Constitutional basis for international cooperation of the Union of Soviet Socialist Republics

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Traditionally the basis for international cooperation of the Soviet Union in different fields (economic, cultural, legal, etc.) was the provisions of its constitution — about grounds of foreign policy and determination of the competent authority in the sphere of external relations with foreign states.

In this paper we illustrate the historical development of provisions of Soviet and Russian constitutions in the field of international cooperation in various areas.

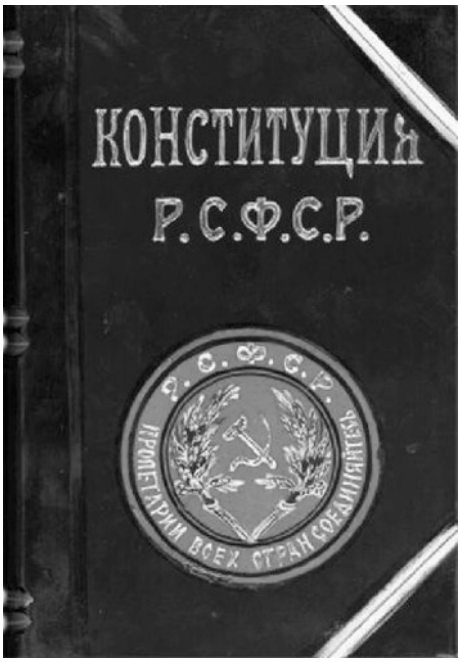
1. *The RSFSR Constitution of 1918*

July 10, 1918 the Constitution (Fundamental Law) of the Russian Soviet Federative Socialist Republic (RSFSR) was adopted at the V All-Russian Congress of Soviets. The RSFSR Constitution of 1918 declared Russia as «Republic of Soviets of Workers', Soldiers' and Peasants' Deputies. All power, centrally and locally, is vested in these Soviets. The Russian Soviet Republic is established on the basis of a free union of free nations, as a federation of Soviet national republics».

The main provisions of the RSFSR Constitution of 1918 that clearly characterize the political, economic, spiritual and moral condition of the young post-revolutionary state and reflect the tasks of the state during transition period were the norms about the canceling of private property; nationalization of the banks, industry and agriculture; cancellation (destruction) of loans «concluded by the government of a king»; introduction of universal labor conscription, and others.

The constitutional regulation of the sphere of international relations got the same categorical innovations. Thus, the third chapter of the RSFSR Constitution of 1918 included the following provisions:

1. Expressing the firm determination to wrest mankind from the claws of finance capital and



imperialism, which drenched the earth with blood in the most criminal of all wars, the III All-Russian Congress of Soviets fully associates itself with the policy of the Soviet authorities of denouncing the secret treaties, organizing of the most extensive fraternization with the workers and peasants of the armies that are warring with each now, and achieving a democratic workers' peace at any price by revolutionary means, without annexations or indemnities on the basis of free self-determination of nations.

2. …The Congress of Soviets insists on a complete break with the barbarous policy of bourgeois civilization…[1]

Reflecting the main purpose of the Soviet regime that was typical for that historical period — unity with workers of other countries — the legislator included in the RSFSR Constitution of 1918 the standard of granting Russian citizenship, all political rights of Russian citizens to «foreigners that live in the territory of the Russian Republic for employment and to those ones who belong to the working class or peasantry that doesn't use the labor of others». Moreover, the right to grant Russian citizenship «without any cumbersome formalities» was granted to local Soviets.

In addition, at the constitutional level it was fixed the possibility of granting asylum to «all foreigners subjected to persecution for political and religious crimes».

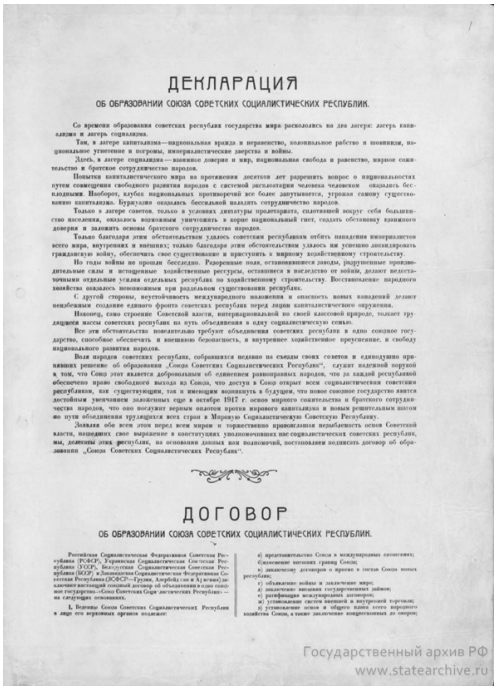
The supreme legislative, administrative and supervisory authority in accordance with the RSFSR Constitution of 1918 declared the All-Russian Central Executive Committee of Soviets. Among other powers according to the Constitution, it has a right for relations with foreign states (p "з", chapter 9), «national legislation, judicial system and legal proceedings, civil, penal law» (p "о", chapter 9).

The Council of People's Commissars (CPC) was a Government of the State. In its structure it was formed 17 People's Commissariats, including the People's Commissariat for Foreign Affairs of the RSFSR and People's Commissariat of Justice of the RSFSR.

As stated in paragraph 42: «The members of the People's Commissariats stand at the head of the individual People's Commissariats».

Lev Trotsky became the first People's Commissar for Foreign Affairs and was replaced by Georgy Chicherin in May 1918.

For official Soviet representatives abroad by decree of the Council of People's Commissars of the RSFSR *On the abolition of ranks of diplomatic representatives and on such a naming of the authorized representatives of the Russian Socialist Federative Soviet Republic* of June 4, 1918[2] it was established



ДЕКЛАРАЦИЯ

ОБ ОБРАЗОВАНИИ СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК.

Со времени образования советских республик государства мира раскололись на два лагеря: лагерь капитализма и лагерь социализма.

Там, в лагере капитализма—национальная вражда и неравенство, колониальное рабство и неравенство, национальное угнетение и погромы, империалистические звериства и войны.

Здесь, в лагере социализма — взаимное доверие и мир, национальная свобода и равенство, мирное сожительство и братское сотрудничество народов.

Попытки капиталистического мира на протяжении десятков лет разрешить вопрос о национальностях путем совмещения свободного развития народов с системой эксплоатации человека человеком оказались бесплодными. Наоборот, клубок национальных противоречий все более запутывается, угрожая самому существованию капитализма. Буржуазия оказалась бессильной наладить сотрудничество народов.

Только в лагере советов, только в условиях диктатуры пролетариата, сплотившей вокруг себя большинство населения, оказалось возможным уничтожить в корне национальный гнет, создать обстановку взаимного доверия и заложить основы братского сотрудничества народов.

Только благодаря этим обстоятельствам удалось советским республикам отбить нападения империалистов всего мира, внутренних и внешних; только благодаря этим обстоятельствам удалось им успешно декларировать гражданскую войну, обеспечить свое существование и приступить к мирному хозяйственному строительству.

Но годы войны не прошли бесследно. Разоренные поля, остановившиеся заводы, разрушенные производительные силы и истощенные хозяйственные ресурсы, оставшиеся в наследство от войны, делают недостаточными отдельные усилия отдельных республик по хозяйственному строительству. Восстановление народного хозяйства оказалось невозможным при раздельном существовании республик.

С другой стороны, неустойчивость международного положения и опасность новых нападений делают неизбежным создание единого фронта советских республик перед лицом капиталистического окружения.

Наконец, само строение Советской власти, интернациональной по своей классовой природе, толкает трудящиеся массы советских республик на путь объединения в одну социалистическую семью.

Все эти обстоятельства повелительно требуют объединения советских республик в одно союзное государство, способное обеспечить и внешнюю безопасность, и внутреннее хозяйственное преуспеяние, и свободу национального развития народов.

Воля народов советских республик, собравшихся недавно на съезды своих советов и единодушно принявших решение об образовании „Союза Советских Социалистических Республик", служит надежной порукой в том, что Союз этот является добровольным об единении равноправных народов, что за каждой республикой обеспечено право свободного выхода из Союза, что доступ в Союз открыт всем социалистическим советским республикам, как существующим, так и имеющим возникнуть в будущем, что новое союзное государство явится достойным увенчанием заложенных еще в октябре 1917 г. основ мирного сожительства и братского сотрудничества народов, что оно поставит нормами отношения против мирового капитализма и новых решительных шагов на пути объединения трудящихся всех стран в Мировую Социалистическую Советскую Республику.

Залогом обо всем этом перед всем миром и торжественно провозглашая незыблемость основ Советской власти, выразителем своей выражение в конституциях уполномоченные нас социалистических советских республик, мы, делегаты этих республик, на основании данных нам полномочий, постановили подписать договор об образовании „Союза Советских Социалистических Республик".

ДОГОВОР

ОБ ОБРАЗОВАНИИ СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК.

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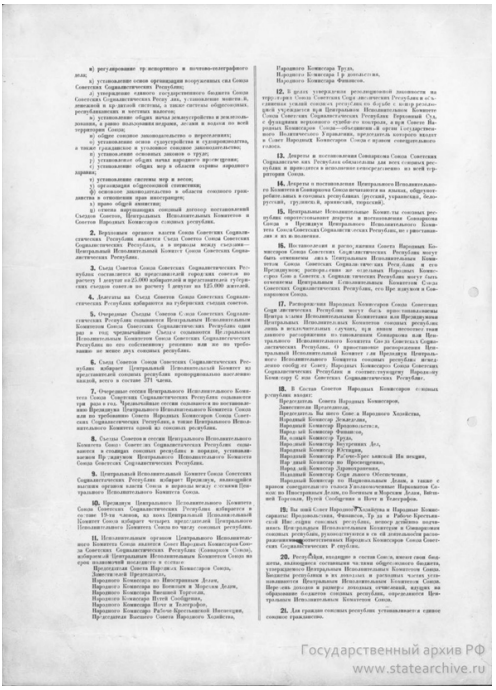

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the name «authorized representative», and in his credentials it was indicated to which diplomatic class — ambassador or messenger — he belongs to. Characteristically that Ukrainian, Belarusian and Transcaucasian Soviet Republics (the USSR, the BSSR and TSFSR) conducted their foreign relations independently.

Thus, the RSFSR Constitution of 1918 strengthened the foundations of the foreign policy of a new state and, at the same time, the rejection of the diplomatic "inheritance" of Imperial Russia, of its international agreements and assumed international obligations.

2. *Declaration on the Creation of the USSR and the Treaty on the Creation of the USSR of 1922*

In December 30, 1922, the I Congress of Soviets of the USSR that adopted the Declaration on the Creation of the USSR and the Treaty on the Creation of the USSR took part.

In the Declaration, in particular, it was noted that «the instability of the international situation and the danger of new attacks make inevitable the creation of a united front of the Soviet Republics in the face of capitalist encirclement», and «this alliance is a voluntary association of equal nations, that each republic has a guaranteed right of free withdrawal from the Union, that access to the Union is open to all republics, both existing and having arise

КОНСТИТУЦИЯ
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СОЮЗА
СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК.
С приложением важнейших действующих узаконений об организации и деятельности Центральных органов Союза С. С. Р.
Москва.
Юридическое Издательство
Наркомюста.
1924.

in the future, the new union state is a worthy crowning of founded in October 1917 the grounds of a peaceful co-existence and fraternal collaboration of nations…»[3].

The Treaty on the Creation of the USSR of December 29, 1922 was concluded between the Russian Socialist Federative Soviet Republic (RSFSR), the Ukrainian Soviet Socialist Republic (USSR), the Byelorussian Soviet Socialist Republic (BSSR) and the Transcaucasian Socialist Federative Soviet Republic (Georgia, Azerbaijan and Armenia). Thus the jurisdiction of the USSR was, but not limited to, such powers that were classified as

> representation of the Union in international relations; … conclusion of agreements on admission of new republics into the Union; … ratification of international treaties; … establishment of the foundations of the judicial system and legal proceedings, as well as civil and criminal union law; … primary legislation in the field of Union citizenship in relation to the rights of foreigners…[4]

Accordingly, People's Commissar for Foreign Affairs was a member of the Council of People's Commissars of the USSR.

Since then, the Union Republics have lost the right to engage in foreign relations.

3. *The USSR Constitution of 1924*

The Declaration on the Creation of the USSR and the Treaty on the Creation of the USSR became the basis of the text of the Constitution of the USSR of 1924[5], whose purpose was exactly the constitutional enshrinement of forming of the Union of Soviet Socialist Republics and the separation of the rights of the USSR and Union Republics. The USSR Constitution of 1924 consisted of two sections: the Declaration on the formation of the Soviet Union and the Treaty on the Creation of the USSR. By the time, the government had all the necessary set of their public officials. The supreme body of the USSR power was the Congress of Soviets, and in the period between congresses — the Central Executive Committee, composed of the Union Soviet and the Soviet of Nationalities. The bicameral structure of higher authority from that time remained until the end of the USSR.

Essential importance for international cooperation was enshrined in paragraph 1 of Chapter 1 position on the definition of subjects of management of the Union and Union Republics:

> …management of the Union of Soviet Socialist Republics, as represented by its supreme organs, applies to:
>
> a) representation of the Union in international relations, management of diplomatic relations, conclusion of political and other agreements with other states…

е) ratification of international treaties …

п) establishment of the principles of the judicial system and legal proceedings as well as civil and criminal law of the Union[6].

Chapter 6 of the USSR Constitution of 1924 established that CPC of the USSR is an executive and administrative body of the USSR Central Executive Committee. Traditionally the People's Commissar for Foreign Affairs of the USSR, which had the status of all-Union Commissar, was its member.

It should be noted that the USSR Constitution of 1924 provided three types of the People's Commissariats: union, union-republican, republican.

The USSR Constitution of 1924 had a specific goal — to reflect the nature and structure of the USSR. This directly affected the content of the Constitution. It was based on the existing in republics (and, consequently, in the whole country) socio-economic state, citizenship status. But the USSR Constitution of 1924 did not include such issues. They were reflected in the constitutions of the Union republics, new versions and the texts of which were approved in the period of 1925-1931.

4. *The Constitution of the Union Republics of 1920s*

Thus, in May 11, 1925 by the decision of XII All-Russian Congress of Soviets it was approved the Constitution (Fundamental Law) of the RSFSR. It provided the following system of republican commissariats:

37. For direct management of individual branches of state administration, included in subordination of the Council of People's Commissars of the RSFSR, the following Commissariats are formed:

… People's Commissariat of Justice…[7]

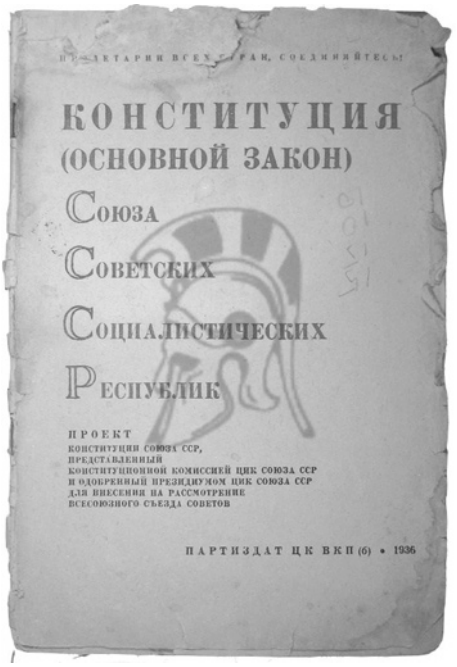
The Constitution of the Russian Soviet Federative Republic in 1925 provided all the rights «established by the Constitution and laws of the Republic for the citizens of the Russian Socialist Federative Soviet Republic» to all «the citizens of other Union Soviet republics» staying on its territory.

Regarding the legal status of foreigners in article 11 of the Constitution it stated that «based on the solidarity of the working people of all nations» they have all political rights. The prerequisite for this was the residence of foreigners on the territory of the RSFSR «for employment» and belonging to the working class. It should be noted that at this historical stage entry and exit from the country were almost unhindered. The existence of this constitutional provision corresponded to public relations.

According to article 12 the RSFSR provided «the right of asylum to all foreigners subjected to persecution for the revolutionary-liberation activities».

Paragraph 7 of the Constitution of the Ukrainian Soviet Socialist Republic of 1929 established the same rule: «The Ukrainian Soviet Socialist Republic, based on the solidarity of the working people of all nations, provides all the political rights to foreigners staying on the territory of the Ukrainian Soviet Socialist Republic for business issues and related to the working class, as well as peasants, which does not use hired labor, on the basis of resolutions of the supreme organs of the Union of Soviet Socialist Republics».

According to paragraph 16 of the Constitution of the Ukrainian Soviet Socialist Republic of 1929 it was granted the right



of asylum «to all foreigners who have been persecuted for the revolutionary-liberation activities».

Article 17 of the Constitution of the Byelorussian Soviet Socialist Republic of 1927 in the same way provided «all the political rights for foreigners residing in the territory of the Byelorussian Soviet Socialist Republic for employment and belonging to the working class, as well as for peasantry not using the labor of others, on the basis of the regulations of supreme organs of the Union of Soviet Socialist Republics».

According to Article 18 of the Constitution of the Byelorussian Soviet Socialist Republic shall be granted «the right of asylum to all foreigners subjected to persecution for political activities or religious beliefs».

5. *The USSR Constitution of 1936*

The emergence of the Constitution (Fundamental Law) of the USSR in 1936[8] had in its basis socio-economic and political reasons. Since formation of the Soviet Union in 1922 the country has remained the one party — the ruling All-Russian Communist Party (Bolsheviks). All previous 10-12 years before adoption of the Constitution of the Union of 1936 were a time of bitter struggle between the various factions within the Communist Party for the construction methods of the society that they considered as a socialist society, as well as for the direct possession of political power.

The USSR constitution of 1936 was adopted in a situation of approval of Joseph Stalin cult when it was formed a regime of personal power — totalitarian regime, so it immediately became known as "Stalinist"[9].

Regarding the limits of authority of the USSR in foreign policy compared to the previous USSR Constitution of 1924 the provisions were not changed:

> a) representation of the USSR in international relations, conclusion, ratification and denunciation of treaties of the USSR with other states, the establishment of general procedures in relations of Union Republics with foreign states…
>
> x) establishment of the principles of legislation on the judicial system and legal proceedings, the foundations of civil and criminal law…
>
> ıı) legislation on Union citizenship; legislation on the rights of foreigners (Article 14).

Thus, Article 15 of USSR constitution of 1936 established that «the sovereignty of the Union Republics is limited only within limits specified in Article 14 of the Constitution of the USSR. Beyond these limits, each Union Republic exercises state authority independently».

Union Republics got the right to enter into direct relations with foreign states and to conclude agreements with them, exchange diplomatic and consular representatives (Article 18, "a"). It should be noted that this provision did not find its realization.

Along with the other powers the Supreme Soviet of the USSR, as the highest organ of state power, in accordance with paragraph "п" of Article 49 had the right to ratify and denounce international treaties of the USSR.

General Guidelines «in the field of relations with foreign states» was assigned to the Supreme Council, and since 1946 - to the Council of Ministers of the USSR.

The chapter X «Fundamental Rights and Duties of Citizens», which guaranteed political, economic, social and cultural rights of citizens became a novelty of the USSR constitution of 1936. S. Avakyan noted that

> power, even such an authoritarian, had to reflect in the Constitution the provisions that create an idea of caring about the citizens, achievements of the system that allow to grant them some rights and freedoms. In addition, the population with their selfless labor really created the foundation for fastening in the Constitution a number of socio-economic rights … totalitarian regime and lawlessness have already paralyzed the mind and will of the people, that the use of such rights and freedoms with some hint against the authorities or disagreeable way was just impossible[10].

In the original version the USSR Constitution of 1936 defines the following commissariats of the union and union-republican subordination:

> «Article 77.
> To All-Union People's Commissariat are included:
> … People's Commissariat for Foreign Affairs of the USSR…
>
> Article 78. To Union-Republican People's Commissariats are included:
> …The RSFSR People's Commissariat of Justice…».

In March 15, 1946 the Council of People's Commissars and the Soviets of People's Commissars of union and autonomous republics have been transformed respectively into the Council of Ministers of the USSR and the Councils of Ministers of union and autonomous republics. People's Commissariats have been transformed into the Ministries the same way.

In final form after making a number of changes and additions the system of all-union (Article 77 of the USSR Constitution of 1936) and republican (Article 78 of the USSR Constitution of 1936) of the Ministries has been changed.

6. *Constitution of the Union Republics of the 1930s*

Article 47 of the USSR Constitution of 1937 relegated the RSFSR People's Commissariat of Justice and the People's Commissariat for Foreign Affairs (in 1946, respectively — The RSFSR Ministry of Foreign Affairs and the Ministry of Justice of the RSFSR) to republican ministries.

Article 45 of the Constitution of the Ukrainian Soviet Socialist Republic of 1937 relegated analogously the People's Commissariat of Justice of the USSR to Republican Commissariats, as well as Article 45 of the Constitution of the Byelorussian Soviet Socialist Republic of 1937 relegated the People's Commissariat of Justice of the Byelorussian SSR.

КОНСТИТУЦИЯ
(ОСНОВНОЙ ЗАКОН)
СОЮЗА СОВЕТСКИХ
СОЦИАЛИСТИЧЕСКИХ
РЕСПУБЛИК
Принята на внеочередной седьмой сессии
Верховного Совета СССР девятого созыва
7 октября 1977 года

Constitutions of the Union Republics regulated the issues of property of citizens. Thus, Article 10 of the Constitution of the Ukrainian SSR of 1937 read: «the right to private property of the citizens for their incomes and savings, dwelling houses and home production, objects of domestic economy and daily use, objects of personal use, as well as the right of inheritance of personal property of citizens are protected by law».

Article 10 of the RSFSR Constitution of 1937 has a similar rule: «the right to private property of citizens for their incomes and savings, dwelling houses and home production, objects of domestic economy and daily use, as well as the right of inheritance of personal property of citizens are protected by law».

Constitution of other Soviet republics in respect of property of the citizens contained the rules set forth in the same way, literally word for word.

7. *The USSR Constitution of 1977*

In 1945 the United Nations Organization was established. Since that moment the time of up-to-date international law became counted. The role of UN in the international relations regulation has been studied by a lot of authors[11]. The influence of international law on the national legal systems has been studied[12].

For the USSR, the UN Charter came into effect on October 24, 1945[13]. The Soviet Union undertook to observe the international law principles, to build the cooperation with foreign countries on their basis.

The formal reasons for the development of the Constitution (Fundamental Law) of the USSR of 1977[14] were: a significant change in the political regime in the country; desire to strengthen the beginning of the legality in the political regime, to prevent even the possibility of mass tyranny, humiliation of the person; transition from the postulates of authorities of one part of society (dictatorship of the proletariat) to public state and participation in performing of democracy of all sectors of society; need to consolidate a wide range of rights and freedoms of citizens, clearer powers of state bodies, the relations of the Union republics, the ratio of opportunities of the Union and republics.

The USSR Constitution of 1977 had to become an ideological document, to reflect the "indissoluble unity" of society and all nations of the country, harmonious development, universal recognition of a leading role of the CPSU, "grand success" of socialist path of humanity, model of "real" socialism, etc. In this regard, A. Avakyan noted: «Although the society continued to be strictly organized under the terms of lead-

Poster celebrating the 1936 Soviet constitution

ership of the political party, it has already embarked on the path of liberation from the regime of personal power, arbitrariness, lawlessness and comprehensive terror — regime that was publicly condemned primarily by the ruling party»[15].

The USSR Constitution of 1977 was based on preceding updating and improving of the legislation, took into account the legislative acts.

Based on the purpose of the present study, we turn to the fundamentals of Soviet foreign policy, established by the Constitution of 1977. Thus, Article 28 states that «the Soviet Union stands for strengthening the security of nations and broad international cooperation». Relations with other states had to be based on the principles of respect for human rights and fundamental freedoms, cooperation between states and conscientious fulfillment of obligations arising from generally recognized principles and norms of international law, from concluded international treaties, etc. (Article 29).

Article 73 ranked to the management of highest state authorities, in particular, the USSR representative in international relations; communications of the USSR with foreign states and international organizations; establishment of general procedures and relations of Union Republics with foreign states and international organizations; foreign trade and other types of foreign economic activity on the basis of the state monopoly.

Article 76 reinforced the sovereignty of the Union Republics and their autonomy in the exercise of state power on their territory «beyond the limits specified in Article 73 of the Constitution of the USSR».

8. *Union Constitutions of the 1970s*

Union Republics got the right to enter into foreign relations with foreign states «within their competence» (Article 80).

Thus, the RSFSR Constitution of 1978 reinforced this power in Article 115 as follows:

> The Presidium of the RSFSR Supreme Soviet:…
> 14) ratify and denounce international treaties of the RSFSR;
> 15) appoint and recall diplomatic representatives of the RSFSR in foreign countries and international organizations;
> 16) accept the credentials and letters of recall of the accredited diplomatic representatives of foreign countries…[16]

The Constitution of the Ukrainian Soviet Socialist Republic of 1978 in Article 28 reinforced the norm, according to which «the Ukrainian SSR in its foreign policy is guided by goals, objectives and principles of the foreign policy defined by the Constitution of the USSR».

Article 108 of the same Constitution, among other powers of the Supreme Soviet of the Ukrainian SSR set:

- ratification and denunciation of international treaties of the Ukrainian SSR;

- appointing and recalling of diplomatic representatives of the RSFSR in foreign countries and international organizations;

- acceptance of the credentials and letters of recall of the accredited diplomatic representatives of foreign countries.

Similar provisions were included in the constitutions of other Soviet republics. For example, the Constitution of the Kazakh Soviet Socialist Republic of 1978:

Article 28 - «Kazakh SSR in its foreign policy is guided by goals, objectives and principles of the foreign policy defined by the Constitution of the USSR»;

Article 108 - «the Supreme Soviet of the Kazakh SSR:

- ratify and denounce international treaties of the Kazakh SSR;

- appoint and recall diplomatic representatives of the RSFSR in foreign countries and international organizations;

- accept the credentials and letters of recall of the accredited diplomatic representatives of foreign countries…».

M. Varlen noted: «The state, acting pursuant to its obligations under international law, gives a person who is within its jurisdiction the certain rights and obligations laid down in the acts of international law, any person can take advantages stemming from international law, through his state as its citizen»[17].

Many reasons for the implementation of international cooperation are related to citizenship. For example, almost every bilateral agreement of the USSR on legal assistance began with article 1, which states: «Citizens of the one Contracting Party in the territory of the other Contracting Party have the same legal protection of person and property as its own citizens».

The Plenum of the Supreme Court in 1995 and in subsequent years pointed that in proceedings it should be evaluated the content of the law or other normative legal

act regulating the legal relationship under consideration by the court, and in all appropriate cases to apply the Constitution as an act of direct[18].

Conclusions

Thus, the study of the historical process of formation of the constitutional foundations of international cooperation of the Union of Soviet Socialist Republics allows us to formulate the following conclusions:

1. Provisions of the Constitutions of the Soviet period were basic for the formation of the standards of international cooperation in sectoral legislation: constitutional (state), civil, family, civil procedural.

2. Among the constitutional foundations of international cooperation: the main goals and objectives of foreign policy; indication of the central authorities, authorized to engage in external relations; competence of the state bodies in the sphere of justice; basic principles of justice; separation of powers between the Union of Soviet Socialist Republic and the Union Republics in the field of public administration and in terms of the adoption of sectoral legislation (civil procedure, civil, family, in the sphere of civil registration); regulation of civil and other rights related to them, and others.

3. The RSFSR Constitution of 1918 maximally facilitated the granting of Russian citizenship and asylum, identified central authorities competent to carry out relations with foreign states. The Constitution settled the ratification of peace treaties as the exclusive competence of the Congress of Soviets, all other contracts were ratified and approved by the Government.

4. The USSR Constitution of 1924 consolidated the formation of the USSR and the separation of powers of the USSR and Union Republics. Keeping all diplomatic relations, conclusion and ratification of international treaties have been attributed to the competence of the Union. At the same time the People's Commissariats of Justice have been attributed to the jurisdiction of the Union republics.

The RSFSR Constitution of 1925 granted «all political rights» to foreigners under the conditions of their residence in the territory the RSFSR «for employment» and belonging to the working class. Foreigners who «were persecuted for their revolutionary-liberation activities» had a right to get an asylum.

5. The development of the constitutional foundations of international cooperation in the pre-war decade of the last century was due to the adoption the "Stalin" Soviet Constitution of 1936, which enshrined the foundations of socialism, its full, but not final victory. The Constitution gave the Union Republics the right to conclude international agreements, exchange diplomatic and consular representatives with foreign countries, and ensured political, economic, social and cultural rights of Soviet citizens. General guidelines «in the field of relations with foreign states» was assigned to the Council of Ministers of the USSR. The chapter X «Fundamental Rights and Duties of Citizens», which guaranteed political, economic, social and cultural rights of citizens became a novelty of the USSR constitution of 1936.

6. The USSR Constitution of 1977 («The Constitution of developed socialism») has fixed in the foreign policy «a broad international cooperation» on the

basis of respect for human rights and fundamental freedoms, cooperation between states, conscientious fulfillment of obligations arising from international treaties; wide range of rights and freedoms of citizens; more clear powers of state bodies, the ratio of the powers of the Union and republics, participation of the USSR in international organizations.

7. Constitutions of the Soviet period did not include international treaties in the domestic legal system.

[1] URL: <http://www.hist.msu.ru/ER/Etext/cnst1918.htm>.

[2] URL: <http://www.libussr.ru/doc_ussr/ussr_299.htm>.

[3] URL: <http://soviet_legal.academic.ru/537>.

[4] URL: <http://soviet_legal.academic.ru/599/>.

[5] «Vestnik Central'nogo Ispolnitel'nogo Komiteta, Soveta Narodnyh Komissarov SSSR» [Bulletin of the Central Executive Committee of the Council of People's Commissars of the USSR], n. 2, 1924, article 24 (in Russian).

[6] «Vestnik Central'nogo Ispolnitel'nogo Komiteta, Soveta Narodnyh Komissarov SSSR» [Bulletin of the Central Executive Committee of the Council of People's Commissars of the USSR], n. 2, 1924, article. 24 (in Russian).

[7] «*Sobranie uzakonenij Rossijskoj Sovetskoj Federativnoj Socialisticheskoj Respubliki*» [Collection of legalizations of the Russian Soviet Federative Socialist Republic], n. 30, 1925, article 218 (in Russian).

[8] URL: <http://constitution.garant.ru/history/ussr-rsfsr/1936>.

[9] Y. Kukushkin, O. Chistjakov, *Ocherk istorii Sovetskoj Konstitucii* [Essay on the history of the Soviet Constitution]. Moscow, Politizdat, 1987, p. 53.

[10] S. Avak'jan, *Konstitucija Rossii: priroda, jevoljucija, sovremennost'* [Russian Constitution: nature, evolution and modernity], Moscow, RJuID, 2000, p. 67.

[11] C.F. Amerasinghe, *The role of International Organizations in World Politics*, Cambridge, Cambridge University Press, 2013; K.-D. Borchardt, *The ABC of European Union Law*, Luxembourg, Publications Office of the European Union, 2015; J. Crawford (ed.), *Brownlie's Principles of Public International Law*, Oxford, Oxford University Press, 2012; H.W. Briggs, *The International Law Commission*, New York, Cornell University Press, 1994; M. Hirsch, *The Responsibility of International Organizations Toward Third Parties: Some Basic Principles*, Dordrecht, Martinus Nijhoff Publishers, 2015; H.B. Sverrisson, *Countermeasures, the International Legal System, and Environmental Violations: When Two Wrongs Make A Right for the Environment*, New York, Cambria Press, 2015; P. Klein, *La responsabilité des organizations internationales dans les orders juridiques et en droit des gens*, Bruxelles, Bruylant, 2013; M. Ragazzi, *The Concept of International Obligations Erga Omnes*, Oxford, Oxford Univeresity Press, 2013.

[12] P. Daillier, A. Pellet, *Droit international public*, Paris, LGDJ, 2012; J. Crawford, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries*, Cambridge, Cambridge University Press, 2012; M. Mendelson, *The role of the UN International Law Commission in creating the rules on responsibility of international organizations*, in M. Ragazzi (ed.), *International Responsibility Today: Essays in Memory of Oscar Schachter*, Leiden, Martinus Nijhoff Publishers, 2013.

[13] URL: <http://www.un.org/ru/charter-united-nations/index.html>.

[14] URL: <http://www.hist.msu.ru/ER/Etext/cnst1977.htm>.

[15] Avak'jan, *Konstitucija Rossii*, cit., p. 67.

[16] «Vedomosti Verhovnogo Soveta Rossijskoj Sovetskoj Federativnoj Socialisticheskoj Respubliki» [Bulletin of the Supreme Soviet of the Russian Soviet Federative Socialist Republic], n. 15, 1978, article 407.

[17] M. Varlen, *Novye aspekty instituta rossijskogo grazhdanstva* [New aspects of the Institute of Russian citizenship], in «Zakonnost'», n. 12, 2002, p. 5.

[18] *O nekotoryh voprosah primenenija sudami Konstitucii Rossijskoj Federacii pri osushhestvlenii pravosudija: Postanovlenie Plenuma Verhovnogo Suda Rossijskoj Federacii № 8 ot 31 oktjabrja 1995* [On some issues of application of the Russian Federation Constitution by the courts in administering justice: Resolution of the Plenum of the Supreme Court number 8 of October 31, 1995], in «Bjulleten' Verhovnogo Suda Rossijskoj Federacii» [Bulletin of the Supreme Soviet of the Russian Soviet Federative Socialist Republic], n. 1, 1996.