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## ИЗВЕСТИЯ

НАЦИОНАЛЬНОЙ АКАДЕМИИ НАУК  
РЕСПУБЛИКИ КАЗАХСТАН  
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## NEWS

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**CURRENT ISSUES OF INTERNATIONAL COOPERATION  
IN THE FIELD OF PROPERTY RIGHTS**

**Abstract.** According to the authors, in spite of the fact that in the modern world, multilateral methods of legal regulation of international economic relations are becoming increasingly common both through the conclusion of multilateral treaties and the creation of international organizations, local, bilateral means of ensuring mutual trade and economic relations of states in the world. Fully retain their value. Such international legal instruments include universal (uniform for all or most states) treaties defining generally accepted standards, as well as regional and bilateral treaties agreed with them. However, there are issues of international cooperation in the field of property law, which are disclosed in this article.

**Keywords:** Cooperation, international relations, property, law, agreement, protection.

INTRODUCTION

After the end of World War II, the world witnessed many large-scale international projects in the field of education and artistic creation. Today, the new threats to international security are perceived more acutely; their companions are obscurantism, the destruction of “alien” national and religious shrines, and a lack of understanding of the images of classical art. The symbolic character of many historical and artistic monuments makes them hostages of ideological, social, and political contradictions. The number of conflicts aggravated by differences in cultural values is growing. A bitter example is the “caricature” crisis that began in Denmark and developed into bloody actions in Europe, Asia and Africa. Globalization makes the peaceful dialogue of different cultures more significant. He gains a clear and unequivocal political response.

Within the framework of international property law, it is possible to distinguish between the protection and regime of both state property and private property.

Goods turnover in any form (purchase and sale, exchange, contract, rent, etc.) is the scope of application of either civil law or, if the trade is business, economic activity, the trade is subject to the regulation of trade (business, economic) the rights. Moreover, if this turnover is transboundary in nature, regulation of such turnover in many cases occurs at the interstate level. This regulation is subject to international trade law.

The property that is not in the trade turnover, of course, does not stand aside from the legal regulation and protection of it by both the norms of national civil law and the norms of other branches of national law tax, environmental, administrative, etc. Non-traded property of both individuals and states is protected not only at the domestic level, but in many cases also at the international level - within the framework of a special legal system that we call international property law and which is a sub-branch of international economic law.

Within the framework of international property law, one can distinguish between protection and regime of both state property and private property.

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## MAIN PART

The inclusion of international property law (the concept introduced in this course) in the composition of international economic law is theoretically fundamentally justified, since international property relations are subject to the regulation of the same special principles and norms of international economic law. This mainly applies to the property aspects of international financial relations (investments, taxes). Illustrative examples can be everywhere in the world concluded and existing bilateral agreements on the promotion and protection of investments or agreements on the avoidance of double taxation.

So, with regard to international (interstate) trade law, its norms extend their effect to all international economic relations, minus only the norms that we relate to international property law, i.e. norms that ensure international legal protection and the procedure for the use of property (including investment and intellectual), until it is included in the trade turnover, as well as the norms of international tax law ensuring international tax order.

The special place and role of taxation in the system of economic relations, i.e., its equal attitude to national (public) and corporate finance, make it necessary to develop the idea of tax law as an independent field of science and legal practice, and characterize its interaction with other branches of law. A clear delineation of property relations, property rights of the state, corporations and citizens leads to the isolation and other substantive content of the legal sciences that study the laws and mechanisms of distribution, redistribution and use of financial resources.

All relevant cooperation, in all its diversity, is the subject of international maritime law, but in so far as concerns the property and economic interests of states, which are largely connected with the use of the oceans and its resources, the relevant legal regulation can be attributed to international property law referred to below. With regard to maritime transport and related services, there are a number of special multilateral conventions, including those relating to the settlement of interstate relations and international private (commercial) relations between the subjects of the domestic law of individual states.

As for unification and harmonization in the field of international property law, relevant examples will be given in the presentation of individual sectors of property law.

The property that is not in the trade turnover, of course, does not stand aside from the legal regulation and protection of it by both the norms of national civil law and the norms of other branches of national law tax, environmental, administrative, etc. Non-traded property of both individuals and states is protected not only at the domestic level, but in many cases also at the international level - within the framework of a special legal system that we call international property law and which is a sub-branch of international economic law.

Cooperation of states in the field of education has certain goals, which are set forth in international legal documents. The UN Charter states that the goal is “to carry out international cooperation in resolving international problems of an economic, social, cultural and humanitarian nature and in promoting and developing respect for human rights and fundamental freedoms for all, without distinction of race, sex, language or religion” (para. 3 Article 1 of the UN Charter). Therefore, cooperation has two objectives:

- 1) The resolution of relevant problems;
- 2) The development of respect for human rights [1].

The UNESCO Constitution defines the following objectives of cooperation (including in the field of education):

- 1) The achievement of international peace;
- 2) The achievement of the general welfare of mankind (see the preamble) [2].

The 1989 Convention on Vocational and Technical Education points to a more specific goal of cooperation - the development of education through the exchange of experience and information (see the preamble) [3].

The preamble to the 1960 Convention on the fight against discrimination in the field of education provides for such cooperation objectives as: 1) ensuring universal respect for human rights; 2) ensuring equal access to education [4].

In the context of the topic under consideration, education is a specific area of state cooperation, or in other words, an object of cooperation. In this regard, it is important to determine the scope of the concept of “education” as an object of cooperation. Education is traditionally understood in two aspects: 1) as education, enlightenment; 2) as a body of knowledge gained by special training. That is, in the first case, education is a process of educational activity, in the second - its result.

Based on the analysis of these provisions, the following objectives of cooperation in the field of education can be determined.

1) General goals:

- a) the preservation of peace;
- b) achievement of general welfare;
- c) ensuring the observance of human rights [6, p. 38].

2) Private goals:

- a) the development of education through the exchange of experience and information;
- b) solving specific problems in the field of education.

Interstate cooperation in the field of education is carried out mainly in the form of international legal relations. The composition of legal relations include subjects of relations, content (i.e., mutual rights and obligations of the parties), as well as the object and subject of legal relations.

Depending on a particular approach to the problem of the subject and object of international law, the answer to the question of what is the subject of international legal regulation in the field of education will also be different. Taking as a basis the provisions defended by supporters of the first approach, the answer to the question posed will be as follows. The subject of regulation is interstate cooperation in matters of education, and its object will be the actions of legal entities or individuals in accordance with the provisions of an international agreement. An example of such actions is the training of foreign students in national universities, the implementation of joint projects, the exchange of experience, the recognition of diplomas obtained in foreign countries.

As you know, the inflow of foreign investment is an important factor in stabilizing the economy. An attractive investment regime provides a whole range of measures - preferential taxation, payment of compensation in the event of armed conflicts and unrest, unimpeded transfer of profits abroad, independence of bodies to resolve emerging investment disputes, etc.

States are actively cooperating in the promotion and protection of investment. Contracts provide a list of persons who may be investors. Investors are understood as: individuals who are citizens of contracting states; legal entities created in contracting states.

The term “investment” covers all types of investments,

- movable and immovable property (buildings, structures, equipment and other material values) and corresponding property rights;
- shares, deposits and other forms of participation;
- the right to claim money or services of economic value;
- copyrights, rights to inventions, industrial designs, trademarks or service marks, brand names, as well as technology and know-how;
- rights to conduct economic activities granted on the basis of law or a contract, including, in particular, rights to explore, develop and exploit natural resources.

The investment (acquisition) of property for business purposes is a trading operation. Investment law is considered in this course, however, not within the framework of trade law, but as part of property law, since the meaning of investment law is not to ensure the property’s protection and protection. The aspects of the investment regime related to international trade law are governed by the WTO in the Special Agreement on Trade Aspects of Investment Measures (TRIMS), which, in the interests of the unity of presentation of all investment problems in one place, is also discussed below in this chapter on international property law.

In accordance with the Convention, an International Center for the Settlement of Investment Disputes has been established. The center was established to resolve disputes under international property law. This

refers to disputes arising between states, on the one hand, and foreign natural and legal investors, on the other hand. Such disputes are regarded as private law, but the difficulty is that, by virtue of their sovereignty, states have jurisdictional and other immunities. The purpose of the Convention and the reason for the creation of the Center is the removal of such investment disputes from national jurisdiction and their transfer to international arbitration. In this way, the state's ability to use its jurisdictional immunity is eliminated.

## CONCLUSION

The state fulfills its international legal obligations in the field of education, using all branches of state power. Thus, the rights and obligations of subjects of educational relations are secured by the legislative power. The executive authorities (education authorities) coordinate the implementation of commitments undertaken by the state. The judicial authorities protect the violated rights of subjects of educational relations, resolve disputes that arise. The state is not always a party to the corresponding legal relationship (for example, relations between a teacher and an educational institution), but an entity whose rights are violated can always go to court to protect its rights.

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### МҮЛІКТІК ҚҰҚЫҚТАРЫ САЛАСЫНДАҒЫ ХАЛЫҚАРАЛЫҚ ЫНТЫМАҚТАСТЫҚТЫҢ АҒЫМДАҒЫ МӘСЕЛЕЛЕРІ

**Аннотация.** Авторлардың пікірінше, қазіргі әлемде халықаралық экономикалық қатынастарды құқықтық реттеудің көпжақты әдістері көп жақты келісімдерді жасау және халықаралық ұйымдарды құру, әлемдегі мемлекеттердің өзара сауда-экономикалық қарым-қатынастарын қамтамасыз етудің жергілікті, екі жақты тәсілдерін құру жолымен кеңейе түсуде. олардың құндылығын толық сақтайды. Мұндай халықаралық құқықтық құжаттар жалпыға бірдей қабылданған нормативтерді, сондай-ақ олармен келісілген аймақтық және екі жақты келісімдерді анықтайтын әмбебап (барлық немесе көптеген мемлекеттер үшін бірдей) шарттарды қамтиды. Алайда, осы бапта жарияланған меншік құқығы саласындағы халықаралық ынтымақтастық мәселелері бар.

**Түйін сөздер:** Ынтымақтастық, халықаралық қатынастар, меншік, құқық, келісім, қорғау.

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### АКТУАЛЬНОЕ ВОПРОСЫ МЕЖДУНАРОДНОГО СОТРУДНИЧЕСТВА ОБЛАСТИ ИМУЩЕСТВЕННОГО ПРАВА

**Аннотация.** По мнению авторов, несмотря на то, что в современном мире во все большей степени находят распространение многосторонние [методы правового регулирования международных экономических отношений](#) как посредством заключения [многосторонних договоров](#), так и создания [международных организаций](#), — локальные, двусторонние средства обеспечения взаимных [торгово-экономических отношений](#) государств в полной мере сохраняют свое значение. К таким международно-правовым средствам относятся универсальные (единые для всех или большинства государств) договоры, определяющие общепризнанные стандарты, а также согласованные с ними региональные и двусторонние договоры. Однако, существуют вопросы международного сотрудничества в области имущественного права, которые раскрыты в данной статье.

**Ключевые слова:** Сотрудничество, международные отношения, имущество, право, соглашение, защита.



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