

15 October 1968

MEMORANDUM

SUBJECT . Possible Implications for International Law
of the Article Entitled "Sovereignty and
International Duties of Socialist Countries"
by S. Kovalev, Pravda, 25 September 1968

1. In discussing the Kovalev article and its implications for international legal standards, we must proceed on the assumption that the article is, at the very least, a reflection of the most current ideological theories being advanced by the Kremlin leadership to justify its foreign policy. The Soviet Union is and always has been an ideocracy, and its leaders have always felt compelled to justify every action on the basis of their avowed system of ideas. Thus, in the aftermath of the invasion of Czechoslovakia, Soviet propaganda declarations of the reasons for that invasion seemed literally to vary from day to day. Whether or not the Kovalev thesis represents the final reasoning to be adopted by the CPSU ideocrats remains to be seen. However, taking the article at face value, and assuming that it articulates current ideological trends in the evolution of the Soviet Union's interpretation of Marxist-Leninist dialectics, its appearance at this time is indeed significant.

2. First, and perhaps most significantly vis a vis international norms of legality, the Kovalev article clearly raises "socialist" law above what is generally accepted as international law. Kovalev states: "Those who speak about the illegal actions of the allied socialist countries in Czechoslovakia forget that in a class society there is not and there cannot be non-class laws... Formally juridical reasoning must not overshadow a class approach to the matter. One who does it, thus losing the only correct class criterion in assessing legal norms, begins to measure events with a yardstick of bourgeois law." Explicit here is the assumption

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of the pre-eminence of Moscow's interpretation of the "inevitable" laws of the "class struggle" over any system of legality that would serve anti-Soviet interests. If decisions adopted in the United Nations, the World Court, or any arbitrating international body condemned Soviet aggression in Czechoslovakia (or in any given country) on the basis of accepted international legal norms, the Soviets would simply reject such condemnation by falling back on the higher reality of "socialist law." If and when interpretations of international law prove menacing to Soviet interests, they could be dismissed under the generic heading "bourgeois law" and rejected as not applying to socialist states.

3. Therefore, on the basis of the Soviet Union's concept of "socialist law", no socialist country could elevate the interests of its own national sovereignty above the interests of the "socialist community of nations". Writes Kovalev: "...each Communist party is responsible not only to its own people, but also to all the socialist countries, to the entire Communist movement... As a social system, world socialism is the common gain of the working people of all lands; it is indivisible and its defense is the common cause of all Communists and all progressives of the world... The sovereignty of each socialist country cannot be opposed to the interests of the world of socialism, of the world revolutionary movement." (italics ours)

4. The above statements represent a departure from Kremlin policy statements before the Czech invasion. As late as Spring 1968, during the height of the Czech reform program, Kosygin declared that "...The Soviet state...made its invariable principle in international policy the strict observance of equality, national independence, and non-interference in the internal affairs of other states and peoples." * Now, however, the Soviets formally and explicitly have allowed Pravda to publish a policy statement to the effect that socialist norms require that socialist states cannot act independently when such action is contrary to the interests of the "socialist community" as a whole. Clearly implicit in the Pravda article is the view that the criteria of what constitutes action contrary to the interests of the "socialist

* Quoted in Pravda, April 3, 1968.

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community" are determined ultimately by Moscow. The Soviet Union thus returns to its pre-1956 "Third Rome" role -- that of sole leader, protector, and savior of the world Communist movement. In the Kovalev article, Soviet theoreticians appear to be asserting the principle of suzerainty of Soviet Communism over all the Communist parties and Communist-controlled countries of the world, even those of China, Albania, and other countries which since Khrushchev's time have rejected the supremacy of the Soviet Union.

5. One might ask, if Moscow considered the threat of a possible Czech break-away from her orbit sufficient cause to invade Czechoslovakia, what prevents the Soviet Union from adopting similar tactics with regard to Rumania, Yugoslavia, Albania, China, and perhaps even Cuba? Actually, on the ideological basis of the Kovalev article, nothing prevents the Soviet Union from taking such action. As a practical matter, however, Soviet decision-makers must weigh tactical objectives against the risks involved at any given time and they have apparently concluded that the risks are too great to warrant action against other erring Communist states at this time. Despite his use of Marxist phraseology, Kovalev spells out a theoretical justification for a state policy of imperialism -- the right of the strong to demand the subjugation of the weak to the former's military strategy: (Czechoslovakia's) self-determination "as a result of which NATO troops would have been able to come up to the Soviet border, while the community of European socialist countries would have been split, in effect encroaches upon the vital interests of the peoples of these countries..."

6. The Pravda article also obliquely reveals Soviet fear of an inherent weakness in the Communist system. Kovalev writes: "It has got to be emphasized that when a socialist country seems to adopt a 'non-affiliated' stand, it retains its national independence, in effect, precisely because of the might of the socialist community, and above all the Soviet Union as a central force, which also includes the might of its armed forces. The weakening of any of the links in the world system of socialism directly affects all the socialist countries, which cannot look indifferently upon this." Although this statement was no doubt intended to deprecate the attitudes of ruling Communist parties in China, Albania, Yugoslavia, and Rumania, which have successfully moved out of Moscow's sphere of influence, it also brings into focus the fear of the

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inability of Communism to endure in any country solely on its own merit. Kovalev appears to be warning truant Communist parties that they cannot expect to remain in power within their own nations unless they can fall back upon the material as well as psychological security of the USSR's military superiority.

7. Apparently implicit here is the conviction that, given the opportunity to flourish, nationalistic and democratic forces in a given socialist country will inevitably supersede and, in the end, liquidate Communist hegemony. However, when faced with the sobering, ever-present possibility of intervention by the USSR and its "allies", "deviationist" forces in a given socialist country cannot and will not be allowed to endure. According to Kovalev, Communism in Czechoslovakia was thus rescued from extinction through the efforts of the Soviet Union: "The help to the working people of Czechoslovakia by other socialist countries, which prevented the export of counterrevolution from abroad, constitutes the actual sovereignty of the Czechoslovak socialist republic against those who would like to deprive it of its sovereignty and give up the country to imperialism." Ironically, the Soviet intervention in Czechoslovakia had as its primary objective the destruction of perhaps the first truly popular Communist regime.

8. Taken at face value, the Pravda article enunciates the doctrine that all Communist parties, whether in power or challenging for power, will be considered subject to Moscow's dictation. The Soviet Union has deemed itself the arbiter of criteria constituting a threat to the entire socialist system and if the Kremlin considers a threat inimicable to the overriding interests of Soviet policy, it may not be loath to employ its military might to crush any given "deviating" Communist party or parties. Such deviation could be explained away as subversion resulting from the export of counterrevolution from abroad.

9. Moreover, it seems to follow logically from the foregoing, that any country which in future adopts a Communist government, either by revolution or election, automatically becomes a part of the "socialist community" as defined by the Soviet Union and, as such, is subject to the doctrine enunciated in the Kovalev thesis, even against the will of the

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Communist party in power. Thus, if by some remote chance countries with strong Communist parties like Italy, France, and Chile were to elect Communist governments, they would become subject to norms of "socialist law". In effect, their national sovereignty would become subordinate to the higher interests of what the Kremlin terms the "socialist community".

10. Given the Kovalev thesis, we may conclude that the Soviet Union apparently does not feel restricted by norms of international legality as understood within the United Nations; rather, the USSR bases its actions on a higher "socialist law", the norms of which are to be determined by the Kremlin. As early as May 1968, on the 150th anniversary of Karl Marx' birth, Mikhail Suslov, chief architect of Kremlin ideology stated: "The armed forces of the USSR will...reliably defend the conquests of socialism". Apparently the USSR will decide what occasions threaten her "conquests"-- the conquests of socialism.

11. The doctrine elucidated in the Pravda article was touched upon by Soviet Foreign Minister Gromyko in a speech to the United Nations on October 3, 1968. In response to Gromyko's speech, British Foreign Secretary Michael Stewart stated that the doctrine of the so-called "socialist commonwealth" (a phrase used by Gromyko) could be described as an assertion that Moscow would judge "for itself what the interests of certain other states may be and will, if it sees fit, take military action outside its own territory in accordance with its judgment of what the interests of other states may be..." Stewart found this "wholly repugnant," and "speaking as a socialist and representing a country that belongs to a real commonwealth", rejected both the doctrine and its "perversity of language." *

* Quoted in The New York Times, October 15, 1968, p. 11.