

# Moscow Journal of International Law №1 (89), January - March 2013

## International Humanitarian Law

**Vera N. Rusinova** Right to Life in Armed Conflicts under International Law (p. 4 - 20)

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**Summary:** The author casts doubts on existence of a collision between norms of International Humanitarian Law and International Human Rights Law in sphere of protection of the right to life and draws a conclusion that the wording and systematic interpretation of the international treaties, as well as subsequent practice of its application allow to unify the criteria of assessment of legality of deprivation of life in armed conflicts in one test, which unifies requirements of both branches of International Law. Application of this complex test strengthens the rules, governing use of force in armed conflicts, in comparison to the norms of International Humanitarian Law and indicates a new stage of development of International Law applicable in armed conflicts.

**Keywords:** right to life; armed conflicts; International Humanitarian Law; International Human Rights Law; legal collision.

## International Environmental Law

**Mikhail N. Kopylov, Stanislav M. Kopylov** A Menial on the Strategic Environmental Assessment (p. 21 - 38)

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**Summary:** The article deals with the legal aspects of the strategic environmental assessment (SEA). On the basis of the analysis of the 2003 Kiev Protocol on strategic environmental assessment advantages of this procedure are disclosed if compared with the procedure of environmental impact assessment. The main stages of the procedure of strategic environmental assessment are shown. Peculiarities of transboundary consultations and the importance of monitoring stage are identified. The EU Directive 2001/42/ EC on strategic environmental assessment is analyzed as an example of regional mechanism of strategic environmental assessment. It is concluded that the codification of international legal rules, regulating SEA started in the twenty-first century.

**Keywords:** international environmental law; strategic environmental assessment (SEA); environmental impact assessment (EIA); the 2003 Kiev Protocol on strategic environmental assessment.

***Elvira F. Pushkareva*** Enforcement of the Environmental Protection by the means of Economic Activity Regulations: International Law Perspective (Part 1) (p. 39 - 60)

*Elvira F. Pushkareva - Doctor of Laws, Senior Researcher, Center for Reproductive Forces, Russian Academy of Sciences.*

**Summary:** The article addresses three directions in the International law, those developments may lead to the efficiency increase of enforcement of the environmental protection by the means of Economic Activity Regulations. Those directions include the Environmental Protection in the WTO, Environmental Provisions of International Investment Agreements and Environmental Policy of the International Financial Institutions.

**Keywords:** International Environmental Law; International Economic Law; Environmental Provisions of International Investment Agreements; Environmental Policy of the International Financial Institutions; Environmental Protection in the WTO.

### **International Space Law**

**Anna V. Kukushkina** *International Law Protection of Space Environment (p. 61 - 72)*

*Anna V. Kukushkina - PhD. in Law, assistant professor of the Chair of International law, MGIMO-University MFA Russia. E-mail - Ilc48@mail.ru.*

**Summary:** Outer space activity is a human effort that destabilizes Earth's environment. Finding solutions to applied problems with the help of space technologies was the main reason for using the near-earth environment. Operating missile engines emit large amounts of different chemical substances into the near earth space and the key challenge of environmental safety is to maintain the NESE natural properties and functional features.

**Keywords:** protection of outer space environment; near-earth space environment (NESE); Outer space activity; nuclear energy sources.

### **International Economic Law**

*Olga N. Tolochko* The International Economic Law and its Place to System of Legal Regulation of the International Economic Relations (p. 73 - 91)

*Olga N. Tolochko – Ph.D. in law, assistant professor, doctoral candidate of the Chair of International Law of the Saint-Petersburg State University. E-mail - o.tolochko@mail.ru.*

**Summary:** The purpose of this article is to define the international economic law as a branch of international law, its subject, structure and also a place in the general system of legal regulation of international economic relations. The author proves the position according to which international economic law is an emerging branch of international law designed to regulate the general system of international economic relations. International economic law has priority over private international law, transnational law and national foreign economic legislation. From its structure should be removed such special branches as international trade, transport, financial and credit law, etc. As a major branch, establishing basis of equitable economic world order, international economic law is currently in the development stage, and the process of its formation is unlikely to be completed in the near future.

**Keywords:** International economic law; international economic relations; inter-state economic relations; transnational law.

### **International Law of Mass Media**

*Madina B. Kasenova* When it Comes to Designing an International Internet Governance Model

(As discussed at The World Summit on the Information Society) (p. 92 - 108)

*Madina B. Kasenova – Ph.D. in law, professor, Head of the Chair of International Private Law, Diplomatic Academy MFA Russia.*

**Summary:** The Internet is the linchpin of those technologies and its role, the intrinsically contradictory nature of its evolution, and other related crucial matters basically come to the question of who “controls and governs” the Internet. That question presently has no unequivocal answer, and the approaches and methods that could be followed and invoked in providing a reply are highly diverse. Internet trans-border nature – of its functioning objectively is linked particularly with the necessity to designing an International Internet Governance Model. This question is dealt with below.

**Keywords:** Internet; Internet Governance; cyberspace; sovereignty; Architectural Principles of the Internet; self-regulation.

### **Private International Law**

*Alexandra N. Khizunova* Cross-border Insolvency Protocols as Special Instrument of Cross-border Insolvency Proceedings (Part 1) (p. 109 - 128)

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**Summary:** problem of cross-border insolvency (bankruptcy). Moreover in 2011 the Russian Ministry of Economic Development prepared the draft of Federal law “*On cross-border insolvency (bankruptcy).*” The first part of this article discusses the principles and models applicable to cross-border insolvency cases and problems of their direct application. Author analyzes different international documents worked out as the basis for cooperation among states in case of cross-border bankruptcy, as well as the case law of foreign states on that problem. Author considers such legal instrument as “*Insolvency protocol*” designed to overcome differences between the participants of the cross-border insolvency by adopting the “general rules of the game.” Author analyzes different documents that may be used by foreign courts and other participants as a basis for cooperation within the frames of cross-border insolvency, including the cases of Insolvency protocols.

**Keywords:** Cross-border Insolvency (Bankruptcy); (Cross-border) Insolvency Protocol; Agreements concerning the Coordination of Foreign Insolvency (Bankruptcy) Proceedings; Amended (Modified) Universalism; Reciprocity.

### **European Law**

***Aslan H. Abashidze, Vladislav S. Malichenko*** Regulation of Clinical Trials under the European Union Law (p. 129 - 141)

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**Summary:** The European Union is a market leader in clinical research, and this status requires uniform legislation in this area. However, all attempts to unify legislation had the opposite effect, leading to a reduction of investment in R & D area. To remedy the situation, the EU adopted Regulation, which aims to promote investments in R & D area.

**Keywords:** Clinical trials; Regulation; Directive; European Union; investments.

***Ekaterina N. Egorova*** The EU Legal Personality and International Labour Law (p. 142 - 151)

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**Summary:** The article addresses the issue of the relationship between EU law and international law, examines Lisbon Treaty innovations. As an example, the article investigates the interaction and the development of cooperation between the European Union and the International Labour Organization, the powers of the EU institutions, of the Member States to enter into international agreements, and the impact of the EU accession to the European Convention on Human Rights and Fundamental Freedoms.

**Keywords:** European Union; EU Labour Law; International Labour Organization; the European Convention on Human Rights and Fundamental Freedoms; the legal personality of the EU.

## Voices of the Young

**Artur S. Gulasarian** The Responsibility of International Organizations and the International Court of Justice (p. 152 - 171)

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**Summary:** Due to the recognition of the possibility to impose international legal responsibility on international organizations, the issue of international legal means to address disputes involving international organizations as parties to them is of particular interest. It should be noted, however, that the

International Court of Justice as the principal judicial organ of the United Nations does not have jurisdiction to hear cases in which international organizations are parties. However, it does not deprive the International Court of Justice to issue an advisory opinion, and to resort to the procedure of inter-state proceedings as an indirect way to invoke the responsibility of international organizations. This strongly suggests the need for more detailed study of this issue, not only on a theoretical level, but also in practice. To this end, the article seeks to illustrate the very important role that the International Court of Justice has played and continues to play in matters relating to the responsibility of international organizations.

**Keywords:** international organization; international legal responsibility; International Court of Justice; Advisory Opinions; invocation of responsibility.

**Sevara I. Sobirova** The Institute of Absentia in the Legislation of the Republic of Uzbekistan (p. 172 - 178)

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**Summary:** The article is dedicated to results of examination of simplified procedures at the trial named absentia. This article briefly describes the establishment and historical development of the institution of absentia where a case is considered in absence of the defendant. The article compares the views of number of scientists, and sets out the author's own position on the issue. The author focuses on characteristics of implementation of this institution in the

legislation of the Republic of Uzbekistan since 1997 when the Civil Procedure Code of the Republic of Uzbekistan had been firstly edited with inclusion of the institute of absentia. There has been referred on experience of some foreign countries where the absentia has been used in law enforcement practices for a long time and has recommended itself as an effective to all of justice. The author, having considered the views of number of scientists and personal opinion, claims for the concept of institution absentia, the purpose of introduction of the institution into the national legislation of the Republic of Uzbekistan, determines the order, grounds for conducting cases within the absentia and adopting a relevant judgment.

**Keywords:** The institute of absentia; legislation of the Republic of Uzbekistan; the Civil Procedure Code of the Republic of Uzbekistan.

***Dmitry S. Tulupov*** Russia and China's Cooperation in the Arctic. Challenges and Opportunities (p. 179 - 190)

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**Summary:** Recently, strategic partnership between Russia and China was extended with the new dimension, namely cooperation in the Arctic. Both opportunities and challenges could be discovered in this region and their analysis will be the focus of this article. The most promising issue of bilateral Arctic cooperation appears to be the joint development of the Northern Sea Route.

**Keywords:** Russia; China; Arctic; Arctic policy; the Northern Sea Route; UNCLOS.

### **Documents**

***Alexander N. Vylegzhanin, Boris P. Shapovalov*** Legal basis for Arctic Policy of the European Union (191 - 202)

The development of EU Policy in the Arctic Region: progress since 2008 and future steps (p. 203-222)