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International Humanitarian Law

Ivan I. Kotlyarov, Yuliya V. Puzyreva Non-state Armed Groups and International Humanitarian Law (p. 3 - 22)

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Summary: The article provides a comprehensive analysis of the problems associated with a significant increase in the number of private military and security companies are actively involved in armed conflict presents issues of legality of their participation in hostilities, analyze the possibility of regulation of their activities by international humanitarian law. Special attention is paid to the authors of the status and prospects of forming an international regulatory framework for the management, monitoring and control of the activities of private military and security companies.

Keywords: private military and security companies; international humanitarian law; the Montreux Document; the Convention on private military and security companies; Working Group; non-state armed groups.

International Environmental Law

Larisa V. Vereina Definition of Transboundary Damage to the Environment *per se* (p. 23 - 31)

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Summary: The paper analyzes the international legal problems of the transboundary damage definition, particularly damage/harm to the environment per se. Currently the existing legal regimes for transboundary damage only marginally offset the costs of preventive measures designed to prevent or mitigate damage to the environment and the cost of its repair or restoration. But the advantage of this approach is to avoid the difficult problem of defining environmental damage and its economic assessment, as this problem – the main reason why most liability regimes do not directly include compensation for the damage to the environment per se.

Keywords: international liability; lawful activities; environment; transboundary damage; environmental harm

Elvira F. Pushkareva Enforcement of the Environmental Protection by the means of Economic Activity Regulations: International Law Perspective (Part 2) (p. 32-46)

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Summary: The articles addresses three directions in the International law, those developments may lead to the efficiency increase of in enforcement of the environmental protection by the means of Economic Activity Regulations. Those directions include the Environmental Protection in the WTO, Environmental Provisions of International Investment Agreements and Environmental Policy of the International Financial Institutions.

Keywords: International Environmental Law; International Economic Law; Environmental Provisions of International Investment Agreements; Environmental Policy of the International Financial Institutions; Environmental Protection in the WTO.

International Space Law

Gennady P. Zhukov, Olga A. Volynskaya 52nd Session of the Legal Subcommittee of the UN Committee on the Peaceful Uses of Outer Space and the Problems of International Space Law (p. 47 - 58)

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Summary: The UN Committee on the Peaceful Uses of Outer Space , which consists of the Scientific and Technical and the Legal Subcommittees, is the main international center for the interaction of states and international organizations in the area of space. Current challenges of space operations commercialization on the one hand, security and long-term sustainability on the other have forced the Committee to reassess the traditional priorities of its activity. The present article considers the results of the latest session of the Legal Subcommittee of April 2013 and their influence on the establishment of a new political and legal regime of the global space activities.

Keywords: UN Committee on the Peaceful Uses of Outer Space; Legal Subcommittee; space activities; commercialization; international space law.

International Air Law

Yuri N. Maleev United Regional Sky: Concept and Reality (p. 59 - 69)

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Summary: In the recent years the concept of United regional sky became popular in the world aviation circles. In the European Union it is realized by the corresponding Agreement of 2006. The key point of the Agreement: the right to fly to any state – member of the Agreement with no limits as to choice of the route and number (frequency) of flights, as well as possibility to realize this right by any of the air companies registered in the participating state. The air space is divided into functional «blocs» depending of the streams of air movement but not of the national borders.

Keywords: air space; united regional sky; flights of aircrafts; functional blocks of air space; route of flights; number (frequency) of flights.

International Financial Law

Vladislav V. Kudryashov Soft Law as International Financial Regulation Method in the Foreign Financial Law Doctrine (p. 70-89)

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Summary: The article deals with the foreign approaches to soft law as a range of non-binding instruments issued by the international financial institutions. Soft-law method is widely recognized and has practical application in all areas of international financial regulation although till now there is no single understanding of this phenomenon both in the Russian and foreign law doctrines. The method is particularly widespread in the international financial sphere where its instruments include various codes of conduct, best practices, key principles, guidelines, recommendations, and instructions known as “international financial standards”. These standards are developed by international financial regulators – the IMF, the Basel Committee on Banking Supervision, IOSCO, FATF, the IASB and others, and its compliance is stimulated and jointly controlled by the IMF and the World Bank. It is concluded that the interaction of hard and soft law is increasingly important in the globalizing world and it is necessary to conceptualize its ambivalent results.

Keywords: international financial law; financial regulation; soft law; financial standards.

Law and Politics

Ergali T. Baildinov *A New International Law* (p. 92-102)

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Summary: The article is dedicated to the problem of basic principles of international law co-relation between each other. The author argues a necessity of recognition of the basic principles non-equal legal force. He proposes a new view on international law whose main social objective should be recognized as ensuring a sustainability of global human development

understood as a global social harmony. As a basis for a *new* international law the basic principles of international law author-seen hierarchy is proposed.

Keywords: New International law; basic Principles; sustainability; global development.

Private International Law

Alexandra N. Khizunova Cross-border Insolvency Protocols as Special Instrument of Cross-border Insolvency Proceedings (Part 2) (p. 103 – 123)

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Summary: In the first part of this article author discusses the principles and models applicable to cross-border insolvency cases and problems of their direct application. Moreover author considers different international documents worked out as the basis for cooperation in case of cross-border bankruptcy that may be used in Insolvency protocols, as well as the case law of foreign states on that problem. In the second part of the article author examines the basic elements of Insolvency protocols. Author analyzes Insolvency protocol drafted in the case of one of the largest US investment bank. Author concludes that the Insolvency protocols are quite effective and are widely applied by the foreign courts. The application of Insolvency protocols in Russia is possible among other issues due to the difficulties in recognition of foreign bankruptcies in Russia.

Keywords: Cross-border Insolvency (Bankruptcy); (Cross-border) Insolvency Protocol; Agreements concerning the Coordination of Foreign Insolvency (Bankruptcy) Proceedings; Amended (Modified) Universalism; Reciprocity.

Voices of the Young

Konstantin V. Karpenko Legal Fictions and Presumptions in Russian Constitutional Law (p. 124-144)

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MFA Russia.*

Summary: The article focuses on the role and significance of legal fictions and presumptions in modern Russian law. Analyzing the Constitution of 1993, several important federal statutes, and also the practice of the Constitutional Court, the author concludes that the fictions and presumption are a separate and, in many ways, a unique phenomenon in the legal regulation and cannot be reduced solely to legal technique. Through fictions and presumptions the law is capable of internal, self-supporting development.

Keywords: Constitution; legal fact; legal fiction; legal presumption; legal rules.

Elena A. Horrmann Main Sources of Unification of the Civil and Commercial Law in the EU
(p. 145-162)

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Summary: This article is dedicated to the theoretical and practical aspects of the unification and harmonization of the civil and commercial law in the EU. The article provides the information about main sources of the European law, eg. Treaty on European Union (Consolidated version 2012) and Treaty on the Functioning of the European Union (Consolidated version 2012). The author also thoroughly analyses and estimates the Rome I and Rome II regulations, as the most important and successful acts concerning unification and harmonisation of the European civil and commercial law nowadays.

Keywords: sources of European law; Rome I and II Regulations; 1980 Rome Convention; contractual obligations; non-contractual obligations; conflict of laws; choice of law; unification; harmonization.

Current Events

Conference at MGIMO-University “Current Theoretical Issues of Modern International Law”
(October 3, 2013) (p. 163)