



THE S.F.R. OF YUGOSLAVIA ASSEMBLY SERIES

THE SOCIO-POLITICAL
SYSTEM OF
YUGOSLAVIA

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INTRODUCTION

Yugoslavia's present-day socio-political system has been established on the basic theses of the Marxist doctrine concerning the socialist political system. It is, amongst other things, the tenet after which a socialist society appears as a stage of transition to Marx's "association of free producers" (i. e. communism) in the shape of dictatorship of the proletariat; moreover, it is the belief in the necessity of socialist democracy evolving in a socialist society and state, and the belief in the socialist state as that of the working class or the state dying gradually away. The adoption of these and other tenets of Marxist political theory naturally and necessarily ensues from the ideological and political engagement of the working class and the entire working population, of the League of Communists and other progressive powers, from their struggle in the socialist revolution and their efforts at establishing Yugoslavia's socialist society. These tenets have taken full effect in the Constitutions of the S.F.R.Y., of the Socialist Republics and the Socialist Autonomous Provinces (of 1974), and have been politically ratified also in the Resolution passed at the Tenth Congress, Communist League of Yugoslavia ("The Struggle for the Further Completion of Socialist Self-Management, and the Tasks of Yugoslavia's League of Communists"), May 1974, and in the Platform for Preparing the Tenets and Decisions of the Tenth Congress, League of Yugoslavia's Communists (1973). Thus, these positions of Marxist political theory have become both the basis of further politically completing Yugoslavia's socio-political system and of this system's daily political activity and general functioning.

I. THE SOCIO-ECONOMIC BASIS OF YUGOSLAVIA'S SOCIO-POLITICAL SYSTEM

As every political system, the socio-political system of Yugoslavia rests on a corresponding socio-economic basis. This basis consists in the socialist socio-economic regime being set up in Yugoslavia in accordance with the essential theses of the Marxist economic theory and with the realized degree of Yugoslavia's material and social upswing.

The groundwork of Yugoslavia's contemporary socialist socio-economic order is represented by the free, associated work with society-owned production means¹ on the one hand, and in the workers' self-management of producing and distributing the social product in the basic and other associated-labour organizations, and of the total social reproduction, on the other hand. This signifies the unitary foundation of Yugoslavia's socialist socio-economic order, considering that no self-management can be established or developed without socialized ownership, and no socialized ownership can exist without self-managing.

Socialist property in Yugoslavia at present consists of production means and other associated-labour means, of associated-labour products and income, moreover of means for satisfying common and general social needs, natural resources and generally used goods. The Constitution clearly prohibits the acquisition of proprietary rights to socialized means as well as their utilizing for the purpose of appropriating the surplus value of other workers' labour or creating the conditions of such an appropriating. Under Yugoslav circumstances, socialized property means that nobody has proprietary rights to socialized production means nor can anybody – by virtue of whatever proprietary title – appropriate a product of social labour, manage and own socialized production or working means, nor arbitrarily determine the distributing conditions. Conceived and realized in this way, socialized property appears to be the basis of free associated labour and of the dominant position of the working class in production and in social reproduction. Therefore, socialized property ensures everybody his joining in associated labour with socialized means under equal conditions, his obtaining the right to work with these means, and – through his own labour – realizing an income for satisfying his individual and common needs.

The Constitution guarantees the worker in associated labour with socialized means the inalienable right to work with these social means for the purpose of satisfying his individual and social needs, and the right to manage, freely and equally to other associated-labour workers, his own labour, its conditions and results. He holds the guaranteed right to manage the work and operation of the associated-labour organization and the matters and means in the entire relations of social reproduction, to regulate the working interrelations, to decide on the income realized in various forms of associated labour and means, and to obtain his personal income. In this regard, a general constitutional principle is of outstanding importance: it says that human labour is the only title to appropriate the products of social labour and to control socialized means. Another prominent and well-known principle is "distribution according to performance". Hence, it is safe to state that the Yugoslav socio-economic order (and Yugoslav society in general) are characterized by labour and its results being the factors determining man's material and social position on the strength of equal rights and responsibilities. The Constitution categorically prohibits exploiting other people's labour, hindering and limiting in whatever manner a worker in deciding, equally to others, on his labour, its conditions and results.

Within the Yugoslav socio-economic order, resting on associated labour and socialized property, the basic associated-labour organization represents the fundamental shape and the groundwork of associating both labour and social reproduction means, of self-managing and integrating the associated labour. In the basic associated-labour organization, the workers in the most direct mode realize their socio-economic and other self-management rights. It is the right of the workers in the basic associated-labour organizations to distribute the income among their individual and common consumption, while expanding the material groundwork of associated labour, and reserve-funds. It is the worker who establishes the pivots and criteria for distributing the gross income and the funds for the personal income. The workers' labour and the means of social reproduction are in the basic associated-labour organizations freely associated in working organizations and other forms of associated labour and means.

A momentous characteristic of Yugoslavia's contemporary socio-economic order consists in social planning. By this planning,

the coordination of the relations within the entire social reproduction and the orienting of the entire material and social upswing are secured: The workers and working people in the basic associated-labour organizations and communities independently establish the plans and programs of work and development in their organizations and communities. They coordinate them with each other and with the social plans adopted by the socio-political communities from commune to Federation.

Finally, typical of the present stage in the development of Yugoslavia's socio-political order is also the farmers' recognized title to arable land up to an acreage of ten hectares (24.7 acres), and in mountainous regions even more. There is no ownership of plots in towns and similar areas. Farmers are guaranteed in their title to the results of their labour etc., if they work with their own means. They may pool their labour and their production means in farming cooperatives and other forms of farming associations or in associated-labour organizations. In other spheres, too, the Constitution guarantees free, independent individual labour with working means owned by citizens, provided such activities correspond with the mode, the material basis and the potentialities of individual work and are not contrary to the principle of "income according to performance", and the other foundations of the socialist social order. Working people engaging in such activities may found a cooperative. Finally it has to be mentioned that socio-political organizations and other legally determined social organizations are allowed to acquire means and (with these means as social means) to realize their objectives. Citizens are guaranteed the ownership of goods for personal consumption and for satisfying various individual needs.

II. SITUATION AND ROLE OF THE WORKING POPULATION IN YUGOSLAVIA'S SOCIETY

The setting up and development of socialism in Yugoslavia have been inspired with the endeavour to realize man's thorough, comprehensive release, as socialism really signifies struggle for man's liberation from all the limitations imposed by former class systems. In the last analysis, this liberation consists in restoring man's human nature. This is doubtless one of the most eminent and momentous

factors determining the essence of this country's socio-political system.

The contemporary Yugoslav Constitution starts from man; the entire system based on and ensured by its principles and provisions has in view man's central situation and part within society. In this regard, in the first place this country's socialist order is supposed to rest on the power of the working class and all working people and on human interrelations among free producers and creators with equal rights; their work serves exclusively to satisfy their individual and common needs. On the whole, this characterizes the contemporary socialist order in Yugoslavia and directs its further upswing and improvement.

In such a socialist order, the inviolable foundation of man's situation and role consists of: first, the public property of production equipment, excluding the return to any exploitation of man; secondly, the emancipation of labour by way of surmounting the historically conditioned socio-economic inequalities and dependences of the working people; thirdly, the right of self-management, in whose virtue every working person, on a par with other working persons, shall decide on his own labour, its conditions and results, on his own and the common interests and on directing the social upswing, substantialize public power and manage other social affairs; fourthly, the working man's right to enjoy the fruits of his labour and the material progress of the social community pursuant to the principle: "Each one after his ability – to each one after his performance"; fifthly, man's economic, social and personal security; sixthly, solidarity and reciprocity between everybody and all, and between all and everybody; seventhly, free initiative in developing the production and other social and individual activities for the benefit of man and the social community; eighthly, democratic political relations permitting man to substantialize his interests, his self-managing and other rights, to evolve his personality through direct activity within social life, etc.; ninthly, equality of human rights, duties and responsibilities in conformance with constitution and laws (v. Constitution of the S.F.R.Y., Basic Principles, II).

Man's position in the Yugoslav society is particularly furthered by the wide gamut of constitutional rights and freedoms, which represent an inalienable part and expression of the socialist self-managing democratic relations in which man has emancipated

himself from any exploitation and arbitrariness, and has by his labour created the conditions of universal development, free expression and protection of his personality, and of respect for human dignity. Conceived in this way, the guaranteed rights and freedoms signify an indispensable factor of establishing and developing these socialist relations and a socialist society. And vice versa, only under the conditions of existent and evolving socialist relations and socialist society can the proclaimed rights and freedoms be actually obtained and thus contribute towards realizing man's central position and part in society.

In a special chapter of the Constitution, numerous political, economic, social and other rights and freedoms are guaranteed, including – besides the conventional – certain new ones. In the first place, the Constitution proclaims the equality of the citizens. It guarantees the working person's and citizen's right to self-management, furthermore the right to vote at elections, to submit petitions and enter motions, to take the initiative in political and other matters, freedom of thought and opinion, freedom of the press and other communication media and public utterance, freedom of association, liberty of speech and public appearance, the right of assembly and other public meeting, and the right of being informed. The Constitution guarantees the citizens the freedom to profess the membership of a nation or nationality, to express their national culture and to use their vernacular and alphabet. Besides the right to work and the freedom of work, the Constitution guarantees other rights concerning labour, i. e. the right to certain working conditions, to limited working hours, to holidays, to public health and other care, work safety, social insurance, etc. In the sphere of individual rights and freedoms, the Constitution guarantees the inviolability of human life and personality, of individual and family life and other personal rights, the inviolability of human freedom, the right of equally protected personal rights, the right to complaint, the right to defence and numerous other rights connected with personal freedom. Furthermore, the Constitution guarantees freedom of movement and abode, the inviolability of homes, the privacy of letters and other means of information. The citizens are entitled to acquire under equal conditions knowledge and expert training, and to enjoy the freedom of scientific and artistic creation. Freedom of creed is guaranteed. The right of health care, of family planning, the right to a healthy

environment, etc., are particularly established. The Constitution also guarantees the right of succession, the right to participate in defending the country and in social self-defence. Moreover, the Constitution guarantees some other rights provided for by the mechanism of realizing and protecting all rights guaranteed. To aliens in Yugoslavia, the Constitution ensures man's freedoms and rights plus any other right and duty specified by statute and international treaties.

Man's position, especially in the sphere of exercising public power and self-management, shall not be effected by individuals, but by organizations, i. e. in basic and other associated-labour organizations, in local self-managing organizations and communities, or in such of interests, or others, furthermore in all socio-political communities (from communal up to federal ones) and in any other form of self-managing association and interconnection. This doubtless contains certain elements surmounting the conventional democracies' traditional notion of a citizen.

III. THE ROLE OF THE SOCIO-POLITICAL ORGANIZATIONS

A particularly noteworthy portion of Yugoslavia's socio-political system consists in Yugoslavia's League of Communists and other socio-political organizations. In all of them as a form of free political organization of working people on class-socialist foundations, the Constitution of the S.F.R.Y. sees an active factor of developing and protecting this country's socialist self-managing society. In this capacity, the said organizations have been already carrying on an outstanding activity based on their programs and other documents. The groundwork and frame of their present-day and their future action are laid down in the documents adopted by the Tenth Congress, Yugoslavia's League of Communists (1974).

1. Within this country's contemporary socio-political system, Yugoslavia's League of Communists² represent the organized leading ideological and political power of the working class and all working people in the establishing of socialism and in realizing the solidarity of the working people and the fraternity and unity of Yugoslavia's nations and nationalities. Through realizing its leading part in Yugoslavia's society, Yugoslavia's League of Communists has

— as the originator and organizer of the national-liberation struggle and the socialist revolution, and later on in the process of establishing and developing a socialist society — proved its working-class essence and its revolutionary character. All this is still clearly shown and confirmed by the League's activity in the ideological-political realm and in the practical domain: within the working class, in self-managing associated labour, in all socio-political organizations and self-management organs. In the present-day stage of Yugoslavia's socialist building-up, her League of Communists has the task of struggling for the development of socialist self-managing production, political and other social relations, for establishing a society in the shape of a free association of producers and for the further upswing of socialist Yugoslavia as a community of equal nations and nationalities where the working class is going to ever better realize its piloting part within society, especially within social reproduction. Hence, the League of Communists is the basic originator, but also the performer of a political activity designed to protect and to further develop the socialist revolution and the socialist self-managing social relations, and to strengthen the socialist social and democratic consciousness. The League is necessarily also the moving power of the ideological, political and actional coordination and alignment in the function of all organized powers with a socialist social consciousness.

The League of Communists realizes its task by dint of its ideological and political directing work through social self-management and socialist democracy. The League of Communists performs its leading ideological-political part necessarily in close connexion and collaboration with all socialist powers in the Yugoslav society. This of course excludes the League's acting with official authority after methods of command and governing administration, and also the League's reduction to a kind of educational organization for general guidance. What matters is the fact that the League of Communists as a whole and the communists as members of the Socialist Alliance of Yugoslavia's Working People, of the trade unions and other socio-political organizations have the duty (and the responsibility) to contribute by their activity to realizing the social task of these organizations as well as following the ideological-political course of the League of Communists.

2. At present, the Socialist Alliance of Yugoslavia's Working People³ is a socio-political organization representing the broadest

groundwork for the socio-political activity of the working population and citizens and all organized socialist energies in Yugoslavia's socialist self-managing system. This Alliance, having the character of a voluntary, democratic association of all organized social powers standing by socialist self-management, constitutes the broadest political frame and a tactical means of the working class, the working population and all citizens.

The Socialist Alliance of Working People signifies the all-national front of the working people and citizens, and the organized community of socio-political organizations under the guidance of the working class, spearheaded by its vanguard, the League of Communists. In the Socialist Alliance of Working People, workers are active, moreover citizens, the League of Communists as the leading ideological and political power, other socio-political organizations and all organized socialist energies. Organized in this way, the Socialist Alliance materializes the political and actional union of the socialist energies and directs the social development on the basis of the working class's and all working persons' power and self-management.

The activity of the Socialist Alliance is most diversified. Amongst other things, it includes: discussing social issues; taking the initiative in political matters; coordinating differing opinions; determining political positions concerning the solution of certain questions; giving directions to its delegates in various assemblies; establishing the criteria for the election of delegations and delegates to assemblies; securing a democratic putting forward and the nomination of candidates of the membership of delegations and assemblies and for the several self-managing, public and other social functions; following the work of the officials and boards in governmental agencies and in the administration of self-managing organizations and communities, and of self-management, public and other social functionaries; social control and criticism of these officials' and functionaries' work; ensuring the working people's and citizens' information, etc.

3. The Trade Unions⁴ play a conspicuous part in the Yugoslav society. They represent the broadest organization of the working class and have the character both of an essential factor in the social, political and class interconnexion of the workers, and a support of the working-class unity and its responsibility for realizing its immediate interests.

The role of the Trade Unions in this country's socialist society consists of accomplishing some tasks of essential importance to the position and part of the workers and the working class, of realizing their rights, etc. Hence, within and by dint of their trade unions, the workers struggle (amongst other things) for substantializing the constitutional position of the working class in Yugoslavia's society, for realizing the socialist self-managing relations, for securing the decisive part of the workers in managing the social reproduction, for attaining the interests and rights of the workers, for raising the workers' cultural degree and qualifying them for performing self-managing and other social functions, for securing the workers' participation in governmental functions and in managing other social affairs, etc. The role of the Trade Unions stands out particularly at self-managing agreements and social compacts.

4. Finally, an important place in this country's socio-political system is taken by some other socio-political organizations, particularly by the Federation of Ex-Combatants in the National-Liberation War, the Juvenile Alliance, etc.

IV. THE BASIC CONSTITUTIONAL PRESUPPOSITIONS OF THE SOCIO-POLITICAL SYSTEM IN THE S.F.R.Y.

Proceeding from the view-points of the Marxist political theory concerning the dictatorship of the proletariat, the self-managing socialist democracy and the role of the state in socialist society, as well as from the working people's position and part in the Yugoslav self-managing society, and from the role of the League of Communists and other socio-political organizations, the Constitution of the S.F.R.Y., those of the Socialist Republics and those of the Socialist Autonomous Provinces (1974) lay down the requirements representing a complete, well-rounded conception of the socio-political system. Upon this conception, the contemporary socio-political system of Yugoslavia has been set up, and the presuppositions of this conception also signify the basis of its further progress and improvement.

The basic and initial constitutional requirement is the one by which the working class and all workers are the holders of the power and direct the social affairs. They perform these duties through their organizations of associated labour and other self-managing organizations and communities, class and other socio-

-political and social organizations. In this capacity and thus organized, the working class and all working people develop a socialist self-managing democracy as a special-type dictatorship of the proletariat, with the view of establishing Yugoslavia's society as a free community of producers. By virtue of the Constitution of the S.F.R.Y. (Basic Principles, Part IV), the working class and all working people shall ensure this:

- through the revolutionary abolition of and a constitutional ban on any form of socio-economic and political relations and organizations founded on class exploitation and monopolized property, and on any political activity aimed at establishing such relations;

- by the realization of self-management in associated-labour organizations, in local communities, self-managing communities of interests and other self-managing organizations and communities, in socio-political communities and in human society as such, and by the interlinkage and mutual coworking among these organizations and communities;

- by the free and equal self-managing regulation of interrelations and by coordinating the common, general interests of the working people and their self-managing organizations and communities through self-management agreements and social compacts;

- through continuous deciding by the working people on realizing the power and managing the other social affairs in the basic associated-labour organizations and communities, by dint of delegations and delegates in the administrative boards of self-managing organizations and communities, and by dint of delegations and delegates in the assemblies of socio-political communities and other bodies of self-management;

- by continually informing the working population of all issues momentous to realizing their socio-economic position and to deciding in the completest and best-qualified way on the functioning of the authorities and on managing other social affairs;

- by the full publicity of the work of all authorities, self-managing bodies and holders of self-managing, public and other social offices;

- through the personal responsibility of the self-management, public and other social officials, the responsibility of governmental and self-management agencies, the replaceability of self-managing,

public and other social officials and the limitation of their re-election and appointment to certain functions;

- through full control by workers, other working people and social control officials over the performance of self-managing, public and other social officials in self-managing organizations and communities and in socio-political communities;

- by the socio-political activity of the socialist powers organized in socio-political organizations;

- by the socio-political activity of the socialist powers organized in socio-political organizations;

- by free, universal human activity.

The Constitution precisely indicates the instruments and forms of the working people's participation in exerting the public power and in managing other social affairs. According to the Constitution, these forms and instruments comprise: passing resolutions in assemblies; the referendum and other forms of referring a political question to a direct vote in basic associated-labour organizations, self-managing communities of interests and other self-managing organizations and communities; deciding by delegates in the administrative boards of these organizations and communities; self-management agreements and social compacts; deciding by delegations and delegates in assemblies of socio-political communities; directing and controlling the functioning of bodies and officials responsible to an assembly.

On this occasion, the Constitution, in conformity with the above-mentioned view-point of Marxist political theory, states that the working class and all working people by generally binding rules (also through the public authorities) secure socialist social relations, social development and the management of social affairs on self-managing bases, protect man's and the citizens' freedoms and rights, socialist self-managing relations and the working population's self-managing rights, settle social conflicts and protect the constitutionally established order. In this way, the Constitution not only basically lays down the role of the state, but also determines the limits and the area of its activity. In a system where – as the Constitution explicitly states – the groundwork of the unique self-management system and of the power of the working class and all working people consists in the latter's self-management system within the basic associated-labour organizations, the local communities, self-management communities of interests and other

self-managing organizations and communities, such a determination of the state's role has doubtless an outstanding importance.

Considering all this, it can be said that Yugoslavia's socio-political system is characterized by its having (since 1953) developed as a system within which political, social and self-management elements interpenetrate and interlace, with a tendency to have the social and self-management element prevail. By the way, this is why the Yugoslav system is more correctly termed "socio-political" than only "political". At the same time, this points out the essential difference between the contemporary Yugoslav socio-political and the conventional political systems.

FIRST PART
PRINCIPLES AND MECHANISM
OF YUGOSLAVIA'S
SOCIO-POLITICAL SYSTEM

Chapter One

SELF-MANAGEMENT
AND ITS FORMS

In the present period of Yugoslavia's development, self-management represents the core and essence of this country's socio-political system. In our days, self-management is the basic principle of the Yugoslav socio-political system; more than that: it even signifies the groundwork of the entire mechanism of our socio-political system.

I. THE CHARACTER OF SELF-MANAGEMENT

Self-management has, as the basic principle and groundwork of Yugoslavia's socio-political system, its definite content and significance conditioned by the degree of Yugoslavia's development and the circumstances under which it is accomplished. Hence, Yugoslavia's self-management is at present neither consummate nor completed in its evolution.

The first form of self-management in the Yugoslav system emerged as early as 1950 in the shape of the producers' self-management. This self-management of workers was then realized

only in economic enterprises. Later, in the year 1953, the self-management of working people was introduced into education, culture and social services in the shape of the so-called social management. In the process of their further development and expansion, in 1963 the two shapes merged in one process, i.e. the social self-managing system.

1. Self-management is realized both in the sphere of political and of economic relations, and amounts not only to realizing the political but also the economic sovereignty of the working class and all working people. Moreover, self-management does not represent only the conferring of public function from the state to society and self-managing bodies nor is it reducible to expanding the circle of administrators or the foci of decision. Nor must self-management be understood just as evolving the conventional technique of democracy. It is much more than that: it signifies the transformation of the very power, the transformation of conventional statdom. Self-management represents the process of democratizing society as a whole, in which the state is gradually dying away; as far as the state is still effective, it has the character of an instrument in the hands of the working class. Conceived in this way, self-management doubtless means a system permitting the transition from class society to classless society.

The Constitution of the S.F.R.Y. (1974) in the first instance globally and on principle lays down the content of self-management, starting from the above-mentioned requirement to the effect that the working class and all working people hold the power and control other social affairs, since the Constitution explicitly prescribes (as has been said above) that the working people exercise the public power and control other social affairs, including the decisions in basic associated-labour organizations, in local communities, self-managing communities of interests and other self-managing organizations and communities, but also the decisions (by dint of delegations and delegates) in the assemblies of socio-political communities, and the directing and control of the work of boards and officials responsible to various assemblies, etc.

Considering this constitutional provision and certain other provisions (to be discussed below), it is safe to generalize to the effect that, both under the Constitution and in practice, two spheres exist where self-management is realized: the associated-work organizations, the self-managing communities of interests and the

local communities on the one hand, the communes and other regional socio-political communities (Provinces, Republics and the Federation) on the other hand. For all that, these two spheres are not completely isolated from each other; and the latter type exerts more of political power.

Finally, the Constitution provides that associated-labour and other self-managing organizations and communities and also social organizations, such of citizens and other organizations can be entrusted with setting up definite relations of broader interest, deciding on certain matters of right and duty, and exercising other public authority. This can be done by statute and by resolution of the communal assembly, passed by operation of law.

2. The realization of self-management is characterized by (amongst other things) the following two constitutional principles:

First, the working people enjoy the constitutional right to form, on a self-managing basis, associated-labour organizations, local communities, self-managing communities of interests or other self-managing organizations and communities, and to lay down which common interests, rights and duties to realize within them;

Second, the Constitution provides that managing these organizations and communities as well as their organizing shall be carried out so that the working people in every part of the working process and in every part of these organizations and communities decide on the problems of their labour and on other interests, that they realize their self-management rights and common interests, and that they control the execution of the decisions, and the work of all boards and services in these organizations and communities.

Particular importance to realizing the self-management in associated-labour organizations and other self-managing organizations and communities consists in that the state authorities have vis-a-vis these organizations and communities only the rights laid down by the Constitution.

Finally, the working people's and citizen's constitutionally guaranteed incontestable and inalienable right of self-management is also important to its actual realization. The Constitution emphasizes the pertinent passage by proclaiming everybody's responsibility for self-managing decisions and their execution.

3. Quite characteristic and momentous to self-management is the social protection of the working people's rights and of socialized property. The endeavour to fully realize self-management on the

whole, and especially the self-management rights of the working people, and the socialized property underlying this self-management, calls for their social protection. Yet, the latter has still another function inseparably connected with the former; undoubtedly, the social protection of self-managing rights and social property eliminates various possible negative (bureaucratic-technocratic and other) tendencies in the evolution of self-management, tendencies essentially opposing any self-management in general and especially the self-management rights.

The protecting function is carried out by various bodies – assemblies of socio-political communities, bodies responsible to them, courts, constitutional courts, public prosecutors and the public attorney of self-management.

It is possible that in an associated-labour organization or in another self-managing organization or community the self-managing relations become essentially clouded and that some social interest seriously suffers. It might also happen that an organization or community does not meet its legal obligations. In all such instances the assembly of the socio-political community has the constitutional right to dissolve the managing body and the executive board, to remove the managing officials, to issue the writs for the election of the managing bodies, to appoint interim boards or officials and to take other constitutional and legal measures. These are certainly extreme, but efficacious and expedient steps to protect the self-management, the self-managing rights and the social property.

II. SELF-MANAGEMENT IN ORGANIZATIONS OF ASSOCIATED LABOUR

The completest, most immediate and actual form of self-management that has so far come up in this country's practice is certainly the self-management in associated-labour organizations. As has been mentioned above, it has first sprung up in economic organizations, and then in others. At present, self-management is achieved in all organizations of associated labour, regardless of their kind and character (economic enterprises, hospitals, schools, etc.). At present, it has become an all-embracing integral system of workers' self-management.

The last twenty-odd years have been characterized by the steadily expanding and deepening self-management of the workers and all working people. This has, amongst other things, lead inevitably to precluding any decisions by individuals and narrow groups, and has brought on the prevailing of the system of collective compact and decision based on collective thinking, besides the continually broadening self-management right of the workers and working people. It is true, this evolving process of self-management has been accompanied by (and is still not completely immunized against) certain negative tendencies – statist-regimentational, technocratic, bureaucratic, anarcho-liberalistic, and others. It is safe to expect that the new Constitution of 1974, with its way of regulating the self-management in associated-labour organizations, will bring on an efficacious protection from such tendencies, and become the constitutional groundwork for the further progress of self-management.

1. The self-management of associated-labour organizations is founded on the worker's constitutional right to work with socialized means for satisfying his personal and the social needs and to manage freely, on a par with his fellow-workers in the associated labour, his work, its conditions and outcomes. He has the inalienable right to control the work and management of the associated-labour organization, the affairs and means in the whole social reproduction, to organize the working interrelations, to decide on the income he achieves in the various shapes of associated labour and means, and to earn his personal income.

The realization of the workers' self-management rights entails and presupposes their information on any issues meaningful to their deciding and control in the associated-labour organization. This is why the Constitution guarantees their right to be regularly informed about the management of the organization and its material-financial conditions, about the income realizing and distribution, the use of the means in the organization, etc.

The workers' self-management rights are constitutionally protected and any infringement of these rights by document or action is considered unconstitutional. Moreover, what contributes to protecting the self-management rights and also to their realization, is the workers' self-management control conducted in basic and other associated-labour organizations. The workers conduct this control either directly or through the managing bodies of the organization,

or a special organ of the workers' self-management control. Slightly generalizing, this control might be referred to any issue and activity in an associated-labour organization and relating to the management of the organization, to the situation and rights of its workers.

The existence of guaranteed self-management rights presupposes the existence of every worker's responsibility for a conscientious performance of the self-management function. This responsibility is explicitly laid down by the Constitution.

2. Self-management in associated-labour organizations is realized through a highly-developed and elaborate mechanism, which is already practised, although it is neither consummate nor complete. It has been worked out and functions on the basis of certain constitutional requirements.

The fundamental requirement consists in substantializing the self-management in the following ways: first, by deciding in the workers' assemblies, in referenda and other shapes of personal declaration; second, through delegates in workers' councils; and third, by controlling the execution of decisions and controlling the work of the bodies and services in these organizations.

The series of very conspicuous and practically already rooted shapes of the workers' and working people's participation in self-managing the associated-labour organizations includes workers' meetings and referenda. In workers' meetings, all working people employed in the organization concerned are entitled to participate. As compared with assemblies held in certain areas, these assemblies are more frequent, attended by more persons, and the participation is more active. The workers' assemblies are of considerable importance in the process of putting up candidates for delegation members and delegates, but also as places for agreements among the workers, their mutual informing, controlling the work of the self-management functionaries, and deciding on certain issues. As for the referendum, it has been so far in a fairly large measure practised in associated-labour organizations. Most frequently, the subjects of decision have been status alterations in associated-labour organizations (integration, merger, partition of the enterprise, its transfer, etc.), but also issues like the spending of major earmarked amounts, investments in social-standard facilities, and the like).

The chief managing body in a basic of other associated-labour organization is the workers' council composed of the workers' delegates.⁵ It is a representative body, whose members are elected

and recalled by the workers themselves. Their mandate lasts no longer than two years. The workers' council directs the work and management of the organization and has for this end quite remarkable constitutional rights and duties: it proposes a draft for the statute to be adopted by the workers directly; it sanctions normative deeds, working and development plans and programs; lays down the business policy; elects, appoints and relieves other officials, etc. The delegates in the workers' council act according to instructions given by the workers themselves and are responsible to them for their work. They are answerable personally and materially for their decisions taken, despite the warning by the competent official, outside the frame of their authorization.

Besides the workers' council, within the basic or other organization of associated labour, some other bodies are constituted. Thus, there are the executive organs of the worker's council; then there are special managing organs. The executive organs can be entrusted with certain executive functions, and they are elected by the workers' council for a maximum period of two years; they can be removed before. The members of the executive board are for their work responsible to the workers' council and the workers. The Constitution emphasizes their personal responsibility for their decisions and the execution of the decisions taken by the workers' council and the workers themselves. This responsibility also relates to informing the workers' council and the workers faithfully, completely and in time, and includes material responsibility for any damage arising from executing the decisions taken on the basis of their proposals, should they have concealed any facts or consciously given untrue information.

The competence of the managing organs – officials or bodies – comprises the managing of associated-labour organizations, the organizing and coordinating of their working-process, and carrying out the decisions taken by the workers' council and its executive board. The managing organs are independent in their work, yet responsible to the workers and the workers' council. The Constitution lays down the responsibility of the individual organ and of the members of a managing body in the same way as the above-said responsibility of the executive-board members. Besides, any individual managing official or chairman of a managing board is responsible to the social community for the legality of their work and the execution of the legally prescribed obligations of the

associated-labour organization. The managing organ is also responsible for the results of the organization's managing and for organizing and coordinating the working process in it. This responsibility is of course limited by the frame of the managing organ's rights and duties. These organs are appointed and removed by the workers' council. Their mandate lasts four years at the longest.

III. SELF-MANAGEMENT IN SELF-MANAGING COMMUNITIES OF INTERESTS

This is another noteworthy shape of self-management; it develops ever more in Yugoslavia's practice, thereby fundamentally changing the role and limiting the intervention of the state in certain spheres, as the self-managing communities of interests gradually spring up more and more in various realms of social life, with the purpose of satisfying the working people's individual and common needs and interests and coordinating those working domains where communities of interests arise with these needs and interests. These communities are established by working people either directly or through their working organizations and communities, by dint of self-management agreements stipulating the rights and obligations in the interrelations within a self-managing community of interests.

Proceeding from the necessary existence of such communities and from the great moment of their organizing on self-managing bases, the Constitution of 1974 creates broad possibilities of their establishment. Thus, the Constitution provides that workers and other working people who in the fields of education, science, culture, public health and social welfare satisfy their individual and common needs and interests on the lines of solidarity, and workers in associated-labour organizations engaged in these activities establish self-managing communities of interests. There they effect the free exchange of work, associate their work and means, and equally and jointly decide on carrying on these activities and on other essential issues connected with them. Moreover, working people establish self-managing communities of interests in superannuation and disablement insurance and the like, and also in the domain of house-building. Self-managing communities of interests can be also founded for communal activities, power and water economy, transport, etc.⁶

The self-managing communities of interests are conducted through assemblies including various delegates elected (and — if need be — recalled) by the working people and associated-labour and other self-managing organizations and communities, i.e. members of a community of interests. These delegates are bound to work according to the directives imparted by their voters, to whom they are responsible for their performance. By the self-management agreement, by which a self-managing community of interests has been set up, also the sphere of activity, the authority and responsibilities of the assembly and other organs are determined, together with the way of informing the community members about the work of these organs and services and about the issues under consideration and discussion in the community of interests. Besides the assembly, in the community of interests also the assembly's executive organs are formed, whom the assembly can entrust with the executive functions. The executive organs are responsible to the assembly for their work. In these communities also a referendum can be announced.

IV. SELF-MANAGEMENT IN LOCAL COMMUNITIES

This type of self-management is a special shape of self-management in the Yugoslav system and is just experiencing rapid upswing.

So far, local communities have been a facultative shape of self-managing organizations of working people and citizens; in many places of this country they have not even been organized. The 1974 Constitution proceeds from the supposition that local communities are obligatorily formed all over this country. The Constitution lays down the working people's and citizens' right and duty to organize in self-managing local communities in any locality, in part of it or in several interlinked localities, with the view of realizing certain common interests and needs. To this end, working people and citizens organized in a local community link up the organizations of associated labour, with self-managing communities of interests and with other self-managing organizations and communities.

The self-management in a thus organized local community consists in decisions taken by working people and citizens on looking after their common interests and on jointly satisfying their common needs in the sphere of improving the local amenities, of

housing construction, communal activities, child and social welfare, education, culture, physical training, consumer protection, environment protection and improvement, national defence, social self-defence, etc. Working people and citizens in a local community also participate in conducting social affairs and deciding on issues of common interest in the commune and in broader socio-political communities. Working people and citizens in the local community decide at assemblies, referenda and on other occasions for individual pronouncements, or through delegates, or by dint of self-management agreement and social compact. The statute of a local community is proposed and passed by the working people and citizens.

V. SELF-MANAGEMENT IN COMMUNES AND OTHER SOCIO-POLITICAL COMMUNITIES

Definite common interests, administrative functions and the management of other social affairs are effected by the working people and citizens (or nations and nationalities) in socio-political communities (communes, Autonomous Provinces, in Republics and the Federation). Their engagement in exercising the political power and managing other social affairs in these communities also contains considerable elements of self-management. They consist, first of all, in the fact that all the former mentioned shapes of self-management are realized in the area of these communities, or within them. The mechanism of power and self-management in socio-political communities is also constituted by the forms of immediate democracy and personal pronouncement, as well as self-management agreements and social compacts. The working people participate in exercising the power and managing other social affairs through delegates in the assemblies and in the bodies responsible to them. In this regard, in this country's socio-political system the systems of delegates and assemblies (to be treated in the next chapters) are of outstanding moment.

1. The communal self-management was introduced into Yugoslavia's socio-political system by the 1953 Constitution. In the preceding period, the communes were more or less a form of the conventional democratic local self-governments, within which the people's committees as representative bodies were just local organs

of the public power; in course of time they became the basic and highest authority organs. An important turning-point in this process has been set, besides the Constitution mentioned, by the Law on the Organization and Competence of the Communes and Districts (1955), when the commune became a political-territorial organization of the working people's self-management. The Constitution of 1963 proclaimed the communal self-management to signify the political basis of a unified socio-political system, as the commune was conceived as the basic socio-political community.

At present, the commune⁷ is a self-managing, basic socio-political community founded on the power and self-management of the working class and all working people. Hence, the commune represents the milieu in which the working people and citizens create and secure their living and working conditions, orient the social upswing, realize and coordinate their interests, satisfy the common needs, and the like. In the commune as a self-managing, basic community, working people and citizens exercise the public power and conduct other social affairs, i.e. discharge all functions of authority and of conducting other social matters except those constitutionally realized in the broader socio-political communities.

The mechanism of exercising the power and conducting other social affairs in the commune is very complex, as it has outstanding marks of self-management, but also elements of organized public authority: Working people and citizens decide within the commune first of all as members of basic associated-labour organizations, of local communities, self-managing communities of interests and other forms of self-managing association and socio-political organization, as well as through self-management agreements and social compacts.

A particular way of the working people's and citizens' participation in the process of exercising the power and conducting other social matters in the commune is realized in the conventional shapes of immediate democracy, i.e. of meetings and referenda. Meetings are organized in small areas of the commune. In meetings all citizens being of age, resident in the area for which the meeting is held, and entitled to vote, can participate. Meetings are places for compacts, for deliberating and sifting various issues, for mutual information, for controlling the activity of state and self-management organs; for taking an initiative, and for deciding on certain issues. Meetings have a special part in the process of nominating a candidate for a delegation. It is true, meetings have

not yet gained great importance, the citizens' interest in them has so far been rather feeble, nor have the citizens been very active at these meetings. As for the referendum, as a form of the working people's and citizens' direct decision in the commune, it appears as a weighty element of the socio-political system. In the communes, referenda have so far taken place chiefly in matters of local actions, i.e. road-construction, electrification of villages, and the like. A referendum can be also held for the working people's previous pronouncement on some issues within the communal assembly's administrative jurisdiction, or for sanctioning a deed passed by the assembly. Of course, it can be prescribed by communal statute on which issues a referendum has to be held for passing the assembly's decision. A referendum is called by the assembly, and a referendum decision adopted by the working people and citizens is always obligatory.

Finally, a commune's working people and citizens also decide by dint of their delegations and delegates in the assembly of the commune and of the organs responsible to this assembly. Linked up with the communal assembly by the mechanism of the delegating system, the working people and citizens participate in realizing the communal assembly's functions, which are very conspicuous as the communal assembly has just as any other assembly in Yugoslavia the character of a social self-management organ and the highest organ of authority (of course, within the commune's rights and duties).

Such a mechanism doubtless shows that the process of socializing the public power passes off to a higher degree and on a larger scale than in other socio-political communities, and that the self-management elements are very marked and developed.

2. In the broader socio-political communities (the Autonomous Provinces, the Republics and the Federation) the working people and citizens effect self-management, i.e. exerting the power and controlling other social affairs especially via their elected delegates in the assemblies of these socio-political communities. These assemblies, being social self-management organs and the highest organs of power, exercise very broad and the most momentous functions of government and of conducting other social matters. When introducing the system of delegates (in 1974) — to be reported upon below —, the working people and citizens acquired, in comparison with the possibilities in earlier periods, considerably

broader chances of obtaining influence on the functioning of these assemblies and of thereby engaging still more directly and actively in exercising political power in these socio-political communities.

Besides self-management agreements and social compacts, there is another instrument available to the working people and citizens for engaging in exercising political power and in controlling other social affairs in these broader socio-political communities: the referendum. Yer, up to now, it has had no place in the Autonomous Provinces and the Federation. On the other hand, public discussion of constitutional texts, certain bills and other deeds, as a form of engagement and activity of working people and citizens in the Autonomous Provinces, in the Republics and the Federation (and, of course, in the communes), has ever more developed in practice and has become part of the mechanism of exercising the public power and controlling other social matters in all socio-political communities.

VI. SELF-MANAGEMENT AGREEMENTS AND SOCIAL COMPACTS

In realizing their self-management, the workers and other working people apply the self-management agreement and the social compact to the self-managing regulation of mutual relations, coordination of interests, and arrangement of weightier social interrelations. As such, the self-management agreement and the social compact signify a very momentous form of self-management deciding and a sign of waning regimentation and state-control of social affairs; self-management agreements and social compacts bring into the function of associated-labour organizations, other self-managing organizations and communities, and socio-political communities a remarkable element of conducting social affairs without state-control. At present, this has become a common, regular means in the self-managing mechanism.

1. A self-management agreement is concluded by the workers in basic and other associated-labour organizations and by the working people in local communities, self-managing communities of interests and in other self-managing organizations and communities, within the limits of their self-management rights. The agreement is concluded in order to coordinate the interests of the workers and working people in the social division of labour and in the social

reproduction, moreover in order to associate labour and means and to regulate the pertinent interrelations. Through a self-management agreement, working and other associated-labour organizations, furthermore banks, business and other communities can be set up. Besides, the purpose of the agreement can consist in strengthening the basis and criteria of distributing the means for personal income, in establishing the mutual rights, obligations and responsibilities and the measure for their realization, and in regulating other relations of common interest.

A self-management agreement binds both those having shared in its conclusion and those acceding to it subsequently.

2. A social compact is concluded by associated-labour organizations, chambers and other general associations, self-managing communities of interests, other self-managing organizations and communities, bodies of socio-political communities, trade unions and other socio-political organizations, and social organizations. By such a compact, the parties secure and coordinate the self-managing arrangement of socio-economic and other relations of broader common interest to those who conclude the compact, or of general social interest.

The social compact is – just as the self-management agreement – binding on those having shared in its conclusion and those joining it afterwards.

Chapter Two

THE SYSTEM OF DELEGATES

The working-class and all working people of Yugoslavia exercise the public power and conduct other social affairs both through the numerous shapes of self-management, direct deciding, self-management agreements and social compacts (as has been explained above), and through their delegations and delegates, elected to the assemblies of socio-political communities, i.e. of the communes, Socialist Republics, Socialist Autonomous Provinces and the Federal Assembly of the S.F.R.Y.

Within Yugoslavia's socio-political system, the assemblies are social self-management organs and the highest official organs within the rights and duties of the socio-political communities, and in this capacity, according to the requirements of the assembly system, exercise very broad – the most important – functions of authority and of managing other social affairs; hence, the bonds of the workers, working people and citizens with the assemblies, and the substantializing of the workers' actual, decisive influence upon the activities of these assemblies and their resolutions are becoming one of the essential problems of the socio-political system's core and function.

In this regard, in this country already formerly it had been tried to find suitable new solutions (candidates by dint of meetings of citizens or working people; introducing consumers' councils and – subsequently – councils of working communities into all Yugoslav assemblies, etc.). Yet these attempts have not led to the abolition or any essential alteration of the existent more or less conventional system of representation and election.

On the other hand, it stands to reason that the conventional system of representation and the traditional election system are neither appropriate for nor do they correspond with the system of a fairly developed socialist democracy. By their very nature, the conventional systems of representatives and election are restricted and limit the citizens' connexion with their representative body and their real influence upon its function and decisions. In this regard, the delegational system signifies a thoroughly different, original solution. It has incontestably brought on a radical change.

I. CHARACTER OF THE DELEGATIONAL SYSTEM

Generalizing, let us say that it consists of forming a delegation by the working people and citizens in their self-managing organizations and communities, and in these delegations' active participation in constituting (by election) the assemblies of socio-political communities, making them function and connecting them with the social basis.

1. The delegational system eliminates the conventional representative system and all the more the system of mediation and monopoly that can arise from them, since the delegational system permits the much more direct and broader engagement of the citizens and working people, their self-managing organizations and communities in the proces of exercising the power and of controlling other social affairs than is permitted by the conventional representative and electional system. The system of delegates establishes an organized, permanent and active relation between the working people, citizens, their self-managing organizations and communities on the one hand, and the assemblies of the socio-political communities on the other hand. Thus, it is secured that the taking of decisions in the assemblies does not occur via elected (or separate) general political representatives, but via such a mechanism as in the assemblies secures not only the presence of the social basis and its interests, but also the immediate influence and the participation of this social basis in taking decisions in the assemblies.

Now, the delegational system is not merely some variety of the elective system. It is a system through which, it is true, the assemblies are constituted (by electing the delegates into them), but likewise the immediate participation of the delegates elected by the

working people and citizens is realized,* i.e. of the working people and citizens themselves in their self-managing organizations and communities, viz. in preparing and taking the decisions in the assemblies. Hence, it is safe enough to assume that the delegational system represents a very firm union between the self-management in the basic associated-labour organizations, local communities and other self-managing organizations and communities on the one hand, and exercising the power and self-management in socio-political communities on the other hand, all of which proves that the delegational system actually exceeds and supplants the conventional representative and electoral system and its attendant elements – the separation of the deputies and the representative body from the social basis, the deputies' professionalism, the influence of narrow groups and circles on the assembly's work and decisions, etc. Thus, the delegational system is an outstanding innovation in the theory and practice of the political system, not only in this country.

2. The delegations are the groundwork of the delegational system. Forming these delegations is the right of the working people in their basic self-managing organizations and communities and the socio-political organizations.

The delegations are formed by the working people: 1. in the basic associated-labour organizations and working communities performing matters of common interest to several basic associated-labour organizations; 2. employed in farming, handicraft and similar activities with means of labour owned by these workers, and in community with workers with whom they associate their own labour and means of labour in organized communities and other legally determined forms of association; 3. in working communities of public authorities, socio-political organizations and associations, and in other working communities not organized as associated-labour organizations, as well as active military persons, and civilians serving in the armed forces of Yugoslavia; and finally, 4. working people and citizens in local communities. Pupils and students are entitled to participate in the forming of delegations in the realm of education.

Delegation members are elected from among the basic self-managing organizations and communities. Only those workers of basic associated-labour organizations who constitutionally cannot be elected to be members of workers' councils (e.g. managers and the like) are ineligible for delegations of these organizations.

The working people put forward directly candidates for delegation members, at meetings within the organizations of the Socialist Alliance of Working People or a Trade-Union organization. The elections are then held, also directly, by the working people in their basic self-managing organizations and communities. The voting is done by ballot. The working people are also entitled to recall any elected delegation member.

The elected delegation members' tenure of office is four years, and the same person cannot be elected a delegation member oftener than twice successively. The Constitution prescribes that participation in the delegations be secured to representatives of all parts of the working process, and that the self-managing organization's or community's social structure be reflected in the structure of the delegations. No delegation is formed in the basic associated-labour organizations and in working communities comprising small numbers of working people. There, as a matter of fact, all the working people in that organization or community exercise the delegational functions. In socio-political organizations, their elected bodies discharge the function of delegations.

II. THE DELEGATIONAL SYSTEM AND THE MODE OF CONSTITUTING (ELECTING) THE ASSEMBLIES

Delegations are formed to realize directly the rights, duties and responsibilities of the working people and their organized participation in exercising the functions of the communal, provincial and state assemblies and the Federal Assembly.

One of every delegation's basic functions is the election of delegates to the assemblies of socio-political communities. Thus, a peculiar way of electing (constituting) an assembly is set up, which both by essence and form differs from the conventional election system practised by other regimes. In this country, the elections are not founded on the conventional choice of individual deputies, but result from the collective delegations of self-managing organizations and communities. The basis of the new mode of electing (constituting) the assemblies lies in the delegations. Out of them, and by them, the communal assemblies are formed, and then, out of the communal assemblies and with the participation of the delegations, the assemblies of the other socio-political communities are formed, i.e. of the Autonomous Provinces, the Republics and the Federation.

In this way, the delegating conception manifests itself fully in the constituting of all Yugoslav assemblies.

1. The delegates to the communal assembly are elected (delegated) from among the delegations. Only delegation members at least 18 years old can be elected to any council of a communal assembly or, for that matter, of another assembly.

According to the conception of the delegational system, the candidates for the several councils in the communal assembly are put forward by the delegations themselves, i.e. candidates for delegates in the associated-labour council of a communal assembly are put up from among the members of the delegations from self-managing organizations and communities by these delegations within trade-union organizations, and candidates for the council of a local community are put up by the delegations of local communities in the organizations of the Socialist Alliance of Working People, from among their own members. On the basis of these proposals, the Socialist Alliance's Candidature Conference composes the final list. The candidates for the socio-political council of a communal assembly are by mutual agreement designated by the socio-political organizations within the Socialist Alliance of Working People, among the formers' members. The putting up of candidates for the mentioned councils in a communal assembly is preceded by the so-called evidencing stage, i.e. discussing the criteria of putting up a candidate, and screening the eligible candidates. This is done by the working people and citizens at their meetings in the basic self-managing organizations and communities, and at the conventions in the organizations of the Socialist Alliance of Working People, the trade unions, and other socio-political organizations.

The delegates to the councils of a communal assembly are elected (delegated) by the delegations, i.e.: to the associated-labour council – by those of the working people in the basic associated-labour organizations, and by those of the working people in working communities and other forms of association; to a council in local communities – by the delegations of local communities; and to the socio-political council – by the working people and citizens directly, by universal suffrage, and ballot.

Delegates to an assembly can be recalled before the expiry of their four-year term of office, and the recall of a delegate is pronounced by those having elected (delegated) him.

2. A delegate to the assembly of a Republic or Autonomous Province is elected in a somewhat different way, yet always after the principles of the delegational system. For the councils in the assemblies of Republics (Autonomous Provinces), members of the corresponding delegations are eligible. The proposals for candidates for delegates to the associated-labour and the communal councils in the assemblies of the Republics (Autonomous Provinces) are made by the delegations themselves. The putting forward of candidates is preceded by discussing the possible candidates at the working people's meetings in the basic self-managing organizations and communities, and at the working people's and citizens' conventions in the organizations of the Socialist Alliance, of the trade unions, etc. The final list of candidates is designated by the Socialist Alliance's Candidature Conference, on the basis of the delegations' proposals. The list of candidates for the socio-political council in the assembly of a Republic (Autonomous Province) is by mutual agreement designated by the socio-political councils within the Socialist Alliance of Working People.

The delegates to the councils in the assemblies are elected (delegated) from among the delegation members of the basic self-managing organizations and communities or of the socio-political organizations, by the communal assemblies on the soil of the Republic (Autonomous Province); the delegates to the associated-labour council in the assembly of a Republic (Autonomous Province) are elected by the delegates of the associated-labour council in the communal assemblies; the delegates to the communal council in the assembly of a Republic or Autonomous Province are elected by the delegates of all the councils of the communal assemblies at their common sitting, whereas the delegates of the socio-political councils in the communal assemblies elect the delegates to the socio-political council in the assembly of a Republic or Autonomous Province.

A delegate in the assembly of a Republic (Autonomous Province) can be also recalled, viz. by the council in a communal assembly having elected the delegate.

3. The delegational principle is also applied to electing both Chambers in the Federal Assembly, though not in the same way.

To the Federal Chamber of the Federal Assembly, any member of a delegation from a basic self-managing organization or community, or from a socio-political organization, can be elected.

Candidates for such delegates are put up by the delegations of basic self-managing organizations and communities and of socio-political organizations within the Socialist Alliance of Working People, after the eligibility of the candidates has been discussed by the working people and citizens at their meetings and conventions. The final list of candidates is then prepared by the Socialist Alliance's Candidature Conference in that Republic (Autonomous Province) on the basis of the delegations' proposals. In this list, at least half the number of candidates has to be from among the delegations of the basic associated-labour organizations. The delegates are elected by communal assemblies on the soil of the Republic (Autonomous Province), at a common sitting of all councils. Delegates in this council can be recalled by the communal assemblies in the Republic (Autonomous Province).

To the Federal Assembly's Chamber of the Republics and Provinces, delegations from the Republics and Autonomous Provinces are elected. To such a delegation only delegates in the assembly of a Republic (Autonomous Province) are eligible. The list of candidates is designated by the Candidature Conference, Socialist Alliance of the Republic (Autonomous Province). The delegation is elected by the assembly of the Republic (Autonomous Province) at a common sitting of all councils. And all councils of the assembly of the Republic (Autonomous Province) vote at a common sitting on recalling a delegation member.

III. THE DELEGATIONAL SYSTEM AND THE FUNCTIONING OF THE ASSEMBLIES

The essence of the delegational system lies in obtaining closer, brisker and better organized relations between the assemblies of the socio-political communities and the social basis, plus a more effectual, decisive influence of the latter upon these assemblies' work and decisions. And then, the working people in the basic self-managing organizations and communities and in the socio-political organizations actually form their delegations with the view of directly substantializing their rights and duties, their responsibilities and their organized participation in exercising the functions of the communal, provincial and state assemblies and of the Federal Assembly. This is doubtless contributed to by the new mode of

electing the Yugoslav assemblies, and the crucial part in this regard is played by the activity of the basic self-managing organizations and communities.

1. The delegations exercise by their activity outstanding functions, besides that of electing their delegates to the assemblies. While exercising their functions, the delegations on the one hand face their basic self-managing organizations and communities (i.e. the social basis) and on the other hand the elected delegates and assemblies.

Thus, the delegations determine the basic positions for the work of the delegates in an assembly and for their participating in decisions. The delegations determine these positions in the light of their organizations' and communities' interests and instructions, but also considering the interests of other organizations and communities, and the general social interests and needs. On their work, on that of any elected delegate in the assembly, and on that of the assembly itself, the delegations submit reports to their basic self-managing organizations and communities. The delegations are responsible for their work to these organizations and communities (authorized to recall their delegation and any of its members). The delegations cooperate with each other in order to find out common solutions of the issues within the assembly's jurisdiction, and of other questions of common interest. Their mutual collaboration and interrelations are founded on agreements and compacts; this way of working and deciding ever more penetrates all the spheres of the Yugoslav socio-political system.

2. The delegational system and its function are particularly characterized by the delegates' situation and work in the assemblies. Elected (delegated) to the assemblies of socio-political communities, the delegates are bound to work according to the general directions received from their self-managing organizations and communities, and to the basic positions laid down by their delegations. In this connexion, the Constitution prescribes that the delegates' activity in the assemblies keep in accordance with common and general interests and needs. The delegates are independent in their deciding and voting in the assembly. They are not under an imperative mandate; it would not only impede but even preclude their decisions in the assembly. On the other hand, their independence is not absolute nor does it signify their autonomy or separation from those having delegated them. A delegate is actually free to decide

and to vote, but only within the limits wherein he - inspired and led by the interests of his organization and community and their directions, and by the basic positions of his delegation - endeavours to come to an understanding and agreement with other delegates, considering also their and the general social interests and needs.

The delegates are bound to inform of their and the assembly's work both the delegations and self-managing organizations and communities to which they belong and whose members they keep being. The delegates do not abandon their vocations, nor become professional politicians. Of course, they are responsible for their work to their delegations and self-managing organizations and communities, under the sanction of recall.

3. By this mechanism, the delegational system creates many efficacious channels to convey interests and opinions, proposals and suggestions of the working people and citizens to the assemblies, where they meet the interests, opinions, proposals and suggestions of working people and citizens from other self-managing organizations and communities. In this way, the assemblies become places where in a much larger measure the interests of working people and citizens, of their self-managing organizations and communities are present, but also the opinions and positions, suggestions, proposals and demands of the entire social basis. Thus, doubtless in the most efficacious way, the direct influence of the social basis on the decisions in the assembly becomes evident, which means its direct influence on the deciding process.

Chapter Three

THE SYSTEM OF ASSEMBLIES

The system of assemblies, based on the principle of the democratic unity of power, commenced to be realized with the establishment of socialist democracy, whose groundwork had been laid by the Constitution of 1953. Under the conditions of developing the self-management and other elements of socialist democracy, this country's assemblies because of their democratic character just had to become the champions of political decisions and to constitute themselves the highest organs of power, while the administration (the executive power), strong and dominant in former periods, had to be divested of several functions, weakened in its positions, and reorganized in its structure.

Thus, the Yugoslav example confirms the historical connexion between democracy and the system of assemblies. Certainly, democracy — particularly socialist democracy — necessarily requires and presupposes the evolution of such organizational forms as permit the immediate and complete engagement of the working class and all working people and citizens in the power-exercising process. Undoubtedly, besides the forms of direct self-management and direct democracy, the democratic representative bodies show the organizational form permitting an authentic expression of the entire working class's interests and will, much more than is rendered feasible by organs of the executive power and others. Hence, in the system of a true, especially socialist, democracy, the representative bodies become of necessity the highest organs of power and the central political institutions. This automatically leads to divesting the executive power of outstanding pieces of competence and to

demolishing its position as a branch of power. This also justifies the efforts taken since 1953 and 1963 with the object of completing and developing, within this country's system of self-managing socialist democracy, the system of assemblies, as is also evinced by the adherence of the Yugoslav political theory to this type of system.

I. THE CONSTITUTIONAL FOUNDATIONS OF THE ASSEMBLY SYSTEM

The 1974 Constitution of the S.F.R.Y. abides by the conception of the assembly system. The basic principle of the Yugoslav socio-political system, under which the working people exercise the power and manage other social affairs, amongst other things through delegations and delegates in the assemblies of the socio-political communities as well as by directing and controlling the function of the organs responsible to their assemblies, inevitably presupposes organizing an assembly system. In other words, the application of this principle and that of the democratic unity of power absolutely requires the union of very broad functions of authority in the hands of assemblies (and not of executive, administrative and other organs) and exacts their predominating position among the other public authorities. In conformance with the principle mentioned, the Constitution lays down the following conditions of the assembly system:

First, the assemblies and the organs responsible to them exercise the power and manage other social affairs. In doing so, the assemblies act in the entire constitutional and socio-political system as organs of social self-management and as the highest organs of power, within the rights and duties of the corresponding socio-political community;

Second, in all socio-political communities (except the commune), a presidency is formed, which represents an Autonomous Province or Republic or the S.F.R.Y., exercises other constitutional rights and performs duties;

Third, in socio-political communities an executive council (or another corresponding board) is formed as the executive organ of the assembly;

Fourth, in all socio-political communities, the assemblies form special administrative organs;

Fifth, the judicial function is entrusted to the regular law-courts as organs of the public authority, and to the self-management courts; moreover, there are the constitutional courts to protect the Constitution.

The conditions mentioned represent the basis upon which the assembly system rests in all socio-political communities in Yugoslavia. Yet these conditions are not equally consistently realized in all socio-political communities.

II. THE ASSEMBLY'S POSITION AND ROLE

In accordance with the conception of the assembly system and with the principle of the democratic unity of power, the Yugoslav assemblies are the highest organs of power. Such a prominent and dominant position of the assemblies is conditioned and secured by both the combination of broad, important functions in their hands and the appropriate relations with executive, administrative and other organs. Of course, other circumstances and the efforts so far made have also contributed to such a position of the Yugoslav assemblies and their actively engaged role.

1. As an organ of social self-management and the highest organ of power, the assembly: lays down the policy and decides on basic issues momentous to the political, economic, social, cultural and general social upswing; adopts the social plan, the budget, general rules; deliberates questions of common interest to associated-labour organizations and other self-managing organizations and communities, and coordinates their relations and needs; takes the initiative and participates in concluding social compacts; discusses problems of national defence, of security and social self-defence; deliberates the condition and general problems of constitutionality, legality and jurisdiction, organizes and exercises social control; lays down the organizational groundwork and legal capacity of the organs of the socio-political community; establishes administrative organs; elects, appoints and removes administrative officials and judges; looks after the carrying out of the established policy and the normative deeds; lays down the policy of carrying out the normative deeds and the duties of the organs and organizations connected with the execution of these deeds; exercises political control over the functioning of its executive organ, of the administrative organs and the holders of self-managing, public and

other social functions responsible to the assembly, and by its instructions directs these organs' work.

Hence, the assembly holds, as compared with the functions of other bodies, the most important functions, which make the assembly not only the legislative authority, but the policy-leading body.

Thus, the assembly is first of all the holder of the law-making function, i.e. authorized to pass the weightiest deeds with a normative function, i.e. the Constitution and the laws. In passing these documents, the assembly is completely independent and no other organ affords any authority to interfere with their passing.⁸ The several organs only afford the right of legislative initiative. Moreover, it is very significant that no other organ is authorized to issue a normative deed with legal authority.⁹ The executive organs can enact only sublegal normative deeds, and the administrative organs are in this regard still more restricted. Finally, let us mention that the prescribing activity of this country's assemblies remarkably exceeds the prescribing activity of other organs, so that the social relations are in a larger measure regulated by laws than by decrees and other sublegal deeds.

Another notable business of the Yugoslav assemblies is their political-directive function, which determines the policy and decides on the fundamentals of consequence to the general political and social development. The assemblies direct the work of the other organs.

Moreover, they exercise political control over the work of the executive and administrative organs and other holders of self-managing, public and other social functions.

Finally, the assemblies handle elections, appointments and removals of executive and administrative officials and bodies, of judges in various courts, and holders of other functions.

2. The second essential factor to secure the position of the Yugoslav assemblies as the highest organs of public power consists in the essence and structure of the assemblies' interrelations with other, especially executive and administrative organs. These relations, resting on the presuppositions of the assembly system, are particularly characterized by the following facts:

F i r s t, the responsibility of the executive and administrative organs to the assemblies; s e c o n d, the constitutionality and legality of all other organs' work; t h i r d, the assemblies' right to

invalidate or cancel normative deeds of executive organs (if these deeds are unlawful, unconstitutional or incompatible with other normative deeds sanctioned by an assembly) and the executive organs' right to invalidate or cancel unlawful normative deeds of administrative organs, which can in some socio-political communities be done directly by the assemblies; f o u r t h, the assemblies' right to elect and remove executive organs, to appoint and discharge the functionaries of administrative organs, and others (judges, public presidency members.

The relation between assembly and presidency is somewhat different, especially between the Federal Assembly and the S.F.R.Y. Presidency. Considering the latter's specific character and role (to be discussed below), the presidency members are not elected nor relieved of office by the Assembly, nor is the Presidency responsible to it. Yet the President of the Republic, although not being an executive organ of the Federal Assembly, is elected in the latter on the proposal of the assemblies of the Republics and Autonomous Provinces. The presidencies of the Republics and Autonomous Provinces have closer relations with the assemblies of the Republics and Autonomous Provinces. The assemblies elect and relieve the Presidency members.

3. Moreover, some other factors contribute towards the prominent position and the active, prevailing role of the Yugoslav assemblies. Besides their permanent functioning and efficacious internal mechanism (the system of committees and commissions), these factors include the structure of the Yugoslav assemblies, which enhances their social authority, conditions their character of a social self-management organ and intensifies their activity. Their authority is certainly also increased by the new, delegational mode of constituting (election) and connexion with the working people and their self-managing organizations and communities, i.e. with the social basis, which has been explained in the preceding Section.

III. STRUCTURE OF THE ASSEMBLY

The conception underlying the Constitution in determining the structure of the socio-political community assemblies rests on the constitutional presupposition that the working class and all working people realize the power and control other social affairs as

members of associated-labour organizations and other self-managing organizations and communities, class and other socio-political and social organizations. Additionally, it has to be borne in mind that (as has been stressed above) the unitary system of the self-management exercised by the working class and all working people in socialist Yugoslavia has its foundations in the working people's self-management in the basic associated-labour organizations, in the local communities, self-managing communities of interests and other basic self-managing organizations and communities, and that the commune within the Yugoslav socio-political system represents a self-managing, basic socio-political community.

In the Yugoslav socio-political system, the assemblies stand out as the elected delegations of working people in self-managing organizations and communities and socio-political organizations. Through them, the organized expression of the working people's and citizens' interests is secured in all shapes of their organizing. This is rendered feasible by the structure of the assemblies: In all Yugoslav assemblies (except in the Federal Assembly) three council are organized: (a) the Council of Associated Labour, (b) the Council of Local Communities (in the communal assemblies) or of Communes (in the assemblies of the Republics and Autonomous Provinces), and (c) the Socio-Political Council.

In this way, the assemblies in Yugoslavia have become a still completer expression of the socialist-democratic system and of social self-management, and an instrument of the decisive part of the working class. This is the continuation of radically transforming the structure and character of the Yugoslav assemblies, a process that began as early as 1952–1953 by setting up the council of producers.

1. The Constitution qualifies the council of associated labour as council of the working people's delegates in the associated-labour organizations and other self-managing organizations and working communities. This means that this council comprises delegates of working people from various realms: economy and finances, education, science and culture, public health and social policy, and also workers in the farming, industrial, catering, transport and similar activities with means of work owned by them, together with the workers in the farming, industrial, catering, transport and similar activities with means of work owned by them, together with the workers with whom they pool their labour and their means of

work, organized in communities or other forms of association, as well as of working people in working communities of state organizations, socio-political organizations and associations and other working communities not organized as associated-labour organizations, and finally of military persons and civilians serving in the armed forces of the S.F.R.Y.

The council of local communities, existing only in communal assemblies, is a council of delegated of working people and citizens in local communities. On the soil of a commune, the working people and citizens organize local communities (localities, parts of localities, and the like) for realizing definite common interests and needs, on which they decide directly. The council of local communities appears to be the one where the local interests of working people and citizens manifest themselves; likewise, this council permits the self-management in local communities to take effect in the communal assembly.

In the structure of the provincial and state assemblies, the council of the communes is a council of the working people's and citizens' delegates in the communes. In this council, the interests of the working people and citizens manifest themselves in the communes, which, as has been said above, in the Yugoslav system represent self-managing, basic socio-political communities. In the communes, the working people and citizens create and secure the conditions of their life and work, direct the social development, substantialize and coordinate their interests, satisfy their common needs, exercise the public power and manage other social matters.

Finally, the socio-political council is a council of delegates of the workers and other working people and citizens within the socio-political organizations. Actually, they are delegated by the workers and other working people and citizens in socio-political organizations united in the Socialist Alliance of Working People, and – if they are not members of any other organization – directly as members of the Socialist Alliance. In this way, in this council the organized socialist power manifests itself, thereby interconnecting and coordinating all the particular interests of the working people in various self-managing organizations and communities into one common interest. Besides, the working class and all working people and citizens manifest themselves directly in their socio-political organizations, and not merely in their working and living communities. The socio-political council is in this light a

conspicuous instrument in the hand of the working class in its socio-political organizations within the Socialist Alliance of Working People, spearheaded by the League of Communists.

2. The Constitution contains no provision concerning the formal setting up of an assembly council of delegates from the self-managing communities of interests in the realms of education, science, culture, public health and social care. Yet the Constitution states that the assemblies (as the highest organs of these self-managing communities) shall engage directly in the decisions to be taken by the assembly of the socio-political community. The former assemblies shall, on a par with the competent assembly councils, decide on issues from the realms mentioned. Thus, the assemblies of the self-managing communities of interests, although not attaining the status of an assembly chamber, in certain situations exercise the authority and the functions of an assembly chamber.

3. By the character of the several assembly councils their jurisdiction is determined. Thus, the council of associated labour participates in deciding on questions interesting the workers and other working people engaged in social labour. The council of local communities or the council of communes participates in deciding on issues interesting the working people and citizens in local communities or in communes respectively. Finally, a socio-political council participates in deciding on questions of realizing, developing and protecting the constitutional socialist self-managing system. It has to be stressed that a decision on earmarking a part of the income for common and general social needs and on the allocation and amount of means for these needs can be taken only with the assent of the associated-labour council.

4. Strictly formally speaking, the structure of the Federal Assembly in some measure differs from that of the assemblies of the other socio-political communities. Of course, the structure of the Federal Assembly also rests on a self-managing groundwork and manifests the same interests as the other assemblies do. Yet, the Federal Assembly bears the special imprint of Yugoslav federalism.

At present, the Federal Assembly consists of two chambers: the Federal Chamber as the council of delegates from the self-managing organizations and communities and from the socio-political organizations in the Republics and the Autonomous Provinces, and the Chamber of Republics and Provinces, consisting of the delegations

from the assemblies of the Republics and from the Autonomous Provinces, so that this chamber acts as an instrument of the Republics' and Provinces' direct participation in certain functions of the Federation. The composition of both Chambers follows the principle of equal representation of the Republics and adequate representation of the Provinces – expressing the equal rights of the nations and nationalities, of their Republics and Autonomous Provinces.

IV. CHARACTER AND STATUS OF THE PRESIDENCY AND THE PRESIDENT OF THE REPUBLIC

The contemporary assembly system of the Federation contains as particular, independent organs the Presidency of the S.F.R.Y. and the President of the Republic; each Republic and Autonomous Province has its presidency of the republic or autonomous province.

1. The establishment of presidencies in the assembly system of the mentioned socio-political communities has been caused by particular reasons. Thus, the establishment of the Presidency of the S.F.R.Y. (1971) was conditioned by the endeavour to organize the Federation in the completest possible way as a community of equal nations and nationalities and, in conjunction therewith, to secure in the largest measure the Republics' and Provinces' influence upon and responsibility for discharging the federal functions. The formation of a presidency in each Republic and Autonomous Province (1974) was the result of the higher degree of statehood in the Republics and of autonomy in the Provinces. This also accounts for certain differences in the position of the President of the S.F.R.Y. and the presidencies of the Republics and Autonomous Provinces, and for their different relations with the Federal Assembly and the assemblies of the Republics and Autonomous Provinces.

The Presidency of the S.F.R.Y. represents Yugoslavia in this and in other countries and has other rights and duties of the supreme body in charge of the administration; moreover, it coordinates the common interests of the Republics and Autonomous Provinces; any presidency of a Republic or Autonomous Province represents this Republic or Autonomous Province. Besides, the presidencies exercise very notable functions in the field of national defence. Of special importance are the rights of political

and legislative initiative and proposal in the assemblies. In this regard, the Federal Presidency has salient powers, which has led, amongst other things, to its fairly pronounced position and role in organizing the Federation. On the other hand, the presidencies of the Republics and Autonomous Provinces have another position regarding their assemblies. Moreover, the Presidency members of the S.F.R.Y. are (as has been mentioned above) neither elected nor relieved of office by the Federal Assembly, but by the assemblies of the Republics and the Autonomous Provinces, nor are they responsible to the Federal Assembly (which also points out the specific character and position of the Federal Presidency). Yet, the presidency members in Republics and Autonomous Provinces are elected and relieved by the corresponding assemblies, in accordance with the requirements of the assembly system.

2. The Yugoslav constitutional system has kept, after establishing the Presidency of the S.F.R.Y., the institution of an individual head of the state in the person of the President of the Republic. This function is exercised, as will be explained in detail below, by Josip Broz Tito, who has been by the Federal Assembly elected without limitation of his term of office, after the Constitution of the S.F.R.Y. was ratified.

V. CHARACTER AND FUNCTION OF THE EXECUTIVE ORGANS

In conformity with the conception of the assembly system and the principle of the democratic unity of public power, each socio-political community forms its executive council as its executive organ.

In the quality of the assembly's executive organ, the executive council is responsible to the assembly for the condition of the socio-political community, for carrying out the policy and the assembly's normative deeds, and for directing and coordinating the work of the administrative organs. While exercising the political-executive functions within the rights and duties of a socio-political community, the executive council: first, follows the condition and the realization of the policy determined by the assembly, and ensures the execution of this policy, abidance by the laws and other normative deeds of the assembly, the budget, the final account and the policy of national defence, and the execution of the prepa-

rations for the defence; second, coordinates, directs and supervises the work of the administrative organs, invalidates (and annuls) their illegal normative deeds; third, takes the initiative in the assembly and moves that a certain policy be established and laws (and other normative deeds) enacted, drafts the social plan, the budget and the balance-sheet, etc. Moreover, the executive council enacts normative deeds (decrees, decisions, and the like) for executing the laws and other normative deeds of the assembly.

The properties of the executive council as executive organ appear in its relations with the assembly. As has been shown on the preceding pages, the main elements of their relations are: the assembly elects and relieves the executive council (but the latter has the right to give its collective resignation, which has so far never happened); it is responsible to the assembly, which also may invalidate or annul unconstitutional normative deeds of the executive council (which has so far never occurred); the assembly exercises political control over the executive council's work, and the executive council is bound to inform the assembly of its work, etc. Such relations contribute to realizing the notion of the executive council as the "political-executive board" of the assembly. This notion was in former periods more largely materialized, as the executive councils rose from the very assemblies and were personally connected with them, the members of the executive boards being at the same time delegates. The new Constitution adopts a recently developed practice and provides that members of the executive council cannot at the same time be delegates in the assembly. Besides, the new Constitution has adopted the tendency to a personal connexion between the executive council and the administration, by laying down that the heads of the administrative organs shall be members of the executive council.

VI. ORGANIZATION AND FUNCTION OF THE ADMINISTRATION

According to the requirements of the assembly system, the administrative function, as the second dimension of the executive function (besides the political-executive function), is entrusted to special administrative organs, formed by the assembly of every social-political community.

The functions of administrative organs are chiefly: first, carrying out the policy determined by the assembly, executing the laws and other normative deeds passed by the assemblies and the executive councils, putting the assemblies' directions into practice; second, deciding on administrative matters, exercising the administrative control and other administrative functions; third, following the situation in certain realms and taking the initiative in settling the pertinent questions, preparing normative deeds and handling other professional matters for assemblies and executive councils. In conducting affairs within their competence, the administrative organs take decisions and issue other deeds, take administrative and other measures and perform administrative acts. Besides, to a limited extent they also participate in normative functions by virtue of their power of passing sublegal deeds (implementive regulations, decisions and directions).

Within the frame of their authority, the administrative organs are independent. As all organs, the administrative organs are bound to act in accordance with the principle of constitutionality and legality. The executive organs and the assemblies themselves are authorized to invalidate and annul illegal normative deeds of administrative organs; so far, this right has never been used. Regarding their deeds, in certain cases administrative actions are brought against them. The head officials of administrative organs are bound to keep the assembly and the executive council informed of the situation in the pertinent sphere of administration and the work of the organ of whom they are in charge. Administrative organs are for their work responsible to the assembly and to the executive council, and the Constitution prescribes their responsibility for the condition in the realms for which they have been formed. The executive councils supervise their work. The assemblies and executive councils appoint and relieve the officials of these organs.

There are various administrative organs. The most important are the secretariats (federal secretariats in the Federation, state secretariats in the socialist republics, etc.). Besides the secretariats, other administrative organs (committees, agencies, etc.), organizations and others are established. The officials of the most important administrative organs belong – as has been stated before – to the executive council and this is how the executive organ in the commune is personally connected with the administrative organs.

VII. THE ADMINISTRATION OF JUSTICE IN THE YUGOSLAV ASSEMBLY SYSTEM

In the unitary system of the power and self-management of the working class and all working people, the judicial function is entrusted to the regular law courts as organs of the public power and to the self-management courts. The position and activity of the courts are characterized by the principles of independence, constitutionality and legality. The assemblies of socio-political communities just elect the judges and deliberate the condition and the general problems of constitutionality, legality and jurisdiction. There is no other legal power of the assemblies over the courts, nor have the latter any right whatever concerning the former.

Outside the judicature system, the Federation, the Republics and Autonomous Provinces have constitutional courts. By exercising their function of protecting the constitutionality, the constitutional courts decide, amongst other things, on the compatibility of a given law with the Constitution, which might – in terms of principle – signify a departure from the assembly system. Yet, here it has to be borne in mind: *f i r s t*, that this is only a matter of judging the constitutionality, and not the expediency; *s e c o n d*, that judging the constitutionality is one of the methods how to ensure respect for the Constitution and the constitutional system, and thereby for the assembly system; *t h i r d*, that by utilizing the mentioned right the constitution court is not converted into an organ that exercises power and conducts a policy.

Chapter Four

THE OTHER PRINCIPLES OF THE SOCIO-POLITICAL SYSTEM

The self-managing socialist democracy, gradually developing and deepening in Yugoslavia, presupposes the application of other suitable principles of the socio-political system, besides those of self-management, delegating, unitary power, representation, and assembly structure. The Yugoslav Constitution lays down, as very significant principles – amongst others – replacement in function, responsibility, publicity of work, and uncombinability of certain functions. Under the conditions of self-management and the delegacy, these principles become an indispensable element of the socio-political system.

I. THE PRINCIPLE OF REPLACEMENT IN OFFICE

The self-managing socialist democracy, as is generally known, proceeds from the necessity of replacing the working people and citizens in various functions within the organizations of power and self-management, and from the imperative need to permanently expand the circle of working people and citizens exercising these functions. This is what in its time has led to introducing (and, later on, ever oftener applying) the principle of replacing the elected and appointed officials and other holders of self-managing, public and other social functions in the Yugoslav socio-political system.

Of great moment to applying the principle of replacement is also the following constitutional provision: A worker elected (nominated) to a self-managing, public or other social function and

having had therefore to leave for this time his job in an associated-labour organization or working community, is entitled to return, after the expiry of his office term, to his job in his organization or community, viz. to his former post or another situation suitable for his abilities and qualifications.

At present, in the socio-political system based on the Constitution of the year 1974, the principle of replacement has various aspects; it appears particularly in limited re-election (reappointment) after the expiration of the office term.

1. The introduction of the principle of limiting the re-election (reappointment) into the Yugoslav socio-political system and the enactment of this principle in the new Constitution of 1974 have been the result of noticing the negative consequences (bureaucratism, reduced responsibility, etc.) that appear almost unavoidably as a sequel of non-renewing or slowly renewing the holders of certain functions in the organs of the authorities and the self-management organs. The principle of limiting the re-election (reappointment) is doubtless and absolutely necessary and momentous, although not the only means contributive to moderating or even eliminating the troubles mentioned. Moreover, this principle permits to expand the circle of citizens and working people elected to the assemblies and other organs of power and self-management.

In the contemporary constitutional system, the principle of limiting the re-election (reappointment) mainly consists in permitting a person to be successively elected (appointed) twice at most to the same office. Thus, nobody can be more than twice successively elected to the workers' council in a basic or other associated-labour organization or to these organizations' executive organs. Besides, their term of office cannot be longer than two years. As has been mentioned above, the delegation members of basic self-managing organizations and communities are elected for four years. The rule of limiting the re-election to two successive elections is applied to members of these delegations. The same rule holds for the delegates in the assemblies of all socio-political communities: they are elected for four years and nobody can be more than twice successively elected a delegate in the same assembly. Finally, this rule is also valid for electing presidency members in socio-political communities for a lustrum, and for

electing the chairman of an executive council (whose tenure of office is four years).

Yet in certain cases provided for by the Constitution, the limitation of a re-election or reappointment to two successive elections or appointments is somewhat mitigated. Thus, members of an executive council and officials heading an administrative organ can be exceptionally by a special procedure, prescribed by the Constitution, elected (appointed) for a third four-year tenure.

Finally, the principle of limiting a repeated election is applied in the shape of absolutely prohibiting such an election. Thus, the judges of constitution courts cannot – after their eight-year term of office – be elected to the same function.

2. Furthermore, the principle of replacement in function is also applied as indispensability of re-election after the tenure of an office to which a person has been elected or appointed. By this principle, not his re-election or reappointment to the same office is prohibited, but his continuing in office without a repeated election or appointment. The application of this principle is particularly contributive to increasing the responsibility of persons exercising a function, and thereby encourages better and more conscientious work.

The principle of requisite re-election in present Yugoslavia relates e.g. to individual managing officials and members of managing boards. Their tenure is four years, and after this period they can be reappointed. The same rule holds for the judges and the citizens participating in the jurisdiction of a regular court.

II. THE PRINCIPLE OF RESPONSIBILITY

Regarding the responsibility principle as one of the imperative conditions of a well-functioning power and self-management mechanism and of realizing the interests of the working class and all working people, the Yugoslav Constitution lays down this principle as one of the leading rules in the socio-political system. The Constitution clearly establishes that all organs, organizations and other holders of self-managing, public and other social offices are responsible for the exercise of their functions. As a matter of fact, this principle materializes in two ways.

First of all, under the constitutional rule every organ exercising the functions of public power and the administration of other social

matters bears the responsibility for its work vis-a-vis the working people and citizens, or another organ of public power or self-management. Thus, e.g., the executive councils are responsible to the assemblies, the administrative organs to the assemblies and executive councils, the managing organ to the workers and the workers' council of the associated-labour organization, etc. The Constitution particularly determines the responsibility of delegations to the basic self-managing organizations and communities that have elected them.

Besides the responsibility of the organs as such, the Constitution specially lays down the individual responsibility of every elected or appointed holder of a self-managing, public or other office, i.e. the responsibility for his own work or – if he manages an organ – the responsibility for this organ's work. In this way, the Constitution establishes the responsibility of the individual managing organ to the workers' council and the workers personally, or of the official managing an administrative organ, etc. The particular significance of this individual responsibility lies in the responsibility of the board members (members of executive councils, of executive committees or boards, of managing bodies, of workers' councils; delegates in assemblies, and others). In the Yugoslav socio-political system, this responsibility has outstanding moment due to the large number of representative and other bodies of public power and self-management, the more so as these organs are the basic decision-making organs.

Laying down the principle of responsibility, the Constitution has introduced adequate sanctions of this responsibility, chiefly in the shape of relief of and recall from office, and the right of any official to give his resignation and to motivate it.

III. THE PRINCIPLE OF THE PUBLICITY OF WORK

In the system of self-managing socialist democracy, the publicity of work is a necessary principle, since the publicity of work is for state organs, organs of administration, associated-labour organizations and communities, and organs of socio-political organizations and communities a pre-condition of their work being effectively controlled by the working people and citizens, or society itself; at the same time, it is a pre-condition of better informing the working people and citizens. The latter's engagement in exercising the

public power and managing other social matters imperatively requires both activities.

The Yugoslav practice has developed a widely ramified system of information on the mentioned organs' and organizations' work. At the basis of this system is the constitutional principle of the publicity of work. It is of importance that secret or not-to-be-published matters and data can be determined only by law or self-managing deeds. The Constitution secures the citizen the right of being informed, and especially lays down the worker's right to be regularly informed of the management of his organization and its material-financial condition, of the income realized and distributed and the use of the funds, as well as of the other issues of interest to decision-making and control in the organization.

IV. THE PRINCIPLE OF CERTAIN FUNCTIONS BEING UNCOMBINABLE

Strictly speaking, this principle prohibits the combination of two interrelated functions in one holder, especially if they involve a relation of dependence and subordination; this prohibition is also explainable by the simple desire to exclude any accumulation of several functions in one person. The multiple significance of this principle has led already before to its raising to the level of a constitutional principle in the Yugoslav socio-political system.

Thus, amongst other cases, a worker, being as individual manager (or as member of the managing board) in a basic associated-labour organization responsible to its workers' council or to a delegation, or independently exercising other managing functions, cannot be elected a member of the workers' council or a delegation in the same organization. Moreover, a person elected to be a delegate in an assembly cannot perform any function in other organs of the same socio-political community. The function of member in the Presidency of the S.F.R.Y. is incompatible with any other self-management, public or other social function, nor can a judge of the Yugoslav Constitutional Court perform any function in public or self-managing organs, etc.

Chapter Five

THE PRINCIPLE OF CONSTITUTIONALITY AND LEGALITY AND THE SYSTEM OF ITS PROTECTION

In the Yugoslav constitutional system, the purpose of the constitutionality and legality principle lies in materializing the economic and political relations established by Constitution and law and in protecting the freedoms and rights of man and citizen, social ownership, self-management and other rights of the associated-labour organizations and other self-managing organizations and communities and socio-political communities. Such a task inevitably requires a rich and elaborate mechanism of this principle, but also a widely ramified and efficacious system of its protection.

I. THE PRINCIPLE OF CONSTITUTIONALITY AND LEGALITY

In Yugoslavia's contemporary constitutional system, the principle of constitutionality and legality consists of numerous elements.

1. It signifies, in the first place, the constitutionality and legality of general and individual deeds. This is primarily shown in the pre-eminence of the Constitution within the entire Yugoslav legal order; and all laws and sublegal normative deeds passed by organs of the Federation, the Republics, Autonomous Provinces and communes, as well as by the associated-labour organizations and other self-managing organizations and communities (self-managing general deeds) have to be consistent with the Constitution. This

requirements is also realized in the rule that the state and provincial constitutions must not be contrary to the Federal Constitution, nor a provincial to the pertinent state constitution.

Of course, the principle of legality entails the pre-eminence of the laws as the highest deeds after the Constitution, and all sublegal normative deeds and self-management general deeds have to agree with the law, i.e. must not be at variance with it. State and provincial laws must not be at variance with federal laws, and provincial laws have to agree with the state laws.

Finally, every individual deed and measure of an administrative or other public organ exercising executive and administrative functions, and every individual deed issued by self-managing organizations and communities by operation of public authority has to be founded on a law or another legally passed normative deed. This of course also holds true with deeds issued by courts.

2. Although constitutionality and legality of general and individual deeds is the basis of the constitutional and legal work of all organs, in the Yugoslav constitutional system the Constitution lays down explicitly the constitutionality and legality of the functioning of all public organs and those of self-managing organizations and communities, as well as of other holders of self-managing, public or other social functions. They are bound to exercise their functions on the basis of and within the Constitution, the laws and regulations and the authority received. Here, the Constitution in the final analysis appears as the source of the organ's authority and as the foundation of exercising the public power and managing other social matters. Within the Yugoslav constitutional system, nobody is free to exercise self-managing, public and other social functions and public authority unless he has been entrusted with these functions and authority, according to the Constitution, the law or a statute, by the working people or an assembly.

3. The content of the constitutionality and legality principle includes some other elements, too. Thus, this principle is characterized by the obligation of promulgating the laws and other normative deeds before they become effective. General self-management deeds cannot be applied before their due promulgation. In connexion with the preceding rule, it has been established that laws and other normative deeds become effective on the eighth day after the promulgation date, and that only by a

convincing reason this term can be shortened. International agreements are frequently applied from their becoming-effective day on. This principle is particularly characterized by prohibiting the retroactivity of laws and other normative deeds. The Constitution permits determining – but only by law – that certain provisions of a law shall apply to the past, too, if this is required by common interest. The provisions of a law or other normative deed concerning punishable acts and their punishment may be retrospective only in case they are milder vis-a-vis the committer.

The mentioned principle in Yugoslavia includes the rule that administrative organs can enjoin on self-managing organizations and communities certain obligations regarding their work only if they are legally authorized to do so, and only by the legally prescribed procedure.

Finally, the constitutionality and legality principle is also characterized by the constitutionally obligatory legal proceedings against anybody in deciding on his rights and duties, and by any citizen's guaranteed right to use his own vernacular in the procedure of courts or other public organs and self-managing organizations and communities that, in exercising their public functions, decide on the rights and obligations of citizens, and their guaranteed right to be – within this procedure – informed of the facts in their own vernacular.

II. THE SYSTEM OF PROTECTING THE CONSTITUTIONALITY AND LEGALITY PRINCIPLE

Within the Yugoslav constitutional system, a very developed and ramified system of protecting the constitutionality and legality is functioning. It rests on a fundamental constitutional presupposition, i.e.: the care for constitutionality and legality is the business of the courts, of the organs in socio-political communities, associated-labour organizations and other self-managing organizations and communities, and of the holders of self-managing, public and other social offices. Let us add that the working people and citizens have the constitutionally established right and duty to take the initiative in protecting the constitutionality and legality.

1. The protection of constitutionality and legality in compliance with the Constitution is in the system of Yugoslavia entrusted to the constitutional jurisdiction. In Yugoslavia

there are: the Constitutional Court of Yugoslavia, and the state and provincial constitutional courts.

While exercising their functions, the constitutional courts decide on the constitutionality of the laws, and on the constitutionality and legality of sublegal normative deeds and general self-management deeds. Laws whose illegality has been stated by a constitutional court, cease being valid, which is pronounced in the court's decree. Unconstitutional and illegal sublegal normative deeds and general self-management deeds are annulled or invalidated by a constitutional court. In this domain of their competence, the constitutional courts have developed a most important activity.¹⁰ They have also certain other pieces of competence; solving the issues regarding the rights and duties between various socio-political communities, solving competence disputes between various organs, etc.

Constitutional courts are composed of several judges elected by the assembly of the corresponding socio-political community. These judges cannot be relieved of office before the expiry of their office, except at their own request, or if they are sentenced to terms of imprisonment, or if they lose their capability to exercise their function.

2. Just as in other countries, in Yugoslavia, too, the judicial system has a primary role in protecting the constitutionality and legality, and the leading part of this system consists in the regular and the self-management courts of law.

The regular courts, as organs of the public power, appear as courts of general jurisdiction, and as specialized – economic and other – courts. There are special military courts. Regular courts are established by law, whereas self-management courts are established either by a self-management deed or by agreement of the parties in accordance with the Constitution and the law. For definite kinds of suits, these courts can be established by law. Self-management courts are formed in the shape of associated-labour courts, courts of arbitration, councils of the peace, elected courts, and can also exist in other forms.

In a broader framework of the judicial system, the public prosecutor is an independent public organ entrusted with prosecuting the perpetrator of a punishable act established by the law, and with taking the measures established by the law for safeguarding the interests of the social community as well as taking

the legal steps for protecting the constitutionality and legality. There is also the office of military public prosecutor.

A new institution within the Yugoslav constitutional system consists in the social self-management attorney, i.e. an independent organ of the social community, entrusted (for the purpose of implementing the social protection of the self-management rights of the working people and the socialized property) with taking adequate measures and legal steps and exercising other rights and duties established by the law.

Finally we have to mention the police courts for dealing with minor offences and passing penal sentences and protective measures.

The attorneyship is an independent social service.

3. Besides the activity of the courts and the other above-mentioned organs, certain rights of the several organs vis-a-vis other organs are noteworthy in the field of protecting the constitutionality and legality. These rights consist in controlling the constitutionality and legality of the normative deeds issued by the several organs and in applying, in given cases, suitable measures against such deeds.

Thus e.g., the assemblies are authorized to invalidate or annul normative deeds of their executive councils, and in some socio-political communities also of their administrative organs; the executive councils have such a right vis-a-vis the normative deeds issued by administrative organs. Yet, as has been mentioned above, practically these organs have not used these rights. Some organs have also the right to suspend the execution of normative deeds issued by other organs (e.g. the Presidency of the S.F.R.Y. vis-a-vis normative deeds of the Federal Executive Council; the executive councils of the Republics concerning normative deeds issued by communal organs; a communal assembly in regard of general self-management deeds, etc.). In practice, these rights have never been used.

SECOND PART

FEDERALISM AND THE ORGANIZATION OF THE FEDERATION

Chapter Six

FEDERALISM IN YUGOSLAVIA

Federalism has been one of the leading, lasting characteristics of the Yugoslav order.

I. FOUNDATION OF YUGOSLAVIA'S FEDERATIVE ORDER

Our federative order has been created in the course of the national-liberation struggle and the socialist revolution. This order is the result of the struggle of all nations and nationalities in Yugoslavia, inspired with the political theses of the Communist Party in Yugoslavia regarding the national question. Yugoslavia's federative order has been actually established with the view of solving the national question, Yugoslavia being a plurinational community with numerous nationalities living besides the nations.

One of the fundamental characteristics of Yugoslavia in the period between the two World Wars was the unsolved national problem. Hence, the uprising of the Yugoslav nations, spearheaded by the Communist Party, and the outbreak of the revolution had inevitably to combine with the solving of the national issue. Thus, the Communist Party has proclaimed the principles of fraternity and unity, and of all Yugoslav nations' and nationalities' equal rights

and national freedoms; these principles have been the basis of their common struggle both for their national and class emancipation. Through this struggle and on the basis of each nation's right of self-determination, including the right of secession or uniting with other nations, and in conformity with the true will of all Yugoslav nations, new Yugoslavia has formed on the federative principle.

Within the framework of federative order built on the principles of voluntariness and equal rights, each of the Yugoslav nations has created its state in the shape of a national, later on socialist, republic with the character of a federated unit. The development process of the federative order has gradually, yet incessantly led to strengthening the independence of the Republics and their statehood. Nevertheless, despite such continuous tendencies, the Federation has for a very long time kept broad, weighty functions, particularly economic and legislative ones. This has practically complicated the relations between the Federation and the Socialist Republics; besides, it has aggravated the interrepublican relations. Amongst other things, there have been actual inconsistencies between the interests of higher and less developed parts of Yugoslavia.

The most outstanding, even radical, transformations in the nature of the Yugoslav Federation, especially in the position and functions of the Federation, the Republics and Autonomous Provinces, occurred in the year 1971, i.e. the Constitutional Amendments XX–XLII. These changes have been directly inspired with the effort to realize consistently the equality of rights of nations and nationalities, the independence and statehood of the Republics, the autonomy of the Provinces, to determine their stronger responsibility for their own economic and social upswing, but also for the functioning of the Federation. Of course, these changes have been necessarily connected with (and intercontingent upon) the changes happening at the same time in other spheres of social existence – the strengthening position and role of the working class and the working people, the consolidating dominant position of associated labour, and the like.

This process of changes has been practically attended by certain negative tendencies opposing this process out of centralism, regimentation and hegemonism: the activity of nationalist powers, the presence of autarkic tendencies and the like were resisting the process mentioned.

Hence, the struggle for the realization of the Constitutional Amendments in the past period, bearing the signs of struggle for strengthening the role of the working class, of self-managing associated labour, of nations and nationalities, of the statehood and independence of the Republics, and the autonomy of the Provinces, was virtually a struggle against the above-said negative tendencies. The realization of the Constitutional Amendments and the struggle conducted against these negative tendencies have demonstrated the connexion (and interdependence) of the development of federalism towards strengthening the statehood and independence in the Republics, the Autonomy in the Provinces, on the principles of Fraternity and Unity, and of full equality of rights among the nations and nationalities, with the development of self-management and the building up of a self-managing socialist community. The new Federal Constitution (1974), incorporating the essential tendencies and solutions of the Amendments, is the groundwork of a new, contemporary and self-managing federalism, corresponding with the development degree and character of the Yugoslav plurinational socialist community.

II. CHARACTER OF YUGOSLAVIA'S FEDERATIVE ORDER

The new character of federalism in Yugoslavia shows up particularly in the nature of the Federation, and – in connexion with it – in the position and character of the Socialist Republics and Socialist Autonomous Provinces. In this regard, the Federal Constitution of 1974 gives quite original solutions, novelties both in theory and comparative practice.

1. In the 1974 Constitution, the Socialist Federal Republic of Yugoslavia is qualified as a federal state, viz. “a state community of voluntarily united nations and their Socialist Republics, and of the Socialist Autonomous Provinces of Vojvodina and Kosovo both belonging to the Socialist Republic of Serbia; Yugoslavia is based on the power and self-management of the working class and all working people, and a socialist self-managing democratic community of working people and citizens, of nations and nationalities having equal rights” (Art. 1).¹¹ In this compact definition of the S.F.R.Y. it has been tried to word all those permanent principles on which Yugoslavia has been already so far organized as federal state, but also to stress certain new qualities in its nature.

Thus, the principle of voluntariness at present, just as was the case during the process of creating the Yugoslav federative order, still represents one of the essential traits of a federal community of united nations and nationalities.

Built into the groundwork of the Yugoslav federative order, the principle of the equality of nations and nationalities is permanently present as an essential property of the federal community. Elaborating this principle, the Constitution especially proclaims the equal rights of the nations and nationalities to their vernaculars and alphabets on the whole territory of Yugoslavia.

The Constitution, furthermore, characterizes the Socialist Federal Republic of Yugoslavia as a self-managing socialist community. It is a community of working people and citizens, and of nations and nationalities.

This community is founded on the power and self-management of the working class and all working people. This particularly emphasizes its class character.

Through proclaiming that the Socialist Federal Republic of Yugoslavia is a federal state as a state community of voluntarily united nations, their Socialist Republics and Socialist Autonomous Provinces, the Constitution has fully confirmed the statehood of the Republics, which represents a noteworthy feature of Yugoslavia's federal order. On the other hand, the Constitution confirms the autonomy of the Provinces as a component in the structure of the Yugoslav Federalism.

2. The basic constitutive element of the Yugoslav federative order are doubtless the Socialist Republics. Resting on a national basis, the Socialist Republics express the plurinational structure of the federal community and signify its basic agents.

The 1974 Constitution defines the socialist republics as states "based on the sovereignty of the people and on the power and self-management of the working class and all working people" and as "socialist, self-managing democratic communities of working people and citizens, and of nations and nationalities having equal rights" (Art. 3).

This means that the republic has first of all to be regarded as a community bearing the character of a state community. It is one as it has since former times possessed all the essential attributes of statehood. A socialist republic has also class character at it is founded on the power and self-management of the working class

and all working people. Moreover, a socialist republic has, in the true sense of the word — also the character of a national community. As such, it is based on the sovereignty of the nation and on the equality of rights of the nations and nationalities, because the national criterium is still, as it has been before, a constitutive element of a republic or federal community. Finally, a socialist republic also represents a socialist self-managing democratic community of working people and citizens, of nations and nationalities. A republic is all this, and is organized as such, considering the socio-economic and socio-political system functioning within it. This also shows that a republic is a component of the entire Yugoslav federal community based on just such a unitary socio-economic and socio-political system.

3. The existence and position of the Autonomous Provinces in this country means a noteworthy particularity of Yugoslavia's federative order. The federal Constitution has proclaimed (as has been stated above) that Yugoslavia is a state community of voluntarily united nations and their Socialist Republics and Socialist Autonomous Provinces. Thus, the latter have become an element of the federative order. Yet they differ from the Republics, nor are the Provinces states, but their position in the Yugoslav federative order — as will be shown below — very much resembles the position of the Republics. Their actual position is doubtless also determined by their belonging to the same Republic (Serbia).

The Federal Constitution defines the Socialist Autonomous Province as an "Autonomous Socialist self-managing democratic socio-political community founded on the power and self-management of the working class and all working people, in which the working people and citizens, the nations and nationalities realize their sovereign rights; and whenever this is (in the common interest of the working people and citizens, of the nations and nationalities of that entire Republics) established by the Constitution of the Socialist Republic of Serbia, these rights are realized also in that Republic". (Art. 4).

The Autonomous Provinces have been formed in the common struggle of Yugoslavia's nations and nationalities in the national-liberation war and the socialist revolution, fully respecting the principle of voluntariness. The groundwork of their formation lies in their special national structure (numerous members of ethnic

groups^{1 2} living in both Provinces) and in other particularities – historical, cultural etc.

4. Thus, the Socialist Federal Republic of Yugoslavia appears as a complex community. Yet, its territory is unitary. It consists of the territories of the Republics, inalterable without their assent; nor can the territory of an Autonomous Province be altered without its assent; as for the borders of the S.F.R.Y. (and this is of outstanding importance), they cannot be altered without the assent of all Republics and Autonomous Provinces.

Just as the territory is unitary, the Yugoslav citizenship is unitary: Each citizen of a Republic is ipso facto a citizen of the Socialist Federal Republic of Yugoslavia.

5. Generally speaking, this character of the Yugoslav federative order, and specially the position of the Republics and Autonomous Provinces, is the result of their unanimous consent formulated in the Federal Constitution: it was adopted in 1974 by the Federal Assembly with the consent of the assemblies in all Republics and Autonomous Provinces. Future changes of the Federal Constitution can be adopted only in this way, i.e. with the consent of all Republics and Autonomous Provinces, which also means that the position of the Republics and Provinces, and in general the entire mechanism and character of the federative order cannot be altered without the assent of all the Republics and Autonomous Provinces.

III. FUNCTIONS OF THE FEDERATION

The main trait of the Yugoslav federative order is shown in the nature and volume of the federal function and the mode of exercising them.

1. In the Yugoslav federative order, the Federation represents a community in which the working people, nations and nationalities substantialize their sovereign rights only when this is in the common interest laid down by the Federal Constitution. Otherwise, they realize their sovereign rights in the Socialist Republics and Autonomous Provinces in conformity with the latter's constitutional rights. In this way, the Republics and Autonomous Provinces appear in the federative order as primary legal entities. This certainly also determines the character of the Federation, yet essentially diminishes the volume of its functions, rights and duties, and especially of its legislative authority, and on the other hand expands

the rights and duties of the Republics and Autonomous Provinces. This expresses and confirms the statehood of the Republics, the autonomy of the Provinces, and the conception that the Republic is — as a matter of fact — the groundwork of federative order. This also shows that the Federation is not a separate formation superior to the Socialist Republics as federated units, nor has it any interests of its own. On the contrary, in the Federation the common interests of nations and nationalities, of working people and citizens are realized.

The Constitution has determined the common interests to be realized and secured in the Federation: sovereignty, equal rights, national freedom, independence, territorial integrity, safety, social self-defence, home defence, the international situation and the relations with other countries and with international organizations, the system of socialist self-managing socio-economic relations, the unitary fundamentals of the political system, the basic democratic human and civil freedoms and rights, the solidarity and social security of working people and citizens, the unitary Yugoslav market, the coordination of the common economic and social upswing, and other common interests.

2. It is typical of the Yugoslav federative order and the position of the Federation that the mentioned common interests of the nations and nationalities, of the working people and citizens are realized through the full engagement and responsibility of the Republics and Provinces. It is true, they are realized through the federal organs, yet with the equal participation and responsibility of the Republics and Provinces in these organs and in establishing and performing the policy of the Federation, and through the federal organs by virtue of a Republic's or Province's decision or consent. It has to be added that these interests are also realized by direct cooperation and agreement among the Republics, Provinces, communes and other socio-political communities, but it has to be stressed that the mentioned interests are also realized by self-management agreements, social compacts and founding an associated-labour organization or another self-managing organization or community, etc. Thereby, the process of realizing the common interests of nations and nationalities, working people and citizens within the sphere of the Federation gains conspicuous elements of state-control abolition. In practice, such a procedure is ever oftener followed.

Finally, considering this character of the federal functions and the common interests of the nations and nationalities, working people and citizens, substantialized in the Federation, and the mechanism of substantializing these interests, there are a few outstanding principles on which the decision-making in the Federation rests. These principles are: agreement-making between the Republics and Provinces, solidarity and reciprocity, equal participation of Republics and Provinces in the federal agencies, responsibility of the Republics and Provinces for their own development and that of the socialist community as a whole. These principles are explicitly laid down by the Federal Constitution.

3. The federal functions are precisely worked out by the Federal Constitution, which establishes the rights and duties of the Federation, clearly delimiting them from those of the Republics and Provinces. The Federation exercises its rights and duties via the federal agencies, viz. some of the rights and duties on the ground of decisions taken by or of agreements made with organs of Republics and Provinces, i.e. the following groups of rights and duties:

(1) ensuring the independence and territorial integrity, and protecting the sovereignty of the S.F.R.Y.;

(2) ensuring the system of socialist self-managing socio-economic relations and the unitary foundations of the political system;

(3) regulating the basic rights of workers in associated labour;

(4) regulating the relations of liability (general provisions) and others under the law of property;

(5) regulating the fundamentals of the social-planning, monetary and payments systems etc., and of the system of measures, to protect the unity of the Yugoslav market;

(6) regulating the fundamentals of the national defence system;

(7) determining the foreign policy and maintaining the international relations;

(8) regulating the system of state security;

(9) regulating the citizenship;

(10) regulating the supervision of import and export and the frontier-crossing regime;

(11) regulating the traffic and communications;

(12) regulating the general conditions, the principles and the system of sanctions for punishable acts and economic offences, and defining certain punishable acts;

(13) ensuring the control of weights and measures and of precious metals;

(14) regulating and organizing the collection and processing of statistical and other data;

(15) regulating the settlement of conflicting laws and disputed competences of organs from various Republics or Provinces, and laws colliding with foreign provisions;

(16) regulating the organization of federal agencies and elections to federal organs;

(17) protecting the constitutionality as established by the Federal Constitution, and the pertinent legality (Art. 281, Constitution of the S.F.R.Y.).

IV. RELATIONS BETWEEN THE FEDERATION, THE SOCIALIST REPUBLICS AND THE SOCIALIST AUTONOMOUS PROVINCES

1. In the legislative field, the interrelations of the Federation, the Republics and Autonomous Provinces are chiefly characterized (and this is a great novelty in the theory and practice of federalism) by the participation of the Republics and Provinces in establishing the policy and passing federal bills in the constitutionally determined realms (monetary system and issues of money, the foreign-exchange system, foreign trading, credit and other economic relations with foreign countries, etc.). The Federal Assembly, viz. its Chamber of Republics and Provinces, establishes the policy and passes the federal bills in these realms on the ground of agreement with the state and provincial assemblies. Thus, also Yegoslavia's social plan is passed, and the total expenditure in the federal budget is determined. The consent of the Republics and Provinces is also needed for concluding such international agreements as exact the passing of new bills or the amending of existent republican or provincial laws, or agreements that impose special obligations on one or several Republics or Autonomous Provinces.

Furthermore, these relations are characterized by the constitutionally established presupposition that certain organs in the Republics or Autonomous Provinces are competent and responsible for the execution of federal laws and other normative deeds. Federal agencies directly execute the federal laws and other normative deeds and bear the pertinent responsibility only provided

this is determined so in the Federal Constitution. In conformity with this, suitable authority is established for the republican, provincial or federal agencies to issue regulations for the execution of federal laws.

Quite typical of the interrelations between Federation, Republics and Autonomous Provinces in the field of legislation is the right of the Republics and Autonomous Provinces to pass – within the framework of their rights and duties – bills in domains regulated by federal laws. Besides, the Republics and Autonomous Provinces are in domains usually regulated by federal law, yet lacking such a law, authorized to pass their own bills, if this is of interest to the realization of their rights and duties.

Another trait of these relations is the absence of any priority of federal law over republican and provincial law. At present, in the Yugoslav federative order there is a general constitutional rule to the effect that a republican or provincial law must not be repugnant with the federal law. Nevertheless, should such a situation arise, as a rule, for a time, i.e. up to the decision by the constitutional court, the republican (or provincial) law is applied. The federal law shall have the priority only in case a federal agency is responsible for its execution.

Normally, federal laws and other normative deeds shall be obligatory on the entire territory of Yugoslavia, unless these laws or deeds contain a clause providing that they shall be applied on a narrower territory.

2. An interesting aspect of the relations between the Federation, the Republics and the Autonomous Provinces is presented by the relations within the organization of the Federation itself. In this regard, the solutions given in the Yugoslav Federal Constitution differ in a large measure from the conventional solutions given in other federal countries. These new, original solutions (to be discussed in detail in Chapter VII below) not only give a special imprint to Yugoslavia's federative order, but also influence the functioning of the Federation.

The most momentous novelty in the organization of the Federation is the consistent application of the principle that the Republics shall be represented on a par, and the Autonomous Provinces on a par or correspondingly (in proportion), in all boards of the Federation. This principle is carefully observed and applied on the occasion of appointing individual federal organs, and

particularly also in the Yugoslav National Army with regard to the structure of the cadre of command and to the nominations for higher commanding and leading posts.

Moreover, it is most interesting that exclusively the Republics and Autonomous Provinces participate in forming (electing) certain bodies or boards of the Federation.

Chapter Seven

ORGANIZATION OF THE FEDERATION

The organization of the Federation shows all the basic principles of the Yugoslav socio-political system, in the first place self-management, the delegational system, etc. Besides, the organization and functioning of the Federation are particularly influenced by the specific, new character of the federative order, especially the nature and status of the Federation, the principles of decision-making within it, and the like.

Considering the essence of Yugoslavia's socio-political system as a system of self-managing socialist democracy, in the organization of the Federation and of the other socio-political communities the democratic representative body in the shape of the Federal Assembly appears as an organ of social self-management and the highest organ of public power within the framework of rights and duties of the Federation. Besides the Assembly of the S.F.R.Y., the following boards and officials have been set up: the Presidency of the S.F.R.Y. and the President of the Republic; the Federal Executive Council and the federal administrative organs; the Federal Court, the Federal Public Prosecutor and the Federal Social Attorney of Self-Management, and the Constitutional Court of Yugoslavia. Then there is also the Council of the Federation

I. THE ASSEMBLY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

As has been mentioned above, the Assembly of the S.F.R.Y. is an organ of social self-management and the highest organ of public power within the framework of rights and duties of the Federation.

These properties are actually conditioned both by the Federal Assembly's structure and functions, and finally also by its relations with the other organs in the Federation.

The structure of the Federal Assembly rests on the self-management groundwork and the delegational system. The Assembly consists of two houses: the Federal Chamber with the character of a council of delegates from self-managing organizations and communities and from socio-political organizations in the Republics and Autonomous Provinces, and the Chamber of the Republics and Provinces as the council of the delegations from the Republics and Autonomous Provinces. Either council is composed on the lines of equal representation of the Republics and corresponding representation of the Autonomous Provinces: the Federal Chamber comprises 30 delegates of the self-managing organizations and communities and of the socio-political organizations in each Republic, and 20 delegates from either Autonomous Province. The delegation from each Republic's assembly in the Chamber of the Republics and Provinces is composed of 12 delegates, and the delegation from the assembly of either Autonomous Province numbers 8 delegates. This structure of the Federal Assembly shows that it is, just as the other Yugoslav assemblies, not a conventional political representation nor exclusively an organ of state power. It has the character of a social self-management organ and, at the same time, the character of an organ of the entire Yugoslav federated community, not only of the Federation. Such a structure of the Federal Assembly doubtless corresponds to the aspiration for an assembly being the centre of coordinating the economic and other interests, and instrumental in materializing the interests of the working class, of the nations and nationalities.^{1 3}

Considering this property of the Assembly, and its role according with the basic requirements of the assembly system, the Assembly of the S.F.R.Y. unites in its hands most notable and very broad functions, as compared with other organs of the Federation. Thus, the Federal Assembly's competence comprises, first of all, the constituent function (i. c. deciding on alterations of the Federal Constitution) and the legislative function. Moreover, the Assembly has the power of ratifying international treaties on political and military collaboration and those necessitating the passage of new bills or the amendment of existing statutes.

Furthermore, the Assembly exercises a political-directive function by laying down the fundamentals of Yugoslavia's domestic and foreign policy, and the policy of implementing the federal statutes and other normative deeds, and the obligations of federal organs in connexion with the execution of these deeds. The Assembly has the authority to pass the social plan of Yugoslavia, the budget, and the balance-sheet of the Federation. The Assembly has very broad authority also in electing numerous public officers, appointing and relieving them of office, in the political control of the executive and administrative organs, and finally in the social control.

While exercising all these functions, the Federal Assembly passes, besides bills and other legal deeds, also nonobligatory deeds of political character – declarations, resolutions and recommendations. Up to now, the Assembly has not availed itself sufficiently of them. On the whole, the Assembly exercises its rights and duties under and within the Yugoslav Constitution and the federal statutes.

The specific character of the Yugoslav federalism and the pertinent structure of the Yugoslav Assembly have conditioned a particular mechanism to obtain its above-mentioned functions: The Assembly's competence is for the most part allotted to the Chambers. Thus, the Chamber of the Republics and Provinces has been entrusted with the competence whose exercise requires the consent of the assemblies of the Republics and of the Autonomous Provinces. This Chamber secures the mutual coordination of the view-points of the republican and the provincial assemblies in the realms in which the Chamber, passes federal bills and other normative deeds on the basis of these assemblies' consent. The other competence of the Federal Assembly is independently exerted by the Federal Chamber, and in a certain number of issues – mainly in the realm of the electing function – both Chambers decide on a par with each other.

The prominent status of the Federal Assembly in the entire system is particularly supported by the structure of its relations with the other organs of the Federation. These relations are in accordance with the conception of the assembly system. This means in the first place that the Assembly has the right to elect, to appoint and discharge all these organs, except the Presidency of the S.F.R.Y., and the right to control politically their work, and to invalidate and annul unconstitutional and illegal normative deeds of any such organ, etc. This, of course, does not regard the courts nor

the Presidency of the S.F.R.Y., which are also exempt from the constitutional responsibility of executive and administrative organs to the Assembly. The widely ramified complex of reciprocal rights and duties between the Federal Assembly and other organs helps to substantialize the dominant status and role of the Assembly, and also to realize closer collaboration between the Assembly and the other organs in the Federation.

The Federal Assembly affords a highly developed system of internal working bodies with the task of preparing the work of the Assembly's Chambers. These bodies are not vested with public authority. The Assembly is headed by its chairman, and either Chamber has its own chairman.

II. THE PRESIDENCY OF THE S.F.R.Y. AND THE PRESIDENT OF THE REPUBLIC

The contemporary constitutional system in the Federation contains two parallel, personally interlinked organs bearing the character of head of the State: the Presidency of the S.F.R.Y. and the President of the Republic.

1. The Presidency of the S.F.R.Y. is a new organ within the organization of the Federation. Its setting up (in 1971) was — as has been mentioned above — motivated by the intention to make the Federation as much as possible a community of equal nations and nationalities and to ensure the strongest possible influence and responsibility of the Republics and Provinces upon and for exercising the federal functions and duties. This, together with the property of the head of the State, determines the volume and nature of the competence of the Yugoslav Presidency.

The basic function of the Presidency is doubtless the care of coordinating the common interests of the Republics and Autonomous Provinces in accordance with their responsibilities in exercising the rights and duties of the Federation. The Presidency discharges this function with the view of obtaining the equality of rights of the nations and nationalities, within the framework of its own rights and duties. Moreover, in its quality as head of the State, the Presidency represents the S.F.R.Y. at home and abroad and exercises other, more or less traditional, powers of head of the State. The Presidency of the S.F.R.Y. is also the supreme body leading and commanding the Armed Forces of Yugoslavia in peace

and war. In matters concerning total national defence, the Presidency has very numerous, important powers (the fundamental planning and preparing of national defence, etc.). Furthermore, the Presidency has the right of political and legislative initiative: it deliberates the situation in the domain of foreign policy and national security, and takes its stand by way of taking the initiative in proposing measures and coordinating the activities of the competent agencies for carrying out the established policy in the realms mentioned. The Presidency has also the right to propose to the Federal Assembly the home and foreign policies, the passage of bills and other normative deeds, the discussion of various issues, and the taking of decisions connected with the home and the foreign policies.

The Yugoslav Constitution attaches great importance to the proposals for determining the home and the foreign policies, for passing bills and other normative deeds regarded as imperative, and for putting off the passage of bills or other normative deeds sent by the Presidency to the pertinent Chamber of the Federal Assembly; if this Chamber does not carry the motions mentioned, a proceeding for the discussion of the question in dispute is started, which is then susceptible of resulting in the dissolution of the Chamber in question and in the expiry of the Presidency's tenure. This has so far never happened. Finally, the Presidency is authorized to take its stand vis-a-vis the carrying out of given policies and the execution of statutes and other normative deeds of the Federal Assembly, and – in this connexion – to ask that the Federal Executive Council take measures for carrying out the policy, and the laws and other normative deeds of the Assembly.

This volume and nature of the Presidency's powers and functions makes it a specific organ, not only a body as head of the state. As a matter of fact, the Presidency reflects the specific nature of Yugoslavia's federative order and the interrelations within the Federation. This is certainly also conditioned by its structure and mode of election.

The Presidency of the S.F.R.Y. is formed on the principle of entirely equal representation of the Republics and the Autonomous Provinces: The republican and provincial assemblies elect each one member to the Presidency of the S.F.R.Y. The chairman of Yugoslavia's League of Communists is, by his position, a Presidency

member. Composed in this way, the Presidency works on the basis of harmonizing the view-points of its members. For the rest, it exercises its rights and duties under the Yugoslav Federal Constitution and the federal laws, and is responsible for this. The Presidency is headed by a president, elected, just like the vice-president, by the Presidency members among themselves for one year, in established succession.¹⁴

2. The institution of an individual head of the Yugoslav state in the person of the President of the Republic was established in the year 1953. It was retained after the introduction of the Federal Presidency into the constitutional system of Yugoslavia.

Under the Constitution of the S.F.R.Y., the Federal Assembly may – in view of Josip Broz Tito's historic role in the National Liberation War and the Socialist Revolution, in creating and developing the Socialist Federal Republic of Yugoslavia, in evolving Yugoslavia's socialist self-managing society, achieving the fraternity and unity of Yugoslavia's nations and nationalities, consolidating the independence of the country and its position in the international relations and the struggle for peace on the Globe, and in line with the pronounced will of the working people and citizens, the nations and nationalities of Yugoslavia –, on the proposal of the republican and provincial assemblies, elect Josip Broz Tito President of the Republic for an unlimited term of office.

The competence of the President of the Republic chiefly comprises the traditional duties of the head of a republic, i.e. the representation of Yugoslavia at home and abroad, the promulgation of statutes, etc.; he is president of the Presidency of Yugoslavia, Commander-in-Chief of the Armed Forces, and presides over the Council for National Defence. The President of the Republic keeps the Federal Assembly informed of the conditions and problems of internal and domestic policy and may propose to the Assembly the discussion of certain questions and pertinent decisions to be taken. The President of the Republic exercises his rights and duties under and within the Federal Constitution and the federal statutes.

3. The organization of the Federation includes the Council of the Federation as a special body; it is not a state agency, but a socio-political organ of advisory character.

The Council of the Federation may deliberate questions of general politics, and may be with this view convened by the Presidency of the S.F.R.Y. or the President of the Republic. So far, this Council

has developed almost no activity apart from the President of the Republic entrusting some members of this Council with certain tasks.

The Council of the Federation is composed of members elected by the Federal Assembly on the proposal of the Presidency, from among socio-political and other public workers.

III. THE FEDERAL EXECUTIVE COUNCIL

Within the organization of the Federation, the Federal Executive Council is formed as the executive organ of the Federal Assembly.

In the quality of the Assembly's executive organ and in accordance with the requirements of the assembly system, the Federal Executive Council is responsible to the Assembly of the S.F.R.Y. for the conditions in all realms of social life, for carrying out the policy, the federal statutes and other normative deeds of the Assembly, and for directing and coordinating the work of the federal administrative agencies. This also determines the range of this organ's executive function.

While exercising its function, the Federal Executive Council in the first place enforces the policy, the statutes and other normative deeds of the Federal Assembly, the defence policy of the country, and the preparations for defence. The Council coordinates and directs the work of the federal administrative agencies, controls their work, and the like. Moreover, the Federal Executive Council is authorized to pass sublegal normative deeds (ordinances, decisions, etc.) for the implementing of federal statutes and other normative deeds of the Federal Assembly. Finally, the Council is due to follow the condition and the execution of the policy established by the Federal Assembly, and it may propose to the Assembly the establishment of domestic and foreign policy, or introduce a bill or bring other motions. The Council is authorized to establish the draft for Yugoslavia's social plan and the federal budget.

According to the conception of the assembly system, the Federal Executive Council is for its work responsible to the Assembly of the S.F.R.Y., i.e. to either of its Chambers in its competence, and it is bound to exercise its rights and duties under and within the Federal Constitution and the federal statutes. The sanction of this responsibility lies in the Assembly's right to elect

and relieve of office the members of the Federal Executive Council, moreover in the right of both Chambers of the Assembly to pose the question of confidence to the Federal Executive Council, and in their right to invalidate or annul unconstitutional and illegal deeds of the Federal Executive Council. The latter again has the right to tender its collective resignation and to pose the question of confidence, yet so far this right has been never applied.

The Federal Executive Council is an organ composed of few persons, i.e. of the President and several members plus federal secretaries and the chairmen of federal committees. The members of the Federative Executive Council are elected in conformity with the principle of equal representation of the Republics and corresponding representation of the Autonomous Provinces; the federal secretaries and other administrative officials are appointed with regard to the national structure. Yet they are responsible exclusively to the federal agencies nor can they accept directives and tasks from the Republics and Autonomous Provinces. The Federal Executive Council is formed as a homogeneous team since its members are elected on the proposal of the candidate for President of the Federative Executive Council nominated by the Presidency of the S.F.R.Y.

IV. FEDERAL ADMINISTRATIVE AGENCIES

In the Federation, a special system of various administrative agencies is formed and entrusted with the administrative function. It is noteworthy that they are bound to ensure the execution of the federal statutes and other normative deeds for whose execution they are responsible. For the execution of federal statutes and other normative deeds of the Federal Assembly and the Federal Executive Council, they can pass their normative deeds in the form of regulations, decrees and directions, provided they are authorized thereto by statute or deed. These organs are independent, they function under and within the Federal Constitution and the federal statutes, and also abide by other normative deeds, by directives of the Federal Assembly and by view-points (in principle) and directives of the Federal Executive Council. Of course, their responsibility to the Federal Assembly and the Federal Executive Council is laid down constitutionally.

The structure of the federal administration is relatively complex and comprises: the federal secretariats, the federal committees, federal managing organizations, and federal inspectorates. The most important agencies are the federal secretariats, established for handling administrative affairs in the competence of the Federation in those realms where federal administrative organs, as a rule, ensure the execution of federal statutes and other federal normative deeds, and they are responsible for their execution. There are federal secretariats: for foreign affairs, for national defence, for interior affairs, for marketing and prices, for finance, for foreign trade, for justice, and for the organization of the federal administration.

V. THE FEDERAL COURT, THE FEDERAL PUBLIC PROSECUTOR AND THE FEDERAL SOCIAL ATTORNEY OF SELF-MANAGEMENT

As in any socio-political community, in the Federation equivalent organs of courts, the office of public prosecutor, and a social self-management attorney are set up.

The Federal Court is an organ of state power and exercises the judicial function within the framework of the rights and duties specified by the Constitution of the S.F.R.Y. and by federal statute. Its competence comprises those issues and relations directly reflecting the interests of the Federation as a whole. The president and the judges of the Federal Court are elected and relieved of office by the Assembly of the S.F.R.Y., the choice and number of these judges being determined by the principle of equal representation of the Republics and corresponding representation of the Autonomous Provinces.

The office of Federal Public prosecutor is an independent state organ and takes the legally determined proceedings against the committers of punishable acts and economic offences, takes legal steps with the view of safeguarding the constitutionality and legality in given cases, and discharges other duties determined by federal statute. The Federal Public Prosecutor is appointed and relieved of office by the Federal Assembly.

The Federal Social Attorney of Self-Management exercises this function within the framework of rights and duties of the Federation. He is appointed and relieved of office by the Assembly of the S.F.R.Y.

VI. THE CONSTITUTIONAL COURT OF YUGOSLAVIA

As has been stated above, within Yugoslavia's system of safeguarding constitutionality and legality, the constitutional courts occupy the most prominent place. On the federal level, this is the Constitutional Court of Yugoslavia.

It is its duty to rule whether a statute of a Republic or Autonomous Province is repugnant with federal law; to rule whether a given normative deed of a federal organ is repugnant with the Constitution of the S.F.R.Y. and federal law; to rule whether a normative deed of an organ of a socio-political community or a self-management general deed is repugnant with the Constitution of the S.F.R.Y. or repugnant with a federal statute for whose execution a federal organ is responsible; to decide legal conflicts of rights and duties between the Federation and the Republics (or Autonomous Provinces), or between Republics, or between Republics and Autonomous Provinces, or between other socio-political communities from the territories of various Republics, if for deciding such conflicts no competence of another court has been legally provided; to decide legal conflicts of competence between republican or provincial constitutional courts, or between courts and federal agencies, or between federal and republican (or provincial) organs, or between courts and other state organs from the territories of two or more Republics, or from the territories of a Republic and an Autonomous Province.

The Constitutional Court of Yugoslavia is likewise, according to the principle of equal representation of the Republics, composed of 2 members from each Republic, and – according to the principle of corresponding representation of the Autonomous Provinces – of 1 member from each Autonomous Province. The president and the members are elected by the Assembly of the S.F.R.Y.

¹ Within the Yugoslav economy, the socialist sector predominates. In Yugoslavia's gross national product this sector shares by a far larger percentage than the individually-owned sector.

STRUCTURE OF THE GROSS NATIONAL INCOME

Year	(per cent)		
	Economic Activities (Total)	Socialist Sector	Individually-Owned Sector
1947	100.00	59.53	40.47
1957	100.00	62.28	37.72
1966	100.00	76.92	23.08
1970	100.00	80.25	19.75
1973	100.00	81.13	18.87

According to the data published in the "Statistical Year-Book of Yugoslavia", 1974, p. 72.

² In the year 1973, Yugoslavia's League of Communists numbered 1,076,711 members (and almost 21 million inhabitants), according to the "Statistical Year-Book of Yugoslavia", 1974, p. 102.

³ In 1972, the "Socialist Alliance of Working People in Yugoslavia" had 8,582,340 members, according to the "Statistical Year-Book of Yugoslavia", 1974, p. 102.

⁴ In 1973, the Federation of Yugoslavia's Trade Unions numbered 3,911,188 members, according to the "Statistical Year-Book of Yugoslavia", 1974, p. 102.

⁵ In 1972, the managing organs of 6,130 working organizations with economic activities included 135,171 members of workers' councils, and in the 1,611 working organizations with less than 30 employed persons the working councils comprised all workers.

In the same year, 8,790 associated-labour organizations (within the working organizations in economic activities) had 104,511 members of

workers' councils, and 3,456 associated-labour organizations had no workers' councils, but all working people there decided directly.

In the managing organs of the associated-labour organizations with social activities, their 9,260 workers' councils comprised (in 1972) as many as 214,573 members.

These data were published in the "Statistical Year-Book of Yugoslavia", 1974, pp. 98-100.

⁶ Self-Managing Communities of Interests in the Year 1973

TOTAL	1,116
Education	397
Cultural Activities	253
Social Insurance	146
Social and Child Welfare	161
Employment	77
Other Activities	82

According to the "Statistical Year-Book of Yugoslavia", 1974, p. 97.

⁷ At present (1974), Yugoslavia has 500 communes, i.e.:

by their area:		by their population (1971):	
up to 50 sq. km.	11	up to 5,000 inhabitants	4
50- 100 sq. km.	7	5,000- 10,000 inhabitants	28
100- 200 sq. km.	36	10,000- 15,000 inhabitants	42
200- 300 sq. km.	82	15,000- 20,000 inhabitants	93
300- 400 sq. km.	93	20,000- 25,000 inhabitants	52
400- 500 sq. km.	61	25,000- 30,000 inhabitants	45
500- 600 sq. km.	50	30,000- 35,000 inhabitants	44
600- 700 sq. km.	45	35,000- 40,000 inhabitants	28
700- 800 sq. km.	34	40,000- 45,000 inhabitants	24
800- 900 sq. km.	22	45,000- 50,000 inhabitants	23
900-1,000 sq. km.	15	50,000- 55,000 inhabitants	17
1,000-1,200 sq. km.	24	55,000- 60,000 inhabitants	11
over 1,200 sq. km.	20	60,000- 70,000 inhabitants	23
		70,000- 80,000 inhabitants	12
		80,000- 90,000 inhabitants	11
		90,000-100,000 inhabitants	10
		over 100,000 inhabitants	33
	500		500

Data according to the "Statistical Year-Book of Yugoslavia", 1974, pp. 506-557.

⁸ In the federal sphere, it is true, there is a certain divergence from this rule. It relates to certain rights of the Presidency of the S.F.R.Y. and shall be treated in Sect. IV, Art. 1 of this Chapter.

⁹ The Constitution contains an exception to this rule: During a state of war or in case of imminent danger of war, the Presidency of the S.F.R.Y. (or the President of the Republic) can enact decrees with legal force. The same authority is given to the presidencies of the Republics and of the Autonomous Provinces.

¹⁰ Survey of the Judgements and Decisions Passed by the Constitutional Court of Yugoslavia in the Nine Years 1964-1972 on the Constitutionality and Legality of Normative Deeds:

Proposals Dismissed	Devolved upon a Republ. or Prov. Constit. Court	Complaints not Accepted	Proceedings Stayed	Judgements Passed in Open Court		
				Decisions	Decrees	Total
86	529	1,922	311	259	83	3,190

From: "A Working Decennium of the Constitutional Court of Yugoslavia", Beograd 1973, p. 68.

¹¹ Yugoslavia consists of six Socialist Republics: Bosnia-Hercegovina, Croatia, Macedonia, Montenegro, Serbia (with the two Socialist Autonomous Provinces of Vojvodina and of Kosovo, belonging to Serbia), Slovenia (Art. 2).

¹² Number of Nationality Members, Census 1971:

Albanian	1,309,423
Magyar	477,374
Turkish	127,920
Slovak	83,656
Bulgarian	58,627
Rumanian	58,570
Ruthenian	24,640
Czech	24,620
Italian	21,791
Others, Total	166,641

Data: "Statistical Year-Book of Yugoslavia", 1974, p. 104.

¹³ At the 1974 elections, to the Chambers of the Federal Assembly 42.7 % of the delegates were elected from the delegations of basic self-managing organizations and communities (including 39.4 % from the delegations of the basic associated-labour organizations), furthermore 13 % from the delegations of local communities, and 44.3 % from the delegations of socio-political organizations.

Data from the Information Bulletin of the Federal Assembly No. 147, p. 30.

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