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JPRS L/10419

29 March 1982

USSR Report

POLITICAL AND SOCIOLOGICAL AFFAIRS

(FOUO 10/82)



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NATIONAL

NEW LEGAL STATUS OF AUTONOMOUS UNITS DISCUSSED

Legal Status of the Autonomous Republic

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 11, Nov 81 pp 11-20

[Article by S. G. Batyyev, Chairman of the Presidium of the Supreme Soviet of the Tatar ASSR; "Problems of the Development of the Legal Status of the Autonomous Republic"]

[Text] The new Soviet constitutions have consolidated on the highest legal level the state policy of the comprehensive development and solidarity of all of the nations and nationalities of the USSR for the purpose of the joint construction of communism, and, in conformity with the conditions of mature socialism, have substantially enriched the content of the forms of national statehood. Among them, the Autonomous Soviet Socialist Republic plays an important role in the development and strengthening of socialist statehood.

The Constitutional Development of the Leninist Principles of Autonomy

The theoretical principles of socialist autonomy were worked out by V. I. Lenin in his works "Critical Notes on the Nationalities Question," "Separatists in Russia and Separatists in Austria," "The Working Class and the Nationalities Question," "On 'Cultural National' Autonomy," "Letter to S. G. Shaumyan," "Is a Mandatory State Language Needed," and many other works. Lenin's ideas on socialist autonomy are embodied in the principles of its organization and operation.

Soviet autonomy is organized according to the national territorial principle which means that those territorial parts of the country which are distinguished by distinctive characteristics of national make-up and life and economic system and by a definite social homogeneity are recognized as autonomous. This approach ensures the comprehensive, including political, development of a nation. V. I. Lenin resolutely rejected for Russia the program of so-called "cultural national autonomy" which limited the nationalities question to the framework of cultural and educational work, without connecting it with the political self-determination of a nation. After revealing the essence of "cultural national autonomy," he characterized it as an expression of the most subtle and most absolute and the most completed form of nationalism. [1]

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An important role in the development of Soviet autonomy is played by the staffing of the apparatus and its leadership primarily with representatives of the nation which gave its name to the republic. It is important to keep in mind here that the population composition of many autonomous republics is multi-national. "And it is natural," L. I. Brezhnev emphasized in the Summary Report at the 26th CPSU Congress, "that all nations have the right to proper representation in their party and state agencies." These points are consistently taken account of in the practice of national-state construction in the ASSR (Autonomous Soviet Socialist Republic). Thus, the Supreme Soviet Tatar ASSR, Tenth Convocation, consisted of the representatives of seven nationalities, including 125 Tatars and 109 Russians. These measures make it possible to enlist the widest strata of workers of various nationalities in political life and in participating in the management of state and public affairs. The equal rights of nations and peoples on the common state level manifests itself in the equal amount of rights of the single forms of Soviet autonomy, and in their equal representation in the Soviet of Nationalities of the USSR Supreme Soviet.

As is known, the revolutionary creativity of the popular masses created three forms of Soviet autonomy: the autonomous republic, the autonomous oblast, and the autonomous district. At the present time there are 38 autonomous units in the USSR, including 20 autonomous republics, 8 autonomous oblasts, and 10 autonomous districts. All of them are named in the Constitutions of the USSR and the union republics, which is a constitutional guarantee of their free development. Soviet autonomy has embraced and reflected practically all of the stages of the development of ethnic communities, taking dialectical account of the possibilities of moving from one form of autonomy to another. Thus, 11 of the 16 autonomous republics which were within the RSFSR were transformed into autonomous oblasts. Several nations and peoples may be united within the framework of autonomy. For example, more than 10 peoples are represented in the Dagestan ASSR, while the Mari and the Mordovian ASSRs each have 2 peoples, and so forth. The nation or the people which has given the name to the autonomy may comprise an absolute or relative majority of its population, or even be in the minority; regardless of this, the law provides equal guarantees for its national rights.

Soviet autonomy is the creation of the socialist system whose basis is made up of genuine people's power, socialist ownership of the means of production, democratic centralism, and proletarian internationalism. Thanks to this, in their economic and social renaissance nations and peoples based themselves not only on their own resources, but also upon the economic might of the entire Soviet state and in an historically brief period they reached actual equal rights. [2, p 375]

Strengthening of the Status of the Autonomous Republic

The highest form of Soviet autonomy is the autonomous republic--a Soviet socialist state which is a part of a union republic. There are 16 autonomous republics in the RSFSR, 2 in the Georgian SSR, 1 in the Uzbek SSR, and 1 in the Azerbaijan SSR. Reflecting the laws of developed socialism, the new Soviet Constitutions have substantially expanded the rights of the ASSR and their guarantees, and have created new possibilities for taking account of their national and other distinc-

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tive characteristics. The status of the ASSR as a state is now fixed not only in the Constitution of the ASSR, but for the first time directly in the Constitution of the union republics. The USSR Constitution and the Constitutions of the union and autonomous republics have created all of the grounds for a deeper study of the character of the statehood of the autonomous republics. Toward this end, it is important to examine the dynamics of the constitutional development of the legal state attributes which are characteristic of the ASSR as a socialist state. L. I. Brezhnev has noted that the Constitution of the USSR, "like the new constitutions of the union and autonomous republics, reflects the most characteristic and most stable attributes of the statehood and of the entire system of social relations of developed socialism." [3]

There has been a substantial strengthening in the state mechanism of the ASSR of the position of the supreme agency of the autonomous republic's state power--the ASSR Supreme Soviet which as the expressor of the will and interests of the republic's people has the authority to deal with all of the questions which have been put by the Constitution under the management of the autonomous republics. The exceptional powers of the ASSR Supreme Soviet have been fixed not only in the ASSR Constitution, but for the first time in the Constitutions of the USSR and of the union republics, which represent an essential legal state guarantee of its status. Only the Supreme Soviet adopts the Constitution and laws of the ASSR, makes changes in its Basic Law, approves the State plans for economic and social development, the ASSR State Budget, and the reports on their fulfillment, and forms bodies subordinate to it.

A stricter system of reporting to the ASSR Supreme Soviet and its Presidium by all of their subordinate bodies has been established in the ASSR Constitution and the laws which are issued on its basis. This statute is being consistently realized in practice. In 1978 a report by the republic's government was heard at a session of the Supreme Soviet Tatar ASSR. Twice in recent years the Presidium of the Supreme Soviet has heard reports from the Supreme Court of the Tatar ASSR, and a report by the Ministry of Domestic Services for the Public of the Tatar ASSR on the fulfillment of the assignments of the 10th Five-Year Plan.

The body of legal persons subject to legislative initiative has been expanded in the ASSR Supreme Soviet. Among them, the Supreme Court and the Procurator General of the ASSR, and public organizations in the person of republic and corresponding agencies are named for the first time in the Constitution. By a decision of the ASSR Supreme Court or its Presidium, draft laws and other important issues of the state life of the autonomous republic are submitted for public discussion.

In accordance with the USSR Constitution and that of the union republics, the ASSR Supreme Soviet forms the ASSR Committee for People's Control which heads the autonomous republic's system of people's control agencies. These agencies control the fulfillment of state plans and assignments, wage a struggle against violations of state discipline and manifestations of localism and of a departmental approach to affairs, against mismanagement and extravagance, and against red-tape and bureaucratism, and help to improve the work of the state apparatus.

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The authority of the Presidium of the Supreme Soviet has been expanded and more clearly formulated by the new constitutional legislation. For the first time the status of the permanent commissions of the Supreme Soviet ASSR is defined on the level of the republic's Basic Law (Articles 103, 104, and 107 of the Constitution of the Tatar ASSR). The unity of the system of the supreme and local agencies of state power has been strengthened. The Soviets of the ASSR are characterized as a single system of agencies of state power. In the Tatar ASSR this system includes the republic's Supreme Soviet, and 37 rayon, 18 city, 9 rayon in cities, 22 settlement, and 802 rural Soviets of People's Deputies. The Constitution places leadership of the local Soviets in the Presidium of the Supreme Soviet ASSR. The executive and administrative agencies of superior soviets have been deprived of the right of stopping the fulfillment of the decisions of lower soviets.

The highest executive and administrative agency of state power in the ASSR is the Council of Ministers--the government of the ASSR which is formed by the ASSR Supreme Soviet and authorized to deal with all of the questions of state management which have been put under the disposal of the autonomous republic, insofar as they do not enter, according to the Constitution, into the competence of the ASSR Supreme Soviet and its Presidium. For the first time on a constitutional level the possibility is envisaged of considering the distinctive characteristics of the ASSR in the organization and activities of its government. In order for this to happen, on the representation of the Chairman of the Council of Ministers, the Supreme Soviet may include within the personnel of the Government of the ASSR, besides the leaders of the agencies of state administration which are formed by it, the leaders of other agencies and organizations of the republic. There is a constitutional establishment of the coordination and control authorities of the ASSR Council of Ministers in relation to enterprises, institutions, and organizations of union and republic (union republic) subordination for questions which are under the management of the autonomous republic.

The ASSR Council of Ministers directs the work of the ispolkoms of the local soviets, and unifies and assigns the work of the ministries, ASSR state committees, and other agencies which are subordinate to it. The state committees are a new type of ASSR state agency. In the Bashkir, Komi, Mari, Mordovian, Tatar, and Udmurt ASSRs there are now 10 different committees in operation, in the Chuvash ASSR--9, and in the Kalmyk and North Osetian ASSRs--7 each which perform, in particular, interbranch management. It is important to emphasize that the relationships between the ASSR Council of Ministers and the Council of Ministers of the union republics are not relationships of direct subordination. The government of the union republic directs and verifies the work of the ASSR Council of Ministers, and, within the limits of its competence, stops the execution of its acts. In the event that the acts of the ASSR Council of Ministers do not correspond to the law, they can be annulled only by the Presidium of the Supreme Soviet of the union or autonomous republic. The acts of the ministries, state committees, and other agencies of ASSR management in whose work the distinctive features of the autonomous republic are taken account of also possess special juridical force. In the event that these acts do not correspond to the laws, they can only be stopped by a superior union republic management agency which then makes an annulment proposal to the ASSR Council of Ministers.

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In accordance with its new Constitution, the autonomous republic has a system of its own judicial agencies. Thus, the court system of the Tatar ASSR includes the Supreme Court Tatar ASSR--the republic's highest judicial body--and 8 city and 38 rayon people's courts. The organization and the procedures of the courts of an autonomous republic are defined by the constitutional laws of the USSR, the union republic, and the autonomous republic in which the Leninist principles of socialist justice are fixed and developed. In accordance with the Constitution, the highest supervision over the precise and uniform execution of the laws on the territory of an autonomous republic is carried out by the USSR Procurator General and the Procurator of the union republic, the ASSR Procurator, and the lower procurators who are subordinate to him. The ASSR Constitution devotes a separate chapter to the procurator's office. In their work the agencies of the procurator's office interact closely with the Soviet of People's Deputies and with other ASSR agencies and organizations; however, they exercise their authority regardless of all local agencies, subordinating themselves only to the USSR Procurator General.

Thus, the autonomous republic possesses its own state apparatus which is necessary for exercising the republic's competence. A very important characteristic of the autonomous republic as a state is the existence of its own Constitution which it adopts and amends independently, without subsequent approval by the Supreme Soviet of the union republic. At the same time, the ASSR Constitution corresponds to the USSR Constitution and to the Constitution of the union republic and takes account of the distinctive characteristics of the autonomous republic. In 1978 all of the autonomous republics adopted their own Constitutions.

If we were to speak about the special features of constitutional control in the ASSR, then above all the ASSR Constitution takes account of the specific aspects of their social structure. For example, Article 19 of the Constitution of the Karakalpak ASSR establishes: "The social basis of the Karakalpak SSR consists of the indestructible union of workers, dekhkan (peasants) and the intelligentsia." In the chapter devoted to the basic rights, freedoms, and duties of citizens, and in the articles on the freedom of conscience of citizens there is a reflection of the existence in autonomous republics of various religious institutions; for example, the church and the mosque in the Bashkir, Dagestan, and Checheno-Ingush ASSRs, the mosque and the church in the Tatar ASSR, and the church in the Mari and Udmurt ASSRs.

Account is also taken of the special features of the geographical position of the republics and of the character of their environments. Thus, Article 18 of the Constitution of the Yakut ASSR states that measures which are taken for the protection of and scientifically substantiated, rational use of the republic's natural resources are carried out with regard to the limited nature of the protective functions of the nature of the North.

The constitutions of the ASSRs reflect the distinctive features of the administrative-territorial organization of each republic. For example, in the Adzhar ASSR there are 5 rayons and 1 city of republic subordination, in the Tatar ASSR--37 and 10, respectively, and in the Bashkir ASSR--54 and 14, respectively. They take account of unique features in the organization of the single system of agencies of

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state power. Thus, along with settlement and rural Soviets of People's Deputies, in the Buryat ASSR there are somon soviets, in the Kabardino-Balkar and Checheno-Ingush ASSRs--Stanitsa , in the Yakut ASSR--nasleg, and in the Karakalpak ASSR--aul soviets. For the first time the Constitutions of the autonomous republics fix the permanent numerical composition of the deputies of the Supreme Soviets of the ASSRs: from 110 in the Adzhar to 280 in the Bashkir ASSR. Different quantitative compositions are also established for the Presidiums of the ASSR Supreme Soviets: from 9 to 13 deputies.

The Constitutions of the autonomous republics which are within the RSFSR and the Azerbaijan SSR establish a minimum number of sessions per year differentiated by the elements of the local soviets: for rayon, city, and rayon in city soviets no less than 4 times, and for the settlement and rural soviets no less than 6 times per year. The Constitutions of the Abkhaz, Adzhar, and Karakalpak ASSRs provide for the sessions of all of the local soviets to be called by their executive committees no less than four times a year. The laws and other acts of the ASSR Supreme Soviets, and also the acts of their Presidiums are published in the languages of the autonomous and union republics and also in the Russian language. Legal proceedings in the ASSRs are conducted in the languages of the autonomous or union republic, or in the language of the majority of the population of a given locality.

The ASSR Constitutions contain norms for the State Emblem and the State Flag of the autonomous republic, and the capitals of the autonomous republics are named. The autonomous republic has its own State Emblem and State Flag which are symbols of its national statehood. The new ASSR Constitutions have brought the representations of the state symbols of the ASSRs into correspondence with the union republic symbols. Such, in comparative terms, are the distinctive features and the differences which are contained in the Constitutions of the autonomous republics. Basically, both in structure and in content the autonomous republic Constitutions are similar.

The question of the relationship between the Constitution of the autonomous republic and the Constitution of the union republic of which it is a unit is of great interest. Let us take, for example, the Constitution of the Tatar ASSR and the Constitution of the RSFSR. First of all, it has to be emphasized that the Constitution of the Tatar ASSR corresponds to the Constitution of the USSR and the Constitution of the RSFSR. In its Decree of 29 June 1978 the Presidium of the RSFSR Supreme Soviet took cognizance of this. [4] The Tatar ASSR is a socialist state which is within the RSFSR. It and the RSFSR have the same type of bases for their social system: a political and economic system, a social basis, and others. This explains the fact that many of the points of the RSFSR Constitution are reproduced in the Constitution of the Tatar ASSR. However, they are not reproduced mechanically, but are formulated from the point of view of the autonomous republic. Such norms in the Constitution of the Tatar ASSR make up the majority. It should be noted that here already we have a reflection of the distinctive features of the autonomous republic.

At the same time, the Constitution of the Tatar ASSR takes account of the distinctive features of the autonomous republic's statehood. Its first section does

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not contain a Chapter Four which exists in the RSFSR Constitution on foreign political activities and the defense of the socialist Fatherland. These functions are carried out by the ASSR through the mediation of the top agencies of state power and administration of the RSFSR and the USSR, participating in decisions on matters which have been put under the jurisdiction of the union republic and USSR. This right of principle is established and guaranteed for the ASSR for the first time by the Constitutions of the USSR, RSFSR, and Tatar ASSR. For example, 11 deputies are elected from every autonomous republic to the Soviet of Nationalities of the USSR Supreme Soviet. The Presidiums of the Supreme Soviets of the union republics are formed in such a way that one representative from every autonomous republic holds the post of Deputy Chairman of the Presidium. According to established tradition, the Chairman of the Presidium of the ASSR Supreme Soviet is this representative. The Councils of Ministers of the Uzbek SSR, Georgian SSR, and Azerbaijan SSR contain as members the Chairman of the Councils of Ministers of their ASSRs. In addition to this, the autonomous republic, in the person of its supreme agency of state power, is for the first time granted the right of legislative initiative in the RSFSR Supreme Soviet (Article 108 of the RSFSR Constitution). Consequently, a constitutional mechanism has been created and reliably guaranteed for the participation by the ASSR in deciding issues under the jurisdiction of the union republic, including foreign policy issues. As for the function of the defense of the socialist Fatherland, the Constitution of the Tatar ASSR establishes its participation in the performance of this function in a similar manner to the way this is done in the RSFSR Basic Law for this union republic.

The sections of the RSFSR and Tatar ASSR Constitutions on national-state and administrative-territorial organization have their own special characteristics, since the RSFSR is a federated state, while the Tatar ASSR is a unitary one. This explains the existence in the RSFSR Constitution of Chapter VI--"The Supreme Agencies of State Power and Administration of the Autonomous Republic"--which does not exist in the Constitution of the Tatar ASSR. The Constitution of the Tatar ASSR, as we see, has differences from the RSFSR Constitution which are determined by the special characteristics of the republic itself. It is important to emphasize here that the questions which follow from these special characteristics comprise the object of the exclusive jurisdiction of the ASSR and are dealt with in its Supreme Soviet. The autonomous republic has and evolves its own legislation. The special characteristics of the ASSR at the current stage show up most of all in the spheres of political and socio-cultural life and, for this reason, it is these spheres which are covered above all by its legislative regulation. At the same time, it should be noted that limits have not been established to ASSR law-making. The ASSR Supreme Soviet adopts laws on any matters which have been put under its jurisdiction. The laws of the ASSR cannot be annulled or halted by the supreme agencies of power of the union republic or USSR. At the same time, the constitutional principle of the priority both of the All-Union law and of the law of the union republic is strictly observed. The laws of the USSR and union republic are in effect on the territory of the ASSR and must be carried out.

With the adoption of the new Constitutions the legislative activities of the ASSR Supreme Soviet have been greatly enlivened. In accordance with plans which have

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been approved by the Presidiums of the ASSR Supreme Soviets for the organization of work to bring the legislation of the autonomous republics into correspondence with the USSR Constitution and the Constitutions of the union and autonomous republics, in the autonomous republics laws on elections to the ASSR Supreme Soviets, Regulations of the ASSR Supreme Soviets, laws on the ASSR Councils of Ministers, and laws on elections to the local soviets have already been adopted. In those places where these acts did not exist, work is being done to develop legislative acts on the procedure for organizing work with the orders of voters, general regulations on ASSR honorary titles, and others. Thus, in recent years there has been a substantial expansion of the borders of legislative regulation in the autonomous republics. At the same time, changes and additions are being made in the operating ASSR legislative acts. In the Tatar ASSR, for example, there are around 30 acts which are subject to renewal.

The autonomous republic as a state has its own territory which, according to the new Constitutions, cannot be changed without its agreement. In the past this principle was recorded only in the ASSR Constitutions. Now guarantees of territorial command and of the strengthened independence of the autonomous republic have been increased and their norms are recorded in the USSR Constitution and in the Constitution of the union republic. The new Constitution of the Tatar ASSR contains a substantially fuller entry on the citizenship of the autonomous republic which is placed in a separate chapter. Citizens of the USSR who are permanent residents on its territory are citizens of the ASSR; in accordance with the single union citizenship which is established in the USSR, every ASSR citizen is a citizen of the union republic and the USSR. The grounds for, and procedure of acquiring and losing Soviet citizenship are defined by the Law on USSR Citizenship. Citizens of the RSFSR and other union republics enjoy equal rights on the territory of an ASSR with the citizens of that ASSR. Citizens of an ASSR abroad enjoy the protection and patronage of the USSR.

In the USSR Constitution and the Constitutions of the union republics there is the definition that the ASSR, outside of the limits of the rights of the USSR and union republic, independently deals with issues put under its jurisdiction. The range of these issues is established in the Constitution of the autonomous republic itself. Moreover, the list of these issues in the new ASSR Constitutions is not exhaustive, as it had been before, but is concluded with the statement on "the handling of other issues of republican significance" (Article 66 of the Constitution of the Tatar ASSR). Consequently, any question of republican (ASSR) significance is dealt with and is supposed to be dealt with by the autonomous republic. This regulation procedure was not provided for in the previous Constitutions.

In the sphere of state construction, as has already been noted, the autonomous republic independently adopts its own Constitution, makes changes in it, and exercises control over its execution. The limits of its law-making powers have been expanded. It ensures the protection of state order and of the rights and freedoms of citizens. The Basic Laws of the ASSR consolidate the existing practice of the establishment by the ASSR itself, in accordance with the laws of the

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USSR and the union republic, of the procedure for the organization and the activities of the republic and local agencies of state power and administration. The ASSR defines its own rayon division and resolves other questions of the republic's administrative-territorial organization in accordance with the laws of the union republic.

In accordance with their Constitutions, in the spheres of economic and social and cultural construction for the first time the ASSR has had assigned to its jurisdiction the issues of the pursuit of a single social and economic policy, the leadership of the republic's economy, the ensuring of scientific and technological progress and the carrying out of measures for the rational use and protection of natural resources, and the issues of the protection of historical and cultural monuments and of the environment.

The autonomous republic provides for overall economic and social development on its territory. Toward this end, for issues which are under its jurisdiction it coordinates and controls the activities of enterprises, institutions, and organizations of union and union-republic subordination. An important instrument for the realization of this authority is the current and long-term state plans for the economic and social development of the ASSR in which, in order to achieve the above-mentioned goals in accordance with the ASSR Constitution, the basic indicators of the plans of enterprises, institutions, and organizations of superior subordination which are located on the territory of the autonomous republic are included. The fulfillment of the state plan of the ASSR is provided for by the republic's state budget which is adopted, as is the plan, by its Supreme Soviet.

The economy of the ASSR is a complex economic mechanism which is a component part of the economy of the union republic. Suffice it to say, that there are in operation on the territory of Tatarsiya 130 industrial enterprises and associations of union subordination, 214 of union-republic subordination, and 59 in dual (RSFSR and Tatar ASSR) subordination. The work of these enterprises and associations is organically connected with the life of the republic. It involves the accommodating of people, the construction of housing, schools, hospitals, children's preschool institutions, food supplies, and so forth. As is known, large industrial production requires an efficiently organized service industry. For example, in the suburbs of Naberezhnyye Chelny alone with a population of more than 350,000 people there are 30 specialized sovkhozes.

The basic principles for ensuring overall economic and social development on the territory of the ASSR are fixed constitutionally. It should be emphasized that the Constitutions, when they speak about the fact that the direction of the economy is carried out on the basis of state plans for economic and social development, point to a consideration of the branch and territorial principles in management with a combination of centralized management and the economic independence and initiative of enterprises and other organizations. The leadership of the Soviets in dealing with the questions of overall development on their territory has also been strengthened. However, the legal and, in particular, methodological regulation of the procedure for considering and making decisions on these

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matters is still weak. The 19 March 1981 Decree of the CC CPSU, Presidium of the USSR Supreme Soviet, and USSR Council of Ministers, "On a Further Increase in the Role of the Soviets of People's Deputies in Economic Construction" makes an important contribution to the solution of the problems connected with this. With regard to the ASSR it is stipulated in it, in particular, that associations, enterprises, and organizations of union and union-republic subordination, before the presentation to superior agencies of drafts of five-year and annual plans and of proposals on changing these plans, have to send for consideration to the ASSR Council of Ministers those of them which concern land use, environmental protection, construction, the use of labor resources, the production of consumer goods, and social and cultural, domestic, and other services for the public. The government of the autonomous republic reports to these enterprises, and, in necessary cases, also to their superior agencies, on the results of its consideration of the above draft plans and proposals on changing approved plans. The USSR and union republic ministries and departments have to take account of these proposals.

It has been found to be expedient for associations and enterprises whose output is used primarily for satisfying the needs of the populations of autonomous republics to be transferred, as a rule, to republican (ASSR) subordination. Associations, enterprises, and organizations of superior subordination have been charged with coordinating with the ASSR Council of Ministers an increase in the number of workers and employees envisaged by them in their draft five-year and annual plans, and for enterprises being newly commissioned--the need for labor power.

At the same time, many problems are still unsolved. It is necessary to settle such questions as the dates for the development, approval, and correction of plans and for their presentation for the agreement of ASSR state agencies, and to define the procedure by which associations, enterprises, and organizations, and also ministries and departments take account of the criticisms and proposals of ASSR agencies, and also the procedure for resolving controversies. It would be useful to establish the responsibility of the administration of enterprises and ministries and departments for violations of planning discipline, and for the failure to fulfill their territorial commitments. Today the above agencies may accept the proposals of an ASSR, and they may without any legal consequences also decline them, not carry them out.

As experience shows, despite all of its virtues, branch management also has negative aspects and, particularly, an underestimation of the interests of a territory. But the overall development of territories--this, as is known, is a general state task. The ministries and departments concern themselves above all with purely production interests, understanding that the local agencies of power will be concerned about the rest. Here departmental barriers are still especially visible. We believe that in order to overcome them it is necessary to introduce amendments into the regulations on the socialist state production enterprise, on production and industrial associations, and on union and union-republic ministries and departments, stipulating the duties of the latter with regard to the agencies of state power on whose territory they are located.

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The planning agencies of the autonomous republics are also in need of organizational and legal strengthening. Their structures and the qualifications of planning workers have not yet been adapted to the accomplishment of the new tasks, which, of course, is reflected in the effectiveness of implementing the constitutional statutes on the coordination and control of enterprises and organizations of superior subordination.

It is also important to improve the work on the composition and ratification of the summary five-year and annual plans for the production of local construction materials, and the production of consumer goods, plans for municipal housing and cultural and domestic construction, and also supervision of their fulfillment. In accordance with the 12 July 1979 Decree of the CC CPSU and USSR Council of Ministers "On Improving Planning and Strengthening the Influence of the Economic Mechanism on Increasing Production Efficiency and Improving the Quality of Work;" this work has been made the responsibility of the ASSR Councils of Ministers. [5]

As has already been noted, the economy of the autonomous republic is a component part of the economy of the union republic which, in turn, is a part of a single national economic complex that embraces all of the elements of social production, distribution, and exchange on the territory of the USSR. Basing themselves on the fraternal friendship and disinterested mutual assistance of the Soviet peoples and, above all, of the great Russian people, and on the latter's advanced material and spiritual culture, during the years of Soviet power the autonomous republics under the leadership of the communist party have traversed a path which is equal to centuries and have attained considerable heights in their economic and social development.

Take, for example, the Tatar ASSR which relatively recently celebrated its 60th anniversary. During that time it has accomplished a gigantic leap forward from handicraft cottage productions to industrial giants, from the wooden plow to advanced machinery equipment, from the medrese to academic centers, and from the kubyz to a national opera. The contemporary industrial make-up of Tataria is determined by such leading branches of technological progress as machine building and metal working, instrument making and electronics, the chemical, petroleum, and petro-chemical industries, and electric and thermal power engineering. More than 100 branches of the republic's industry are organically interwoven into the fabric of the single national economic complex of the USSR. The scope of the growth of the economy of Tatarstan is vividly testified to by the fact that in 1980 its industry produced 814 times more output than in 1913, and 60 times more than in 1940. Industry has developed at especially rapid rates during the last decade. During this period 20 billion rubles were invested in the republic's economy, which is almost twice as much as during all of the preceding years of Soviet power. The Tatar ASSR takes an active part in the general union division of labor and, along with the other republics, in the development and strengthening of the common economic potential of the USSR. It supplies the country's economy with more than 30 percent of its polyethylene and synthetic rubbers, and around 50 percent of its photographic movie materials. Machinery and instruments produced in Tataria are exported to 80 countries of the world.

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The creation of a national working class and of a national engineering and technical intelligentsia is one of the most important social and political gains of the last 60 years. Whereas before the revolution Tatar specialists were isolated individuals, at the present time they make up more than 36 percent of all of the specialists employed in social production. Tatars represent around 40 percent of the industrial workers, and almost half of the workers in the petroleum industry. Large successes have also been achieved in the field of spiritual life. Tatariya has become a republic not only of complete, but also of high literacy. There are now more than 70,000 students studying in its 13 vuzes and 4 institute branches, including more than 32,000 people of the indigenous nationality. Science is developing successfully in the Kazan' branch of the USSR Academy of Sciences, and there is a scientific research institute of language, literature, and history. Whereas before the revolution in all of Kazan' province there were only 11 clubs and 1 theater, there are now 2,570 palaces and houses of culture and clubs, 9 theaters, a state conservatory and state philharmonic, a symphony orchestra, 10 museums, a film studio, and a far-flung network of movie houses. The republic has its own publishing house. Every year 340-350 new titles are published, and every year around 2.5 million newspapers and periodicals are issued, including in the Tatar language.

Internationalism has become an inalienable law of Soviet reality. Its beneficial influence is felt in all of the spheres of social life. In Tatariya the flagship of domestic machine building--the KAMaz--has become the personification of the international fraternity of Soviet people and of their labor valor and heroism. Emissaries from all of the oblasts, krays, and republics of the country and the representatives of dozens of nationalities took part in building this enterprise. Orders from the motor vehicle giant have been filled by 1500 enterprises, more than 100 scientific research and designing institutions, and hundreds of cities. Today the KAMaz is confidently picking up speed. Dozens of years of the successful functioning of the existing forms of statehood have confirmed their vitality and expediency. L. I. Brezhnev has emphasized: "Experience has shown that the basic features of the federated organization of the USSR have completely justified themselves. For this reason, there is no need to make any principal changes in the forms of Soviet socialist federation." [2, pp382-383] The above can with complete justice be applied also to federation founded on autonomy.

The new Constitutions, and also the laws which have been adopted to develop them, have improved the fundamental features of the different forms of autonomy, and have strengthened their possibilities for fulfilling common state tasks, in the international education of people, and their active participation in the objective process of the coming together of nations. At the current stage the autonomous republics and the other forms of autonomy have broad and bright prospects for free development. In the harmonious family of Soviet peoples, carrying out their constitutional authority, they are achieving new successes in accomplishing the tasks put forward by the 26th CPSU Congress, and great heights in communist construction have been attained.

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CSO: 1800/295

Legal Position of Autonomous Districts in RSFSR

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 12, Dec 81 pp 11-19

[Article by Ye. M. Koveshnikov, Candidate in Juridical Science, and M. A. Shafir, Senior Scientific Associate at the Institute of State and Law of the USSR Academy of Sciences, Doctor of Juridical Sciences]

[Text] In the 1977 USSR Constitution a developed socialist society is characterized as a society of mature socialist social relations in which both the juridical and the actual equality of all nations and peoples has been achieved and their fraternal cooperation has become firmly established. "The unity of the Soviet nations," it is emphasized in the report by L. I. Brezhnev at the 26th CPSU Congress, "is strong today as never before. . . . This does not mean, of course, that all of the problems in the sphere of national relations have already been solved. The dynamics of the development of such a large multi-national state as ours engenders quite a few problems which require the sensitive attention of the party." For this reason, an improvement of national relations and their correct and timely regulation is always in the field of vision of the communist party of the Soviet state. The measures which are being carried out to develop the peoples of the Far North and Far East of the RSFSR, and to solve the problems connected with the position of autonomous districts and with the adoption of new legislation concerning them are, as was noted at the 26th CPSU Congress, a vivid example of this attention to the problems and tasks of the comprehensive development of nations and national relations under present-day conditions.

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The Constitutional Status of the Autonomous Districts

In the early 1930s, in order to bring about the economic and cultural development of the small peoples of the Far North and Far East of the RSFSR, national districts which have played an important role in the fundamental transformation of the socio-economic and cultural life of these peoples were created. However, constitutionally, the position of the national districts was not regulated with sufficient fullness and concreteness. The 1936 USSR Constitution and the 1938 RSFSR Constitution did not contain any special norms on the legal position of the national districts. Only in one case in the 1936 USSR Constitution, namely, in Article 35 which established the procedure for electing the Soviet of Nationalities of the USSR Supreme Soviet it was stated that one deputy from each national district is elected to this chamber. The Basic Laws of the USSR and RSFSR spoke in general terms, outside of any connection with the national districts, about the districts, district soviets, district courts, and district procurators. As for the Regulation on the National Districts, during the period of the effect of the 1938 RSFSR Constitution it was not adopted. Let us note that this circumstance at one time provided the grounds for a number of writers to altogether deny the autonomous character of these districts which were regarded by them as ordinary administrative-territorial units. There was also another position--on the expediency of removing a district from the body of a kray or oblast in order for them to enter directly into the RSFSR and for their direction to be carried out by the supreme agencies of state power and administration of the RSFSR.

The adoption of the 1977 USSR Constitution, and also of the 1978 RSFSR Constitution marked a serious step in the definition of the legal position of the above districts, and signified an expansion (and not only of the amount, but above all of the significance and content) of the constitutional regulation in this field of national-state construction. In this way the necessary constitutional preconditions were created for the successful development in conformity with the conditions of a developed socialist society for such a form of Soviet autonomy as the autonomous district; and by means of the adoption of the appropriate acts of current legislation and a strengthening of the daily organizational work of state agencies provision is made for state, economic, and social and cultural construction in the districts, and for the realization in these regions of the socio-economic program worked out by the CPSU and concretely expressed in the Basic Directions of the Economic and Social Development of the USSR for the Years 1981-1985 and for the Period until 1990 which were approved by the 26th Party Congress.

It is important to emphasize that the constitutional norms concerning the autonomous districts are not only of essential state-legal importance, but also of great theoretical importance, insofar as they provide a full basis for a comprehensive characterization and elucidation of the distinctive features of the legal position of autonomous districts in the system of Soviet national state organization. First of all, it has to be observed that the 1977 USSR Constitution established a new designation for the districts--they began to be called not "national districts," as had been the case earlier, but "autonomous districts," which are discussed in the section "National-State Organization of the USSR" and

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in the special chapter "The Autonomous Oblast and the Autonomous District." There is a similar chapter in the RSFSR Constitution, in the section "The National-State and Administrative Territorial Organization of the RSFSR." These constitutional regulations define the place and importance of the autonomous districts in our single union multi-national state--the USSR--which personifies the state unity of the Soviet people and of all of its nations and peoples.

It should be noted that in the beginning of the 1930s the populations of the national districts which were created at that time consisted basically of small peoples of the North, and the name "national district" emphasized that autonomy was being granted precisely to these peoples which for the first time in their history had received the possibility of creating their own national state formations. Subsequently, during the process of the accelerated industrialization of these areas, the more rapid rates of the development of the northern territories, and the influx of population from other regions of the country there occurred a substantial population movement. The districts became multi-national in their population composition. And although the indigenous population grew numerically, its proportion in the total population decreased. Thus, in the Evenk National District the Evenks and Yakuts comprised 78.3 percent of the population in 1932, while in 1976 the figure was 32 percent. The increasingly intensive transformation of the North which possesses enormous and unique natural resources and which has been playing an increasing role in the economy of the Russian Federation and of the entire USSR became now a genuine affair of the entire people and a vivid display of the friendship and mutual assistance of the Soviet peoples. [2] Nor must one forget to take account of the importance of the unification of terminology for the existing forms of national autonomy which was performed in the Constitution (autonomous republic, autonomous oblast, autonomous district). Thus, on the basis of the experience of national-state construction the USSR Constitution established the proposition that under developed socialism the organizing role of autonomous districts in state construction is strengthened, since the dimensions of communist construction and the tasks of developing the northern territories grow immeasurably.

With the intensive processes of internationalization which are taking place and with the growth of population migration (which, incidentally, is characteristic not only of the autonomous districts), the national basis of statehood in the autonomous districts is being maintained. And although today the indigenous nationalities make up the absolute majority of the population only in two districts, the vast majority of the districts have as their residents the largest share of the corresponding peoples. From this there follows the important conclusion that the entire existence of the autonomous districts is inseparably bound up with providing the most favorable conditions for the free development of the workers of all of the nationalities living on their territory.* It would seem that all of the concrete questions which concern the organization, composition, and activities of the districts' agencies of power and administration have to be considered with regard to this circumstance.

* For more details on the functions of national statehood compare [3].

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The constitutional norm to the effect that the autonomous districts are a part of a kray or oblast is of fundamental importance. This is a result of the need to provide the autonomous districts today also with constant and effective assistance in the accomplishment of the tasks of economic and cultural construction given their substantial remoteness from the center, and also the necessity of strengthening the alliance between the working class and the laboring peasantry and intelligentsia, and of ensuring the friendship and cooperation of all of the nations and peoples living on the territory of the districts. The circumstance that the inclusion of the districts in the corresponding krays and oblasts is a result of their close economic relations is also important: Usually this is an economically integral region with definite distinctive features in its industrial and agricultural development. The experience of the relationships between the autonomous districts and the krays and oblasts within which they exist testifies to the close cooperation and mutual assistance between them and to the equal rights of all nations and peoples.

The constitutional norm on the entry of the autonomous districts into a kray or oblast increases the responsibility of the kray and oblast agencies for the successful realization of major measures provided for the CC CPSU and USSR Council of Ministers for the development of areas in which the peoples of the North live. In addition, the RSFSR Constitution contains a list of all of the autonomous districts (Article 71). This means that the small peoples which populate the districts are assigned their ethnic territories whose borders are established in accordance with their will. Here, of course, account is taken of economic expediency and of the integrality of a territory, the national composition of the population, and the necessity of bringing the agencies of state power and administration as close as possible to the population and of creating the most favorable conditions for the active participation by the workers in the management of the affairs of society and the state. This also means that any changes in the composition of the autonomous districts can only be made as changes in the Constitution itself. It is clear that insofar as this involves autonomous formations in which the basic part of the peoples living in them is concentrated, such changes on the basis of an expression of the will of the peoples themselves requires the adoption by the RSFSR Supreme Soviet of the corresponding law and the making of changes in Article 71 of the RSFSR Constitution.

In accordance with the constitutional norms on the autonomous districts, a detailed regulation of their legal position is provided for by a special law on the autonomous districts which is adopted by the Supreme Soviet of the union republic (Article 88 USSR Constitution and Article 84 RSFSR Constitution). Thus, the definitive role in the legal establishment of the position of the autonomous districts belongs to the RSFSR Supreme Soviet, which emphasizes the importance of these questions which are decided by the republic's supreme agency of state power. The issuance of the RSFSR Law on the Autonomous Districts which is stipulated by the USSR Constitution and the RSFSR Constitution ensures an optimal correlation between constitutional and current legislation with respect to the given form of Soviet autonomy.

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Apart from the norms which are contained in the section "National-State Organization of the USSR," the USSR Constitution contains a large number of regulations on the autonomous districts which are placed in the sections that define the organization and activities of the agencies of the Soviet state. In particular, Article 110 establishes the institution of the autonomous district's representation in the Soviet of Nationalities of the USSR Supreme Soviet. This representation exists beginning with the moment that the national, now autonomous districts are formed. It ensures a consideration of the national interests of small peoples in the work of the supreme agency of USSR state power, and the active and direct participation by their representatives in deciding upon questions of general state importance. The chairman of the ispolkom of one of the Soviets of People's Deputies of the autonomous districts is usually elected to the Presidium of the USSR Supreme Soviet. In accordance with the USSR Constitution and the RSFSR Constitution, the Soviets of People's Deputies of the autonomous districts are a part of the single system of agencies of state power, being one of their elements. They decide upon all issues of local significance, proceeding from general state interests and the interests of the citizens living on the territory of the soviet, and with regard to the distinctive features of the national composition of the districts' population.

The courts of the autonomous districts are stated to be among the agencies of justice which are in operation in the USSR. It is established that court proceedings are conducted in the language of the autonomous district or in the language of the majority of the population of a given locality (Article 151 and 159 of the USSR Constitution, and 163 and 171 of the RSFSR Constitution). According to the Constitution, the procurators of the autonomous districts are appointed by the procurator of the union republic and approved by the USSR General Procurator (Article 166 of the USSR Constitution and Article 177 of the RSFSR Constitution).

We have, in this way, a substantial expansion of the limits of the constitutional regulation of the status of autonomous districts and, moreover, it is performed on the level of the USSR and on the level of the RSFSR. Here aspects which are common to both of these levels can be singled out with absolute definiteness, as well as issues whose regulation is performed only on the level of the USSR or only on a republic level (in the Constitution of the RSFSR), which is determined by the special characteristics of the RSFSR as a sovereign socialist state which is a part of the USSR, and by the limits of its jurisdiction.

The Law on the Autonomous Districts of the RSFSR

The adoption by the USSR Supreme Soviet on 20 November 1980 of the Law on the Autonomous Districts of the RSFSR was an event of great importance. [4] This kind of law has been adopted for the first time in the history of Soviet state construction. As is known, the 20 April 1932 Decree of the All-Russian Central Executive Committee and the RSFSR Council of People's Commissars ratified the Regulation on the District Congresses of Soviets and the District Executive Committees of the National Districts of the Northern Outlying Areas of the RSFSR. [5] It defined the procedure for the formation of national districts, the forma-

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tion of their jurisdiction, and their structure. Almost 50 years have passed since the adoption of this document. It is natural that many of its norms have become obsolete and do not meet contemporary requirements. The activities of the agencies of power and administration in the autonomous districts were for this reason regulated by individual normative acts which were adopted for various issues.

The new law was worked out on the basis of the existing legal position of the autonomous districts, the relationships which had developed between the district, oblast, kray, republic, and union agencies of state power and administration, and with regard to the positive experience that had been gained. Its basis is made up of the norms of the USSR Constitution, the RSFSR Constitution, and the USSR Law on the basic authority of the kray, oblast, and district Soviets of People's Deputies. Deputies from the RSFSR Supreme Soviet and from the kray, oblast, and district soviets, specialists from various branches of the economy, and representatives of scientific institutions took part in the preparation of the Law on the Autonomous Districts of the RSFSR. Taking into account the content and importance of this law whose adoption is stipulated by the USSR and RSFSR Constitutions, it seems to us that it can be classified among the constitutional laws whose usefulness for special treatment had already been pointed out in the literature. [6]

The Law on the autonomous districts of the RSFSR defines the legal status of the autonomous districts, establishes the basic principles of the organization and activities of the district soviets and other state agencies, and is uniform for all 10 autonomous districts of the RSFSR. The chapter "General Regulations" is of great importance. It contains the norms which define the distinctive characteristics of this form of Soviet autonomy, and concretizes the constitutional norms on the autonomous districts. Article I contains the regulation on the autonomous district as a form of Soviet autonomy, establishes that in accordance with the USSR and RSFSR Constitutions the autonomous districts are a part of an RSFSR kray or oblast, and specifies of which krays and oblasts the various autonomous districts are members.

Article III is devoted to the questions of the administrative territorial organization of the autonomous district. Here it is important to note the point to the effect that these issues have to be decided with regard to the opinion of the appropriate state agencies of the autonomous district. The formation, abolition, and alteration of the borders of an autonomous district, the formation and abolition in it of rayons, cities, workers' settlements, and rural soviets, the establishment of the subordination of cities, and also the solution of other problems of the administrative territorial organization of an autonomous district is performed in a procedure which is defined by the laws of the USSR and the RSFSR. In addition, any changes connected with the formation or abolition of autonomous districts are adopted in the procedure which has been established for changing the RSFSR Constitution, since they are connected with making alterations in Article 71 of the RSFSR Constitution which established the list of autonomous districts. Other questions of the administrative territorial organization of autonomous districts are decided by the Presidium of the RSFSR Supreme Soviet on the basis of the normative acts which exist in the Russian Federation regarding the classification of populated points and the procedure for deciding upon questions of administrative territorial organization.

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In accordance with constitutional principles, the Law on the autonomous districts of the RSFSR establishes that Soviet citizens who are residents of an autonomous district, regardless of their origin, social and property position, racial and national membership, sex, education, language, attitude toward religion, the type and character of their employment, and other circumstances, are ensured equal rights in all fields of economic, political, social, and cultural life, and also the possibility of using their native language and the languages of the other peoples of the USSR. It is established in the Law that citizens living in an autonomous district participate in elections to the USSR Supreme Soviet, RSFSR Supreme Soviet, and local Soviets of People's Deputies. The details of the holding of elections are defined in the corresponding laws on election to the soviets.

The Law on the autonomous districts of the RSFSR devotes special articles to a district's economic and social development plan and to its budget. It is stated that the district's economic and social development plan is a component part of the economic and social development plan of a kray or oblast. The district's plan has the goal of ensuring the overall development of the territory of the autonomous district. The district's budget unites the district budget and the budgets of the rayons and cities of district subordination and is a component part of the budget of a kray or oblast. It is connected, on the one hand, with the local economy and by means of it monetary resources are redistributed among the economic branches of local subordination and financial control is carried out, and, on the other, with the economy of republic and union subordination whose enterprises and organizations are sited on the territory of the autonomous district. The Law establishes that the budget of the autonomous district is given some of the profits of the enterprises and economic organizations of republic subordination which are located on the territory of the district soviet, and that the enterprises and economic organizations of union subordination participate in the formation of the income of the autonomous district's budget.

The point of view which has been expressed in the literature regarding the expediency of including special sections on planning and financial indicators and the funds which correspond to them for each autonomous district in the laws on the RSFSR state budget and the RSFSR state economic and social development plan would appear to merit consideration. [7]

Of great importance are the regulations of the Law on the autonomous districts of the RSFSR regarding the interaction between the Soviets of People's Deputies of the autonomous district and the kray or oblast soviet in deciding questions of state, economic, and social and cultural construction, and the fact that the district soviet is ensured representation in the kray or oblast agencies of state power and administration. However, the law does not contain norms on the forms of this representation. In practice, very often the chairman of the ispolkoms of the district soviets are elected to the ispolkoms of the corresponding kray or oblast soviets. This practice is entirely justified and merits dissemination.

The questions regarding the interaction between the district soviet and the kray or oblast soviets are also decided in the Law on the kray, oblast Soviet of people's Deputies of the RSFSR. In Article 9 of this law it is stated, in particular, that

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the agencies of state power and administration of the kray or oblast of which the autonomous district is a part show thorough concern for raising the level of the economy and the culture in an autonomous district and that the kray or oblast soviet takes account in its activities of the national and other distinctive characteristics of the autonomous district and ensures the participation of the district soviet in the discussion of issues of kray or oblast significance. [8]

Chapter II of the Law on the autonomous districts of the RSFSR is devoted to the Soviet of People's Deputies of the autonomous district. In accordance with the USSR Constitution and the RSFSR Constitution, it establishes the proposition that the Soviet of People's Deputies is the agency of state power in the district. The soviets of the North have traversed a long road--from clan Soviets to Soviets of People's Deputies. All of the classes and social groups of the population are widely represented in them. Representatives of all of the peoples of the North are elected to the local soviets of the districts. They are also in the soviets of the krays and oblasts in which there are autonomous districts. There are also representatives of the peoples of the North among the deputies to the USSR Supreme Soviet and the RSFSR Supreme Soviet. In view of the multi-national composition of the population of the districts, the quite full representation in the soviets of all of the nationalities living on the territory of an autonomous district is of importance. As is stated in the Summary Report of the CC CPSU to the 25th CPSU Congress, all nations have the right to their proper representation in state agencies. In this way, the composition of the soviets of the districts is a vivid manifestation of the democracy of the Soviet system and of the equal rights of all citizens, regardless of their national and racial membership.

The USSR Law on the basic authorities of the kray, oblast, and district soviets directly stipulates that the authorities of the Soviet of an Autonomous District are determined by the Law on autonomous districts (Article 2).

It is important to emphasize that the Law on the autonomous districts of the RSFSR makes special mention of the necessity of taking account of the national and other distinctive features of an autonomous district. We are speaking about Article 9 in which it is stated that the district Soviet decides all questions of local importance on the basis of general state interests and the interests of the citizens living on the territory of the Soviet and with regard to the national and other distinctive features of the autonomous district, puts the decisions of superior agencies into practice, directs the activities of lower soviets, participates in the discussion of questions of oblast, kray, republic, and all-union importance, and makes proposals on these questions. A number of articles in the Law call attention to the importance of taking account of local distinctive features which are connected with the development of the traditional branches of agriculture, and also with the character of cultural construction (Point 3 Article 22, Point 3 Article 29). In their work the deputies to the soviets are guided by general state interests, and they take account of the interests of the population of their election district, and also of the economic, cultural, national and other distinctive features of the autonomous district.

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The Law defines the basic directions of the activities of the district soviets in the following fields: planning, material and technical supplies, accounting, and statistics; budgetary and financial work; prices; industry; construction; agriculture, handicrafts, and procurements; environmental protection and the rational use of natural resources; road work; transportation and communications; housing, municipal services, and beautification; trade and public catering; domestic services for the public; public education and science; cultural and educational work and art; health care; physical culture and sports; labor, the use of labor resources, and the training of cadres; social security; socialist legality, the protection of state and public order and the rights of citizens, the performance of people's control; defense work; the organization of elections; and the awarding of state awards.

The CPSU is consistently following a course aimed at increasing the role of the soviets in economic and social and cultural construction. It is very important, L. I. Brezhnev has emphasized, for local agencies of power to be even more persistent in ensuring a tie between economic and social development and to better coordinate and control the activities of all of the organizations located on their territory. [1] And the new law grants the district soviets broad authority for carrying out these functions. In particular, the soviets of the autonomous districts have been given the responsibility of ensuring overall economic and social development on their territories, exercising control over compliance with the law by enterprises, institutions, and organizations of superior subordination which are located on their territories, and coordinating and controlling their activities in the fields of land use, environmental protection, construction, the use of labor resources, the production of consumer goods, and social and cultural, domestic, and other services for the public. The district Soviet listens to reports by the leaders of enterprises, institutions, and organizations on these issues, adopts decisions on them and, in the event of necessity, makes its own proposals to the appropriate superior agencies. The proposals of the soviet are subject to mandatory examination, and its results have to be communicated to the soviet no later than within a month.

The law contains the important regulation that USSR and RSFSR ministries, state committees, and departments ensure the presentation by their subordinate enterprises, associations, and organizations of the control figures and basic indicators of their draft plans and approved plans to the district soviets, and take account of the conclusions of these soviets in developing and approving plans, and also development schemes and the siting on their territories of economic and industrial branches.

Thus, the Law on the autonomous districts of the RSFSR has granted the soviets broad possibilities for deciding questions of state, economic, and social and cultural construction on the territory of a district. Of especial importance under contemporary conditions are the increased role of the district Soviets and their agencies in economic construction, the ensuring of the overall economic and social development of the autonomous districts, rayons, and cities, the expansion of the coordination and control functions of the soviets, and the strengthening of their influence on increasing the work efficiency of the associa-

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tions, enterprises, and organizations located on their territories and on improving the living and working conditions of Soviet people. This is all the more important in that the accelerated industrial development of the areas outside Siberia, the Far East, and the North on the territories of the autonomous districts is creating numerous enterprises and organizations of union and republic subordination.

The Law contains the basic regulations on the organization of the work of the district soviets and their agencies, and on its forms and methods. In particular, it establishes the procedure for preparing and holding sessions of the soviets, and defines the range of questions which may be decided exclusively at them, the procedure for the formation and the authority of the ispolkoms, their sections and administrations, and permanent and other commissions, and also the basic principles of the work of the deputies and of the participation of the population in the work of the district soviets. In addition, it is stipulated that decisions of a district soviet, in the event that they do not correspond to the legislation, may be annulled by the kray and oblast soviet. The district soviet and also the ispolkom of the kray or oblast soviet has the right to annul the decisions and orders of the ispolkom of the district soviet.

As the Chairman of the Presidium of the RSFSR Supreme Soviet M. A. Yasnov said in his report at a session of the Supreme Soviet of the Russian Federation in November 1980, the success of the work of the soviets of the autonomous districts depends to a substantial degree upon how fully their authorities will be used and upon how actively the soviets themselves and their executive and administrative agencies, permanent commissions, and deputies will perform. All of the activities of the soviets and all of their concerns are now directed toward the organization of the fulfillment of the plans for economic and social development and toward activating production reserves and making wide use of all local resources.

Chapter III of the Law on the autonomous districts of the RSFSR is devoted to the other state agencies of the district. It is stated in it that in accordance with the RSFSR Constitution, a district's Soviet of People's Deputies elects the district's court. In accordance with the Principles of the Legislation of the USSR and union republics regarding the organization of courts in the USSR, the court of an autonomous district belongs to the courts of the union republic. It consists of a chairman, a deputy chairman, court members, and people's assessors and operates with the court presidium, with the entire court for civil cases, and with the entire court for criminal cases. The RSFSR Supreme Soviet has the responsibility for supervising their judicial activities. The RSFSR Ministry of Justice exercises organizational direction over them. Court proceedings in the autonomous district are conducted in the Russian language, or in the language of the autonomous district, or in the language of the majority of the population of the given locality. Persons participating in a case who do not have the language in which the court proceedings are being conducted are ensured the right of becoming fully acquainted with the materials of the case, of participating in court operations through a translator, and of speaking in court in their native language. The procurator of an autonomous district is appointed by the RSFSR

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Procurator and is approved by the USSR General Procurator. The concrete questions of the organization, structure, and activities of an autonomous district's procurator's office are defined by the Law on the procurator's office of the USSR.

Having overcome their age-old backwardness with the disinterested help of all of the Soviet peoples and, in the first place, the Russian people, the indigenous peoples have achieved enormous successes in economic and cultural development. The once backward and ignorant outlying districts of Russia whose population under Tsarism was doomed to extinction have turned into industrially developed areas with a modern agriculture. In a brief period of time the autonomous districts have seen the growth of qualified cadres of workers and of agricultural, cultural, scientific, and educational specialists from the indigenous population. The achievements of the workers of the autonomous districts have become one of the convincing proofs of the vitality of Lenin's nationalities policy.

Consolidating the successes of the workers of the autonomous districts, the USSR Constitution, the RSFSR Constitution, and the Law on the autonomous districts of the RSFSR are opening up new prospects for their further successful development in the single fraternal family of the peoples of the USSR.

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LEGAL REGULATION OF DEMOGRAPHIC PROCESSES DISCUSSED

Moscow PRAVO I DEMOGRAFICHESKIY PROTSESSY V SSSR in Russian 1981 pp 1, 200, 30-35, 40-41, 48-49, 62-63, 65-67, 114-114

[Title page, table of contents, and selected passages from book "Law and Demographic Processes in the USSR" by Galina Il'inichna Litvinova, Izdatel'stvo "Nauka", 3,100 copies, 200 pages]

[Text] Pravo i Demograficheskiye Protsessy v SSSR (Law and Demographic Processes in the USSR)

Signed to press: 25 August 1981

Number of copies: 3,100

Pages: 200

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Refinement of legislation, which developed broadly in connection with adoption of the new constitutions of the USSR and the republics, cannot be done without rigorous consideration of the demographic situation that has come about in both the USSR as a whole and in each particular Union and autonomous republic, oblast, and kray. Many legal norms that affect demographic processes were adopted 30-40 years ago when the demographic situation in the country was different, and they now need to be updated. Demographic correlations have not yet been fully reflected in legislation. Specifically, the relationships discovered by researchers between the level of the birthrate and satisfaction with housing conditions is still not fully considered by housing legislation.

Legal support for demographic policy presupposes the following:

- determination of the place of law in the system of other (nonlegal) measures to influence the demographic behavior of citizens; interdependence of legal methods of influence and others (economic, psychological, and the like);
- adequate reflection in the law of the requirements of optimal influence on demographic processes;
- a well-founded selection of concrete forms of legal enactments to influence particular demographic processes;
- the elimination of "gaps" in legal influence on specific demographic processes;
- as much as possible, giving nondemographic legal norms a demographic character;
- refining the forms of legal regulation (passing laws instead of adopting decrees and so on).

Consideration of these criteria by Soviet legislation will promote efficient demographic policy.

It should be kept in mind that the potential for legal (just as economic, medical, and the like) influence on demographic processes is not unlimited. For example, with respect to influencing the birth rate the law is not all-powerful, and this is even more true of the mortality rate. In the first stage, it appears, we can only speak of preventing a trend toward decline in the birth rate in certain regions and the growth of the mortality rate in certain age groups.

Legal influence on demographic processes may be either direct and planned (for example, banning abortions by law influences the level of the birth rate, while legislation opening up new regions to development and giving privileges to settlers there influence the direction and vigor of migratory streams) and indirect, mediated by nonlegal relationships, for example economic, psychological,

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and moral relationships.* It must be considered that this is an arbitrary division and that the realization and degree of effectiveness of legal norms depend on the level of sophistication, the extent of female labor, historical, ethnic, and moral factors, and the like. Sometimes these factors can nullify the impact of particular legal norms on the demographic behavior of the citizens, especially with respect to migration processes and the birth rate. Therefore, the degree of influence of a particular legal norm on a concrete demographic process cannot always be established with sufficient accuracy.

The effect of various legal norms on demographic processes is an interdependent and interrelated phenomenon, just as the demographic processes themselves are interdependent and interrelated. A change in the course of one process is usually reflected in the course of others, and steps aimed at improving certain demographic characteristics can have a negative effect on others. Thus, the active migratory flows of young people from the rural regions of the RSFSR to the cities help supply labor resources to fast-developing industry, and at the same time led to an "erosion" of the reproductive strata of the rural population.

It has been established that there are conflicts not only between the trend toward population concentration in large cities and changes in the age structure of the rural population, but also between other processes, in particular between the tendency toward maximum involvement of women in public production and the birth rate. The norms of constitutional, labor, and other fields of law which envision a guaranteed, equal right to labor and wages for men and women, protection of female labor with due regard for the distinctive characteristics of the female organism, labor and pension advantages for women, and the like helped draw women into public production and promoted comprehensive development of the individual woman. But the level of employment of women in the child-bearing ages in public production has an inverse effect on the level of the birth rate.

The existence of conflicts between trends in the development of demographic processes demands that any legal enactment intended to stimulate (or discourage) a particular demographic process be adopted with due regard for the goals and general lines of demographic policy of the Soviet State, so that the influence on the particular process promotes optimal development of the aggregate of all demographic processes.

The growing importance of demographic problems made it essential to work out a plan for population development as a constituent part of the plan of social development.

This pattern is reflected in the developmental trend of legislation on planning: in the transition from plans for development of the national economy to plans

* For example, the major advantages in tax policy and state purchases prices and the faster rates of economic, cultural, and material development that the Soviet State gave to certain Union republics to make the peoples more even in development were one of the reasons for the extremely low rate of migration of the rural population in these regions and caused a surplus of labor in the countryside while it was scarce in the cities.

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for economic and social development. "Under conditions of mature socialism," L. I. Brezhnev emphasizes in the Accountability Report to the 26th Congress of the CPSU, "the interdependence of economic progress with society's social-political and cultural progress is becoming closer and closer."⁴⁸

The problem of working out criteria for evaluating social and demographic development and devising ways to insure coordination and balance in the plan of demographic development of a republic as a part of the plans for economic and social development of the USSR is becoming a timely issue.

Working out the basic directions of demographic development and fixing them in law demands a clear orientation to the final impact: establishment of a communist type of population development. As D. I. Valentey observes, this concept covers many components, each of which must have optimal characteristics from the standpoint of the long-term interests of society.⁴⁹

Working out and implementing comprehensive, scientifically founded demographic policy presupposes taking interrelated steps at all levels of the state and social organism, and this cannot be done without resolving a number of organizational questions.

Thus, the questions of labor resources, including migration, are under the authority of the USSR State Committee for Labor and Social Problems and the labor committees of the Union republics; the questions of improving the status of women are in the jurisdiction of the standing commissions on questions of labor and everyday conditions for women of the Soviets of Peoples Deputies. The family divisions which have now been established in the executive committees of certain city Soviets are expected to play an important part in strengthening the family. Their working experience deserves generalization and broad dissemination. Public organizations can give more help in solving demographic problems; the potential of these organizations has not been fully used yet. The activities of all these organizations must be coordinated and subordinated to attaining basic demographic objectives.

The ministries and departments that manage economic development in their activities sometimes not only fail to consider the interests of demographic development, but act in conflict with them. For example, it is common knowledge that enterprises and departments whose activities are ultimately evaluated by volume of output produced do not have an interest in female employees who have three or more children, because this makes it more difficult to fulfill plan assignments since women with many children are absent from work for reasons of illness and child care more often than women with no children or one child. But the state and society as a whole, as already mentioned, do have an interest in wide distribution of families with three children.

There must be a single fully empowered state body to manage the development of a comprehensive demographic program and the conduct of demographic policy and to coordinate the work of all ministries, departments, and organizations that have any influence on demographic processes. Most countries today have such governmental bodies. They also exist in the socialist countries. It would seem

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wise to establish such a USSR-republic body at the USSR Council of Ministers and in the Councils Ministers of the Union republics, with a definition of its objectives, tasks, jurisdiction, and authority. This body could insure the development of the basic lines of demographic policy and its implementation and work out steps to bring the demographic characteristics of the population of different republics closer together, which would help strengthen the unity of the Soviet people.

The fact that the factors which influence particular demographic processes have not been adequately studied and the fact that they exist on many different levels and are interdependent require special caution and prudence in adopting legal norms that influence change in demographic processes. In this respect, the demographic legislation of the European socialist countries, especially laws adopted in the late 1960's and early 1970's to encourage a higher birth rate is of great theoretical and practical interest. During this time the birth rate in most of the European socialist countries rose. But we should realize that with a clearly defined trend toward decline in the birth rate even a stabilization of the level of birth can be viewed as a positive result.

Needless to say, the demographic legislation of the European socialist countries cannot be mechanically transferred to the USSR with its enormous population which differs sharply by demographic characteristics both on the regional and on the ethnic levels. At the same time, we must not overlook the existence of many common features in the nature and course of demographic processes, above all in the area of increasing the economy of population reproduction: because of the sharp decline in the mortality rate, natural population growth occurs with a lower birth rate. The existence of common features not only in the course of demographic processes in the USSR and the other European socialist countries but also in the effect of a number of factors which have caused particular changes in the demographic characteristics of the populations of these countries enhances the significance of the experience of demographic legislation in the European socialist countries and broadens the opportunities for using it with benefits in our country.

The precepts of Islamic law (the Shariat), which determine the family law of most of the Eastern countries and until the October Revolution also prevailed in the territory of Central Asia and parts of the Volga region, Caucasus, and Crimea, aim at maximum encouragement of large families. According to Islamic law women without children are the most important reason for divorce and for taking a second wife. Abortions and any limitations on birth are strictly prohibited. In its operation through the centuries Islamic law, by encouraging the birth of children, reinforced the tradition of large families which were supported by the belief that Allah himself takes care of children, who have come into the world by his will, and will provide them with food.

But Islamic law also contains rules that can lower the birth rate. This refers above all to polygamy. The Shariat permits Islamic men to have as many as four legal wives, and this does not count slave-concubines. Rich Islamic men have had dozens and even hundreds of concubines. Although the woman in a polygamist family has less work, which has a positive effect on her health and may be beneficial for reproduction, polygamy in general has a negative effect

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on the birth rate. The number of wives in a polygamous family usually increases as the husband grows older and his socioeconomic status improves. But men of middle and advanced age are less sexually active.* It should be observed that polygamy is not the predominant form of marriage in the Islamic countries. In Iran at the beginning of the 20th Century, for example, five percent of the population lived in polygamous families.⁸ Polygamy today is prohibited or restricted by special laws in many Islamic countries such as Pakistan and Turkey and exists chiefly in concealed form.

Islamic law has certain precepts which can restrict the birth rate even though they are not directly intended to do so. One of these is "Kaitarma," the right of parents to keep a married daughter in their own home until the bride-money for her has been fully paid. The "Kaitarma" period may be quite long.

Polyandry (having many husbands) as a form of marriage is much more unusual than polygamy. It was found in Tibet, chiefly among the impoverished strata of the population, and in the Himalayas and Southern India. The effect of polyandry on reproductive rate has not been carefully studied. In any case, there is no data which showed that the birth rate in regions where polyandry is found is higher than in neighboring regions. At the present time polyandry has given way to monogamy almost everywhere. In large part this was fostered by the institution of legal bans on destroying newborn daughters, which mitigated the existing disproportion between the sexes.

The widespread belief that the main reason for the decline in the birth rate the remote consequences of World War II is doubtful.²¹ This explanation for the decline in the birth rate is illogical, if for no other reason, because the birth rate in the last 20 years has become lower and lower, and if we were to tie its decline to the remote consequences of the war we would have to assume that the negative consequences of the war are becoming stronger with each decade of peace. Is there any need to show that this proposition is wrong? The hypothesis that the consequences of the war are the most important reason for the decline in the birth rate can divert attention from the search for the true causes of this phenomenon and eliminating or mitigating their effect. Moreover, if we analyze the impact of the remote consequences of the war on the level of the birth rate, their effect today is more beneficial than negative. In fact, during the 1970's the generation born in the so-called compensatory postwar period,** the period of the peak birth rate after the war, entered the child-bearing ages, in fact the ages of highest fertility (20-35 years). In other words, the most numerous generation was in the age of greatest fertility in the 1970's, which should have led to a growth in the birth rate. Considering this factor, the current level of the birth rate must be recognized as alarming.

* In certain cases polygamy can raise the birth rate by increasing the percentage of married women. Heavy losses of men as the result of war in some cases forces European peoples to resort to polygamy. In 1650, for example, after the Thirty Years' War in which many men died, the District Council of Nuremberg adopted a resolution permitting men to have two wives. See E. Westermark, "The History of Human Marriage," London, 1925, Vol 3, p 25.

** It has been observed that the birth rate rises sharply after all major wars, which is the so-called compensatory period in which population is restored.

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This does not mean that we can deny the negative consequences of the war. They are enormous, but we should not today see them as the main cause of the complicated demographic situation.

The marriage rate, and through it the birth rate, depend on the ratio of men and women living in a particular region. The law is capable of effecting an improvement in this ratio. It has already been pointed out in the literature that demographic requirements are often disregarded in planning industrial enterprises. There appear "cities of girls" where female labor predominates at the enterprises and "cities of boys," with enterprises using chiefly male labor.* It would be desirable for legislation on the fundamentals of planning to provide for this aspect and for the law to contain a requirement of an optimal ratio between male and female labor in the community, city, or region.

The 12 September 1974 decree of the CPSU Central Committee and USSR Council of Ministers entitled "Further Increasing Material Assistance to Poorly Supported Families with Children"⁴⁶ envisioned a monthly grant of 12 rubles a month per child to families where total per capita income was less than 50 rubles. This will unquestionably bring the material situation of large and small families closer together, play a large part in improving conditions for raising children, and possibly foster a rise in birthrate in certain families. But this applies mainly to large families.

Let us recall that the average wages of workers and employees in the USSR are more than 160 rubles a month.⁴⁷ The average wages in a family where the husband and wife work (almost all able-bodied women in childless and small families work) are 300 rubles a month. Therefore, a family which has one, two, or even three children will not receive a grant under this decree. Thus, this decree mainly improves the position of large families and will stimulate a further rise in the birthrate in precisely such families.**

In other words, existing legislation is in fact aimed at encouraging the maximum number of children in certain families, whereas the demographic situation in the country for a long time has dictated the need to direct it to insuring an optimal number of children in most families. Achievement of this goal will be promoted by carrying out the resolutions of the 26th Congress of the CPSU on institution of an outright grant for the first and second children and a significant increase in the grant for the third child. The amount of the grant, 100 rubles for the second and third children, is larger than the grants for other children in the order of birth.⁴⁸

In the contemporary world large families can hardly be the standard or even the norm encouraged by the state. In the opinion of demographers, with the decline

* Disproportions in the employed population by sex are especially pronounced in small and medium-sized cities. In the RSFSR, for example, there are 70 small and medium-sized cities with very high percentages of men in the labor force. See A. E. Kotlyar and S. Ya. Turchanova, "Zanyatost' Zhenshchin v Proizvodstve" [Employment of Women in Production], Moscow, 1975, p 120.

** The first year of operation of this decree showed that most of the money spent under it went to regions with high birth rates.

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in the mortality rate, especially for children, in the USSR and society's orientation toward full development of productive forces and comprehensive development of the human individual, the large family is becoming an outdated demographic type whose continuance cannot be successful and could hardly be desirable.⁴⁹ A woman burdened by 7-10 children cannot become actively involved in socialist production.* Raising children and caring for them demands a great deal of time. It is difficult to give children in a too-large family the opportunity for comprehensive development and upbringing. But the state is interested not just in the number of citizens, but also in their quality. The state does care about the kind of population growth and growth in labor force under discussion, whether the people are highly trained or not, highly mobile, and numerous other circumstances (including traditions of large families and language barriers) linked to a certain region.⁵⁰

Beginning from the tasks of optimizing demographic processes in the world in order to avert an ecological crisis and considering that too frequent births are harmful to the health of both the mother and child,⁵¹ in 1975 the U. N. Human Rights Committee adopted a resolution to add to the Declaration of Human Rights a restriction on human rights to reproduction because "the right of a baby to be born physically and mentally healthy outweighs the right of parents to reproduction."⁵²

The arguments and studies of demographers which have been cited illustrate once again the wisdom of using legal, economic, and other levers to encourage the optimal family with two or three children. It is precisely the birth of the second child, and especially the third child, that should be encouraged by maximum benefits and grants.

Because the birth rate in families with high incomes is frequently (but not always) lower than in families with low incomes, many demographers believe that raising family income by paying grants for children is hardly likely to raise the birth rate. But such arguments often confuse cause and effect. One frequently meets families today which put off having children or decide not to have another child in order to avoid a worsening of their material situation. Steps which bring the material situation of families with two and three children closer to those of families with no children or one child will unquestionably promote a rise in the birth rate in small families. The effectiveness of such legislation has been tested and confirmed by the experience of other countries, above all the European socialist countries.

When we are discussing giving material aid to families to raise children, of course, we must not overlook the fact that the Soviet state as a whole spends more than many other countries in the world to protect mother and child. The

* It appears that A. G. Vishnevskiy is correct when he writes: "How can a woman be free and equal when she is forced (objectively forced!) to devote 20 years of conscious life to pregnancies, birth, breast-feeding, and the like? The demographic revolution radically changes the entire life cycle of the woman, and thus creates the key material conditions for her complete and final social liberation." (See A. G. Vishnevskiy, "Demograficheskaya Revolyutsiya" [The Demographic Revolution], p 233).

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decree of the CPSU Central Committee and USSR Council of Ministers entitled "Steps to Strengthen State Aid to Families with Children" envisioned insuring all-out development of the system of nursery schools, daycare centers, extended-day schools and groups, Pioneer camps, and other summer institutions in the 11th and 12th five-year plans. The Soviet State assumes virtually all expenditures for construction and maintenance of children's preschool institutions, sanitariums for children, and Pioneer and other health camps for children. But as has been correctly noted in the literature, the question should be raised of restoring its paramount position in direct material aid to the family for maintenance of children. "This is not just a question of the prestige of the world's first socialist state," writes N. G. Yurkevich. "It is also a question of simple necessity, and at the same time fairness."⁵³ An increase in expenditures for public forms of family service is certainly necessary, but considering that public upbringing must be combined with family upbringing, expenditures by society should be increased in both directions, harmoniously complementing one another.

The strength of marriage and the reproductive goals of the family also depend significantly on provision with housing. The lack of housing and poorly organized housing create difficulties for the young family which many spouses did not experience before entering marriage. Fear of these difficulties is often a reason for refusing to marry, and the encounter with them often leads to disintegration of the family.

Housing conditions are important not only for deciding whether to get married, but also for deciding whether to have children. Sociological studies show that the paramount reason compelling spouses to decide not to have children or to postpone them is dissatisfaction with housing conditions. A study done in Moscow illustrates the relationship between the level of the birth rate and provision with housing. It showed that there are 29.7 children per 100 women of child-bearing age living in communal apartments; for women of the same age living in separate apartments there are 32.1 children per 100. In new residential areas of Moscow where most families live in separate apartments, there are 839 children per 1,000 families; in old residential areas where most of the families do not have separate apartments there are 476 children per 1,000 families.⁴

Injuries, including fatal injuries, are often the result of intoxication by alcohol. Improving legal steps to combat alcoholism are another possible way to influence the rate of decline in the mortality rate. Medical scientists believe that abuse of alcohol shortens life by 20 years. One out of three deaths from cardiovascular illness is caused by abuse of alcohol.¹⁵

Alcoholism leads to moral and social degradation of the individual. Drunkenness and the scandals that go with it are one of the main reasons that marriages break up. Practically all cases to terminate parental rights are occasioned by the drunkenness of the parents.¹⁶

In view of all these factors the state devotes great attention to measures to combat alcoholism, including legal measures. The Fundamentals of Legislation of the USSR and the Union republics envision the possibility of mandatory

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treatment of chronic alcoholics (Article 36). This rule of USSR law has been included concretely in republic legislation. For example, a 1 March 1974 Ukase of the RSFSR Supreme Soviet entitled "Mandatory Treatment of Alcoholics" provides a procedure for mandatory treatment of persons who abuse alcoholic beverages.¹⁷ The Councils of Ministers of the USSR and the Union Republics have issued decrees that envision conditions for and the possibility of employing mandatory treatment of chronic alcoholics and procedures for sending them to preventive health institutions for treatment and labor indoctrination. Article 62 of the RSFSR Criminal Code and the corresponding articles of the criminal codes of other Union republics give courts the right to assign persons who abuse alcohol to mandatory treatment.

On 7 December 1979 the Plenum of the USSR Supreme Soviet adopted a decree which urged the courts to make full use of the opportunities given them by law to combat drunkenness and alcoholism.¹⁸ It seems that it would be wise to modify the procedures for examination of persons suspected of abuse of alcohol, not restricting them to persons who have been in a medical sobering-up institution two or three times within a year.

One cannot disagree with V. N. Kudryavtsev and other participants in the round-table meeting of the journal SOVETSKOYE GOSUDARSTVO I PRAVO devoted to the social and legal problems of combatting drunkenness and alcoholism. They believe that we need a program of measures figured for the medium and long run to combat drunkenness and alcoholism with the emphasis on preventing these phenomena, especially among young people. According to data from medical examinations, 95 percent of the persons who abuse alcohol began drinking before the age of 15. It has been proposed that the Society to Combat Drunkenness and Alcoholism, which existed in our country in the 1920's, should be re-established. It could be very useful today as well, as the experience of Bulgaria and other socialist countries illustrates. It is possible to adopt local legal norms which institute "dry laws" in certain territories.¹⁹

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