SELF-DETERMINATION AND THE DISSOLUTION
OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA:
THE EUROPEAN COMMUNITY PHASE, AND THE
NATO ARMED INTERVENTION

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I. Opening an East-West Dialogue and Exchange during the Cold War

Božidar Bakotić is now retiring after a distinguished career at the Faculty of Law at the University of Zagreb, including more than two decades as the leader of the Chair of Public International Law in which he was linear successor to the famed pan-European and World jurist, Juraj Andrassy. I had first met Professor Bakotić in Montreal more than four decades ago. I had taken up a challenging appointment to direct an Air Law Institute there that was about to be expanded to include in its mandate, in addition to Air Law in its public and private phases, the emerging new law governing outer space and spatially-based communication systems. My first charge, in the new post, had been to enter into discussions with the Ford Foundation of the United States which, with an unusual prescience as to the future goals and missions of international legal science, had agreed to provide substantial funding for the Institute in its newly expanded mandate. After a small initial pilot grant jointly negotiated by the then Dean of the McGill University Law Faculty where the Institute was located, Professor Maxwell Cohen, an innovative reformer of legal education in his own right, and by Sir Francis Vallat, the then Legal Adviser to the British Foreign Ministry who had spent a year, on leave, teaching in Montreal, the Ford Foundation agreed to make a grant of financial support for five years to advanced graduate research scholarships at the new Institute. In my professional-academic life prior to accepting the Montreal appointment, I had held a Chair at the University of Toronto’s Faculty of Law with an appointment also at that University’s Centre for Russian and East European Studies. I had, as part of my own

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legal studies and teaching in the United States, worked with the doyen of Russian and Soviet legal studies in the United States at that time, Professor John Hazard. The first meetings with the Ford Foundation had a very specific mission, to persuade the directors of that Foundation that Air Law (by its very nature being addressed to international civil and commercial transportation and its safety and regulation), required an embracing of the basic principle of the great Charter of Air Law, the Chicago Convention of 1944, the Freedom of the Air and a positive spirit of international cooperation in its implementation, transcending conventional national territorial frontiers, including in this, of course, conventional national air space. Beyond this, the new sciences of space research and space exploration, looking to the Moon and the planets and outer space, in which astronomers, engineers, geologists, resource economists, and or course (because it could hardly be otherwise) military planners were already becoming involved, urgently called for establishment of some primary principle of international cooperation—basic international “rules of the game”—in the peaceful development of the new regions and their as yet untapped resources. A politically and legally undefined and unregulated régime for outer space would quickly turn into direct military competition and a hegemonic “race for space” between the two great political-military blocs, Soviet and Western, of the day. The Ford Foundation immediately accepted these suggestions. It was a period of a surprising intellectual optimism and open-mindedness and generosity in the United States, notwithstanding the Cold War, East-West tensions of the Bipolar era in international relations in which we all lived at the time. The Foundation fully endorsed the proposal we made to them to allocate full graduate scholarships, over the five-year period of the grant, on a basis of one third to students from the Western world (North America, Western Europe, Latin America); another third to the new, developing countries of Asia, Africa and the Caribbean; and one third to Russia and Eastern Europe. It meant, in practical operation, up to six graduate students might be accepted each year from what was then known politically as the Soviet bloc. There followed regularly over the next five years students and researchers from Poland, Hungary, Czechoslovakia, Romania, Yugoslavia, and other countries. Some of these were younger people who had just completed their first degree, and others were senior scholars and teachers and officials in national foreign ministries or transport ministries already specialist in the general field. We had no actual candidates for student fellowships from the then Soviet Union; but I think that was due to the fact that Russia had its own highly developed advanced study and research programmes in Air and Space, and not because of direct Cold War political influences. In fact, the Institute had welcome cooperation in a number of its research and publication projects from senior academics in Moscow who were specialists in the field—Gennady Zhukov in particular—on a continuing