Hungarian throne in 1106, Croatia began an 800 year history under Hungarian rule. 156 After the defeat of the Austro-Hungarian Empire in World War I, Croatia joined the other South Slav states to form Yugoslavia. 157

The Slovenes built a Slavonic empire in the seventh century under the ruler Samo. 158 The state lasted for a short period. After the fall of the kingdom, Slovenes lived under Austrian rule until the formation of Yugoslavia. 159

The history of the other South Slav states is considerably different from that of Croatia and Slovenia. Serbia, Montenegro, Bosnia-Hercegovina, and Macedonia have existed as parts of other empires. Serbs formed their own state in the ninth, eleventh, and nineteenth centuries. 160 Montenegrins formed a state distinct from Serbia in the fourteenth century. 161 Bosnians also possessed an empire in the fourteenth century 162 and Macedonians 163 created an empire in the tenth century.

The common history of the South Slav peoples officially began on December 1, 1918, when King Alexander Karadjordjevic proclaimed the formation of the Kingdom of the Serbs, Croats, and Slovenes. 164 Serbs, Croats, and Slovenes agreed, with the approval of the World War I Allies, to form Yugoslavia from the independent states of Serbia and Montenegro, and territories from the defeated Austro-Hungarian and Ottoman Empires. 165 This union lasted as a parliamentary democracy until 1929, when King Alexander established a royal dictatorship. 166 King Alexander acted in response to the considerable strife plaguing the kingdom, in-

155 Id. at 29.
156 Id.
157 See McFarlane, supra note 22, at 4.
158 Singleton, supra note 127, at 34.
159 See id.
160 For a general history of the Serbs, see Singleton, supra note 127, at 24–28.
161 For a general history of the Montenegrins, see Singleton, supra note 127, at 29–31.
162 For a general history of the Bosnians, see Singleton, supra note 127, at 31–32.
163 For a general history of the Macedonians, see Singleton, supra note 127, at 32–34.
164 Id. at 130.
165 Id. at 127.
166 Id. at 145.
cluding ethnic and class tensions.\textsuperscript{167} The royal dictatorship ended with the assassination of King Alexander, arranged by a Croat separatist, in 1934.\textsuperscript{168} The kingdom was then ruled by a Council of Regents for the young Prince Paul, but the state disintegrated with the Axis invasion of 1941.\textsuperscript{169}

The current Yugoslav system was established after the uprising of Josip Broz Tito's Communist Partisans and the Serbian royalist Cetniks against Germany and Italy in World War II. During the war, the Partisans and the Cetniks waged a civil war that resulted in a Partisan and Communist victory.\textsuperscript{170} The constitution of the new regime created a federation of six republics and two provinces representing the major ethnic groups. At first, the central government maintained strong control of the state.\textsuperscript{171} Later, however, governmental reforms gave increased power to the republics. By 1974, a series of constitutional amendments, and finally a new constitution, had further institutionalized republican power and Yugoslavia appeared to be developing into a de facto confederation.\textsuperscript{172} Communists lost power in Slovenia, Croatia, Bosnia-Hercegovina, and Macedonia in 1989, but have retained control in Serbia and Montenegro.\textsuperscript{173}

B. The Slovene and Croat Proposal for Exercising Self-Determination

As peoples, Slovenes and Croats have the right to self-determination under international law. Slovenes and Croats manifested a desire to exercise this right when officials from Slovenia

\textsuperscript{167} See McFarlane, supra note 22, at 4–5.
\textsuperscript{168} See Singleton, supra note 127, at 162–63.
\textsuperscript{169} Id. at 145. A fascist Croatian party, the Ustase, established the Independent State of Croatia. The Germans occupied Serbia and partitioned it, giving territory to Hungary and the Italian colony of Albania. Bulgaria annexed Macedonia. Italy and Germany divided Slovenia. The Italians occupied Montenegro.

The fascist regime of the Independent State of Croatia declared one of its chief aims was to purge Croatia of alien groups, especially Serbs. The new state would have two religions, Roman Catholicism and Islam. To achieve this goal, the fascists intended to exterminate one-third of the Serbian population, deport one-third, and convert one-third to Catholicism. The actual number of Serbs exterminated by the Ustase is unknown. Serbia estimates the number at 750,000, but the German estimate is 350,000. The Nuremberg trials condemned the Croatian policy toward the Serbs as genocide. Id. at 177.

\textsuperscript{170} See McFarlane, supra note 22, at 6.
\textsuperscript{171} Singleton, supra note 127, at 211.
\textsuperscript{173} See supra note 34 and accompanying text.
and Croatia jointly proposed a model confederation.\textsuperscript{174} The model confederation establishes a system in which each of the peoples of Yugoslavia could govern themselves while maintaining certain common ties.\textsuperscript{175} The model confederation is based on generalizations of confederations from history, as well as on the structure of the European Community.\textsuperscript{176}

The model confederation establishes an alliance of independent states bound together by the promise of mutual defense.\textsuperscript{177} Each member state would possess its own armed forces while pledging to "regard any armed attack on the territory, ships or aircraft of any member as an attack on all of them."\textsuperscript{178} The confederation would also further economic interests by establishing a common market.\textsuperscript{179} To further the goals of the member states, the confederation treaty guarantees certain rights to the citizens of each member state.\textsuperscript{180} Citizens of one member state living in another would have the same rights of citizens in that other member state.\textsuperscript{181} The free movement of citizens, as well as labor, would be permitted through member states.\textsuperscript{182} The proposed confederation would also establish common postal, railway, and telecommunications systems.\textsuperscript{183} The confederation would be governed, and the confederation treaty enforced, by an Advisory Parliament, a Council of Ministers, an Executive Commission, and a Federal Court.\textsuperscript{184}

The proposed confederation exceeds the bounds of the right to self-determination; the treaty amounts to a declaration of secession rather than self-determination. The confederation does not contemplate a redistribution of rights in governing the state, or

\textsuperscript{174} Model Confederation, \textit{supra} note 39. The Presidencies of Slovenia and Croatia jointly proposed a model confederation on October 5, 1990. The model was drafted pursuant to an agreement with the Yugoslav Presidency in July 1990. Slovenia and Croatia have urged the other republics and provinces to draft models as well.
\textsuperscript{175} Id.
\textsuperscript{176} Id.
\textsuperscript{177} Id.
\textsuperscript{179} Model Confederation, \textit{supra} note 39.
\textsuperscript{180} \textit{Draft Treaty}, \textit{supra} note 178.
\textsuperscript{181} Id.
\textsuperscript{182} Id.
\textsuperscript{183} Id.
\textsuperscript{184} Id.
even a call for local autonomy.\textsuperscript{185} Rather, the model dissolves Yugoslavia. It provides for the type of amicable cooperation that exists in such organizations as the United Nations, the EC, and the Organization of American States.\textsuperscript{186} Furthermore, treaty provisions allow member states to individually or collectively leave the confederation to apply for membership in the EC.\textsuperscript{187} This suggests that the confederation will serve more as an intermediate stage in the process of European integration than as a foundation for a permanent state.\textsuperscript{188}

To establish the model confederation, Slovenia and Croatia need the consent of the other Yugoslav republics. Creation of a confederation without the approval of these republics would amount to an act of secession. If Slovenia and Croatia do not have the right to secede, they may need to alter the proposed confederation model so that they retain local autonomy, but acknowledge the role of a central government.

C. \textit{Legitimacy of Secession}

The 1970 Declaration can be interpreted to permit secession where an existing government does not act in compliance with the principles of equal rights and self-determination of peoples.\textsuperscript{189} To justify secession in such a situation, a people must show that the government is nonrepresentative or that it treats a particular racial or ethnic group unequally.\textsuperscript{190} Yugoslavia does, in fact, possess a representative government,\textsuperscript{191} but Slovenia and Croatia

\begin{itemize}
  \item[\textsuperscript{185}] See supra notes 174–84 and accompanying text.
  \item[\textsuperscript{186}] Id.
  \item[\textsuperscript{187}] See Draft Treaty, supra note 178.
  \item[\textsuperscript{188}] Id.
  \item[\textsuperscript{189}] Thibodeau, supra note 66, at 132–33.
  \item[\textsuperscript{190}] Id.
  \item[\textsuperscript{191}] Yugoslavia's constitutional framework ensures representative government by giving each republic an equal voice in one of the chambers of the federal legislature. Giving each republic an equal voice actually benefits Slovenia and Croatia to the detriment of the other republics. An equal voice overrepresents smaller republics and underrepresents larger republics. Slovenia and Croatia are smaller than Serbia, and Slovenia is smaller than Bosnia-Hercegovina, Macedonia, and Montenegro.

In the Chamber of Republics and Provinces, each republic has twelve delegates and each province has eight. These delegates are required to represent the views of their respective republican or provincial legislatures in the national legislature. Furthermore, the Yugoslav constitution requires the unanimous consent of all federal units in the Chamber of Republics and Provinces in many legislative areas. In the other house of the
might justify secession by showing the unequal treatment of Slov­

enes and Croats.

Slovenia, Croatia, and many of the other constituent parts of

Yugoslavia, could probably adduce evidence of unequal treat­

ment by citing incidents throughout Yugoslav history. Unequal

treatment of ethnic groups has often occurred as Yugoslav gov­

ernments throughout the state's history have attempted to solve

the "national question"—how to achieve the harmonious co-ex­

istence of Yugoslavia's ethnic groups within a single state. A

solution must diminish potential Serbian domination of the Yu­

goslav state, as well as dispel deep-rooted fears of such domina­

tion. Politicians have frequently claimed to have solved the na­

tional question, but crises in ethnic relations have recurred

throughout Yugoslav history.

Although unequal treatment of ethnic groups has existed in

Yugoslavia, it is probably not the type of treatment that validates

a claim to secession. Unequal treatment has almost always oc­

curred in the context of federal government responses to crises

in ethnic relations. Thus, it can be justified by the federal gov­

ernment's right to take appropriate measures to preserve the

union and maintain order.

In the current crisis, the most drastic measure taken by the

federal government has been the use of the Yugoslav army in

national legislature, the Federal Chamber, thirty delegates represent each republic and
twenty represent each province.

The Yugoslav constitutional system also provides for an equal voice for each federal
unit in the process of amending the constitution. The passage of an amendment requires
that the text adopted by the federal chamber (where a two-thirds majority is required)
must be ratified by the legislatures of all federal units. See Vojislav Kostunica, The Con­
stitution and the Federal States, in YUGOSLAVIA: A FRACTURED FEDERALISM 78, 80–82 (D.

See generally Stanovic, supra note 144, at 23–40.

See generally Rusinow, supra note 172, at 131–65. A crisis fueled by nationalist and
decentralist demands also threatened Yugoslavia between 1968 and 1972. Nationalism in
Croatia resulted in a breakdown in federal law-making and administration because of
veto power granted by the federal constitutional amendment of 1974. The crisis culmi­
nated when Tito threatened to use the army to put down the forces dividing the country.
Tito purged the Croatian leadership of “nationalists” and “liberals,” and later extended
the purges to leaders in Slovenia, Serbia, Vojvodina, and Macedonia. Tito’s reforms
returned the Communist Party to a more centralized, disciplined, and authoritarian role,
enabling it to maintain control over the country. See generally, Ramet, supra note 22, at
104–43.

See supra note 29.
Slovenia and Croatia. The legitimacy of federal military actions must be assessed in light of the breakdown of negotiations in the federation/confederation dispute and the steps taken by Slovenia and Croatia toward secession. Unequal treatment of Slovenia and Croatia in the present situation is probably justified and probably does not rise to a level giving the republics a right to secede.

CONCLUSION

The Yugoslav Constitution probably recognizes a republican right to self-determination, including the right to secede. Practical considerations, however, prevent Slovenia and Croatia from exercising that constitutional right. Under international law, Slovenes and Croats each qualify as distinct peoples. Each satisfies the subjective standard for definition as a peoples because each voted for independence. In addition, both Croats and Slovenes satisfy the objective standard because each possesses a significant number of objective characteristics.

While Slovenes and Croats have the right to self-determination, they do not have the right to secede. The right to secede is not recognized under international law. Although Slovenia and Croatia may not secede, it may be in the best interests of all Yugoslavia's ethnic groups to agree to allow each to choose its own political future. History shows that the forced association of the Yugoslav peoples has periodically resulted in violence. Dissolving the federation will put an end to the current warfare and perhaps prevent future bloodshed. If each of the peoples of Yugoslavia is free to exercise its right to self-determination, and even secede, recurring nationalist desires will be satisfied and each of the peoples of Yugoslavia will be free to pursue political, economic, social, and cultural development unimpeded.

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195 Id.
196 See supra notes 40–41.