

Moscow Journal of International Law №3 (103) 2016

July-September

History of International Law

Boris I. Nefedov The Emergence of International Private Law. Part 2 (p. 3-18).

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Summary. The present article is dedicated to the most significant conditions that led to the creation of international private law (IPL), and in that light covers the analysis of distinct issues of its evolution throughout different stages of society's development up to IPL's emergence as a structural element of law.

Keywords: the evolution of international private law; the emergence of international private law; the emergence of international private law as a science.

Law and Politics

Mark L. Entin The Cornerstones of the Post-World War II and the Contemporary International Law: the View from Moscow and Beijing (p. 19 - 30).

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Summary. The starting point for a lot of legal and political science publications concerning global issues appeared lately in the USA and countries of the EU is that China and Russia are renegade powers trying to undermine existing postmodern world economic and political order. Some authors in other regions,

even in Russia, follow such an erroneous approach. In real life the situation is entirely different. The world order that emerged after the end of World War II was created with China and Russia participation. They made a major contribution to its establishment. It suits their interests. The main pillars of this world order are sovereign equality of states, noninterference in their internal matters, international cooperation and the prohibition to use force. After the dissolution of the USSR so called western democratic nations made their best to change that and acquire the legal right to use different types of force unilaterally and to interfere in internal life of other states on different grounds, proclaiming that postmodern developments changed the essence of the notion of sovereignty. They pretend that they succeeded to do this and persuade others. It is not true. They failed. Russia and China managed to preserve the core values of the post-World War II order. They stick to modern international law and are its most important protectors and promoters. All their recent global political, nonproliferation and economic initiatives are the prove of it.

Keywords: world order; modern international law; Charter of the United Nations; responsibility to protect; China; Russia; Great Eurasia.

International Economic Law

Alexander N. Vylegzhanin, Ksenia E. Alferyeva Contribution of the International Court of justice to the Development of International Economic Law (p. 31-48).

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Summary. The paper is focused on the practice of settlement by the UN International Court of Justice of disputes concerning the international economic law. It exposes criteria of application of diplomatic protection, nationalization with just and real compensation in accordance with the applicable rules of international law. It also specifies such principles of International Law as independence of States in international economic relations; inherence of rights of a State on natural resources within the State's territory; the national treatment regime and the most favored nation clause applied on non-discriminatory basis.

Keywords: International economic law; dispute settlement; diplomatic protection; the most favored nation treatment; the national regime; practice of the UN International Court of Justice.

Ilia V. Rachkov, Nadezhda A. Churilina “Yukos v. the Russian Federation” and the Jurisdictional Immunity of the State (p. 49-67).

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Summary. Former shareholders of “Yukos” started proceedings aimed at recognition and enforcement of the 3 arbitral awards dated 18 July 2014 rendered on the claims against the Russian Federation. By these awards, the arbitral tribunal ordered Russia a compensation (ca US\$50 billion) to the shareholders of Yukos. In some countries of the world, the claimants did manage to obtain orders of arrests of Russian property. This attracted attention (also of the highest Russian authorities) to the quality of the international law advice aimed at protection of the interests of Russia and its companies. In this context the issue on how the jurisdictional

immunity of Russia's property as a foreign state operates became of a particular importance.

Keywords: jurisdictional immunity of a state and its property; international investment arbitration; Energy Charter Treaty.

International Environmental Law

Anna V. Kukushkina Chemical and Bacteriological Disarmament and International Legal Regulation of Environmental Security (p. 68-76).

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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 chemical and bacteriological weapons build-up by nuclear powers and 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 the environment is of critical importance.

Keywords: environmental protection; chemical and bacteriological disarmament; international environmental law.

Diplomatic Law

Amina A. Nagiyeva Diplomatic Protection: the Interpretation of International Legal Clauses of the Exhaustion of Local Remedies (p. 77-85).

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Summary. The requirement of exhaustion of local remedies in the host State is one of the basic conditions to realize the right of diplomatic protection. The article reveals the mechanism in detail and ensure compliance with this principle in

the host State and the consequences of non-compliance with this requirement for injured person and for states (host state and state of nationality). To ensure the legal base of this principle are analyzed in detail the international conventions and arbitration practice.

Keywords: Diplomatic protection, local remedies; the host State; responsible State; the ILC Draft Articles on Diplomatic Protection 2006 Ambatielos case.

Issues of Territory

Dmitry K. Labin, Ivan V. Panichkin Legal Perspectives for Cooperation of the Arctic States in the Development of Offshore Oil and Gas Resources in the Arctic (P. 86 - 94).

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Summary. The article discusses the current legal framework of cooperation between the Arctic States in the development of offshore oil and gas resources in the Arctic and assesses the prospects for development of such cooperation.

Keywords: Arctic offshore oil and gas resources; the Arctic Council.

Vera M. Savva Norwegian State Practice and the Treaty Relating to Spitsbergen (Current International Law Issues) (p. 95 - 103).

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Summary.The author reviews the key international legal actions undertaken by Norway since 1977 in avoidance of the Treaty of 9 February 1920 relating to Spitsbergen (hereinafter – “Spitsbergen Treaty”), as well as their significance in terms of spatial extension of the sovereign rights of Norway in the Arctic. It is highlighted that Norway’s policy is based on restrictive interpretation of the Spitsbergen Treaty and replacement of its specifically created status of Spitsbergen by UN Convention on the Law of the Sea. In this connection the author analyses foreign doctrine, legal precedents, which all deny unequivocal application of restrictive approach to interpretation of a treaty, in disregard of its object and purpose. The article considers an “alternative” legal argument of Norway which asserts that Norway’s sovereignty over Spitsbergen has arisen and is currently effective by virtue of the customary law; the above argument is also set aside with reference to legal and factual counterarguments. The author concludes that applicable sources of international law challenge legality of actions that Norway is undertaking, as a result of which Norway’s legal position requires substantive improvement and affirmation.

Keywords:Spitsbergen; Treaty of 9 February 1920 relating to Spitsbergen; 200-mile fishery protection zone; Spitsbergen shelf; UN Convention on the Law of the Sea.

Voices of the Young

Stanislav S. Ageev, Maxim I. Inozemtsev Features Inherent to Law Regulation of Arbitrage in Russian and the USA (104 - 117).

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Summary. This article is devoted to the study of principal features inherent to law regulation of arbitrage in Russia and the USA, which has been performed in the light of a wide-scale reform of arbitrage courts in Russia. The article is based on a comparative law analysis of the main provisions from FZ «About arbitrage (arbitration) in the Russian Federation» and Uniform Arbitration Act (UAA and RUAA), from Zakon «About international commercial arbitrage» and Federal Arbitration Act (FAA). In the conclusion there are certain measures suggested, which aim is the further improvement of arbitration in Russia.

Keywords: Arbitrage courts reform; national and international arbitrage; international commercial arbitrage; ICAC; MAC; American Arbitration Association; Federal Arbitration Act; Uniform Arbitration Act; Revised Uniform Arbitration Act; ad hoc, permanent arbitrage establishments.

Polina S. Barabanova The Particularities of the Legal Status and Liability of the Parties of the Contractual Relations within the Sphere of Tourism in England (p. 118-126).

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Summary, The article is devoted to the special aspects of the legal status of the organizer, retailer and consumer as the parties of the contract which package, pursuant to special legislation within the touristic sphere in England, is organized under. The particularities of the definition «consumer», special aspects of organizer's and retailer's duties and liability including the problem of the absence of division of organizer's and retailer's responsibilities and particularities of the cases: careful attention to the matters concerning the proof of causation between the breach of contract and damage, tendency towards the balance between

consumers' rights defense and abuse of such rights prevention were examined by the author.

Keywords:package travel; England; organizer; retailer; consumer.

Elena V. Norkina Legal Framework of Cooperation of Russia and the United States in the Bering Strait Region (p. 127 - 135).

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Summary.The concept of «the Bering Strait region» is a relatively new for the science of international law. Despite this international cooperation in this region is carried out. The article considers the existing agreements concerning the Bering Strait region that were signed by Russia and the United States. The agreements relate to the maritime border between Russia and the United States; cooperation in combating pollution in the Bering and Chukchi seas in emergency situations; conservation and management of the Alaska-Chukotka Polar Bear Population; cooperation to prevent, deter and eliminate illegal, unreported and unregulated fishing; mutual visits by inhabitants of the Bering Straits region; the Bering Strait Regional Commission; scientific and technical cooperation. Based on the analysis of existing bilateral agreements the main conclusions and recommendations are made for further successful bilateral cooperation between the US and Russia in the Bering Strait region.

Keywords:the Bering Strait; the Bering Strait region; the legal regime of the Bering Strait; the International cooperation of the Russian Federation and the United States.