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THE CHARACTERISTIC OF FOREIGN TRADE POLICY TOOLS FOR SUBNATIONAL UNITS

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ХАРАКТЕРИСТИКА ЭКОНОМИЧЕСКИХ ИНСТРУМЕНТОВ ВНЕШНЕТОРГОВОЙ ПОЛИТИКИ, СУБНАЦИОНАЛЬНЫХ ОБРАЗОВАНИЙ

The article describes the directions of the external economic activity of the sub national governments in a number of states. Such an activity includes the development of the trade and investment policy as well as foreign economic relations. We discuss coordination of the trade policy between national and regional levels and its implementation by the territorial units. We also describe the way of regional government's participation in the foreign economic activity. We conclude that the regional government's international activity hardly undermine international obligations of the Russian Federation. Experience of other countries is useful for the regional governments of the Russian Federation.

FOREIGN ECONOMIC ACTIVITY; FOREIGN TRADE POLICY; EXTERNAL RELATIONS OF SUBNATIONAL LEVEL; INTERNATIONAL OBLIGATIONS; SUBJECTS OF THE RUSSIAN FEDERATION.

Описаны направления внешнеэкономической активности субнациональных правительств ряда государств, включая Россию. Это разработка торговой и инвестиционной политики и развитие внешнеэкономических связей, координация торговой политики между национальным и региональным уровнями, реализация торговой политики, как собственной, так и национальной, территориальными единицами, участие региональных правительств во внешнеэкономической деятельности. Рассмотрен опыт других стран, открывающий некоторые направления для развития внешнеэкономических связей российских регионов.

ВНЕШНЕЭКОНОМИЧЕСКАЯ ДЕЯТЕЛЬНОСТЬ; ВНЕШНЕТОРГОВАЯ ПОЛИТИКА; ВНЕШНИЕ СВЯЗИ СУБНАЦИОНАЛЬНОГО УРОВНЯ; МЕЖДУНАРОДНЫЕ ОБЯЗАТЕЛЬСТВА; СУБЪЕКТЫ РОССИЙСКОЙ ФЕДЕРАЦИИ.

The international economic activity of territorial parts in the federal states has a variety of forms. The task of the federal government is to conduct a uniform external policy. To date, publications analyze international economic relations of sub national units in the developed countries. Canada draws attention of many researchers. Publications on Russia concern the 1990's. At present time we need a new approach to the study of external relations in the Russian regions. This interest is justified by the necessity to incorporate the regional activity into the WTO rules and regulations and into the national system of export support. The external economic activity of regions was investigated in publications in connection with the border trade and the paradiplomacy. The term «foreign economic relations of regional governments» implies a specific approach equal to «external ties».

Nevertheless, all the sub national governments elaborate strategies of the foreign economic activity development and they develop support programs for local enterprises, which is a part of the national state's international policy. They promote foreign investments through tax remissions, hereby acting in the sphere of regional competence.

Authors, writing about the USA and Canada, point out at the problems connected with the independent position of Canadian provinces and the USA states in the international economy. International relations were transformed as a result of the globalization at the end of the XX century. It involved regions of the national states into the international relations, which showed that some «powers, legislatively affiliated to them, naturally overstep their territorial borders». [1] John Kline describes «new federalism» in the United States and notes that, «despite the



constitutional exception of the states from the sphere of foreign affairs, penetration of global economic interdependence exceeds legal borders of states». [2]

The aim of this article is to create a framework for a versatile approach to the regional government's actions in the international economic sphere and to apply this framework to the regional level of the Russian Federation. In a federal state, unlike unitary one, there is a government level represented by lands, cantons and subjects. This particular level is an object of research in this article. International economic policy elements, specific for this level, are the subject of the study.

Most publications on this subject relates to a certain range of developed states. Thus, it is possible to assume that the democratic culture and political traditions of these countries brought a phenomenon of the regional international activity to life. This article compares the Russian Federation with several developed states. According to the Constitution, Russia is a federal state and consists of 85 subjects. They are: republics, regions, areas, cities of federal significance, autonomous regions and autonomous areas.

The advantage given to the federal level by the constitution provides the unity and territorial integrity of the national state. [3] The federation type is one of the factors which define the authorities' distribution in the country. It can be as follows:

- multinational, owning the broad rights of self-government (Canada, Switzerland, India), or territorial (USA and Germany);
- descended from the associations of independent territories (the USA) or transformed into the federation from the unitary state (Switzerland, except for the Jura canton);
- symmetric, with the identical legal status of territories or asymmetric (the USA, Brazil, Argentina, Germany, Austria);
- multicultural (India and South Africa) or monocultural;
- real, having federal relations in the state (Germany, the USA), and «fictitious» (Brazil, Mexico, Venezuela);
- «strong» where the federal center has extensive authorities (the Russian Federation) and «weak» [4]. Researchers name Bosnia and

Herzegovina «the weakest federal state in the world» [5].

As it seems, the international activity is rather inherent to sub national governments of multinational federations where territories such as Quebec in Canada have a right for self-government. The origin also matters. The subjects of the federation which arose from the unitary state can hardly transfer authority to the center; rather they can expect the center to delegate authority to them. In the asymmetric federation certain subjects possess a wider range of powers than other ones. Tatarstan as a republic has the largest list of authorities while the Khanty-Mansi Autonomous Area has a subordinated status as a part of the Tyumen region and it has less authority. Both of them are exclusively endowed with the natural resources. «Federalism is a matter of relations», – Y.P. Boyko [6].

Features of the economic interaction of the territory with the world are formed on the basis of characteristics which distinguish one region from another within the federation. Orientation on the international relations is obvious for the territories endowed with certain export resource. Both in Australia and Canada the regions endowed with resources, develop especially close international relations because operation with natural resources to a high extent depends on foreign investments and export markets. So, 40 years ago, Queensland and Western Australia, two peripheral Australia states, found out that their development was a concern of the international community: «The mineral boom tended to strengthen communications between remote states of Australia, on the one hand, and the foreign markets and financial centers of Japan, the USA and Europe, on the other hand, instead of strengthening relations between these states and the industrial Southeast of Australia» [7].

We determine the following aspects of the international economic activity of the sub national units:

1. Development of trade and investment policy and the development of foreign economic relations;
2. Trade policy coordination;
3. Trade policy implementation;
4. Participation in the international economic activity.

The development of trade and investment policy and the development of foreign economic relations. Countries form their international economic policy at the level of their customs unions or economic unions, and in the absence of economic integration – at the national level. Sub federal governments involvement in the trade policy was historically peculiar to Canadian provinces. Ties of Quebec were mostly political, educational and cultural in 1960's and 1970's. Other provinces of Canada always placed emphasis on the economy. In the 1980's all of them were concentrated mainly on economic problems. Provinces were interested in promoting trade and attracting investments. British Columbia had a broad incentive program. All the provinces created trade policy groups coordinating activity of various agencies and making recommendations to prime ministers who had extreme interest both in multilateral and bilateral (Canada – USA) trade issues.

In the 1970's Alberta acted as the leader having formulated suggestion to include all the provinces as partners in the federal trade negotiations with other countries. Up to the middle of 1980's the provinces' participation in GATT and negotiations on free trade between Canada and the USA reached an exceptional level [8].

Jennifer Keefe identified three mechanisms which help Canadian provinces participate in a trade policy process of the country: consultations, ratification and participation in delegations at the negotiations [9].

N. Skoutaris notes: «despite popular belief, national states don't possess monopoly of authorities at the area of foreign affairs» [10]. In his article he tries to understand how various European constitutional orders permit the creation of a «subnational constitutional space» which allows their constituent territories to be active in the international sphere. His work is focused on the constitutional orders of those EU countries where regional level possesses the right to participate in the formation of the international policy. These EU member states include federal Austria, Belgium and Germany, and also Italy, Spain and the United Kingdom. Though the Austrian lands have only very limited authorities to conclude the agreements, their ability to influence the formation of foreign policy is stronger. With regard to the EU problems, the

Austrian Constitution goes quite far and establishes requirements for the national government to inform regional and local authorities about these matters both directly and indirectly through the Bundesrat. While federal cultures of Austria and Germany are based on long-term cooperation of different levels of the government and guarantee constitutional obligations to inform and consult the regional level, the Belgian political system has led to the establishment of a really substantial procedure of coordination. Responsibility to enforce the federal legislation is distributed between the «center» and autonomous authorities in the systems where sub national units possess legislative authorities guaranteed by the constitutions. In this case it is hardly surprising that there are special mechanisms to ensure compliance of regions with the international obligations in the EU member states. It is essential for the EU, because a member state can become responsible for noncompliance with the EU directives even if the fault falls at the sub- state level. According to article 16 (4) of the Austrian Constitution, all the territories should take necessary measures for the international agreements implementation within the sphere of their competence. The territories have to make up losses for their illegal actions if the federation has to appear in the EU court.

The Federal law «On the basis of the national regulation of the foreign trade activity» [11] in the Russian Federation defines spheres where sub national governments is allowed to act. They are: negotiations with foreign counterparties, conclusion of the agreements and the formation of foreign trade activity programs. Programs of the international economic activity in some regions are components of social and economic development strategies. In some cases regional governments issue a program as a separate document if this activity prevails.

With regard to the investment policy, the legislation of the Russian Federation gives the territorial units a right to pass laws and regulations concerning the limits of the regional authority and the common authority of the federation and regions. Subjects of the Russian Federation can provide incentives, guarantees and finance for foreign investors at the expense of Russian Federation subjects budgets and extra budgetary funds. The tax legislation of the Russian Federation allows territorial subjects to



dispose a part of the profit tax they obtain on condition that the budget remains at least 13.5 of 18 % of the profit. The difference between these values can be provided in the form of tax remissions to the investor.

The regional legislation usually doesn't differentiate domestic and foreign investors. The Republic of Bashkortostan is among the exceptions [12]. The law lists foreign investment activity support measures such as guarantees, tax cuts, information support, infrastructural assistance and organizational and legal support.

Trade policy coordination. The international economic activity of the regions can support the whole state foreign policy if it is coordinated. According to the research, there were used about three dozens of formal mechanisms to coordinate provinces involvement in the international economic relations in Canada, and a number of special arrangements were reached in response to the specific problems of the provinces. As a result, several techniques were developed to represent the interests of the provinces. For example, the Embassy of Canada in Washington formulated a special position from which inquiries of the provinces could be considered. While efforts of provinces to receive independent representation in GATT were rejected, representatives of the provinces received the invitation to join the Canadian delegations in the ILO, UNESCO and to participate in the work of subcommittees of the joint commissions with the EU and Japan [2].

In the United States one program, often mentioned by researchers as the early attempt to stimulate the federal cooperation with the states in foreign policy, started in 1976 due to the efforts of Senator James Person who acted as the author of the legislation change. The idea was to delegate staff members of the International Department to other state and private institutes, including governments of the states and local governments on the temporary basis [2].

The Russian Federation has the same as the United States number of subjects of the federation which have their own responsibilities.

The problem of the policy coordination between the federal and subnational level is of current importance for both countries. According to the legislation of the Russian Federation [11], the federal executive authority is expected to

coordinate draft plans and programs in the field of the foreign trade activity development which could infringe interests of sub national units on those aspects which are placed in their competence.

Executive authorities of the subject of the Russian Federation are obliged to inform the federal body on all the actions undertaken concerning their joint competence in the field of the foreign trade activity. The procedure of this coordination is established by the special law [13].

Trade policy Implementation. The researcher of the American federalism John Kline points out foreign trade policy implementation as a problem. In the USA the legislative priority of the national government was never questioned in this aspect but sub national states were capable of mobilizing internal political instruments in the legislative sphere to prevent execution actions in the international sphere by the national government [2].

The Russian Federation's law «On the basis of the national regulation of the foreign trade activity» defines several methods at the disposal of the federal authorities, which are tariff and non-tariff measures, bans and restrictions on trade in services and in the objects of the intellectual property rights and also economic and administrative measures directed to the international trade activity support. This regulation is carried out by the federal executive authorities.

In the sphere of the policy implementation, the law prescribes to territorial governments some support for the benefits of enterprises, namely: the maintenance of representatives of the territorial subject of the Russian Federation at trade missions of the country; establishing their own offices in other countries; implementation of the regional programs of the international trade activity; information support; development of insurance funds.

In 2003 OECD published a report about the local and regional governments participation in the trade policy in Russia [14]. According to this report, some regional governments actively promoted international trade and investments, while others established barriers for international and sometimes interregional trade and it was obvious during the crisis of 1998.

Those barriers to trade with other areas which were generated by the financial crisis did

not last long. Some protectionist initiatives never left a discussion stage.

At that time one of the main priorities of the government was not to undermine obligations which were already reached during the WTO negotiations because of the regional laws and methods. The research shows that the federal authorities took steps to bring regional laws in accordance with the Constitution of the Russian Federation and the federal laws, after consultations with the regional governments concerning obligations on the international trade. OECD review gives some examples of those inadmissible measures at the regional level.

The conclusion of the report shows that regional governments which pursue open market policy will less possibly interfere with the decisions of local export producers. Referring to the central government support of the trade policy compatible to multilateral disciplines, more liberal regional governments will probably strengthen the federal policy rather than undermine it.

Finally, authors of the 2003 review stated that Russia's accession to the World Trade Organization hit the headlines of all the mass media, and regional officials participate in numerous seminars on the WTO policy. The first thematic research conducted by OECD in 1998 showed that the WTO and its disciplines were actually unknown to the majority of regional administrations. The situation changed a few years later.

The experience of 1998 shows that protective tools are involved in a foreign trade policy during crises. During the crisis of 2008-2009, the regional authorities supported the local industry by tax cuts, subsidizing and lobbying cancellation of export duties. In March 2009 the government of the Russian Federation appealed to the regional administrations to submit their offers at the «round table» meeting concerning the development of Russian regions in the conditions of the world economic crisis consequences. Responses were presented by the 44 territorial subjects of the Russian Federation. They concerned the expansion of regional authorities; government procurements and state trading enterprises; protection of competition; subsidizing; budgetary relations; customs and tariff regulation; taxation; measures directed to a foreign trade efficiency increase; complex

measures of the certain industries protection; certification and marking; sanitary and phytosanitary measures; transport tariffs; restrictions for expats on the labor market. This list depicts a circle of problems which the federal government had to solve.

The year of 2013 was the period of the Russian regions' adaptation to the situation of the WTO membership. Regional governments had to develop adaptation plans. Owing to a large number of subjects it makes sense to structure them according to the typology of the social and economic development by the Ministry of Regional Development. The typology includes the world cities, the centers of federal significance as well as raw, old industrial, background, crisis and special regions.

Efforts to form financial export support institutes are made in Moscow, as it is the financial centre of the country. It is important both for Moscow – the leading region in the foreign trade of the Russian Federation in, – and for other regions where services of Vneshekonombank and the Agency of Export Insurance are offered. Plans of several regions adaptation to the WTO membership include the interaction with the specified financial structures of Moscow.

Saint Petersburg also has financial institutions specialized in crediting export-import transactions. The Eurasian Bank of Reconstruction and Development presented in Saint Petersburg target credit lines to the financial institutions which lend corporate clients – exporters and importers. Saint Petersburg and the Northwest federal district, as a whole, traditionally provide transport infrastructure and sea access to the foreign market for various regions of the country. Revival of the international trade in connection with its liberalization has to affect positively the business environment and a city economy.

Raw materials regions of the country see the opportunity to advance local brands and environmentally friendly products onto the foreign market after the WTO accession. Product competitiveness is planned to be raised due to the introduction of international quality standards.

Adaptation programs of the federal centres such as the Leningrad region, Sverdlovsk region and the Republic of Tatarstan contain more specifics regarding to protective measures, rather



than advance onto the markets with their own products. The special attention to the programs of most regions is paid to the «green» basket of agricultural subsidies. The state federal program of the agriculture development until 2020 provides the regions with an opportunity to accept their own programs and subprograms of the agricultural support in the forms of the «green» basket. The adaptation program of the Leningrad region involves all the subprograms offered by the federal program.

Thus the centers of the federal significance put forward many useful initiatives in the field of the foreign trade policy, necessary for other regions. Among those initiatives are monitoring import volumes of industrial goods and the dynamics of purchase prices decrease of agricultural products. This will allow introducing all the necessary well-timed safeguard measures. With raw materials regions, which already have an access to foreign power markets, using the WTO membership for the active promotion of their new products, with the federal centers working out plans to protect domestic markets, it is crucial that old industrial regions realize the threat of mass downsizing in certain industries and they are concerned about the destiny of mono towns.

As for the background districts, in spite of the fact that it is the most numerous group of the Russian Federation subjects, they accepted only a few regional adaptation programs. Plans of the «background» subjects which are more or less successful, do not follow any certain policy. Foreign economic activity isn't of great importance for crisis regions and specialized regions.

The analysis of the adaptation plans showed that the raw materials regions having a wide experience in the foreign trade activity, see new opportunities while those subjects of the federation which still rely on the domestic market are hardly ready for changes, brought with trade liberalization.

Participation in the foreign economic activity. Creation and development of the state enterprises network was a key element in the economic policy of the Quebec government from 1960's. Despite limited funds available, the government of Quebec carried out intervention in a large number of economic sectors

(electricity, finance, steel, mines, forest industry, and oil production). Corporate taxes were among political tools available to the province government. The «Societe de Developpement Industriel» as a state corporation of the province, had at its disposal the largest part of the budget of the Ministry of Trade and industry. The Department of Overseas Trade was established in 1983. The institutionalization of the foreign economic policy in Quebec occurred through creating state enterprises. Later the privatization program started. It gained its strength after the Liberal party victory in 1985. Nevertheless, the state enterprises didn't disappear. They were only reorganized. There was no resolute change in the policy. The state enterprises remained the primary tool of the Quebec economic policy. The «Caisse de depot et de placement du Quebec» started investing in the USA. «Societe Generale de Financement» had partners from other industrial countries which invested in the aluminum mine in Becancour. «Hydro-Quebec» sold the major part of electricity to the northeast United States. One can affirm that civil officers in Quebec created the effective state mechanism of the economic policy in the open economy [15].

Authors who studied Canadian state enterprises in 1986 noted that from the 1960's the provincial governments in Canada became producers of goods and services at the national and international markets. Provinces owned several hundred corporations, 15 of them were among the first 400 firms by sales. Another example given in the article of John Kline in 1986 is Lower Saxony which had 20 % of Volkswagen assets and had two representatives in the board of directors. It involved the government directly into the international trade and the company's investment decision making [2].

In the United States interests and roles of the states weren't so clear. The governments of the states in the USA traditionally were less involved in business operations, but administrations of quasi-public ports provided many states with the economically important trade centers [2].

The legislation of the Russian Federation doesn't treat the government of the regions as main participants in the international trade activity. Article 11 of the Federal law «On the basis of the national regulation of the foreign trade activity» allows territorial subjects of the

Russian Federation to carry out foreign trade activity only in cases stipulated by the federal laws. Among the federal laws, related to economic activity but not to foreign trade, are the laws «On the special economic zones in the Russian Federation» and «On the agreements of the product partition».

The regional governments are involved in organizing the special economic zones activity. The Government of the Russian Federation receives the claim for the establishment of a special economic zone from the supreme executive body of the Russian Federation subject.

The agreement has to be concluded between the governments of two levels. By this agreement the territorial subject of the Russian Federation is obliged to transfer the land and other real estate objects located within the borders of a special economic zone to the management body which is appointed by the national government for a certain period of zone functioning. Functions of the authorized body are carried out by the Ministry for Economic Development of the Russian Federation. Financing the infrastructure in the special economic zone is effected both at the expense of the federal budget and budgets of the subjects of the Russian Federation. These obligations can be fulfilled by contribution to the authorized capital of the company which manages a particular economic zone. Development of the unified state policy in the area of forming and functioning particular economic zones and their management are assigned to the Ministry for Economic Development of the Russian Federation. The Ministry can delegate several authorities to the executive authority of the subject of the Russian Federation or Management Company; all three of them constitute the unified centralized control system of the specific economic zones. The supervisory board has to be established to coordinate their activity. The members of the board are representatives of the Ministry for Economic Development, executive bodies of the government of the Russian Federation subjects, Management Company, residents of a particular economic zone and other organizations [16].

According to the «On the agreements of the product allocation» law, the Russian Federation and the foreign investor make an agreement. The

investor is entitled to search, explore and obtain mineral raw materials on the sites specified in the agreement. The federal laws specify the list of sites and the right of their use.

The State Duma consider drafts of the specified federal laws. The legislative body of the Russian Federation subjects where the territories with the corresponding sites of subsoil are located has to approve it. Within its competence a subject of the Russian Federation regulates legislatively participation in the agreements on product allocation. Development of conditions to use the subsoil, preparation of draft agreements and negotiations with the investor are carried out by the commission with participation of the executive authority of an appropriate subject of the Russian Federation. Federal laws establish the distribution of the state output share between the Russian Federation and the subject of the Russian Federation in which the subsoil is located [17].

Conclusions. The article describes the directions of the external economic activity of the sub national governments of a number of the states including the Russian Federation. These directions include developing the trade and investment policy, and foreign economic relations; coordination of the trade policy between national and regional levels; implementation of the trade policy – both own and national – by territorial units; participation of regional governments in the foreign economic activity. Russia is the federation of a strong type which has traditions of the unitary state. Due to this matter, the problem of coordination at the external economic arena between the authorities of two levels is not an urgent one. Having a large number of subjects of the federation, it is necessary to have some unified framework set at the national level. Such a framework is presented in Russia by a variety of federal laws.

Regional programs of the foreign trade activity is the main tool which territorial subjects have in the field of trade policy. In the field of investment policy territorial subjects of the Russian Federation can pass regulating laws and provide tax remissions.

The external economic policy is coordinated by the initiative of both federal and regional authority depending on circumstances.



However, international agreements, made by the regions, has to be also coordinated. This provides uniformity of the national state foreign policy.

The mechanism of the country's international economic policy at the regional level was developed with the analytical support of the OECD. The national government pays special attention to measures taken by territorial subjects of the Russian Federation during the periods of crises and also during the adaptation of the country to the WTO membership conditions. The analysis of the adaptation programs confirmed the OECD opinion. They are sure that the territories which actively develop external economic

relations recognize the advantages of trade liberalization.

The regional governments in the Russian Federation can't directly act as participants in the international economic activity if it isn't specified by laws. Laws determine such participation in the form of special economic zones management. These laws also allow them to obtain a part of the mineral resources within agreements on product allocation.

Thus, the present mechanisms created in the Russian Federation don't undermine the international obligations of the country. The experience of other countries reveals some directions for development of foreign economic relations in the Russian regions.

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