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**FROM SOVIET BORDERS TO FROZEN CONFLICTS:
LEGAL LEGACIES IN POST-SOVIET TERRITORIAL DISPUTES**

Master's Thesis

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In memory of my father and grandfathers, whose graves I have not been able to visit for over 10 years due to the Russian occupation

TABLE OF CONTENTS

ABBREVIATIONS	5
INTRODUCTION	6
1. HIERARCHY OF NATIONAL STATEHOOD IN THE USSR	8
1.1. The Right of Nations to Self-Determination in Soviet Doctrine	8
1.1.1. The Soviet Concept of the “Nation”	8
1.1.2. Content and Limits of the Right to Self-Determination	9
1.2. Institutional Forms of Soviet National Statehood	11
1.2.1. Union Republic	12
1.2.2. Autonomous Republic	13
1.2.3. Autonomous Oblast	14
1.2.4. Autonomous Okrug	15
1.3. Criteria for Allocating Forms of Statehood	15
1.3.1. Free Will of Nations	16
1.3.2. “Level of Development” and Civilizational Hierarchies	17
1.3.3. Formal and Strategic Determinants	19
1.3.3.1. Proximity to External Borders	19
1.3.3.2. Wartime Loyalty and Political Trust	20
1.3.3.3. Geopolitical and Ideological Considerations	21
1.4. Conclusions for Chapter 1	22
2. SOVIET VIEWS ON INTRA-SOVIET BORDERS AND <i>UTI POSSIDETIS</i>	24
2.1. Intra-Soviet Borders as “State Borders” (1922-1956)	24
2.1.1. Creation of the Soviet Union: Borders between the Founding Republics (1922-1924)	24
2.1.2. National-Territorial Delimitation and Revision of Existing Borders (1924-1936)	26
2.1.2.1. Central Asia	26
2.1.2.2. South Caucasus (Transcaucasia)	27
2.1.2.3. Russian-Ukrainian and Russian-Belarusian Borders	29
2.1.3. Territorial Reformatting and Expansion (1936-1956)	30
2.1.3.1. Ukrainian-Belarusian Border After 1939	31
2.1.3.2. Moldovan-Ukrainian Border	32
2.1.3.3. Border between the RSFSR and the Karelo-Finnish SSR	33
2.2. Intra-Soviet Borders in the Late Soviet Period (1956-1991)	34
2.2.1. Devaluation of the Interstate Character of Intra-Soviet Borders (1956-1966)	34
2.2.2. Doctrinal Neutralization of Intra-Soviet Borders (1966-1986)	36
2.2.3. Re-Politicization of Intra-Soviet Borders (1986-1991)	38
2.2.4. <i>Uti Possidetis</i> in Soviet Legal Doctrine	39

2.3. Conclusions for Chapter 2	41
3. DISSOLUTION OF THE SOVIET UNION: SOVEREIGNTY OF STATEHOOD VS. SOVEREIGNTY OF NATIONS	43
3.1. Sovereignty and Territorial Integrity of Union Republics	43
3.1.1. Secession from the USSR as an Exercise of Sovereignty	43
3.1.2. Restoration of Powers Transferred to the Union	45
3.1.3. Territorial Integrity and the Inviolability of Borders	46
3.2. Claims of Self-Determination by Autonomies and National Minorities	47
3.2.1. Autonomies and the Sovereignty of Nations	47
3.2.2. Claims to Self-Determination by Autonomous Entities	48
3.2.3. National Minorities and Irredentist Claims	50
3.3. Doctrinal Legacy and Dissolution of the Soviet Union	51
3.3.1. Union Republic Status as a Prerequisite for Independence.....	51
3.3.2. Doctrinal Variability of Forms of National Statehood.....	53
3.3.3. Intra-Soviet Borders between Revisability and Inviolability	54
3.4. Conclusions for Chapter 3	56
SUMMARY	57
LIST OF SOURCES	60

ABBREVIATIONS

USSR	Union of Soviet Socialist Republics
RSFSR	Russian Soviet Federative Socialist Republic
TSFSR	Transcaucasian Socialist Federative Soviet Republic
SSR	Soviet Socialist Republic
ASSR	Autonomous Soviet Socialist Republic
AO	Autonomous Oblast
CPSU	Communist Party of the Soviet Union
SGP	“Sovetskoe Gosudarstvo i Pravo” (“Soviet State and Law”)
SYIL	Soviet Yearbook of International law
SEATO	Southeast Asia Treaty Organization

INTRODUCTION

The consequences of the dissolution of the Soviet Union continue to challenge international law more than three decades later. Among the most prominent and enduring of these are territorial disputes. Some take the form of border disputes between former union republics that emerged as independent states, while others involve self-proclaimed entities established during or after the collapse of the Union. This study focuses primarily on the period prior to 1991, when Soviet scholars developed doctrinal approaches to the model of Soviet federalism, the forms of national statehood, the legal nature of intra-Soviet borders, and the concepts of sovereignty and the self-determination of nations. I submit that the international legal justifications advanced by the parties to post-Soviet territorial disputes were, to a significant extent, shaped by Soviet legal doctrine developed throughout most of the existence of the Soviet Union. Until the mid-1980s, the formally proclaimed and theoretically elaborated international legal concepts, despite their inherent contradictions, were in practice neutralized by the centralized authoritarian nature of the Soviet regime. However, as this system began to weaken, nations and state entities increasingly engaged in selective reliance on Soviet legal doctrine, invoking those elements that best supported their respective claims.

The main categories of Soviet legal doctrine were “nation” (*natsiya*), “people” (*narod*), and “state” (*gosudarstvo*), each of which was seen as possessing its own sovereignty. In developing the concept of state sovereignty, Soviet scholars emphasized that both the Union and its constituent union republics were sovereign. At the same time, the forms of Soviet national statehood, arranged hierarchically, were presented as institutional expressions of the sovereignty of nations and as capable of transformation from “lower” to “higher” forms. Another key element concerned intra-Soviet borders, the legal nature of which evolved over time in response to shifting political considerations. Although these borders were formally delineated along ethnographic lines and theoretically characterized as state borders, in the final decades of the USSR they were progressively diminished in legal significance.

The research problem of this study is systemic contradictions within Soviet legal doctrine concerning the relationship between sovereignty of state and the sovereignty of nations, the forms of national statehood and their variability, and the legal nature of intra-Soviet borders. These contradictions formed the basis for the international legal justifications advanced by the parties to post-Soviet territorial disputes. The objective of this study is to trace the evolution of Soviet legal scholarship on the above-mentioned legal categories, to determine their legal content at the time of the dissolution of the USSR, and to examine how these concepts were invoked by nations and state entities during the process of its collapse. To achieve the objective of the thesis, I purport to determine (i) the understanding in Soviet legal doctrine of the concept of a nation, including its right to self-determination and sovereignty, (ii) the forms of Soviet national statehood and their hierarchical organization; (iii) the criteria for granting nations within the USSR specific forms of national

statehood; (iv) the legal nature of intra-Soviet borders and their theoretical evolution in Soviet legal scholarship; (v) the perception of the principle of *uti possidetis* in Soviet legal doctrine, and (vi) the applicability of the principles of territorial integrity, inviolability of borders, and self-determination to state formations and nations during the dissolution of the USSR. Thus, the research question is: which theoretical provisions of Soviet legal doctrine shaped the international legal causes of territorial disputes in the post-Soviet space?

To answer the research question and to achieve the research objective several scientific methods will be used. Predominantly, the historical-legal method aimed at tracing the evolution of Soviet legal scholarship on national statehood and intra-Soviet borders, as well as the practical application of these theoretical provisions. The comparative method is used in the analysis of legal and political documents produced by the actors involved in the dissolution of the USSR. The analytical method allows for clarification of the meaning and interrelation of key concepts within Soviet legal doctrine. In particular, it is applied to the examination of relevant Soviet legal norms, scholarly writings, and textbooks authored by Soviet legal theorists.

The primary sources of this study include the constitutions of the USSR and the union republics, Soviet legislation, and political and legal acts of Soviet national-state entities. The research refers to Soviet doctrinal writings on international and constitutional law. Attention is given to the works of I. Trainin, I. Levin, K. Korkmasova, A. Lepyoshkin, E. Tadevosyan, P. Semenov, B. Klimenko, and Y. Barsegov, although the analysis is not limited to these authors. The study also engages with the historical and legal scholarship of Western researchers, including Francine Hirsch, Stephan Rindlisbacher, Boris Meissner, Henn-Jüri Uibopuu, and Lauri Mälksoo. The examination of Soviet legal doctrine within its historical context, combined with a consideration of Western international legal views, enables a comprehensive analysis of the Soviet understanding of statehood and borders.

The structure of this Thesis is divided into three main chapters. Chapter 1 examines the Soviet legal doctrine's understanding of the concept of the "nation" and the right of nations to self-determination, as well as the forms of Soviet national statehood and the theoretical justification of the criteria underlying these forms and their respective degrees of autonomy. Chapter 2 focuses on the legal nature of intra-Soviet borders, their formation in the early decades of the USSR, and the doctrinal shift in the early 1960s associated with the gradual diminution of their legal and political significance. It also analyses the evolution of Soviet scholarly views on the principle of *uti possidetis*. Chapter 3 explores how the doctrinal contradiction between the sovereignty of the nation and the sovereignty of the state, inherent in Soviet legal theory, enabled actors during the dissolution of the USSR in the late 1980s to rely on competing provisions of Soviet legal doctrine in support of their claims in emerging territorial conflicts.

Keywords: nation, self-determination, sovereignty, border, territory, state, territorial dispute

1. HIERARCHY OF NATIONAL STATEHOOD IN THE USSR

In this Chapter, I examine Soviet legal doctrine concerning the forms of national statehood within the USSR and the hierarchical structure embedded in Soviet federalism. Soviet scholars maintained that the Union encompassed several levels of national statehood, differing in the degree of sovereignty and autonomy and allegedly corresponding to the “level of development” of the respective nations. At the same time, official doctrine consistently affirmed that all nations possessed the right to self-determination up to and including secession, and that each national-state formation within the USSR rested on the free will of the nation concerned. This Chapter critically reassesses these doctrinal claims. It analyses the Soviet concept of the “nation”, the content and limits attributed to the right of self-determination, and the constitutional design of the various forms of national statehood. Particular attention is paid to the discrepancy between the formal recognition of sovereignty or autonomy and the political realities of centralized party-state control. I argue that the granting and structuring of national statehood functioned not merely as an implementation of self-determination but as an instrument of Sovietization, serving both domestic consolidation and broader geopolitical objectives. I further contend that the proclaimed voluntariness of national state formation, the differentiated degrees of sovereignty assigned to various entities, and the practice of politically driven “manual” nation-building together undermined the legal coherence of the national-oriented Soviet federal model. These structural ambiguities later provided the conceptual and legal background for territorial disputes that emerged after the dissolution of the Soviet Union.

1.1. The Right of Nations to Self-Determination in Soviet Doctrine

This section examines the content attributed by Soviet legal doctrine to the “right of nations to self-determination” and the theoretical foundations on which this concept rested. It first analyses the Soviet understanding of the “nation” as a legal category, focusing on the criteria that were regarded as constitutive elements of nationhood. The section then turns to the content and limits of the right to self-determination as articulated in Soviet theory.

1.1.1. The Soviet Concept of the “Nation”

During the Stalinist period, the definition of the nation formed an integral component of what was described as “Leninist-Stalinist national policy”¹ and was grounded in the Marxist understanding of the “class essence of the national question”². In Marxist theory, the nation was conceived as part of the political and ideological superstructure built upon the economic base - a historical product of bourgeois revolutions³.

¹ Iosif Levin, ‘Lenin and the Theoretical Foundations of Leninist-Stalinist National Policy’ (in Russian) (1939) 2 SGP 134.

² Levin (n 1)

³ Levin (n 1) 136.

It should be emphasized that the Russian term “*natsiya*” differs significantly from the English word “nation”. In Soviet usage, “*natsiya*” referred primarily to an ethnic community, and only exceptionally to a state or civic nation⁴. This semantic distinction is essential for understanding Soviet legal doctrine on self-determination and statehood.

Lenin did not advance a definition of nation. For Soviet legal scholars, the authoritative definition of a nation was that formulated by Stalin: “a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological makeup manifested in a common culture”⁵, emphasizing that only the presence of all these elements permits the recognition of a nation. Soviet legal doctrine drew a distinction between “old” capitalist nations and “new” socialist nations. The defining feature of the latter was said to be the presence of the working class, led by the Communist Party, as the “leading and cementing force” of national development⁶.

The Stalinist definition has been criticized for its rigid and objectivist character. The definition of the nation lacked the subjective factor of personal avowal, which permitted an individual to claim membership in a particular national group, the community of descent and the sense of identity of a community of people, which was not necessarily bound up, with living in a certain territory⁷. However, for nearly four decades after Stalin’s death, scholarly debates on the nation continued to unfold largely within the conceptual framework he had established. Even in the late 1980s, when the theory of socialist formation was increasingly questioned, most Soviet scholars continued to defend the core premises of Stalin’s definition⁸.

1.1.2. Content and Limits of the Right to Self-Determination

Soviet doctrine acknowledged that the meaning of the right of nations to self-determination varied according to political circumstances. Under the Russian Empire, it served as a revolutionary slogan aimed at uniting oppressed nationalities against the monarchy. After the Bolshevik seizure of power, it was used to legitimize the establishment of Soviet regimes in the former imperial periphery⁹. At the same time, Soviet authors recognized that the application of the principle depended on concrete historical conditions and political objectives¹⁰.

⁴ Irina Filatova, ‘Interpretations of the Dogma: Soviet Concepts of Nation and Ethnicity’ (1997) 90 *Theoria: A Journal of Social and Political Theory* 93, 95.

⁵ Samuil Ronin, ‘Stalin’s Doctrine on the Nation and the Multinational Soviet State’ (in Russian) (1950) 2 *SGP* 1, 3.

⁶ ‘The Triumph of Leninist-Stalinist National Policy (On the 30th Anniversary of the USSR)’ (in Russian) (1952) 12 *SGP* 1, 3.

⁷ Boris Meissner, ‘The Soviet Concept of Nation and the Right of National Self-Determination’ (1977) 32(1) *International Journal: Canada’s Journal of Global Policy Analysis* 56, 58.

⁸ Filatova (n 4) 95.

⁹ Ilya Traynin, *The USSR and the National Question: (On the National Republics and Regions of the Soviet Union)* (in Russian) (Krasnaya Nov’ 1924) 13.

¹⁰ Traynin (n 9) 14.

Immediately after the Bolsheviks seized power in 1917, the Declaration of the Rights of the Peoples of Russia proclaimed “the equality and sovereignty of the peoples of Russia”¹¹ and affirmed their right “to free self-determination, including secession and the formation of an independent state”¹². Subsequent Soviet interpretation, however, conditioned this right on political context. It was argued that while the separation of colonies from imperial powers promoted national liberation, the separation of nations from “proletarian Russia” would expose them to imperialist domination. Accordingly, the question of secession was said to depend on concrete international circumstances and, above all, on the interests of the socialist revolution¹³. Lenin argued that within every nation there exist “two nations”, the bourgeoisie and the working masses, and maintained that the genuine interests of the “working majority” ultimately coincided with the broader socialist interests of the proletariat¹⁴.

Lauri Mälksoo noted that Soviet concept of the right to self-determination was adopted for tactical and propaganda purposes and had little in common with the liberal democratic concept of this right, which saw in it an end in itself. For the Soviets, the right to self-determination was entirely subjugated to their higher aim: that the working classes would come to and stay in power, changing the economic and political governance of society¹⁵. The Bolsheviks openly acknowledged the tactical dimension of the slogan of self-determination. It was emphasized that recognition of the right to secession did not entail an obligation to exercise it. A nation has the right to secede, but this does not mean that secession is always expedient (“*tselesoobrazno*”). Lenin was frequently cited as having supported the right to secession, but not the separation of all nations from Russia¹⁶. According to Soviet legal doctrine, the right of a nation to self-determination primarily meant the right to choose its form of state organization: autonomy, participation in a federation, or complete separation¹⁷. At the same time, it was emphasized that such a choice had to correspond to what was considered politically expedient in a given historical context and aligned with the broader interests of international socialism¹⁸.

With the onset of decolonization, Soviet legal scholarship increasingly emphasized the binding character of the right of nations to self-determination in international law¹⁹. This right was understood as entitling the majority of a nation to decide all questions concerning its relations with other nations

¹¹ Declaration of the Rights of the Peoples of Russia (15 November 1917) (in Russian) (‘Declaration’)

¹² Declaration (n 11)

¹³ Iosif Levin, ‘The Twentieth Anniversary of Comrade Stalin’s Work ‘The Policy of Soviet Power on the National Question in Russia’ (in Russian) (1940) 11 SGP 1, 4.

¹⁴ Ilya Traynin, ‘The Soviet Multinational State (On the 30th Anniversary)’ (in Russian) (1947) 10 SGP 19, 21.

¹⁵ Lauri Mälksoo, ‘The Soviet Approach to the Right of Peoples to Self-Determination: Russia’s Farewell to *jus publicum europaeum*’ (2017) 19 Journal of the History of International Law 1, 4-5.

¹⁶ Traynin (n 14) 22.

¹⁷ Ronin (n 5) 4.

¹⁸ Ronin (n 5) 5.

¹⁹ Gleb Starushenko, ‘Against the Distortion of the Principle of the Self-Determination of Peoples and Nations’ (in Russian) (1958) 1 SGP 62.

as well as to determine its internal organization free from external interference²⁰. Soviet doctrine distinguished between two dimensions of the right: an external component, referring to the determination of a nation's international political and economic status, and an internal component, concerning its domestic political, economic, and social order²¹. Some Soviet legal scholars characterized the right of nations to self-determination as a distinct institution of international law comprising a complex of legal norms²². In this view, it encompassed not only the right to determine political status including state independence and territorial integrity but also the choice of form of government, social system, and economic and cultural development²³. Recognition of the right to self-determination was thus presented as inseparable from recognition of the sovereignty of nations²⁴. Johannes Socher emphasized that the Soviet reading of the right to self-determination went even further. Based on Lenin's definition of annexations, it was argued that the principle of self-determination was the sole basis for assessing the legality of territorial acquisitions. Consequently, the decisive criterion for the legality of territorial alignments was not the agreement of the affected state but that of the people residing in that territory²⁵.

The Bolsheviks predetermined the shape of self-determination to the advantage of Russian centralism and in favor of the unity of Russia²⁶. In this context, Lauri Mälksoo has pointed to the duality of the Soviet approach to self-determination. While the USSR actively promoted the principle in the international arena, particularly in support of decolonization outside its sphere of influence, its application within the Eastern Bloc and the Union itself was significantly constrained²⁷. Domestically, Soviet legal discourse sought to portray self-determination as having already been fully realized under the leadership of the Russian people, thereby limiting its practical relevance within the Soviet constitutional order²⁸.

1.2. Institutional Forms of Soviet National Statehood

Soviet legal doctrine maintained that the nations of the USSR had exercised their right to self-determination, in some cases repeatedly, through the establishment of national statehood²⁹, which was recognized as a state-legal form of expression of the sovereignty of the nation³⁰. The statehood was said to possess several defining features: territorial compactness - the concentration of the majority

²⁰ Starushenko (n 19) 63.

²¹ Starushenko (n 19) 63.

²² M. Yanovsky, 'For the Freedom and Independence of Peoples' (in Russian) (1962) SYIL 494 (book review).

²³ Yanovsky (n 22)

²⁴ Starushenko (n 19) 64.

²⁵ Johannes Socher, *Russia and the Right to Self-Determination in the Post-Soviet Space* (OUP 2021) 49-50.

²⁶ Jurij Borys, *The Sovietization of Ukraine 1917-1923: The Communist Doctrine and Practice of National Self-Determination* (rev edn, The Canadian Institute of Ukrainian Studies 1980) 336.

²⁷ Lauri Mälksoo, *Russia, the Soviet Union, and Imperial Continuity in International Law* (OUP 2025) 149.

²⁸ Mälksoo (n 27) 152.

²⁹ A. Radvugin, 'On the Concept of Soviet National Statehood (Based on Materials from the Kirghiz SSR)' (in Russian) (1966) 7 SGP 129.

³⁰ K. Korkmasova, 'Soviet National Statehood - an Important Factor in the Internationalist Unity of the Peoples of the USSR' (in Russian) (1976) 8 SGP 12, 14.

of the nation within a relatively integrated economic territory³¹; the existence of state institutions endowed with public authority to perform the functions of a socialist state³²; and the organization of the population along both production-territorial and national lines, implying that borders were to be determined through a combination of ethnographic and economic considerations³³. Within Soviet constitutional framework, forms of national statehood were structured hierarchically: union republics, autonomous republics, autonomous oblasts, and autonomous okrugs, each formally reflecting a different degree of sovereignty and autonomy.

1.2.1. Union Republic

Throughout the existence of the USSR, Soviet legal doctrine consistently characterized the union republic as the highest form of Soviet national statehood. It was formally described as a sovereign state and a subject of international law³⁴, endowed with constitutional attributes of sovereignty, including the right to secession and participation in international relations³⁵. In the 1977 Constitution of the USSR, the union republic was defined as a “sovereign Soviet socialist state”³⁶. Soviet legal doctrine advanced the concept of the “unity” and “complementarity” of Union and republican sovereignty, according to which the sovereignty of the union republics was understood as a nationally specific form of the sovereignty of the union state³⁷. Analyzing the statehood of the union republics, Henn-Jüri Uibopuu observed that the persistent assertions of Soviet scholars and constitutional provisions might lead to their perception as states within the internal Soviet framework, however, on the international plane they remained constituent parts of the USSR. In his view, the simultaneous attribution of statehood to both the Union and the union republics revealed a structural contradiction, since the full statehood of each appeared mutually exclusive³⁸.

Most union republics were formally unitary in structure, with the notable exception of the RSFSR. Soviet authors described the RSFSR as a specific type of federation, combining autonomous national entities with administratively organized territories predominantly inhabited by Russians³⁹. In contrast, certain formally unitary union republics such as the Georgian SSR, which included the Abkhaz and Adjara ASSRs and the South Ossetian AO, and the Azerbaijan SSR, which encompassed the Nakhichevan ASSR and the Nagorno-Karabakh AO, were said to exhibit certain federal

³¹ Radvugin (n 29) 129.

³² Radvugin (n 29) 130.

³³ Radvugin (n 29) 131.

³⁴ M. Yanovsky, ‘The Soviet Union Republics as Full-Fledged Subjects of International Law’ (in Russian) (1962) 12 SGP 55, 56.

³⁵ Yanovsky (n 34) 55.

³⁶ Constitution of the Union of Soviet Socialist Republics (1977) (in Russian), art 76.

³⁷ Alexey Lepyoshkin, ‘Sovereignty in the Soviet Union State and Its Consolidation in the Period of Developed Socialism’ (in Russian) (1976) 7 SGP 26, 30.

³⁸ Henn-Jüri Uibopuu, ‘Soviet Federalism under the New Soviet Constitution’ (1979) 5(1) Review of Socialist Law 171, 178.

³⁹ Yuri Sudnitsyn, ‘An Interesting Work on Soviet National Statehood’ (in Russian) (1970) 6 SGP 146, 147 (book review).

characteristics. This assessment was based on the distinct constitutional arrangements governing relations between the republican center and the autonomous units⁴⁰.

In the final years of the USSR, renewed debate emerged regarding the nature of the union republic. Some scholars argued that a union republic embodied the sovereignty not only of the titular nation but also of all peoples residing within its territory⁴¹ and the essence of national statehood is also reflected in the process of rapprochement of nations⁴². At the same time, certain Russian scholars contended that, within the RSFSR, ethnic Russians lacked institutional mechanisms of national self-government comparable to those granted to titular groups in autonomous formations⁴³.

1.2.2. Autonomous Republic

Soviet authors maintained that autonomy constituted one of the legal expressions of the principle of the sovereignty of nations. It was presented as a form of state self-determination for smaller nationalities, realized through the establishment of autonomous territorial formations. In this framework, autonomy was intended to reconcile the national development of such groups with the political interests of the sovereign union republics within which they were located. The highest form of Soviet autonomy was described as state-political autonomy, embodied in the ASSR, which was characterized as a national socialist state existing within a union republic⁴⁴. For example, the 1978 Constitution of the Georgian SSR defined an autonomous republic as a Soviet socialist state within the Georgian SSR⁴⁵.

The dual nature of national state formations was emphasized. They were conceived as national entities intended to safeguard the interests of the titular nation, while at the same time functioning as social-class formations representing the multinational population of the respective autonomy⁴⁶. To illustrate this duality, reference was often made to the results of the 1970 USSR census: titular nationalities constituted less than 25% of the population in four ASSRs, 25%-50% in nine, 50%-70% in four, and exceeded 70% only in the Dagestan ASSR. In the Adjarian ASSR in Georgia and the Nakhichevan ASSR in Azerbaijan, most of the population were Georgians and Azeri respectively⁴⁷.

The 1977 Constitution of the USSR provided that the territory of an ASSR could not be altered without its consent⁴⁸. At the same time, Soviet legislation did not regulate the question of whether an

⁴⁰ Sudnitsyn (n 39)

⁴¹ I. Ilyinsky, 'The Constitutional Foundations of the Status of a Union Republic' (in Russian) (1987) 1 SGP 145, 146 (book review).

⁴² A. Khalilov, 'Ways of Improving Soviet National Statehood' (in Russian) (1982) 12 SGP 23, 27.

⁴³ V. Yarkov, 'Legal Problems of the National-State Structure of the USSR and the Union Republics' (in Russian) (1990) 10 SGP 142, 146.

⁴⁴ K. Korkmasova, 'Soviet Autonomy as a Political Form Expressing the Sovereignty of Nations' (in Russian) (1962) 12 SGP 47, 48.

⁴⁵ Constitution (Fundamental Law) of the Georgian Soviet Socialist Republic (1978) (in Russian), art 79.

⁴⁶ S. Ebzeeva, 'The Soviet Federation at the Stage of Mature Socialism' (in Russian) (1982) 7 SGP 3, 9.

⁴⁷ Ebzeeva (n 46) 8.

⁴⁸ USSR Constitution (1977), art 84.

ASSR possessed the right to secede from the union republic. On the one hand, the constitutional prohibition on altering the territory of a union republic without its consent existed. On the other hand, some Soviet scholars argued that requiring the consent of the union republic “appeared questionable”, since the issue concerned the state-legal form of exercising the national sovereignty of the titular nation of the ASSR⁴⁹.

In late Soviet debates, some legal scholars began to question the state character of the ASSRs, arguing that their statehood was largely nominal, since the scope of their powers differed little from that of ordinary administrative-territorial units⁵⁰. In this context, proposals were advanced to establish a clear legal procedure for the creation of new ASSRs⁵¹, as the 1977 Constitution of the USSR merely vested the Union with the authority to approve the establishment of autonomies within union republics, without regulating the process itself⁵².

1.2.3. Autonomous Oblast

In Soviet legal doctrine, the AO was defined as an administrative-political form of Soviet autonomy⁵³. In the early years following the Bolsheviks’ rise to power, it constituted the most widespread institutional form of national autonomy⁵⁴. Following the adoption of the Constitution of the USSR in 1924, the detailed regulation of the legal status of AOs was delegated to the union republics. As a result, republican constitutional legislation came to play a decisive role in defining the institutional character and competences of these autonomies⁵⁵.

The 1977 Constitution of the USSR provided that an AO formed part either directly of a union republic or of a larger administrative unit, such as a *kray*. A law adopted by the Supreme Soviet of the respective union republic regulated the legal status of an AO⁵⁶. Soviet authors identified as a distinctive feature of the AO the procedure by which its statute was drafted and submitted: it was prepared by the Soviet of the AO itself and then presented to the Supreme Soviet of the union republic for approval⁵⁷. Provisions establishing this procedure were reflected, for example, in the constitutions of the Georgian SSR and the Azerbaijan SSR

It was acknowledged that the AO possessed a significantly lower degree of self-government than the ASSR. Formally, it formed part of the system of local state authorities of the union republic. Its

⁴⁹ K. Korkmasova, ‘The Criterion of the Forms of National Statehood in the USSR’ (in Russian) (1970) 11 SGP 45, 49.

⁵⁰ V. Vorobyov, ‘Discussion of the Problems of the National-State Structure of the USSR’ (in Russian) (1989) 10 SGP 139, 141-142.

⁵¹ M. Studenikina, I. Kuzmin, ‘Legal Problems of National Relations in the USSR’ (in Russian) (1989) 5 SGP 137, 141.

⁵² USSR Constitution (1977), art 73(1).

⁵³ Korkmasova (n 44) 48.

⁵⁴ I. Azovkin, V. Iezuitov, ‘Pressing Issues of the Legal Status of the Autonomous Oblast’ (in Russian) (1959) 5 SGP 69, 71.

⁵⁵ Tamara Pallaeva, *The Autonomous Oblast: Constitutional and Legal Status* (in Russian) (abstract of Candidate of Legal Sciences dissertation, Institute of State and Law of the Academy of Sciences of the USSR 1990) 10.

⁵⁶ USSR Constitution (1977), art 86.

⁵⁷ A. Lepyoshkin (ed), *Fundamentals of the Soviet State and Law* (in Russian) (Prosveshcheniye 1970) 141-142.

distinction from an ordinary administrative-territorial unit lay primarily in the adaptation of the state apparatus to the needs of the titular nation of the AO⁵⁸. The defining features of the AO included the allocation to the titular nation of a specific territory, either historically inhabited by that nation or granted by the Soviet state (as in the case of the Jewish AO) and the prohibition on altering this territory without the consent of the autonomy. The AO was typically named after the titular nation rather than the administrative center, except where the AO itself requested or consented to a different designation, as in the case of the Nagorno-Karabakh AO. In addition, the titular nation retained the right to use its national language and to develop its national culture and statehood⁵⁹.

In Soviet legal literature, it was argued that the AO also represented a form of implementing the national sovereignty. Unlike the ASSR, however, the AO was not regarded as a state. Instead, it was described as a national-state entity exercising a limited form of self-government while simultaneously functioning as a territorial unit within the administrative structure of the union republic⁶⁰.

1.2.4. Autonomous Okrug

Autonomous okrug constituted a form of autonomy designed primarily for the small indigenous nations of the Far North and the Far East in the RSFSR. Despite being named after particular nationalities, these districts were in practice multinational in their population composition⁶¹. The autonomous okrug occupied an intermediate position in the Soviet federal structure between the oblast and the district (*rayon*). This national-territorial formation was incorporated into the ordinary administrative framework of a larger region and was intended to accommodate the national interests of numerically small nations⁶².

Soviet authors argued that the autonomous okrug, as a form of Soviet national-territorial autonomy, embodied the essential features of Soviet national statehood. It was presented as a political form through which numerically small nations were said to exercise a form of national sovereignty. At the same time, the autonomous okrug was described as an equal territorial unit within the federal structure of the union republic, with its political and legal status supported by specific constitutional guarantees⁶³.

1.3. Criteria for Allocating Forms of Statehood

The criteria for determining the form of statehood assigned to particular nations in the USSR were widely discussed in Soviet legal scholarship. Soviet authors formally maintained that national statehood was based on the sovereignty of the nation and that the specific form of statehood should

⁵⁸ Traynin (n 14) 33.

⁵⁹ Azovkin, Iezuitov (n 54) 71.

⁶⁰ Mikhail Mityukov, 'On the State-Legal Nature of the Autonomous Oblast' (in Russian) in *Current Problems of State and Law in the Contemporary Period* (collection of articles, Tomsk State University 1981) 28.

⁶¹ Lepyoshkin (n 57) 143.

⁶² Traynin (n 14) 33.

⁶³ V. Zibarev, 'National-State Building among the Peoples of the North' (in Russian) (1972) 12 SGP 81, 85.

therefore be determined by the nation itself. At the same time, they attempted to justify the allocation of different forms of statehood by referring to a set of supposedly “objective” determinants. In practice, however, the highly centralized and authoritarian character of the Soviet system meant that decisions regarding the status of national formations were often taken by the political leadership. This section examines the criteria invoked in Soviet doctrine and contrasts them with political practice, arguing that the discrepancy between theory and reality contributed to the structural ambiguities that later underlay territorial disputes after the dissolution of the USSR.

1.3.1. Free Will of Nations

Soviet authors described the expression of the will of the nation as the “decisive factor”⁶⁴ in determining the form of national statehood. The right of a nation to choose a particular form of state organization was presented as unconditional and not dependent on factors such as population size or geographical location. According to this view, a nation possessed a given form of statehood at a particular historical moment because it had freely self-determined in that form. At the same time, it was argued that the will of a nation was not permanently bound by a single decision, and that a nation retained the right to change the form of its statehood⁶⁵.

During the Stalinist period, Soviet legal theorists interpreted even openly administrative decisions concerning changes in the forms of national statehood as expressions of the free will of nations. The transformation of the Kazakh and Kyrgyz ASSRs into union republics following the adoption of the 1936 Constitution of the USSR was presented as the result of voluntary self-determination. It was argued that the “formal” creation of such republics through a unilateral all-Union act were carried out with the voluntary consent of the respective nations⁶⁶. Both the transformation of the Karelian ASSR within the RSFSR into a union republic in 1940 and its reverse transformation into an autonomy in 1956 were likewise explained as reflecting the “wishes of the workers”⁶⁷, formally expressed through decisions of the Supreme Soviet of the republic, which was presented as the highest representative body of the nation⁶⁸. In Soviet legal doctrine, petitions submitted by the Soviets were most frequently cited as evidence of the nation’s will to alter its form of statehood. Discussing the evolution of Kyrgyz statehood, K. Nurbekov noted that the transformation of the Kyrgyz AO into the ASSR in 1927 was carried out in response to a petition from the Congress of Soviets of the autonomy⁶⁹.

The decision of a purportedly representative body of only part of a nation could also be interpreted as the free expression of the will of the nation as a whole. This approach was applied to the

⁶⁴ Korkmasova (n 49) 51.

⁶⁵ Korkmasova (n 49) 49.

⁶⁶ Levin (n 13) 8-9.

⁶⁷ Andrey Zhdanov, ‘On the Transformation of the Karelian Autonomous Soviet Socialist Republic into the Union Karelo-Finnish Soviet Socialist Republic’ (in Russian) (1940) 3 SGP 19.

⁶⁸ Law of the USSR ‘On the Transformation of the Karelo-Finnish SSR into the Karelian ASSR and on the Inclusion of the Karelian ASSR into the RSFSR’ (16 July 1956) (in Russian)

⁶⁹ K. Nurbekov, ‘The Formation of the Kirghiz Sovereign Soviet Socialist Republic’ (in Russian) (1958) 9 SGP 43, 46.

establishment of the Moldavian ASSR in 1924. A. Lazarev stated that the creation of the autonomy “corresponded to specific historical conditions”, while acknowledging that it reflected the decision of only a smaller portion of the Moldavian nation, even though it was legally presented as representing the entire Moldavian nation, most of whom lived between the Dniester and the Prut within Romania⁷⁰.

Although Soviet legal doctrine formally distinguished between territorial and national autonomy and presented the latter as emerging “from below”, some studies indicated that decisions on the form of statehood were in fact taken by party authorities. A review of a book on the formation of Yakut statehood noted that not all party and state officials in Yakutia initially supported the creation of autonomy, while opponents were portrayed as either “mistaken” or as “nationalists and chauvinists”⁷¹. The same work acknowledged that the initiative to establish Yakut statehood came from Moscow⁷². It also observed that, unlike many other nations of the RSFSR who initially received autonomy as an AO, Yakutia was granted the status of an ASSR, raising the question of what considerations guided the higher authorities of the RSFSR in making this decision⁷³.

Thus, despite the claim that each national-state formation in the USSR was based on the free expression of the will of the respective nation, it is difficult to conclude that such a will was genuinely expressed or that it represented the nation as a whole. This is particularly evident in the case of the Soviets, which were presented as representative bodies but functioned largely in a formal manner⁷⁴, while the elections through which their members were elected were neither free nor competitive⁷⁵.

1.3.2. “Level of Development” and Civilizational Hierarchies

In the first decades of the USSR’s existence, when the creation and transformation of national-state formations were actively underway, Soviet authors explained the diversity of institutional forms of statehood by referring to different “levels of development” attributed to particular nations. It was noted that in resolving national issues, the Bolsheviks took into account, in particular, “the level of maturity of nations”⁷⁶. At this stage, autonomy was presented as “a means of involving backward, culturally or numerically weak nations in the process of revolutionary development”⁷⁷. It was argued that the Bolsheviks “could not limit themselves to granting purely formal rights, such as the right to establish a republic, without providing the necessary resources and institutional framework to enable these nations to exercise such rights”⁷⁸.

⁷⁰ Artem Lazarev, ‘Paths of the Formation of Moldavian Soviet National Statehood’ (in Russian) (1968) 12 SGP 22, 27-28.

⁷¹ O. Chistyakov, ‘The History of Yakut Statehood’ (in Russian) (1970) 5 SGP 151 (book review).

⁷² Chistyakov (n 71)

⁷³ Chistyakov (n 71) 151-152.

⁷⁴ Alfred G. Meyer, *The Soviet Political System: An Interpretation* (Random House 1965) 279.

⁷⁵ Meyer (n 74) 270.

⁷⁶ S. Radzhabov, Sh. Urazaev, ‘The General and the Particular in National-State Building’ (in Russian) (1966) 2 SGP 21, 22.

⁷⁷ Iosif Levin, ‘Twenty Years of the Soviet Multinational State’ (in Russian) (1937) 5 SGP 64, 74.

⁷⁸ Levin (n 77) 88.

Soviet scholars argued that, in the early years after the Bolsheviks came to power, the nations of the former Russian Empire could be divided into several groups. The first group comprised nations that “had reached the stage of capitalist development” and were described as “bourgeois nations”, including Georgians, Armenians, Latvians, Lithuanians, and Estonians. The second group included nations that “had entered the path of capitalist development but had not completed it by 1917” and retained significant remnants of feudal relations, such as Uzbeks, Kazakhs, and Turkmens. The third group consisted of nations described as “remaining at a pre-capitalist, patriarchal-feudal stage of development”, including Kyrgyz, Uyghurs, Karakalpaks, some North Caucasian nations, Mari, Yakuts, and Udmurts. Finally, a fourth group encompassed the small nations of Siberia, the Far North, and the Far East, who were portrayed as maintaining clan-based social structures and relying primarily on hunting, fishing, and pastoralism⁷⁹. Depending on the presumed “level of development”, a nation was said to choose the corresponding form of national statehood.

For the nations of the Far North, who were described as being “too backward”⁸⁰ to establish their own national statehood, Soviet authors envisaged the creation of “autonomous okrugs, even small ones”⁸¹. These entities were intended to enable such populations to reach a higher level of economic and socio-political development. From the early 1930s onward, the statehood of these groups was thus institutionalized in the form of national autonomous okrugs, which Soviet doctrine presented as corresponding to their “specific historical conditions”⁸². The Kyrgyz nation was said to have “chosen” national statehood in the form of an AO in 1924, a decision explained by reference to “the size of its population and its complete lack of experience in state administration”⁸³. Instead, the establishment of Kazakh national statehood in 1920 in the form of an ASSR was explained by the claim that “the process of forming a Kazakh bourgeois nation had not yet been completed”. Autonomy was therefore intended to facilitate the consolidation of the Kazakh nation within a territorial-political framework described as “national in form and socialist in content”⁸⁴.

Based on the presumed “levels of development” of nations, Soviet authors emphasized the “elasticity” of forms of national statehood. Accordingly, following a “comprehensive assessment” of a nation’s conditions of existence, its form of statehood could be altered⁸⁵.

⁷⁹ Azovkin, Iezuitov (n 54) 70.

⁸⁰ Zibarev (n 63) 81.

⁸¹ I. Andreev, ‘The Peculiarities of the Formation of Soviet Statehood among the Small Peoples of the North’ (in Russian) (1970) 12 SGP 113.

⁸² Zibarev (n 63) 85.

⁸³ S. Kusegenov, ‘The Formation and Development of Soviet National Statehood of the Kirghiz People’ (in Russian) (1965) 1 SGP 121, 122.

⁸⁴ G. Sapargaliev, M. Binder, ‘The Development of Soviet National Statehood of the Kazakh People’ (in Russian) (1970) 9 SGP 24, 26.

⁸⁵ Boris Manelis, ‘V.I. Lenin - Organizer of the USSR’ (in Russian) (1962) 12 SGP 13, 14.

1.3.3. Formal and Strategic Determinants

In Soviet literature, some authors also attempted to identify “objective” criteria that would determine the correspondence of a particular nation to a specific level of statehood. For example, it was proposed that the transformation of an ASSR into a union republic should require a minimum population of one million people⁸⁶, while the determination of a nation’s will in choosing a form of statehood was also linked to economic considerations⁸⁷. During the Stalinist period, a nation had to meet several criteria, including having a socialist social order, developed industry, universal literacy and a higher education system, a systematic improvement in the standard of living of the population, and an “ideology of friendship between peoples”⁸⁸. In the final years of the USSR, criteria such as the economic potential, ethnic and historical commonality, and considerations of political and economic expediency were proposed⁸⁹. However, in practice, Soviet leaderships took into account various geographical and political considerations.

1.3.3.1. Proximity to External Borders

During the Stalinist period, one of the conditions for transforming an ASSR into a union republic was that the territory of the republic bordered directly on the external frontier of the USSR. Commenting on the draft Constitution of the USSR in 1936, Stalin referred to the examples of the Bashkir and Tatar ASSRs, which were located within the RSFSR and did not border foreign states. He argued that transforming such ASSRs into union republics would be inappropriate, since in the event of secession they would remain “surrounded by Soviet republics and regions”⁹⁰.

In addition to the requirement of proximity to the external border, Stalin also identified other criteria for granting union republic status, including the numerical predominance of the titular nation and a minimum population of one million people⁹¹. After the 20th Congress of the CPSU in 1956, these two criteria were subject to criticism, whereas the requirement concerning an external border was not questioned. Following the adoption of the 1977 Constitution of the USSR, discussions concerning the formal requirements for obtaining the status of a union republic largely shifted to the historical sphere and are rarely addressed in contemporary scholarship⁹². In the 1970s, K. Korkmasova questioned this criterion, arguing that it conflicted with the proclaimed primacy of the nation’s will. She described it as an example of geographical determinism that undermined the central principle of self-determination and therefore appeared inappropriate under contemporary conditions⁹³.

⁸⁶ Korkmasova (n 49) 48.

⁸⁷ Korkmasova (n 49) 51.

⁸⁸ ‘The Triumph of...’ (n 6) 4.

⁸⁹ Studenikina, Kuzmin (n 51) 141.

⁹⁰ Iosif Stalin, ‘On the Draft Constitution of the USSR’ (in Russian) *Pravda* (26 November 1936) 4.

⁹¹ Stalin (n 90)

⁹² Aleksandr Lebedev, ‘Soviet Scholars of State and Law on the Problems and Prospects for the Development of the Soviet Federation (1918-1985)’ (in Russian) (2013) 6 Proceedings of the Institute of State and Law of the Russian Academy of Sciences 24, 34.

⁹³ Korkmasova (n 49) 49.

1.3.3.2. Wartime Loyalty and Political Trust

Soviet legal theorists during the Stalinist period sought to provide legal justification for the liquidation of the statehood of certain nations that occurred in the 1930s and 1940s. In particular, the abolition of several autonomies during the Second World War was portrayed as an exceptional and necessary response to what was described as the “monstrous, criminal, treacherous behavior of some small backward nations that provided direct assistance to the enemy”⁹⁴. Ilya Trainin, commenting on the deportation of Chechens and Crimean Tatars and the liquidation of the Chechen-Ingush and Crimean ASSRs, argued that “the enemies were nationalists among the Soviet nations who, during the war, had contact with the Nazis”, and therefore maintained that for such criminal purposes “there can be no national freedom and no national statehood”⁹⁵.

At the end of August 1941, a decision was taken to deport the Volga Germans, justified by alleged “reliable data” about “thousands and tens of thousands” of saboteurs and spies among the German population of the Volga region⁹⁶. At the same time, no formal decision was adopted to abolish the Volga German ASSR; instead, a decree of the Presidium of the Supreme Soviet of the USSR provided for the “administrative reorganization of the territory of the former Volga German Republic”⁹⁷.

In 1943-1944, the Karachay AO and the Kalmyk ASSR were abolished by decrees of the Presidium of the Supreme Soviet of the USSR, while the Kabardino-Balkarian ASSR was transformed into the Kabardian ASSR following the deportation of the Balkars. The decrees justified these measures by alleging that during the occupation “many Kalmyks”⁹⁸, “many Balkars”⁹⁹, and “many Karachays”¹⁰⁰ had betrayed homeland, joined armed formations organized by the Nazis, and fought against the Soviet Army.

During the Perestroika period, it was acknowledged that the liquidation of the statehood of certain nations under Stalin had been arbitrary. At the same time, it was argued that the Volga German ASSR and the Crimean ASSR were not restored because the deported Germans and Crimean Tatars had already “firmly taken root” in their new places of residence, while their former territories had been resettled by other populations¹⁰¹.

⁹⁴ Lebedev (n 92) 34.

⁹⁵ Traynin (no 14) 39.

⁹⁶ Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Resettlement of Germans Living in the Volga Region’ (28 August 1941) (in Russian)

⁹⁷ Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Administrative Reorganization of the Territory of the Former Volga German Republic’ (7 September 1941) (in Russian)

⁹⁸ Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Abolition of the Kalmyk ASSR and the Establishment of Astrakhan Oblast within the RSFSR’ (27 December 1943) (in Russian)

⁹⁹ Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Resettlement of the Balkars Living in the Kabardino-Balkar ASSR and on the Renaming of the Kabardino-Balkar ASSR as the Kabardian ASSR’ (8 April 1944) (in Russian)

¹⁰⁰ Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Abolition of the Karachay Autonomous Oblast and on the Administrative Structure of Its Territory’ (12 October 1943) (in Russian)

¹⁰¹ Eduard Tadevosyan, ‘October and the Development of Soviet National-State Building’ (in Russian) (1987) 11 SGP 27, 31.

1.3.3.3. Geopolitical and Ideological Considerations

In some cases, national-state entities were created or transformed by the Soviet leadership for broader geopolitical or ideological purposes. An example of such a politically constructed state formation was the Jewish AO, established in 1934 in the Far East of the RSFSR near the border with Manchuria. The Soviet officials presented this project as the creation of a national Jewish state and indicated that the autonomy could eventually be transformed into an ASSR once the Jewish population of the region reached 100,000¹⁰².

The establishment of the Jewish AO was not the result of a demand originating within the Jewish community. Rather, it was driven by early Soviet national policy with its attempts at uniformity and inner consistency¹⁰³. After unsuccessful attempts to establish a Jewish autonomy in Ukraine, Crimea, and Belarus, the Soviet leadership selected a territory in the Far East that had never formed part of the Pale of Settlement and bore no historical connection to Jewish life¹⁰⁴. Thus, whatever claim ethnic Jews or any other national group had to the territory was based upon the rhetoric of Soviet leaders during the initial propaganda campaign for resettlement in the AO, rhetoric that served to promote the idea of a Jewish autonomy. Despite the fact that prospects for massive resettlement to the area dwindled and the center became less willing to publicly endorse the project, the institutions and traditions meant to facilitate the creation of this Jewish state remained¹⁰⁵.

An example of a geopolitically motivated transformation of national statehood was the elevation of the Karelian ASSR within the RSFSR to the status of the Karelo-Finnish SSR in 1940 and its subsequent reversion to an ASSR in 1956. After failing to bring Finland under Soviet control by establishing the “Finnish Democratic Republic”, Stalinist policy shifted toward institutionalizing a Finnish-oriented republic within the USSR¹⁰⁶. Andrey Zhdanov emphasized that the territories acquired by the Soviet Union under the Moscow Peace Treaty were contiguous with the Karelian autonomy and closely connected to it¹⁰⁷. Explaining the change in the republic’s name, Zhdanov noted that some of the newly incorporated areas were predominantly inhabited by Finns and stressed the ties linking Karelians and Finns. The creation of the Karelo-Finnish SSR would strengthen the

¹⁰² Leonid Kuras, ‘The USSR and Manchukuo: The ‘Jewish Question’ on Both Sides of the Border (1934-1941)’ (in Russian) (2016) 17 Bulletin of Irkutsk State University. Series: History 89, 89-90.

¹⁰³ Marharyta Fabrykant, ‘From Soviet National Policy to Contemporary Russian Federalism: the Past and Future of the Jewish Autonomous Oblast’ in Levente Salat, Sergiu Constantin, Alexander Osipov and István Gergő Székely (eds), *Autonomy Arrangements around the World: A Collection of Well and Lesser Known Cases* (Editura Institutului pentru Studiarea Problemelor Minorităților Naționale 2014) 172.

¹⁰⁴ Fabrykant (n 103) 174.

¹⁰⁵ William R. Siegel, ‘Nation Making in Russia’s Jewish Autonomous Oblast: Initial Goals and Surprising Results’ (1997) 5 *Demokratizatsiya* 422, 427-428.

¹⁰⁶ Toomas Alatalu, ‘Stalin’s Geopolitics and Border Policy 1944: from the Heart of Asia (in Full Secrecy) to the Baltic Sea’ (2025) 29 *Trames* 107, 119.

¹⁰⁷ Zhdanov (n 67) 19.

“fraternal community”¹⁰⁸. It was also intended to underscore that the Karelo-Finnish SSR constituted a state of the Finnish nation.

The year 1956, which marked the beginning of Khrushchev’s policy of de-Stalinization, also witnessed the reorganization of the Karelo-Finnish SSR. The republic had long served as an important diplomatic instrument in Soviet policy toward Finland, particularly in the context of the Finnish presidential election of 1956, when Moscow sought to influence Finnish elites and public opinion. The law transforming the Karelo-Finnish SSR back into an ASSR within the RSFSR was adopted on 16 July 1956, shortly before the official visit of Kliment Voroshilov, Chairman of the Presidium of the Supreme Soviet of the USSR and thus the formal head of the Soviet state, to Helsinki. The timing was significant: Soviet-Finnish relations were then especially favorable, and the reorganization of the republic was presented both as a gesture of goodwill and as a signal that the USSR did not intend to reopen negotiations on border changes¹⁰⁹.

1.4. Conclusions for Chapter 1

The analysis in this Chapter demonstrates that the Soviet system of national statehood was characterized by a fundamental contradiction between doctrinal principles and political practice. Soviet legal doctrine presented the USSR as a federation based on the right of nations to self-determination, in which different forms of national statehood were said to reflect the free will of nations. In practice, however, decisions concerning the allocation and transformation of these forms of statehood were largely taken by the central political leadership.

The Soviet concept of the nation and the doctrinal interpretation of self-determination provided the ideological foundation for this system. While the right of nations to choose their form of state organization was formally recognized, its realization was conditioned by the perceived interests of the socialist state and the political priorities of the party leadership. The hierarchical structure of Soviet national statehood was justified in legal doctrine through references to objective criteria such as the “level of development” of nations, demographic factors, economic capacity, or geographical conditions. Yet the practical application of these criteria remained inconsistent and frequently subordinated to strategic, geopolitical, or ideological objectives. As a result, decisions concerning the creation, transformation, or abolition of national-territorial entities were often taken in a discretionary manner.

The granting and structuring of national statehood thus functioned not merely as an implementation of the right of nations to self-determination but also as an instrument of Sovietization. The combination of formally recognized national sovereignty, hierarchical institutional design, and

¹⁰⁸ Zhdanov (n 67) 20.

¹⁰⁹ Takehiro Okabe, *Taming Greater Finland: Pan-Finnism, the Soviet-Finnish Kalevala Controversy, and the Karelo-Finnish Soviet Republic, 1940-1956* (DPhil thesis, University of Helsinki 2024) 277.

politically directed nation-building produced a system that was legally ambiguous and internally inconsistent. In particular, the requirement that a union republic should border the external frontier of the USSR introduced a structural duality between territory and the form of statehood: it remained unclear whether the status of a national entity determined its borders, or whether its borders determined the level of statehood it could obtain. As the practice of Soviet border-making demonstrates, internal borders were not consistently established in accordance with national settlement patterns, an issue that will be examined in the next Chapter. This allowed the Soviet leadership to manipulate territorial arrangements by drawing or adjusting the borders of national entities in ways that either enabled or prevented their elevation to the status of a union republic and, consequently, the acquisition of the constitutional right to secede from the USSR.

2. SOVIET VIEWS ON INTRA-SOVIET BORDERS AND *UTI POSSIDETIS*

In this Chapter, I examine the evolution of Soviet legal doctrine concerning the nature of borders between the union republics of the USSR and analyse the Soviet approach to *uti possidetis*. The objective is to determine whether intra-Soviet borders were perceived, in legal terms, as borders between sovereign states. I trace the processes of border-making within the Soviet Union, with particular attention to the role of the principle of the right of nations to self-determination in shaping them. A distinction is drawn between national-territorial demarcation, which possessed international legal relevance, and economic zoning, which functioned as an internal administrative practice. I argue that the interaction of these two processes produced structurally inconsistent and legally ambiguous territorial arrangements. This Chapter further examines the fundamental shift in the perception of inter-republican borders that occurred in the early 1960s. Official discourse and scholarly analysis increasingly advanced the view that intra-Soviet borders were losing their political and legal significance. I trace how this reinterpretation was subsequently muted during the “era of stagnation”, before competing doctrinal positions re-emerged during Perestroika and in the immediate post-Soviet period. Lastly, I address Soviet scholarly engagement with *uti possidetis*. The understanding of this principle evolved from its rejection in the 1960s to its recognition in the 1980s as one of the relevant considerations in determining the borders of newly emerging states. I argue that, notwithstanding its initial rejection, *uti possidetis* implicitly extended to intra-Soviet borders and thus formed part of the conceptual framework that later shaped the territorial consequences of the USSR’s dissolution.

2.1. Intra-Soviet Borders as “State Borders” (1922-1956)

This section examines the period during which intra-Soviet borders were actively drawn, revised, and institutionalized. Between 1922 and the mid-1950s, the number and configuration of union republics changed repeatedly, and from 1939 onward territorial expansion was accompanied by internal redistribution. The focus here is on the doctrinal framing that accompanied these processes. I argue that the conceptualization of intra-Soviet borders as state borders formed part of both the internal consolidation of Soviet power and the external policy of exporting the communist revolution.

2.1.1. Creation of the Soviet Union: Borders between the Founding Republics (1922-1924)

The USSR was established on 30 December 1922, when the Treaty on the Creation of the USSR, signed the day before by the RSFSR, the Ukrainian SSR, the Belarusian SSR, and the TSFSR, came into force. The founding states united “into one union state”¹¹⁰ and gave the Union the authority to change its external borders¹¹¹. The Treaty did not address the issue of borders between the union republics.

¹¹⁰ Treaty on the Creation of the Union of Soviet Socialist Republics (30 December 1922) (in Russian) (‘Treaty on the Creation of the USSR’).

¹¹¹ Treaty on the Creation of the USSR

Soviet legal scholars insisted that the republics that founded the USSR were independent states. In the 1930s, it was argued that whereas in 1919 and the first half of 1920 relations between the Soviet republics had been regulated through parallel but unilateral acts of individual governments, from September 1920 onward they assumed a more developed treaty-based, or conventional, character between the RSFSR and the other Soviet republics¹¹². By the early 1970s, however, it was acknowledged that divergent interpretations existed regarding the nature of these pre-Union relations: “some authors emphasize the independence of the republics and the international legal nature of their relations before the creation of the Union, while others emphasize the development of federative relations even before the creation of the Union”¹¹³. It was suggested that both elements coexisted in a dialectical interconnection. Soviet historiography likewise continued to portray the republics as independent entities whose cooperation developed on the basis of initiative and consent¹¹⁴.

Soviet Russia recognized these republics as independent with the caveat that it was the Soviet-proclaimed formations that were recognized. From the moment of their creation, the national Soviet republics worked closely together with the Soviet Russian government, although in fact they were in important ways part of the Soviet Russian government¹¹⁵.

John N. Hazard noted that in the first decades of the USSR’s existence the Soviet policy makers reached the conclusion that international law offered means of furthering Soviet interest¹¹⁶. Such interests were the establishment of Soviet governments in other countries and their accession to the USSR. This orientation was reflected in the Declaration on the Creation of the USSR, which described the creation as “a new decisive step on the path of uniting the working people of all countries into a World Socialist Soviet Republic”¹¹⁷ and stated that “access to the Union is open to all socialist Soviet republics, both existing and those that may arise in the future”¹¹⁸.

On 31 January 1924, the All-Union Congress of Soviets, the supreme legislative body of the USSR, adopted the Constitution of the USSR. According to it, the competence of the Union, in addition to changing its external borders, also included the settlement of issues related to changing the borders between the union republics¹¹⁹. The territory of the union republics could not be changed without their consent¹²⁰.

¹¹² Levin (n 77) 77.

¹¹³ Nikolay Ushakov, ‘International Legal Aspects of the Formation of the USSR’ (in Russian) (1974) SYIL 1972 11, 13.

¹¹⁴ V. Sherstobitov (ed), *History of National-State Building in the USSR, 1917-1978* (in Russian) (3rd edn, vol 1, Mysl’ 1979) 240.

¹¹⁵ Mälksoo (n 27) 90.

¹¹⁶ John N. Hazard, ‘Soviet Interpretation and Application of International Law’ (1955) 5(8) Naval War College Review 51, 53.

¹¹⁷ Declaration on the Creation of the Union of Soviet Socialist Republics (30 December 1922) (in Russian) (‘Declaration on the Creation of the USSR’)

¹¹⁸ Declaration on the Creation of the USSR

¹¹⁹ Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (1924) (in Russian), art 1(b).

¹²⁰ USSR Constitution (1924) art 6.

2.1.2. National-Territorial Delimitation and Revision of Existing Borders (1924-1936)

Following the adoption of the Constitution of the USSR, territorial delimitation intensified. In 1924, national-territorial demarcation in Central Asia led to the establishment of union and autonomous republics based on titular nations, while existing borders were revised, including those between the RSFSR and the Ukrainian and Belarusian SSRs, as well as between the Armenian and Azerbaijani SSRs within the TSFSR.

Francine Hirsch argued that Soviet administrators reformulated earlier ethnographic and economic paradigms of regionalization applied in previous years in the organization of the territory in the RSFSR into guiding principles for border delimitation. This shift reflected a compromise between competing models of administrative-territorial organization¹²¹. It sought to balance economic imperatives with national considerations. Soviet leadership publicly affirmed the right of all nationalities to possess their own state formations¹²², presenting this policy as an expression of the right of nations to self-determination. At the same time, authorities aimed to structure the USSR's territory according to economic criteria that would ensure the most efficient utilization of productive forces¹²³ - an approach that often conflicted with, and at times undermined, the ethnographic cohesion and territorial integrity of particular national groups.

2.1.2.1. Central Asia

By 1926, Central Asia had a population of approximately 13.8 million, with nomadic pastoral cultures prevailing in the steppe and desert regions and sedentary urban communities concentrated in the oasis areas¹²⁴. The ethnographic picture of the region was diverse, with a predominance of Turkic peoples. Much of the region had formed part of the RSFSR as the Turkestan ASSR, established on 30 April 1918¹²⁵. On the territories of the former Emirate of Bukhara and the Khanate of Khiva, the Bukhara and Khorezm People's Soviet Republics were established under Moscow's political control. Soviet scholars emphasized that these two republics had been formed as independent sovereign states and had not been part of the USSR prior to national-state demarcation¹²⁶.

Soviet doctrine maintained that the Turkestan ASSR had initially been formed as a multinational entity due to incomplete nation-building and the territorial discontinuity of ethnic groups¹²⁷, and acknowledged that existing borders did not reflect the actual settlement patterns of the nationalities¹²⁸.

¹²¹ Francine Hirsch, *Empire of Nations: Ethnographic Knowledge and the Making of the Soviet Union* (Cornell University Press 2005) 148.

¹²² Hirsch (n 121) 95.

¹²³ Hirsch (n 121) 73.

¹²⁴ Stephan Rindlisbacher, *Borders in Red: Managing Diversity in the Early Soviet Union* (Cornell University Press 2025) 93.

¹²⁵ Boris Manelis, 'The Development of Soviet Statehood in the East (On the Fifteenth Anniversary of the National-State Delimitation of Central Asia)' (in Russian) (1939) 6 SGP 79, 84.

¹²⁶ Manelis (n 125) 86.

¹²⁷ Manelis (n 125) 85.

¹²⁸ S. Radzhapov, 'Stages in the Development of the Soviet State System in Central Asia' (in Russian) (1948) 11 SGP 61, 65.

By 1924, however, it was argued that Central Asian nations had consolidated sufficiently to exercise their right to self-determination. Boris Manelis noted that national-territorial demarcation was intended to unite the previously divided parts of the Uzbek and Turkmen nations within independent state formations¹²⁹. The outcome of this demarcation was the creation of the Uzbek SSR and Turkmen SSR, both incorporated into the USSR. The Tajik ASSR was established within Uzbekistan, while the Karakalpak and Kara-Kyrgyz (Kyrgyz) AOs were formed within the RSFSR¹³⁰.

In the 1960s, it was asserted that border-making had been guided primarily by the ethnographic principle¹³¹. However, in the 1980s Anvar Agzamkhodzhaev argued that multiple factors had been considered when determining the borders of the new entities: the national composition of the population, the integration of irrigation systems, the economic polarization of regions, administrative manageability from major cities, and the unity and compactness of territory. Consequently, he concluded that “the national composition of the population was not and could not be the sole criterion in resolving the issue of national-territorial demarcation”¹³².

The tension between national-ethnographic and economic approaches to border-making is illustrated by the delimitation in the Fergana Valley. A particularly contentious issue concerned the border between Uzbek SSR and the Kyrgyz AO. Uzbek representatives sought to incorporate the town of Osh, arguing that a significant proportion of its population was ethnically Uzbek. Kyrgyz representatives, however, emphasized the administrative necessity of retaining Osh as a regional center for purposes of governance. Ultimately, the border was drawn along the western outskirts of the city, leaving Osh within the Kyrgyz AO¹³³. Kyrgyz authorities also proposed revising the status of the Isfara and Sokh volosts: the irrigated valleys and river systems were assigned to Uzbekistan, while the surrounding steppe and mountainous areas were incorporated into Kyrgyzstan. This arrangement resulted in the formation of two Uzbek enclaves within Kyrgyz territory. The decision reflected not only the predominantly Tajik-speaking population of the river valleys, but also their distinct economic structure, which differed markedly from that of the surrounding highland pastoral regions. Considerations related to the prospective exploitation of oil deposits in the Sokh area also influenced the final border settlement¹³⁴.

2.1.2.2. South Caucasus (Transcaucasia)

The TSFSR united the Soviet republics of Georgia, Armenia, and Azerbaijan and was formally established on 12 March 1922 at a conference of representatives of the communist governments of

¹²⁹ Manelis (n 125) 89.

¹³⁰ Radzhapov (n 128) 66.

¹³¹ A. Gordienko, ‘Self-Determination of Peoples and the Formation of Soviet National Statehood in Central Asia’ (in Russian) (1967) 5 SGP 76, 81.

¹³² A. Agzamkhodzhaev, Sh. Urazaev, ‘The Sixtieth Anniversary of the National-State Delimitation of the Republics of Soviet Central Asia’ (in Russian) (1984) 10 SGP 25, 29.

¹³³ Rindlisbacher (n 124) 116.

¹³⁴ Rindlisbacher (n 124) 117.

the three republics¹³⁵. Soviet scholars argued that unification was the only viable means of preventing the economic collapse of Georgia, Armenia, and Azerbaijan after war and regional devastation¹³⁶. They emphasized its distinction from the RSFSR: unlike Soviet Russia, which was structured through administrative autonomy granted by the center, the TSFSR was portrayed as a union of *de jure* independent republics that voluntarily transferred part of their sovereignty to federal institutions¹³⁷.

Border delimitation between Armenia and Azerbaijan was complicated by the region's complex ethnographic composition and mountainous terrain. At the time of the Sovietization of the South Caucasus, nationally and religiously perceived dichotomies already permeated everyday life. According to the 1926 census, the South Caucasus had a population of 5.9 million, including Georgians, Armenians, and Turks in largely compact areas, alongside smaller communities such as Abkhaz, Ossetians, Lezgins, Talysh, and a dispersed Russian and Ukrainian population¹³⁸.

A two-tiered approach has been proposed to explain Soviet border-making in the South Caucasus, distinguishing between allocation and delimitation. Decisions adopted at each level followed a different logic¹³⁹. At the allocation stage, Soviet authorities decided whether disputed territories would be separated or retained within existing republics; in practice, areas were usually left with the republic that exercised effective control at the time of Sovietization, while national minority populations were granted autonomy¹⁴⁰. At the delimitation stage, the drawing of precise borders relied more explicitly on ethnographic criteria, though these were systematically balanced against economic and administrative considerations¹⁴¹.

The ethnographic principle was not applied consistently, as illustrated by the decision to retain Nagorno-Karabakh within Azerbaijan under the allocation approach and by broader disputes along the Armenian-Azerbaijani border. In the Shinikh-Airum region, a mountainous area northeast of Lake Sevan, tensions arose between sedentary Armenian communities and semi-nomadic Turkic Muslim groups over the use of pastures and arable fields. Although the territory was incorporated into Armenia, proposals were subsequently advanced to transfer it to Azerbaijan, citing its economic integration with adjacent Azerbaijani districts and the demographic presence of Turkic Muslim herders. The Armenian village of Bashkend served as a local administrative center and became a focal point of these negotiations¹⁴². Persistent uncertainty regarding the precise border alignment generated tensions between local populations and republican authorities in Yerevan and Baku. Despite the

¹³⁵ A.B., 'Principles of Soviet Federalism in the State Structure of the TSFSR (Dissertation by V.V. Parkosadze)' (in Russian) (1950) 3 SGP 77, 78.

¹³⁶ A.B. (n 135)

¹³⁷ A.B. (n 135)

¹³⁸ Rindlisbacher (n 124) 126.

¹³⁹ Arsène Saparov, *From Conflict to Autonomy in the Caucasus: The Soviet Union and the Making of Abkhazia, South Ossetia and Nagorno Karabakh* (Routledge 2015) 126.

¹⁴⁰ Saparov (n 139) 127.

¹⁴¹ Saparov (n 139) 128.

¹⁴² Rindlisbacher (n 124) 135.

conclusion of a trilateral delimitation agreement among the republics of the TSFSR in February 1929, negotiations over Bashkend continued until October, ultimately resulting in its retention as an Armenian enclave within Azerbaijan¹⁴³.

2.1.2.3. Russian-Ukrainian and Russian-Belarusian Borders

Unlike in Central Asia and the South Caucasus, where delimitation occurred within the RSFSR and the TSFSR, the Russian-Ukrainian and Russian-Belarusian borders constituted boundaries between union republics. Although the Soviet Constitution required mutual consent for their alteration, in the second half of the 1920s the Soviet leadership undertook a series of adjustments to the eastern border of Belarus and to the eastern and northern segments of the Ukrainian border.

Soviet historiography acknowledged that the Sovietization of Ukraine aimed, inter alia, to undermine the Ukrainian People's Republic proclaimed in 1917¹⁴⁴. In January 1919 Ukraine was designated a Socialist Soviet Republic¹⁴⁵, and by March its Constitution was adopted¹⁴⁶. Soviet legal doctrine characterizing the Ukrainian SSR as the “sovereign national state” of the Ukrainian nation¹⁴⁷.

The territory under the control of the Ukrainian SSR by 1920 was shaped both by the outcomes of military conflicts and by decisions taken by the party leadership in Moscow¹⁴⁸. A border convention concluded on 25 February 1919 largely followed former imperial provincial boundaries, though Chernihiv province was divided between Russia and Ukraine¹⁴⁹. After 1924, Ukrainian representatives advanced claims to parts of Kursk, Briansk, and Voronezh provinces, citing ethnographic data indicating a Ukrainian majority in some districts: approximately 65% of the population identified as Ukrainian, while around 35% identified as Russian¹⁵⁰. Russian representatives opposed these claims on economic grounds, arguing that geological resources, agricultural organization, and industrial development justified maintaining the existing boundary. In response to Ukrainian claims grounded in national-ethnographic considerations, Russian negotiators sought to dismiss this line of reasoning, asserting that the ethnographic principle could neither possess nor be accorded decisive significance in border delimitation¹⁵¹. As a result, the border was delimited in favor of the RSFSR, with economic considerations prevailing. Stephan Rindlisbacher noted that arguments grounded in the demonstration of Soviet affirmative nationality policies could be invoked in the debates; however, they carried little weight when set against economic criteria and

¹⁴³ Rindlisbacher (n 124) 141.

¹⁴⁴ Borys Babi, ‘The Formation of the Ukrainian Soviet Socialist State’ (in Russian) (1958) 3 SGP 43, 51.

¹⁴⁵ Sherstobitov (n 114) 113.

¹⁴⁶ Sherstobitov (n 114) 117.

¹⁴⁷ A. Tkach, V. Tsvetkov, ‘V.I. Lenin and the Creation of the Ukrainian SSR’ (in Russian) (1967) 10 SGP 13, 17.

¹⁴⁸ Stephan Rindlisbacher, ‘Contested Lines: The Russo-Ukrainian Border, 1917-29’ in Olena Palko and Constantin Ardeleanu (eds), *Making Ukraine: Negotiating, Contesting, and Drawing the Borders in the Twentieth Century* (McGill-Queen's University Press 2022) 192.

¹⁴⁹ Rindlisbacher (n 124) 65.

¹⁵⁰ Rindlisbacher (n 148) 194-195.

¹⁵¹ Rindlisbacher (n 124) 74-75.

considerations of governance, particularly as party leadership ultimately supported the claims advanced by Russian representatives¹⁵².

In contrast, the Russian-Belarusian demarcation illustrates a more consistent application of the ethnographic principle. Proclaimed on the territory of the Western Oblast of Soviet Russia, Belarusian SSR was conceived as uniting the Belarusian population within a single territorial unit and, on this basis, was understood to possess the character of a national-territorial entity¹⁵³. Along with the adoption of the Constitution of the Belarusian SSR in February 1919, a decision was made to transfer the Smolensk, Vitebsk, and Mogilev provinces to Russia. However, after the formation of the USSR, the process of reverse border revision began. As Soviet authors noted, the uncertainty of ethnographic borders between Belarus and Russia required detailed consideration of the will of the population. In 1924, parts of the Vitebsk, Mogilev and Smolensk provinces were included in the Belarusian SSR, and in 1926 - the Gomel and Rechitsa districts¹⁵⁴. The Bolsheviks emphasized that the Belarusian SSR was intended to unite all territories where Belarusians formed the majority. This was particularly significant because a substantial portion of ethnically Belarusian lands lay within Poland. Soviet newspapers, commenting on the expansion of the Belarusian SSR's borders, highlighted that the enlargement was also important for the workers of "Belarus across the border"¹⁵⁵.

Francine Hirsch concluded that Ukrainian and Belarusian cases demonstrate that the Soviet regime evaluated the ethnographic and the economic principles in the context of all-union interests. However, the Ukrainian case illustrated how Soviet authorities responded when they perceived nationalities as "too nationalistic"¹⁵⁶. Belarus was territorially small and the national movement was less active, so the idea of expanding the republic came from Moscow¹⁵⁷. By contrast, Ukraine actively advanced territorial claims grounded in the ethnographic principle, which Soviet leaders ultimately curtailed¹⁵⁸.

2.1.3. Territorial Reformatting and Expansion (1936-1956)

In 1936, the so-called "Stalinist"¹⁵⁹ Constitution of the USSR was adopted, significantly restructuring the federal organization of the Soviet Union. Even before its adoption, the composition of the Union had begun to change: Tajikistan was elevated to a union republic in 1929¹⁶⁰, and in 1936, Kazakhstan and Kyrgyzstan received the same status, while the TSFSR was dissolved and Georgia, Armenia, and Azerbaijan joined the USSR directly as union republics¹⁶¹. The 1936 Constitution vested the Union

¹⁵² Rindlisbacher (n 124) 79.

¹⁵³ V. Krutalevich, 'The Formation of the National Statehood of the Belarusian People' (in Russian) (1967) 12 SGP 49.

¹⁵⁴ Krutalevich (n 153) 54.

¹⁵⁵ G. Goder, 'On the History of State Building in the Belarusian SSR, 1919-1927' (in Russian) (1949) 8 SGP 55, 62.

¹⁵⁶ Hirsch (n 121) 155.

¹⁵⁷ Hirsch (n 121) 149.

¹⁵⁸ Hirsch (n 121) 155.

¹⁵⁹ Iosif Levin, 'Ten Years of the Stalin Constitution and the Development of Soviet Federalism' (in Russian) (1946) 11-12 SGP 14.

¹⁶⁰ M. Kareva, 'The Stalin Constitution and the Socialist Federation' (in Russian) (1952) 2 SGP 7, 16.

¹⁶¹ Levin (n 159)

with authority to approve changes to inter-republican borders¹⁶² while stipulating that the territory of a union republic could not be altered without its consent¹⁶³. Together with the formally enshrined right of secession, this provision was presented in Soviet doctrine as confirmation of the sovereignty of the union republics¹⁶⁴. At the same time, Soviet authors emphasized that republican sovereignty did not contradict, but rather complemented, the sovereignty of the Union¹⁶⁵. Henn-Jüri Uibopuu characterized the federal model established by the 1936 Constitution as an instrument of Sovietization designed to counter potential pan-Turkic unification movements in Central Asia¹⁶⁶.

In contrast, in the European part of the USSR republican borders were framed as expressions of the right of nations to self-determination within the broader strategy of “external” Sovietization¹⁶⁷. From 1939 onward, the USSR entered a period of territorial expansion. These annexations were justified through different legal arguments, including the ethnographic principle and the right of nations to self-determination in the cases of Western Ukraine and Western Belarus, and historical claims linked to the former Russian Empire in the case of Moldova.

2.1.3.1. Ukrainian-Belarusian Border After 1939

On 23 August 1939, the Soviet Union and Germany concluded the Treaty of Non-Aggression, accompanied by a secret protocol (“Molotov-Ribbentrop Pact”) delineating spheres of influence in Eastern Europe, including the partition of Poland¹⁶⁸; Soviet troops entered Eastern Poland on 17 September 1939¹⁶⁹. Eastern Poland was ethnically heterogeneous, and Poles constituted a minority in much of the territory incorporated by the USSR. Broadly, the region could be divided into three zones: in the south, Ukrainians formed a clear majority; in the central area, a predominantly Ukrainian and Belarusian peasantry coexisted with a smaller Polish minority; and in the north, Poles were the majority alongside a substantial Belarusian minority¹⁷⁰. Soviet legal doctrine and historiography characterized the entry of Soviet troops into Poland as a “liberation campaign”¹⁷¹ and framed the incorporation of predominantly Ukrainian and Belarusian territories into the respective union republics as an exercise of the right of nations to self-determination¹⁷². Official discourse portrayed this process as the “voluntary reunification of Western Ukraine and Western Belarus”¹⁷³ with the

¹⁶² Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (1936) (in Russian), art 14(d).

¹⁶³ USSR Constitution (1936) art 18.

¹⁶⁴ M. Kareva, *The Constitution of the USSR: A Textbook for Secondary Schools* (in Russian) (Uchpedgiz 1947) 93-94.

¹⁶⁵ Traynin (n 14) 32.

¹⁶⁶ Uibopuu (n 38) 174.

¹⁶⁷ Levin (n 159) 16.

¹⁶⁸ Jan T. Gross, *Revolution from Abroad: The Soviet Conquest of Poland's Western Ukraine and Western Belorussia* (exp edn, Princeton University Press 2002) 9.

¹⁶⁹ Gross (n 168) 3.

¹⁷⁰ Gross (n 169) 4-5.

¹⁷¹ V. Sherstobitov (ed), *History of National-State Building in the USSR, 1917-1978* (in Russian) (3rd edn, vol 2, Mysl' 1979) 23.

¹⁷² Levin (n 159) 16.

¹⁷³ Vsevolod Durdenevsky, ‘Soviet Territory in Acts of International Law over Thirty Years (1917-1947)’ (in Russian) (1947) 12 SGP 58, 63.

USSR, asserting that these territories had “merged”¹⁷⁴ with the Ukrainian SSR and the Belarusian SSR as a consequence of the “disintegration of the former feudal Poland”¹⁷⁵.

The delimitation of the Ukrainian-Belarusian border in the newly incorporated territories effectively extended the existing inter-republican boundary. Legislation on the incorporation of Western Ukraine and Western Belarus required the Supreme Soviets of the Ukrainian and Belarusian SSRs to submit draft proposals for the delimitation, which diverged significantly¹⁷⁶. The Ukrainian draft relied on an ethnographic and linguistic map and sought to include territories where Ukrainian predominated¹⁷⁷, whereas the Belarusian proposal, citing the lack of reliable ethnographic data, advanced a more ideological rationale and placed the southern border along the former imperial administrative line between the Minsk and Grodno provinces and Volyn¹⁷⁸. Ultimately, the border was settled manually at a meeting in Stalin’s office with the party leaders of Belarus and Ukraine¹⁷⁹. The final decision favored the Belarusian proposal and was guided less by ethnographic considerations than by the political objective of building a Belarusian socialist nation¹⁸⁰.

2.1.3.2. Moldovan-Ukrainian Border

On 26 June 1940, the Soviet Union issued an ultimatum to Romania demanding the transfer of Bessarabia and Northern Bukovina¹⁸¹, inhabited predominantly by Ukrainians and, according to Soviet position, Moldovans¹⁸². Soviet troops entered the territories on 29 June after Romania accepted the demands¹⁸³. On 2 August 1940, the Moldavian SSR was established on the lands between the Dniester and the Prut¹⁸⁴. Soviet territorial claims were justified by reference to the prior inclusion of these regions within the Russian Empire and to pre-1918 border arrangements, which fixed the border from the Prut to the Danube¹⁸⁵, while Romania’s incorporation of Bessarabia in 1918 was characterized as unlawful and never recognized by the Soviet government¹⁸⁶. Lauri Mälksoo has noted the flexibility of Soviet succession doctrine: although the USSR rejected responsibility for imperial debts, it relied on former imperial territorial affiliation to substantiate its claims¹⁸⁷.

¹⁷⁴ Durdenevsky (n 173)

¹⁷⁵ Durdenevsky (n 173)

¹⁷⁶ Oksana Petrovskaya, ‘The Formation of the Borders of Western Belorussia, 1939-1940’ (in Russian) (2012) 1(4) *Journal of Russian and East European Historical Studies* 24, 34.

¹⁷⁷ Petrovskaya (n 176)

¹⁷⁸ Petrovskaya (n 176) 35.

¹⁷⁹ Volodymyr Makarchuk, ‘The Establishment and Legal Delimitation of the Borders of the Ukrainian SSR with Its Neighbours - The Border with the Belarusian SSR’ (in Ukrainian) (2025) 1(45) *Bulletin of National University “Lviv Polytechnic”*. Series: Legal Sciences 155, 158.

¹⁸⁰ Petrovskaya (n 176) 36.

¹⁸¹ Dennis Deletant, *Romania, 1916-1941: A Political History* (Routledge 2023) 85.

¹⁸² E. Skripilev, ‘Soviet National Statehood of the Moldavian People’ (in Russian) (1968) 10 *SGP* 156, 157 (book review).

¹⁸³ Deletant (n 181) 87.

¹⁸⁴ A. Karlov, ‘The Formation and Development of Soviet National Statehood of the Moldavian People’ (in Russian) (1964) 6 *SGP* 111, 114.

¹⁸⁵ Durdenevsky (n 173) 60.

¹⁸⁶ Durdenevsky (n 173) 62.

¹⁸⁷ Mälksoo (n 27) 136.

The establishment of the Moldavian SSR in 1940 was preceded by the creation of the Moldavian ASSR within the Ukrainian SSR in 1925¹⁸⁸. Soviet historiography acknowledged that its formation occurred under conditions of demographic uncertainty, particularly regarding the national composition of the Transnistrian districts¹⁸⁹: while the rural population was largely Romanian-speaking, urban centers were predominantly Ukrainian and Russian¹⁹⁰. Ukrainian authorities claimed that Ukrainians constituted a majority in the designated territory, especially in districts bordering the rest of Ukraine¹⁹¹. At the same time, the Soviet press emphasized that the Moldavian autonomy had become “an important factor for that part of the Moldavian people who, due to historical circumstances, found themselves beyond the Soviet border”¹⁹².

The delimitation of the Ukrainian-Moldavian border in 1940 lasted nearly three months. While the Moldavian authorities sought to incorporate almost the entire territory of the former Moldavian ASSR into the new union republic, seven districts with predominantly Ukrainian populations ultimately remained within the Ukrainian SSR¹⁹³. Although the delimitation formally relied on considerations of ethnic settlement patterns, it was conducted under conditions of significant informational uncertainty. No preliminary census was undertaken, and reliable data on the precise demographic composition of districts were lacking, making it impossible to determine accurately the proportion of Ukrainian and Moldovan populations in each locality¹⁹⁴.

2.1.3.3. Border between the RSFSR and the Karelo-Finnish SSR

Following the Soviet-Finnish War and the Moscow Peace Treaty of March 1940, the Karelian ASSR within the RSFSR was transformed into the Karelo-Finnish SSR¹⁹⁵ and expanded to include territories ceded by Finland¹⁹⁶. The Karelian autonomy had originally been established in 1923¹⁹⁷. Although Russian and Karelian settlement areas were relatively compact and could have supported a more ethnically homogeneous unit, the autonomy was constituted as a mixed entity, reflecting a “class-based” rather than strictly ethnographic approach, with priority given to the proportion of industrial workers among the population¹⁹⁸.

¹⁸⁸ Karlov (n 184).

¹⁸⁹ A. Surilov, N. Stratulat, *On the National-State Self-Determination of the Moldavian People. Against the Falsifications of Soviet National-State Building by Contemporary Bourgeois Historiography* (in Russian) (Kartya Moldovenyaske 1967) 72.

¹⁹⁰ Surilov, Stratulat (n 189) 89.

¹⁹¹ Volodymyr Makarchuk, ‘The Establishment and Legal Delimitation of the Borders of the Ukrainian SSR with Its Neighbours - The Border with the Moldavian SSR (2 August 1940 - 1991)’ (in Ukrainian) (2025) 2(46) Bulletin of National University “Lviv Polytechnic”. Series: Legal Sciences 191, 193.

¹⁹² P. Voronin, A. Karlov, ‘The Creation of Moldavian Soviet National Statehood’ (in Russian) (1967) 6 SGP 12, 13.

¹⁹³ Makarchuk (n 191) 195.

¹⁹⁴ Makarchuk (n 191) 196.

¹⁹⁵ Okabe (n 109) 97.

¹⁹⁶ I. Sergeyev, *The Saga of the Karelo-Finnish Republic* (Workers Library Publishers 1941) 40.

¹⁹⁷ Sherstobitov (n 114) 317.

¹⁹⁸ Vyacheslav Tebenko, ‘To the Question about Creating the Karelian Autonomy in 1920-1923’ (in Russian) (2016) 3(1) Historical and Social Educational Ideas 68, 70.

In 1944, the border between the Karelo-Finnish SSR and the RSFSR was revised in favor of the latter. Although officially justified by considerations of security of Leningrad¹⁹⁹, Toomas Alatalu observed, the decision reflected broader geopolitical calculations, in which the smaller actor was compelled to acquiesce to the interests of the central authorities²⁰⁰.

2.2. Intra-Soviet Borders in the Late Soviet Period (1956-1991)

This section analyses the redefinition of the legal and political meaning of intra-Soviet borders after 1956. In the context of centralization and the ideological project of the “Soviet people”, inter-republican borders were increasingly described as losing political and practical significance. Although the issue faded from official debate after Khrushchev’s removal, it resurfaced in late Soviet discussions, revealing divergent interpretations of the legal nature of intra-republican borders that later informed post-Soviet territorial disputes. During the same period, Soviet doctrine’s approach to *uti possidetis* evolved. Initially rejected in the 1960s as incompatible with self-determination, the principle was by the 1980s acknowledged as relevant in situations of border delimitation.

2.2.1. Devaluation of the Interstate Character of Intra-Soviet Borders (1956-1966)

After Stalin’s death, Nikita Khrushchev publicly condemned the Stalin’s cult of personality at the 20th Congress of the CPSU in 1956, including the wartime deportations of entire national groups such as Karachays, Kalmyks, Chechens, Ingush, and Balkars. These deportations had led to the abolition or reorganization of several autonomous republics within the RSFSR. Khrushchev characterized such measures as “monstrous acts [...] constituting a gross violation of the fundamental Leninist principles of national policy”²⁰¹, marking the beginning of a broader reassessment of Stalin’s national-territorial legacy.

A significant shift in the perception of intra-Soviet borders occurred in 1961, when the 22nd Congress of the CPSU adopted the Third Party Programme. It declared that “the borders between the union republics within the USSR are increasingly losing their former significance, since all nations are equal and their life is built upon a single socialist foundation”²⁰². Central to national policy was the idea of forming a unified Soviet people through the gradual “erasure of national differences”²⁰³. Official doctrine maintained that the Communist Party “does not allow either the ignoring or the exaggeration of national characteristics”²⁰⁴.

The view that intra-Soviet borders were losing their significance became increasingly prevalent in Soviet legal scholarship. P. Semenov argued that “if earlier [...] the legal meaning of national-state

¹⁹⁹ Alatalu (n 106) 118.

²⁰⁰ Alatalu (n 106) 118.

²⁰¹ Nikita Khrushchev, *Report to the Closed Session of the Twentieth Congress of the CPSU ‘On the Cult of Personality and Its Consequences’* (in Russian) (Gospolitizdat 1959) 40.

²⁰² *Programme of the Communist Party of the Soviet Union* (in Russian) (Gospolitizdat 1961) 113.

²⁰³ *Programme* (n 202)

²⁰⁴ *Programme* (n 202)

borders had the role of a guarantor of national freedom, now they essentially no longer have such a meaning”²⁰⁵. Referring to the statement regarding the diminishing significance of inter-republican borders, he concluded that “the same can be said about the borders of all other national-state formations of the Soviet Union”²⁰⁶. Semenov stated that the protection of national rights and freedoms in the USSR derived not from national borders or statehood, but from “the truly democratic character of the Soviet state”²⁰⁷. As this guarantee continued to strengthen, “the former political significance of national-state borders will be reduced to nothing”²⁰⁸.

Supporting the thesis of the declining significance of inter-republican borders, the Chairman of the Presidium of the Supreme Soviet of the Belarusian SSR, Vasily Kozlov cited Khrushchev’s 1959 statement: “If you ask a Russian, a Ukrainian, or a Belarusian today whether the question of the administrative borders of their republics is of any relevance to him, I believe that most people would be surprised. And why? Because within the borders of our socialist state, all nations are equal, and life is built upon a single socialist foundation”²⁰⁹.

P. Semenov also invoked Lenin’s thesis that the gradual rapprochement and eventual fusion of nations would lead to the withering away of the state, noting that “experience shows that the significance of national-state borders within the USSR is declining much more rapidly than the development of conditions that would objectively render statehood unnecessary in general”²¹⁰. Soviet authors further attributed this development to demographic changes, arguing that “the erasure of national-state borders within the USSR is also facilitated by such factors as population mobility. [...] The mutual assimilation of nations effectively denationalizes national-territorial autonomies and even union republics”²¹¹. Alexey Lepyoshkin characterized the growing multinational composition of union republics as a progressive development, insofar as it “expanded the scope of interethnic communication and contributed to overcoming national limitations”²¹².

Lepyoshkin’s 1963 article is notable for articulating one of the earliest explicit shifts in the legal understanding of intra-Soviet borders. He observed that “the borders between republics, although they are of a legal nature, [...] fundamentally differ in their regime from the external borders of the republics, from the external borders of the USSR”²¹³. Reflecting on the national-territorial

²⁰⁵ P. Semenov, ‘The CPSU Programme on the Development of Soviet National-State Relations’ (in Russian) (1961) 12 SGP 15, 23.

²⁰⁶ Semenov (n 205)

²⁰⁷ Semenov (n 205)

²⁰⁸ Semenov (n 205)

²⁰⁹ Vasily Kozlov, ‘The Comprehensive Strengthening of the USSR and the Improvement of the National Statehood of the Peoples of the USSR in the Light of the Historic Decisions of the Twenty-Second Congress of the CPSU’ (in Russian) (1963) 4 SGP 40, 41.

²¹⁰ Semenov (n 205) 25.

²¹¹ Semenov (n 205) 25.

²¹² Alexey Lepyoshkin, ‘Some Questions of the Leninist Theory of Soviet Federalism in the Light of the New CPSU Programme’ (in Russian) (1963) 5 SGP 60, 68.

²¹³ Lepyoshkin (n 212) 69.

delimitation in Central Asia in the 1920s, Lepyoshkin acknowledged that “under those conditions, the borders between the republics were of great importance as one of the guarantees of the realization of the right of nations to self-determination”²¹⁴. Borders were important to nations, and they painfully perceived changes in favor of another republic²¹⁵. However, in the 1960s inter-republican borders “will gradually lose their political and legal significance”²¹⁶. As evidence of this, Soviet authors pointed to the existence of territorially discontinuous units, such as the Kaliningrad Oblast of the RSFSR and Tajik enclaves within the Kyrgyz SSR²¹⁷. On this basis, the authors concluded that “the borders of the union republics [...] are increasingly less a sign of the independence of national state formations than they were at the time of the formation of the USSR”²¹⁸.

The reconsideration of the nature of intra-Soviet borders coincided with the drafting of a new Union Constitution. Some scholars suggested that, since inter-republican borders had lost much of their former significance, authority over their modification should be transferred entirely to the republics²¹⁹. Others argued that, because the territory of both the Union and the republics constituted the material basis of their sovereignty, any alteration necessarily implicated Union competences as well²²⁰. The 1964 draft Constitution ultimately preserved the existing model: the Union retained the power to approve changes to republican borders²²¹, while the consent of the republic concerned remained a constitutional requirement²²².

2.2.2. Doctrinal Neutralization of Intra-Soviet Borders (1966-1986)

After Khrushchev’s removal, the USSR entered the so-called “era of stagnation”, during which debates on the legal nature of intra-Soviet borders largely faded from both public discourse and legal scholarship. Inter-republican borders were neither explicitly redefined nor openly contested. The Stalinist notion of their interstate character was not formally abandoned, yet the Khrushchev-era thesis of their declining significance was no longer actively pursued. Consequently, a conceptual duality persisted: republican borders remained constitutionally linked to sovereignty, while in practice they were largely deprived of political and legal relevance.

In 1972 Akan Tuganbayev rejected earlier claims that the gradual rapprochement of Soviet nations would make national statehood obsolete, arguing instead that “the fallacy of such statements lies in the fact that the erasure of national differences is a process far more complex and protracted than the

²¹⁴ Lepyoshkin (n 212) 70.

²¹⁵ S. Radzhabov, Sh. Urazaev (n 74) 27.

²¹⁶ Lepyoshkin (n 212) 70.

²¹⁷ S. Radzhabov, G. Manov, R. Gimpelevich, ‘The CPSU on the International Significance of the Experience of the Formation and Development of Socialist National Statehood in the Republics of the Soviet East’ (in Russian) (1963) 7 SGP 48, 54.

²¹⁸ Radzhabov, Manov, Gimpelevich (n 217)

²¹⁹ Grey Hodnett, ‘The Debate over Soviet Federalism’ (1967) 18(4) Soviet Studies 458, 478.

²²⁰ Alexey Lepyoshkin, ‘The Constitutional Development of the Soviet Union State’ (in Russian) (1962) 12 SGP 26, 31.

²²¹ Draft Constitution (Fundamental Law) of the USSR (1964) (in Russian) (*Pyotr Stolypin Museum of the History of Russian Reform*) <<http://museumreforms.ru/node/13895>> accessed 16 March 2026.

²²² Draft USSR Constitution (1964) (n 221)

elimination of social and class differences”²²³. As long as nations persisted with their distinct languages and cultural traditions, he maintained, the Soviet republics would remain necessary institutional forms²²⁴. At the same time, while defending the continued relevance of republican statehood, he avoided any discussion of the legal character or political significance of their borders.

Lepyoshkin similarly criticized Semenov for advancing the notion of “denationalization” and for suggesting the prospective withering away of national statehood. He characterized Semenov’s conclusions as “erroneous”, arguing that such reasoning effectively implied the imminent dissolution of Soviet federalism itself²²⁵. In contrast, Lepyoshkin maintained that Soviet federalism constituted “an important instrument for resolving the tasks of communist building”²²⁶. This position reflected a structural continuity with earlier conceptions of national delimitation as a political tool: in the 1970s, federalism was reframed as a mechanism for stabilizing and consolidating an already centralized state. However, like Tuganbayev, Lepyoshkin defended the persistence of national state formations without addressing the legal character or status of their borders. By that time, national-territorial delimitation was largely regarded as settled, and the nature of intra-Soviet borders no longer occupied a central place in legal doctrine. It was acknowledged that the role of economic considerations in determining national-state borders steadily increased, and that changes to intra-Soviet borders in the 1960s were primarily justified on grounds of economic expediency²²⁷.

During this period, Soviet doctrine increasingly treated borders between socialist states as a distinct category governed by the principles of “socialist” international law, as opposed to “bourgeois” international law. This reflected the broader Cold War bifurcation of the legal order. Yuri Barsegov observed in 1971 that a substantial proportion of contemporary state borders consisted of boundaries between socialist states and that their delimitation possessed distinctive features²²⁸. Relations between socialist states were no longer marked by the “class basis of territorial expansion” or by unjustified territorial claims against one another²²⁹. Border delimitation within the socialist community was thus portrayed differed fundamentally from practices in the capitalist world.

The 1977 Constitution of the USSR essentially reaffirmed the earlier model: the Union retained the authority to approve changes to inter-republican borders²³⁰, while any alteration of a republic’s territory required its formal consent²³¹.

²²³ Akan Tuganbayev, ‘The Development of the National Statehood of the Peoples of Central Asia and Kazakhstan’ (in Russian) (1972) 12 SGP 59, 64.

²²⁴ Tuganbayev (n 223)

²²⁵ Alexey Lepyoshkin, ‘Soviet Federalism in the Period of Developed Socialism’ (in Russian) (1975) 8 SGP 3, 4.

²²⁶ Lepyoshkin (n 225) 5.

²²⁷ Korkmasova (n 49) 49.

²²⁸ Yuri Barsegov, ‘Peace among Nations and the Territorial Question’ (in Russian) (1971) 3 SGP 78, 83.

²²⁹ Barsegov (n 228) 84.

²³⁰ USSR Constitution (1977), art 73.

²³¹ USSR Constitution (1977), art 78.

2.2.3. Re-Politicization of Intra-Soviet Borders (1986-1991)

In the late 1980s, the question of the legal nature of intra-Soviet borders re-emerged in Soviet legal scholarship. The relative doctrinal silence gave way to renewed reflection on the Soviet national-territorial arrangements. In 1987, Eduard Tadevosyan observed that during the 1960s and 1970s many scholars had “absolutized” the centralizing tendencies of the Soviet state²³², while “until relatively recently, nothing or almost nothing was said about serious shortcomings, errors and difficulties in the history of national-state building in our country”²³³. A year later, he explicitly acknowledged that “life demonstrates that national-territorial problems can arise between republics on historical, social, ethnic or other grounds”²³⁴.

At the same time, Tadevosyan rejected proposals to revise republican borders strictly according to ethnographic criteria, arguing that such an approach would not serve the objective of “strengthening the unity of the Soviet people”²³⁵. He invoked Lenin’s statement that “for an internationalist, the question of state borders is a secondary, if not a tenth-rate, issue”²³⁶. Responding to the emerging inter-republican disputes, Tadevosyan proposed referenda as a mechanism for resolving territorial disagreements, asserting that “the basis of Lenin’s approach [...] to determining the borders of Soviet national-state formations is, first of all, the free expression of the will of nations”²³⁷. He cited Lenin’s view that “the right to self-determination is realized through a referendum of the entire population of a self-determining region [...] and the geographical borders of such area are established by democratically elected representatives of this and adjacent regions”²³⁸. Tadevosyan openly questioned the thesis that national borders within the USSR were inviolable²³⁹. By contrast, Vladimir Tumanov advanced a different position, arguing that the USSR was, in essence, a unitary state and that questions of state structure should not be approached from the premise that “someone wishes to secede”²⁴⁰. This statement encapsulates the perspective of the conservative wing of Soviet legal doctrine, which sought to preserve the centralized character of the Union and to resist the juridification of secessionist claims.

After the dissolution of the USSR, scholars revisited the legal status of intra-Soviet borders in ways that echoed late Soviet debates. In 1995, Galina Shynkaretskaya drew a distinction between the legal regime of the border of the RSFSR, which had formed part of the external border of the USSR, and “lines of administrative demarcation separating the territories of the RSFSR and the neighboring

²³² Tadevosyan (n 101) 36.

²³³ Tadevosyan (n 101) 33.

²³⁴ Eduard Tadevosyan, ‘Theoretical Problems of the Improvement of Soviet Federalism’ (in Russian) (1988) 12 SGP 3, 9.

²³⁵ Tadevosyan (n 234)

²³⁶ Tadevosyan (n 234)

²³⁷ Tadevosyan (n 234)

²³⁸ Tadevosyan (n 234) 10.

²³⁹ Vorobyov (n 50) 141.

²⁴⁰ Vorobyov (n 50) 141.

union republics”²⁴¹. In her view, the union republics had not possessed state borders in the full legal sense²⁴²; no comprehensive legal act had regulated the status of inter-republican borders and that the republics had not concluded agreements delimiting such borders²⁴³. She argued that borders were frequently altered in a discretionary manner, at the initiative of central authorities and in the interests of the ruling party²⁴⁴. The population had largely remained indifferent to changes of the borders²⁴⁵. Shynkaretskaya observed that, following the dissolution of the USSR, many regional communities began to perceive the inherited borders as unjust²⁴⁶. She concluded that “on psychological level, inter-republican borders are not perceived as state borders”²⁴⁷ and that “the concept of justice plays a greater role in the problem of borders than anywhere else. No border will be stable if the peoples living on both sides of it do not consider the border fair”²⁴⁸.

2.2.4. *Uti Possidetis* in Soviet Legal Doctrine

In the later decades of the USSR, Soviet legal thought also evolved with regard to *uti possidetis* - the principle that when federal states disintegrate, the former internal administrative borders of the federation must remain and become borders of the newly sovereign states²⁴⁹. Historically, *uti possidetis* was first used during the dissolution of the Spanish colonial Empire in South America, and then again when the European Empires lost their colonies in Africa and Asia²⁵⁰. The Organisation of African Unity, at its founding conference in 1963, endorsed the principle of maintaining inherited colonial boundaries in order to prevent territorial fragmentation and armed conflicts²⁵¹. The International Court of Justice characterized *uti possidetis* as a principle of a general kind, which is logically connected with this form of decolonization wherever it occurs²⁵².

In the 1960s, in the context of decolonization, Soviet legal scholarship adopted a critical stance toward *uti possidetis*, arguing that the preservation of colonial administrative boundaries could conflict with the right of nations to self-determination, particularly where imperial lines had divided ethnically cohesive populations. Criticism focused on cases such as the Durand Line, established in 1893 between Afghanistan and British India²⁵³ and divided the region of Pashtunistan, inhabited by Pashtun

²⁴¹ Galina Shynkaretskaya, ‘Problems of State Succession and the Borders of the Russian Federation’ (in Russian) (1995) 4 Moscow Journal of International Law 84, 86-87.

²⁴² Shynkaretskaya (n 241) 94.

²⁴³ Shynkaretskaya (n 241) 88.

²⁴⁴ Shynkaretskaya (n 241) 88.

²⁴⁵ Shynkaretskaya (n 241) 88.

²⁴⁶ Shynkaretskaya (n 241) 88.

²⁴⁷ Shynkaretskaya (n 241) 88.

²⁴⁸ Shynkaretskaya (n 241) 102.

²⁴⁹ Lauri Mälksoo, ‘Post-Soviet Eurasia, *Uti Possidetis* and the Clash between Universal and Russian-Led Regional Understandings of International Law’ (2021) 3(53) Journal of International Law and Politics 787, 807.

²⁵⁰ Mälksoo (n 249) 813.

²⁵¹ Arman Sarvarian, ‘*Uti Possidetis Iuris* in the Twenty-First Century: Consensual or Customary?’ (2015) 22 International Journal on Minority and Group 511, 519.

²⁵² *Frontier Dispute (Burkina Faso/Republic of Mali)* (Judgment) [1986] ICJ Rep 554, para 23.

²⁵³ Yuri Barsegov, ‘The Durand Line and the Question of the Self-Determination of Pushtunistan in Afghan-Pakistan Relations’ (in Russian) (1960) SYIL 388, 389.

tribes closely related to the Afghan population and sharing the Pashto language²⁵⁴. Following the partition of British India in 1947, the Durand Line was transformed into the international border between Pakistan and Afghanistan. Yuri Barsegov argued that transformation deprived the Pashtun population of the opportunity to exercise its right to self-determination²⁵⁵. In this context, he criticized the communiqué of the SEATO, in which member states recognized the Durand Line as the legitimate international border²⁵⁶. Barsegov relied on examples such as Goa, Algeria, Cameroon, West Irian, Pashtunistan, and Cyprus to substantiate thesis that “respect for the territorial integrity of states does not in any way imply the consolidation or perpetuation of political statuses or borders created by violence and wars”²⁵⁷. It was articulated what he described as a rule “formed and accepted by the socialist doctrine of international law”, according to which state borders should be determined in accordance with “the sovereign will of the people, taking into account the national composition, economic community, and historical past of the territory concerned”²⁵⁸.

In discussions of territorial disputes in the developing countries, Soviet authors observed that imperialist states contributed to the exacerbation of territorial disputes among newly independent states in order to weaken them. Such disputes were the direct consequence of colonialism, which had “left behind unjust borders”, and, as a result, many nations found themselves divided among different states, while historically constituted national territories were fragmented²⁵⁹. Addressing territorial disputes among developing states in Africa, it was noted that different approaches existed regarding the resolution of such conflicts. Some states favored preserving existing borders, while others advocated restoring historical borders or internationalizing disputed territories. It was concluded that none of these approaches could claim universal validity and the decisive criterion in territorial delimitation should be the will of the self-determining nation²⁶⁰.

Following the signing of the Final Act of the Conference on Security and Cooperation in Europe in 1975, the USSR increasingly emphasized the principle of the inviolability of borders and Soviet rhetoric regarding *uti possidetis* became noticeably more restrained. J. Grigelonis, commenting on the principle of the inviolability of borders, argued that its consolidation among the states of Asia, Africa, and Latin America would “obviously be more difficult and prolonged than in Europe”²⁶¹, since many territorial disputes in these regions remained “a legacy of colonialism”²⁶². He suggested that,

²⁵⁴ Barsegov (n 253) 388.

²⁵⁵ Barsegov (n 253) 392.

²⁵⁶ Barsegov (n 253) 395.

²⁵⁷ R. Tuzmukhamedov, ‘Territory in International Law (The Legal Nature of Territorial Sovereignty and the Legal Grounds for Disposition of Territory)’ (in Russian) (1961) SYIL 440, 441 (book review).

²⁵⁸ Tuzmukhamedov (n 257) 442.

²⁵⁹ B. Klimenko, ‘Territorial Problems of Developing Countries’ (in Russian) (1968) SYIL 299, 300 (book review).

²⁶⁰ Klimenko (n 259) 301.

²⁶¹ J. Grigelonis, ‘The Principle of the Inviolability of Borders in International Law’ (in Russian) (1982) SYIL 55, 67.

²⁶² Grigelonis (n 261)

given the complexity of such disputes, the entrenchment of the principle outside Europe was more likely to occur through bilateral or multilateral agreements²⁶³.

In a 1982 monograph on the peaceful settlement of territorial disputes, B. Klimenko examined the factors influencing the resolution of territorial conflicts and identified *uti possidetis* as one of the relevant considerations in determining state borders. Unlike earlier Soviet scholarship, Klimenko approached *uti possidetis* in a comparatively neutral manner: “the difficulties arising in its application are attributable not so much to the principle itself as to the existence of imprecise and indeterminate borders subject to succession”²⁶⁴. In his view, when new borders are established in accordance with *uti possidetis*, they should correspond to the boundaries of a previously existing territorial unit²⁶⁵.

2.3. Conclusions for Chapter 2

This Chapter demonstrates that Soviet legal thought did not offer a stable or coherent answer to the question on the legal nature of the intra-Soviet borders. Rather, the legal assessment shifted over time, reflecting broader political transformations. During the Stalinist period, intra-Soviet borders were publicly framed as state borders of sovereign union republics. Soviet doctrine consistently invoked the right of nations to self-determination to justify the formation of republican statehood and presented inter-republican borders as encompassing the ethnographic territories of titular nations. At the constitutional level, provisions requiring republican consent for territorial changes reinforced this state-like appearance. However, the practical processes of border delimitation reveal that ethnographic considerations were repeatedly balanced against, and at times subordinated to, economic and administrative objectives. The combination of national-territorial demarcation and economic zoning thus produced territorial arrangements that were formally national in rhetoric but structurally shaped by central political priorities. In this sense, intra-Soviet borders possessed a declaratory interstate character.

In the post-Stalin decades, this tension became increasingly visible. The earlier emphasis on the state character of republican borders appeared incompatible with the drive toward centralization. Intra-Soviet borders were explicitly reinterpreted as losing their significance and were increasingly equated with internal administrative divisions. Since the second half of 1960s, the issue was largely removed from doctrinal debate rather than definitively resolved, resulting in a persistent conceptual duality: republican sovereignty remained a constitutional axiom, yet the territorial boundaries associated with that sovereignty were deprived of practical and political salience. By the late 1980s, this unresolved ambiguity resurfaced in the form of competing doctrinal positions, revealing deep disagreement over whether inter-republican borders constituted genuine state frontiers or merely administrative

²⁶³ Grigelonis (n 261) 68.

²⁶⁴ B. Klimenko, *The Peaceful Settlement of Territorial Disputes* (in Russian) (Mezhdunarodnye Otnosheniya 1982) 143.

²⁶⁵ Klimenko (n 264)

demarcations within a unitary system. The absence of a settled doctrinal answer would later shape the legal arguments advanced in post-Soviet territorial disputes.

The evolution of Soviet engagement with *uti possidetis* further illuminates this structural ambiguity. In the 1960s, Soviet international lawyers rejected the principle as incompatible with self-determination, emphasizing instead the primacy of the will of nations over inherited administrative lines. From the 1970s onward, however, increasing attention to border stability and the inviolability of frontiers led to a more restrained and neutral treatment of the principle. Although Soviet doctrine did not explicitly transpose *uti possidetis* onto the internal legal regime, it consistently maintained that the union republics embodied the will of titular nations and possessed a right of secession without articulating alternative territorial criteria for its exercise. In doing so, it implicitly fixed the republican borders as the only legally intelligible framework within which secession could occur.

3. DISSOLUTION OF THE SOVIET UNION: SOVEREIGNTY OF STATEHOOD VS. SOVEREIGNTY OF NATIONS

The dissolution of the USSR became a test of the internal consistency of Soviet legal doctrine. I submit that, from the perspective of international law, the dissolution exposed a tension between two forms of sovereignty: the legally proclaimed sovereignty of the union republics and the theoretically justified sovereignty of nations. Each union republic was presented as the result of the will of its titular nation, and its borders were expected to correspond to the ethnic territory of that nation. However, several union republics contained national autonomies that were themselves described in Soviet doctrine as national-territorial entities. This contradiction was reinforced by the hierarchical structure of Soviet federalism, under which only union republics possessed the constitutional right to secede from the USSR. In this Chapter I argue that a number of nations and national minorities living outside their titular union republic sought to elevate their autonomies to the status of union republics in order to reconcile the sovereignty of the nation with the sovereignty of a state capable of exercising the right either to remain within the Union or to withdraw from it. At the same time, territorial disputes emerged between several of the former union republics. In this Chapter, I argue that, from the perspective of international law, these disputes were partly the result of a clear contradiction in Soviet legal doctrine. On the one hand, Soviet legal scholars promoted the principle of the inviolability of post-war state borders and implicitly relied on the logic of *uti possidetis*. On the other hand, Soviet doctrine simultaneously contributed to the gradual erosion of the political and legal significance of intra-Soviet borders, portraying them as something intermediate between genuine interstate frontiers and the administrative boundaries of territorial units within a single state. The frequent departure from the ethnographic principle in Soviet border delimitation further deepened this contradiction during the final years of the USSR and in the period following its dissolution.

3.1. Sovereignty and Territorial Integrity of Union Republics

This section examines the state sovereignty of the union republics as the legal basis for their declarations of independence, as well as the principle of territorial integrity both during their existence within the USSR and in the period of its dissolution and aftermath. Particular attention is given to how, during the collapse of the Soviet Union, the union republics translated into political practice the long-standing doctrinal justifications of republican sovereignty developed in Soviet legal scholarship.

3.1.1. Secession from the USSR as an Exercise of Sovereignty

In Soviet legal doctrine, three forms of sovereignty were distinguished: sovereignty of state, sovereignty of nation, and sovereignty of people²⁶⁶. According to Soviet authors, the union republics were the bearers of state sovereignty. They possessed sovereign rights not as powers delegated by the Union, but as primary rights that were not derived from any higher authority²⁶⁷.

²⁶⁶ Korkmasova (n 30) 12.

²⁶⁷ Lepyoshkin (n 37) 30.

In the context of the Soviet federal model, legal scholars advanced the thesis that the USSR constituted a unique form of federation in which both the Union as a whole and its constituent republics possessed sovereignty. According to this view, the sovereignty of the Union implied the sovereignty of the union republics, while the sovereignty of the union republics simultaneously implied the sovereignty of the Union²⁶⁸. In theoretical discussions of sovereignty in the Soviet Union, Iosif Levin emphasized that the right of union republics to withdraw from the Union constituted a “crucial” feature of their sovereignty²⁶⁹. The right to secede meant that a union republic could, at any time and by its own decision, remove the limitations on the exercise of its sovereignty that inevitably arose from its membership in the federal Union²⁷⁰. Levin also emphasized the fallacy of separating the right of union republics to withdraw from the Union from the right of nations to self-determination. In his view, the right of withdrawal constituted the “legal embodiment and conclusion” of the right of the titular nations to self-determination²⁷¹. Another recurring thesis in the works of Soviet authors was the assertion that the unification of the union republics into the Union was voluntary. It was maintained that the union republics had voluntarily united into a union state and therefore retained the right to withdraw from the Union at any time²⁷².

In elucidating the essence of state sovereignty, Viktor Shevtsov noted that the sovereign, or supreme, rights of the state are of fundamental importance, as they form the basis of its competence, express the substance of state sovereignty, and are constitutionally enshrined²⁷³. The right of a union republic to secede from the Union was enshrined both in the Constitution of the USSR and in the constitutions of the individual union republics.

There exists a close interdependence between the right of secession and sovereignty. Secession constitutes one of the forms through which sovereignty may be exercised and may be understood as a decision to withdraw a constituent entity from a federation or an autonomous unit from a unitary state. Such a decision is taken by the population of the seceding entity and does not require nationwide consent or approval by a national representative body²⁷⁴. Soviet authors understood the right of a union republic to secede from the USSR as the right to unilaterally terminate its federative ties with the Union. The exercise of this right was considered possible under only one condition: the freely expressed will of the population of the republic. Its implementation did not require the consent of the Union or of the other union republics, and the right itself could neither be abolished, modified, nor

²⁶⁸ Y. Brovka, ‘The Union Republic as a Subject of International Law (The Case of the Belarusian SSR)’ (in Russian) (1972) 12 SGP 36, 42.

²⁶⁹ Iosif Levin, *Sovereignty* (in Russian) (Yuridichesky Center Press 2003) 321.

²⁷⁰ Levin (n 269)

²⁷¹ Levin (n 269) 316.

²⁷² A. Agzamkhodzhaev, ‘Socialist Federalism and the Principle of the Equality of Peoples’ (in Russian) (1972) 12 SGP 52, 53.

²⁷³ V. Shevtsov, *National Sovereignty (Problems of Theory and Methodology)* (in Russian) (Yuridicheskaya Literatura 1978) 120.

²⁷⁴ Ya. Kupyna, ‘The Right of Secession in the Context of State Sovereignty and National Sovereignty: Theory and Practice’ (in Ukrainian) (2003) 22 Bulletin of the National University of Internal Affairs 221, 223.

restricted²⁷⁵. Commenting on the view expressed by some Western authors that the right of secession of the union republics was merely formal due to the absence of a constitutional mechanism for its implementation, Viktor Shevtsov argued that the absence of such a mechanism merely indicated that a union republic could declare its withdrawal “in any form that it considered appropriate”²⁷⁶.

3.1.2. Restoration of Powers Transferred to the Union

Addressing the issue of the sovereignty of a union republic, Soviet legal scholars argued that state sovereignty either exists or does not exist, although it does not exclude an intermediate stage when state sovereignty may be limited. Such a stage was described as transitional for a state moving either toward the complete loss of sovereignty or toward its full restoration²⁷⁷. Soviet authors emphasized that the relationship between state sovereignty and competence is manifested, first of all, in the fact that any sovereign state independently determines the scope of its powers. The authority to modify its competence and its constitutional legislation constitutes one of the principal prerogatives of a sovereign state, a prerogative that, according to Soviet doctrine, was also possessed by the union republics²⁷⁸. In this framework, the exercise by a union republic of its right to secede from the Union is understood as the transformation of limited state sovereignty into full sovereignty. The restoration of full sovereignty for a union republic implied the recovery of those powers that it was presumed to have voluntarily transferred to the Union.

In the context of later territorial disputes, it should be noted that under the 1977 Constitution of the USSR the approval of the establishment of new autonomous republics and autonomous oblasts within the union republics fell within the competence of the Union²⁷⁹. The determination of the administrative-territorial structure of the union republics remained within the jurisdiction of the republics themselves²⁸⁰. The constitutions of the union republics regulated the creation of autonomies within their territories in different ways. The 1978 Constitution of the Georgian SSR provided that the republic possessed the authority to establish new autonomous republics and autonomous oblasts within the Georgian SSR and submit the decision to subsequent approval by the Supreme Soviet of the USSR²⁸¹. By contrast, the Constitution of the Azerbaijan SSR vested the republic with the authority to submit proposals for the creation of new autonomies within the Azerbaijan SSR to the Supreme Soviet of the USSR for approval²⁸². The Constitution of the Moldavian SSR, however, did not regulate the issue of the establishment of autonomies at all.

²⁷⁵ Shevtsov (n 273) 145.

²⁷⁶ Shevtsov (n 273) 146.

²⁷⁷ V. Shevtsov, ‘Some Problems of the Theory of the Soviet Union State’ (in Russian) (1978) 4 SGP 25, 33.

²⁷⁸ Shevtsov (n 273) 142.

²⁷⁹ USSR Constitution (1977), art 73(1).

²⁸⁰ USSR Constitution (1977), art 79.

²⁸¹ Constitution (Fundamental Law) of the Georgian Soviet Socialist Republic (1978) (in Russian), art 72(3).

²⁸² Constitution (Fundamental Law) of the Azerbaijan Soviet Socialist Republic (1978) (in Russian), art 72(3).

The question of returning powers to the union republics became particularly prominent in late Soviet legal scholarship. In this context, Soviet legal scholars generally maintained that a union republic exercised sovereignty throughout its territory with respect to all entities located within it, including autonomous formations²⁸³. Accordingly, upon withdrawal from the USSR a union republic was understood to restore its full state sovereignty and to assume the powers previously exercised by the Union, including those relating to the determination of its national-territorial structure. An example of this approach was Azerbaijan's decision to abolish the Nagorno-Karabakh AO. On 30 August 1991, the parliament of Azerbaijan adopted a declaration restoring the state independence of the republic²⁸⁴. In November of the same year, the legislature adopted a law abolishing the autonomy and reorganizing its territory into ordinary administrative-territorial units²⁸⁵.

In the case of the South Ossetian AO within the Georgian SSR, the law abolishing the autonomy was adopted by the parliament of the union republic in December 1990²⁸⁶, prior to Georgia's formal withdrawal from the USSR. This measure could also be justified from the perspective of Soviet legal doctrine. The 1977 Constitution of the USSR provided that, outside the competence of the Union as defined in Article 73, a union republic independently exercised state power within its territory²⁸⁷. As noted above, the competence of the Union included the approval of the establishment of new autonomous entities, but not their abolition. Soviet legal scholars therefore emphasized that the limited scope of Union competence, rather than that of the republics, was itself an expression of the sovereignty ("*polnovlastie*") of the union republics²⁸⁸.

3.1.3. Territorial Integrity and the Inviolability of Borders

Soviet authors observed as early as the 1980s that the principle of territorial integrity had evolved from a prohibition on the dismemberment of a state or the separation of part of its territory into a fundamental legal principle according to which any encroachments upon a state's territory or its borders were deemed inadmissible²⁸⁹. Among the forms of violation of this principle, it was included the instigation and encouragement of separatist movements aimed at artificially dividing a state's territory contrary to its state and national interests²⁹⁰.

Soviet legal theorists regarded the territorial integrity of the union republics as one of the guarantees of their sovereignty. It was emphasized that "state territory is considered [...] not only as the spatial

²⁸³ Yarkov (n 43) 143.

²⁸⁴ Declaration of the Supreme Soviet of the Republic of Azerbaijan 'On the Restoration of the State Independence of the Republic of Azerbaijan' (30 August 1991) (in Russian)

²⁸⁵ Law of the Republic of Azerbaijan 'On the Abolition of the Nagorno-Karabakh Autonomous Oblast of the Republic of Azerbaijan' (26 November 1991) (in Russian)

²⁸⁶ Law of the Republic of Georgia 'On the Abolition of the South Ossetian Autonomous Oblast' (11 December 1990) (in Russian)

²⁸⁷ USSR Constitution (1977), art 76(2).

²⁸⁸ Shevtsov (n 277)

²⁸⁹ L. Volova, 'The Principle of Territorial Integrity' (in Russian) (1980) 12 SGP 68, 69.

²⁹⁰ Volova (n 289) 70.

limit of the exercise of state power [...] but also as a material expression of independence. [...] Territory is one of the foundations of sovereignty. To change the territory of a certain state without its consent means to violate its independence”²⁹¹. It was also maintained that the territorial supremacy of a union republic was reflected in the principle that its territory could be “neither alienated nor altered by the Union without the consent of the republic itself”²⁹².

The territorial integrity of the union republics also became the subject of treaties concluded between them in the final years of the USSR. For example, in the treaties concluded by the RSFSR with the Ukrainian SSR²⁹³ and the Kazakh SSR²⁹⁴ in November 1990, the parties recognized and undertook to respect each other’s territorial integrity within the borders existing at that time within the USSR.

The inviolability of the borders of the union republics, which during the existence of the USSR Soviet authors derived from the constitutional prohibition on altering the territory of a republic without its consent²⁹⁵, was reaffirmed in December 1991 in the Alma-Ata Declaration adopted by the newly independent former union republics. In that declaration, the leaders of the states recognized and undertook to respect the inviolability of the borders existing at that time²⁹⁶.

3.2. Claims of Self-Determination by Autonomies and National Minorities

This section examines the concept of the sovereignty of nations as invoked by the nations whose statehood within the USSR existed in the form of autonomies. These nations relied on this concept to justify aspirations to alter their form of statehood, either by seeking direct entry into the Union, by attempting to transfer from one union republic to another, or by asserting the right to secede from the Union. The section also considers the position of national minorities living compactly within union republics, who invoked the right to self-determination in support of claims for separation and reunification with the state formation associated with their nation.

3.2.1. Autonomies and the Sovereignty of Nations

Soviet legal doctrine advanced a theoretical justification for the sovereignty of nations and their international legal personality. In defining the legal status of a nation, Gennady Ignatenko distinguished between rights that a nation possesses inherently and those that it acquires as a result of establishing its own statehood²⁹⁷. In fact, the first group of rights constitutes the sovereignty of the nation, which serves as a prerequisite for the acquisition of state sovereignty in one or another form

²⁹¹ Naum Farberov, *On the Sovereignty of the Union Republics (Transcript of a Public Lecture Delivered on 28 November 1945 in the Lecture Hall in Moscow)* (in Russian) (Pravda 1946) 16.

²⁹² Lepyoshkin (n 57) 127.

²⁹³ Treaty between the Ukrainian Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic (19 November 1990) (in Ukrainian) art 6.

²⁹⁴ Treaty between the Kazakh Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic (21 November 1990) (in Russian) art 6.

²⁹⁵ Naum Farberov, ‘The USSR - An Example of a Multinational State’ (in Russian) (1951) 2 SGP 19, 25.

²⁹⁶ Alma-Ata Declaration (21 December 1991) (in Russian)

²⁹⁷ Gennady Ignatenko, ‘The International Legal Personality of Nations’ (in Russian) (1966) 10 SGP 75, 80.

of national statehood. According to Soviet authors, the sovereignty of nations was not subject to any limiting conditions. All nations in the Soviet Union were regarded as sovereign unconditionally and to the same extent, regardless of the form in which their statehood was expressed. In Soviet doctrine, the sovereignty of nations was defined as “an organically inherent, socially conditioned property of a nation”²⁹⁸. As noted in the Chapter 1, the hierarchical nature of the forms of Soviet autonomy was compensated by their supposed “elasticity”. Soviet authors maintained that the form of autonomy could be altered in accordance with the will of the nation, since the Soviet leadership viewed the creation of various forms of national statehood “not as an end in itself, but only as one of the means that maximally ensure favorable conditions for the formation and flourishing of nations”²⁹⁹.

Iosif Levin wrote that autonomy and sovereignty constituted two clearly demarcated categories in Soviet law. Autonomy represented a form of non-sovereign national statehood; however, granting a nation autonomy did not imply depriving it of sovereignty as such. Rather, autonomy was understood as the legal provision to a nation, on the basis of its right to self-determination, of the full range of rights that it could exercise in accordance with the objective conditions of its existence³⁰⁰. Levin further noted that the non-sovereign character of Soviet autonomies was expressed precisely in the fact that they did not possess the right to secede from the USSR. At the same time, the statehood of autonomies was associated with their rights to a territorially defined unit, the ethnic territory of the nation, for which the right to self-determination was recognized³⁰¹.

Addressing the embodiment of the sovereignty of nations in the various forms of Soviet national statehood, Viktor Shevtsov argued that it would be erroneous to determine the degree of a nation’s sovereignty solely by the level of its statehood. He concluded that, regardless of the particular form in which a nation exercised its self-determination, each nation remained sovereign precisely as a nation³⁰².

Thus, while autonomy as a form of statehood was not sovereign, the nation whose statehood took the form of autonomy was nevertheless regarded as sovereign. As a result, the nation was considered to retain the right to alter the form of its statehood.

3.2.2. Claims to Self-Determination by Autonomous Entities

In the early 1980s, official rhetoric maintained that it was impractical to introduce any fundamental changes to the existing forms of national statehood in the USSR, as they were considered to have “fully justified themselves”³⁰³. However, during the Perestroika, the question of transforming the existing forms of autonomy quickly emerged as one of the most pressing issues. In 1989, Eduard

²⁹⁸ Korkmasova (n 30) 13.

²⁹⁹ Korkmasova (n 44) 54.

³⁰⁰ Levin (n 269) 331.

³⁰¹ Levin (n 269) 332.

³⁰² Shevtsov (n 273) 64.

³⁰³ Khalilov (n 42) 27.

Tadevosyan observed that it was necessary to proceed from the assumption that ASSRs could acquire the status of union republics, while AOs could be transformed into ASSRs³⁰⁴.

Thus, several alternative forms of statehood were successively advanced for the South Ossetian AO within the Georgian SSR. In November 1989, the Soviet of the AO adopted a decision proposing the transformation of the autonomy into an ASSR within Georgia³⁰⁵. Later, in September 1990, the Soviet adopted another decision proclaiming the transformation of the autonomy into a Soviet republic and addressed the Supreme Soviet of the USSR with a request for its admission into the Union³⁰⁶.

The Abkhaz ASSR, a constituent autonomy within the Georgian SSR, was proclaimed the Abkhaz SSR by a decision of the Supreme Soviet of the autonomy in August 1990³⁰⁷, thereby asserting a claim to a union republican status.

In September 1991, the Soviet of the Nagorno-Karabakh AO adopted a decision to transform the autonomy into the Nagorno-Karabakh Republic. The specific form of the republic was not defined; it was only stated that the proclaimed entity “exercises the powers granted to the republics by the Constitution and legislation of the USSR”³⁰⁸.

The level of statehood of several national autonomies within the RSFSR was raised during this period. For example, in October 1990 the Soviet of the Gorno-Altai AO adopted a decision to transform the autonomy into an ASSR. The decision stated that “in the contemporary period the status of an autonomous oblast, limited in its sovereign rights, does not contribute to the effective use of the economic potential of Gorno-Altai and does not ensure real equality of nations and their free development”³⁰⁹. The decision was adopted “expressing the will and interests of the nations living in the autonomous oblast for self-determination”³¹⁰. The Tatar ASSR declared state sovereignty and proclaimed its transformation into the Tatar SSR, citing “the inconsistency of the status of an autonomous republic with the interests of the further political, economic, social and spiritual development of its multinational people”³¹¹. It was further stated that the decision was adopted in the exercise of the inalienable right of the Tatar nation to self-determination³¹².

³⁰⁴ Vorobyov (n 50) 141.

³⁰⁵ Decision of the Extraordinary Twelfth Session of the Soviet of People’s Deputies of the South Ossetian Autonomous Oblast (Twentieth Convocation) ‘On Raising the Status of the South Ossetian Autonomous Oblast’ (10 November 1990) (in Russian)

³⁰⁶ Decision of the Soviet of People’s Deputies of the South Ossetian Autonomous Oblast ‘On the Transformation of the South Ossetian Autonomous Oblast into the South Ossetian Soviet Democratic Republic’ (20 September 1990) (in Russian)

³⁰⁷ Declaration on the State Sovereignty of the Abkhaz Soviet Socialist Republic (25 August 1990) (in Russian)

³⁰⁸ Declaration on the Proclamation of the Nagorno-Karabakh Republic (2 September 1991) (in Russian)

³⁰⁹ Declaration on the State Sovereignty of the Gorno-Altai Autonomous Soviet Socialist Republic (25 October 1990) (in Russian) (‘Declaration on Sovereignty of the Gorno-Altai ASSR’)

³¹⁰ Declaration on Sovereignty of the Gorno-Altai ASSR

³¹¹ Declaration on the State Sovereignty of the Tatar Soviet Socialist Republic (30 August 1990) (in Russian) (‘Declaration on Sovereignty of the Tatar SSR’)

³¹² Declaration on Sovereignty of the Tatar SSR

3.2.3. National Minorities and Irredentist Claims

In the final years of the USSR, Soviet legal theorists increasingly raised the question of national minorities living compactly outside their titular union republics or autonomous formations. Proposals were advanced to introduce forms of national-cultural autonomy, to adopt special legislation regulating the legal status of such minorities, and to return to the early Soviet practice of establishing national districts, towns, and village communities³¹³.

A path toward separate statehood was pursued on the left bank of the Dniester in Moldova. Administratively, this territory consisted of ordinary administrative districts. According to the 1989 census, the ethnic composition was relatively balanced among three national groups: 33.5% Moldovans, 30.5% Russians, and 28.3% Ukrainians³¹⁴. In September 1990, the so-called “Extraordinary Congress of People’s Deputies of All Levels of the Transnistrian Region” proclaimed the establishment of the Pridnestrovian Moldavian SSR within the USSR³¹⁵. The immediate proclamation of a union republic reflected the objective of the leaders of the pro-Soviet movement to remain within the Union in the event that Moldova withdrew from it. A characteristic feature of the Transnistrian formation was that, in the initial decisions concerning statehood, no reference was made to the sovereignty of a particular nation. Only the Declaration of Independence, adopted in August 1991, mentioned respect for and recognition of the sovereignty and self-determination of nations; however, it referred instead to the “will of the multinational population of Transnistria”³¹⁶.

Already in the 1950s, Soviet authors noted that national minorities, understood as national groups dispersed among other nationalities, did not possess their own territories and therefore could not be regarded as subjects of the right to self-determination. At the same time, this did not exclude the possibility of their protection under international law³¹⁷. Soviet legal doctrine provided for such situations through the concept of the sovereignty of the people, which was described as embodying “the will of a politically and ideologically united people, led by the working class”³¹⁸. It was further emphasized that the Soviet people exercised their sovereignty through “the organized power of the people, embodied in the state apparatus”³¹⁹. In the first years following the dissolution of the USSR, Russian international lawyers observed that under contemporary conditions it was “hardly justified or expedient” to operate with the concepts of “nation” and the “self-determination of nations”, since, as a result of population mobility and migration, the nation in its Soviet definition had largely ceased to exist. They therefore proposed relying instead on the concept of the “people”, understood as a

³¹³ Vorobyov (n 50) 141.

³¹⁴ A. Crivenko, V. Fomenko, ‘The Ethnic Composition of the Population of Transnistria’ (in Russian) in Dorin Lozovanu (ed) *Ethnic Communities and Diaspora in Time and Space* (Chişinău 2019) 80.

³¹⁵ Resolution of the Second Extraordinary Congress of People’s Deputies of All Levels of the Transnistrian Region (2 September 1990) (in Russian)

³¹⁶ Declaration of Independence of the Pridnestrovian Moldavian Soviet Socialist Republic (25 August 1991) (in Russian)

³¹⁷ Starushenko (n 19) 67.

³¹⁸ Lepyoshkin (n 37) 26.

³¹⁹ Lepyoshkin (n 37) 27.

territorial community seeking self-determination through autonomy, federal arrangements, or the establishment of an independent state³²⁰.

By contrast, the stateless Gagauz nation proclaimed the establishment of its own ASSR within the territory of the Moldavian SSR as an act of exercising the sovereignty of the nation. The decision on the creation of the autonomy stated that the Gagauz people, as a distinct ethnic group, recognized themselves as a nation and that only political and legal self-determination in the form of national-territorial autonomy could halt the process of the disappearance of the Gagauz nation³²¹.

A particular situation existed in the case of the Nagorno-Karabakh AO, which constituted an Armenian autonomy within the Azerbaijan SSR. Since the Armenian nation already possessed its own union republic, in 1988 the Soviet of the Nagorno-Karabakh AO petitioned the Supreme Soviets of the Armenian SSR and the Azerbaijan SSR to transfer the autonomy to Armenia³²². However, according to Soviet legal scholars, had the autonomy possessed the status of an ASSR, it could have resolved this issue independently.

3.3. Doctrinal Legacy and Dissolution of the Soviet Union

This section summarizes the principal doctrinal elements of Soviet legal theory that shaped the emergence of territorial disputes in the post-Soviet space. Particular attention is given to three interconnected aspects. First, the constitutional status of a union republic as the only form of national statehood formally endowed with the right of secession from the USSR. Second, the doctrinal assumption that forms of national statehood were subject to transformation in accordance with the will of nations. Third, the ambiguous legal character of intra-Soviet borders, which Soviet doctrine alternately treated as potentially revisable internal boundaries and as borders protected by the principle of their inviolability.

3.3.1. Union Republic Status as a Prerequisite for Independence

The legally formulated and theoretically grounded model of Soviet federalism resulted in the status of a union republic becoming both a political instrument and, in many cases, an objective in itself for numerous nations within the Soviet Union during its dissolution, regardless of whether a particular nation sought to achieve political independence or to remain within the Union. In December 1990, the Chairman of the Council of Nationalities of the Supreme Soviet of the USSR, Rafik Nishanov, observed that “it is well known that the privileged position of the union republics has long ceased to satisfy the autonomous republics. [...] The republics’ aspiration to equalize their state and legal status

³²⁰ Nikolay Ushakov, ‘Sovereignty and Its Implementation in Domestic and International Law’ (in Russian) (1994) 2 Moscow Journal of International Law 3, 16.

³²¹ Fedor Angeli, *Gagauz Autonomy: People and Facts (1989-2005)* (in Russian) (Chişinău 2006) 37-38.

³²² Decision of the Extraordinary Session of the Soviet of People’s Deputies of the Nagorno-Karabakh Autonomous Oblast (Twentieth Convocation) ‘On the Petition to the Supreme Soviets of the Azerbaijan SSR and the Armenian SSR on the Transfer of the Nagorno-Karabakh Autonomous Oblast from the Azerbaijan SSR to the Armenian SSR’ (20 February 1988) (in Russian)

is evident. Autonomous oblasts and autonomous okrugs have now also joined this process, seeking to obtain the status of republics”³²³.

The problem was articulated in 1989 by Andrey Sakharov, who proposed “to discuss the transition to a federal horizontal system of national-constitutional order”. Such a system, in his view, would involve granting all existing national-territorial entities, regardless of their size or current status, equal political, legal, and economic rights while preserving the existing borders³²⁴. The People’s Deputy of the USSR from Abkhazia, Taras Shamba, speaking on behalf of deputies representing the autonomous entities, stated that they were “seriously concerned that certain forces seek to reduce the problem of the renewal of the Union solely to the issue of the sovereignty of the union republics. [...] Article 1 of the [new] Union Treaty should state that all republics are members of the Union directly. One republic cannot be part of another”³²⁵. Mikhail Pashaly explained the proclamation of the Gagauz Republic by referring to the possibility of the unification of Moldova with Romania: “What do the people of our region want? To live within the USSR, not to join Romania”³²⁶.

In April 1990, the Supreme Soviet of the USSR adopted a law intended to establish a mechanism for the withdrawal of a union republic from the Soviet Union and to reconcile this process with the proclaimed sovereignty of nations and autonomies within the Union. The established procedure provided for the holding of a referendum in the respective republic, in which at least 2/3 of the population of the union republic had to vote in favor of withdrawal from the Union³²⁷. At the same time, separate referenda were to be held in each autonomous entity within the union republic, and the results of voting in territories of compact residence of national minorities were to be taken into account independently. The law further provided that the peoples of autonomous entities retained the right either to remain within the Union, to remain within the withdrawing union republic, or to raise the question of their own state-legal status³²⁸. Among the issues to be resolved during the transitional period following a decision on withdrawal was the determination of the status of territories that had not formed part of the withdrawing republic at the time of its accession to the USSR, as well as territories in which national minorities resided compactly³²⁹.

At the end of April 1990, a law was also adopted that delineated the distribution of powers between the Union and, as the law stated, “the subjects of the Federation”. The union republics were recognized as sovereign states that retained the right to secede from the USSR, while the autonomous republics were defined as “states that are subjects of the federation - the Union of SSRs”. The relations

³²³ Fourth Congress of People’s Deputies of the USSR, Verbatim Report, vol 1 (in Russian) (Moscow 1991) 348.

³²⁴ First Congress of People’s Deputies of the USSR, Verbatim Report, vol 3 (in Russian) (Moscow 1989) 328.

³²⁵ Verbatim Report (n 323) 550-551.

³²⁶ Verbatim Report (n 323) 607.

³²⁷ Law of the USSR ‘On the Procedure for Resolving Questions Connected with the Secession of a Union Republic from the USSR’ (3 April 1990) (in Russian) art 6(1) (‘USSR Law on the Procedure for Resolving Questions’).

³²⁸ USSR Law on the Procedure for Resolving Questions, art 3.

³²⁹ USSR Law on the Procedure for Resolving Questions, art 14(2).

between the autonomies and the union republics of which they formed part were to be regulated through agreements and treaties³³⁰.

The political atmosphere surrounding the adoption of these laws is illustrated by the words of Salambek Khadzhiyev, a deputy from the Chechen-Ingush ASSR: “What prevents us, in accordance with our inalienable right to self-determination [...], from leaving the union republics and determining our status as an equal Soviet socialist republic within the Union of SSRs? [...] I have no doubt that the day is not far off when there will be no more autonomies [...] and there will be equal Soviet socialist republics. This is historically inevitable”³³¹. In theory, this mechanism was intended to prevent nations possessing autonomous entities from “raising” the level of their statehood. In practice, however, the ineffectiveness of the laws demonstrated the difficulty of reconciling the sovereignty of a union republic with the sovereignty of non-titular nations within its territory.

3.3.2. Doctrinal Variability of Forms of National Statehood

In December 1990, the President of the USSR, Mikhail Gorbachev, noted in speech: “recently we have encountered a situation in which republics and other national-territorial entities, proclaiming various changes in their legal status, ignore the existing Constitution of the USSR. Such an approach [...] threatens serious unrest, even chaos”³³². The Soviet leadership thus faced a problem that Soviet legal theorists had long acknowledged: the will of the nation constituted the principal basis for determining the form of national statehood. Gorbachev himself had expressed a similar position a year earlier when outlining the views of the CPSU on national policy: “You drew attention to [...] proposals for transforming one type of autonomy into another; there were also proposals to transform some autonomous republics into union republics. [...] The most important thing is that the rights of peoples who have self-determined in this form must be significantly expanded and reliably ensured in practice”³³³.

In the 1960s, Soviet international lawyers, commenting on the processes of decolonization, emphasized that autonomy could not serve as an adequate substitute for independence where a nation expressed the will to secede. In this context, they criticized the practice of replacing the granting of independence to colonial nations with the provision of limited self-government³³⁴. It was argued that where independence constituted the principal demand of a nation, the formal equalization of a colony in rights with the provinces of the metropolitan state amounted to a modified form of annexation.

³³⁰ Law of the USSR ‘On the Delimitation of Powers between the USSR and the Subjects of the Federation’ (26 April 1990) (in Russian)

³³¹ Extraordinary Third Congress of People’s Deputies of the USSR, Verbatim Report, vol 1 (in Russian) (Moscow 1990) 153-154.

³³² Verbatim Report (n 323) 83.

³³³ Mikhail Gorbachev, ‘On the Party’s National Policy in Contemporary Circumstances’ (in Russian) *Vecherniy Tallinn* (21 September 1989) 2, 3.

³³⁴ Starushenko (n 19) 65.

Similarly, the creation of unions, federations, or autonomous arrangements was interpreted as an attempt by the metropolitan power to preserve colonial domination³³⁵.

Soviet legal theorists anticipated that the further strengthening of the sovereignty of Soviet nations in the process of state-legal development would be associated with the refinement of the forms of national self-determination and with a gradual transition from “lower” to “higher” forms of statehood. P. Semenov emphasized that “the fetishization of the established forms of self-determination of Soviet nations contradicts the very idea of the sovereignty of nations and comes close to denying the right of nations to free self-determination”³³⁶. In his view, each instance of a change in the form of statehood should be determined by the interests of the nation concerned³³⁷. For example, the Chairman of the Soviet of the Chukotka Autonomous Okrug V. Yetylen, explaining the reasons for the decision to transform the okrug into an ASSR, stated that the status of an autonomous okrug had exhausted its potential and that the transformation was motivated by the desire to obtain greater economic autonomy and stronger guarantees for the protection of the population of the region³³⁸.

However, according to the fundamental premise of Soviet legal doctrine concerning the sovereignty of nations, a decision to alter the form of national statehood did not in principle require any special legal or political justification. Additionally, Soviet legal scholars emphasized that the choice of a particular form of statehood were always conditioned by the concrete historical circumstances. In this respect, the form of national statehood was understood not as a fixed institutional arrangement but as one capable of evolving in response to changing political and social conditions. In the context of the profound domestic and international transformations of the late 1980s, many Soviet nations consequently came to the conclusion that the existing forms of their statehood no longer corresponded to their interests and aspirations, which stimulated demands for their transformation.

3.3.3. Intra-Soviet Borders between Revisability and Inviolability

The ambiguity surrounding the legal understanding of inter-republican borders in the USSR, discussed in the Chapter 2, became particularly significant during the dissolution of the Soviet Union and formed the basis for debates concerning the admissibility of revising the existing borders of the union republics. The possibility of such revision was also implicitly reflected in the previously mentioned law on the procedure for a republic’s withdrawal from the Union. In December 1990, the deputy V. Romanov stated, “if a republic secedes from the USSR, it must understand that, as an independent state, it will have to pay off with territory to the Soviet Union and other republics”³³⁹.

³³⁵ Yanovsky (n 22) 495.

³³⁶ P. Semenov, ‘The Sovereignty of Soviet Nations (From the History of Its Development)’ (in Russian) (1965) 12 Questions of History 22, 32-33.

³³⁷ Semenov (n 336) 33.

³³⁸ Verbatim Report (n 323) 469.

³³⁹ Verbatim Report (n 323) 383.

A year before that, the deputy from the Nagorno-Karabakh AO, B. Dadamyany, argued that “the expression of the will of the people for the reunification of Nagorno-Karabakh with Armenia is interpreted as an impermissible and unlawful attempt to revise borders, as something fundamentally unacceptable and antisocial”³⁴⁰. V. Grigoryan, in turn, stated that “life demonstrates that situations may arise in which the need to change the territory or the borders of a union republic becomes inevitable, and the republic’s position cannot be regarded as the final word”³⁴¹.

Political discourse revived the earlier Soviet rhetoric of the first half of the 1960s that portrayed intra-Soviet borders primarily as administrative rather than political boundaries. Deputy A. Denisov called for “getting used to the idea that intra-Union borders are purely administrative rather than national. [...] The erasure of internal borders is the only way to [resolve national issues]”³⁴². During that period, the constitutional provision prohibiting the alteration of the territory of a union republic without its consent was increasingly challenged. The deputy from the Nagorno-Karabakh AO, K. Simonyan, argued that “Article 78 [of the 1977 Constitution of the USSR] is not applicable to situations that must be resolved on the basis of the will of the people. This article is intended to regulate individual, non-principled issues of the cession or exchange of minor areas of territory, as well as partial adjustments in the course of the borders between union republics”³⁴³.

It is evident that the leaders of the union republics largely supported the principle of the inviolability of republican borders. Against the backdrop of ethnic unrest in the previously mentioned city of Osh in Southern Kyrgyzstan in the summer of 1990, the President of the Kyrgyz SSR, Askar Akayev, stated: “The issue of the borders of the union republics is extremely important. These borders are not clearly defined. The borders that exist today were drawn at different times and on the basis of different principles, sometimes geographical, sometimes historical, and sometimes ethnographic. Very often, the arbitrariness of the central government was decisive in defining and changing them. As a result, these borders are now hardly perceived as natural or inviolable. [...] We need a document of the highest legal force that would consolidate the existing state borders between the republics, which have been formed over decades”³⁴⁴. The head of a department at Chernivtsi University, L. Sandulyak, also emphasized that “in order for the transition to independence to be painless and bloodless, it is necessary to agree now on the inviolability of the existing borders between the republics”³⁴⁵.

Despite the provisions favorable to autonomies contained in the laws on the procedure for a union republic’s withdrawal from the USSR and on the division of competences between the Union and the republics, the law on the referendums in the USSR, adopted in December 1990, explicitly prohibited

³⁴⁰ First Congress of People’s Deputies of the USSR, Verbatim Report, vol 2 (in Russian) (Moscow 1989) 402.

³⁴¹ First Congress of People’s Deputies of the USSR, Verbatim Report, vol 4 (in Russian) (Moscow 1989) 335.

³⁴² Verbatim Report (n 323) 397.

³⁴³ First Congress of People’s Deputies of the USSR, Verbatim Report, vol 6 (in Russian) (Moscow 1989) 194.

³⁴⁴ Verbatim Report (n 323) 418-419.

³⁴⁵ Fourth Congress of People’s Deputies of the USSR, Verbatim Report, vol 4 (in Russian) (Moscow 1991) 291.

the submission to a referendum of questions concerning the borders of union republics, as well as issues relating to changes in the status and territorial integrity of union republics and autonomous entities³⁴⁶.

3.4. Conclusions for Chapter 3

The developments examined in this Chapter demonstrate that the dissolution of the USSR transformed the Soviet doctrinal constructions into practical legal and political problems. The model of Soviet federalism ensured that only union republics possessed the legal capacity to translate their proclaimed sovereignty into internationally recognized statehood. Consequently, the status of a union republic became the decisive institutional mechanism through which sovereignty could be realized during the dissolution of the Union. This circumstance explains why many autonomies and national movements sought to elevate their political status to that of union republics, regardless of whether their objective was full independence or continued participation in a reformed Union.

At the same time, the Soviet doctrine of the sovereignty of nations provided a conceptual foundation for competing claims to self-determination. Since nations were considered sovereign irrespective of the institutional form of their statehood, autonomies and other territorially concentrated national groups could justify demands to alter their constitutional status or territorial affiliation. The coexistence of the sovereignty of states and the sovereignty of nations within a single legal framework thus generated overlapping and, at times, incompatible claims to political authority and territorial control during the final years of the USSR.

A similar contradiction characterized the legal understanding of intra-Soviet borders. While republican elites increasingly insisted on the consolidation and inviolability of the borders of union republics, Soviet legal discourse had long portrayed these borders as flexible administrative delimitations subject to political revision. As a result, the dissolution of the USSR did not simply mark the end of the Soviet federal system; it also revealed the unresolved tensions within Soviet legal doctrine itself. The coexistence of competing notions of sovereignty and the ambiguous status of internal borders created the legal and conceptual conditions under which post-Soviet territorial disputes subsequently emerged.

³⁴⁶ Law of the USSR 'On the All-Union Popular Vote (Referendum of the USSR)' (27 December 1990) (in Russian) art 4.

SUMMARY

A defining feature of post-Soviet territorial disputes is that their legal origins, as well as the arguments advanced by the parties, are grounded in the concepts and provisions of Soviet legal doctrine. Mutually inconsistent theoretical postulates gave rise to objective contradictions which, under the conditions of the centralized and authoritarian Soviet state, lacked practical significance. Conceptions of international law were shaped by, and served to advance, the foreign and domestic political objectives of the Soviet leadership at particular historical moments, evolving in response to political change. As a result, by the second half of the 1980s, Soviet legal doctrine encompassed a set of conceptual positions on nations, statehood, and borders that were increasingly difficult to reconcile with one another.

Soviet legal doctrine actively relied on the principle of the right of nations to self-determination, presenting itself as a progressive force enabling all nations within the USSR to attain national statehood in one form or another. This approach was grounded in the postulate of the sovereignty of nations, understood as inalienable and entailing the right of each nation to freely choose its form of political and state organization, ranging from national-territorial autonomy within a unitary state to the establishment of an independent national state.

As demonstrated in Chapter 1, the theoretical framework of Soviet national statehood was based on the premise that all nations within the USSR were sovereign and could choose among several forms of statehood, hierarchically arranged according to the degree of proclaimed autonomy. Union republics were defined as sovereign national states that had voluntarily joined the Union and retained the right to withdraw from it. Autonomous republics were presented as the highest form of autonomy, national state entities within union republics that, according to Soviet doctrine, could determine their affiliation with a particular union republic. Autonomous oblasts and autonomous okrugs were assigned lower degrees of autonomy. Soviet legal scholars maintained that the specific form of national statehood was the result of the free choice of each nation and that any transformation of this form could occur only on that basis. At the same time, they sought to justify the allocation of different forms of autonomy through “objective” criteria, including the “level of development” of a nation, measured by factors such as prevailing social relations, population size, and the degree of industrialization. During the Stalinist period, additional emphasis was placed on geographical considerations, according to which access to the external border of the USSR was treated as a condition for attaining the highest form of statehood, namely the status of a union republic, which formally entailed the right to secede. In practice, however, the formation and transformation of national statehood often reflected political expediency rather than these doctrinal criteria. The Stalinist period provides numerous examples of the arbitrary creation, reorganization, or abolition of national-territorial entities. Moreover, in the absence of free elections and genuinely representative

institutions, the notion that nations could express a truly free and autonomous will remained largely theoretical.

Chapter 2 demonstrates the evolution of Soviet legal scholarship regarding the nature of the borders between the union republics of the USSR. In the early decades of the Soviet Union, emphasizing the sovereignty of the union republics, inter-republican borders were presented as inviolable state borders. This position was supported, *inter alia*, by the claim that such borders corresponded to the ethnographic distribution of nations and were drawn in accordance with the ethnographic principle. However, the active phase of border formation in the 1920s-1930s reveals numerous cases in which the ethnographic principle was subordinated to economic, administrative, or political considerations. In this sense, borders functioned both as instruments of the Sovietization of the national periphery of the former Russian Empire and as potential tools for advancing international legal claims beyond the Soviet borders. A significant shift in the understanding of intra-Soviet borders occurred in the early 1960s, reflecting broader tendencies toward political centralization. The ruling party, followed by legal scholars, justified the diminishing national and state significance of inter-republican borders by reference to increasing ethnic intermixing and the emergence of the concept of the “Soviet people”. Borders and statehood were no longer regarded as essential guarantees of national development, and their significance was expected to decline progressively. From the late 1960s until the end of the 1980s, the issue of the legal nature of intra-Soviet borders largely disappeared from both political and academic discourse, leaving their status doctrinally ambiguous. As a result, during the dissolution of the USSR, actors could invoke competing interpretations: treating these borders either as genuine state frontiers or as administrative lines subject to revision.

During the same period, Soviet legal doctrine also underwent a transformation in its understanding of the principle of *uti possidetis*, which provides that, upon the dissolution of a federal state, the internal borders of its constituent units are preserved as international boundaries. In the 1960s, in the context of decolonization, Soviet scholars firmly rejected this principle, arguing that colonial borders had been drawn without regard to the distribution of nations and that their preservation would lead to the division of peoples. In this view, *uti possidetis* was incompatible with the primacy of the right of nations to self-determination. However, with the growing emphasis on the principle of the inviolability of borders, Soviet doctrine gradually revised its position. Over time, *uti possidetis* came to be regarded as a relevant and acceptable principle in the context of state succession and territorial delimitation. By the time of the dissolution of the USSR, the principle had become doctrinally admissible as a basis for preserving the borders of the former Soviet republics as international frontiers.

As a consequence of the doctrinal ambivalence, the period of the dissolution of the USSR was marked by a rapid transformations of the forms of national statehood, presented as expressions of the will of

titular nations. At the same time, such developments conflicted with the legally established principles of the territorial integrity and indivisibility of the union republics. Soviet federal theory maintained that only union republics were sovereign entities entitled to withdraw from the Union, and that such withdrawal was to occur within their existing borders, which encompassed both autonomous entities and territories of compact residence of national minorities. In this context, the status of a union republic became the only institutional framework through which nations could either exit the USSR or determine their position within it. As a result, many autonomous entities unilaterally decided to “raise” their status to that of union republics. This dynamic was not entirely inconsistent with Soviet legal doctrine, which had long emphasized the “elasticity” of forms of national statehood and their capacity to evolve in accordance with the will of nations. By the late 1980s, however, this doctrinal flexibility acquired a new significance: the attainment of union republic status became a practical prerequisite for determining a nation’s political future, and the expression of the nation’s will was treated as sufficient justification for such transformation. Soviet legal doctrine thus furnished arguments for both sides of the emerging conflicts. Union republics relied on their exclusive constitutional right to secede and on the principle of the inviolability of their territory, asserting that withdrawal from the USSR had to occur within their existing borders. In contrast, autonomous entities and the nations they represented invoked doctrinal propositions according to which a nation could freely alter the form of its statehood without additional conditions or external constraints. As a result, both union republics and autonomies claiming union republican status advanced competing claims to the same territories.

In territorial disputes between the former Soviet republics, the parties also drew upon the doctrinal ambivalence surrounding the legal nature of former intra-Soviet borders. Despite the political agreement among the leaders of the newly independent states to recognize existing inter-republican borders as international, numerous arguments in favor of their revision found support in Soviet legal doctrine. It was asserted that these borders did not fully correspond to the ethnographic distribution of populations and that their legal status had, over time, been reduced to that of administrative delimitations. Consequently, such borders were portrayed as hindering the realization of the right of nations to self-determination.

LIST OF SOURCES

ARTICLES AND BOOKS

1. — ‘The Triumph of Leninist-Stalinist National Policy (On the 30th Anniversary of the USSR)’ (1952) 12 SGP 1.
2. AB, ‘Principles of Soviet Federalism in the State Structure of the TSFSR (Dissertation by V.V. Parkosadze)’ (1950) 3 SGP 77.
3. Agzamkhodzhaev A, ‘Socialist Federalism and the Principle of the Equality of Peoples’ (1972) 12 SGP 52.
4. Agzamkhodzhaev A, Urazaev Sh, ‘The Sixtieth Anniversary of the National-State Delimitation of the Republics of Soviet Central Asia’ (1984) 10 SGP 25.
5. Alatalu T, ‘Stalin’s Geopolitics and Border Policy 1944: from the Heart of Asia (in Full Secrecy) to the Baltic Sea’ (2025) 29 Trames 107.
6. Andreev I, ‘The Peculiarities of the Formation of Soviet Statehood among the Small Peoples of the North’ (1970) 12 SGP 113.
7. Angeli F, *Gagauz Autonomy: People and Facts (1989-2005)* (Chişinău 2006)
8. Azovkin I, Iezuitov V, ‘Pressing Issues of the Legal Status of the Autonomous Oblast’ (1959) 5 SGP 69.
9. Babiy B, ‘The Formation of the Ukrainian Soviet Socialist State’ (1958) 3 SGP 43.
10. Barsegov Y, ‘Peace among Nations and the Territorial Question’ (1971) 3 SGP 78.
11. Barsegov Y, ‘The Durand Line and the Question of the Self-Determination of Pushtunistan in Afghan-Pakistan Relations’ (1960) SYIL 388.
12. Borys J, *The Sovietization of Ukraine 1917-1923: The Communist Doctrine and Practice of National Self-Determination* (The Canadian Institute of Ukrainian Studies 1980)
13. Brovka Y, ‘The Union Republic as a Subject of International Law (The Case of the Belarusian SSR)’ (1972) 12 SGP 36.
14. Chistyakov O, ‘The History of Yakut Statehood’ (1970) 5 SGP 151 (book review)
15. Crivenko A, Fomenko V, ‘The Ethnic Composition of the Population of Transnistria’ in Dorin Lozovanu (ed) *Ethnic Communities and Diaspora in Time and Space* (Chişinău 2019)
16. Deletant D, *Romania, 1916-1941: A Political History* (Routledge 2023)
17. Durdenevsky V, ‘Soviet Territory in Acts of International Law over Thirty Years (1917-1947)’ (1947) 12 SGP 58.
18. Ebzeeva S, ‘The Soviet Federation at the Stage of Mature Socialism’ (1982) 7 SGP 3.
19. Fabrykant M, ‘From Soviet National Policy to Contemporary Russian Federalism: the Past and Future of the Jewish Autonomous Oblast’ in Levente Salat, Sergiu Constantin, Alexander Osipov and István Gergő Székely (eds), *Autonomy Arrangements around the World:*

A Collection of Well and Lesser Known Cases (Editura Institutului pentru Studierea Problemelor Minorităților Naționale 2014)

20. Farberov N, 'The USSR - An Example of a Multinational State' (1951) 2 SGP 19.
21. Farberov N, *On the Sovereignty of the Union Republics (Transcript of a Public Lecture Delivered on 28 November 1945 in the Lecture Hall in Moscow)* (Pravda 1946)
22. Filatova I, 'Interpretations of the Dogma: Soviet Concepts of Nation and Ethnicity' (1997) 90 *Theoria: A Journal of Social and Political Theory* 93.
23. Goder G, 'On the History of State Building in the Belarusian SSR, 1919-1927' (1949) 8 SGP 55.
24. Gorbachev M, 'On the Party's National Policy in Contemporary Circumstances' *Vecherniy Tallinn* (21 September 1989) 2.
25. Gordienko A, 'Self-Determination of Peoples and the Formation of Soviet National Statehood in Central Asia' (1967) 5 SGP 76.
26. Grigelonis J, 'The Principle of the Inviolability of Borders in International Law' (1982) SYIL 55.
27. Gross JT, *Revolution from Abroad: The Soviet Conquest of Poland's Western Ukraine and Western Belorussia* (Princeton University Press 2002)
28. Hazard JN, 'Soviet Interpretation and Application of International Law' (1955) 5(8) *Naval War College Review* 51.
29. Hirsch F, *Empire of Nations: Ethnographic Knowledge and the Making of the Soviet Union* (Cornell University Press 2005)
30. Hodnett G, 'The Debate over Soviet Federalism' (1967) 18(4) *Soviet Studies* 458.
31. Ignatenko G, 'The International Legal Personality of Nations' (1966) 10 SGP 75.
32. Ilyinsky I, 'The Constitutional Foundations of the Status of a Union Republic' (1987) 1 SGP 145 (book review)
33. Kareva M, 'The Stalin Constitution and the Socialist Federation' (1952) 2 SGP 7.
34. Kareva M, *The Constitution of the USSR: A Textbook for Secondary Schools* (Uchpedgiz 1947)
35. Karlov A, 'The Formation and Development of Soviet National Statehood of the Moldavian People' (1964) 6 SGP 111.
36. Khalilov A, 'Ways of Improving Soviet National Statehood' (1982) 12 SGP 23.
37. Khrushchev N, *Report to the Closed Session of the Twentieth Congress of the CPSU 'On the Cult of Personality and Its Consequences'* (Gospolitizdat 1959)
38. Klimenko B, 'Territorial Problems of Developing Countries' (1968) SYIL 299 (book review)
39. Klimenko B, *The Peaceful Settlement of Territorial Disputes* (Mezhdunarodnye Otnosheniya 1982)

40. Korkmasova K, 'Soviet Autonomy as a Political Form Expressing the Sovereignty of Nations' (1962) 12 SGP 47.
41. Korkmasova K, 'Soviet National Statehood - an Important Factor in the Internationalist Unity of the Peoples of the USSR' (1976) 8 SGP 12.
42. Korkmasova K, 'The Criterion of the Forms of National Statehood in the USSR' (1970) 11 SGP 45.
43. Kozlov V, 'The Comprehensive Strengthening of the USSR and the Improvement of the National Statehood of the Peoples of the USSR in the Light of the Historic Decisions of the Twenty-Second Congress of the CPSU' (1963) 4 SGP 40.
44. Krutalevich V, 'The Formation of the National Statehood of the Belarusian People' (1967) 12 SGP 49.
45. Kupyna Ya, 'The Right of Secession in the Context of State Sovereignty and National Sovereignty: Theory and Practice' (2003) 22 Bulletin of the National University of Internal Affairs 221.
46. Kuras L, 'The USSR and Manchukuo: The 'Jewish Question' on Both Sides of the Border (1934-1941)' (2016) 17 Bulletin of Irkutsk State University. Series: History 89.
47. Kusegenov S, 'The Formation and Development of Soviet National Statehood of the Kirghiz People' (1965) 1 SGP 121.
48. Lazarev A, 'Paths of the Formation of Moldavian Soviet National Statehood' (1968) 12 SGP 22.
49. Lebedev A, 'Soviet Scholars of State and Law on the Problems and Prospects for the Development of the Soviet Federation (1918-1985)' (2013) 6 Proceedings of the Institute of State and Law of the Russian Academy of Sciences 24.
50. Lepyoshkin A (ed), *Fundamentals of the Soviet State and Law* (Prosveshcheniye 1970)
51. Lepyoshkin A, 'Some Questions of the Leninist Theory of Soviet Federalism in the Light of the New CPSU Programme' (1963) 5 SGP 60.
52. Lepyoshkin A, 'Sovereignty in the Soviet Union State and Its Consolidation in the Period of Developed Socialism' (1976) 7 SGP 26.
53. Lepyoshkin A, 'Soviet Federalism in the Period of Developed Socialism' (1975) 8 SGP 3.
54. Lepyoshkin A, 'The Constitutional Development of the Soviet Union State' (1962) 12 SGP 26.
55. Levin I, 'Lenin and the Theoretical Foundations of Leninist-Stalinist National Policy' (1939) 2 SGP 134.
56. Levin I, 'Ten Years of the Stalin Constitution and the Development of Soviet Federalism' (1946) 11-12 SGP 14.

57. Levin I, 'The Twentieth Anniversary of Comrade Stalin's Work 'The Policy of Soviet Power on the National Question in Russia'' (1940) 11 SGP 1.
58. Levin I, 'Twenty Years of the Soviet Multinational State' (1937) 5 SGP 64.
59. Levin I, *Sovereignty* (Yuridichesky Center Press 2003)
60. Makarchuk V, 'The Establishment and Legal Delimitation of the Borders of the Ukrainian SSR with Its Neighbours - The Border with the Belarusian SSR' (2025) 1(45) Bulletin of National University "Lviv Polytechnic". Series: Legal Sciences 155.
61. Makarchuk V, 'The Establishment and Legal Delimitation of the Borders of the Ukrainian SSR with Its Neighbours - The Border with the Moldavian SSR (2 August 1940 - 1991)' (2025) 2(46) Bulletin of National University "Lviv Polytechnic". Series: Legal Sciences 191.
62. Mälksoo L, 'Post-Soviet Eurasia, *Uti Possidetis* and the Clash between Universal and Russian-Led Regional Understandings of International Law' (2021) 3(53) Journal of International Law and Politics 787.
63. Mälksoo L, 'The Soviet Approach to the Right of Peoples to Self-Determination: Russia's Farewell to *jus publicum europaeum*' (2017) 19 Journal of the History of International Law 1.
64. Mälksoo L, *Russia, the Soviet Union, and Imperial Continuity in International Law* (OUP 2025)
65. Manelis B, 'The Development of Soviet Statehood in the East (On the Fifteenth Anniversary of the National-State Delimitation of Central Asia)' (1939) 6 SGP 79.
66. Manelis B, 'V.I. Lenin - Organizer of the USSR' (1962) 12 SGP 13.
67. Meissner B, 'The Soviet Concept of Nation and the Right of National Self-Determination' (1977) 32(1) International Journal: Canada's Journal of Global Policy Analysis 56.
68. Meyer AG, *The Soviet Political System: An Interpretation* (Random House 1965)
69. Mityukov M, 'On the State-Legal Nature of the Autonomous Oblast' in *Current Problems of State and Law in the Contemporary Period* (Tomsk State University 1981)
70. Nurbekov K, 'The Formation of the Kirghiz Sovereign Soviet Socialist Republic' (1958) 9 SGP 43.
71. Okabe T, *Taming Greater Finland: Pan-Finnism, the Soviet-Finnish Kalevala Controversy, and the Karelo-Finnish Soviet Republic, 1940-1956* (University of Helsinki 2024)
72. Pallaeva T, *The Autonomous Oblast: Constitutional and Legal Status* (Institute of State and Law of the Academy of Sciences of the USSR 1990)
73. Petrovskaya O, 'The Formation of the Borders of Western Belorussia, 1939-1940' (2012) 1(4) Journal of Russian and East European Historical Studies 24.
74. Radvogin A, 'On the Concept of Soviet National Statehood (Based on Materials from the Kirghiz SSR)' (1966) 7 SGP 129.

75. Radzhabov S, Manov G, Gimpelevich R, 'The CPSU on the International Significance of the Experience of the Formation and Development of Socialist National Statehood in the Republics of the Soviet East' (1963) 7 SGP 48.
76. Radzhabov S, Urazaev Sh, 'The General and the Particular in National-State Building' (1966) 2 SGP 21.
77. Radzhapov S, 'Stages in the Development of the Soviet State System in Central Asia' (1948) 11 SGP 61.
78. Rindlisbacher S, 'Contested Lines: The Russo-Ukrainian Border, 1917-29' in Olena Palko and Constantin Ardeleanu (eds), *Making Ukraine: Negotiating, Contesting, and Drawing the Borders in the Twentieth Century* (McGill-Queen's University Press 2022)
79. Rindlisbacher S, *Borders in Red: Managing Diversity in the Early Soviet Union* (Cornell University Press 2025)
80. Ronin S, 'Stalin's Doctrine on the Nation and the Multinational Soviet State' (1950) 2 SGP 1.
81. Sapargaliev G, Binder M, 'The Development of Soviet National Statehood of the Kazakh People' (1970) 9 SGP 24.
82. Saparov A, *From Conflict to Autonomy in the Caucasus: The Soviet Union and the Making of Abkhazia, South Ossetia and Nagorno Karabakh* (Routledge 2015)
83. Sarvarian A, 'Uti Possidetis Iuris in the Twenty-First Century: Consensual or Customary?' (2015) 22 International Journal on Minority and Group 511.
84. Semenov P, 'The CPSU Programme on the Development of Soviet National-State Relations' (1961) 12 SGP 15.
85. Semenov P, 'The Sovereignty of Soviet Nations (From the History of Its Development)' (1965) 12 Questions of History 22.
86. Sergeyev I, *The Saga of the Karelo-Finnish Republic* (Workers Library Publishers 1941)
87. Sherstobitov V (ed), *History of National-State Building in the USSR, 1917-1978* (vol 1, Mysl' 1979)
88. Sherstobitov V (ed), *History of National-State Building in the USSR, 1917-1978* (vol 2, Mysl' 1979)
89. Shevtsov V, 'Some Problems of the Theory of the Soviet Union State' (1978) 4 SGP 25.
90. Shevtsov V, *National Sovereignty (Problems of Theory and Methodology)* (Yuridicheskaya Literatura 1978)
91. Shynkaretskaya G, 'Problems of State Succession and the Borders of the Russian Federation' (1995) 4 Moscow Journal of International Law 84.
92. Siegel WR, 'Nation Making in Russia's Jewish Autonomous Oblast: Initial Goals and Surprising Results' (1997) 5 Demokratizatsiya 422.

93. Skripilev E, 'Soviet National Statehood of the Moldavian People' (1968) 10 SGP 156 (book review)
94. Socher J, *Russia and the Right to Self-Determination in the Post-Soviet Space* (OUP 2021)
95. Stalin I, 'On the Draft Constitution of the USSR' *Pravda* (26 November 1936) 4.
96. Starushenko G, 'Against the Distortion of the Principle of the Self-Determination of Peoples and Nations' (1958) 1 SGP 62.
97. Studenikina M, Kuzmin I, 'Legal Problems of National Relations in the USSR' (1989) 5 SGP 137.
98. Sudnitsyn Y, 'An Interesting Work on Soviet National Statehood' (1970) 6 SGP 146 (book review)
99. Surilov A, Stratulat N, *On the National-State Self-Determination of the Moldavian People. Against the Falsifications of Soviet National-State Building by Contemporary Bourgeois Historiography* (Kartya Moldovenyaske 1967)
100. Tadevosyan E, 'October and the Development of Soviet National-State Building' (1987) 11 SGP 27.
101. Tadevosyan E, 'Theoretical Problems of the Improvement of Soviet Federalism' (1988) 12 SGP 3.
102. Tebenko V, 'To the Question about Creating the Karelian Autonomy in 1920-1923' (2016) 3(1) Historical and Social Educational Ideas 68.
103. Tkach A, Tsvetkov V, 'V.I. Lenin and the Creation of the Ukrainian SSR' (1967) 10 SGP 13.
104. Traynin I, 'The Soviet Multinational State (On the 30th Anniversary)' (1947) 10 SGP 19.
105. Traynin I, *The USSR and the National Question: (On the National Republics and Regions of the Soviet Union)* (Krasnaya Nov' 1924)
106. Tuganbayev A, 'The Development of the National Statehood of the Peoples of Central Asia and Kazakhstan' (1972) 12 SGP 59.
107. Tuzmukhamedov R, 'Territory in International Law (The Legal Nature of Territorial Sovereignty and the Legal Grounds for Disposition of Territory)' (1961) SYIL 440 (book review)
108. Uibopuu H-J, 'Soviet Federalism under the New Soviet Constitution' (1979) 5(1) Review of Socialist Law 171.
109. Ushakov N, 'International Legal Aspects of the Formation of the USSR' (1974) SYIL 11.
110. Ushakov N, 'Sovereignty and Its Implementation in Domestic and International Law' (1994) 2 Moscow Journal of International Law 3.
111. Volova L, 'The Principle of Territorial Integrity' (1980) 12 SGP 68.

112. Vorobyov V, 'Discussion of the Problems of the National-State Structure of the USSR' (1989) 10 SGP 139.
113. Voronin P, Karlov A, 'The Creation of Moldavian Soviet National Statehood' (1967) 6 SGP 12.
114. Yanovsky M, 'For the Freedom and Independence of Peoples' (1962) SYIL 494 (book review)
115. Yanovsky M, 'The Soviet Union Republics as Full-Fledged Subjects of International Law' (1962) 12 SGP 55.
116. Yarkov V, 'Legal Problems of the National-State Structure of the USSR and the Union Republics' (1990) 10 SGP 142.
117. Zhdanov A, 'On the Transformation of the Karelian Autonomous Soviet Socialist Republic into the Union Karelo-Finnish Soviet Socialist Republic' (1940) 3 SGP 19.
118. Zibarev V. 'National-State Building among the Peoples of the North' (1972) 12 SGP 81.

LEGAL ACTS, TREATIES AND CASES

119. Alma-Ata Declaration (21 December 1991)
120. Constitution (Fundamental Law) of the Azerbaijan Soviet Socialist Republic (1978)
121. Constitution (Fundamental Law) of the Georgian Soviet Socialist Republic (1978)
122. Constitution (Fundamental Law) of the Georgian Soviet Socialist Republic (1978)
123. Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (1924)
124. Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (1936)
125. Constitution of the Union of Soviet Socialist Republics (1977)
126. Decision of the Extraordinary Session of the Soviet of People's Deputies of the Nagorno-Karabakh Autonomous Oblast (Twentieth Convocation) 'On the Petition to the Supreme Soviets of the Azerbaijan SSR and the Armenian SSR on the Transfer of the Nagorno-Karabakh Autonomous Oblast from the Azerbaijan SSR to the Armenian SSR' (20 February 1988)
127. Decision of the Extraordinary Twelfth Session of the Soviet of People's Deputies of the South Ossetian Autonomous Oblast (Twentieth Convocation) 'On Raising the Status of the South Ossetian Autonomous Oblast' (10 November 1990)
128. Decision of the Soviet of People's Deputies of the South Ossetian Autonomous Oblast 'On the Transformation of the South Ossetian Autonomous Oblast into the South Ossetian Soviet Democratic Republic' (20 September 1990)
129. Declaration of Independence of the Pridnestrovian Moldavian Soviet Socialist Republic (25 August 1991)
130. Declaration of the Rights of the Peoples of Russia (15 November 1917)

131. Declaration of the Supreme Soviet of the Republic of Azerbaijan ‘On the Restoration of the State Independence of the Republic of Azerbaijan’ (30 August 1991)
132. Declaration on the Creation of the Union of Soviet Socialist Republics (30 December 1922)
133. Declaration on the Proclamation of the Nagorno-Karabakh Republic (2 September 1991)
134. Declaration on the State Sovereignty of the Abkhaz Soviet Socialist Republic (25 August 1990)
135. Declaration on the State Sovereignty of the Gorno-Altai Autonomous Soviet Socialist Republic (25 October 1990)
136. Declaration on the State Sovereignty of the Tatar Soviet Socialist Republic (30 August 1990)
137. Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Resettlement of Germans Living in the Volga Region’ (28 August 1941)
138. Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Administrative Reorganization of the Territory of the Former Volga German Republic’ (7 September 1941)
139. Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Abolition of the Kalmyk ASSR and the Establishment of Astrakhan Oblast within the RSFSR’ (27 December 1943)
140. Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Resettlement of the Balkars Living in the Kabardino-Balkar ASSR and on the Renaming of the Kabardino-Balkar ASSR as the Kabardian ASSR’ (8 April 1944)
141. Decree of the Presidium of the Supreme Soviet of the USSR ‘On the Abolition of the Karachay Autonomous Oblast and on the Administrative Structure of Its Territory’ (12 October 1943)
142. Frontier Dispute (Burkina Faso/Republic of Mali) (Judgment) [1986] ICJ Rep 554
143. Law of the Republic of Azerbaijan ‘On the Abolition of the Nagorno-Karabakh Autonomous Oblast of the Republic of Azerbaijan’ (26 November 1991)
144. Law of the Republic of Georgia ‘On the Abolition of the South Ossetian Autonomous Oblast’ (11 December 1990)
145. Law of the USSR ‘On the All-Union Popular Vote (Referendum of the USSR)’ (27 December 1990)
146. Law of the USSR ‘On the Delimitation of Powers between the USSR and the Subjects of the Federation’ (26 April 1990)
147. Law of the USSR ‘On the Procedure for Resolving Questions Connected with the Secession of a Union Republic from the USSR’ (3 April 1990)
148. Law of the USSR ‘On the Transformation of the Karelo-Finnish SSR into the Karelian ASSR and on the Inclusion of the Karelian ASSR into the RSFSR’ (16 July 1956)

149. Resolution of the Second Extraordinary Congress of People's Deputies of All Levels of the Transnistrian Region (2 September 1990)
150. Treaty between the Kazakh Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic (21 November 1990)
151. Treaty between the Ukrainian Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic (19 November 1990)
152. Treaty on the Creation of the Union of Soviet Socialist Republics (30 December 1922)

OTHERS

153. Draft Constitution (Fundamental Law) of the USSR (1964) (Pyotr Stolypin Museum of the History of Russian Reform) <<http://museumreforms.ru/node/13895>> accessed 16 March 2026
154. Extraordinary Third Congress of People's Deputies of the USSR, Verbatim Report, vol 1 (Moscow 1990)
155. First Congress of People's Deputies of the USSR, Verbatim Report, vol 2 (Moscow 1989)
156. First Congress of People's Deputies of the USSR, Verbatim Report, vol 3 (Moscow 1989)
157. First Congress of People's Deputies of the USSR, Verbatim Report, vol 4 (Moscow 1989)
158. First Congress of People's Deputies of the USSR, Verbatim Report, vol 6 (Moscow 1989)
159. Fourth Congress of People's Deputies of the USSR, Verbatim Report, vol 1 (Moscow 1991)
160. Fourth Congress of People's Deputies of the USSR, Verbatim Report, vol 4 (Moscow 1991)
161. Programme of the Communist Party of the Soviet Union (Gospolitizdat 1961)