

SPECIAL PRINCIPLES OF INTERNATIONAL SECURITY LAW

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Abstract

In the article, issues related to the place of special principles of international security law in the international legal system are analyzed in interaction with international legal documents and the opinions of well-known scholars in this field. It is noted that within the framework of international security law, which is an important area formed in the international legal system, the special principles of international security law can include special principles such as the principle of equality and equal security of states, the principle of not harming the security of the state, the principle of indivisibility of security in the face of transnational threats and challenges. In addition, due to the fact that the main goal of international security law is to ensure international peace and security, it has closer cooperation relations with other areas of international law, and from this a number of specific principles of international security law have been formed. For example, the principle of supremacy (superiority) of international law, the principle of responsibility of states, the principle of disarmament, the principle of personal security. In addition, during the analysis of the important principles of international security law, it is necessary to implement its main provisions into the national legislation of the states.

Keywords: *special principles of international security law, international legal system, principles of international law, global security, norms of international law, international agreement, equal security, responsibility of states.*

When analyzing the specific principles of international security law in ensuring international peace and security, first of all, attention should be paid to the main principles of international law. The basic principles of international law are generally enshrined in the UN Charter and are often referred to as the principles of the UN Charter. Their content and system are defined in the Declaration on the Principles of International Law on Friendly Relations and Cooperation between States in accordance with the UN Charter adopted by the UN General Assembly in 1970 and in the 1975 Helsinki Final Act of the OSCE. These principles include: the principle of not using force or threatening to use force; the principle of peaceful settlement of international disputes; the principle of sovereign equality of states; the principle of non-interference in the internal affairs of states; the principle of cooperation of states; the principle of legal equality and self-determination of nation; the principle of honest fulfillment of international obligations; the principle of territorial integrity of states; the principle of inviolability of borders; the principle of respect for human rights and fundamental freedoms.

The basic principles of international law play an important role in the legal regulation of the provision of the global security system, as they determine the behavior of the subjects of international law, their basic rights and duties for the protection of global peace and security, etc. contains guiding principles that define important provisions. The main principles of international law have a serious impact on the development of international law. [1, p.26-28] In addition, the main principles of international law have a positive role in the development of individual areas of international law, and then the principles of national law. Finally, the basic principles of international law fully express the basic essence of international law and international security.

The main principles of international law also act as a basis for further strengthening of international peace and global security system, functioning and improvement of its legal regulation mechanism. In this sense, the development of the basic

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principles of international law should be one of the main tasks facing the international community. Considering this, international environmental security and international responsibility can be considered as the main principles of international law. A serious global problem such as the environment, including the necessity of the institution of international responsibility in international relations in all cases, finally justifies our opinion that a number of important international documents have been adopted or are about to be adopted in this field.

The main principles of international law as a whole should be considered in a single complex. Violation of one of the basic principles of international law leads to the violation of its other principles, which in general endangers the provision of the entire system of global security. The mutual description and application of the main principles of international law ensures intensive and effective coordination between those principles, and at the same time, it also ensures the appropriate cooperation between the separate fields of international law, and ensures the mutual development of the normative-legal basis and specific principles of those fields.

The provisions of the basic principles of international law must be followed unconditionally by states. For this, there is no need to adopt any national normative-legal act. It is enough to express a general attitude to the main principles of international law, which should be part of the basic law (constitution) of that state. In this sense, Article 10 of the Constitution of the Republic of Azerbaijan should be highly appreciated. Thus, it is noted that the Republic of Azerbaijan establishes its relations with other states on the basis of the principles provided for in universally accepted international legal norms. [16]

Thus, international law regulates the relations of its subjects mainly through a system of principles and legal norms. In the legal literature, it is even suggested that the principles of international law make up its system of basic principles, sectoral principles and intra-sectoral principles. [2, p.11] At the same time, a special role is given here to the basic principles of international law. In the legal literature, it is noted that under the name of this concept, general fundamental principles aimed at ensuring the stable and efficient functioning of the international legal system as a whole are understood. [15, p.59] The basic principles of international law play a key role in ensuring global security, as they determine the norms of action of the subjects of international law, the basic obligations of states to protect the universal values of humanity, such as peace and security. I.I.Lukashuk rightly notes that the main goals and principles of international security law are also the goals and principles of international law as a whole. [10, p.282] The main principles of international law form the basis of the international legal system and the most important place in the international legal regulation belongs to them. Thus, no norm of international law can contradict the basic principles of international law. In accordance with the UN Charter, the 1970 Declaration on the Principles of International Law Related to Friendly and Cooperative Relations between States stipulates that each state must fulfill its obligations in good faith in accordance with the generally recognized principles and norms of international law. [6] According to the main requirement of the Declaration, the content of the main principles of international law, which includes 10 principles, should be taken in interaction with each other. Thus, the Declaration directly states that during the description and application of the principles of international law, they are interconnected and it is necessary to consider each principle together with other principles.

Now let's analyze the specific principles of international security law. At this time, it should be specially noted that the task of a comprehensive approach to solving problems related to the strengthening of global security requires the improvement and development of special principles of international security law. This important area of international law accepts and regulates international relations related to ensuring global security as its subject. [4, p.87] It is noted in the legal literature that international security law regulates a certain range of international legal relations of the subjects of international law in order to ensure disarmament and arms limitation, political, military, economic, environmental, informational and other types of security, as well as to limit and prevent armed conflicts. [3, p.363]

Sources of international security law are divided into international treaty (universal, regional and bilateral) and customary international law as sources of international law. Western jurists consider norms related to international security law in the sections on non-use of force, disarmament, international organizations. [11, p.17]

The common starting points for the principles of international security law are the basic, universally recognized principles of international law. This is due to the fact that international security law acts as an important area of international law. In no case can the specific principles of international security law contradict the basic, universally recognized principles of international law.

Taking into account the main features of international security law, it can be concluded that the field principles of international security law include the following:

- The principle of equality and equal security, which implies the implementation of the principle of sovereign equality of states in the field of international security in order to achieve a balance of power within the framework of the multipolar world order at minimum levels of mutual security. This principle involves states reducing the level of their military defense capabilities based on the principles of reasonable adequacy, which allows national security measures to be adequate to protect the interests of the state. Any surplus of weapons beyond defense needs poses a security threat. The principle of equality and equal security is provided for in every treaty norm limiting armaments and armed forces and is valid only for a state or group of states that is a party to the treaty. Activating the activities of the states in the above-mentioned direction and implementing international control, including the expansion of international cooperation in this sphere (for example, the Non-Aligned Movement) should be among the most important directions of activity.

- The principle of not harming the security of the state, which involves taking into account the interests of the entire world community and reaching an agreement on security issues based on consensus. The content of this principle indicates the danger of deliberately acting against the security of the state, the consequences of which may threaten global security. The Declaration on international cooperation on disarmament and the principle of not harming the security of any of the parties link the security of the state with strengthening the security of the entire international community. [5]

- The principle of indivisibility of security in the face of transnational threats and challenges implies achieving a balance of interests based on the equal security of all members of the UN, while security in a bipolar world order implies maintaining a balance of power between opposing parties. Due to the interdependence of global threats, helping to protect the interests of each state meets the common interests of the

world community, which requires the formation of a tighter security regime for the entire world community.

Man-made and natural disasters, acts of terrorism and armed conflicts, even if they are local, have a negative impact on other states. In particular, despite the fact that the International Atomic Energy Agency developed and adopted the fundamental principles of global safety in the field of nuclear energy after the Chernobyl disaster, the accident at the Fukushima 1 NPP after 25 years, according to the results of the UN Scientific Committee on the Study of the Effects of Nuclear Radiation, continued to have unwanted effects not only on the radiation safety of Japan's neighboring countries, but also on global radiation safety.

The doctrine of international security law already defines new security institutions: nuclear, food, climate, emergencies. [18, p.55; 13] However, according to I.I. Lukashuk, the special principles of international security law do not yet have a sufficiently clear understanding of the ways, methods and means of implementation. [11, p.17]

During the formulation of specific principles of international security law, it is necessary to give serious consideration to its interactions with other areas of international law. Since international law combines areas that are interconnected with each other, these relations must also be created. It is necessary to take into account what has been mentioned during the analysis of the main characteristics of each field, including its specific principles. Closer cooperation relations are formed between closer international legal fields.

Taking into account the above, the law of international treaties, the law of international organizations, international human rights law, international humanitarian law, responsibility in international law, international criminal law, international maritime law, etc., which act as important areas of international law during the formation of specific principles of international security law. At this time, it should be noted that international security law is the one that establishes the best cooperation relations with other areas of international law. Because global security is the main common and general criterion for all fields of international law, besides, the most important of the main goals of international law, including the UN as an important universal organization, is the provision of international peace and security.

Now, taking these factors into account, it is necessary to take a broader approach to the specific principles of international security law in ensuring global international security.

At this time, the principle of supremacy of international law, which has a leading role in coordinating the interests of states and the international community, can be mentioned first. The principle aims to increase the management of global security and prevent the emergence of new threats to world development. In accordance with the rule of law in international relations, a sovereign state has the freedom to act within the framework of generally recognized legal principles and norms. The supremacy of international law is expressed by its priority over all components of the system of international relations and world politics, as well as domestic legal systems. The UN Global Agenda states that ensuring the rule of law at the national and international level is one of the main tasks in achieving sustainable progress, economic development and human security. At the Millennium Summit, 193 UN member states and 23 influential international organizations officially declared their determination to strengthen respect for the rule of law in both international and domestic issues. [14] This principle closely links in-

international security law with national law and requires a new view of international law. The supremacy of international law fully accepts its primacy over national law. The theory of monism, which is one of the main theories in this field, fully justifies this. The developed countries of the world have already resolved the issue in this direction in favor of international law. Article 151 of the Constitution of the Republic of Azerbaijan states that If a conflict arises between normative legal acts of the legislative system of the Republic of Azerbaijan (with the exception of the Constitution of the Republic of Azerbaijan and acts adopted by referendum) and inter-state treaties to which the Republic of Azerbaijan is a party, the international treaties shall apply. [16]

The principle of responsibility of states defined by UN General Assembly Resolution No. 56/83 "Responsibility of States for Internationally Wrongful Acts" [17] contributes to the organizational unity and development of the entire international legal system to ensure global security, including by the system of international treaties and agreements. is supported. The principles of international responsibility should be approached from the point of view of the Draft Articles of December 12, 2001 entitled The responsibility of States for acts contrary to international law. Article 1 of that international document states that every act of the state against international law leads to the international responsibility of that state. In addition, Article 4 of the relevant international document directly states that the behavior of any body of a state, regardless of the position of this body in the state system, including whether it performs legislative, executive, judicial or any other function, is international according to the law, this is also considered as an action of that state.

The principle of responsibility of states is an important indicator of the efficiency and final result of the international legal mechanism of ensuring global security, demonstrating the legal nature of the international relations system itself. The legal consequences of violation of international obligations are defined in the 1969 Vienna Convention on the Law of Treaties, the 1978 Vienna Convention on the Succession of States to Treaties, the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or International Organizations, etc. it is also regulated by the norms of international law established in international documents. In addition, in the Millennium Declaration, the world's heads of state and government acknowledged their collective responsibility for peace and security, in addition to their responsibility to their own countries.

In addition, the 1988 Declaration on the Prevention and Elimination of Disputes and Situations that Threaten International Peace and Security and the Role of the United Nations in this Field defines the principle of the responsibility of states for the prevention and elimination of any international disputes and dangerous situations.

The next distinguished principle of disarmament is established in the most general form in Article 26 of the UN Charter, therefore, disarmament is defined as a set of measures aimed at stopping, limiting, reducing and eliminating the accumulation of material means of war in order to contribute to the maintenance of international peace and security.

Under Article 11 of Chapter VI of the UN Charter, the General Assembly reviews the principles of disarmament and arms regulation and makes recommendations to the Security Council, which is responsible for developing plans for a disarmament regulation system in this area. International legal tools in the field of disarmament are the

Conference on Disarmament, the First Committee of the UN General Assembly and the UN Commission on Disarmament. [7]

The lack of a recognized and universal commitment to disarmament in international law is an urgent problem. Disarmament as a duty to ensure security is established as a positive obligation of states in a number of universal international agreements. For example, the Treaty on the Non-Proliferation of Nuclear Weapons dated June 12, 1968, the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and Their Destruction dated January 13, 1993, etc.

The legal content of the principle of disarmament implies that the state, as a subject of international law included in the treaty relations on the reduction of arms, has only sufficient weapons for self-defense. Thus, the state is deprived of military resources for attack. At this time, as mentioned in the analysis, the principle of sufficiency acts as a general criterion for building a world without war and violence. [12, p.32] It is no coincidence that issues related to disarmament are already given a wider place in international law studies, and at the same time, they are even investigated as a separate field of this international law. [9, p.872-892]

In addition, during the analysis of the specific principles of human rights in the legal literature, the principle of the security of the personality is put forward and it is noted that the protection of the humanity begins with the protection of the personality. At the same time, it is noted that international and global security cannot be ensured where personal security is not ensured. Thus, respect for human rights should be carried out together with the provision of identity and, finally, international security. [1, p.60] A similar position can be found in other studies. [8, p.12-15] With the analyzes carried out in this direction, it can be additionally considered that the security of the personality is not only a principle of human rights, but also of international security law or an interdisciplinary principle. Because ensuring personal security is impossible without international security.

Thus, the following important conclusions can be reached with the conducted analyses:

1. Within the framework of international security law, which is an important area formed in the international legal system, special principles of international security law have also been formed and are currently developing further. Special principles such as the principle of equality and equal security of states, the principle of not harming the security of the state, the principle of indivisibility of security in the face of transnational threats and challenges can be included in the principles already formed in this field. The emergence of new threats, including the expansion of cooperation relations, will bring important innovations, additions and significant changes to the development of principles in this field, including their content.

2. Due to the fact that the main goal of international security law is to ensure international peace and security, it has closer cooperation relations with other areas of international law, and from this a number of specific principles of international security law have been formed. For example, the principle of supremacy (superiority) of international law, the principle of responsibility of states, the principle of disarmament, the principle of personal security. The mentioned principles are interdisciplinary in nature and have an important role in the modern international security system. Thus, the principle of supremacy (supremacy) of international law comes from the interaction of international security law and national law, the principle of state responsibility from the

interaction of international security law and responsibility in international law, the principle of disarmament from international security law and international humanitarian law, and the peaceful settlement of international disputes, including the interaction with the law of international organizations, and the principle of personal security directly follows from the interaction of international security law and international human rights law.

3. During the analysis of the important principles of international security law, it is necessary to implement its main provisions into the national legislation of the states. In other words, it is necessary to take into account the specific principles of international security law when adopting domestic norms in this area. National security cannot be ensured without ensuring international security, or national security can only get real, genuine content and assurance in the international security system.

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