

Moscow Journal of International Law №3 (99) 2015

July-September

Moscow Journal of International Law was awarded a medal "70 Years of Victory in the Great Patriotic War of 1941-1945" (p. 4).

Theoretical Issues

Alexander N. Vylegzhanin, Elena S. Molodtsova, Inna P. Dudykina Foreign Research of the Law Applicable to Delineation and Delimitation of the Arctic Shelf. (p. 5-23).

Alexander N. Vylegzhanin – Doctor of Laws. Professor, Head of the Chair of International Law, MGIMO-University MFA Russia. Ilc48@mail.ru.

Elena S. Molodtsova – Doctor of Laws.

Inna P. Dudykina – PhD in Law.

Summary. The paper summarizes recent foreign publications on relationship between: – art. 76 of the UN Convention on the Law of the Sea (on delineation of the continental shelf from the Area – “common heritage of mankind”; – and art. 83 (on delimitation of the continental shelf between States with opposite or adjacent coasts). Taking into account that the authors of such publications are from the Arctic States, special attention is paid to what is relevant to the Arctic Shelf.

Keywords: international research in International Law; Arctic Shelf; delineation of the continental shelf; delimitation of the continental shelf.

Pages of History

Evgeniy R. Voronin To the 170th Anniversary of Professor F.F. Martens (1845–1909) (p.24 - 36).

Evgeniy R. Voronin – Ambassador Extraordinary and Plenipotentiary, Professor of the Chair of International Law, MGIMO-University MFA Russia. ilc48@mail.ru.

Summary. Russian school of International law played a pivotal role in the formation of the international legal order and the science of the contemporary international law. Underestimation of the doctrine of international law of professor F.F.Martens accompanied the history of international relations and international legal foundations of the modern world. The legacy of the school of professor F.F.Martens, the greatest lawyer and the talented diplomat of Russia, can be perceived as a legal instrument to resist the today's issues of international law fragmentation, legal nihilism and marginalization of the role of international legal norms in international relations.

Keywords: International law; F.F.Martens; Russian school of International law; Hague Peace Conference 1899; principle of nonintervention; international jurisdiction; Martens theory of international dialogue; idea of law as a fundamental idea of international law; Convention for the Pacific Settlement of International Disputes.

International Criminal Law

Ivan I. Kotlyarov, Yuliya V. Puzyreva International Law Aspects of the Functioning of the Internal Affairs Bodies of Russia (p. 37-57).

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Yuliya V. Puzyreva – PhD in Law, senior teacher of the Chair of Human rights and International Law of the Moscow University of the Ministry of Internal Affairs of the Russian Federation. yuliya_dugina@mail.ru.

Summary. The article is devoted to the analysis of the international treaties applied by the internal affairs bodies of the Russian Federation in the context of the maintenance of human rights, countering of organized crime, personnel training for foreign countries and other spheres of their activity.

Keywords: international treaty; internal affairs bodies of the Russian Federation; human rights; police personnel training; international organized crime; peacekeeping operation; armed conflict.

Alexandra Y. Skuratova Towards the Adoption of the Convention of Crimes against Humanity: Exploring the Materials of International Law Commission (p. 58-78)

Alexandra Y. Skuratova – Ph.D in Law, associate professor of the Chair of International law MGIMO-University MFA Russia. askuratova@mail.ru.

Summary. The present article provides the analyze of draft articles, provisionally adopted by International Law Commission relating respectively to the prevention and punishment of crimes against humanity and to the definition of this kind of crimes. The article covers as well the problems concerning the development of the conception of crimes against humanity within the work of International Law Commission and international criminal courts practice.

Keywords: crimes against humanity; International Law Commission; codification; draft articles.

Anna V. Shashkova FATF International Standards (2012) (p. 79-93)

Anna V. Shashkova – Ph.D in Law, associate professor of the Chair of Constitutional Law, MGIMO-University MFA Russia, Moscow Region Bar

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Summary. The present article is dedicated to the analysis of the International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, dated 2012, – the FATF (Financial Action Task Force) Recommendations. This act modified the FATF Recommendations, dated 2003. The present article gives a comparative study of the above two documents. The third and currently the final mutual evaluation of Russia took place in 2008. In case mutual evaluation of Russia happens today, which will the evaluation results be? The author gives their understanding of the possible results of such mutual evaluation of the RF under the risk- based approach. The article also dedicates to the impact of such risk-based approach on Russia and the steps the RF undergoes to follow the International Standards of FATF.

Keywords: international standards; FATF; financing of terrorism; financing proliferation.

International Organizations

Natalia S. Simonova The ICJ Advisory Opinions in the Mechanism of Ensuring of Meeting Commitments under International Treaties (p. 94-108).

Natalia S. Simonova – PhD in Law, docent, professor of the East-Siberian Institute of the Ministry of Interior (Irkutsk), seeker of Doctoral degree at the Moscow University of the Ministry of Internal Affairs of the Russian Federation, member of International Law Association (Russian branch). nns@mail.ru.

Summary. An article deals with significance of advisory opinions of the International court of justice for the process of ensuring for meeting commitments under international treaties. This article stressed upon the problem of entities that empowered to bring judicial questions before the Court as well as the problem of advisory opinions' nature. Being based on analysis of the ICJ advisory practice the main conclusion concerning the res judicata essence of the ICJ advisory opinions is

done. Advisory opinions' usage for meeting commitments under international treaties is underlined.

Keywords: advisory opinion; International court; international treaty; commitment under international treaty.

International and Municipal Law

Ilia V. Rachkov Recognition of the ICSID Awards in the USA (p. 109-130).

Ilia V. Rachkov – L.L.M. (Frankfurt am Main), attorney at law (Russia), assistant professor of the Chair of International Law, MGIMO-University MFA Russia. irachkov@kslaw.com.

Summary. This article deals with the current court practice of the US courts in connection with the recognition and enforcement of the decisions rendered by the international investment arbitration institutions, rendered in favor of the investor against any state (focusing on the ICSID arbitral awards). It also gives the up-to-date overview of the court practice (took place before 2015) with regard to such cases considered without notification of another party to a dispute (i.e. of the state). As the result of the research, the author concludes that at the moment the US court practice has two polar approaches, which leads to the following question: is it possible to apply the order for the recognition of the judgment of the other state so as to affirm the decision of the ICSID, where only one party is present? This question is also of importance for Russia as for the active party to different BITs.

Keywords: foreign investments; bilateral investment treaties; International Center for Settlement of Investment Disputes – ICSID; the 1965 Washington Convention, notification of the parties.

Vyacheslav I. Balakin International Legal Aspects of Taiwan's Participation in East Asian Integration under the National Law of Taiwan (p. 131 - 147).

Vyacheslav I. Balakin – Ph.D. in Law, leading researcher of the Centre of Strategic Problems of the North East Asia and the Shanghai Cooperation Organization, Institute of Far Eastern Studies, Russian Academy of Sciences. viacheslavbalakin@rambler.ru.

Summary. The problem of Taiwanese statehood has acquired in the relation between Beijing and Taipei not only theoretical but practical character. In significant degree it depends on success or not success of promoting in East Asia regional integration model, which had offered by PRC. East Asian integration process is developed today in the direction of creating by region's states some real conditions for permanent growth that afford in not so far perspective to form real China-centripetal "power vector". Technological and financial potentiality of Taiwan is rendered very needed one from the Chinese side as itself but not only growing from the desire to be incorporated toward global system of high tech production on the West proposed terms meaning big overseas investments and wonderful tempo of economic growth but simultaneously securing the full openness of Chinese inner market for realization of liberal social reforms. Whether in the relations with the West, Chinese government stick successively to very careful since progressive approach during realization of reforms but on the Taiwanese direction Beijing does its best to exclude in full any steps which could lead inner political or economic instability in the country up.

Keywords: China; Taiwan; East Asia; integration; Chinese statehood.

Inna A. Rakitskaya Referendum in Sweden: Specific Features of Organization and Practice (p. 148-160).

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Summary. Candidate of Judicial Sciences, associate professor, Department of Constitutional Law of Moscow State Institute of International Relations (University) of Russian Ministry of Foreign Affairs The present article is devoted to the institution of referendum in Sweden. The article describes the issues related to the peculiarities of normative regulation of this institution in Sweden, procedure of organization, consequences of holding both national and local (communal) referenda. Specific attention is paid to the analysis of the referenda which have been already held in this Scandinavian country.

Keywords: Sweden; referendum; electoral law; system of elections; direct democracy.

International Labor Law

Anna I. Ivanchak Labour Contract with a Foreign Citizen: Changes to the Russian Legislation (161 - 176)

Anna I. Ivanchak – Doctor of Laws, Professor; professor of the Chair of International Private and Civil Law, MGIMO-University MFA Russia. ivanchak@mail.ru

Summary. This article is dedicated to the amendments in the Russian legislation governing the questions of migrant labour. Particularly, the author analyzes the provisions of the Federal law “On introducing amendments to the Labour Code of the Russian Federation and the Article 13 of the Federal law “Concerning the legal status of foreign citizens in the Russian Federation” regarding labour of foreign citizens and stateless persons”. A new chapter 50.1 “Regulatory aspects of employment of foreign citizens and stateless persons” was introduced to the Labour code of the Russian Federation. New provisions came into force on December 13, 2014 and filled in the gaps in the Russian legislation that regulates the labour relationships, where one of the parties is a foreign citizen. The author investigates the legal regime for conclusion, modification and termination of such labour contracts offered by the legislator.

Keywords: foreign worker; labor contract with a foreign citizen; conclusion of a labor contract with a foreign citizen; modification and termination of a labor contract with a foreign citizen; dismissal from work.

International Air Law

Nikolay N. Ostroumov The System of Carriage by Air Regulation Unification in International Private Law and its Application (p. 177 - 196).

Nikolay N. Ostroumov – Doctor of Laws, professor of the Chair of International Private and Civil law MGIMO-University MFA Russia. privintl@yandex.ru.

Summary. This article dedicated exclusively to the analysis of current problems of carriage by air on the international level in Russia. The article may serve as a scientific and practical commentary and comparative analysis of the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 28 May 1999) and the system of the Warsaw Convention 1929 documents application problems. The author examines problems of legal sources on international air carriage regulation application, the legal nature of the contract of carriage. A central part of the article is taken by such issue as the problem of joining of Russian Federation to Montreal Convention 1999. The article also covers the issue of claims against the carrier, and the insurance of carrier's liability.

Keywords: international carriage by air; contract; unification; Montreal Convention 1999; Warsaw Convention 1929; application; passenger; cargo; destination.

European Union Law

Mikhail M. Birukov Topical Aspects of the Legal protection of Personal Data in the European Union, the United States and Russia (P. 197-208).

Mikhail M. Birukov – Doctor of Laws, professor, head of the Chair of European Law, MGIMO-University MFA Russia. kafedra-ide@mgimo.ru.

Summary. In the European Union the highest standards in the field of personal data protection were established two decades ago. Going forward, in a number of European legal sources, these standards have been developed and supplemented, and now the protection of personal data in accordance with EU law is among the fundamental Human Rights. The EU is dominated by the trend of a universal approach to the protection of personal data, the harmonization and unification of the relevant rules of EU law for all 28 Member States. In comparison, the United States

Keywords: Personal data; the Law of the EU (TEU, TFEU); United States (USA Patriot Act, the Act on the freedom of the United States in 2015, Safe Harbor Privacy Principles); right to digital “oblivion” in the Internet; Russian Federal Law “On personal Data” as of 27.07.2006 with amendments of 01.09.2015.

Rustam A. Kasyanov Instruments of International Financial Market for Small and Medium-Sized Enterprises (P. 209-220).

Rustam A. Kasyanov – Ph.D. in Law (Russia), Ph.D. in EU Law (France), senior lecturer of the Chair of European Law MGIMO-University MFA Russia. rprof@mail.ru.

Summary. When in August 2015 the Chinese stock indexes were significantly downgraded, it became clear that China was unable to pull the world economy out of crisis which we have been witnessing during the last years. The low economic growth, heavy credit burden on enterprises and governments, high unemployment level – these are the problems which almost all governments try to tackle. Taking into account a high volatility in financial and commodities markets, the whole situation leaves much to be desired. In such cases is it difficult to find any effective means to solve the above problems, however it is possible, and one of such solutions is support of small and medium-sized enterprises. Thus, the

European Union has decided to make the European financial markets more accessible for small and medium-sized enterprises providing the latter with additional financing opportunities. Solution to this challenge does not require allocation of significant sums (unlike granting loans to key banks of the euro zone or subsidizing companies). The idea is only to establish favourable conditions for European entrepreneurs in the European financial markets.

Keywords: European Union; European financial markets; Markets in Financial Instruments Directive; Multilateral trading facilities; Small and medium-sized enterprises.

Daniil A. Turlanov European Union's Trade Policies on Foreign market Access of Goods and Services (p. 221 - 238).

Daniil A. Turlanov – Ph.D. in law, senior specialist (lawyer) in Trade representation of Russia in Bulgaria. daniil-turlanov@yandex.ru.

Summary. European Union takes one of the leading positions in the world export not only due to high competitiveness of its products and services, but also because of its foreign market access measures. At present Russia pays great attention to the development of the national export aiming to be among world export leaders by 2030. In connection with this fact EU trade policy on foreign market access may be used by Russia in reaching mentioned goal. Besides, EU supranational experience in this field is of particular interest because of the transfer of Russia's competence in external trade regulation to Eurasian economic union.

Keywords: export support; market access; European Union; foreign trade.

Voices of the Young

Alina V. Petrova International Jurisdiction Agreements: Legal Aspects (p. 239-251).

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Summary. In the article the problems of legal regulation of international jurisdiction agreements are considered on the basis of analysis of international acts and of legislation and court practice of Russia and France. In the opinion of the author, misunderstanding of special legal nature sui generis of international jurisdiction agreements conditions existing problems of legal regulation of such agreements. Based on results of the research spheres of the Russian legislation to be enlarged and amended are determined and the suggestions regarding possible amendments into the Russian Arbitrazh Procedure Code and Civil Procedure Code are made in respect of international jurisdiction agreements.

Keywords: sui generis legal nature of international jurisdiction agreements; problems of legal regulation of international jurisdiction agreements; supranational and national aspects of legal regulation of international jurisdiction agreements.

Stanislav E. Kuzmin The Delaware General Corporation Law: Business Corporations Merger (consolidation) Transactions (P. 252-264).

Stanislav E. Kuzmin – Legal adviser of the Joint-stock company “HeliVert”, post-graduate student of the Chair of International Private and Civil Law, MGIMO-University MFA Russia stanislav.kuzmin@gmail.com.

Summary. The study and analysis of U.S. law on mergers and acquisitions of companies (corporations) from the standpoint of comparative legal studies allow more accurately and deeper to represent the state of the modern foreign legislation

in the sphere of corporate regulation, to identify the features of such regulation, to provide an analysis of its development prospects and opportunities of influence on the Russian economic agents. Since the most popular jurisdiction for registration of corporations in the United States is Delaware, in this article will be considered issues of legal regulation of conduct of merger (consolidation) on the example of the General Corporation law of this state. The pattern of regulation of merger (consolidation) of the state of Delaware is followed by the majority of the United States.

Keywords: mergers and acquisitions; Corporation; General meeting of shareholders; Board of Directors; subsidiary company; acquisition vehicle.

BookShell

Bakhtiyar R. Tuzmukhamedov Review of the book “The Law and Practice of the International Criminal Court” /Ed. by CarstenStahn, Oxford University Press, 2015, c, 1326 pp. (p. 265-267)

Evgeniya N. Neverova Review of the book “Russian Kuril Islands: History and modernity. Collection of documents on the history of formation Russian-Japanese and Soviet-Japanese border” (authors – V.K. Zilanov, AA Koshkin, A.Yu.Plotnikov, SAPonomarev). M.: OOO "Publisher Algorithm", 2015. 400 p. (268-276).

Obituary

Gennady V. Bobylev (1936-2015) (p. 277-278).

Prof. Gennady M. Melkov (1932 - 2015) (p. 279-280).