

Working Paper

**National Implementation of
International Environmental
Commitments:
A Review of Soviet Literature**

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WP-95-26
April 1995



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Preface

Hundreds or even thousands of international legal instruments on "the environment" are legally in force. What happens to international environmental agreements once they are signed, and how does the implementation of such agreements influence their effectiveness? These are the questions that motivate the IIASA project "Implementation and Effectiveness of International Environmental Commitments (IEC)". Research teams are examining these questions from many angles and with many methods.

Implementation of and compliance with international commitments have received much attention in the Western literature. In this paper, Elena Nikitina offers a systematic review and assessment of how such issues were addressed by scholars in the Soviet Union. The Soviet perspective is important because it is rarely available to Western scholars; it helps explain the starting point that is shaping the transition to a more open, democratic, and market-oriented society in Russia and other former Soviet states.

Nikitina shows that issues of compliance and implementation have received the most attention by international lawyers, with much less attention in political science and sociology. This reflected the general situation of social sciences in the USSR: law received substantial support from a State seeking to justify its totalitarian society. Whereas Western scholars on these topics have also been drawn heavily from political science, that field (as a science) was practically undeveloped in the Soviet Union. Soviet lawyers adopted the dualist perspective--the separation of domestic and international legal systems--and explored the interaction between domestic and international law. As in many Western systems, international law would take effect only once it had been transformed by a special statute or regulation into the domestic setting. The last Soviet Constitution (1977) and contemporary legal thought emphasized that domestic law and policy prevailed over international norms, which helped justify the thin practical influence of international norms on domestic practice. In contrast the new Russian Constitution follows a long term development in Western constitutional practice and gives priority to international norms in many areas.

These same general principles on domestic implementation of international commitments applied to environmental issues, which were most prominent in the period surrounding the 1972 Stockholm Conference on the Human Environment and also during the period of détente, when topics of cooperation with the West included the environment. Generally, the social sciences mirrored the governing unitary ideology; much of the discussion on implementation of international commitments shows a strong emphasis on Marxist/Leninist ideology. Many scholars saw the global environmental problems as a direct consequence of the capitalistic mode of production and the planetary equilibrium as a common resource--the "common heritage of mankind"--that demanded concerted action.

Throughout the Soviet literature, "effectiveness" was measured in terms of formulation, elaboration and adoption of national plans and programs; outcomes were rarely assessed. That reflected the Soviet skills in planning and systems analysis, and the deep weakness in ground-level implementation. The Soviet center controlled the implementation process, most famously through *gosplan*, and the behavior and interaction of actors. Only now, with the collapse of the Soviet system, are the differences between the theory and practice of implementation being fully uncovered and more widely discussed.

The context of this paper in the IEC project

This paper is one of several IEC working papers that survey the existing literature, place the project in a framework of prior research, and identify the major questions that deserve further study. At the outset, members of the project decided to prepare these papers to ensure that we were adequately aware of other research in the field and, especially, to ensure that we would be studying the most important questions in the proper context. The papers that play these roles are listed below, divided into each of the three areas of IEC's research program. Fuller descriptions of different parts of IEC's research program are available in the IEC project description (copies available from IEC) and in the prefaces and working papers listed below.

1. Historical case-study and comparative research

Most of IEC's research is directed at studying how international environmental agreements have been implemented historically through examination of case-studies and focussed comparisons among selected cases. Teams are studying domestic implementation as well as international and transnational processes. Eight papers review the relevant literature and establish the context and research questions:

Research on implementation at the domestic level in Western Europe and in the Eastern economies undergoing transformation:

- o Steinar Andresen, Jon Birger Skjærseth, and Jørgen Wettestad, 1995, "Regime, the State and Society--Analysing the Implementation of International Environmental Commitments".
- o Vladimir Kotov, 1994, "Implementation and Effectiveness of International Environmental Regimes During the Process of Economic Transformation in Russia".
- o Elena Nikitina, 1995, "National Implementation of International Environmental Commitments: a Review of Soviet Literature".
- o Alexei Roginko, 1994, "Domestic Compliance with International Environmental Agreements: a Review of Current Literature".

Research on international and transnational processes of implementation:

- o David G. Victor with Owen J. Greene, John Lanchbery, Juan Carlos di Primio and Anna Korula, 1994, "Roles of Review Mechanisms in the Effective Implementation of International Environmental Agreements".
- o David G. Victor, John Lanchbery and Owen Greene, 1994, "An Empirical Study of Review Mechanisms: Report on Work in Progress".
- o David G. Victor with Anna Korula, 1994, "What Is an International Environmental Agreement?"
- o Owen J. Greene, 1994, "On Verifiability, and How It Could Matter for International Environmental Agreements".

2. Development of a database

IEC is developing a database that will consist of key variables related to the development and effective implementation of international agreements. It will allow systematic use of historical evidence from a large number of cases. The goal is to make possible the testing of hypotheses and the drawing of general conclusions about which variables are causally linked to "effectiveness". One paper reviews the major hypotheses related to the formation and effectiveness of international regimes:

- o Marc A. Levy, Oran R. Young and Michael Zürn, 1994, "The Study of International Regimes".

3. Other research and policy activities

IEC researchers are applying their research findings to current and future policy issues as opportunities arise. The project is also sponsoring a major simulation-gaming exercise to explore issues of institutional design, implementation and compliance in international environmental agreements. Simulations can help promote creative thinking about political options for international management of climate change, identify potential pitfalls, integrate policy-relevant knowledge from a variety of domains, and identify important policy-relevant knowledge needs. One paper surveys the benefits of using simulation-gaming as a policy and research tool:

- o Edward A. Parson, 1995, "Why Study Hard Policy Problems With Simulation-Gaming?"

The above list includes only the papers that the project has used in establishing the framework for its research activities. A complete list of publications and copies of papers are available from the IEC offices at IIASA.

NATIONAL IMPLEMENTATION OF INTERNATIONAL ENVIRONMENTAL COMMITMENTS: A REVIEW OF SOVIET LITERATURE

Elena Nikitina

I. INTRODUCTION

Russia is in the midst of a massive transformation towards a market economy and democratic society; the current context can be vividly manifested against the background of the Soviet experience. The transformation is evident in environmental policy, including the national implementation of international environmental commitments (IECs). Systematic research into implementation during the Russian transformation requires analysis of the peculiar nature of the starting point from which the Russian transformation has taken place: namely, how the problem of implementing IECs was framed within the scientific community in the Soviet Union.

The main body of literature in social sciences on the issue relevant to implementation of international agreements was published in the USSR during the period covering 1970-1980s. The review of this literature is necessary in the framework of IEC project since it intends, from the one hand, to indicate the specifics of framing of the issue in the Soviet Union, and from the other, to help to understand and to trace the evolution/revolution in the scientific perceptions and the formation of new attitudes under transformation in Russia and other countries of the former Soviet Union.

Soviet literature on national implementation of international environmental agreements during 1970s-1980s had its strong peculiarities. Certain scientific approaches, ideas and directions of research varied from those maintained by the scholars in the West, with obvious lags in development of science in this field could be noted. One even can say that there was no special branch of science, or special literature dealing with the problem of implementation of IECs. The studies were dispersed among several social disciplines. The greater part of them was developed within international law, and, to a lesser extent, in the framework of political economy and sociology. This reflected the general picture of social sciences development in the USSR. The most developed of the social sciences were legal disciplines that were functioning under strong state support in order to substantiate legally its activities within the totalitarian society. Political science as a discipline in its traditional meaning was not developed in this country; progress in its formation began only recently, after the collapse of the totalitarian Soviet regime. Terminology in the social literature on the issue of domestic implementation was rather underdeveloped, with exception of legal disciplines. Sometimes it is even difficult to find the Russian equivalents to the existing terminology in English on the implementation issue.

A great deal of attention in the scientific discussion in the framework of international law was paid to the problems of formation of domestic legislative and normative basis for execution of international agreements, and to the issue of interactions between the national and international systems of legal norms that were treated as separate and independent from each other. In the framework of political economy, the studies on domestic implementation concentrated on the organizational dimension and administrative capacity-building and on elaboration of methods for programs planning; not much attention was paid to the analysis of the further stages of the whole chain of the implementation process. Its effectiveness was evaluated according to criteria of the *formulation* of programs only; actual *outcomes* of implementation were not assessed. The effectiveness of international environmental cooperation was mainly evaluated from the standpoint of the benefits gained by a participant from the joint activities in comparison with the resources spent. Detailed scientific evaluations of the effectiveness of international environmental regimes and their possible impacts on the domestic policy have not been performed.

There were several reasons for the shortcomings and failures in development of scientific research on the issue of domestic implementation of international agreements. The major explanations for this situation are rooted in the specifics of organization and functioning of the totalitarian socialist society based on the command-and-control practice. The problem of national implementation of international commitments has been approached in a rather specific way, and traditionally there was a great gap between ambitious intentions and reality in the Soviet Union. The major emphasis was on elaboration and adoption of various kinds of national plans and programs. In these areas the Soviets were particularly skillful; but not in putting implementation into practice. Together with that in the framework of international policy, the major activities were concentrated on political process associated with elaboration and signing of international treaties; the problems of compliance with actual international obligations and providing for their fulfillment were of comparatively lower priority. Efforts with regard to implementation of international commitments on the national and subnational level were rather weak and were more formal than content.

Certain domestic peculiarities in the interactions between the centralized state and the Soviet society, and in the centralization of power, explain the specifics of scientific notions and approaches towards the problem of different actors' participation in the implementation process, towards their behavior, and towards interactions between governmental and non-governmental actors. In the Soviet society the state was the dominant actor and was enmeshed in regulating all kind of activities, including economic ones. The center totally controlled not only implementation process, but also behavior of the actors, their interactions with the state and with each other. Governmental actors were dominant, and nongovernmental actors were practically nonexistent. Producers

were totally governmental, controlled by an extensive network of powerful industrial ministries. Non-governmental organizations and environmental groups, if they existed at all, were very weak, or controlled by the state. Initiatives on the ground level were practically absent and suppressed by the center. All interactions were provided between the actors on the governmental level (in governmental implementation acts, the targets were fixed only for governmental industrial ministries, state committees, and organizations). An additional and powerful actor was the Communist party and its organizations, which controlled virtually all activities of other actors. This represented the extreme degree of control within the totalitarian type of society, hence, extreme control during implementation. Models of interactions were not diversified; the interactions were simpler because the interactions of actors were strongly limited.

The social sciences completely mirrored the reality of Soviet life and official governing unitary ideology. For a long time in Soviet social science, the accents were not on the behavior and interactions between actors and with the government, or on their roles in the decision making processes (the actors' individual behavior was ignored as not worthy of scientific attention), but on macrogroups, i.e. social classes (according to the Marxist-Leninist theory of classes). Behavior of classes was seen as the motivating force in the development of society, and their interests and interactions were reflected both in national and international policy.

In the totalitarian state, the social sciences developed under the strong control of the state and the communist party, with a substantial impact of the communist ideology. Although all branches of Soviet science - both natural and social - were controlled by the state, the interference of the state and communist ideology into the social sciences was tremendous. Dependence of the sciences upon the state and party was practically absolute. The possibility of active manipulation of scientific conclusions and directions of scientific research, including implementation of international commitments, were pervasive and largely defined by the existing Soviet practice and politics. Mainly trying to reflect positively and to substantiate the Soviet reality, scholars were not able (due to totalitarian constraints) to express themselves openly and be critical in revealing negative features of the society and implementation processes within it. That is why within the ongoing scientific discussion the variety of opinions were not rich in their spectrum, and the number of competing with each other or contradicting ideas was limited.

In the following review of Soviet literature on the issue of domestic implementation of international environmental commitments publications in the field of international law, international environmental policy, national environmental policy, and the general literature on national implementation of domestic programs has been analyzed. The review covers mainly the period of 1970-1980s.

II. INTERNATIONAL LAW

Comparatively detailed studies of the issues of national implementation of international agreements were developed in the Soviet Union within the framework of international law. The reason for this was that the research in this country in the field of law was traditionally more advanced than other social science disciplines. These research studies concentrated mainly on the general aspects of this problem; the special studies of domestic implementation of environmental regimes were not numerous. In the part of the literature review that follows we analyze the specifics of the Soviet literature in the international law dealing with the issue, the major scientific concepts and approaches towards the problem of domestic implementation of international commitments, the notions and terminology applied, the content and definitions, possible methods of implementation, some aspects of the topic of domestic compliance as it was covered in the Soviet literature, and the role of the state in the processes of implementation. Some explanations of the specifics of the Soviet approaches towards the problem are suggested.

Interactions of National and International Systems of Norms. Active scientific discussions on the issues of national implementation of provisions of international law took place in the Soviet Union at the end of the 1970s and during the 1980s. Considerable attention was paid to the problems of interrelations and interactions of the system of implementation of national norms with the system of international norms. The major concept governing the scientific perceptions of the Soviet school of law (and widely supported by scholars in other socialist countries) was based on a dualistic approach: the existence of separate and independent systems of national and international law that are not subordinated to each other <2, p. 14; 19, p.58-59; 18, p.73; 1, p. 14; 16, p. 64; 8, p.35; 3, p.13-16; 27, p. 3-6>.

Close interactions between the systems of domestic and international norms existed and were constantly developing. Each system influenced the development of the other. According to most scholars, Soviet national law had an impact on international law, and, under the influence of international law certain elements of domestic law were improved, and new domestic norms and acts were introduced <19, p.70; 20, p.21-22; 21, p.164-165; 22, p.61>. However, some of the scholars noted that internal policy had primacy over international policy <55, p.25>.

Attempts were made to explain the causes of interactions of these two systems using Marxist-Leninist dialectic theory. Some of the authors suggested the possibility of conflicts between these two systems and pointed out the superiority of national law over international law <4, p.165-166>. In their studies the methods of systems analysis were widely used to explain the dialectic interaction between different systems (and their elements), resulting in characteristics that are absent in each if taken separately <6, p.8>.

The specifics of the Soviet dualistic approach, according to the evaluations of some researchers, was based on the notion that both national and international legal systems should be analyzed more broadly than explaining only the legal aspects of these interconnections - their framework included economic, political and other social interactions <1, p.10, 22; 5, p.2>. According to Soviet scholars, interactions of the national and international systems of legal norms were largely defined by the specifics and the type of the society and governing ideology. On the basis of this notion they pointed out the two systems' possible differences under capitalism and socialism <17,p.70>.

The scientific perceptions in this sphere in general, and development of dualistic concept of interactions between domestic and international law in particular, were defined mainly by the existing Soviet state legal system. Due to a totalitarian regime aimed at creating and maintaining a closed society, the domestic legal system needed to be protected against external influences of the politically and ideologically alien capitalism. Despite official recognition of the international norms, the trend towards limitation of their influence on the domestic legal system was noted.

Although the last Soviet Constitution (1977) (in 1993 the new Russian Constitution entered into force) envisaged that the relations of the USSR with the foreign states should be based on the notion of "fulfillment in good faith of obligations arising from the generally recognized principles and rules of international law, and from international treaties signed by the USSR" (art.29), it was never interpreted as a general incorporation of international norms into Soviet domestic law. According to assessments of the interactions between international and national legal norms under the Soviet regime, which were published recently by a number of Russian scholars after this regime had collapsed, the application of international norms was envisaged in some exceptional cases of statutory references to international law, but as a general constitutional principle the Soviet legal order remained closed to international legal norms <58, p.458>. Despite the fact that this constitutional norm gradually has been fixed within the major branches of Soviet law, it never became a general norm of the Soviet legal system <59, p.107>.

This fact is manifested, for example, in the absence of this norm in the 1978 USSR Law on conclusion, implementation, and denunciation of international agreements - the major national legislative act regulating domestic implementation of international treaties. The Soviet legal system was protected from any direct penetration of international law by the domestic conception that considers international law and municipal law as two completely separate systems and never regarded international law to be enforceable in its domestic courts.

Definitions and Terminology. Scientific discussion had been underway on the terminology, definitions of the implementation process, and contents of

the notion of implementation of international agreements. It referred mainly to the legal sphere, to formation of legal norms, and to domestic legislation for implementing international norms. In the Soviet literature traditionally the terms "realization", "carrying out", "putting into practice", "application" were used; the term "implementation" has been applied more recently. For instance, A.Gaverdovsky suggested that implementation should be regarded as only the legal and organizational activity (individual, collective, or in a framework of international organizations) of the states with the purpose of providing timely, thorough, and complete realization of their obligations undertaken according to international law <15, p.62>. According to other authors, implementation might be regarded as only a "preparatory" phase for the later full realization of legal norms, or might be applied as a synonym of "realization" of the norms of international law in the practical activities of the state <56, p.116>.

Some Soviet authors noted that the content of the process of implementation of international agreements might be considered on a broader scale than the realization or enacting of international regulations within the national arena. Rather, it should refer to implementation of international agreements both on the domestic and international levels <10, p.38>. For instance, international accords and regulations contained in the resolutions of international organizations could be implemented without the norms of national law if they were addressed to an international organization. Sometimes, on the international level, the preliminary measures of implementation were undertaken when these norms were addressed also to the states <15, p.72>. Thus, to distinguish the notion of implementation of international norms on the national level within the sphere of national law, some authors proposed the term "domestic implementation". In this case, the system of national norms supported the realization of international norms. This referred to the implementation of international provisions aimed at regulations of endogenous relations within a state, or international relations of nongovernmental character <1, p.57>.

It was pointed out that there were terminological differences between the "implementation of international agreements" and "compliance with international agreements". Elaboration of the national norms necessary to implement international agreements did not result at all in actual compliance with treaty obligations, since the adoption of a law is only the beginning in the implementation process; laws must also be enacted and realized. The difference between implementation of international treaties and implementation of those national norms that were adopted to implement international agreements was stressed. The practice showed that the state, after issuing the national norms necessary for implementation of international provisions, often not only did not adhere to its treaty obligations, but did not comply with its own national norms established for its implementation. Implementation of international accords took place when the state not only adopted subsequent legislative acts, but also enacted them <16, p.132>.

In the Soviet literature, different terminology was proposed to define the process of implementation of international agreements through the adoption of national legal norms and with their help. The term "transformation" was used most frequently. Some authors interpreted it in its literal meaning - as converting international norms into national ones <7, p.41>; others considered it as a method of execution of international norms inside a country <8, p.9>. According to some of the scholars, "transformation" included automatic or individual incorporation, references, adaptation and legitimation <14, p.53>. Besides "transformation", the terms "adaptation" and "reception" were also used.

Methods and Models of Implementation. One body of literature dealt with the different *methods* of national implementation of the legal norms of international agreements. According to several studies, the existing world practice of implementation indicated two major ways of national implementation of international norms. The first one was *reference* in the national law to the primacy of norms of international law, when the provisions of a treaty have direct effect inside the domestic setting and serve to regulate the behavior and interactions of the subjects of national law.

The second way - *incorporation* - was more universal, and it envisaged the adoption of domestic legal norms, or the displacement and abrogation of the existing ones, providing for execution of the provisions of international agreements. These norms might repeat, or concretize, or adapt the treaty provisions to the national specifics of the country and its legal system. Sometimes, for the implementation of international provisions, existing national rules and laws could be used. In order to implement international agreements, new norms could be incorporated into national legislation <1, p.59-60>. Usually in the process of implementation of an international agreement the national regulations were being adopted. Treaties provide the general framework for concretization by each state of their national obligations that in turn influence national actors. Direct incorporation of international law into Soviet domestic law was not accepted in the Soviet legal practice.

International agreements were to be implemented within national laws and rules and with their support. Different governmental organs participated in this process, and their behavior was regulated by the norms of national law. According to most of the Soviet scholars, national norms played the leading role in implementation of international agreements aimed at regulation of either endogenous relations between different actors within one country, or between actors of different countries. Usually, regulation of intergovernmental relations did not presuppose adoption of new national legal norms, or displacement or abrogation of the existing ones. In this case the mechanisms of international law started to act, and support from national norms provided the conditions for the functioning of these mechanisms at the domestic level <16, p.130-131>.

The Soviet legal practice of implementation of international agreements was guided by the dualistic concept, and within it mainly methods of transformation and references were applied. Due to the (mentioned above) policy of protection of the domestic legal system from the penetration of international law, international norms were applied within domestic setting only in case and after they were transformed by the legislature into a separate statute or administrative regulation. The 1977 Soviet Constitution suggested the practice of domestic implementation of international norms by issuing special acts of the supreme organs of the governmental management - i.e. adoption of the so-called "transformational acts", references, and assignments to provide for implementation of the international norms on the territory of the country. According to the 1978 USSR Law on conclusion, implementation, and denunciation of international agreements (art. 24), international treaties could be implemented after adoption of a national law, or a resolution of the Supreme Soviet or the USSR Council of Ministers. Sometimes resolutions of governmental ministries and committees might be enacted to implement international agreements. Special implementation acts might be issued by the responsible governmental organs, and, on the basis of these, changes incorporated into existing national legislation. Without these legal acts of adaptation of existing national legal norms or introduction of new ones according to the international provisions, it was not possible to implement international obligations into domestic practice. This situation - the lack of a constitutional rule providing for direct incorporation of international law into domestic law - sometimes made it possible for the USSR to sign international environmental agreements but avoid domestic implementation of their provisions <58, p.458>.

According to some researchers, two major *models of domestic implementation* described the movement of international norms towards the national actors whose behavior they addressed. The first is the direct movement of norm to addressees engaged in its execution, and another one is from international norm - to normative act - to implementation act - to the addressee who is engaged in its execution. The normative and implementation acts served as stages towards the realization of provisions contained in the international agreements. The acts help adapt international norms to the national specifics of a country, and help generate support from a state to become an integral part of the system of norms applied in the national arena. They could not be applied independently of the existing national norms and practices, and the normative and implementation acts started to regulate actions together with existing national norms <17, p.73>. After an interpretation in the framework of a set of national norms and regulations, the international norm became a regulator of domestic efforts of a state to implement an international treaty. Special attention was paid to the analysis of the stages of issuing normative and implementation acts, since at this stage the interactions of the systems of international norms and national norms was supposed to be the closest, and they were manifested in coordination and joint regulation of a wide scale of

endogenous relations on the national arena <18, p.75>.

Discussion on Compliance. The issue of compliance and possible measures to ensure adherence to international obligations was covered in the Soviet literature, but it has not been developed thoroughly. Some researchers pointed out that if members states of international agreements do not comply voluntarily with their international obligations certain legal-protection measures were possible that could be applied towards violators. These included denunciation of the treaty, compensation of the damage, expulsion from the international organization, and breaking off of diplomatic relations <57, p.62>.

According to some Soviet researchers, the legal sanctions of the state were necessary for the application of international legal norms at the national level <7, p.123>. According to others, the basis for that had been already presupposed in Soviet constitutional law, since it had established the principle of conscientious adherence to international obligations by all governmental organs engaged in activities covered by the treaties to which the USSR was a party. Altogether that did not exclude other forms of regulations for providing adherence and implementation of international agreements <28, p.27-29; 29, p.30>. The major milestones in this process were supposed to be the items of national legislation <9, p.156; 11, p.64; 12, p.252; 13, p.225>. (For instance Soviet national legislation provided the basis for state organs to implement international agreements - art. 21, 1978 USSR Law on conclusion, implementation, and denunciation of international; art. 10, Resolution of the USSR Council of Ministers on conclusion and implementation of international treaties of interministerial character; other decrees and resolutions of the supreme Soviet, Council of Ministers, instructions of the ministries and state committees.) However, it seems that scholars were mainly preoccupied with the issues of state actions and of compliance with international arrangements only on the governmental level; the issues of compliant behavior of nongovernmental actors were not touched upon.

Some authors noted the gaps in the national mechanisms that provided the implementation of agreements and pointed out the absence of concrete guidelines for the implementation of international norms. Several experts proposed to develop and amend the 1978 Law with concrete items. These might include general principles of national implementation of international agreements, unifying the procedures of adoption of implementation acts and of concrete implementation activities, establishing a regime to coordinate between different governmental organs in their implementation activities, and elaboration of methods to regulate possible conflicts between norms where clear acts regulating implementation were absent <15, p.247>.

Role of the State. In the Soviet studies considerable attention was paid to the role of the state in the process of implementation of international agreements, and this role was defined as a rather important one. The reason is

attributed to the specifics of the totalitarian society, which was characterized by dominant control and central involvement of the Soviet state in all political, economic and social processes. The state was supposed to create the legal regime and to guarantee its functioning. The role of the state was considerable in elaboration and implementation of the norms and regulations that were provided depending on the "will of the state and on the existing societal relations" <2, p.59>. However, the acceptance of international norms by the state did not mean that the national regulations were subordinated to the international ones <1, p.13>. The state was supposed to be an element of an international system, but only as a subject of interstate relations.

According to the socialist theory of classes, the state expressed the interests of ruling classes in its policy making (on both the national and international levels) <54, p.8-9>. Under the control of the ruling class, the state elaborated its international policy as a prolongation of internal policy of this class, providing and supporting its interests on the international level. Using the system of governmental organs and mechanisms, the state controlled international activities and disseminated resources between these organs to implement international policies.

III. INTERNATIONAL ENVIRONMENTAL POLICY

Another field of Soviet social science that was dealing with the problem of domestic implementation of international environmental agreements was international policy studies of international environmental cooperation, that were published during 1970-1980s. However in their framework the issue of implementation was covered only superficially and mainly on a descriptive level, or not covered at all. These studies concentrated mainly on the international aspects of solving global environmental problems by joint efforts of the international community, or on demonstrating *the necessity for international environmental cooperation*. The major attention was concentrated on the formation of international cooperative patterns, factors defining the patterns of cooperation, and the goals of environmental cooperation in different fields. They did not go deeply into the problems of actual implementation of international commitments once they were made, nor into the question of the effectiveness of international cooperation.

Publication of a series of studies in this field during 1970-1980s was associated largely with: the process leading to the 1972 UN Conference on Environment in Stockholm, the preparation of which the Soviet Union took an active part; and, with detente between East and West initiated in the 1970s, which resulted in development of international cooperation in different spheres, including environmental protection. It was a period when the USSR entered actively into international environmental agreements. The framework of international environmental cooperation was regarded in close interaction with the existing political context and with international politics, and at the same

time its political contents were stressed.

"*Politization*" around the global environmental problem and international cooperation to solve it was considered to be quite natural by some of the Soviet researchers. The confidence-building and peace-stabilizing potential of international environmental cooperation was aimed at overcoming tensions: contradictions and negative features of world international relations was emphasized by most authors. At the same time a number of scholars paid considerable attention to the linking of joint activities of the states in environmental sphere with their efforts to prevent wars in general, and nuclear war in particular. The prospects of the development of international cooperation in protecting and conserving the environment according to them depended to a high extent on the progress in the efforts for peace, security, disarmament, and for ending the arms race <61, p.10; 62, p.112; 63, p.95; 66, p.79-97, 67-69>. It was pointed out that ecological problems played an increased role in national priorities, and participation of the state in the environmental management was growing. The conclusions reached by this scholarship that effectiveness of environmental cooperation was defined by the availability of political will of the states to take real actions. It was suggested that intergovernmental cooperation was of prior importance, and its leading role in environmental problem solving was indicated. <60, p.153, 156>. High attention was paid in the studies to the problems of international environmental cooperation within international organizations, and especially of intergovernmental ones, as playing the major role in regulating interactions between states in the ecological sphere.

Application in the research of Marxist-Leninist theories and ideology was widely spread. Certain provisions of the Marxian doctrine were applied by the researchers to substantiate major motives for international environmental cooperation. For instance, some of them indicated that this doctrine defined the contemporary attitudes towards the global environmental problem, and especially the necessity to consider the planetary environment and its equilibrium as a shared global resource of humanity - as the common heritage of mankind - protection of which was the only reasonable guideline in the joint activities of the progressive forces of the world. According to them the society of developed socialism possessed the best prerequisites for most effective organization in the use of environment and natural resources <60, p.32, 43>.

They noted that two principal socio-economic formations - capitalist and socialist - existed; that states gravitated towards either of them necessitated examination of global environmental problems *from class perspectives* with due cognizance of their social and political aspects. The scope and magnitude of the problems was considered to be global and the quest for their solution was also global; the specific manifestations in a particular state, and the implementation of international decisions, always depended on local conditions and the goals <64, p.127>. Considerable differences in the approaches towards

international environmental cooperation between capitalist and socialist societies were pointed out, which were attributed in their turn to the differences in the modes of production - the capitalist society being characterized by the extensive and destructive type, especially in the developing countries, and the socialist one by the rational use of the environment and natural resources <65, p.31-32>. However the reality often presented quite opposite examples that did not support Soviet theories.

Certain attention was paid to critiquing Western scholars who proposed to create world environmental authority and supranational structures, which contradicted existing Soviet policy theories on the major notions of national sovereignty and principles of non-interference in the domestic affairs of sovereign states <65, p.33, 43, 49>. It was underlined that the only possible basis for cooperation should be constructed on the principles of total equality, mutual benefit, non-discrimination, etc.

Some aspects that relate more closely to the issue of national implementation of international environmental obligations were considered in the studies dedicated to international environmental law. In addition to the general reasons for the interactions of national and international legal systems, the authors indicated the specific ones, including the *common goals* of environmental protection, both in cases of the adoption of national environmental legislation, and, when the objects of regulations coincided, international coordination of environmentally sound behavior. According to the studies, effective environmental protection was possible only with coordination of national legislation and international law, since these systems taken separately could not solve global environmental problems <23, p.42-43>. They pointed also to the fact that the level of development of national regulations was dependent on the state's preparedness to adopt international commitments (noncompliance was not defined, according to the researchers, by the state's lack of will to implement, but rather by the gap between the desires and interests of the specific states and their opportunities).

It was also suggested that in certain environmental fields the potential for interactions between national and international systems was the most promising: in the field of marine land-based pollution, transboundary air pollution, climate change. And it was not accidental that these spheres were not strictly regulated by the international law, since compliance with international obligations presupposed the existence of subsequent national legislation.

Some of the authors noted that international law might have a stimulating and coordinating effect on the national environmental legal systems <24, p.218>. However, the changes in the national laws necessary to adapt to the requirements of international norms should be consistent with previous evolution and developments of national law in order to be logical steps in the further improvement of the national legal system. In the opposite

case, the state (even if it were willing to do so) would not be able to undertake international obligations if they were not supported by adequate national legal potential <24, p.218>.

It was noted that the process of international regulation of states' interrelations in the sphere of environmental protection was a complicated and contradictory one. Formation and implementation of international regimes and their norms and provisions was defined by a variety of *factors* <23, p.10; 25, p.9-33; 26, p.23> that might either stimulate or hinder these processes. And the same groups of factors (political, economic, social), might not only stimulate, but counteract international environmental protection as well.

IV. NATIONAL ENVIRONMENTAL POLICY

The analysis of the Soviet literature relevant to the problem of implementation of national environmental programs indicated that it had certain specifics and peculiarities, especially in comparison with the literature on this issue published in the West. Within this research no mention was made concerning mechanisms of domestic implementation of international environmental commitments. However we consider that developments in social sciences regarding research on implementation of domestic environmental programs has special relevance to the topic of our interest. Experience attained in this field shaped and defined to a large extent the models and experience with domestic implementation of international agreements in this country.

The peculiarities of the Soviet studies during 1970-1980s was that the major emphasis in the analysis was made not of the whole chain in the implementation process but mainly on its initial stages - *elaboration, planning and adoption* of different kinds of programs. Many studies were dedicated to elaboration of scientific methods and approaches used for these purposes. And it is necessary to underline that this kind of analysis was rather deep and diversified. However special research on the actual process of implementation - i.e. putting these plans into effect was practically absent.

This situation was defined primarily by Soviet reality: the concentration during the period of construction of socialism on the governmental planning of large-scale, ambitious and expensive programs and projects in different spheres. The priority was associated with their planning and elaboration; detailed estimation of real costs and various resources necessary for their execution over time was seldom performed. Generally their carrying out in reality remained to be in a sphere of "best wishes" and mainly did not having practical results, but rather resulted in a socialist utopia, for which the Soviet state was famous.

Beginning in 1974, state planning of the economy incorporated as a special item "Planning of environmental protection and rational use of natural resources" into the USSR State plan for economic and social development. It

was estimated at that time that the basis for planned environmental management in this country was laid <30, p.8> - and government planning was a typical approach within management of all kinds of undertakings. Since then, the studies on the problems of improving environmental planning were initiated, and they employed both theoretical and practical reasoning. In many studies the authors indicated the necessity for *planning environmental programs*, which became to be a key and central element in the process of socialist environmental management <30,31,32,33,34,47,48,49,50,40>.

What are the crucial items in this scientific discussion? Extensive polemics took place with regard to the elaboration of major *methods* of environmental programs, as well as their objectives, goals and peculiarities. Some authors considered (obviously) that the main object was the environment, and subsequently the major aims of the programs were its protection and conservation <41, p.15>. Others suggested that the programs should be developed with the goal of coordinating activities of specialized governmental organs and governmental organizations within the branches of industries engaged in the use of environment and natural resources <43; 44, p.17-19>. Another group proposed to incorporate into programs elements of management of both - objects of environment, and the organizational structures dealing with environmental issues <45>. These points defined the approaches to the elaboration of environmental programs, the content of measures covered by programs, the variety of the envisaged norms and regulations, methods in assessments of effects, and control over implementation, interactions with macroeconomic strategies and with other items in the state plans for social and economic developments <46, p.25; 47, p.17; 48>, with plans of different industrial sectors and the development of enterprises, etc. Almost all the researchers indicated the importance of regional approaches for environmental problem solving, and hence to the elaboration of environmental programs.

According to some of the authors it was necessary to distinguish the concrete goals of a program (political, economic, scientific, technological, and ecological) <49, p.12>. Others proposed to build a tree of goals for each regional environmental program that would allow the accomplishing of the posed tasks in strict succession <50, p.22-23>. Establishing the mechanisms of control over allocation of resources (finances, labor, etc.) also could be mentioned as a basis for implementing programs. Coordination of their necessary scopes for execution of environmental programs (based on the state of the environment) with the societal potential to provide them for a planned period was indicated as of crucial importance.

Much attention of the scholars was paid to another group of problems - *increase in effectiveness of planning* of environmental programs. Among possible options, those stressed were: increasing the quality of pre-planning research, strengthening the long-term component of the planning process, interaction of the territorial and sectorial aspects and improvements in planning

methods and indicators <35, 36, 37, 38, 39, 40, 47>. They argued that procedures and sequences in planning of environmental programs play an important role in improving their quality. In the USSR, planning of environmental programs coincided with the major procedures of the elaboration of state economic and social development plans that were based upon: 1) five-year plans of macroeconomic development; 2) twenty-year large-scale science and technology programs that were reviewed in five-year periods; and, 3) ten-year environmental programs in the framework of five-year plans of economic and social development. The goals of the ten-year programs were elaborated in detail for each year of a first five-year period, and on a provisional basis for the last year of the ten-year period; they might be modified and improved in five years. Among the major components of the state environmental programs were regional schemes and environmental subprograms for industrial complexes <31, p.9-10>. On the governmental level, regular reporting on the implementation of five-year plans took place.

According to official data, they were either thoroughly implemented or even overfulfilled, although this did not always correspond to reality. Independent control over implementation and sources of real information on implementation were absent. Control and verification of execution was provided only by the implementators themselves, who might present forgery results to the top organs of the state. In turn, the state organs presented to the public their own interpretation of the actual results according to their own notions of the "good and evil". Often these results were severely manipulated.

Among conditions for success in implementation of environmental programs some authors pointed out not only the necessity for strengthening long-term planning but also the need to provide major components of the programs' planning. These components included: 1) preliminary evaluations of irreversible environmental damage; 2) estimates by the local control organs of the allowable levels of negative environmental impacts; and 3) verification of the plans' indicators with assessments on the local level <30>.

Some of the researchers noted the importance of the *regional approach* to elaboration and implementation of national environmental programs. Their scales might vary from the local level (city, industrial complex) to the macroeconomic level. Usually they embraced a period of 15-20 years and served as a basis for creation of five-year plans <50, p.25>. However, it was indicated that issues of interactions in the implementation of large-scale and regional environmental programs was not extensively elaborated - the analysis of possible indicators, norms and targets and of empirical data was practically missing. Some of the researchers proposed to shift emphasis totally from the sectoral principle of program planning to a territorial one because under socialism, environmental goals in the planning of industrial sectors lagged far behind economic priorities <35, 37, 47, 50, 51>.

Studies indicated that serious contradictions existed between *sectorial* and *territorial approaches* in the elaboration and implementation of environmental programs - targets in the programs were addressed to the territorial organs, but their actual execution was provided by the governmental organizations that controlled industrial development according to sectors <52>. It was suggested that, among the methods to overcome this contradiction, could be multigoal-complex-programs-planning that had been tested and permitted to coordinate interests of the territories and different sectors of industry. Other suggested methods for improving efficiency included removing a parallelism in management functions between different organizations engaged in the implementation of environmental programs, and establishing a coordinating center (that would not only implement a program, but participate in its planning) <53, p.162, 176>.

V. CONCLUDING OBSERVATIONS

The theme of domestic implementation of international environmental commitments in the Soviet literature has certain peculiarities, and their analysis can serve as a background and as a contribution for understanding the changes already underway in the first half of 1990s in the scientific perceptions and approaches towards the issue of implementation of international environmental agreements under transformation in Russia.

Studies of domestic implementation of IECs were rather poorly developed in the Soviet social and political sciences, which were under strong influence and control of the totalitarian state and the communist party, and were destined to portray in 'rose-colours' the Soviet reality - reality being famous for a great gap between ambitious plans' and programs' designs (including ones in the environmental sphere) and their poor implementation. That is why the greater part of them was dealing with the legal and organizational aspects of domestic implementation, but not on the later stages of the implementation chain; practically none of the studies concentrated on the analysis of implementation on the ground level.

In fact, being dispersed among several social disciplines the analysis of domestic implementation saw comparatively higher progress within the international law studies. Soviet international lawyers were involved in the vivid scientific discussion on the interactions between international and national systems of legal norms, on the terminological and methodological aspects of the issue, on the role of the state, and to a lesser extent - in the analysis of compliance with international obligations. In the international environmental policy studies the domestic implementation of IECs was covered mainly on a descriptive and superficial level, and extent of 'politization' around the theme of international environmental cooperation was high. Within the scientific discussion of 1970-1980s on the issue of national environmental policy the topic of domestic implementation of international environmental

agreements has not been raised explicitly, but we consider that diversified research on elaboration and implementation of domestic environmental plans and programs has special relevance to the topic of our interest, and it demonstrates the specifics and trends in environmental implementation within the Soviet society.

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