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International Humanitarian Law

Vyacheslav N. Kulebyakin, Elena E. Pronina Regulation of Private Military and Security Companies in National and International Law (p. 4-15)

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Summary: Increasingly states engage in armed conflicts private military and security companies. It is believed that they are more mobile and effective in comparison with the regular national armed forces. However, the legitimacy of the activities of such companies in the armed conflict is doubtful. In this

connection, the article discusses some of the laws of the United States, the United Arab Emirates, United Kingdom, Germany, Russia, applicable to the activities of PMSCs, and explores the question of the degree of regulation in international law.

Keywords: private military and security companies; direct part in hostilities; export of military / security services; import of military / security services; State responsibility.

Ivan I. Kotlyarov, Yuliya V. Puzyreva The Civil War in Ukraine: International Law and Criminal Responsibility of Individuals for International Crimes (p. 16-39)

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Summary: The article presents a brief analysis of the events taking place in Ukraine in recent months; with the objectives justify their qualification as an armed conflict, accompanied by war crimes and gross human rights violations by the military units of Ukraine.

Keywords: Ukraine; Right sector; civil war; armed conflict; human rights; war crimes; criminal responsibility of individuals for international crimes.

International Law of the Sea

Gennady M. Melkov To the Issue of Status of Okhotsk Sea and Pechora Sea (p. 40-55)

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Summary: In the Soviet period the areas of seabed in the Okhotsk Sea and in the Pechora Sea were considered in doctrine as the seabed of the USSR's historic waters. The Russian Ministry of Natural Resources has got different view and regards the above mentioned areas as continental shelf. This means

that the status of the areas is less strong than in the Soviet period: instead of claiming sovereignty Russia claims only rights to natural resources. This article addresses the validity of such change of view with reference to the other cessions of continental shelf compared to the position of the Russian Empire and the USSR.

Keywords: historic waters; Arctic shelf; status of the Arctic; Okhotsk Sea; Pechora Sea.

Issues of Territory

Farhad Sabir oglu Mirzayev Historical Background of the Principle uti possidetis juris (p. 56-77)

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Summary: The foregoing analysis argues that *uti possidetis*' originates from *jus civile* of Roman Law. The principle's main purpose in Roman Law was the preserving of the status quo and stability of property possession. From the rule of private Roman Law *uti possidetis* transformed into a principle of international law dealing with state or territorial sovereignty issues. Only in the 18–19th centuries it became a principle of interstate relations in Latin America and then in African and Asian continents. It is argued that the principle of *uti possidetis juris* is a specific mechanism and process of international law, which serves for the purposes of transferring the sovereignty from preceding sovereign to the new state.

Keywords: *uti possidetis*; transformation of former administrative borders into international boundaries; principle of international law; boundary and territorial disputes and conflicts; the practice of international tribunals.

International Economic Law

Natalia A. Vorontsova Legal Analysis of the Agreement on the Eurasian Economic Union
(p. 77-87)

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Summary: Tremendous and multifaceted development integration between the EurAsEC state-members evokes much attention of international community. The new Treaty of the Eurasian economic union signed by the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation on May 29, 2014, is of much interest, because it differs in various ways from the preceding Treaty on the Eurasian economic community. The member states claim to have coordinated their policies almost in all fields. The new integration association (Eurasian economic union) and its founding Treaty is a subject of close and accurate examination and analysis.

Keywords: the Eurasian economic union of the Republic of Belarus; Republic of Kazakhstan and Russian Federation (Eurasian economic union); Treaty of the Eurasian economic union; Customs Union countries; integration unions; free movement of the goods, services, capitals and labor; Union law; working body of the Eurasian economic union.

Private International and Civil Law

Elena V. Vershinina, Aleksandra D. Perevoshchikova Unworthy Heirs Institute in Russia, France and Spain: a Comparative Legal Analysis (p. 88-101)

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Summary: In the paper, the authors analyze the institute of unworthy heirs in Russia, France and Spain, carry out a comparative legal analysis of classes of unworthy heirs and consider issues in the Russian Civil Code regulation.

Keywords: unworthy heir; inheritance rights of parents in the deceased children's estate; inheritance rights of children in the deceased parent's estate; restriction and deprivation of the parental rights.

Anna I. Ivanchak Foreign Worker: Questions Concerning Terminology Unification (p. 102-117)

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Summary: This article investigates questions concerning unification of term “foreign worker”. The author analyzes legislative instruments, which contain related terms that designate subjects of external labour migration. Among these instruments are universal and regional international treaties, bilateral agreements, Russian and foreign national legislation. The author draws attention to legislator's consistent approach to elaboration of criteria for legal definition of the terms in question. It is emphasized that there are certain collisions that prevent consistent determination of foreign workers' status. The author comes to a conclusion that terminology must be unified by establishment of conceptual framework.

Keywords: International legislation; international labour relations; subjects of external labour migration; migrant worker; foreign worker; terminology unification.

European Law

Rustam A. Kasyanov Cooperation of Russia and the EU in the Area of Exploration and Use of Outer Space (p. 118-129)

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Summary: The jubilee year (the 20th anniversary of the Agreement on Partnership and Cooperation between the EU and Russia – the PCA) of the relations between the Russian Federation and the European Union has turned out to be the most complicated. In 2014 the Ukrainian situation has strongly affected the long-lasting relations between Russia and the EU, and now enormous efforts shall be made in order to regain the level of trust and mutual understanding reached in the past years. Shortly before the escalation of the Ukrainian crisis the year 2014 had been officially announced as the EU-Russia Year of Science, Technology and Innovation. A huge scientific potential of relation between the Russian Federation, the EU and its Member States can be well exemplified by cooperation of the partners in the area of exploration and use of outer space. A comprehensive legal and institutional base of the cooperation provides for successful performance of complex projects. Further development of contacts in this field would make a positive effect on the general scope of cooperation.

Keywords: European Union; the European Space Agency; Agreement on Partnership and Cooperation between the EU and Russia; “Common spaces between Russia and the EU”; EU-Russia Year of Science; cooperation in the area of exploration and use of outer space.

Anatoliy V. Pronin International Law Foundations of Regional Integration in the European Union. Experience of the Austrian Republic (p. 130-145)

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Summary: It is objected in the text that federative entities may be determined as subjects of international law. Legal component of the European Union regional policy, when Euro regions connected by economical but not political reasons were created, was also analyzed on the example of the Austrian Republic. Cases of the international treaties and European Union

secondary law implementation on the level of the Austrian federal lands were also put in the article. Attention was also paid to the cases of federal lands non-feasibility in questions of international and European law implementation and to the system of legal mechanisms which were created to escape this lack of action.

Keywords: Austrian law; Austrian federalism; international and European law; legal personality of federative entities; European regional policy.

Voices of the Young

Maxim N. Zaikin International Navigation Legal Guidelines Regarding the Northern Sea Route and Northwest Passage (p. 146-162)

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Summary: The article deals with specific legal regulations regarding international navigation for the Northern Sea Route and Northwest Passage. The article draws particular attention to foreign policies regarding transportation passages development and their economic potential in the Arctic.

Keywords: Arctic; Russia; Canada; the Northern sea route; the North- Western passage; navigation.

Stanislav E. Kuzmin Mergers and Acquisitions of Joint Stock Companies in Russia and Corporations in the US (legal regulation experience) (p. 163-174)

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Summary: The procedure of merger and consolidation of joint stock companies in Russia is legislatively fixed in the Federal law «On joint stock companies». In the United States in each state the rules on mergers are adopted within the Corporation laws. The greatest interest represents the law of the state of Delaware. This procedure includes three steps. In Russia at the first stage the companies sign an agreement on merger or consolidation, and in the state of Delaware, the first step is the adoption by the Board of Directors of each participating

corporation of a decision on approval of the agreement on merger or consolidation. At the second stage the boards of Directors of Russian joint stock companies bring to the decision of the General meeting of each participating company, the question of reorganization, on approval of the agreement on the merger. In the state of Delaware at the second stage of the General

meeting of shareholders should approve or reject the transaction of merger or accession. The third stage both in Russia and in the state of Delaware, is registration of a new joint stock company, corporation, or registration of changes in society, corporation, in which another one has merged.

Keywords: mergers and acquisitions; joint stock company; Corporation; General meeting of shareholders; Board of Directors.

Victoria O. Ryabova European Union Charter of Fundamental Rights; European Convention on Human Rights – Comparative Analysis of Interpretation and Application by the European Court of Justice and the European Court of Human Rights (p. 175-188)

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Summary: The negotiators, representatives of the Council of Europe member states and of the European Union, finalised the draft accession agreement of the European Union to the European Convention on Human Rights in spring, 2013. Due to the fact that the possibility of the accession is now not confined to the provisions of Protocol 14 to the European Convention on Human Rights and article 6 of the Treaty on European Union, the questions of cooperation between the ECJ and the ECtHR and interpretation and application of the main European acts on human rights – the European Union Charter of Fundamental Rights and the European Convention on Human Rights – are becoming more and more important.

Keywords: European Court of Justice; European Court of Human Rights; European Union Charter of Fundamental Rights; European Convention on Human Rights; accession of the EU to the ECHR.

Current Events

Adel I. Abdullin, Rustem Sh. Davletgildev, Iskander R. Asatullin Trilateral Research Seminar about regionalism and international law at Kazan University (p. 189-196)

Obituary

Professor Emil S. Krivchikova (p. 197-198)

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The answers of Sergey Y. Naryshkin, the Head of the State Duma, to the questions of the Editor-in-Chief of Moscow Journal of International Law. Topic: “Coup d’état in Kiev in February, 2014 and International Law”