

## CLASSIFICATION OF INTERNATIONAL LEGAL NORMS

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**Keywords:** Constitution; Convention; international law; implementation; legislation; norm; realization of legal norms.

**Abstract:** The authors examine key issues related to the classification of rules of international law. Great attention is paid to the scope of international law. International legal norms are analyzed in terms of scope, legal force, the nature of impact, functions in the system of international law, the source of publication.

The main provisions of the jurisprudence, being the basic categories of any legal system, are called the rule of law. The legal norms are classified into types so as to determine which type is the norm. Also, the rules of law are classified in the international area. First of all, they differ in scope. There are global, universal norms, which are mandatory for all countries – members of the UN. These are generally accepted principles of international relations, the provisions of the UN Bill of human rights. Regional norms determine the relationships between countries in certain geographical boundaries, while, particular norms depend on bilateral or multilateral treaties [1].

The point of view denying the existence of universal norms has become widespread in politics. However, the life itself has proved that even in conditions of cold war universal norms can be quite effective. The global system of international relations cannot function without universal international law. The international practice proceeds from the reality where universal norms exist.

In some regions the interaction between the states is going significantly deep, which generates the necessity of legal regulations at a higher level up to creation of supranational regulations. The general international law cannot provide such regulations. Therefore, complexes of norms, new mechanisms of law-making, which are considerably specific, are created in the regions of integration.

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Local norms significantly outnumber the universal ones. They perform important functions in the relation to the universal norms, i.e. they serve as means of their specification with regard to particular cases, promote their realization in these cases, govern the relations which are not covered by the general international law. Therefore the general international law opens a considerable scope for regulation on a local basis (for example, the Charter of the Commonwealth of Independent States, 1993) [2, p. 74].

One of the characteristic features of the modern international law is a complex of imperative norms possessing special legal force. The legal force consists in the inadmissibility of deviations from the norms in the relationships of separate states even by means of their agreement. A custom or a treaty contradicting to them will be invalid. A newly established imperative norm makes the existing norms invalid and contradicting to it.

The prohibitory norms oblige the states to refrain from the actions recognized as illegal (e.g., not to make bacteriological and chemical weapon).

The binding norms establish the obligation of the state to perform the actions specified in the norm (e.g., to notify other states of the nuclear accident or the nuclear incident).

Norms of the substantive law establish the rights and duties of subjects of the international law on the concrete legal relationships (e.g., norms establishing the rights and duties of the states – participants of the Convention for the Suppression of Unlawful Seizure of Aircraft, 1970).

The procedural norms include those which regulate the processes of creation and implementation of the international law. There are two interpretations of the procedural law: the wide and the narrow one. In the first case we talk about a set of norms regulating both the law-making process and the performance of law. In the second case it is only the performance of law that matters. Taking into consideration specifics of the relations regulated by these procedural norms, their functions and existing standards, it is possible to speak about the formation of the international procedural law [3, c. 169].

The traditional type includes unwritten rules established in practice, which have the legal force. The new type contains the norms, which are also unwritten rules and which are admitted as legally obligatory. They are created not during the long period of practice, but in the result of recognition of one or several precedents. For creating norms of the second type, the normative practice is of high importance, when the norm is formulated in the nonlegal act, usually in the resolution of the international organization, and then it is recognized as a norm of the international law [2, c. 85].

The usual norm is optional to the subject recognizing it. It concerns any action or fact, which has happened before the recognition. The usual norm has to be interpreted honestly in the light of its object and the purpose, taking into account all proofs of its content, in the spirit of main objectives and the principles of the Charter of the UN [4].

The contractual or conventional norm represents the rule, which is a part of the international legal treaty giving legal force to it. In compliance with the

general international law the conventional form presumes that all its content has legal force, if other will not be proved. Therefore, it is important to distinguish political arrangements from international legal treaties. The key factor is the intention of the parties, where the form of the act is determining. The role of treaties is steadily growing.

Decisions of the International Court of Justice of the UN acknowledge the possibility of creation of norms of the general international law by means of contracts. Thus the following criteria move forward:

– the provision of the contract shall have the law-creating character in relation to the general international law, i.e. it must have suitable content and express the relevant intention of participants;

– being conventional in its origin, the norm is included in the structure of the general international law in the result of its acceptance as a conventional norm;

– the norm accepted in such a way becomes obligatory even for the states which have never participated in the convention.

Apart from legal norms, there are nonlegal technical norms. Unlike the first ones, they do not have legal force and are applied according to their rationality. These norms are actively used by specialized organizations of the UN.

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## Классификация международно-правовых норм

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**Ключевые слова:** законодательство; классификация; конституция; международное право; международно-правовая норма; реализация норм права; соглашение.

**Аннотация:** Рассмотрены ключевые вопросы классификации норм международного права. Уделено внимание сферам действия международного права. Международно-правовые нормы проанализированы по сфере действия, юридической силе, характеру воздействия, функциям в системе международного права, источнику публикации.

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