

Classification of Legal International Standards as a Comprehension Phase of Modern International Law

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ABSTRACT This paper aims to analyze the classification of legal international standards, which is considered to be a comprehension phase of modern international law. The importance of the subject of the classification of legal international standards in investigating the structure and configuration of the modern international law imposes the similarity between the structure and classification as regular form of classifications that allow to display the order of the internal regulation of the international institutions. Moreover, the most valuable classification bases are similar to the structure of comprehension of communication laws. In such situation the concept of the structure can be replaced by the comprehension of classification according to the importance of question of set of criteria in order to determine them. The analysis of the comprehensive classifications of legal international standards allows us to solve number of interchanged communication tasks such as themselves preparing for appearance of the organization of institutions with rules of procedure of the modern international law as well as existence of the structure of international law system that reflect the system self-organization.

INTRODUCTION

In The recent works dealing with the structure of international law the criteria that, from my point of view, can only be used as classification criteria of legal international standards, so the standard set of the international law is based on the level of standard unit concerning the place and number of individuals organized by the international relations according to different social bases of these relations. The international law structure having such size of criteria seems unjustified since the structure is considered as the general basic evaluation of the system. Moreover, the relations of the structure formed must be identical, consequently one self-organizing law is applied on all regulations of the international law. Most complex and detailed classifications that completely reflect the important or essential indications and evaluations of legal international standards were mentioned in the works of Vasilinko and Lucashoke (1987, 1988)

The classification of legal international standards has been the subject of research for many authors. However, the set of classification criteria is widely different among various authors, furthermore, the same classification can appear in their works based on different dividing bases of the legal international standards. Therefore, the division of legal international standards to

comprehensive, regional and local can be affected by different criteria such as scope of operation of each and may differs in titles. So, Lucashoke (1987, 1989, 1996) prefers the binary division of legal international standards with comprehensive and local criteria. Oshakov (1996), in particular divided the legal international standards into comprehensive and local, however, he in turn divided the last individual standards that determine the behavior of individuals in specific singular cases.

On other hand, the classification of legal international standards differs by the scope of operation as can be noted from Vasilinco (1988) work, which divided the legal international standards into comprehensive, regional, non-regional and local.

ANALYSIS OF CLASSIFICATION OF LEGAL INTERNATIONAL STANDARDS

The differences in the methods of classification of legal international standards in operation, different authors equally specify the specific, comprehensive and regional specifications of the standards and their interchangeable relations and those from my point of view, emphasize the objectivity and legality of such set of standards, so the comprehensive standards that are divide into standards of principles and standards of ergo manner form

general international law, knowing that all or majority countries adopted them. They are formed and cancelled by the international community as well as spread in all fields of interchangeable relations within the international community having all the required power. It is well known that the inclusiveness means the essential principle of modern international law. However, the standards that are applicable have limited to a specific region belong to the international and regional standards, for example, the valid standards in the interchangeable relations between governments of members of Arab league which were signed the common defense and economic cooperation treaty on 13th April 1950. The operation of the local standards is more limited in comparison with the comprehensive and regional standards that includes little number of countries (such as local standards confirmed at the treaty of continental shelf of Baltic Sea on 23rd October 1968).

The classification of the legal international standards is featured within their fields of application and important functional properties, which are not simultaneously considered to be one of the organic structural possibilities of the international law. In this form they can not give the answers to the questions regarding what relations and what properties the standard categories were divided to become the law of their relations? At the same time, the component of essential marks mentioned in the reference of recognized classification allow us to see the appearance of characteristics or properties of the international law structure in general.

The spread classification of legal international standards is considered as classification according to the feature of standards indications (in other term according to the settlement method or according to the method of authorization determination). So according to the obligating or prohibiting feature, the obligating standards confirm the obligations of parties with interchanged work and indicate the manners and means of execution of these obligations. However, the standards of agreement that impose specific obligations and introduce the law in specific agreements in the fields of cooperation basically belong to the obligating standards. Whereas the prohibiting standards are included in the restrictions of execution of specific tasks or without work such as principle of noninterference, prevention of threatening by force in the

international relations or non-use or similar topics etc. By virtue of the basic law of aviation navigation international law and flying objects, the research works are opened to all countries, however, the utilization on equal bases also obligates and simultaneously directs with one criterion of each side of the international law as a question of one system of everybody in the field of international cooperation.

Practically, authors opinions observed in the mentioned references are identical regarding to the division of legal international standards, agreement standards and standards of decisions of international institutions. Moreover, when the standards are classified with respect to the standard commitment degree and regular effect properties in other words with respect to legal power or the place in setting the order of levels of international law system), the researchers unanimously see them as imperative standards and positive standards. The standards of international law are deemed *jus cogens* without permission to offset the content of other legal international standards from their requirements. The imperative standards can be changed only due to legal international standard that contains the same imperative feature. However, the imperative standards are considered to be high regulation standards in comparison to all other international standards where it was formulated in general in Vienna convention in 1969 for agreement law and Vienna convention in 1968 for agreement between countries and international institutions. In the case of violation of imperative standards, comprehensive legal obligating relations appear not only the prejudiced party, but also each country can ask about the responsibilities of law violator.

The positive legal international standards are allowed to be not considered in mutual relations by conclusion agreement between two or more countries. The positive legal international standards have full legal power confirmed by number of legal international documents, especially in decisions of international tribunal belonging to the United Nations concerning the continental shelf of north sea dated on 20th February 1969 Vienna convention regarding transfer of rights of some countries related to agreements dated on 23rd August 1969 and article 9 of Arab league covenant. The performance of international tribunal shows that the general standard can not only specified, but application

there of can also be completely prevented bilateral relations between countries by consent of all parties.

Practically if the concept of the different researchers is identical concerning the sources or legal power, the contrary can be noted regarding description of standards as for standard instructions and their greatly various regulated features. So based on the above mentioned criteria, the legal international standards are classified into two categories, specifically to material standard (primary) and tribunal standards (secondary). At the time when the material standards set the pattern and behavior rule regulating the essence of relation between parties operating under international law, the tribunal standards on one side determine the utilization of peaceful settlement means (negotiations, consultations, international tribunals, mechanism of international institutions and departments... etc) and on other side determine the regulation of using stipulation and imposing in the form of penalties of international laws of the violating countries. The tribunal form carries important part of 1969 Vienna convention decisions concerning the right of concluded international agreements to operate or stop the agreement standard application, standards of rights of international institutions "Law general principles" e.g. nobody can judge about the priority of the private law with respect to public law in private matters and so on.

Vasilinco (1988) suggests the most detailed classification of material and tribunal standards dividing, in frame of the material standards related to the properties of their functions regulating, specifying, compensating and maintaining in frame of proceedings into compatible and compulsory standards. At this point, the former researcher indicates that compatible standards play potential important role among the tribunal standards and international laws representing the comprehensive instrument and in most cases the sole tribunal settlement instrument.

Another opinion concerning the nature of the secondary standards held by Oshakov (1996) who described the secondary standards as those applicable in case of violation thereof by some parties causing legal negative influences (similar specification of the secondary standards was used by Committee of the international law in the United Nations during their work on the draft article of obligations of countries) e.g. as second-

dary standards, they are distinguished for the works violating the law of international obligations. So the last researcher shows the secondary standards as law protecting means while the primary standards are the 'law regulating means. However, for the tribunal standards I divide the imaginations of different authors with full scale understanding them as regulating standards of formation and execution of the international law (Vasilinco and Lucashoke 1988, 1996), from my point of view such understanding of the legal international and tribunal standards widely responds to the reality of modern international laws. In the mean time the usage of tribunal standards decreases not only as stipulation and imposing standards but also as necessity to solve the international disputes. These standards are used to settle different subjects daily "without disputes" of the public parties according to the international law.

In the legal international principle, there is a number of other classification of legal international standards: based on the content and place in the system Lucashoke, (1996) and according to the subordination of the legal international standards of the regulation of the international law a the location of legal international standards promotion to the regulated organized direction and properties of their operation organization according to the legal official indications and according to the methods of execution manner of the instructions Vasilinco (1988).

In general, the analysis of the comprehensive classifications of legal international standards allows us to solve number of interchanged communication tasks:

1. The comprehensive classifications of legal international standards themselves prepare for appearance of the organization of institutions with rules of procedure of the modern international law.
2. Analysis of these classifications allow us to come to number of conclusions that are related to existence of the structure of international law system that reflect the system self-organization.

So from my point of view, the classification of legal international standards can be divided into two categories: The first category must include the classifications and criteria related to the level provided by fact of legal international standards which are realized whereas, the second includes

the classifications and criteria that depends on the form indications of legal international standards. I think that the second category of the classifications has relations with organization of legal international standards. Whereas, the first category of classifications although they do not consider the organic structural possibility, but from my point of view, this allows some relations that are forming the modern international law. However, the reality of the mentioned category of classification has no common feature but briefed with feature of one of the components of principles that are associating the general international law, therefore the associating principles as independent component to a certain extent are important in classification of international laws and promotion degrees of legal international standards regarding the consent the regulation place and others. The associating principles are considered to be the most important categories of material standards (specifically the determining material standards that have international legal settlement mechanism quantitatively and qualitatively) and in management of regulation branches. At the end, the associating principles determine the properties and standards and their roles as settlement mean o the questions that appear during the common work operation with no violation to the identity of the international law. With this form, considering all above mentioned, I can suppose that the classification of legal international standards show independent properties of the legal law structure totally or partially subjected to interchanged relations within promotion degrees. Moreover, in order to understand the structure of international law, such properties clarify the characteristics of the international law as structural constitution and simultaneously as organizational unit with singular point of view forming single structural engagement and self organization system law in general. Consequently, form my point of view, the determination of single structural engagement (or interchanged engagement law) must be published on maximum level since the standards set consisted of many thousands articles related to the modern international law and the meaningful and rich content is the common feature unifying all standards of international law which it is the material appearance that serve the basic principles of international law. Which it is the material appearance that serve the basic principles

of international law. This is determined by the properties as modern phase of legal international organization and consequently as specification of the basic principles. So the stricter the organization of international law, more important the acquisition of its specified direction will be (similar to any complicated organizational system where the aim as reverse engagement laws determines the system situation in general).

Enforcement of standard organization role is resulted not by expansion of precise custody under state behavior, but as a result of more accurate determination of the responsibility aim and criterion. In turn, the basic principles of international law reflect the states of comprehension level of the nature of international relation system and their national and general interest and support the main targets of the international cooperation and law. This allow us to state that the moral values of meaningful engagement are considered to be structural relation with general system of international law specified according to the moral values of the relation of meaningful promotion degree (in service) within limits of all legal international standards according to the specific indications.

CONCLUSIONS

From the analysis of the classification of legal international standards, the following conclusions can be made:

1. The importance of the subject of the classification of legal international standards in investigating the structure and configuration of the modern international law imposes the similarity between the structure and classification as regular form of classifications that allow to display the order of the internal regulation of the international institutions.
2. The analysis of the comprehensive classifications of legal international standards allows us to solve number of interchanged communication tasks such as themselves preparing for appearance of the organization of institutions with rules of procedure of the modern international law as well as existence of the structure of international law system that reflect the system self-organization.
3. From my point of view, the classification of legal international standards can be divided into two categories: The first category must include the classifications and criteria related

to the level provided by fact of specifications of legal international standards which are realized, whereas, the second includes the classifications and criteria that depends on the form indications of legal international standards.

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