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## Before That: The Formation of Slovenian Statehood prior to Its Independence

### IZVLEČEK

#### PRED TEM: NASTAJANJE SLOVENSKE DRŽAVNOSTI PRED SAMOSTOJNO DRŽAVO REPUBLIKO SLOVENIJO

Avtor v članku esejistično obravnava vprašanje nastajanja slovenske države v »kratkem« 20. stoletju kot predhodnice samostojne in neodvisne Republike Slovenije. To dejanje, razumljeno kot razdružitev, je imelo pravno pa tudi politično izhodišče v samoodločbi kot načelu, na katerem je bila ustvarjena jugoslovanska država in na osnovi katerega je Republika Slovenija z njo pretrgala državnopravne vezi. Pregledno predstavi trikratno izvedbo samoodločbe kot načina vstopa Slovencev v okvir jugoslovanske države (1918, 1943/45) oziroma izstopa iz nje (1990/91). Vsaka od samoodločb je imela drugega nosilca, so pa po namenu in svoji vsebini med seboj vzročno povezane, saj je bila vsaka predhodna pogoj za uspešnost naslednje. Zlasti brez druge, na kateri je temeljila t. i. druga Jugoslavija (1943/45–1991), ne bi bilo tretje, s katero je bila leta 1991 ustanovljena samostojna in neodvisna slovenska država.

*Ključne besede:* Slovenija, osamosvojitve, samoodločba, ustava, Jugoslavija

### ABSTRACT

In his article, the author discusses the formation of Slovenia in the "short" 20<sup>th</sup> century as the predecessor of the independent and sovereign Republic of Slovenia. The establishment of the Republic of Slovenia as an independent and sovereign state is considered a dissolution or the opposite of the unification into the Yugoslav state in 1918 and 1943/45. The break-up was legally and politically based in self-determination, a principle on which the Yugoslav state was formed and on the grounds of which the Republic of Slovenia severed its political and legal ties with Yugoslavia. The author thoroughly examines the three instances in which self-determination was exercised as a way in which the Slovenians either entered the Yugoslav state (1918, 1943/45) or departed from it (1990/91). Although the principle of self-determination was asserted by a different entity in each of these instances, their purpose and substance are connected in terms of cause as each previous instance served as a prerequisite for the success of the next. Especially without the second instance of self-determination, which served as the basis for the second Yugoslavia (1943/45–1991), it would

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*be impossible to achieve the third self-determination, which led to the formation of the independent and sovereign state of Slovenia in 1991.*

*Keywords: Slovenia, attainment of independence, self-determination, constitution, Yugoslavia*

The Republic of Slovenia was established as an “independent and sovereign state” on 25 June 1991, when the Assembly of the Republic of Slovenia adopted the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia. The preamble of this legal document, which constituted and still constitutes (!) “the birth certificate” of the Republic of Slovenia, or the Slovenian “declaration of independence”, stated that the Slovenian Parliament made such a decision taking into account, among other reasons, the fact that “the Republic of Slovenia had already been a state under the hitherto valid constitutional order and has exercised only a part of its sovereign rights within the Socialist Federal Republic of Yugoslavia”.<sup>1</sup> This meant that, within Yugoslavia, Slovenia was a state with its own sovereign rights, some of which had been transferred to the federal state. It clearly follows from the preamble of the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia that the beginnings of the Slovenian statehood do not date to 25 June 1991; rather, the already existing state of Slovenia became sovereign and gained independence from Yugoslavia, and the Republic of Slovenia assumed “all the rights and duties which were transferred to the authorities of the SFRY under the Constitution of the Republic of Slovenia and the Constitution of the SFRY”.

Regardless of anyone who doubts the development or the dialectic (which need not be equated with dialectical materialism), it is important to know that something already existed before the Slovenian “Big Bang”, i.e. prior to the attainment of independence, namely that Slovenia had already been a state and that everything that happened throughout the period of the second Yugoslavia influenced and determined nearly every aspect of the creation of the independent and sovereign Slovenian state. As blasphemous as it might sound, the formation of the independent Slovenia is not merely the result of the events taking place in the years prior to its establishment, i.e. the events and the entire political and social process which could be denoted as democratisation, consisting of several factors and not all of them arising from the “opposition” (as to when the opposition formed as an organised factor, the “oppositionals” might provide a variety of answers).

The Slovenian state, the Republic of Slovenia, had been formed throughout the entire “short” 20<sup>th</sup> century. Slovenia was on the path to statehood for nearly fifty years, and it still had a few decades to go before reaching true statehood. In fact, the

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<sup>1</sup> *Uradni list Republike Slovenije* [Official Gazette of the Republic of Slovenia], 1–3, 25 June 1991.

path towards independence took a long time even for the “short” 20<sup>th</sup> century, as the period between the end of WWI and the fall of the Berlin Wall was called by Eric Hobsbawm, a delineation that corresponds perfectly with the period of the Yugoslav state. The “Yugoslav period” of Slovenian history provided the opportunity to take steps towards national autonomy.

The independent and sovereign Slovenia, emancipated from Yugoslavia, did not come into existence from nothing. Only nothing comes from nothing, which is why it is important to be aware that Slovenian statehood has its own history and historical experience, as well as its own social and political players. The independent Republic of Slovenia was not achieved through revolution but rather an evolution in terms of its gradual formation. The “national revolution”, if understood in the sense of the American War of Independence waged in order to gain independence from Great Britain, actually took place half a century earlier. The path towards the state was closely connected with the nation’s emancipation, achieving a status equal to that of other nations in Yugoslavia after the Slovenian nation evolved from being a nation for itself to a nation for other nations as well. This occurred during WWII and in the circumstances relating to that period, which also involved the fight to prevent the old ways from returning. Slovenia was established as a state in a war, through military activity of those who decided to lead a national liberation struggle against the occupying forces (primarily against them, but also against their fellow countrymen after the latter decided to join the occupying forces in their effort to preserve their political position). The formation of Slovenia’s statehood is connected with the national liberation struggle during WWII.

With regard to the war commonly called the Ten-Day War or the Independence War, it should be noted that Slovenia did not achieve emancipation from Yugoslavia through war, with the army or military activities, although all this coincided with the attainment of independence and the severing of constitutional and legal ties with the Yugoslav state. The war and the related military activities following Slovenia’s independence were the result of the Republic of Slovenia “leaving” the Yugoslav state. This was something that the Yugoslav authorities wished to prevent, whereby the tasks normally carried out by the police were entrusted to the army, in order to prevent the seizure of control over the external borders of the Republic of Slovenia, since these borders were considered the borders of the Yugoslavia. War was not the cause for independence, but its consequence. The attainment of independence triggered a reaction by a significant factor of the state from which the Republic of Slovenia separated or seceded, namely the Yugoslav Army, which had had a fundamental impact on the Yugoslav state ever since its creation in late 1918.

Before the Republic of Slovenia was established as an independent state, it was a state within the federal Yugoslavia. Bearing an identical name, which in itself contained no indication of the political system but merely denoted the form of government, it existed for a relatively brief period of time. This name was adopted on 8 March 1990 by the Slovenian Assembly elected in 1986, i.e. a self-governing, delegate and socialist assembly, which voted for an amendment to the Constitution

adopted in February 1974.<sup>2</sup> This amendment to the Slovenian Constitution, which changed the name of the state, defined the Republic of Slovenia, in accordance with the amendment of late September 1989, as the “state founded on the sovereignty of the Slovenian nation and Slovenia’s people”. The same was already stated in the Constitution of the Socialist Republic of Slovenia adopted on 28 February 1974. In this Constitution, Slovenia was clearly denoted as a state, while the previous Constitution, which was adopted on 9 April 1963, defined it as a “national socialist democratic community”.<sup>3</sup> However, the first Constitution of Slovenia, then called the People’s Republic of Slovenia, defined Slovenia as “a people’s *state*, republican in form”. In any case, Slovenia held the status of a state constitutionally throughout the entire period of the second Yugoslavia. In this respect, the reason for such status was also important, namely the right to self-determination. This principle, or right, which also includes the right to secession and unification with other nations, was also a constitutional category in all Slovenian (as well as Yugoslav) constitutions in force during the second Yugoslavia. This fundamental right, which enabled the second, “AVNOJ” Yugoslavia to be created at all, was incompatible with the first Slovenian Constitution (the first ever in the entire historical development of the Slovenian nation) when it was written explicitly, but it was “hidden” in the fundamental principles of all subsequent constitutions.

In the second Yugoslavia, self-determination was a constitutional category. In the first Constitution of late January 1946, this right was written down in the clearest of terms, right under Article 1, namely that the Federal People’s Republic of Yugoslavia was formed “on the basis of the right to self-determination, including the right of secession”.<sup>4</sup> The right to self-determination, as a starting point for the creation of the federal Yugoslavia, was understood in a variety of ways throughout the entire period of the state, especially with regard to its “permanence”. There was a lack of consensus as to whether this was a permanent right or a “one-time” right to be exercised for the purposes of unification. Those who supported the “restricted use” of the right to self-determination, the majority of which came from Serbia, found it “contentious” that the inseparable element of self-determination was the right to secession and unification with other nations. For them, this was a point of concern ever since the beginning of the second Yugoslavia, when its first Constitution was being written in late 1945 and early 1946. That particular period even witnessed a dispute as to whether the right to self-determination, including the right to secession, should be mentioned in the Constitution at all.<sup>5</sup> The viewpoint argued by Edvard Kardelj, the

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<sup>2</sup> *Uradni list Republike Slovenije* [Official Gazette of the Republic of Slovenia], 8–402, 16 March 1990.

<sup>3</sup> *Uradni list Socialistične federativne republike Jugoslavije* [Official Gazette of the Socialist Federal Republic of Yugoslavia], 14–209, 10 April 1963.

<sup>4</sup> *Uradni list Socialistične federativne republike Jugoslavije* [Official Gazette of the Federal People’s Republic of Yugoslavia], Constitution of the Federal People’s Republic of Yugoslavia of 1945, 10–73, 1946.

<sup>5</sup> Aleš Gabrič, “Nacionalno vprašanje v Jugoslaviji v prvem povojnem obdobju – The National

principal advocate of self-determination as a permanent right, prevailed, thus securing self-determination as a “permanent” right and a fundamental starting point, or a prerequisite, for establishing the second Yugoslavia. The air of “contentiousness” surrounding the right to self-determination would resurface upon every crisis in the Yugoslav federation, since the right to secession as an inseparable part of the right to self-determination was “permanently” debatable and unacceptable for Serbian politicians. This was manifested once again upon the last crisis relating to the federal nature of Yugoslavia in the 1980s, which saw the resurfacing of the conflict, although it was constantly present in the second Yugoslavia, regarding the interpretation of its federal nature, namely the question and application of centralism on the one hand, and, on the other, the understanding of the federal nature in light of the increased importance and status of the states forming the federal state.

The question of self-determination remained one of the essential issues throughout all political events in the final phase of Slovenia’s Yugoslav period, in the late 1980s, when the question of democratisation of the Yugoslav state was, for Slovenians, closely related to the question of independence, and the manner and pace of achieving it. It was, in fact, the key to the process and the actual attainment of independence of the Republic of Slovenia.

For the Slovenian history, the 20<sup>th</sup> century, commonly labelled as the century of (world) wars, was also the century in which Slovenia achieved its statehood. To a large extent, this was connected (in terms of cause and effect) with wars, more specifically with both world wars. States disintegrate and emerge in and due to wars. Slovenia’s statehood, such as it was in the 20<sup>th</sup> century, developed in war. More precisely, because of a war – World War II. The establishment of an independent and sovereign state was also connected with a war, or at least with military activity, whereby the war or military action following Slovenia’s independence was the result of independence already attained.

The way wars influenced Slovenia’s statehood as it was manifested in the 20<sup>th</sup> century and how they enabled it is not in significant relation with the military action, but more with the political dimensions, which are always present in wars. The political categories that could be classified as the consequences of wars, specifically WWI, include self-determination. The self-determination we know and tend to invoke today resulted from the political events during WWI and the disintegration of the state in which the Slovenians lived at the time. This includes the well-known fourteen points presented (in his address before the U.S. Congress) by President Woodrow Wilson in early 1918. For the Slovenians and other nations under Austria-Hungary, Point 10 was especially important, stating these nations should be free to develop autonomously.<sup>6</sup>

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Question in Yugoslavia in the Immediate Postwar Period,” in: *Jugoslavija v hladni vojni: zbornik z znanstvenega posveta Jugoslavija v hladni vojni = Yugoslavia in the Cold War: the collection of papers at the Scientific Conference Yugoslavia in the Cold War* (Ljubljana: Institute of Contemporary History and Toronto: University, 2004), 404–10, 426–33.

<sup>6</sup> “The people of Austria-Hungary, whose place among the nations we wish to see safeguarded and

War thus provided the chance for self-determination, which the Slovenians exercised three times over the course of the “short” 20<sup>th</sup> century. On two occasions, it was connected with war, WWI and WWII, while in the third instance self-determination served as the basis for emancipation from Yugoslavia and led to the military activities of the Yugoslav Army and the defence-related activities of the Slovenian Army and Police. All instances of self-determination were related to the Yugoslav state. The first two were decisions for Yugoslavia, i.e. for the Slovenians to join the common state along with other South Slavic nations, while the third concerned the Slovenians’ departure from Yugoslavia in favour of an independent and sovereign state. These were, therefore, national and legal turning points executed on the basis of the right to self-determination over the course of three periods – in 1918, 1943/45 and 1990/1991. All three instances of self-determination had common points in terms of connections, causality and sequence. The third self-determination would not have happened without the second one, and the second one would not have happened without the first. In each of the periods in question, self-determination was exercised through a different political entity, whichever represented the people and the nation at that particular time. This, however, does not mean that political and ideological inclinations towards someone in a particular period justify omitting any act of self-determination, or even rejecting it as though it had not occurred.

Self-determination can be understood as self-determination of a people, which is where its original meaning actually comes from. It assures democracy in decision-making regarding a political regime (democracy vs. autocracy) and the form of government (republic vs. monarchy). This type of self-determination, where the emphasis is on the people, is about the expression of the people’s democratic tendencies within the political and the entire social sphere, while the self-determination of a nation is about decisions regarding the state framework in which the said nation wants to exist or with whom they would like to live in a joint state. It is about the sovereignty of a nation among other nations. This was the self-determination that shaped the Slovenian nationality in the “short” 20<sup>th</sup> century and served as the basis for achieving independent statehood. The plebiscite on Slovenia’s independence, which took place in December 1990 and provided legitimacy to the independence efforts, i.e. the separation, as it reflected the will of the Slovenian voters (i.e. of the people), posed a clear question on the ballot: “Should the Republic of Slovenia become an independent and sovereign state?” The people made the decision regarding the statehood or, rather, the state in which they would like to live. No one asked them about the state’s system of government since it went without saying that such changes would be in line with the views of the authorities, that they would be adopted in a parliamentary procedure and that they would reflect the wishes of the parliamentary majority.

Self-determination, which we understand and accept as a way of creating a na-

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assured, should be accorded the freest opportunity to autonomous development.” See *Fourteen Points* – *Wikipedia*, [https://en.wikipedia.org/wiki/Fourteen\\_Points](https://en.wikipedia.org/wiki/Fourteen_Points).

tion's sovereignty and independence, was a means for establishing the states in which the Slovenians lived, as well as of the state in which we live now. Based on self-determination, its principle as well as practice, the Slovenians achieved their statehood.

The first effect of self-determination was experienced upon and after the end of WWI. The first instance when Slovenians exercised the right to self-determination in the 20<sup>th</sup> century was related to the unification with the other two South Slavic nations recognised at the time, of which one even had a state of their own. This self-determination (although the question remains as to whether this was the self-determination of a people or of a nation) served as the foundation for the formation of the State of Slovenes, Croats and Serbs as a Yugoslav para-state, as well as the creation of the Kingdom of Serbs, Croats and Slovenes. Self-determination was exercised by the party representing Slovenian political Catholicism (the Slovenian People's Party or SLS), which was the strongest political party in Slovenia. Although presented with the terms almost in a "take it or leave it" manner, SLS, with its politics and the decision regarding the unification under a Yugoslav state, "led" the Slovenians into the "promised land". At least they imagined that the unification/joining would mainly bring about positive things, however, the extent to which these expectations were realised is another matter. Although the terms for joining the Yugoslav state were very indicative of how the Serbs understood the process, their unwavering policy, which set the terms of unification, was clear and necessary for Yugoslavia because of the historical circumstances. There was but little manoeuvring space for anything other than "unification" under the given terms. The right to self-determination was exercised after the end of WWI in 1918 when the Slovenians became Yugoslavians, by nationality and citizenship.

At the time, a Yugoslav state was created and formed, in which the Slovenians lived without their statehood. From a formal and legal point of view, they were, in fact, also without their own national independence and sovereignty. Although Slovenians considered themselves as a nation, they were not regarded as such by others in terms of constitutional organisation. They were merely a tribe of the "Yugoslavian nation comprised of three nations". Nevertheless, the first Yugoslavian state was an essential prerequisite for the second one, which was formed on different foundations, with a different type of self-determination in terms of substance and practice. Today, the first Yugoslavia is regarded as positive (for ideological reasons rather than factual, historical ones) and as a welcome model for the Slovenian "present" due to its political organisation, which was founded in parliamentary democracy (how it actually functioned and was misused is another matter) and with capitalism as an economic system. The political and economic foundations of this Yugoslav state, to which the Slovenians contributed their national name in its first denomination, but in which they were unable to develop due to the state's constitutional centralism and unitarism, were said to be equal – democratic. However, the extent of actual democracy (which existed formally) can be questioned. In comparison to the second Yugoslavia, where the communists were in power, the first Yugoslav state is considered a positive historical experience due to democracy, even though the Slovenians

were not even regarded as a nation, let alone able to achieve any level of statehood. The second Yugoslavia, in contrast, could not be deemed as positive on account of its political system, i.e. monism, although it provided the Slovenians with the chance of statehood, which they were able to use to form an independent and sovereign state. In this respect, the second Yugoslavia has undoubtedly had a greater significance than the “democratic” first Yugoslavia. Not considering the second instance of self-determination (the second Yugoslavia), the first instance of self-determination had no direct impact on the third, i.e. the emancipation from Yugoslavia. Between them was the period of the second Yugoslavia, which was completely different from the first Yugoslav state in terms of government and political organisation. It was kinder to the Slovenian nation as the Slovenians were recognised as a nation and had their own state. The second Yugoslavia was established on a clear understanding and application of the right to self-determination of a nation as a principle which also includes the right to secession and unification with other nations.

From this principle, on which the second Yugoslavia was created and organised as a federation, the third self-determination of the Slovenians originated, signifying the split from the Yugoslav state and the creation of an independent and sovereign Slovenian state. The principle behind the creation of the second Yugoslavia and its organisation, the constitutional right to self-determination, were the prerequisites that enabled the independence of the Republic of Slovenia. This was also taken into account by the Badinter Commission, which, for the purposes of the peace conference on Yugoslavia, ruled that Yugoslavia broke apart and that this did not involve Slovenia’s secession but a separation based on self-determination as a Yugoslav constitutional category. The break-up could not have taken place without the prior unification into a new, AVNOJ Yugoslavia, i.e. without the creation of this state and, especially, the manner of its creation or renewal. The second (AVNOJ) Yugoslavia was established taking into account self-determination.

The creation of the Slovenian statehood within the political activities of the Slovenian liberation movement actually took place from the autumn of 1941, when the Slovenian National Liberation Committee was established as a body of power, to the appointment of the National Government of Slovenia on 5 May 1945. Throughout this process in which the Slovenian state was established, the focus was on authority, i.e. national authority. Based on the principle of a nation’s right to self-determination, which presupposes the recognition of nations living in Yugoslavia, the liberation movement established Yugoslavia as a federal state. Based on self-determination of a nation, the nations actually entered a state formation comprised of these nations/their states. The self-determination of a nation, its chance or, rather, its right to decide on a type, as well as on the organisation of state they would like to live in, included the right to leave this state, i.e. the right to secession. The second Yugoslav state was established and functioned based on such understanding of self-determination of a nation. The understanding and interpretation of self-determination, which helped establish the second Yugoslavia, were a constant source of legal and political conflicts. Disagreements mainly arose with regard to the consummation or utilisa-

tion of the right to self-determination. Some people (mostly Serbians) believed that this right could only be exercised once, and that it had been exercised in the formation of the second Yugoslavia, which was organised as a federation. This issue became a political constant, resurfacing upon every crisis of relations among the nations and their states within Yugoslavia, which occurred quite often.

The Slovenian state was formed in a state which suffered a collapse after 45 years of existence due to the differing views on the state, more specifically its organisation, and due to the inclinations of one nation to rule over the others. One of the key reasons for this turn of events was the constant revisiting of views on the state and its beginnings, returning to the time of "unification", which some understood as an expansion of Serbia rather than the creation of a new state. Returning to and invoking the past and the rights and merits from times gone by turned out to be a poor political move, which was based on the lack of understanding or merely people's own understanding of the creation and existence of the Yugoslav state. Among the opponents of such views, this stirred up responses that were reflected in the exercise of the right to self-determination and the right to secession. This was the foundation for the third instance of self-determination by the Slovenians, which was directed against Yugoslavia, since it was the decision for Slovenia as an independent state.

Denying the significance of the second self-determination by the Slovenians is therefore not credible from the professional (historiographical and legal) aspect. This is especially true regarding the political aspect. The purpose of the second self-determination, which led to the formation of the second Yugoslavia, was the same as in the first instance, which enabled the Yugoslav state to be created at all – to establish a Yugoslav state in which the Slovenians would have their position, role and standing. However, the first and the second Yugoslav state differed in the organisation of the state, which was the result of taking into account the right to self-determination, and they both involved different political players who determined the type of government, especially the political and the economic system. The principals involved in the second self-determination bear no political and ideological responsibility nowadays because they were primarily communists. This must not mean, however, that their contribution to the formation of Slovenian statehood, which they had helped establish during WWII and which served as a foundation or, rather, a prerequisite for the possibility of the third self-determination, should be concealed. The fact that the second Slovenian self-determination in the 20<sup>th</sup> century was supported by the organisation of the Slovenian nation's resistance against the occupying forces and that this self-determination, as regards self-determination of a nation, was based on the communists' view of resolving the national question by establishing equality among the nations in the Yugoslav state, cannot diminish the significance of the self-determination itself or the result thereof, which was reflected in the federal system of the Yugoslav state. In order for this to have been possible, the Slovenian statehood needed to be established. The Slovenian nation achieved this feat through the political efforts of the liberation movement during WWII. This was, in fact, the first expression of the Slovenian statehood, of the Slovenian state in the entire historical

development of the Slovenian nation and of the territory in which this nation lives. In the sequence of the three instances of Slovenian self-determination, which led to the independent and sovereign state of Slovenia, all three are important. One would not exist without the others. The end depended on the beginning. There is no doubt that the second self-determination during WWII created the conditions in which Slovenians could exercise their right to self-determination for the third time, when the Republic of Slovenia became an independent and sovereign state.

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Zdenko Čepič

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PRED TEM: NASTAJANJE SLOVENSKE DRŽAVNOSTI PRED SAMOSTOJNO  
DRŽAVO REPUBLIKO SLOVENIJO

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P O V Z E T E K

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Slovenska samostojna in neodvisna država, Republika Slovenija, je nastajala vse "kratko" 20. stoletje. Za njo je bila slabega pol stoletja dolga pot državnosti, pred njo pa še nekaj desetletij poti do državnosti. Dejansko je bila pot do samostojne slovenske države dolga za celo t. i. kratko 20. stoletje, ki ga je na eni strani omejeval konec prve svetovne vojne, na drugi pa padeč berlinskega zida, kar se časovno povsem ujema s časom jugoslovanske države. "Jugoslovansko obdobje" slovenske zgodovine je dalo možnost za korak v državno samostojnost.

Dvajseto stoletje, ki ga radi označujemo kot stoletje svetovnih vojn, je bilo v slovenski zgodovini tudi stoletje slovenske državnosti. Ta pa je v veliki meri povezana – vzročno-posledično – z obema svetovnima vojnama. Nastanek samostojne in neodvisne države leta 1991 pa je tudi povezan z vojno ali vsaj z vojaško dejavnostjo. Pri tem pa je bila vojna ali vojaško dogajanje, ki je sledilo osamosvojitvi Slovenije, posledica že izvedene osamosvojitve. Vojna oziroma vojaške dejavnosti so bile na eni strani zaradi nepriznavanja slovenske osamosvojitve, na drugi pa za obrambo le-te.

Samostojna Republika Slovenija ni izraz revolucije, ampak evolucije njenega postopnega nastanka. Pot do države je bila tesno povezana z dosegom narodove emancipacije, s pridobitvijo enakopravnega položaja z drugimi narodi v Jugoslaviji. To pa se je zgodilo v času druge svetovne vojne. Nastanek slovenske državnosti je povezan z osvobodilnim bojem v času druge svetovne vojne.

Nastanek Republike Slovenije kot samostojne in neodvisne države 25. junija 1991, ko je Skupščina Republike Slovenije sprejela Temeljno ustavno listino o samostojnosti in neodvisnosti Republike Slovenije, je v slovenski politiki, pravu in tudi zgodovinopisju razumljen kot razdružitev, kot nasprotje združitve v jugoslovansko državo tako leta 1918 kot 1943/45. Razdružitev kot združitev je imela pravno pa tudi politično izhodišče v samoodločbi kot načelu, na katerem je bila ustvarjena jugoslovanska država in na osnovi katerega je Republika Slovenija z njo pretrgala državnopravne vezi. Do združitve oziroma nastanka jugoslovanske države je prišlo v "kratkem" 20. stoletju dvakrat, prvič po koncu prve svetovne vojne, drugič pa v času druge svetovne vojne oziroma po njenem koncu. Nastala je jugoslovanska država, ki je imela v dveh časovnih obdobjih, med svetovnima vojnama in po drugi svetovni vojni, dve glede na politični sistem, obliko vladavine in organizacijo države med seboj povsem različni podobi. V obeh jugoslovanskih državah je imela Slovenija drugačen položaj, v prvi je bila upravna enota sicer centralizirane jugoslovanske države in je želela doseči politično in upravno avtonomijo, v drugi pa je bila

v položaju države, ki pa je vrsto svoje suverenosti prenesla na osrednjo jugoslovansko državno oblast in se je za "vrnitev" te suverenosti ves čas borila.

V vsem obdobju druge Jugoslavije je Slovenija imela ustavno status države. Glede tega je bil pomemben tudi razlog zanj sklicevanje na pravico do samoodločbe. To načelo oziroma ta pravica, katere sestavni del je tudi pravica do odcepitve in združitve z drugimi narodi, je bila tudi ustavna kategorija vseh slovenskih (tudi jugoslovanskih) ustav, ki so veljale v času druge Jugoslavije. Samoodločba je bila v drugi Jugoslaviji ustavna kategorija.

Samoodločba kot način ustvarjanja narodove suverenosti in samostojnosti je bila sredstvo za oblikovanje držav, v katerih smo Slovenci živeli, in države, v kateri živimo zdaj. Na osnovi samoodločbe, njenega načela in tudi prakse smo Slovenci dosegli svojo državnost. V 20. stoletju so bile za Slovence v zvezi z njihovo državnostjo pomembne tri samoodločbe. Prva samoodločba Slovencev je bila povezana z vstopom v državo z drugima takrat priznanima južnoslovanskima narodoma. Šlo je za nastanek in oblikovanje jugoslovanske države, v kateri so Slovenci živeli brez svoje državnosti. Druga samoodločba je bila glede vstopa in oblikovanja t. i. druge Jugoslavije, federativno organizirane. Za to je bil pogoj upoštevanje samoodločbe naroda. Za slovensko državnost ima druga Jugoslavija nedvomno večji pomen kot prva Jugoslavija. Do slovenskega naroda je bila druga Jugoslavija bolj prijazna, saj so Slovenci bili priznani kot narod in so dobili svojo državo. Tretja samoodločba pa je odločitev za samostojno državo, za kar je bil pravni, tj. ustavni pogoj v ustavnosti druge Jugoslavije.

V sosledju slovenskih samoodločb, ki so na koncu pripeljale do samostojne in neodvisne države Slovenije, so pomembne vse tri. Dejstvo pa je, da je druga samoodločba, tista iz časa druge svetovne vojne, ko je nastala druga Jugoslavija zaradi dejstva upoštevanja pravice do samoodločbe, ustvarila pogoje za tretjo. Tisto, s katero je Republika Slovenija postala samostojna in neodvisna država.