

NON-ALIGNMENT IN THE UNITED NATIONS AND ITS IMPACT ON INTERNATIONAL LAW: THE CASE OF YUGOSLAVIA

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Abstract: After its dismissal from the Socialist camp, Yugoslavia became one of the instigators, main drivers and pioneers of the Non-Aligned Movement. In this context, Yugoslavia sought to strengthen the only recently established system of the United Nations (UN) for solving international conflicts, particularly through binding norms of international law. The external pressure, triggered by repositioning the country between “East” and “West” amidst the Cold War, contributed to a new understanding of “active peaceful coexistence”, peacekeeping and disarmament, seeking to strengthen the international law’s role in general. In this vein, Yugoslav protagonists initiated an increasing number of draft resolutions within the organs of the UN, often together with their non-aligned partners (esp. India and Egypt). Still, these initiatives had only little impact on Cold War realpolitik. Yugoslav actors thus dealt with the global injustices imminent in the existing Cold War world order, which harmed the consequent application of international legal principles. Among many others, the most significant contributions concerned disarmament, the peaceful settlement of disputes, peaceful coexistence/friendly relations and economic justice, especially linked to the human rights discourse. In the paper the reasons and motivations for this involvement will be clarified, drawing on opinions and interpretations of Yugoslav legal experts and politicians of the time.

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These initiatives on an international level may have contributed to an increasing legal certainty in international affairs. However, these demands and proposals for codification were often contorted by the Cold War complexities and the ongoing East-West competition on the meanings and political implications of “international law”.

Key words: non-alignment, Yugoslavia, international law.

Introduction:
**Socialist Yugoslavia, the Cold War
and the international system**

After its dismissal from the Socialist camp in 1948, Yugoslavia became one of the instigators, main drivers and pioneers of the later called Non-Aligned Movement (Bogetić 1990; Dinkel 2015, 102–5, p. 111). In this context, Yugoslavia sought to strengthen the only recently established system of the United Nations (UN) for solving international conflicts, particularly through binding norms of international law. The external pressure, triggered by repositioning the country between East and West amidst the Cold War, contributed to a new understanding of *active peaceful coexistence*, peacekeeping and dispute settlement, seeking to strengthen the international law’s role in general. In this vein, Yugoslav protagonists initiated an increasing number of draft resolutions within the organs of the UN, often together with their non-aligned partners (esp. India and Egypt). In general, these initiatives had only little impact on the Cold War realpolitik. However, a scrutinising analysis of Yugoslav UN initiatives and doctrines of international law reveals that Yugoslavia’s UN delegation and its legal experts worked on a number of projects to reform and strengthen the UN system and to establish a solid “international rule of law”. Yugoslav actors thus dealt with the global injustices imminent in the existing Cold War world order, which harmed the consequent application of international legal principles. I will try to highlight the specific legal and political discourse that Yugoslav actors and legal experts drew upon for establishing their vision of a just world by the means of the progressive development of international law, outlined by Art. 15 of the Statute of the UN International Law Commission (Avramov 1973, p. 46). I am going to use several examples of pressing international issues from the 1950s to the early 1980s and the Yugoslav proposals for solving them. Among many others, the most significant proposals concerned the peaceful settlement of disputes, diplomatic intercourse, peacekeeping and disarmament as well as the complex issue of *peaceful coexistence*. In conclusion, I will also briefly touch

upon several human rights-related issues, particularly the non-aligned countries' focus on economic justice. However, many of these draft resolutions were connected with the complexities of Yugoslav foreign policy and with Communist ideological preconceptions rather than tangible liberal convictions on the impact and potential of international law. I will highlight that these initiatives on an international level may have contributed to an increasing legal certainty in international affairs, nonetheless. These demands and proposals for codification were often contorted by Cold War complexities and the ongoing East-West competition on the meanings and political implications of "international law".

International law in history and its implications for Yugoslavia's role in the UN

Research on the Yugoslav involvement in the making of the post-war international order yields insightful new perspectives on this "experiment of a state" (Sundhaussen 1993), both in respects to regional and global historiography. My approach focuses on the development of (public) international law in the course of history, applying a critical stance in order to counter a linear and at times the teleological narrative of its historical development. Legal norms, in general, are never absolute. They are subject to social, political and cultural change through time and space. These dynamics are a lot more intensive when it comes to the international system. Its norms and values, both codified and ceremonial, are constantly changing within the multitude of interests, actors and entanglements, all embedded in rather flat hierarchies of legislation and decision-making. In such a setting, the legal validity and normativity depend much more on political circumstances than in a domestic setting with clear legal hierarchies and codes. The historical study of international legal norms must therefore include their limitations and failures. From such a perspective, codification initiatives of certain states and actors, independent of their motivation and success, need to be included in such a critical historical account of international law. Nevertheless, I do not challenge the basic existence and fundamental function of international law as a particular set of norms or rather a "regime of knowledge" (Foucault 1984) in the international sphere. Despite its close entanglement with politics and economics, and the partial imprecision of its contents, international law has its justified place in international affairs. Thus, I am highlighting how Yugoslav initiatives and pushes for codification in the United Nations contributed to the consolidation of a number of legal principles. Such a critical but affirmative

perspective accommodates for both political and social influences (i.e., the context) on the evolution of legal norms, without denouncing the trans-historical potential and consistency of international law (Koskenniemi 2014). However, the opposing views in East and West during the Cold War coincided with fundamentally different interpretations of international law and the international order, way beyond conflicting political interests. Legal categories were applied to describe and legitimate the global *status quo* and served an ideologically based moral impetus. The legal arguments were used to legitimate and describe the confrontation and its consequences, either in a liberal-democratic or a Marxist-Leninist paradigm (Dülffer 2010, pp. 260f.). Yugoslav scholars and experts of international law, influencing the foreign policy and diplomacy of their country, came up with innovative and sometimes synthesized approaches to assess and resolve this confrontation. A very illustrative example is the rendering of the declaration on the rights and duties of states by the eminent scholar and diplomat Milan Šahović (Šahović 2008, pp. 81–88).

The centrality of the UN system in Yugoslav legal and international affairs scholarship

Embedded in a socialist state and society, Yugoslav doctrines and international law teaching differed starkly from respective Soviet tenets, especially after 1948. This, of course, relates to the post-war establishment of the so-called “Democratic Yugoslavia” and the factual continuation of statehood, whereas the Soviet Union started from a total revolution, negating any legal state succession of Tsarist Russia in the first place, which resulted in an ideological barrier to establish normal relations with “bourgeois” or “imperialist” states. This resulted from the early Leninist notion that the Soviet state would be the outset of a coming proletarian world revolution, abolishing states and borders. In the Yugoslav case, no such “total break” in foreign relations happened. To a certain degree, we can rather speak of élite continuity in professional and academic levels. So, “bourgeois specialists” and “corrected clerks” could continue their professions (Stefanov 2011, p. 53), as long as they showed willingness to support socialism and the one-party state led by Tito. Still, leading issues of diplomacy and foreign relations were decided solely by the Partisan command. Likewise, only loyal communists were to become the new heads of diplomacy and foreign policy, i.e., people who fully enjoyed Marshall Tito’s confidence. Socialist Yugoslavia’s Foreign Service thus evolved from military diplomacy, which had brought about the allies recognition of the

new order in the Western Balkans (Terzić 2012, pp. 23–29), while being supported by bourgeois academia, both in its lower ranks and in legal expertise. In such a setup, Yugoslav diplomacy and legal experts stuck to “classic” tenets of international law while combining them with progressive approaches. Anti-imperialism and a Marxist sense of mission from Communist ideology were combined with traditional readings of a universal law among nations. This combination became the decisive characteristics of Yugoslav readings of the right to self-determination, sovereignty and non-interference. Yugoslav legal scholars insisted that international law and foreign policy are two separated realms, though linked by their goals and shared issues, opposed to the Soviet concept, which framed both arenas as part of the struggle for world communism (Tunkin 1972 as quoted in Fritsche 1986, p. 182). From a Yugoslav perspective, active peaceful coexistence and intensive international cooperation were the goals of their foreign policy in the first place, which were turned into normative guidelines of international law in a second step, but they did not presuppose duties that would limit state sovereignty. The same holds true for the explicit political orientation of non-alignment, which Yugoslav scholars and politicians have never regarded as an institute of international law (Bilandžić and Nick 1982, pp. 170ff.), in contrast to later Soviet renderings that non-alignment or “positive neutrality” is a legally binding concept, at least for Socialist states like Yugoslavia (Fritsche 1986, pp. 191–205). However, Yugoslav scholars shared a similar view with Soviet theory concerning the “dogma of sovereignty”, as they considered any violation of sovereignty as a potential threat of Socialist “planned management”, as economic, political and administrative activity were entangled and linked in their social system (Janković 1984, p. 117). Politically, anti-imperialism was still a very important field of action and orientation, especially in the non-aligned efforts and demands for complete decolonisation and self-determination of all oppressed peoples. Still, Yugoslav scholars did not doctrinally link the state’s socialist orientation and its rights and duties under international law (Nord 1974, p. 63; Janković 1984, pp. 72ff.). Likewise, human rights were framed as being primarily a domestic issue, i.e., legal guarantees by the state/socialist society towards its citizens. In this vein, collectively addressable rights, e.g., cultural, economic and social rights were given larger weight than individual rights (Trültzsch 2021, pp. 98f, 296f.). In the Yugoslav view, the UN system was the main promoter and political arena for demands of less powerful states, either due to their smallness, newly gained independence or economic weakness – often all these criteria applied. Both Yugoslav political elites and scholars saw a big chance in

turning the UN organs into independent arbiters and subjects of international law in order to maintain peace (Trültzsch 2021, pp. 180ff.; Šahović 1987, p. 42). Non-aligned initiatives strove for a lasting effect on international legal rules, which ought to be binding for all UN member states. In this vein, many endeavours were made to establish an alternative.² The Yugoslav CP leaders argued that “correct political attitudes” were more important than legal training (regarding jurists, judges and legal scholars). Still, certain professionalism was maintained and not sacrificed for ideology (Ramet 2006, p. 170). Mechanism of creating so-called *hard law* through the UN General Assembly (UNGA) and other UN bodies like the ECOSOC, considering the bias of power in the Security Council (UNSC) in favour of Great powers and the political blocs (Jovanović 1990, pp. 193ff.).

The UN initiatives of Yugoslavia concerning peaceful conflict settlement, peacekeeping and disarmament

One of the prime examples, and even an early one, was the de facto non-aligned initiative – although the term was not yet used back then – for an alternative peacekeeping mechanism through the UNGA. In 1950, due to the stalemate in the UNSC where the Soviet Union effectively vetoed all decisions concerning the war in Korea, the United States initiated the resolution *Uniting for Peace* in 1950 in order to reprimand the unilateral invasion of Chinese troops on the Korean Peninsula. The outcome was an UNGA document that by its wording could be used for concrete measures, as the resolution openly urged the UNSC to act, otherwise, the UNGA would take matters into their hands (Jovanović 1990, pp. 218–21). The Yugoslav delegation contributed greatly to the final text and was one of its prime supporters, openly opposing the Soviet Union. Yugoslavia added corrective amendments concerning the applicability of these collective measures only in the mentioned cases, and made sure that these measures were only to be taken in regard to the principles of sovereignty and self-determination of the concerned nation (Jovanović 1985, p. 157). Actually, the Yugoslav position was at first to avoid such a parallel mandate, being a non-permanent member of the UNSC at the time. Yugoslav diplomat Aleš Bebler even presided over the UNSC and did everything to find a solution

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integrating Communist China, which remained outside the UN until 1971, into the negotiations, though without success. Yugoslavia eventually joined the initiative (Jovanović 1990, p. 204). Despite the overall political and advisory character of UNGA resolutions (besides the consensually agreed conventions), this was the first time they could not be regarded as sheer soft law any longer (Andrassy as paraphrased in Jovanović 1990, pp. 212f.). Such *hard international law through the back door*, then formed the basis for a projected alternative and more democratic UN decision-making mechanism. However, this undertaking largely failed in the long run, although the initiatives were numerous. Still, the resolution led to further initiatives by Yugoslavia and other non-aligned countries in the design of peacekeeping mechanisms, the deployment of UN-mandate forces and a thorough definition of wrongful acts under international law, first of all on aggression and intervention. In the following, a committee for collective measures was set up, in which Yugoslavia had a decisive role in defining what measures were to be taken to maintain peace (Jovanović 1990, pp. 215f.). The mechanism was used several times since then, most prominently for the resolution of the Suez Crisis in 1956, where Yugoslavia initiated the deployment of peace troops applying the principles of *Uniting for Peace* (Jovanović 1990, pp. 260–66; Trültzsch 2021, pp. 224ff.). Yugoslavia remained a moderate supporter of the mechanism since it depended on the UNGA, where the non-aligned states soon formed a stable majority of the voting power (Jovanović 1990, pp. 220–23). Therefore, Yugoslavia further adhered to the leading role of the UNSC in regard to legally binding decisions concerning peace and security, and refrained from proposals that called for a complete revision of the UN charter concerning these mechanisms. The aftermath of the resolution led to new questions. The international community needed to clarify which wrongful acts were actually a threat to peace and which ones qualified for being sanctioned or reprimanded. In these efforts on codification, Yugoslavia again had a decisive influence. Consequently, codification and juridification of international affairs and UN mechanisms stayed at the centre of Yugoslav activities (Blichner and Molander, 2005, pp. 4f, 8, 19f).³ The definition of aggression, being a major

³ “Juridification” is an ambiguous term, comprising processes of legalisation, formalisation and the actual application of the law, both in the domestic and international spheres. Therefore, it is a useful concept for explaining certain trends in international politics that prefer legal frameworks above sheer diplomacy or power politics.

dispute between the two power blocs, was one of these issues that often hindered a peaceful conflict settlement within the UN system. Since the 1950s, Yugoslavia has repeatedly put this problem on the agenda. Thus, they initiated Resolution 378 – “Duties of States in the event of the outbreak of hostilities” – which formed the basis for further consideration of the matter by the International Law Commission and a special committee (Trültzsch 2021, pp. 262f.). Although the UN Charter clearly provided the framework for further elaboration, declaring illegal both war and the use of force, and even the threat to use force against sovereign states, Yugoslav scholars and diplomats found it necessary to further define acts of aggression to clearly distinguish them from the right to self-defence. As this was a crucial point of disagreement among the big powers in the 1950s, the UN bodies in charge could not successfully provide an acceptable solution (Trültzsch 2021, p. 264). International events like the perceived aggression against Non-aligned allies like Egypt and the involvement of the United States in the Vietnam War made Yugoslavia resume its efforts. Likewise, fears of a Soviet intervention – stemming from the 1956 Hungarian case – grew again after the suppression of the Prague Spring in 1968, which Yugoslavia wholeheartedly condemned, as the Soviet Union saw the country as the prime example of a “renegade” that had left the Socialist camp to pursue its own path of socialist development (Trültzsch 2014, pp. 93f.; Fritsche 1986, p. 79). During the second half of the 1960s up to the 1970s, Yugoslavia pushed again for a clearer definition of what constituted acts of aggression, both relating to open warfare and indirect means of pressure, espionage and blackmailing. Starting in 1965, Yugoslavia stood at the forefront of a combined non-aligned effort which led to UNGA Res. 2330 of 1967. It established a special committee to elaborate a generally accepted legal concept of aggression, after the preparatory work of the International Law Commission and the former committee on the problem. Several drafts went by unnoticed, and the continued bloc confrontation hindered progress, although Yugoslavia and its partners agreed on many compromises, like the partition of the definition into “war of aggression” and “aggression”, denoting all other forms of pressurizing sovereign states and its representatives in international affairs. These efforts were finally rewarded in 1974 when the UNGA adopted Res. 3314 “Definition of Aggression” (Trültzsch 2021, pp. 262–68). As its contents relate directly to the UN Charter, they can be considered at least customary international law and may be used as a valid resource for making legal arguments on warfare (Trültzsch 2021, pp. 269f; Kemp 2016, pp. 134f.). Connected to the definition of aggression, which also encompasses the threat to the use of force, were questions arising

around a clearer codification of diplomatic immunities. For Yugoslavia, this question was linked openly to the national interest and hailed from the low-intensity conflict with the Soviet Union after being expelled from the Cominform and the Socialist camp. In 1951, Yugoslavia initiated a resolution that mandated the International Law Commission to specify diplomatic security and immunities, most of which were largely customary international law until then. The initiative was Yugoslavia's reaction to a series of violations, illegal arrests and other grave infringements against Yugoslav embassies and diplomatic personnel in several Eastern European states and the Soviet Union. Yugoslavia officially complained about these hostile acts before the UNGA (Šahović 2008, pp. 93–98; Jovanović 1985, pp. 93f.). After thorough refinement and numerous minor amendments, the Yugoslav draft was almost completely adopted in 1952 as Resolution 685 and made way for a thorough codification of diplomatic law (Šahović 2008, pp. 92ff.). The resolution connected the overall political tasks of the United Nations with a profound evolution of interstate laws, i.e., international law in its basic meaning (Jovanović 1985, pp. 95). This successful effort was one of the building blocks of the Vienna Convention on Diplomatic Relations of 1964. One of the most significant contributions to modern international law is the codification of the principle of peaceful coexistence and cooperation of states. Although outlined already in the UN Charter, the course of the hegemonic power relations during the Cold War era needed to be tackled by a clear convention that bound all states and actors to certain rules in their international bearing and relations. Yugoslavia, openly under pressure during its first years outside the Soviet bloc, made this codification effort one of the prime interests of its foreign policy at the UN and within the emerging Non-Aligned Movement. The concept of "peaceful coexistence" has its roots in Lenin's theory of revolution on a "pause" in the revolutionary action in order to regain strength, a "pause" in which "peaceful coexistence" with the outside capitalist world is required in order to build up socialism (Meissner 1963, p. 20). Stalin turned this concept into one of the pillars of Soviet foreign policy and, with slight adaptations, it remained a central provision of Soviet ideology, explicitly of its international legal doctrine, until the 1980s. In the Yugoslav context, the principle changed its name and character, becoming "active peaceful coexistence", one of the pillars of Yugoslav foreign policy and a basis for its non-aligned orientation. It used to be a political concept in the beginning, backed by founding principles of international law like sovereignty and equality of all states. In a way, it reflected the profound application of the provisions of the UN charter into Yugoslavia's foreign relations. Put another way, Yugoslav diplomats and

legal experts (Šahovič 1969, p. 14), pushed for an all-encompassing application of the principle in international affairs in order to secure the country's delicate position and its independence in a divided Europe. The trade-off was codification or power politics. As the bloc powers could rely on the latter, the non-aligned states like Yugoslavia chose to engage in codification, this time with the support of the Soviet bloc (Šahovič 1969, p. 11). The Cuba Crisis opened a window of opportunity not just for serious steps on disarmament, but also helped Yugoslavia to convince many UN delegations to engage in the efforts to specify the rules of the UN charter on friendly relations and cooperation. After several resolutions and debates in the V and VI committees (both addressing legal issues), only Res. 1815 of 1962 and Res. 2103 of 1965 led to the formation of a special committee that worked on a draft for a convention. Despite the almost unanimous support for Resolution 2103, the special committee soon became an arena of heavy discussions and clear bloc formation between Eastern/non-aligned and Western states, with factions even inside these blocs (Šahovič 1969, pp. 14f.). The US delegations eventually showed openness to a clearer legal expression of "friendly relations" – the compromise formula to avoid open "socialist" wording in the forthcoming Declaration, negotiated, among others, by Yugoslavia's representative in the UNGA legal committee, Đuro Ninčić (Trültzsch 2021, p. 234; Šahovič 1969, p. 13). The United Kingdom, however, refused to accept any legal validity of duty to cooperation beyond the UN Charter. The Soviet Union often patronised the positions of the non-aligned states while refusing to accept their proposals on side aspects of peaceful coexistence, like weapon control or sovereignty over natural resources. The drafts and the later declaration relied on seven principles of the UN Charter: the prohibition of unilateral use of force or its threat, the peaceful resolution of conflicts, the principle of non-intervention, and the duty of states to cooperate and to fulfil their obligations in accordance with the UN Charter, as well as sovereign equality and peoples' self-determination. These centrepieces were agreed on early, whereas the resulting obligations and the consequences were subject to dispute and disagreement, as they touched on a wide range of international problems: disarmament, self-determination, sovereignty, peacekeeping and the future evolution of international law in the UN system, which was a central concern of Yugoslavia. The resulting *Friendly Relations Declaration* of 1970 could only be passed after a series of informal talks and tough negotiations in thematic groups that later gathered to propose a common wording for the declaration (Trültzsch 2021, pp. 238–42). In the end, the Yugoslav and non-aligned efforts both paved the way for codification and helped to reach

a compromise for the final content of the *Friendly Relations Declaration*. The non-aligned states were also known for their permanent calls for disarmament, seeing to the ongoing bloc rivalry and the threat of a nuclear war. Usually, these efforts were framed as mere political messages and a means of uniting a large number of members of the Non-Aligned Movement under the banner of “world peace” (Dinkel 2015, pp. 349f.; Mates 1972, pp. 344f.). Although most of these UN initiatives clearly bore this political message, especially the Yugoslav delegations greatly pushed for subsequent nuclear disarmament, contributing greatly to the conclusion of both the Nuclear Non-Proliferation Treaty (NPT) and the Seabed Arms Control Treaty (NACT) that greatly limited the number and deployment options for nuclear warheads. Throughout from 1957 to 1970, Yugoslavia urged the nuclear powers to resume negotiations about a testing stop and a limitation of nuclear weapon stocks by handing in various memoranda and draft resolutions, convincing the other UN members to act decisively (Trültzsch 2021, 276–84). These efforts were rewarded only after a series of setbacks and crises when the NPT and NACT were passed in 1970 (Trültzsch 2021, pp. 284f.; Krneta 1989, p. 124). The tangible influence of Yugoslav and other Non-aligned diplomatic efforts is also traceable in the process of banning biological and chemical weapons. Yugoslav legal experts in the UN diplomatic corps pushed for a general prohibition early on; however, the continued political struggles between East and West only yielded a convention banning biological weapons in 1971/72. In the relevant negotiation body, the Commission of the Conference on Disarmament (CCD), Yugoslavia’s representatives made sure that all working documents, follow-up resolutions and declarations leading and commenting the Biological Weapons Convention (BWC) prejudiced the still outstanding ban of all related materials, i.e. primarily chemical agents used in warfare (Trültzsch 2021, pp. 287f.). Thus, Yugoslav efforts greatly contributed to the eventual ban of chemical weapons through a binding international convention in 1992 (Trültzsch 2021, pp. 289f.).

Conclusions: Between prestige in international affairs, clashing interests and legal validity

Which traces did the Yugoslav initiatives leave in international law and the UN system? As I have already mentioned, many of these draft resolutions were connected with the complexities of Yugoslav foreign policy and were linked to originally Communist ideological preconceptions. Some initiatives came about in a vein of ideologically framed rhetoric concerning

“active peaceful coexistence”, the strife for disarmament and peacekeeping, for these issues were presented as both foreign policy goals of Yugoslavia and as pressing matters for juridification. Still, compared to the Socialist Bloc states, neither Yugoslav foreign policy nor legal scholarship was following strict ideological dogmata. Yugoslav legal scholars explicitly underlined the separation of legal reasoning and the norms of international law and international politics (Janković 1984, p. 8). Concerning palpable initiatives at the United Nations though, Yugoslav diplomats were sometimes merely using the universalistic language of international law for first and foremost political goals, regardless of the chances for implementation or other long-lasting effects. As I referred to this in my introduction, the main goal of Yugoslav efforts was to secure one’s own position in Europe, keeping a kind of equidistance between East and West while actively cooperating with third states – in a way “non-alignment” in its original sense. In this orientation, binding rules and codes of conduct could help the smaller and newly independent states immensely in establishing relations and securing their positions in the world system. These convictions can explain Yugoslavia’s heavy reliance on international law and its treaty framework as represented by the UN, as long as it served the country’s own aspirations and interests, despite arguing that legal codification of these issues served universal goals. One way or another, all of the presented UN codification initiatives were rooted in Yugoslav experiences and its drastic re-orientation in the 1950s. Especially the codification efforts on *peaceful coexistence*, *the definition of aggression*, *diplomatic intercourse* are all aspects of state responsibility in international law. The interest to codify these principles ultimately stems from the break with the Soviet Union and its troublesome aftermath. The various infringements on Yugoslavia’s sovereignty and diplomatic immunity and all the other negative experiences, like the cancelling of vital treaties with the Socialist countries, could not be tackled by retributive acts or by using force. The only feasible response to hold the Soviet Union and its allies accountable and to prevent similar breaches in the future, regardless of which bloc or state, lay in the UN system and the establishment of written and valid legal rules. Yugoslav diplomat and legal scholar Milan Šahović, who was deeply involved in the drafting of the *Friendly Relations Declaration*, actually hoped that all these efforts would contribute to a new international legal order, where these rules of state conduct would evolve into *jus cogens*, i.e., peremptory norms that no actor in the international sphere could ignore or declare invalid (Šahović 1969, p. 25). Šahović directly acknowledged that the efforts arose from the very principle of Yugoslav foreign policy called “active peaceful coexistence” since the 1950s (Trültzsch 2021, 231f.). He

wished them to become part of the basic rules of international order in order to tackle power politics and the use of force (Šahovič 1969, p. 27). The changes in agenda-setting in these efforts went along with a shift in Yugoslavia's own international position and interests. In the 1950s and 1960s, Yugoslav diplomacy and foreign policy engaged mainly in matters of state responsibility and diplomatic conduct, then disarmament, peace and security. In the 1970s the focus gradually shifted to socioeconomic global equality and the North-South dimension, applying a specific reading of human rights in international legal and political discourse, which Daniel Whelan has convincingly put as "postcolonial revisionism" (Whelan 2011, p. 137, 139 ff; Trültzsch 2021, p. 409ff.).⁴ In this vein, Yugoslav diplomacy acted as a mediator with legal experts and diplomats like Milan Bulajić, Leo Mates or Branko Gosović, who greatly helped the non-aligned countries and later the Group of 77 to present questions surrounding economic justice as human-rights-related issues. Prominently pioneered by UNGA Res. 1514 on the "permanent sovereignty over natural resources", which was greatly supported by Yugoslavia, the follow-up process leading to the foundation of the United Nations Conference on Trade and Development (UNCTAD) culminated in the passing of UNGA Res. 3281 in 1974, the *Charter of Economic Rights and Duties of States* that proposed a *New International Economic Order* (NIEO) (Bulajić 1993, pp. 90–97). The documents linked the economic demands of developing nations with overall racism and discrimination, even proposing a *right to development* as eventually postulated in UNGA Res. 41/128 in 1986 (Trültzsch 2021, pp. 382–86). The UN initiatives presented had their starting point in political demands on an international scale, which then yielded several resolutions, agreements and legally binding mechanisms. They went beyond the usual recommendations, so they did not constitute just *soft law*. Still, Yugoslav diplomats largely relied on direct political means to change the rules of international relations, first and foremost via the UNGA (Janković 1984, pp. 72ff.). The wording of Yugoslav documents and speeches thereby heavily used rhetoric appealing to universal principles and international law as a normative and evolving

⁴ In general, human rights issues always concerned Yugoslav diplomacy and legal scholarship. Based in a Marxist state/community-centred interpretation of human rights, with a focus on social and economic needs, Yugoslav diplomacy adhered to the ideal of indivisibility of all kinds of human rights, sometimes blurring the scope of particular demands and over-stretching the human rights discourse into outright political controversies, with "economic justice" just being one of them. The others concerned the Middle East conflict, apartheid policies and also minority rights.

system for global peace and justice. I termed this approach “politics of international law” or “international legal politics”, i.e., using the language and the codes of conduct provided by established international law in order to defend own interests, positions and aims. In conclusion, Yugoslavia’s non-aligned commitment for codification was thus limited to specific fields of activity in the UN, despite the universal appeal of many demands. The initiatives for codification had a mixed outcome, albeit I have presented some of the more successful ones. Nonetheless, the overall impact of these Yugoslav actions on international law remained limited, yet still significant.

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