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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’etat in Kiev in February, 2014 and international law”. (p. 4-10).

## International Law and Politics

*Evgeny R. Voronin, Vyacheslav N. Kulebyakin, Alexey V. Nikolaev* The Coup d’etat in Kiev in February 2014: International Law Context and Consequences (p. 11-28)

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**Summary:** The article is devoted to the coup d’etat in Kiev in February 2014. The fact is totally ignored in relevant documents of the US President and in the EU documents. The consequences of the coup d’etat in Kiev was its recognition as legitimate by one part of the population in Kiev and in the western and central regions of the former Ukraine and non-recognition by another part of the population – in south-east regions, Donbas and Lugansk. The military attempts of Kiev to subdue Donbas and Lugansk population to new authorities of Kiev is qualified as illegal. Peaceful legal arrangements between new authorities of Kiev and Donetsk and Lugansk Peoples Republics are suggested.

**Keywords:** Coup d’etat, Kiev, Ukraine, President of the United States of America, EU, International Law

## Theoretical Issues

**Vladimir A. Kartashkin** Change of Normative Content of Basic Principles of Contemporary International Law (p. 29-39)

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**Summary:** Principles of international law appear, mature and finally may disappear. Thus the sphere of human rights principle accumulates new content including their international protection. The UN Charter has formulated cardinal new attitude of states to the interpretation and application of the principle of non – interference into internal affairs of states. States started refusing of their absolute sovereignty and recognizing the possibility of its rightful limitations. Some regional organizations gradually transform into unions of states. Within their territories currently in force are not only national law but regional and international law as well, which limits the sovereign law of member states to considerable extent.

**Keywords:** general principles of international law; human rights; the UN Charter; non – interference into internal affairs of states; sovereignty; regional organizations.

### **Human Rights**

**Alexey V. Ivanov** The Problem of the Legislative Sentence to the Death Penalty in Russia in the Context of International Obligations (p. 40-59)

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**Summary:** Legislative Sentence to the death penalty as an exceptional measure of capital punishment and its relation to the right to life have been a subject of public discussion for a long time, and nowadays they are topical ones for every civilized state. The International law prohibits the use of capital punishment by a country because the death penalty is the ultimate cruel, inhuman and degrading punishment as well as because the legislative Sentence to the death penalty is contrary to the basic principle of respect for human rights and fundamental freedoms including the recognition of an absolute right to human life. One of the essential conditions for invitation of Russia to the Council of Europe has been the legislative Sentence for the abolition of the death penalty, but Russia still has not ratified Protocol No. 6, and has not taken action on the absolute refusal of the death penalty, so the problem of the Sentence to the death penalty as a capital punishment, continues to be topical more than ever.

**Keywords:** right to life; the death penalty; juristic Sentence to the death penalty; crime; capital punishment; abolition of capital punishment; international obligations; the abolition of the death penalty; moratorium; ratification; Protocol No. 6; Protocol No. 13; the Second optional Protocol to the International Covenant on Civil and Political Rights.

### **International Water Law**

**Alexander N. Vylegzhanin, Helen E. Tertus** International Water Law as a Branch of Legal Science (p. 60-86)

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*Helen E. Tertus – Doctor of Laws. E-mail - sopspravo@mail.ru.*

**Summary:** The article is devoted to the international legal basis of fresh water resources management with primary attention to international watercourses, including legal regulations of navigational and non-navigational uses. The content of a special course – “International Water Law” is suggested. Special attention is paid to the legal regime of underground waters. The results of analysis of numerous international legal documents are represented in the article, both of historical and modern importance, including relevant documents prepared by the Association of International Law and by the International Law Commission of the United Nations.

**Keywords:** fresh water; management; international watercourses; International Water Law; International Rivers; navigational uses; non-navigational uses; underground waters; UN International Law Commission; Association of International Law.

### **Law of the Sea**

**Ekaterina S. Anyanova** The “Lotus”-case and the U. S. Control on the High Seas (p. 87 - 106)

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**Summary:** The article considers the issue of the existing gap in the United Nations Convention on the Law of the Sea, 1982 in the regulation of the suppression of terrorism at sea and transportation of the weapon of mass destruction at sea by means of the intergovernmental Proliferation Security Initiative on the weapon of mass destruction, Protocols of 2005 to the Convention on the suppression of unlawful acts against the safety of maritime navigation, 1988 and Protocol for the suppression of unlawful acts against the safety of fixed platform located on the continental shelf. Legal aspects of the suppression of terrorism at sea and weapon of mass destruction transportation are considered with emphasis on the principle of the exclusive jurisdiction of the flag state over the vessel on the high seas. This principle was first fixed in the international law in 1927 in the judgment of the Permanent Court of International Justice in the “Lotus” case.

**Keywords:** maritime security; terrorism at sea; transportation of weapons of mass destruction; the “Lotus” case; exclusive jurisdiction of the flag state.

### **Issues of Territory**

**Farhad Sabir oglu Mirzayev** Critical Views on Principle of *uti Possidetis* (p. 107 - 116)

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**Summary:** The paper deals with analysis of critical views on *uti possidetis* principle by various doctrines of international law. Four key arguments of critical approaches to *uti possidetis* principle are reviewed therein: (i) the principles’ conflict with self-determination; (ii) its limitation to decolonisation processes; (iii) its controversial nature due to existence of two forms, *uti possidetis de jure* and *uti possidetis de facto* and (iv) lack of grounds to be accepted as a norm of customary international law. The relevant counterarguments are produced against critical views on *uti possidetis* principle.

**Keywords:** *uti possidetis*; critics of *uti possidetis*; principle of international law; boundary and territorial disputes and conflicts; state practice.

### **International Environmental Law**

**Darya S. Boklan** “Ecologization” of International Economic Relations in the Context of Evolution of Concept of Sustainable Development (p. 117-134)

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**Summary:** The article gives grounds for necessity of interconnection of economic development and environmental protection. Elimination of conflict between economic development and environmental protection is possible on the basis of ecologization of international economic relations, meaning substitution of anthropocentric approach for ecocentric approach to the sustainable development. Evolution of the concept of sustainable development clearly shows that today economic development is not limited by the level of scientific and technological progress but by the state of environment. We are facing empowerment of environmental component of the concept of sustainable development comparing to its economic component. Principle of sustainable development has been formed as principle of international law. The author argues that principle of sustainable development is inter-branch principle of international environmental and international economic law.

**Keywords:** sustainable development; environment; economic development; international economic relations; environmental protection.

**Anna V. Kukushkina** Nuclear Disarmament and International Legal Regulation of Ecologic Security (p. 135 - 148)

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**Summary:** Conflicts and security problems continue to make part of contemporary world. The spread of conflicts, including armed conflicts, accumulation of weapons and nuclear build-up by nuclear power sand other big and small states are all of serious concern for the international community. The development of the body of international agreements in the sphere of protection of environment is of critical importance.

**Keywords:** environment protection; nuclear disarmament; international environmental law.

**Mohammad Sarvar Anvar** International Regimes of International Environmental Governance: Statement of the Problem (p. 149-164)

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**Summary:** The necessity of formation of Inter-native modes of international environmental governance in the absence of a single, global environmental policy and environmental improvements despite conclusion of new international environmental treaties and agreements is argued. The author's definition of an international regime of international environmental governance as a combination of international institutions, customary norms and principles, as well as formal resolutions and treaties prescribing actions the State shall in respect of a particular subject or problem in the region is suggested. It is proved that if the management of natural resources has gained some international experience, in relation to international environmental issues management is more complex due to scientific uncertainty, complex environmental degradation, and the difficulties of adoption and implementation of international obligations of States on their territory and hard harmonization with other states.

**Keywords:** international regime; international environmental governance; international environmental agreement; «soft» law; international organization.

### **Voices of the Young**

**Yuliya L. Belyaeva** *The Implementation of Article 20 of the United Nations Convention against Corruption 2003 into Russian Criminal Law (p. 165-178)*

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**Summary:** The article concentrates on the necessity of the implementation of article 20 of the United Nations Convention against corruption 2003 describing the regulation of illicit enrichment into Russian criminal law. The problems on the way of the criminalization of the article are connected with the principle of presumption of innocence and the right not to testify against oneself, the spouse and close relatives, which are guaranteed by the Constitution of the

Russian Federation. A detailed analysis of these principles was made from the viewpoint of International Law, and the possibility of their execution within the realization of the article criminalizing illicit enrichment. There was determined and argued the legality and necessity of implementing the norm regulating illicit enrichment into Russian Criminal Law.

**Keywords:** combating corruption; United Nations Convention against Corruption (UNCAC); illicit enrichment; presumption of innocence; the fairness of a trial; European Court of Human Rights.

**Moskwa Urszula** Status of the “Nord Stream” according to European Union Law  
(p. 179-189)

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**Summary:** In 2000, the European Commission has recognized, passing through the Baltic Sea «Nord Stream» project part of the Trans-European energy network. In September 2006, the Commission stated that it was one of the energy projects of the highest priority of the European Union, which is in the interests of the whole Europe. In 2006, the European Commission, the European Parliament and the European Council recognized the pipeline project as a project of European interest. This article explains the meaning of projects of common interest (priority projects, projects of European interest) in accordance with Decision No 1364/2006/EC of the European Parliament and of the Council of 6 September 2006 and Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013.

**Keywords:** Trans-European Energy Networks (TEN-e); EU; projects of common interest; priority projects; projects of European interest; energy law; «Nord Stream».

### **Current Events**

**Yuri N. Maleev** The ban on the import of certain products in Russia and its membership in the WTO (p. 190-195).

### **Book Shell**

**Alex Lobanov, Ekaterina Anyanova** Review of the book “The International Maritime Security Law” by James Kraska and Raul Pedrozo published in Leiden, Boston by Martinus Nijhoff. Publishers in 2013 (p. 196 - 206 ).