

Moscow Journal of International Law №3 (91), July-September 2013

Theoretical Issues

Ahmed M. Ibragimov Recognition and Non-recognition of States: the Experience of the Complex International Legal Analysis of Concepts (p. 4 -18)

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Summary: The subject of the review was the recognition of States and representing their governments due to the fact that in modern international practice the very important for study process of formation or change of the sovereign political institutions of the society is continuously taking place. The institute

of recognition in international law is functioning as usual-legal phenomenon. However, this in no way detracts from its value for the stimulation of the inter-state relations. Although the concept of “non-recognition” is the opposite of recognition, it is closely connected with it. Unlike the recognition it has not reached the level of legal Institute, but it is in process and is used in international relations for the purpose of non-admission of unlawfulness of the political entities from the perspective of international law.

Keywords: recognition; non-recognition; state; experience; analysis; concept.

Boris I. Nefedov The Ratio of Legal Systems in the Theory and Practice of the Regulation of Social Relations in Modern Russia. Part 1 (p. 19-31)

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Summary: Different approaches to the ratio of legal systems have been expressed by numerous authors during the entire period of the existence of international law, beginning with the period of its formation, but they were initially formalized in the form of “traditional” fundamental theoretical concepts and doctrines in the middle of the twentieth century, and only in the USSR. The very appearance of the relevant theoretical formations and the evolution of ideas about them later on, were caused by the existing level of development of social relations,

as well as changes in the social and political system and the true interests of our government in the specific historical conditions. Thus, the pre-revolutionary Russian authors of the late XIX – early XX century were mostly supporters of the dualistic approach, but after the establishment of the Soviet Union and until the mid-50's of the twentieth century, during the ratio of international and domestic law actually dominated the state-monistic approach, although technically it was not officially expressed at the time. Since the mid 50's of the previous century the Soviet doctrine again moved to the position of dualism. It was during this period, that in the domestic doctrine a formalization of “traditional” fundamental theoretical concepts of different views on the relation of international and domestic law were created. In this case, there were not three-, as is commonly believed, but four concepts – three bourgeois (two monistic and dualistic) and a Soviet.

Keywords: the ratio of international and domestic law; monistic concept; dualistic concept; the Soviet concept.

Law of International Security

Ekaterina S. Anyanova, Viacheslav N. Kulebiakin Freedom of the High Seas and Struggle against Terrorism (p. 32-45)

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Viacheslav N. Kulebiakin – Ph.D in Law, professor of the Chair of International Law, MGIMO-University MFA Russia.

Summary: The article deals with the problem of illegal transportations of weapons of mass distraction (WMD) in the high seas. The basic principal of the international maritime law – freedom of the high seas – provides in particular for freedom of navigation. However freedom of navigation may contradict to the necessity of prevention of illegal transportation of WMD by the terrorist groups, which is deemed to be a part of the international “War on terrorism”. Measures of suppression of the illegal transportation of WMD are carried out in frames of the Proliferation Security Initiative (PSI) and the 2005 Protocols to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed

Platform Located on the Continental Shelf (SUA Protocol). At present the PSI is regulated by means of the bilateral agreements, which are fulfilled by the signatory states.

Keywords: maritime security; freedom of navigation; terrorism at sea; weapon of mass destruction.

International Environmental Law

Mikhail N. Kopylov, Kristina A. Merkulova CITES Celebrates its 40-th Anniversary (p. 46 - 59)

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Kristina A. Merkulova – student of the law faculty of the Russian Peoples’ Friendship University. E-mail - kamerkulova@yandex.ru.

Summary: The article deals with the least known for Russian readers provisions of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora, which in 2013 became 40 years old. In particular, provisions of the Convention relating to the issuance of permits and licenses, as well as the security of documents are disclosed. It is emphasized that the regime established by the Washington Convention, loses its effectiveness in cases where states are united in customs unions or other integration associations. Specific examples of the implementation of the requirements of the Washington Convention into national law are taken from the practice of the ASEAN, where the Center for Biodiversity operates and a network of law enforcement agencies of ASEAN Member States to protect wildlife (ASEN-WEN) is established.

Keywords: CITES; international trade; endangered species; ASEANWEN; biodiversity.

Law of International Treaties

Natalia S. Simonova (Nikitenko) The Institutional Mechanism of Ensuring for Meeting Commitments under International Treaties: Definition and Basic Elements (p. 60-82)

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Summary: In the international relations practice as well as in the international law doctrine there is no unified approach to define and comprehend the essence of the mechanism of ensuring for meeting commitments under international treaties. An article deals with the definition of such mechanism as a system of international law institutes, the regulations of which, being applied, really ensure for meeting commitments under international treaties. At the same the main conditions of obligation and conscientiousness unite all the institutes. The basic elements of the institutional mechanism of ensuring for meeting commitments under international treaties are: institutes of obligation and conscientiousness, international and internal means to ensure for meeting commitments under international treaties, institutes of courts and international organizations, institute of responsibility and liability. Moreover, characteristics of the basic elements of the institutional mechanism of ensuring for meeting commitments under international treaties are contained in the article.

Keywords: international treaty; meeting commitments under international treaties; obligation and conscientiousness of international treaties; means to ensure for meeting commitments under international treaties; mechanism of ensuring for meeting commitments under international treaties.

International Criminal Law

Nikolai V. Ostroukhov, Yuri S. Romashev *International-legal Aspects dealing with Transfer of Persons for the Interest of Justice (p. 83-91)*

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Summary: There are analyzed complex legal and procedural aspects, dealing with transfer of persons to other states in interest of justice.

Keywords: international law; transfer of persons; justice; international crimes.

International Space Law

Gennady P. Zhukov, Olga A. Volynskaya Current Problems of International Responsibility and Liability in the Domain of Space Activities (p. 92-103)

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Summary: Modern space activities are undergoing intensive commercialization. The widening of the private space sector, creation and implementation of advanced technologies in the space industry are stimulating competition growth in the world space market. Profit becomes the main purpose of the

exploration and use of outer space. At the same time the dynamic development of private space activities,

which leads to activation of commercial space launching and enlargement of non-governmental orbital satellite constellations, elevates the threat of dangerous approximation of spacecraft and even accidents in orbit thus posing a real danger not only to space equipment, but in the first place to lives and health of people – both in outer space and on the Earth. In the above circumstances the issue of sufficiency and effectiveness of International Space Law to ensure stability, safety and security of space operations, and first of all – of its international responsibility and liability mechanism as a cornerstone of International Space Law and an incentive for the enhancement of national space legislations, comes to the fore.

Keywords: international responsibility and liability; space activities; commercialization; international space law.

International Air Law

Zafik Khalilov Issues of Legal Regulation of Cabotage in Interstate Acts: Comparative Analysis (p. 104 - 117)

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Summary: The article reflects definition of cabotage in legislation of various countries (9th freedom of air), and comparative features were shown, perspectives of definition of improvement of national legislation in this connection were defined and practical – theoretical issues of legal regulation were commented and proposals were given in this connection.

Keywords: cabotage; 9th freedom of air; air transportations.

International Law of Mass Media

Madina B. Kasenova When it comes to designing an International Internet Governance Model. Part 2 (p. 118-136)

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Summary: The World Summit on the Information Society has been held under the aegis of two United Nations-sponsored conferences – one in Geneva (2003) and the other in Tunis (2005). The final documents of the Summit envisaged that the realization of the goals and objectives of putting information and communication technologies to use, of establishing an Information Society, and of governance of the Internet would be taken up at the third phase of the World Summit in 2015. The article discusses key measures to be implemented by the year 2015, in terms of the role of international organizations in these efforts.

Keywords: Internet; Cyberspace; Internet Governance; Internet Governance Forum; International Law; Cooperation of States; Information Society; WSIS “Golden Book”; Multistakeholders; United Nations; International Organizations.

Private International Law

Ludmila S. Baleevskikh Constitutional and Legal Regulations of International Commercial Arbitration in Russia (p. 137-153)

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Summary: In light of the recent judgments of the Constitutional court of the Russian Federation dealing with the issues of arbitration proceedings, the question about the nature of its constitutional and legal fundamentals, at the same time being significant principles of international commercial arbitration, becomes more and more pressing. This article focuses on such fundamentals and principles.

Keywords: International commercial arbitration; arbitral tribunal; arbitration proceeding; Constitution; Constitutional court of the Russian Federation

European Law

Yuri M. Yumashev Legal Regulation of European Internal Market (p. 154 - 176)

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Summary: In this article the author examines in consecutive order the evolution of the concept “European internal market” (from “common market” to “European internal market”), the legal basis of its regulation, methods of its formation (by so called “negative” and “positive” integration) and the framework of its functioning. For this aim it is compared with a regulation of the US internal market. This comparative analysis helps to reveal difficulties in the development of European internal market and its fragmentary character arising from multitudinous problems (for instance, the problem of the EU standards for goods quality) and the resistance of member-states. At the same time the author analyses in detail the provisions of the Treaty on the functioning of the EU which regulate the division of powers between the EU and member-states in this field. Finally, in the end the article deals with Monti’s Report which has been prepared on request of the Commission and is devoted to the solution of the EU internal market problems as well as the proposals of the Commission (based on the conclusions of Monti’s Report) on the creation of the socially and technologically orientated internal market. The proposals should be finally formulated till the spring 2014. One of the main aims is to restore confidence of the

member-states' citizens in the EU lost because of the endless financial and economic crisis in Europe.

Keywords: European internal market; methods of negative and positive integration; White Book of 1985; Single European Act of 1986; M. Monti report on the new strategy for European internal market; Proposals of the Commission "European internal market I"; "European internal market II".

Voices of the Young

Hayal M. Aliev The Functions of Consular Protection Agencies Abroad (p. 177 - 187)

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Summary: The article consists of three parts binder. The first part tells about the history and legal basis of consular functions relating to the protection of entrepreneurs. Some attention is paid to the activities of honorary consuls. The second part focuses on the role of trade representatives. The last part deals with the existing plans of certain circles in the West and in the Russian Federation to demolish history-proved balance between the three Institutes of Diplomatic, Consular and Trade representatives at the pretext that it will make good for private enterprise. The author does not agree with this stance.

Keywords: consulates; consul; enterprisers; honorary consul; trade representatives; private business.

Mangal Bismillah The Negotiation Process as one of Essential Means of Resolving the Afghan Conflict (p. 189 - 194)

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Summary: The article is devoted to the negotiation process in Afghanistan as the most important way to resolve the Afghan conflict. The negotiation process is one of the essential means of resolving the Afghan conflict. It is clear that in the current situation in Afghanistan, there are no other ways to address emerging conflicts in our society, but the organization of mediation and negotiation. In Article 33 of the UN Charter direct talks are the first priority ,

according to which the peaceful means of settling international disputes are the UN negotiation, inquiry , mediation , conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements . The Charter also reserves the participating parties to the dispute may choose any other peaceful means of resolving the dispute. Peaceful means of settling

international disputes referred to in Article 33 of the Constitution are not exhaustive. The talks are one from the very flexible means of resolving differences. They can be carried out both at the official level, up to the heads of state and informally – in writing, verbally, “without ties”. Another advantage of direct talks is that hindered any pressure from third countries, international organizations.

Keywords: Afghanistan; negotiations; mediation; settling of international disputes.

Victoria O. Ryabova On the Question of Accession of the European Union to the European Convention on Human Rights (p. 195 - 208)

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Summary: The article looks at the development of the idea of accession of the European Union to the European Convention on Human Rights from its origin to the present time as well as various forms of its realization. Based on the analysis of the regulations adopted by the EU institutions and the institutions of the Council of Europe and the case-law of the Court of the EU and the European Court of Human Rights, the author comes to the conclusion about the importance of the EU accession to the ECHR as one of the steps towards the creation of unified system for the protection of human rights in Europe and the creation of joint legal environment in the EU and the Russian Federation.

Keywords: European Community; the European Union; the European Convention on Human Rights; Court of the EU; European Court of Human Rights; member states; EU Treaties; agreement on the accession.