

Constitutional bases of the Russian Federation subjects' international activity: historical context

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Introduction

Modern international relations of the states cover different spheres and have systematic nature. The states are recognized participants of international relations, having all required legal personality. At the same time, it is a robust tendency in international practice that cooperation develops actively not only on the interstate level, but also between the territorial subjects of the states. Such interaction covers spheres of economy, culture, sports, tourism and others: «In federal countries, however, constitutional powers and responsibility for the conduct of public policy are shared between the federal government and the constituent units (e.g., states, provinces, and cantons), with each order responsible for a set of function»¹.

The Russian Federation comprises 85 territorial subjects actively using their constitutional opportunities for participation in the international activity. Constituents

of other federations also have right to participate in international relations: these are provinces of Canada, states of the USA, lands of Germany, and states of Australia. Lands of Germany and Austria, cantons of Switzerland possess recognized rights to sign agreements within a limited scope of subjects (police-related, cultural, boundary, economic relations). Implementation of these powers is controlled by federal governments.

The US Constitution allows states signing agreements with other home states and with foreign states with consent of the US Congress. Actually no such agreements were ever concluded with foreign states. In Canada only the federal government may sign international agreements². More ample opportunities are established by the Constitution of Belgium adopted in 1977: communities of Belgium may implement international cooperation and sign agreements on a fixed range of subjects.

Article 16 of the 1920 Federal Constitutional Law of Austria (*Bundes-Verfas-*

sungsgesetz) concerning the area of own competence provides that lands may sign agreements even with the states having common boundaries with Austria and with their territorial constituents. At the same time, the federal authorities reserve the right of control over implementation of such powers: lands have to inform the federal government even prior to negotiating such agreements, upon demand of the federal government these agreements concluded by lands may be terminated, and in case of disobedience the lands shall lose their power and they shall pass to the level of federation.

Thus the subjects of federations conduct international activity not on the basis of international law, but proceeding from national constitutional law. The volume of such participation in international activity is defined by federal constitution, laws of the country. The international law considers federal states as subjects of law, without regulating matters connected with participation of their constituents in the interstate relations. In this sense the international liability may be assumed only by states, not their territorial subjects.

At the same time, there exists a customary international practice of not interference with the development of cooperation between separate parts of the states including between subjects of federal states. The scope of such participation in the international activity, spheres of cooperation and methods are defined in the Russian Federation by its Constitution and federal legislation. It is important to note that the constitutional regulation in this sphere may be different. Soviet heritage exerts its influence on the experience of the nowadays Russian Federation.

This paper endeavours to define the content of constitutional regulation in the field of international relations during the Soviet period, and the ways this practice affected the provisions of the modern Russian Constitution which affirmed the right of territorial subjects of the Federation to participate in international relations. Research of this problem proves that within the modern context of globalization processes the system-defined interstate communications become even more complicated, they achieve multi-level nature and cover different spheres of international cooperation. Modern researches have to focus not only on the federal center, federal bodies, but also on the processes running at the level of the Federation constituents. Changes happen both within the federal ("vertical") public institutions and within Federation constituents, i.e. in "horizontal" institutions³. The international activity of Russian regions allows them to gain more actively the innovative experience, which is one of the modernization factors⁴.

Territorial subjects of the Russian Federation are active participants of cooperation with foreign partners, but the volume of constitutionally allowable powers in this sphere was not the same in different historical periods. Having passed the way from declaring sovereignty and international legal capacity during the Soviet period up to uncontrolled and unprecedented independent external relations in the 1990s, modern Russia managed to establish legal boundaries for the regions in the area of international relations.

1. *Soviet constitutions and international legal personality of the republics within the USSR*

The Soviet Union's 15 republics had sovereignty, but the respective provisions of the 1924 Constitution as well as all subsequent Soviet constitutions were only declarative. The Ukrainian Soviet Socialist Republic (USSR) and the Belorussian Soviet Socialist Republic (BSSR) became after World War II the members of UN and a number of its specialized bodies and organizations. Other federal republics, including the Russian Soviet Federative Socialist Republic (RSFSR), had no such rights.

The constitutional legal bases for international activity of all USSR republics were provisions of the 1936 Constitution of the USSR (in the wording of February 1, 1944)⁵. According to Article 18-a the Fundamental Law, the SU republics were for the first time granted the right to exercise powers in the field of international relations, namely: to enter into direct relations with foreign states, sign agreements with them and exchange diplomatic and consular representatives. It should be noted that all these powers were actually not exercised.

Since there was no practical opportunity to exercise these constitutional opportunities, only in 1965 there was made an amendment to the Constitution of RSFSR of the day providing for inclusion of the Ministry of Foreign Affairs in the list of the Union and Republican bodies⁶. The situation was different in the Belorussian Republic where as early as 24.03.1944 there was adopted the law *On Creation of the Union-Republican People's Commissariat of Foreign Affairs of BSSR* and immediately after that there were made amendments to the 1937

Constitution of BSSR⁷. Then in March 1944 a similar People's Commissariat (narcomat) was created in the Ukrainian Republic. The offers on exchange of diplomatic missions in the first years of membership of two Soviet republics in the UN arrived from Great Britain and the USA, and as well from some countries of Eastern Europe, but the All-Union government disrupted all these affairs despite the declared rights of these republics in this sphere confirmed in the Soviet constitutions.

The reasons of vesting the Ukraine and Belarus with such exclusive right of participation in the UN were not declared in official documents of that era. It is known that at the Dumbarton Oaks conference (August 21 - September 28, 1944) the issue of participation of all federal republics in the UN was discussed⁸. The western countries rejected this proposal. In his correspondence with F. Roosevelt in the years of World War II, I.V. Stalin paid special attention to Ukraine and Belorussia, focusing attention of allies on the fact that these republics had large population. Besides, the Soviet leader noted their special political value exceeding that of some states as these republics contributed greatly to defeat of fascist Germany. At Yalta conference (February 4-11, 1945) I.V. Stalin suggested to include in the UN structure along with the USSR 2 or 3 Soviet republics. In the course of discussion Stalin's point of view was upheld by UK Prime Minister W. Churchill who wanted to achieve participation of India in the UN. It is at Yalta conference when the issue of the Ukrainian and Belorussian Republics participation in the UN was agreed.

The status of the two Soviet republics which was realized in opportunity to be the UN members differed so much from

the status of constituents of other federal states that researchers showed interest in this question⁹. It was not solved unambiguously. Some specialists carefully noted presence of international legal personality of the Soviet republics. So, J. Brownlie expressed the opinion that a federal subject may acquire in international law an independent legal personality similar to that of a state. He came to such a conclusion while studying features of the status of the Soviet republics¹⁰. Only the Federation itself can grant to its members the right to sign international agreements and the right to enter into independent diplomatic relations. During the Soviet period it was connected with political and ideological reasons. In case of other federal states allowing some freedom in the field of international cooperation, these states did not agree to provide the international legal personality to its constituents. In particular, the international legal personality was always denied to the US states or Canadian provinces¹¹.

Acceptance of the 1977 Constitution of the USSR preserved the powers of federal republics in the field of international relations in the same volume¹². The 1978 constitution of RSFSR, unlike the previous one, included new provisions vesting the RSFSR with powers of representation of the republic in international relations, the right to participate in international relations with the foreign states, to sign agreements and exercise other powers similar to those established by the Constitution of the Soviet Union¹³. Besides, Presidium of the Supreme Council of RSFSR was vested with the following competences: ratification and denunciation of international treaties of RSFSR; appointment and dismissal of diplomatic representatives of the RSFSR

in foreign states and international organizations; acceptance of credentials and letters of recall of the accredited diplomatic representatives of foreign states. The powers of the Council of Ministers of the USSR included, inter alia, such powers as: management of the RSFSR relations with foreign states and international organizations according to the procedure established by the USSR.

2. *Endeavours of contractual regulation of international activity of the territorial subjects of the Russian Federation in the 1990s*

Regulations on the sovereignty and international legal capacity of federal republics in the Soviet constitutions were declarative. At the same time, the political potential of these constitutional provisions was realized in full at the verge of 1980s-90s.

The USSR leadership's decisions in the last years of the state made actual the legal opportunities for international activity of federal republics: there were signed agreements with the foreign states (for example, with Canada in 1989) on the principles and bases of cooperation between territorial subjects of the Russian Federation and territorial subjects of other federal states.

In 1990-1991 the RSFSR proceeded actively to establishment of the state sovereignty, that is why the international activity of the republic was considered to be one of the most important forms of its implementation. The RSFSR signed agreements with the states of the USA — in 1990 with Maryland and Alaska, in 1991 with California. It signed as well declarations on the principles of cooperation with foreign states¹⁴.

The relations between federal republics achieved the nature of interstate, bilateral agreements declared mutual recognition of the sovereignty and international legal personality of the federal republics¹⁵.

Collapse of the USSR shifted these processes of sovereignization to the level of RSFSR. Russia was the only federation among all republics of the former Soviet Union. Earlier the autonomous territorial formations being parts of the RSFSR were never delegated powers to conduct international activity, but in the period of the Soviet Union disintegration not only the RSFSR began to take active part in the international relations, but its territorial subjects as well began to participate in the international cooperation.

The federal model of the USSR which declared the right of federal republics to conduct international activity was used in attempts of apply similar regulations to the status of territorial subjects of the Russian Federation. The federal government of that period not only failed to resist the fact that the processes of sovereignization in the republics of the RSFSR affected the sphere of the international relations and foreign affairs, but even promoted this type of relations. The RSFSR actively implemented its international legal personality and created by its legal decisions the bases for international activity of certain regions. This is confirmed by Article 3 of the Resolution of the Council of Ministers of the RSFSR of July 3, 1991 No. 380 which provided that the regions have to participate in the international activity for the purpose of implementation of the Agreements reached between the RSFSR and separate states of the USA. State bodies of the Khabarovskiy Krai and Primorskiy Krai, as well as those of Maga-

dan, Kamchatka and Sakhalin areas were proposed to develop drafts of programs for economic and sci-tech cooperation with the state of Alaska (USA) and to agree them with their foreign partner. Certain territorial subjects of the federation began as well signing agreements with foreign partners.

Federal agreement was signed in March 1992 in conditions of complete political destabilization and crisis of the federal relations¹⁶. This agreement referred foreign policy and international relations, international agreements, matters of war and peace; external economic relations (Items "k", "l" of Articles I) to the competence of federal state authorities. Article III established the right of regions to be independent participants of the international and external economic relations on condition that it did not contradict the Constitution, federal laws and the text of the Agreement. In the considered document the coordination of the international and external economic relations of the territorial subjects was referred to the competence of federal bodies together with state bodies of territorial subjects of the federation. But concerning autonomous areas and autonomous region such coordination was referred to the competence of the federal authorities only. Introduced asymmetry in the status of autonomous areas and autonomous region in the field of the regions' powers to conduct international activity as compared with other territorial subjects of the Russian Federation was preserved in the 1978 Constitution of the RSFSR in force in those days. It was overcome only in the 1993 Constitution of the Russian Federation.

Coordination of international and foreign economic relations as a new legal institution required creation of the cor-

responding mechanisms of its implementation. Creation of these mechanisms was entrusted to the Ministry of Foreign Affairs and the Ministry of External Economic Relations of the Russian Federation¹⁷. Afterwards coordination of these matters concentrated completely within the Ministry of Foreign Affairs of the Russian Federation.

In the result of signing the 1992 Federal agreement the amendments similar to its text relating *inter alia* to the international activity of territorial subjects of the federal state were made to the 1978 Constitution of the RSFSR¹⁸. Along with the term "international relations" there was introduced a new concept of "international links" (article 81.2 of the Fundamental Law). The difference between concepts is as follows: the states could enter into the international relations at the interstate level, territorial subjects of the federation could establish international links with foreign partners (state bodies, constituents of a federation or administrative formations of foreign states) on a certain range of matters.

The possibility to exercise powers in the field of international activity quite corresponded to the theory of cooperative federalism constructed on the ideas of development of the relations of coordination and cooperation between federation and its subjects which drew attention of some Russian constitutionalists in those days since in their opinion it corresponded to political realities, arrangement of political forces and the degree of tension in relations between the center and regions existing in those days¹⁹.

Thus the crisis in federal relations, weakening of the political power of federal center, decentralization processes which embraced the country in the beginning of

1990s brought to life among other effects the emergence of new political phenomenon. Territorial subjects of the Russian Federation began to participate in international cooperation. Russian regions were actively developing this kind of activity, sometimes violating the legal regulation which was not in force during that period yet. Practice of participation of the territorial subjects of the Russian Federation in international relations outpaced the development of the legislation and doctrinal conceptualization of the need to vest the Russian regions with the international legal personality²⁰.

Provisions of the 1992 Federal Agreement exerted serious impact on the contents of agreements on differentiation of jurisdictions and powers between federal state authorities and the territorial bodies in a number of territorial subjects of the Russian Federation. A number of such agreements contained (in violation of the provisions of the 1993 Constitution of the Russian Federation) the regulations establishing international legal personality of regions in the volume specific for the states. In particular, they provided for the right to establish international relations with foreign states and to sign international agreements²¹. It should be noted that in such agreements there were provisions that the signed agreements should not contradict the Constitution of the Russian Federation and its international obligations. However it did not made these powers to comply with the Fundamental Law. Besides there were signed a number of agreements which differentiated powers of federal center and state bodies of the territorial subjects of the Russian Federation in the field of international activity²².

Legal and actual constitutional and legal status of territorial subjects of the federation did not match. This discrepancy created real threat to stability of the state and was a manifestation of a crisis in Russian constitutionalism. That is why it was so important to overcome negative tendencies and to ensure uniformity of the legal and actual situations in the constitutional and legal status of the Russian regions, including their status in the field of international activity.

Federal authorities overcome the tendency of development of the contractual regulation of federal relations by the beginning of 2000s. It required serious efforts of both of political and legal nature to stabilize the federal structure and to make the laws of the territorial subjects of the Russian Federation to comply with the 1993 Constitution. The corporate federalism theory and its implementation in the Russian conditions of the 1990s in the form of agreements on differentiation of jurisdictions and powers was actually rejected as weakening the state and threatening its stability in the historical period under consideration.

3. Modern Constitution of the Russian Federation and international activity of the Federation's territorial subjects

Weakness of the federal center in the beginning of 1990s resulted in introducing by some republics to their constitutions of the right to sovereignty. The 1993 Constitution of the Russian Federation (unlike the Soviet acts) does not provide for the possibility of sovereignty of the federal territorial subjects²³. In the Russian Federation the

republics have right to adopt constitutions whereas other territorial subjects of the federation may adopt charters only. Distinction in terms has more political value since these acts have the same legal force.

According to Item "o" of the Part 1 of Article 72 of the RF Constitution the coordination of international and foreign economic links and execution of international treaties of the Russian Federation refers to joint competence of the Federation and its territorial subjects. Activity of the territorial subjects of the federation in foreign policy, international and external economic relations is excluded, because these kinds of activity refer according to items "k" and "l" of article 71 of the Fundamental law to the competence of the Russian Federation. Therefore, the international and external economic relations refer to the competence of the federal center, but at the same time international and foreign economic links in certain spheres refer to the area of joint competence and may refer to powers of the Russian regions.

Constitution of the Russian Federation laid a systematic foundations for international activity of the state: issues of international relations and foreign policy are resolved at the federal level, coordination mechanism on interaction in the field of international and foreign economic links refer to the area of joint competence.

Powers of the territorial subjects of the Russian Federation are determined by the framework of federal legislation. Russian regions can establish international links with subjects of foreign federal states, administrative and territorial formations of foreign states, and also take part in the activity of some international organizations. Russian regions acting with the consent of

the Government of the Russian Federation may as well establish similar relations with public authorities of foreign states²⁴.

Territorial subjects of the Russian Federation have right to establish international foreign economic links. However their international legal personality has a limited nature. They have no right to request diplomatic recognition, to open foreign representations at the level of embassies, etc. Russian Federation coordinates the international and foreign economic links of the territorial subjects of the Russian Federation²⁵.

Activity of the Russian regions in implementing the international and foreign economic links during 1990s – beginning of 2000s was high. Constitutions of certain republics even fixed their international legal status. However this practice contradicted regulations of the 1993 Constitution of the Russian Federation.

It is necessary to recognize that the political constituent of the problem of federalism in the 1990s was so high that in certain territorial subjects of the Russian Federation it entailed not only actual, but as well formal sovereignization. As a consequence some constitutions of the republics fixed the provisions on their sovereignty and international legal status. The greatest concern in the 1990s and the beginning of 2000s caused provisions of constitutions (charters) of certain territorial subjects of the Russian Federation in which the provisions regulating international activity of these regions went beyond the boundaries admissible under federal constitution. The international legal personality of certain regions fixed by them in regulatory legal acts practically matched to that of the states. A number of constitutions of territorial subjects of the Russian Federation con-

tained the following provisions even after adoption of the federal Constitution:

1. A possibility to conclude international treaties at the level of the territorial subject of the Federation (in particular, Art. 70 of the Constitution of the Republic of Sakha (Yakutia) indicated two types of agreements which the Republic could conclude: international and interstate)²⁶. It contradicted the federal Constitution as the conclusion of international treaties refers to the competence of the Russian Federation;

2. The right to exchange diplomatic, consular, trade and other missions was fixed in constitutions of the Republic of Tatarstan and Republic of Dagestan. However territorial subjects of the Russian Federation could not have this status;

3. Defining without any limits the sphere of the international relations as referring to the competence of the regions. However the Constitution established for the Russian regions only the right to establishing separate international links²⁷;

4. Fixing the international community member status (Republic of Adygea) contradicts to the federal Constitution as only the Russian Federation can have this status;

5. Ratification and denunciation of agreements and treaties by the legislature of the territorial subject of the Russian Federation²⁸. Agreements of territorial subjects of the Russian Federation have no status of international treaties. Only the Russian Federation can perform ratification and denunciation of international treaties;

6. Right to implement foreign policy by territorial subject of the Russian Federation²⁹. Implementation of the foreign policy does not belong to the powers the Russian regions are vested with.

Some regions established the right of constitutional control over international treaties signed by them, having referred this power to the competence of constitutional courts created in these territorial subjects of the federation. In particular, Art. 101 of the Constitution of the Republic of Sakha (Yakutia) established the right of the Constitutional Court of the Republic to draw the conclusion on constitutionality of international treaties of the Republic and as well international treaties existing in its territory signed by the Russian Federation. These provisions were obviously beyond the territorial subject's jurisdiction. Verification of international treaties was provided for by constitutional acts of Tatarstan and Tyva.

At the same time, regional laws did not regulate anyhow the matter of responsibility of territorial subjects of the Russian Federation for assumed liabilities at implementation of international activity. The question of responsibility is one of the most difficult in the modern states, especially in federations³⁰.

The defining factor connected with creation of the legal base at the level of certain territorial subjects of the Russian Federation ensuring implementation of international legal personality was that these regions proceeded from the fact of recognition of their sovereignty. Competence in the field of international relations of these territorial subjects of the Russian Federation began to compete with the federal one. It is for the change of this situation were accepted the federal laws exactly delimitating the powers in the field of international and external links of territorial subjects of the Russian Federation by resolutely limiting these powers. A prominent role was

played as well by the Constitutional Court of the Russian Federation which formulated a legal opinion on the unity and indivisibility of sovereignty of the Russian Federation. Some decisions of the constitutional control body dealt with the matters of international legal personality of RF regions³¹. The Constitutional Court of the Russian Federation came to the conclusion that a republic could not be subject of international law as a sovereign state and participant of the corresponding interstate relations, nor had it the right to sign agreements of international legal character. International and foreign economic links are established by territorial subjects of the Federation only provided that they do not affect powers and prerogatives of the Russian Federation as a sovereign state, and coordination of such links is performed under federal law and adopted on its basis laws and other regulations of territorial subjects of the Russian Federation. Regions cannot enter into interstate relations with foreign states.

Thus the body of the constitutional control did not deny limited international legal capacity of territorial subjects of the Federation within boundaries established by the Constitution of the Russian Federation and the federal legislation on condition of preserving the prerogatives of the Russian Federation and pointed out the inacceptability of giving to the republics the international law subjects status applicable to sovereign states.

Modern constitutions (charters) of territorial subjects of the Russian Federation underwent essential changes, including making amendments which withdrew practically all regulations not corresponding to the federal Constitution. However some provisions of the regional regulatory legal

acts still need unification of terms to comply with the federal legislation.

Adoption of the 1999 Federal law created the legal base for implementation of the constitutional regulations for coordination of the Russian regions' international activity³². The adopted law defined that territorial subjects of the Federation can establish international links only with subjects or administrative and territorial subdivisions of foreign states. Participation in activity of international organizations was possible within the bodies created especially for this purpose. Links with public authorities of the foreign states could be established only with consent of the Government of the Russian Federation.

Territorial subjects of the Russian Federation may perform legal regulation within the limits determined by the Constitution of the Russian Federation and federal laws — in particular, while defining their own powers, status of the state bodies of the territorial subjects of the Russian Federation exercising these powers.

It is characteristic of the Russian federalism that political and economic factors exert a powerful impact on the relations between federal center and the Russian regions. Strengthening of governmental institutions in general has favorably influenced the constitutional law and order in the field of distribution of powers and reduction of opportunities for territorial subjects to go beyond the borders provided for by the Constitution of the Russian Federation. However there still remain a few problems noted in some researches regarding formation of federal and democratic culture³³. The tendencies of the 1990s directed to sovereignization of territorial subjects of the Russian Federation

and independent conducting by them of international activity were stopped. Modern federal relations are built up on the basis of provisions of the federal Constitution. It should be noted that strengthening federalism had as a consequence some reduction of powers of the Russian regions, in particular, in the field of international activity which did not correspond to provisions of the federal Constitution. Coordination of activity of territorial subjects of the federation in the field of the international links in modern conditions is performed with a clear bias for benefit of the federal bodies.

Constitutional and legal status of the territorial subjects of the Russian Federation allows them entering into international links for which high dynamism, complex character are characteristic as they cover different spheres and directions of cooperation. Such links are created taking into account geographical, historical, ethnic and cultural features of the Russian regions. At the same time there is a tendency for strengthening federal control over international links of the Russian regions.

Nowadays administrative parts of the unitary states can participate actively in border partnership, build international links. It means that the problem of determination of legal opportunities for development of systematic international cooperation and building multi-level international links shall be further studied and not only in federal states.

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- ³ H.K. Gerken, *Federalism as the New Nationalism: An Overview*, in «The Yale Law Journal», n. 6, 2014.
- ⁴ N.M. Gabdullin, D.R. Vakhitov, A. Zamaletdinov, T.N. Kondratyeva, *Innovative Systems Influence on the Economic Growth of the Volga Federal District of the Russian Federation*, in «Procedia Economics and Finance», n. 24, 2015, pp. 237-245.
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- ⁶ Law of the USSR of December 17, 1965, *On Making Modification and Additions to the Text of the Constitution (Fundamental law) of the RSFSR*, in «Gazette of the Supreme Soviet of the RSFSR», n. 41, 1965, art. 617.
- ⁷ *Constitution (Fundamental law) of the Belorussian Soviet Socialist Republic*, 1937, National Internet portal of the Republic of Belarus, <<http://www.pravo.by/main.aspx?guid=2061>>.
- ⁸ *Sovetskij Sojuz na mezhdunarodnykh konferencijah perioda Velikoj Otechestvennoj vojny. Konferencija v Dumbarton-Okse*, 3 voll., Moscow, s.e., 1987, p. 145.
- ⁹ R. F. Swanson, *State - Provincial Interaction. A Study of Relations between U. S. States and Canadian Provinces prepared for the U. S. Department of State*, Washington, s.e., 1974, p. 365.
- ¹⁰ Brounli, *Mezhdunarodnoe parvo*, cit., vol. II, p. 131.
- ¹¹ Ivi, p. 108, 131.
- ¹² *Constitution (Fundamental law) of the Union of the Soviet Socialist Republics* (adopted by the Supreme Soviet of the USSR on 07.10.1977), in «Gazette of the Supreme Soviet of the USSR», n. 41, 1977, art. 617.
- ¹³ *Constitution (Fundamental law) of the RSFSR* (adopted by the Supreme Soviet of the RSFSR on 12.04.1978), in «Gazette of the Supreme Soviet of the RSFSR», n. 15, 1978, art. 407.
- ¹⁴ Resolution of the Council of Ministers of the RSFSR of July 3, 1991, n. 380, *On Measures for Implementation of the Agreements Reached During Official Visit of Governmental Delegation of the RSFSR to the USA in April, 1991*, in Legal Reference System "ConsultantPlus"; *Declaration on the Principles of Relations and Cooperation between the RSFSR, the Czech and Slovak Federal Republic of May 14, 1991*, in Legal Reference System "Guarant".
- ¹⁵ *Agreement on the Principles of the Interstate Relations of the Russian Soviet Federal Socialist Republic and the Soviet Socialist Republic of Moldova of September 22, 1990*, in Legal Reference System "Consultant-Plus"; *Agreement on the Bases of Interstate Relations of the Republic Kyrgyzstan and the Russian Soviet Federal Socialist Republic of July 21, 1991*, in «Gazette of the Congress of People's Deputies and the Supreme Council of the Russian Federation», n. 6, 1992, art. 239.
- ¹⁶ Federation Treaty, 1992, at <<http://constitution.garant.ru/act/federative/170280/#100>>.
- ¹⁷ Decree of the President of the Russian Federation of 19.10.1992, n. 591-rp, *On Coordination of the International and Foreign Economic activity of the Subjects of the Russian Federation*, in «Collection of deeds of the President and the Government of the Russian Federation», n. 17, 1992, art. 1394.
- ¹⁸ The Law of the Russian Federation of 21.04.1992, n. 2708-1, *On Changes and Additions to the Constitution (Fundamental law) of the Russian Soviet Federal Socialist Republic*, in «Rossiyskaya Gazeta», May 16, 1992.
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- ²⁰ V.L. Tolstyh, *Konstitucionno-pravovye osnovy mezhdunarodnoj dejatel'nosti sub'ektorov Rossijskoj Federacii*, Tomsk, s.e., 1997, pp. 3, 11, 12.
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- ²² *Agreement between the Government of the Russian Federation and the Government of Sverdlovsk region of January 12, 1996*, n. 12, *On Differentiation of Powers in the Field of International and Foreign Economic Links*, in «Oblastnaya gazeta», February 2, 1996. *Agreement of June 8, 1996*, n. 5 between the Government of the Russian Federation and Administration of the Nizhny Novgorod Region *On Differentiation of Powers in the Field of Foreign Economic Links*, in «Nizhny Novgorod news», n. 157 (1142), 1996; *Agreement between the Government of the Russian Federation and the Government of the Republic of Bashkortostan of June 5, 1993*, *On Differentiation of Powers in the Field of Foreign Economic Links*, in «Vechernyaya Kazan», October 10, 1994.
- ²³ *Constitution of the Russian Federation*. Accepted by national vote on 12.12.1993 (as amended, at Official Internet portal of legal

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- ²⁵ M.V. Baglaj, *Konstitucionnoe pravo Rossijskoj Federacii*, Moscow, Norma, INFRA-M, 2011, p. 386.
- ²⁶ Item 21 of Article 79 of the *Constitution of the Republic of Bashkortostan* of 24.12.1993, in «Gazette of the Supreme Council and the Government of the Republic of Bashkortostan», n. 4 (22), 1994, p. 2, art. 13; *Constitution of the Republic of Buryatia* of 22.02.1994, in «Gazette of the People's Hural of the Republic of Buryatia», n. 13 (24), 1996, etc.
- ²⁷ Item "n" of Article 53 of the *Constitution of the Republic of Adygea* of March 10, 1995, in «Gazette of the Legislative Assembly (Hase) - Parliament of the Republic of Adygea», n. 16, 1995; Article 38 of the *Constitution of the Republic of Sakha (Yakutia)* of April 4, 1992, in «Yakut Gazette», April 26, 1992, n. 7.
- ²⁸ Item 9 of Article 60 of the *Constitution of the Republic of Ingushetia* of February 27, 1994, in Legal Reference System "Consultant-Plus"; Item "sh" of Article 71 of the *Constitution of the Republic of North Ossetia-Alania* of November 12, 1994, in «North Ossetia», December 7, 1994, etc.
- ²⁹ Item "b" of Part 1 of Article 73, item "l" of Part 1 of Article 73 and item "g" of Article 79 of the *Constitution of the Republic of Mari El* of June 24, 1995, in «Mariyskaya Pravda», July 7, 1995; item 3 of Article 81 of the *Constitution of the Udmurt Republic* of December 7, 1994, in «Gazette of the Udmurt Republic» December 21, 1994, n. 4; Part 3 of Article 89 of the *Constitution of the Republic of Tatarstan* of November 6, 1992; Article 9 of the *Constitution of the Republic of Sakha (Yakutia)* of April 4, 1992; Part 3 of Article 80 of the *Constitution of the Republic of North Ossetia-Alania*, etc.
- ³⁰ D.J. Meltzer, *Member state liability in Europe and the United States*, in «International Journal of Constitutional Law», n. 4, 2006, pp. 39-83.
- ³¹ Judgment of the Constitutional Court of the Russian Federation of June 27, 2000, n. 92-O//Corpus of Legislative Acts of the Russian Federation. -2000.- n. 29. - St. 3117; Judgment of the Constitutional Court of the Russian Federation of December 6, 2001 n. 250-O, in Legal Reference System "Konstantplus"; Judgment of the Constitutional Court of the Russian Federation of June 7, 2000 No. 10-P//Corpus of Legislative Acts of the Russian Federation. -2000.- n. 25. - Art. 2728.
- ³² Federal Law of January 4, 1999 n. 4-FZ, *On coordination of international and foreign economic links of the subjects of the Russian Federation*, in «Corpus of legislative acts of the Russian Federation», n. 2, 1999, art. 23.
- ³³ C. Ross, *Federalism and Democratisation in Russia*, Manchester, Manchester University Press, 2002, pp. 172-177.