

AL-FARABI KAZAKH NATIONAL UNIVERSITY

**Approved at a meeting
of the Academic Committee
of Al-FarabiKazNU
Minute No. 6
dated June 22, 2020
Vice-rector for Academic Affairs
_____ Hikmetov A.K.**

**PROGRAM
OF SPECIALTY ENTRANCE EXAMINATION
FOR APPLICANTS TO THE DOCTORAL SPECIALTY
“8D042 - INTERNATIONAL LAW”**

ALMATY 2020

The program is compiled in accordance with the State educational standard in the specialty “8D042 - International Law”. The program was compiled by Candidate of Law Sciences, Associate Professor G.A.Mashimbayeva, and Candidate of Law Sciences, Acting Professor SairambayevaZh.T.

The program was considered at a meeting of International Law Department
Minute No. 18 dated April 28, 2020
Head of Department _____ SairambayevaZh.T.

Approved at a meeting of the Faculty Methodical Bureau
Minutes No. 10 dated May 5, 2020
Chairman of the Methodical Bureau _____ G.A.Mashimbayeva

Approved at the meeting of the Scientific Council
Minutes No. 10 dated May 6, 2020
Chairman of the Scientific Council
Dean of the Faculty _____ AidarbayevS.Zh.

CONTENT

1.Goals and objectives of the entrance exam in the specialty: determining the level of knowledge, skills and ability to express thoughts clearly and reasonably, as well as identifying the analytical abilities of the examinees in the specialty “8D042-International Law”, necessary for studying in a Master's Degree and obtaining an Academic Degree “Master in International Law”.

Entrance exam form: - written exam. The examiners write down their answers to the questions of the exam ticket on the answer sheets, which are checked by the examining board in encrypted form.

2.Requirements for the level of training of people entering doctoral studies: applicants must show good and in-depth knowledge in the field of the general and special part of international public law, international private law, including issues of the international civil process. At the same time, the examiner's attention should be focused on the analysis of the legal framework of the international activities of the Republic of Kazakhstan and international universal documents.

3.Prerequisites of the educational program: a preliminary study of the following disciplines by applicants is expected:

Theory of State and Law

Public International Law – General Part

Public International Law - Special Part

Private international law

4.The list of examination topics:

Discipline “Public International Law”

1. The concept and nature of modern International Law.The concept and components of the international system.Politics, law and power in the interstate system.International law and other social norms functioning in the international system. The special nature of international law, its differences from national legal systems. The concept, subject and methods of regulation of international public law.The objective basis of international law.The functions of international law.International public and private international law.The concept, method and mechanism of international legal regulation.The problem of increasing the effectiveness of international law.International law and global problems of our time.

2. The history of International Law and its science.The emergence of international law and the problem of periodization of its history.International law of antiquity. International law of the Middle Ages. The emergence and development of the science of international law.Hugo Grotius as the founder of the science of international law and his followers.International law of modern

times. The formation and development of classical international law. International law of the era of the League of Nations. The history of the UN. The UN Charter as the main document of modern international law. The development of international law in the conditions of the Cold War. The process of decolonization. STR and its influence on the development of international law. International law in the history of Kazakhstan.

3. The system and sources of International Law. The concept and basic elements of the system of international law. The structure of international law. Norms of international law and their classification. Institutes and branches of international law. The concept of sources of international law and their types. International treaty and custom, their ratio. Assistive tools for determining legal norms. Unilateral Statements. Extraterritorial effect of national law. General principles of law recognized by civilized nations. Acts of international conferences. The role of the public and doctrines in international lawmaking. Codification and progressive development of international law.

4. The basic Principles of International Law. The concept and system of basic principles of international law. The historical conditionality of the basic principles of international law. Documents fixing the basic principles. Formation, development and regulatory content of the basic principles. The dialectical relationship of the basic principles of international law. The issue of new basic principles of international law.

5. The Subjects of International Law. Features of the concept of international legal personality. The concept and types of subjects of international law. The content of international legal personality. States as the main subjects of international law. The concept and signs of state sovereignty, its socio-political and legal essence. Basic rights and obligations of the state. Types of states as subjects of international law. Peoples fighting for their independence as a state in its infancy. The legal personality of international organizations: concept, derivative nature and legal foundations. Succession of international organizations. The international legal personality of state-like entities. The problem of international legal personality of individuals and legal entities.

6. Recognition and Succession in International Law. The concept, legal consequences and significance of the recognition of states in international law. Theories of Recognition. Types and forms of recognition. Membership in international organizations and recognition. Theories of recognition of governments in international law. The concept and essence of the succession of states. Succession of States in relation to international treaties, state property, state archives and public debts. Succession of states in connection with the collapse of the USSR. The concept of identity of states as subjects of international law. The connection between continuity and the identity of states with their succession.

7. Territory in International Law. The concept and types of territories in international law. State territory. Enclaves Quasi-state territory. Legal grounds and methods of changing state territory. State borders. Delimitation and demarcation. The regime of international rivers. Territories with an international regime: concept and types. International spaces as objects of common use. The

concept of the common heritage of mankind. Legal regime of the open sea, international airspace, outer space of the international seabed, Antarctica. Territories with a specific legal regime. The legal regime of the Arctic. Nuclear-free zones, zones of peace, demilitarized and neutralized territories as spaces with a specific legal regime. Territories with mixed mode. Features of the legal regime of the exclusive economic zone and the continental shelf.

8. The Population in International Law. The concept of the population of the state and its composition. International legal regulation of the situation of the population. The generally recognized principles of international law and the national legislation of states on issues of citizenship. Acquisition and loss of citizenship. International cooperation to eliminate and reduce bipatrism and statelessness. Types of legal regime of foreigners. Prohibition of discrimination and restrictions on rights. Legal regime of migrant workers. The right of asylum. Institute of Diplomatic Asylum. Kazakhstan legislation on asylum issues. The legal status of refugees in international and national law.

9. The ratio of International and National Law. The object of international and national legal regulation and the objective boundaries of international law. The subjective boundaries of international law and the internal competence of states. International law and extraterritorial effect of national law. Theories of the correlation of international and national law. The influence of national law on the development of international law. The impact of international law on national law. Implementation (implementation) of international law: the concept, forms and content of the process. Theory of Transformation. Acts of international organizations and national law. The issue of the correlation of international and national law in the legislation and doctrine of Kazakhstan.

10. International Legal Means of Resolving International Disputes. The principle of peaceful resolution of international disputes. The concept of dispute and controversial situation. Types of international disputes. Classification of peaceful means of dispute resolution. Conciliation funds. Direct negotiations. Consultations. Good offices and mediation. Investigative and conciliation commissions. Settlement of disputes in international judicial institutions. Permanent Court of Arbitration. International Court of Justice Regional international courts. International arbitration dispute resolution. Dispute resolution in international organizations. Dispute resolution procedure in the UN, OSCE, CIS and other organizations.

11. Responsibility in International Law. The concept and specifics of international legal responsibility. Codification and progressive development of norms on international legal responsibility. Grounds for liability. Composition and types of international offense. Circumstances that exclude guilt and exempt from liability. Types and forms of international legal responsibility of states. Features of responsibility for international crimes. The problem of implementation of responsibility: procedural aspects. Features of the responsibility of international organizations. Features of the criminal liability of individuals for international crimes. International jurisdictional bodies. Problems of creation and functioning of the International Criminal Court.

12. The Law of International Treaties.Place and role of the law of international treaties in the system of international law.Sources of contract law and the role of national legislation in its formation and development.Classification of international treaties.The specifics of contractual legal capacity of states and international organizations.Form and structure of the contract.The language of the contract. Conclusion of contracts: concept and stages. Expression of consent to be bound by the contract.Concept and legal consequences of reservations.Depository and its functions.Registration and promulgation of contracts.The effect of contracts in time, in space and in a circle of subjects. Interpretation of contracts: concept and types. Grounds for the nullity and contestability of the contract and their consequences.Termination and suspension of contracts.The effect of war on treaties.

13. The Law of International Organizations.The role and importance of international organizations in the modern era.Globalization, integration and international organizations.History of the creation of international organizations.The concept, characteristics and classification of international organizations.Sources of law of international organizations. Membership in international organizations: entry, termination and suspension. Organizational structure and decisions of bodies of an international organization.Legal status of international non-governmental organizations. International conferences: concept, features and operating procedure. Resolutions of international conferences and their legal significance.Features of the status of associations of states that are not international organizations. Non-Aligned Movement and other associations of states. The history of the UN and its significance in the modern world. Goals and principles, activities, membership in the UN. Composition and functions of the main and subsidiary bodies of the UN. UN specialized agencies.

14.The Law of Foreign Relations.The concept, subject, history and sources of law of foreign relations.Correlation of foreign policy, diplomacy and international law.The system of bodies of external relations of states.Domestic and foreign bodies of foreign relations. Diplomatic missions: functions, composition and structure. Classes and grades of diplomatic representatives.Diplomatic and consular privileges and immunities, their theoretical justification. Consular offices: concept and functions. Consul classes.The procedure for the appointment and recall of consuls.Consular privileges and immunities, their features. Trade missions, permanent missions of states to international organizations, special missions and delegations of states at international conferences: status and functions. National legislation of Kazakhstan in the field of foreign relations.

15.The Law of International Security. The concept of international security in the broad and narrow sense.The concept, legal nature, subject and functions, institutions and sub-sectors of international security law.Basic principles of international public law in the context of international security law.Sectoral principles of international security law.Confidence-building measures.Disarmament in international law.The special role of the prohibition and reduction of weapons of mass destruction.Collective security.The functions of the main and subsidiary bodies of the UN to ensure international security.General

principles for conducting forced and peacekeeping operations of the United Nations. Correlation of co-PrivateILtencies of the UN and regional collective security organizations. Legal grounds for the functioning of regional collective security systems. Common features of regional collective security organizations. Features of the Organization for Security and Co-operation in Europe as a regional collective security organization. The concept and types of neutrality. The rights and obligations of neutral states in the context of international security law and international humanitarian law. The spatial limitation of the scope of warfare. Demilitarization and neutralization. The concept and main features of nuclear-free zones.

16. The use of armed force in international law. The correlation of the concepts of “dispute” and “situation”, “threat to peace”, “violation of peace”, “armed attack” and “aggression” in international law. The definition of Aggressia in 1974. The right to self-defense as an inalienable right of the state. The concept of "preventive self-defense" in modern international law. Scientific justification and criticism of the concept. The concept of "humanitarian intervention" in modern international law. The principles of armed intervention. Humanitarian intervention in the practice of the UN, regional organizations and individual states.

The right of peoples to an armed struggle for independence. The concept of the “war on terrorism” in modern international law.

17. International Human Rights Law. The concept, formation, principles and sources of international human rights law. Classification of human rights and freedoms. UN and human rights. International protection of human rights: institutional and convention mechanisms. The system of UN bodies and the protection of human rights. Regional human rights systems. International protection of the rights of certain categories of the population (women, children, national minorities, etc.). State cooperation in combating massive and gross violations of human rights. International human rights law and cultural relativism. International monitoring of human rights.

18. International Criminal Law. The concept, formation, principles and sources of international criminal law. The criminal jurisdiction of the state. International crimes and criminal crimes of an international nature, their classification. Forms, main directions and spheres of cooperation between states in the fight against crime. International organizations in the fight against crime. Legal assistance in criminal matters: concept, essence and types. Extradition of criminals.

The problem of determining the crime of terrorism. Institutional and conventional mechanisms for combating terrorism. The fight against terrorism in the activities of the UN and regional organizations.

19. International Economic Law. The processes of economic integration in the modern world: objective foundations and essence. The concept, formation, subject, principles and characteristics of the sources of international economic law. International economic organizations of a universal and regional nature. International economic organizations of the UN system and not included in this system. The international economic community and the international economic order. Settlement of international economic disputes.

International Trade Law. Characteristic features and functions of the WTO. WTO dispute resolution mechanism. International monetary law: formation, concept, principles and sources. Bretton Woods Monetary System. International Investment Law. Legal regime, protection and guarantees of international investments. Transfer of ownership of investments: international legal aspect (expropriation, nationalization, privatization).

20. International Maritime Law. The formation, concept, principles and sources of international law of the sea. Codification and progressive development of international law of the sea. The concept, composition and legal regime of certain categories of sea spaces and the seabed, international straits and canals, archipelagic waters. International legal regulation of shipping. Legal regime of a ship and a warship. Resource development system of the international seabed area. International organizations in the field of maritime law. Settlement of disputes in the field of international law of the sea. The status of states without access to the open sea. The problem of determining the legal status of the Caspian and its significance for Kazakhstan.

21. International Air Law. International air law: formation, concept, principles and sources. Legal regulation of international commercial air services. International organizations in the field of civil aviation. Rules of flights in national and international airspace. Flights over international straits and archipelagic waters. Aircraft and crew status. Types of commercial rights at boarding points. "Freedom of the air." Combating acts of unlawful interference with civil aviation. Responsibility in international air law.

22. International Space Law. The formation, concept, sources and principles of international space law. The international legal regime of outer space. The legal regime of the geostationary orbit. The legal regime of celestial bodies. The international legal status of space objects and astronauts. The concept of space objects, their registration and launch. Ownership of space objects, their salvation and return. The concept and status of astronauts. Regulation of applied space activities. Legal aspects of the use of nuclear energy sources in space. International organizations in the field of space activities. Responsibility in international space law. Dispute Resolution in International Space Law.

23. International Environmental Law. International environmental law: formation, concept, principles and sources. International organizations and conferences in the field of environmental protection. Features of international legal protection of certain environmental objects: marine environment, water resources of transboundary rivers, atmosphere, near-Earth outer space, terrestrial environment, fauna and flora, endangered. Protecting the environment from radioactive contamination. Responsibility for environmental pollution. Kazakhstan's participation in international cooperation in the field of environmental protection.

24. International Humanitarian Law. The concept, principles and sources of international humanitarian law. The concept and types of armed conflict. Correlation of the concepts of "international humanitarian law" and "law of armed conflict". Forms and legal consequences of the beginning and end of an armed conflict. Neutrality in a war: concept and types. The regime of military

occupation. Protection of cultural property. Legal status of participants and victims of armed conflicts. Participants in the armed conflict (combatants and non-combatants), victims of the war and their status. The concept of means and methods of warfare and the rationale for their prohibition (restriction). The legitimacy of the use of nuclear weapons. Prohibited methods of war against participants and victims of war. Special protection of special categories of objects.

25. International legal foundations of the foreign policy of the Republic of Kazakhstan. Geopolitical and economic factors of Kazakhstan's foreign policy. The international legal personality of the Republic: formation and development. International legal conditionality of the foreign policy of Kazakhstan. Constitution of the Republic and international law. The mechanism for the formation of foreign policy of Kazakhstan. The role of the President of the Republic in determining and implementing foreign policy. The main aspects of the concept of foreign policy of Kazakhstan. Goals, objectives and main priorities of the foreign policy of the Republic. Interaction of Kazakhstan with international institutions. Formation and development of international legal science of Kazakhstan.

Discipline "Private International Law"

1. The legal nature of Private IL. The concept and types of private law relations, their differences from public law relations. The subject, object and legal fact as a foreign element in private law relations. The concept and methods of resolving conflict of laws. The subject and method of regulation of the Private IL. Unification and conflict methods of regulation of conflict of laws. The role of the substantive method of regulation in the Private IL. Theories of the legal nature of Private IL. Correlation of Private IL with other branches of law.

2. Sources of Private IL. Unification and codification of norms of Private IL. National legislation as the main source of Private IL. Separate and sectoral codification of the norms of Private IL in the laws of various states. International treaties, judicial precedent and doctrine, norms of international courtesy and general principles of law recognized by civilized nations, business customs and *lex mercatoria* as sources of Private IL. Activities of the Hague Conference on Private International Law, the International Chamber of Commerce, the Rome Institute for the Unification of Private Law, the UN Commission on the Law of International Trade, other bodies and institutions for the unification and codification of norms of Private IL. Regional unification of the norms of Private IL.

3. The legal nature of the conflict of laws norm. The concept and functions of the conflict norm. The problem of classifying conflict of laws rules as private (substantive) or public (procedural) law. The structure of the conflict norm. Basic attachment formulas. Classification of conflict norms. Private and dispositive, alternative and cumulative, general and subsidiary conflict norms. Special conflict rules. Intertemporal, interpersonal, interlocal norms.

4. Issues of application of the conflict norm. The concept and classification of the conditions for the application of the conflict norm. Terms of application of

the conflict of law norms and conditions of application of foreign law. Issues of interaction of conflict norms. Preliminary (secondary) conflict issue and approaches to its resolution in international private law. Splitting (dépeçage) and adaptation of the elements of the dispute under consideration. Legal value and types of conflict qualifications. Qualification of legal concepts.

5. The procedure for applying foreign law. Establishing the content of foreign law. The role of the court (arbitration), other bodies, experts and parties to the dispute in determining the content of foreign law. Return reference and reference to the law of a third country. Approaches to sending back in the law of the Republic of Kazakhstan and foreign states. English theory of double backlinks. Circumvention of law in private international law. Public policy disclaimer. German (negative) and French (positive) concepts of public order. The problem of determining the content of public policy. Application of peremptory norms. Reciprocity and retorsion: material, procedural and conflictual aspects.

6. The legal status of individuals in the Private IL. Legal capacity and legal capacity of individuals in international private law. Modes applicable to foreigners. Retortions in relation to the legal capacity of individuals. Exceptions from the national treatment of foreigners in the legislation of the Republic of Kazakhstan in the field of private law. The difference in the approaches of the Civil Procedural and Civil Codes of the Republic of Kazakhstan on determining the legal capacity of foreign persons. The concept and scope of application of the personal statute of an individual. Personal law of an individual and the main conflict bindings that determine it. The correlation of the concepts of "citizenship", "domicile" and "residence". Domicile in civil and common law. The legal capacity of an individual not regulated by personal law.

7. The legal status of legal entities in the Private IL. Legal capacity of legal entities in international private law. Exceptions from the national regime in relation to foreign legal entities, including those registered in offshore zones in the legislation of the Republic of Kazakhstan in the field of private law. Distinguishing between "internal" and "external" legal relations of a legal entity. Correlation of the concepts of "statute", "law" and "nationality" of a legal entity. The concept and theories of determining the law of a legal entity. Scope of the law of a legal entity. Legal issues not regulated by law of a legal entity. Application of private law to organizations that are not legal entities. The problem of "international legal entities" in international private law. Cross-border insolvency.

8. The legal status of the state in a private emergency. Features of the legal regulation of diagonal legal relations. The concept and elements of state immunity. Theory of absolute immunity. Theory of functional immunity. The problem of qualification of transactions de jure Private IL and de jure gestionis. Theory of limited immunity. The content of the European Convention on State Immunities of 1972, the New York Convention of 2004 on jurisdictional immunities of states and their property, the Washington Convention of 1965 on the procedure for resolving investment disputes between states and foreign persons. Immunity of state property and state legal entities. Autonomous legal personality

of state legal entities. State immunity issues in the legislation of the Republic of Kazakhstan.

9. Proprietary rights in the Private IL. Conflict issues of property rights. The concept of the statute of things, its relationship with the mandatory and marriage statute. The scope of the law of the country where the thing is located. Issues of property rights not regulated by the law of the country where the thing is located. The emergence and termination of property rights in a transaction due to the expiration of the terms of acquisitive prescription and for other reasons. Property rights to property in transit. Protection of property rights. Features of conflict regulation of property rights to real estate and property entered in the state register. The problem of legal qualification of the moment of transfer of ownership and the risk of accidental loss (damage) of goods. Extraterritorial effect of nationalization laws.

10. The form of the act (transaction) in the Private IL. The concept and relationship of the formal statute and the statute of the substance of the obligation. Conflict issues of the form of the act (transaction). *Locus regit formam actum* as the main conflict binding governing the form of an act (transaction), its expression in relation to certain types of acts (transactions). Other conflict bindings determining the form of the act (transaction).

11. Contractual obligations in the Private IL. Conflict issues of contractual obligations. The law applicable to the contract. Autonomy of the will of the parties as a principle (source) of law and conflict of law norms. Selection of applicable law by agreement of the parties. Implied choice of law. The principle of localization of the contract. Other restrictions on the autonomy of the will of the parties. The law applicable to the contract in the absence of agreement of the parties. Scopes of collision bindings *lex voluntatis*, *lex loci actus (contractus)*, *lex loci solutionis*, *lex venditoris*. Other conflictual bindings to determine the statutory obligation.

12. Forms of settlements in foreign economic transactions. The concept and features of foreign economic transactions. The ratio of a foreign trade transaction to a transaction complicated by a foreign element. Features of bank transfer, check, bill of exchange, collection, letter of credit, electronic payment as forms of settlements in foreign economic transactions.

13. Non-contractual obligations in the Private IL. The concept and types of non-contractual obligations. Liabilities from unilateral transactions and liabilities not from transactions. Conflict issues of tort obligations. Scope of the tort statute. *Lex loci delicti commissi* and other conflict of laws rules of law. Theories for *locus delicti* in transboundary harm. Conflict regulation of harm caused to the consumer. Conflict regulation of unjust enrichment, public promise of rewards, actions in the interests of others without a mandate. The problem of determining the location of a unilateral transaction. Quasi-contractual theory in determining the law applicable to obligations from unilateral transactions.

14. Marriage and family relations in the emergency. Conflict issues of marriage and family law. Form of marriage. *Lex loci celebrationis* as the main conflict norm determining the form of marriage. Conflict issues of marriage,

divorce and invalidation. Lex personalis as the main conflict of law standard determining marital legal capacity. Peremptory norms of extraterritorial nature. Marriage and divorce in extraterritorial jurisdiction. Legal regulation of property and personal non-property legal relations between spouses. The problem of the ratio of marriage (matrimonial) and property statute in the regulation of property of spouses. Marriage contract. Establishment and contestation of paternity (motherhood). Lawfulness. Nasciturus. Property and personal non-property relations of family members. Adoption. Guardianship and trusteeship.

15. Issues of inheritance in the Private IL. Conflict issues of inheritance law. Inheritance by will and by law. The form of the will and the act of its cancellation. The ability of a person to make a will. Inheritance Relationships. Theories of universal succession and separate statutes. The scope of the conflict of principles principles of locus regit formam actum, lex personalis (including patriae and domicilii) and lex rei sitae to inheritance relationships. Rights and obligations of heirs, legataries and other beneficiaries. Escheat.

16. Intellectual property in the Private IL. Conflict issues of intellectual property law. The territorial nature of rights to intellectual property. Forms and procedure for the legal protection of copyright and related rights, industrial property and trademarks. Correlation of conflict and substantive (unification) method of protection of rights to intellectual property in international private law. International agreements in the field of protection of copyright, related industrial property rights and trademarks.

17. Rules for the interpretation of international commercial terms INCOTERMS. Legal nature of INCOTERMS rules. Scope of INCOTERMS rules. The general content of the rule groups E, F, C, D. The main changes in the edition of the 2010 rules. The grounds for applying the INCOTERMS rules in accordance with the legislation of the Republic of Kazakhstan.

18. The legal nature of International Civil Process. The concept of international civil process. The subject and method of regulation of ICP. The relationship of ICP with other branches of law (civil procedural law, arbitration law, civil law, international public law). Sources of ICP. Unification of ICP standards. Activities of the Hague Conference on Private International Law, the UN Commission on International Trade Law, other bodies and institutions for the harmonization of ICP standards. Specificity of codification of ICP norms in Kazakhstan legislation.

19. Ways to determine competence in cases complicated by a foreign element. Correlation of the concepts of "jurisdiction", "competence" and "jurisdiction" in the context of the international civil process. International and domestic jurisdiction. Determination of jurisdiction in cases involving foreigners. Latin, German and Anglo-American systems for determining jurisdiction. Features of the classical and English qualifications of actions in personam and actions in rem. The principle of forum non conveniens. The laws of "long arms" and the rule of "minimal contact" in US law and case law. Trends in expanding the competence of courts in the legislation and judicial practice of

various states. The approach of the Kazakhstani Code of Civil Procedure to the determination of jurisdiction.

20. Ways to resolve conflicts of jurisdiction. The concept and causes of conflicts of jurisdiction. Positive and negative conflicts of jurisdiction. Ways to prevent and resolve conflicts of jurisdiction. The ratio of judicial and arbitration competence. Exceptional competency. Contractual competence. Propagation and derogation agreements. The immutability of competence. Importance of proceedings in a foreign court. Legal consequences of non-compliance with the rules for determining competency. The norms of the legislation of the Republic of Kazakhstan regarding the determination of the competence of the court.

21. Providing legal assistance and the execution of foreign court orders. The concept and types of legal assistance in civil matters. Legal grounds for the provision of legal assistance and the execution of foreign court orders. Handling instructions to the authorities of another state. Fulfillment of foreign court orders. Grounds for refusing to execute foreign court orders. The provision of legal assistance and the execution of foreign court orders on the basis of the norms of the Code of Civil Procedure of the Republic of Kazakhstan, the Minsk and Chisinau Conventions on legal assistance and legal relations in civil, family and criminal matters, the Hague Conventions on issues of civil procedure.

22. Recognition and enforcement of foreign judgments. Correlation of the concepts of recognition and enforcement of foreign decisions. Legislative and contractual grounds for the recognition and enforcement of foreign judicial and arbitral awards. Recognition and enforcement of foreign judicial and arbitral awards based on the norms of the Civil Procedure Code of the Republic of Kazakhstan. The nature of the res judicata of the arbitral award. Grounds for refusal to recognize and enforce foreign judicial and arbitral awards. Recognition and Enforcement of Foreign Arbitral Awards under the 1958 New York Convention.

23. Notarial acts in ICP. Legalization. Apostille. Types and significance of notarial acts in ICP. Theoretical foundations of notaries. Latin and Anglo-American notary systems. The concept and methods of legalizing foreign documents in IHL. Consular legalization. The general content of the Hague Convention of 1961 on the abolition of the legalization of foreign official documents. Implementation of the provisions of the Hague Convention of 1961 on the abolition of legalization of foreign official documents in the Republic of Kazakhstan.

24. The legal nature of international commercial arbitration. Arbitration as a form of dispute resolution, branch of law and legal science. Correlation of the concepts of “arbitration” and “arbitration court”. Correlation and comparative analysis of arbitration and litigation. Types of arbitration. Features of the legal regulation of the activities of arbitrations (arbitration courts) in the legislation of the Republic of Kazakhstan. The concept, types and legal nature of the arbitration agreement. Contractual, procedural and mixed theory of arbitration agreement. The ratio of the arbitration clause to the main civil contract.

25. The stages of the arbitral proceedings. Preliminary issues of arbitration. Determining the place and language of the arbitration. Legal value of the place of arbitration. The procedure for the formation of the composition of the

arbitration. Formation of the composition of arbitration in institutional and ad hoc arbitrations. Requirements for the candidacy of an arbitrator. The challenge of the arbitrator. Filing a statement of claim and objections to the claim. Consideration of the dispute on the merits. Definition of the law applicable to dispute resolution. Obtaining testimony. The participation of experts. Making, amending and correcting an arbitral award. Procedure for covering arbitration expenses.

5. List of recommended literature

Main literature:

1. Тункин Г. И. Международное право. Учебник для ВУЗов . М., 1992.
2. Международное право: Учебник. Отв. Ред. Ю.М. Колосов, М., 1995.
3. Лукашук И.И. Международное публичное право. Общая часть. М., 1996.
4. Лукашук И.И. Международное публичное право. Особенная часть. М., 1997.
5. Сарсембаев М.А. Международное право. Учебное пособие. А., 1996.
6. Игнатенко Г.В. Международное право. Учебник. М., 1997.
7. Международное право. Учебник для вузов/под общей редакцией Колосова Ю.М., М., 2000.
8. Курс международного права. В 7-ми томах. М., Наука, 1992-1995.
9. Ануфриева Л. П. Международное частное право: Учеб.: В 3 т. Т. 1: Общая часть. М.: БЕК, 2000; Т. 2: Особенная часть. М.: БЕК, 2002; Т. 3: Трансграничные банкротства. Международный коммерческий арбитраж. Международный гражданский процесс. М.: Бек, 2002.
10. Богуславский М. М. Международное частное право: Учеб. М.: Юристь, 2003.
11. Дмитриева Г. К. Международное частное право. М.: Юристь, 2003.
12. Лунц Л. А. Курс международного частного права: В 3 т. М.: Спарк, 2002.
13. Международное частное право: Учеб. / Под ред. Г. К. Дмитриевой. М.: Проспект, 2004.
14. Международное частное право: Учеб. для вузов / Под ред. Н. И. Марышевой. М.: КОНТРАКТ ИНФРА-М, 2000.

Additional literature:

1. Европейское право. Учебник для вузов. Рук-ль авторского коллектива Энтин Л.М., М., Норма, 2001.
2. Дипломатический словарь. В 3-х томах. М., Наука, 1985-1996.
3. Сарсембаев М.А. Международное право в истории Казахстана и Средней Азии. Алма-Ата.: Ана тілі , 1991.

4. Лукашук И.И. Международно-правовое регулирование международных отношений.
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**6. Scale for assessing the results of the entrance exam in the specialty
(criteria for evaluating the results of the entrance exam)**

Grade Scale

A	95-100%	Excellent
A -	90-94	
B+	85-89	Good
B	80-84	
B-	75-79	
C+	70-74	
C	65-69	Satisfactory
C-	60-64	
D+	55-59	
D	50-54	
F	0-49	Unsatisfactory

The answer is rated "A - excellent" (90-100%) if:

-the full analysis and explanation of all issues is given, conclusions are correctly drawn;

- a doctoral candidate has systematic knowledge of the basics of strategic analysis of the theory of international relations, has the skills to apply theories and studies of modern events in international relations, and the skills to apply research methods of defense and processes in the field of applied analysis of international situations;

- knows how to analyze the problems of regional integration, as well as the methodology of its analysis on the basis of systematic knowledge, knows the basics of the EU.

- able to professionally analyze the strategic concepts of the United States, possesses the skills of a systematic analysis of the main challenges and threats to security in the context of international regional organizations;

-able to conduct a systematic geopolitical analysis of the modern system of international relations; able to analyze the concepts of Western researchers;

- owns the skills of theoretical analysis of geopolitical problems in Central Asia and identifying prospects and consequences for the Republic of Kazakhstan;

The answer is rated "B - good" (75-89%) if:

- a complete analysis and explanation was given on all issues, conclusions were correctly drawn, and no more than two minor errors were made in the explanations;

- knows how to analyze the problems of regional integration, as well as the methodology of its analysis on the basis of systematic knowledge, knows the basics of the EU.

- able to professionally analyze the strategic concepts of the United States, possesses the skills of a systematic analysis of the main challenges and threats to security in the context of international regional organizations;

-able to conduct a systematic geopolitical analysis of the modern system of international relations; able to analyze the concepts of Western researchers;

- owns the skills of theoretical analysis of geopolitical problems in Central Asia and identifying prospects and consequences for the Republic of Kazakhstan;

The response is rated "C, D - satisfactory" (50-74%) if:

- there are significant errors in a systematic analysis, and the answer is not complete;

- able to professionally analyze the strategic concepts of the United States, possesses the skills of a systematic analysis of the main challenges and threats to security in the context of international regional organizations;

-able to conduct a systematic geopolitical analysis of the modern system of international relations; able to analyze the concepts of Western researchers;

- owns the skills of theoretical analysis of geopolitical problems in Central Asia and identifying prospects and consequences for the Republic of Kazakhstan;

The response is rated “F- unsatisfactory” (0-49%) if:

- there are significant errors in a systematic analysis, there is no answer to the question;