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§1 ТЕОРИЯ

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THE INTERACTION OF INTERNATIONAL, SUPRANATIONAL, (SUPRA-STATE) AND CONSTITUTIONAL LAW

Abstract: *The article discusses the creation of integration regional international associations, which at times become not only international unions, but also acquire elements of certain public power, a particular public-legal form, and can create its regional supranational ("supra-state") law. At this time it fully applies only to the European Union, but other integration unions can also follow this path (for example, the EAEU). Using the methods of political science, science of state, and comparative-legal methods of studying this new phenomenon, the author concludes that in the EU there is an incomplete public power sui generis, which is not a state power, but has elements of statehood, operates special supranational law, which takes precedence over the law of member-states, and changes the concept of state sovereignty. Its member-states retain state sovereignty, but self-restrict some of its elements. But all of this takes place only within certain framework: certain sovereign rights and government powers voluntarily transferred to the EU by the member-states.*

Keywords: *Constitutionalism, EAEU, supra-state law, Supranational law, Public-legal form, European Union, Regional organizations, international law, supranational law, constitutional law.*

Аннотация: *В настоящей статье рассматриваются вопросы взаимодействия международного регионального и национального права, во взаимосвязи с идеей государственного суверенитета. Автор рассматривает идею создания супра-государства на основе регионального супранационального права. Прообразом такого права и образования является Европейский союз и его право. Другие региональные объединения могут идти по такому же пути. Автор делает вывод что органы власти ЕС являются несовершенными органами государственной власти sui generis, которые не являются по природе своей идентичными органам государственной власти, но в тоже время обладают отдельными признаками государственной власти, функционирующем на основе наднационального права, имеющего преимущество над национальным, что видоизменяет концепт суверенитета. Государства-члены сохраняют суверенитет, но в ограниченном объеме – в нем отсутствуют отдельные элементы. Такие процессы происходят в определенных рамках в которых осуществляется добровольная передача ЕС прав и полномочий государств членов.*

Ключевые слова: *Европейский союз, суверенитет, государство-член, наднациональный, международное право, конституционное право, национальное право, региональное право, суверенитет, теория.*

Global events following the Second World War (elimination of colonialism, collapse of the system of totalitarian socialism, downfall of many dictatorial regimes in Africa and the Near East, changes in post-Soviet space, among others) have cardinally altered the political and legal map of the world. About 130 new states arose, and numerous regional, continental, and intercontinental integration unions were formed, mostly of economic nature. The embryo of their distinct political power and regional law developed in Europe within a special international formation in something similar to a state and a supranational (or supra-state) law of the European Union – a comparatively centralized association of nearly three dozen States of Europe (the prerequisites of the European Union formed over several decades, but juridically the European Union arose in 1992 on the basis of transformation of the European Economic Community. The Eurasian Union – an association of Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Russia, whose charter entered into force in 2015 in post-Soviet space – may follow along a similar path, having been founded on the basis of the Eurasian Economic Community.

Centralization in the European Union is growing. Tens of thousands (perhaps hundreds of thousands) of decisions and normative acts of the European Union directly determine many aspects of life within the member-states. Even issues of discussing the creation of an own army were discussed during 2015 in the European Union, and certain member-states put forth proposals for the creation of a Government of the European Union. On the opposite

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end of the table, there is resistance to this from some of the European countries. In recent years some of them have declared their sovereignty louder than ever before, and their constitutional courts require that acts of the European Union correspond to the constitutions of the member-countries (Spain, Italy, France, and others).

A special form of comparatively centralized international state-like public law formations so far have been formed only in the European Union. It is generally acknowledged that supranational law also exists (it is not finished, and does not extend to all branches of law, and cannot be finished so long as the European Union is not transformed into a single state); in other regional organizations there are merely elements or embryos (to be sure, they note that in the European Union there exists a special normative system distinct from customary law).

Supranational (or supra-state) law of the European Union by its origin and in its provisions of principle is part of "general" international law; it arose on the basis of the agreements of states and in accordance with the principles of international law. Therefore, the idea advanced by Butler concerning comparative international law *(Some regional organizations have primarily political nature on certain matters (for example, the Council of Europe, the Organization for security and cooperation in Europe-OSCE), constituent documents of other associations, which are mainly economic, refers to foreign policy objectives, such as the maintenance of peace and security in the region.)* may obviously include the contrast of the legal regulation of domestic international relations of member countries within the framework of their association as well as their relations with the regional associations themselves (many such organizations declare their own international legal personality and adopt certain measures for this, whereas the European Union has its own diplomatic missions in other states).

As the European Union develops, norms not of international law, but provisions similar to domestic civil, labor, social, even administrative (or public) *(In foreign languages the word "nation", "national", in contrast to Russian language usually have no ethnic characteristics, and are understood as "State", "State" (sometimes used the term "nation-State"). But, for example, for English, the United Nations is an organization not Nations (in the ethnic sense of the words), and States. This "public" sense the terms "national" and "supranational" are used right below)* law occupy a greater place (but, for example, not criminal law). Certain normative acts to be adopted by organs of the European Union (directives) are binding to the member-countries, although they themselves may choose the forms of its execution, whereas others (regulations) do not allow this discretion and must be performed precisely. As a result, large institutes and even sub-branches of supranational law are formed, the relations within which are regulated not by legislation of the member-states, but by the normative acts of the European Union (for example, the regulations considered below on contractual and extra-contractual obligations of July 11, 2007, No. 864/2007, and of June 17, 2008, No. 503/2008, creating an entire system of institutions of the law of obligations). What has been said above relates specially to the constitutional law. The European Union does not create institutions of constitutional law. But the formation of the European Union and entry (or even anticipation of the acceptance) of new members entails the making of amendments to principles in the constitutions of member countries with regard to state sovereignty and state powers to be transferred. There is an extensive discussion of these matters in doctrinal writings, but unlike earlier approaches, the view is coming to dominate that regional organizations (usually having the European Union in sights) do not have state sovereignty, but member-countries retain sovereignty. This is indeed so, but one must take into account the new constitutional norms of member-states and, no less important, the realities of life, as they cannot be denied. Therefore, in accordance with the notions which are forming within Russian legal literature [1], we suggest that neither the European Union nor its member-states limit the sovereignty presumed for any recognized state (this concept was formed from the seventeenth century and emanates from the fact that state sovereignty is not divisible, inalienable, or not limited, although in certain constitutions there is the word "limited"), and member-states self-limit individual elements of state sovereignty to a various degree. This is nothing other than a limitation of sovereignty "from above" (for example, during the occupation of the territory of a State as a result of warfare), but all the same there is a direct influence of regional associations on the constitutional law of member-states.

Such formalized influence is generally known (the making of amendments to constitutions of states in connection with their accession to the European Union). In some works such information "underneath" impact of international and national law is investigated without the making of amendments to the constitutions of member countries "engineering of constitutional changes") [2]. In author's opinion, the significance of various informal actions changes a constitution under the impact of supranational and international factors (in fact, reference is made to changes not in the legal, but in the *de facto*, constitution), usually are not assessed by the authors. The changes are treated as a fact. Machado, however, wrote that informal changes of the 1976 Portuguese Constitution made in connection with membership in the European Union led

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to the constitution having a "half-life" and being in "decay": an "erosion of state-based constitutionalism and the transformation of national sovereignty" is occurring, and "constituent power has been, to a large extent, transferred to different regional and global levels" [3].

From the moment of the commencement of the procedures for the creation of a certain regional association, a certain reverse influence of constitutional law is evident on such association (especially, verification of the draft constitutive documents for conformity to the constitutions of member-States of the association). Thereafter such influence is exerted on the content of the constitutive documents of regional organizations (charters, and so on), which include certain provisions similar to constitutional provisions, and fulfill the role of the constitutions of the association, are reflected in the system of the organs thereof (impact of the conception of separation of powers), on the approach to the delimitation of powers similar, but not identical, to constitutional law in federations, and to the means of adopting decisions (including normative acts within the European Union). The basic act of the European Union, adopted but not ratified by the member-states in 2004 is even called the European Constitution (replaced in 2007 by the Lisbon Treaty, which is regarded as an extensive amendment to the constitutive acts of the European Union, and the treaty itself basically reiterates the provisions of the unsuccessful 2004 Constitution).

The influence of constitutional law on the system of European Union organs is fully evident. The European Union is structured by taking into account models elaborated within constitutional law (European Parliament, commission reminiscent of a council of ministers, European Court, and so on). Such influence is not absolute; there is a reverse impact of international law. Among the seven "institutions" of the European Union (main organs) there are unique ones (Euro Summit of Heads of States and Governments, European Council in whose composition a great influence of constitutional law is discerned); the powers are distributed somewhat differently than in constitutional law; the adoption of decisions and normative acts is distinctive (as a rule, in the European Union they are adopted jointly by the Council of the European Union (Euro Council) and the Euro Parliament), but instead of consensus, there is the principle of a blocking minority obstructing the adoption of decisions in the European Union (four states out of 28, irrespective of the size of their population).

The mutual impact of supranational law of the European Union and constitutional law has been noted in doctrinal writings. This has been reflected in textbooks on constitutional law in European countries (Great Britain, France, Germany, and others). Chapters on the law of the European Union in them are now obligatory, as are sections on the correlation of the law of the European Union and the constitutional law of the country [4]. But supranational law materially differs from international law, and certain means of interaction differ as well.

Contemporary supranational law existing for some of the European states who are members of the European Union (in other organizations there are only elements of this) is to a significant extent international regional law, but not only, and not so much in the European Union. In our view, the norms and institutions similar to norms and institutions of the domestic law of the European Union members predominates (at least numerically) in the supranational law of the European Union.

Decisions and acts in the name of the European Union are enforced by the threat of a distinctive (on the scale of the European Union) coercion [5]. Consensus is not essential. Decisions (including normative legal acts relating to branches of law which traditionally are branches of country's domestic law) may be adopted by a majority of members of certain organs of the European Union. Such acts have direct operation and are binding on member-states without implementation and ratification. Thus, decisions made by the Euro Council – the main law-making authority – are adopted by a specific qualified majority, at a minimum, 55% of the votes of members of the Council of the European Union, provided that at least fifteen members of the European Union have voted in favor and represent no less than 65% of the population of the European Union. In all there are 345 votes in the Euro Council. Each member of the European Union has one representative in the Euro Council, but the number of votes they have differs by almost ten times (from 29 to 3). The large states certainly dominate this process (173 votes can be collected from seven of the 28 member-countries). To be sure, the institution of a blocking minority exists, which to some extent reflects the approach of international law to the legal equality of the states.

Thus, although international law is the point of departure for the existence of the European Union and its law, international supranational law is only part of the law of the European Union. As we have mentioned above, the different branches of law of member-states are regulated by the acts of the European Union (for example, the Czech Republic expressly incorporated more than 100,000 pages of acts of the European Union in its legislation). The law of the European Union is a supranational integrated legal formation, combining generally-accepted provisions of "general international law", provisions of its own supranational international law, and the branch (for certain branches) of supranational law created by the European Union itself as a solitary autonomous public-law formation. This law

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directly operates in member countries. The creation and development of this distinct law of the European Union, combining an integrated international and municipal (for member-countries) law, reflects the new trends of various legal modifications under contemporary conditions of modernization, integration, and globalization.

The mutual influence of international law, supranational law of the European Union, and constitutional law of member countries provided the opportunity for some foreign jurists to raise the question of the "constitutionalization of international law" [6]. "International constitutionalism" is regarded as a consequence of globalization.

The propositions concerning constitutionalization are hardly true if they are understood as affirmation of the transformation of one system of law into another (we will discuss it in more detail) because, as already noted, constitutional law not only impacts the international law, but there is also a reverse phenomenon. Moreover, under present conditions the regulation of many relations (for example, in connection with human rights or sovereignty) is closely linked in international and municipal constitutional legislation such that it sometimes is difficult to separate them (for example, in international conventions on the protection of the population in the event of nuclear accidents or emergency radiation situations, and respective domestic legislation of states).

The interlinkages of international, supranational, and constitutional law noted above should be considered not simply for the purpose of notating the impact of general provisions of constitutional law upon the international and supranational, and *vice versa* (for example, the mere inclusion in the United Nations Charter of a provision on the right of peoples or nations to self-determination, initially formulated in constitutional or state law or, on the contrary, the inclusion of certain socio-economic rights after the adoption of the 1966 international covenants in a constitution, where previously they had not been named), but to identify the processes of direct and reverse links: to elicit pursuant to the method of "introduction-withdrawal" (the method elaborated several decades ago by the American political scientist Talcott Parsons (1902-1979), David Easton (1917-2014), Karl Deutsch (1912-1992), and others) in each specific instance as impulses, which constitutional law receives from international and supranational law (or *vice versa*), are transformed into a recipient-receptor and in a new form returned to the "provider" (international, supranational, or constitutional law or to two of them simultaneously), influences them, and usually in some way changing the methods of impacting the subject or the subject itself. It is undoubted, for example, that the 1966 international human rights covenants exerted enormous influence on the content of respective chapters of new constitutions, but the basic human rights themselves emerged initially in constitutional law and only later, over the centuries or decades (socio-economic rights) were incorporated into the international covenants.

In informational links of a social character the "provider" often becomes the reverse receptor of modifications. These modified impulses may emanate anew from the receptor (international, supranational, or constitutional) law to constitutional, international, or supranational law (as happened, for example, with the decision of the Constitutional Court of the Russian Federation in 2013 in Re: Markin v. Russia, concerning the possibility of three-year leave for a military serviceman, a father, to care for a child which the law provided only for military servicewomen), [7] is transformed therein, and as a new signal proceeds respectively to constitutional or international law (in Re: Konstantin Markin v. Russia the European (supranational) court (not only the European Union, but Europe) drew general conclusions from the position of international and constitutional law concerning nondiscrimination and noninterference in private life.

During this lengthy and constant process of interaction the direct links are evident and often the reverse links, their transformation into impulses and new forms of impact are barely noticed. These processes remain almost uninvestigated.

As a result of the operation of direct and reverse links, in subsequent decades the content of international and constitutional law has changed to a certain extent. This does not mean that international law is transformed into constitutional (international constitutional law) or the reverse process is occurring in the transformation of constitutional law into international law. Simply international and constitutional (and now supranational) laws, due to their direct and reverse links, have become different than they were during the first half of the twentieth century. Their approximation (or convergence) is happening more rapidly, but one can hardly speak of a completed harmonization or that there is unification of municipal constitutional law systems into a "unified constitutional system" [8]. The term "approximation" is used for the phenomena of statehood and law, and describes the processes of internationalization more cautiously. It may be used not only for the interaction of international, supranational, and constitutional law, but likewise for the mutual relations of the three principal legal systems of the world (Muslim, socio-capitalist, and totalitarian-socialist) or to the respective branches of law in these systems, despite their differences and antagonisms of principles.

A certain harmonization, of course, is occurring in law. In significant measure the provisions on human rights based on the 1966 international covenants have been har-

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monized in the constitutions of states (but not in practice). Even earlier, the various provisions on the role of private ownership in modern capitalist and totalitarian-socialist states were partly harmonized in principle (the need and important role for this is acknowledged now in socialist China and to a lesser degree in Vietnam and Cuba), but the approximation of legal norms of a social and political character in these systems has objective limits. Many fundamental socio-economic, political, and spiritual principles of life expressed in law are so different that to harmonize them is impossible; these differences can only be overcome by replacing one type of law with another – but this is an entirely different "harmonization".

The interlinkages and interactions of international and national law (that is, legal systems of states taken separately) have long since been discussed in Russian and foreign doctrine in their theoretical [9] and practical [10] dimensions. Studies exist (including dissertations) devoted to the influence of international law upon groups of branches of Russian law [11] and individual branches (criminal [12], agrarian [13], administrative [14] and others). Individual works are devoted to the interlinkages of international law and constitutional law [15; 27; 28]. There are many studies of this type in foreign legal doctrine (primarily they are devoted to the influence of judgments of the European Court of Human Rights on the constitutional law of individual countries). Supranational law is now included in this discourse, sometimes being considered to be a special legal system (although there are views denying its legal character).

Three main approaches to the interaction of international (including as a component of supranational law) and municipal (including constitutional) law have formed historically and exist at present: dualist, dominant (in treatises and textbooks on international law inaccurately, in our view, called monist), and transformational. To some extent these approaches may also relate to national law, more so because they have an international component. All three approaches, now to a greater degree than previously, acknowledge the interlinkages of the systems of international and municipal law, but the dualist approach places a certain emphasis on the autonomous parallel development of the systems of international and municipal law (substantiated by the fact that each system has its own object of regulation). The second (dominant) approach points to elements of predominance when applying norms of one system (international or municipal law) in three variants: (1) norms of international law have priority significance, including with respect to the constitution of a state; for example, the conclusion of an international treaty is permitted that does not correspond to the constitution, and then it is necessary to change the constitution itself; (2) the law of a state has priority significance, unless particular sovereign rights with regard to a given question (but not sovereignty as a whole) have been transferred to an international organization; (3) the primacy of international law exists, but only acts of international law ratified by the state, and this primacy does not extend to the constitution of a state.

The first two variants of the dominant approach are usually demonstrated in the application of judgments of the European Court of Human Rights and are hardly of a universal character. Under modern conditions there are no examples when a sovereign state allowed the foundations of their social system or system of agencies of power to be changed by international acts (unless this is an aggressive state, which sustained a defeat in a war against allied democratic countries and was legally and *de facto* liquidated and then recreated anew, as was fascist Germany). The third variant of the dominant approach defends the constitution of a state and the social and state system of a country. In this instance, it is believed that international acts, even those ratified by the state, cannot have greater legal force than the constitution adopted under modern conditions (usually at a referendum). The transfer of individual sovereign rights does not entail the loss of the sovereignty of a state or a limitation thereof. Sovereign rights are a phenomenon of another kind than sovereignty. The transfer itself is a manifestation of sovereignty.

The third – transformational – approach occupies a special place. The essence of it is a conception of the conversion of norms of international law into municipal inasmuch as they are applied within states and by state agencies [16; 24; 25; 26]. Ignatenko offered a critique of this approach many years ago. He pointed out that international and municipal laws (or the law of a particular state) are different systems with different subjects and object of regulation, with their own peculiarities of the application of norms, and one of them cannot simply be transformed into another, but as before, this approach is mentioned in international legal textbooks [17].

By summarizing legal acts of the most diverse types one may ascertain that a multiplicity of forms of interaction and direct and reverse links are used in relations of international, supranational, and municipal (including constitutional) laws. Taking them into account, the isolation of the various forms below is not a hard and fast one. The classification is tentative. Some forms may be transformed into others, and likewise direct links into another situation or become reverse links after consideration.

Reviewing Russian legislation and practice, in our opinion, the said interaction has the following basic forms:

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1. *Establishment by constitutions of the priority of international law, certain norms of which have supremacy with respect to acts of municipal law.* This is recognized in the 1993 Constitution of the Russian Federation, in the constitutions of members of the European Union at the time of creation of the European Union, and then when joining the European Union. It is important to determine, however, as was done when interpreting the Article 15(4) of the 1993 Russian Constitution but not done in certain other countries, that first, only norms of treaties of ratified (recognized, confirmed) by the particular state may have priority, and second, that the provision concerning the priority of international law does not relate to the constitution of the state.

2. *Direct effect of acts of international law on the territory of a state in the sphere of traditional regulation of municipal law.* As a result, generally-recognized principles of international law and norms of treaties become an integral part of the legal system of a particular state, but not as elements of international law therein, but as part of the domestic legal system. This occurs under the conditions noted above. The provisions of international treaties contrary to the constitution cannot become part of the domestic law of a state. It is necessary to first change either the constitution or the treaty. The direct operation of international law on the territory of states is often linked with judicial activity, the settlement of cases and disputes by taking into account norms or according to norms of international law. Most often this happens when norms of private international law are applied, but can also be permitted, for example, by the 2001 Code on Administrative Violations of the Russian Federation (as amended in 2014), which provides: "if other rules have been established by an international treaty of the Russian Federation than are provided by legislation on administrative violations, the rules of the international treaty shall apply" (Article 1.1(2)) [18]. The 2009 Customs Code of the Customs Union also mentions the application of international norms (as amended on October 10, 2014) [19].

The direct operation of norms of supranational law of the European Union has its distinct features. Supranational law, although basically part of international law, is a special part of international law. Therefore, it permits the direct operation of acts adopted by the highest organs of the European Union without ratification. Member-states have in advance transferred some of their own sovereign rights to the Union. The position is otherwise in global international law. The direct operation of its norms and acts in the great majority of states (exceptions were mentioned above) is linked with prior ratification. Before direct operation such acts must undergo a parliamentary procedure of confirmation, which entails the possibility of their direct application.

3. *Establishment of the duty of state agencies and other agencies of public authority to execute the provisions of ratified acts of international law no less (and perhaps a matter of priority) than acts of state's domestic law.* The decisions of the Constitutional Court of the Russian Federation and constitutional control agencies of other countries talk about "powers" (their duties to execute), but evidently the provisions concerning the need to use, comply with, execute, and apply norms of international law may relate to social and other associations, and to natural and juridical persons insofar as the respective norms of international law may apply to them. The last stipulation is material for the application of norms of international law in municipal relations. These propositions also relate to the supranational law of the European Union.

4. *Implementation (or incorporation) of norms of international law into acts of domestic law, including constitutions of state*s. Certain constitutions, including the 1993 Constitution of the Russian Federation, reiterated the formulas or sense of the 1966 human rights covenants. Principles of international law adopted in a special United Nations document have been incorporated into the constitution of certain states. Article 5(3) of the Constitution of the Russian Federation contains the international principle of the "equality and self-determination of peoples in the Russian Federation" [20]. The principle of international law concerning the nonuse and threat of force was reflected in the 1946 Constitution of Japan (Article 9), which says: "the people of Japan … shall renounce war … forever, and also the threat or use of armed force …" Implementation is not always obligatory if an international act contains detailed regulation. In this event references of the international legal act are sufficient. In the European Union, the implementation of its acts is not obligatory (for they have direct effect), but in fact it is still being done. The Czech Republic, for example, according to some information, incorporated more than 100,000 pages of acts of the European Union into its legislation.

5. *Adoption of new laws by states or modification of earlier laws as a result of adoption of international acts ratified by the state, or modification of active laws of a state*. In some countries this is possible when an international act has not yet been ratified by a State. An example of the adoption of new laws in the Russian Federation in connection with international acts is the Law on Refugees of February 19, 1993 [21]. Amendments have been made in the Law of the Russian Federation of April, 1, 1993 on the state boundaries in connection with the adoption of international conventions (forced crossing of the boundary by persons, and means of transport in distress and other extraordinary circumstances) [22, 226]; amendments were introduced to the Family Code, and a new law on

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citizenship was adopted to replace the Law of the USSR on citizenship. These refer to the possibility of acquisition of citizenship in accordance with an international treaty of the Russian Federation. The Customs Code of the Customs Union was actually adopted pursuant to an international treaty and as an Annex thereto.

6. *Although a provision exists concerning the priority of international law, in our view, the parallel simultaneous application is possible in a certain situation of international legal norms and norms of municipal law with the right of a court or other law enforcement agency to choose the norms of a particular legal system that most precisely regulate the social relation considered by the court*. An example is the realization of measures when an extraordinary situation or threat of war is declared. The possible application of Russian legislation and/or generally-recognized principles and norms of international law is mentioned in many Russian laws (such as the 1996 Federal Constitutional Law on the Judicial System of the Russian Federation, as amended (Article 3) [23, 7], or in the 2001 Code on Administrative Violations mentioned above).

These and other laws of the Russian Federation do not speak of priority, but a respective norm exists in the constitutional law of the Russian Federation and law enforcement agencies should be guided by the international norms if international law more fully and precisely regulates a particular relation. But if this is done better by domestic legislation, the law enforcement should probably take advantage of it, having referred to the respective norm of international law. In practice this commonly occurs, for domestic legislation usually more fully regulates the respective social relation.

Legislation does not say whether norms from different systems may be applied simultaneously, but it is believed that such references are possible insofar as the norms of different systems regulate the same social relation. This becomes impossible if the regulation is not identical. Then the law enforcement should consistently be guided by the norms of one of the systems, and namely by the priority international norms.

7. *Transfer by law of a state of the right to an international legal act and norms thereof to regulate respective social relations*. This procedure is used extensively in supranational law of the European Union. Reference was made above to regulations which have a direct effect on the territory of member-countries in an irreplaceable form (they cannot be changed by any agency of a member-state). Such regulations applied in the 1990's are numerous. As examples, we have already mentioned the Regulation (EC) No. 864/2007 "On the Law Applicable to Non-Contractual Obligations" (Rome II) of July 11, 2007 and the Regulation (EC) No. 593/2008 "On the Law Applicable to Contractual Obligations" (Rome I) of June 17, 2008. These acts in essence codify major institutions of civil law.

8. *Execution of decisions of the United Nations organs (Security Council) by acts of highest state agencies*. In Russia, following the adoption of decisions of the United Nations Security Council concerning the prohibition of the delivery of weapons, military equipment, and other property that may be used for military purposes by parties to an armed conflict, respective edicts of the Head of State (President of the Russian Federation) follow binding the agencies of public power of the Russian Federation, institutions, organizations, and juridical and natural persons to fulfill the Security Council's decisions. The edicts precisely designate the prohibited types of property and prohibited actions which might further the continuation of the armed conflict. There are many such edicts. As examples, one may cite the Edict of the President of the Russian Federation of 24 June 2005, No. 720, on measures to fulfill the Resolution of the United Nations Security Council No. 1596, of 18 April 2005 (in connection with the armed conflicts in the Democratic Republic of Congo); Edict of the President of the Russian Federation of April 24, 2010, No. 516 *(ÑÇÐÔ (2005), no. 26, item 2635, as amended)*, on the fulfillment of United Nations Security Council Resolution No. 1844 of November 20, 2008 (in connection with armed conflicts in Somalia).

Edicts of another character were also adopted to fulfill United Nations Security Council resolutions. For example, in connection with United Nations Security Council Resolutions No. 1270 of October 22, 1999 and No. 1289 of February 7, 2000, as well as the appeal of the United Nations Secretary-General, the Edict of the President of the Russian Federation was adopted on June 22, 2000, No. 1156 *(ÑÇÐÔ (2010), no. 17, item 2058)*, "On Sending a Military Formation of the Armed Forces of the Russian Federation to Participate in United Nations Operations for the Maintenance of Peace in Sierra Leone". The Edict of the President of the Russian Federation of December 2, 2013, No. 871 *(ÑÇÐÔ (2010), no. 17, item 2058)*, "On Measures for the Fulfillment of United Nations Security Council Resolution No. 2094 of March 7, 2013 introduced special economic limitations (especially in the sphere of financial activity) with respect to the Democratic People's Republic of Korea

9. *Renvoi in domestic (including constitutional) law of states to principles of international law and interaction acts and renvoi in international law to legislation of states*. Many examples of the first type have been mentioned above. There is also the Basic Law of the Federal Republic of Germany (Article 23) adopted as an amendment in connection with the formation of the European Union,

which provides: "For the purposes of realization of the idea of a united Europe … the Federal Republic of Germany is obliged to preserve the principles of a democratic, rule-of-law, social state and the principle of subsidiarity …, guarantee the protection of fundamental rights … For these purposes the Federal Republic of Germany may transfer its sovereign rights …"

Examples of the second type are connected with norms of international law on granting of independence to colonial peoples by states, the numerous conventions on measures of states with respect to disabled persons, the protection of children, the fight against corruption, the rights and development of native peoples, and so on. Many such conventions provide that states must adopt respective legal acts and undertake necessary measures. To be sure, such conventions operate on the territory of states if they have been ratified by the latter. In any event, however, conventions of this type have a high moral significance.

10. *Appropriation by international law of principles and provisions formulated in domestic law, including, but not limited to, constitutional law.* As noted above, fundamental human rights have passed from constitutional law to international law (then, under the influence of international law they entered those constitutions where they had not yet been present). The principle of international judicial power, prohibition of any discrimination, equality and self-determination of peoples, provisions concerning the protection of native minorities, and many norms concerning the protection of economically weak strata of the population, and other categories (children, disabled persons, elderly, and others) passed from constitutional law. The principle of good-faith compliance with treaties passed into international law from civil law, and likewise the terms "juridical person" and "unfounded enrichment" are used in certain international documents. The provisions on the punishment of war criminals, crimes against peace and humanity, and the like came from criminal law.

This article does not, of course, address the entire wealth of direct and opposite links of international, supranational, and constitutional law. Life is rich, and it constantly makes its adjustments and additions to these processes.

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