полеты воздушных аппаратов (судов) той или иной национальной (государственной) принадлежности.

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УДК 341.2+347.965(043.2)

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INTERNATIONAL STANDARDS FOR BAR AND ADVOCACY REGULATION

As of June 2011 (Poland became a member of the EU since 1 May 2004), only 57 foreign lawyers were registered in the official registers, 12 of which were from EU Member States. At the same time, if you look at the pages of international law firms, the vast majority of them have offices in Warsaw, and some - even in other cities where big business is concentrated (Wroclaw, Gdansk, Katowice).

The Polish legal services market is considered to be one of the most liberal in the European Union. From a formal legal standpoint, legal services in Poland can be provided by anyone, even without a law degree. The legal basis for such activity is the Law of freedom to conduct a business (pol. «Ustawa o swobodzie dzialannosci gospodarczej»). Typically, such "legal services" cover the provision of oral and written advice, the preparation of claims and legal opinions, and sometimes even counsel and practical assistance in the conduct of court cases, including the preparation of procedural documents on behalf of a party to the process, but not signing them as representation. There is a monopoly of lawyers and legal advisers in Poland (adwokat lub radca prawny).

As a general rule, legal practitioners in Poland are allowed to practice abroad. Such a possibility is envisaged in the Law on Legal Assistance to Foreign Lawyers in Poland, adopted on 5 July 2002 (in the Polish language: "Ustawa o swiadcheniu przez prawnikow zagranicznych pomocy prawnej w Rzheczypospolitej Polskiej"). In doing so, different criteria have been set for the admission of lawyers from European Union countries and other countries.

The scholars identify two major groups of legal sources that contain international standards in the field of advocacy. The first group is a variety of international treaties of a general nature, regulating advocacy mainly indirectly. By fixing the guarantees of the right to defense, obtaining qualified legal assistance, setting the basis for a fair trial, these agreements thus determine the

basic principles for the organization and operation of the bar. These include the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, as well as documents establishing international standards for the arrest, detention and custody of persons (a set of principles for the protection of all persons, detained or imprisoned (December 9, 1988), the Minimum Standard Rules for the Treatment of Prisoners (August 30, 1955). According to Article 3 § 6 (3) of the Convention and§ "D", Part 3, Art. 14 of the Covenant, anyone charged with a criminal offense has the right to defend himself or herself through the legal assistance of a lawyer, and, in the absence of sufficient funds to pay for the services of a lawyer, to use the services of his or her designated counsel for free. Part 1 of Art. 11 of the Declaration requires that all persons accused of crimes be provided with "every opportunity to defend themselves". Part 1, paragraph 17 of the Code of Principles establishes the right of every detained person to obtain legal assistance from a lawyer.

The second group consists of specific international standards for the qualification of lawyers, the organization of the activity of the bar, the international norms on the rights, duties and responsibilities of lawyers. Rules of this nature are contained in the Guidelines on the Role of Advocates adopted by the Eighth United Nations Congress on the Prevention of Crime (27 August - 7 September 1990) [1], in the General Code of Conduct for European Community Lawyers, adopted by the Council of Bars and Law Societies of Europe (CCBE) on October 28, 1988 [2], in the Charter of Core Principles of the European Legal Profession, adopted by CCBE on November 24, 2006 [3].

The Charter is advisory but clearly reflects the most basic international standards in the field of advocacy. These are the principles of freedom and independence of the lawyer, lawyer’s secrecy, avoid conflict of interests, maintain the professional honor and dignity of the lawyer, protect the client’s interests, competence, respect of colleagues, the principle of legality, corporate self-government. The same principles are enshrined in the Code (§ 2.1-2.3, 2.7, 3.2, 4.1, 5.1) and the UN Framework (§ 9, 12, 14, 15, 24).

In addition, the basic provisions of the UN enshrine the foundations of the interaction between the bar and the state and, above all, the independence of the bar. It is the duty of states to guarantee such independence - corporate self-government, legal immunity (§16-23, 28). In addition, the public function of the bar and the obligation of the state in this regard to ensure its implementation is emphasized - the access of citizens to qualified legal aid, including free of charge (paras. 2, 3, 5-8).

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УДК 346.7(043.2)

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РАЗВИТИЕ МЕЖДУНАРОДНОГО ИНВЕСТИЦИОННОГО ПРАВА НА СОВРЕМЕННОМ ЭТАПЕ

Основными источниками регулирования любых иностранных инвестиций, в том числе и в сфере энергетики, в настоящее время являются двусторонние инвестиционные договоры (или БИТ – *Bilateral Investment Treaties*), первым из которых стал договор о поощрении и защите иностранных инвестиций между Германией и Пакистаном 1959 г. К концу 2011 г. число БИТ достигло 2833 (к ним можно добавить более 300 международных региональных, секторальных соглашений и договоров о свободной торговле и иных международных договоров, содержащих положения о защите инвестиций). Таким образом, на современном этапе двусторонние инвестиционные договоры стали системообразующим и доминирующим фактором в международном инвестиционном праве.

Значительная часть БИТ предусматривает в качестве одной из альтернатив рассмотрения споров арбитражные трибуналы в рамках Международного центра по разрешению инвестиционных споров, созданного на основании Вашингтонской конвенции 1965 г. (далее – Конвенция ИКСИД) [3, с. 838-840]. Популярность ИКСИД обусловлена рядом факторов, в том числе удобством инфраструктуры обслуживания арбитражного разбирательства, исключительной эффективностью исполнения вынесенных арбитражными трибуналами решений, расширением юрисдикции арбитражей ratione personae за счет широкого толкования понятия иностранных инвестиций и зонтичных оговорок.

Вместе с тем, несмотря на количественное доминирование БИТ, в настоящее время можно отметить тенденцию регионализации международно-правового регулирования иностранных инвестиций. Отчасти это связано с провалом попыток разработать комплексное многостороннее соглашение по защите иностранных инвестиций – проект Конвенции о защите иностранной собственности 1963 г., равно как и проект Многостороннего Соглашения по Инвестициям 1995 г. так и