

INTRODUCTORY COMMENT.

The citations from the Constitution of SFRY are rewritten from the book:

The Constitution of the Socialist Federal Republic of Yugoslavia,

Cross - Cultural Communications, Merrick, New York, 1976 (ISBN: 0-89304-006-1).

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The very beginning of the first sentence of the Constitution of SFRY (as well as of the Constitution of S. R. Croatia) is sufficient to show that **the following claims on it and/or the following interpretations of it have been tragically wrong:**

1. the Republics had the right for self-determination including secession,

and

2. Yugoslav peoples did not have the right for self-determination including secession.

The Constitution of SFRY and The Constitution of SR Croatia clearly show that both preceding claims are against the Constitutions.

Since both Constitutions are based on the general right of every people, hence of every Yugoslav people, for self-determination including secession, then this means that both Constitutions did recognize this right.

Both Constitutions clearly show that the separations of Slovenia, Croatia, Bosnia and Herzegovina and of Macedonia from SFRY were anti-constitutional. It follows that those secessions were the basic cause of the wars on the territory of SFRY 1991 - present.

The corresponding citations follow.

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Appendix 1

"THE CONSTITUTION OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

INTRODUCTORY PART

BASIC PRINCIPLES

I"

(1974)

(The first paragraph)

"The nations of Yugoslavia, proceeding from the right of every nation to self-determination, including the right for secession, on the basis of their will freely expressed in the common struggle of all the nations and nationalities in the National Liberation War and Socialist Revolution, and in conformity with their historical aspirations, aware that further consolidation of their brotherhood and unity is in the common interest, have, together with nationalities with which they live, united in a federal republic of free and equal nations and nationalities and founded upon a socialist federal community of working people - the Socialist Federal Republic of Yugoslavia"...

"PART ONE

THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Article 1

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 are constituent parts 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-management democratic community of working people and citizens and of nations and nationalities having equal rights."

"Article 3

The Socialist Republics are states based on the sovereignty of the people and the power of and self-management by the working class and all working people. They are socialist, self-managing

democratic communities of working people and citizens and of nations and nationalities having equal rights."

"Article 5

The territory of the Socialist Federal Republic of Yugoslavia is a single unified whole and consists of the territories of the Socialist Republics.

The territory of a Republic may not be altered without the consent of that Republic, nor the territory of an Autonomous Province without the consent of that Autonomous Province.

The frontiers of the Socialist Federal Republic of Yugoslavia may not be altered without the consent of all the Republics and Autonomous Provinces.

Boundaries between the Republics may only be altered on the basis of mutual agreement; and, if the boundary of an Autonomous province is involved, on the basis of the latter's agreement."

"PART TWO
THE SOCIAL SYSTEM"

"Chapter III
THE FREEDOMS, RIGHTS, AND DUTIES OF MAN AND CITIZEN"

"Article 203

The freedoms and rights guaranteed by the present Constitution may not be restricted.

No one may use the freedoms and rights established by the present Constitution in order to: disrupt the foundations of the socialist self-management, democratic order established by the present Constitution; endanger the independence of the country; violate the freedoms and rights of man and citizen guaranteed by the present Constitution; endanger peace and equality in international cooperation; foster national, racial, or religious hatred or intolerance; or abet the commission of criminal offenses - nor may these freedoms be used in a way which offends public morals. It shall be specified by statute in which cases and under what conditions the use of these freedoms in a way contrary to the present Constitution will entail a restriction or a ban on their use.

These freedoms and rights shall be realized and duties performed pursuant to the present Constitution. The mode of realization of individual freedoms and rights may be regulated only by statute and only when so provided by the present Constitution or when this is indispensable to their realization.

The freedoms and rights guaranteed by the present Constitution shall enjoy judicial protection."

"Chapter IV
CONSTITUTIONALITY AND LEGALITY"

"Article 206

Republican constitutions and provincial constitutions may not be contrary to the Constitution of the S. F. R. Y.

All statutes and other regulations and enactments passed by agencies and organizations of the socio-political communities and self-management enactments of organizations of associated labor and other self-managing organizations and communities must be in conformity with the Constitution of the S. F. R. Y."

"Chapter VI
NATIONAL DEFENSE

"Article 237

It shall be the inviolable and inalienable right and duty of the nations and nationalities of Yugoslavia, working people, and citizens to protect and defend the independence, sovereignty, territorial integrity, and the social system of the Socialist Federal Republic of Yugoslavia established by the Constitution of the S. F. R. Y."

"Article 238

No one shall have the right to acknowledge or sign an act of capitulation nor to accept or recognize the occupation of the Federal Socialist Republic of Yugoslavia or of any of its individual parts. No one shall have the right to prevent citizens of the Socialist Federal Republic of Yugoslavia from fighting against an enemy who has attacked the country. Such acts shall be unconstitutional and punishable as treason.

High treason is the gravest crime against the people and shall be punished as a serious criminal offense."

"Article 240

The Armed Forces of the Socialist Federal Republic of Yugoslavia shall protect the independence, sovereignty, territorial integrity, and the social system of the Socialist Federal Republic of Yugoslavia established by the present Constitution.

The Armed Forces of the Socialist Federal Republic of Yugoslavia shall make a unified whole and shall consist of the Yugoslav People's Army, as the common armed force of all the nations and nationalities and of all working people and citizens and of territorial defense, as the broadest form of organized total national armed resistance.

Any citizen who with arms or in some other way takes part in resistance against an aggressor shall be a member of the Armed Forces of the Socialist Federal Republic of Yugoslavia."

"Article 242

As regards the composition of the officer corps and promotion to senior commanding and directing posts in the Yugoslav People's Army, the principle of proportional representation of the Republics and Autonomous Provinces shall be applied."

"PART THREE

Relations Within the Federation and the Rights and Duties of the Federation"

"Chapter II

THE RIGHTS AND DUTIES OF THE FEDERATION

"Article 280

The Socialist Federal Republic of Yugoslavia shall be represented by the federal agencies specified by the present Constitution."

"Article 281" (first, second, sixteenth and eighteenth paragraphs)

"The Federation shall through its agencies:

(1) ensure the independence and territorial integrity of the Socialist Federal Republic of Yugoslavia and protect its sovereignty in international relations; make decisions on war and peace;"

"(15) regulate matters concerning settlement of conflicts of law between Republics and/or Autonomous Provinces (conflict rules) and jurisdictional disputes between republic and/or provincial agencies of different Republics and/or Autonomous Provinces; regulate matters concerning conflicts between domestic laws and legal rules of other countries;"

"(17) protect constitutionality as established by the present Constitution and legality in conformity with the present Constitution;"

PART FOUR
THE ORGANIZATION OF THE FEDERATION

Chapter I

THE ASSEMBLY OF THE SOCIALIST
FEDERAL REPUBLIC OF YUGOSLAVIA

1. Status and Competence

"Article 282

The Assembly of the Socialist Federal Republic of Yugoslavia is a body of social self-management and the supreme organ of power within the framework of federal rights and duties.

The Assembly of the S. F. R. Y. shall exercise its power and duties on the basis and within the framework of the present Constitution and federal statute."

"Article 283" (the first and the fifth paragraph)

"The assembly of the S. F. R. Y. shall:"

"(4) decide on alterations of the boundaries of the Socialist Federal Republic of Yugoslavia;"

"6. The Rights and Duties of the Delegates and Delegations"

"Article 307

The tenure of delegates to the Chambers of the Assembly of the S. F. R. Y. shall last four years.

Elections for delegates to the Chambers of the Assembly of the S. F. R. Y. must be held not later than fifteen days before the expiry of the election period of the delegates whose term is expiring.

Elections for delegates shall be called by the President of the Assembly of the S. F. R. Y.

From the day of the call for election to the day of the election of delegates to the Chambers of the Assembly of the S. F. R. Y., not less than one month and not more than two months may expire.

The function of the delegates whose tenure expires ceases with the day of the verification of the credentials of new delegates."

Chapter II
**THE PRESIDENCY OF THE SOCIALIST
FEDERAL REPUBLIC OF YUGOSLAVIA**

"Article 313" (the third paragraph)

"The Presidency of the S. F. R. Y. is the supreme body in charge of the administration and command of the Armed Forces of the Socialist Federal Republic of Yugoslavia in war and peace."

"Article 317" (the first paragraph)

"During the state of war or in the event of an immediate danger of war, the Presidency of the S. F. R. Y. may, on its own initiative or at the instance of the Federal Executive Council, pass decrees with the force of law on questions falling within the competence of the Assembly of the S. F. R. Y. The Presidency of the S. F. R. Y. shall submit these decrees to the Assembly of the S. F. R. Y. for approval as soon as it is in a position to meet."

"Article 322" (the second paragraph)

"Each member of the Presidency of the S. F. R. Y. shall make a formal declaration at a joint session of both Chambers of the Assembly of the S. F. R. Y."

"Article 327" (the third paragraph)

"During a state of war, the Presidency of the S. F. R. Y. may decide to extend the term of the President of the Presidency of the S. F. R. Y. or to elect, before the expiration of his term, another Presidency member to be President of the Presidency of the S. F. R. Y."

"Chapter VIII

THE FORMAL DECLARATION

Article 397" (the first three paragraphs)

"On assuming office, the President of the Republic, the President and members of the Presidency of the S. F. R. Y., and the President and members of the Constitutional Court of Yugoslavia shall make a formal declaration.

The text of the declaration shall read:

I hereby declare that I will fight for the protection of the sovereignty, independence, and integrity of the country and the achievement of power by the working class and all working people, that I shall strive for the achievement of brotherhood and unity and for the equality of the nations and nationalities, for the development of socialist self-management society and for the realization of the common interests of the working people and citizens of the Socialist Federal Republic of Yugoslavia, and that I will abide by the Constitution of the S. F. R. Y. and federal statutes and will perform my duty conscientiously and in a responsible manner."

**FROM THE CONSTITUTION OF
SOCIALIST REPUBLIC OF CROATIA**

BASIC PRINCIPLES

"The Croatian people, together with the Serbian people and nationalities in Croatia,", "established its state Socialist Republic of Croatia and on the basis of the right for self-determination, including the right for secession and unification with other peoples,"", with free will united with other peoples and nationalities in SFRY,"...

(from "The basic principles", Constitution of S. R. Croatia (S. R. C.)).

" Article 1

S. R. C. is the national state of the Croatian people, the state of the Serbian people in Croatia and the state of the nationalities which live in it."