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THE ROLE OF THE „LIKE MINDED STATES" THEORY IN THE CODIFICATION OF INTERNATIONAL LAW

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Abstract

As a result of the long historical evolution on the international arena, a society of the states has been created, whose relations the international law is called to regulate. The main significance of the existence and functioning of this company shows the aspects of maintaining a certain legal and social order. At the same time, for the international community, the issues related to maintaining that order are of greater importance for international law than for the national legal order, or, in the international life, supranational universal bodies are lacking, having authority before the sovereign states. Due to the diversification of this field, the emergence of new subjects of law and new fields of application, in the development of international law, a series of tendencies have been manifested: first, categorically, there has been a metamorphosis of classical international law into a right of the entire international community.

Today, international legal regulation is expanding on the newer areas of human activity, and international law is progressively developing. Older methods are being consolidated, as well as new methods are created to comply with the requirements of international law and to maintain the contemporary legal order based on the collective and individual measures of the states. At the same time, on the nature of contemporary international law and on the international legal order, as never, the activity of international organizations and the activity of social-political currents, as well as of nongovernmental organizations, is imposed.

Keywords:
International law; norms; evolution; documents; like minded states.

JEL classification: K33.

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I. INTRODUCTION

The process of creating and applying the rules of public international law is with small exceptions (we consider the participation of the national liberation movements in the international acts that target them, as well as of the entities of contested state character) marked by the obligatory participation of the states as main subjects of public international law, invested with universal legal personality. The states, initially participating as authors of the contents of the international normative prescriptions, later on the basis of the fundamental principle *pacta sunt servanda* consent to respect the same rules. In the following, we will highlight the main moments in the historical-legal evolution of the process of creating and applying, by the states, the norms of public international law.

In the foreground, we appreciate that, by its universal character and its purposes, the United Nations is the most important international organization that has developed the small system established during the interwar period by the League of Nations. The organization was created with the purpose of establishing a new world order, both in terms of ensuring peace and the elimination of force in international relations, as well as in economic, social, cultural and humanitarian development. Since the tendency of international law has long been the outlawing of the war of aggression and the use of force, we consider that the Covenant of the League of Nations has succeeded in taking an important step in this regard, so that the States Parties have accepted certain obligations, among which that of not resorting to war. The Briand-Kellogg Pact followed as a supplement, but the document that constituted a decisive step in the development of international law was the UN Charter.

II. THE HISTORICAL-LEGAL EVOLUTION OF THE ELABORATION OF THE NORMS OF INTERNATIONAL LAW

A first attempt to create a general and permanent interstate organization was the League of Nations, whose Covenant, the Covenant of the League of Nations was drafted and adopted at the Versailles Peace Conference of June 28, 1919, constituting the first part of the treaties signed by winners with Germany, Austria, Turkey and Hungary. The Covenant of the Societies of the Nations was built on two important provisions: the obligation of non-aggression and mutual assistance, on the one hand, and, on the other hand, on the freedom to resort to war only after the peaceful means of resolving international disputes. The Paris Treaties of 1919-1920 marked the break-up

of the Habsburg Empire, the emergence of new independent states within the international community, and the attempt to create a universal organization aimed at maintaining peace, curbing war and observing international law. The beginning of World War II meant the final fall of the Versailles system [1].

A very important moment in the sphere of international relations in the interwar period was the establishment of the International Labor Organization in 1919 (the first international intergovernmental organization - the International Telegraphic Union - had already been created in 1865) (Miga-Beșteliu, 200). This organization was established on April 11, 1919, in order to protect the dignity and health of the workers, to contribute to the improvement of their working conditions and the standard of living, to achieve the economic well-being, to ensure the protection of the mother and the child, to ensure equal opportunities in the field of vocational training and education. The process of creating new organizations prefigured the system of specialized UN institutions and for the first time in the history of international society, an international organization with jurisdictional powers appeared - the Permanent Court of International Justice.

The Geneva conferences of 1925 and 1929 had a special contribution by adopting in 1925 the *Protocol on the prohibition of the use of choking, toxic or similar gases and bacteriological (biological) weapons in war* [2][4], and in 1929 a new codification was made regarding the improvement the fate of the wounded and sick in the armies in the campaign. Through the *Eastern Security Pact* of 1925 from *Locarno*, the institution of collective security was developed, which aimed to create a system of prevention of aggression and of its rejection through cooperation with other states. The definition of aggression took shape by the *Convention defining the aggression* concluded on July 5, 1933 in London between the USSR and other states, among which we can mention Romania (the other participating states were Afghanistan, Estonia, Latvia, Persia, Poland, Turkey) [17]. The Conference for Disarmament and entered into force on February 17, 1934. This document is of historical importance, we could say, based on the Briand-Kellogg Pact which prohibits any aggression. In order to strengthen general security and

[4] The protocol regarding the prohibition of the use of suffocating, toxic and other similar gases or of bacteriological means, concluded in Geneva in 1925. http://www.nti.org/learn/treaties-and-regimes/protocol-prohibition-use-war-asphyxiating-poisonous-or-other-gasses-and-bacteriological-methods-warfare-geneva-protocol/.

peace, it was necessary to define as clearly as possible the aggression, given that the states have the right to independence and security, to the defense and inviolability of their territories and to the development of their own institutions. The document actually brings together three conventions called the *Conventions for Defining Aggression*, also known as the *Titulescu-Litvinov Conventions*, supplementing the 1928 *Multilateral War Waiver Treaty* and underpinning the principles of the 1924 *Balkan Understanding Pact*. The first convention was signed in the form of a regional pact of non-aggression on July 3, 1933 by the representatives of Romania, Estonia, Latvia, Poland, Turkey, Iran, Afghanistan and the USSR, the second convention was signed on July 4, 1933 in the form of a general pact of non-aggression, with the same content, by the Little Understanding or the Little Antantă (a defensive political organization, an alliance between Czechoslovakia, the Kingdom of Yugoslavia and the Kingdom of Romania), Turkey and the USSR, and the third convention was signed on July 5, 1933 by the USSR and Lithuania [3: 342].

We appreciate that all the disastrous consequences of the two World Wars have imposed on the states a unanimous view regarding the war, namely its definitive exclusion from the life of the international community. As a result, the first step towards achieving this objective was the prohibition of the use of force and the threat with force, a principle enshrined in art. 2 paragraph 4 of the UN Charter. The most prolific period in terms of setting up new international organizations is considered the period immediately following World War II when the United Nations was created and 17 other specialized UN institutions (for example: the Postal Union (UP), International Civil Aviation Organization (ICAO), International Labor Organization (IOM), World Health Organization (WHO) or financial-banking institutions: International Monetary Fund (IMF), International Bank for Reconstruction and Development (IBRD), organizations that carry out activities cultural and scientific: United Nations Educational, Scientific and Cultural Organization (UNESCO) et al.).

The United Nations is guided by a series of principles such as: sovereign equality between all UN member states, the principle of good faith in their fulfillment of their obligations, failure to force or threatening force, non-interference in the internal affairs of the UN to other states, all these principles being adopted subject to the coercive measures that can be adopted by the UN in case of threat of international peace and security. The Charter is a dynamic document that the practice constantly improves. Of course, the major changes produced since 1945, since the adoption of this document, have up to now influenced the way the UN Charter is applied. From the analysis of the regulations contained in the UN Charter signed on

June 26, 1945 at the United Nations Conference in San Francisco held in April-June 1945 and entered into force on October 24, 1945, in direct connection with the subject covered in this paper, we hold the following conclusions:

- the primary purpose of the United Nations is to maintain international peace and security. This is achieved by adopting effective collective measures to prevent and remove threats to peace and to repress all acts of aggression and other breaches of peace and to peacefully resolve international disputes in accordance with the principles of international law and justice; Other goals of the organization are the development of friendly relations between states and the achievement of international cooperation, based on respecting the principle of equality in rights of peoples and their right to dispose of themselves, the principle of cooperation of states and respect for human rights and fundamental freedoms for all, without as opposed to race, gender, language or religion, as stipulated in art. 1 of the Charter;

- as regards the members of the organization, they must respect the fundamental principles of international law and fulfill in good faith all the international obligations assumed according to the Charter; UN member states must resolve disputes arising only peacefully in order to maintain peace and security in the world; Another important provision of the Charter concerns states wishing to become members of the UN, the condition that they must fulfill is that these states must be peace-loving and accept the provisions of the Charter, and which, after the Organization's appreciation, are capable and willing to fulfill them (Articles 2 and 4);

- The Security Council is the body that ensures the rapid and efficient actions of the Organization and is responsible for maintaining international peace and security (Chapter V of the Charter);

- the institution of the international responsibility of the states for the violation of the fundamental norms and principles of international law was created;

- states are obliged by the Charter to maintain peaceful relations with each other, to contribute to raising the standard of living, to economic, social, health and progress development, to ensuring international cooperation in the field of education and culture, to respecting human rights and fundamental freedoms, to promote development measures, to encourage research and cooperation between them (Articles 55 and 73);

- each Member State of the United Nations undertakes to comply with the decisions of the International Court of Justice in any case to which it is a party (art. 94) [3].

We find that a feature of the post-World War II period is the establishment of regional bodies of political and military cooperation (for example, the North Atlantic Alliance) and those of regional economic integration (European Economic Communities). The international society at that time was aiming to strengthen solidarity between states, permanent consultation and coordination of their actions in order to maintain international peace and security in accordance with the principles enshrined in the UN Charter.

The interdependencies that appear in the development processes of the states were another determining factor in the emergence of the international organizations that imposed the cooperation between the states in various forms allowing a free association, taking into account the common and particular interests of the members of the association. A major role was played by the industrial revolution and the progress of science and technology that narrowed the distances between states and increased international contacts. For example, the most important mechanism for promoting and regulating international trade is the General Agreement on Tariffs and Trade [4] of 1947 whose basic principles were taken over by the World Trade Organization established in 1995. The agreement establishing the World Trade Organization was adopted on April 14, 1994, by the Ministerial Conference in Marrakech, Morocco, where the last round of international multilateral trade negotiations under the GATT was finalized and entered into force on January 1, 1995. At the same time, a series of regional organizations that are characterized by homogeneity have been created, being made up of states that have similar or even identical political, economic or cultural systems. We can mention here: The Organization of African Unity (OUA) today known as the African Union (AU); at European level: the Council of Europe (1949), the European Communities (1951, 1957), the European Development Bank (1991), the Organization for Security and Cooperation in Europe (OSCE 1994); in the American space: Organization of American States (OSA, 1948 Bogota Charter) [5: 58] etc. Through these organizations, we observe how states reserve the right to develop and apply international rules applicable to a particular region, according to its development priorities.

Under the aegis of the UN, the codification of international law has made significant progress. The organization has set out to initiate studies and recommendations within the General Assembly in order to encourage the progressive development and codification of international law (Article 16 of the Charter). Thus, it was established by Resolution no. 174 from 1947

the *Commission of international law* [6][5], as a subsidiary body of the General Assembly, with the purpose of formulating and systematizing the rules of international law in the fields where there is considerable legal practice, precedents or doctrinal opinions. On December 17, 1966, the UN General Assembly established the *International Trade Law Commission*, delegated to develop "uniform rules regarding trade and relations in different fields". An essential component of international law is the definition and clarification of *responsibility* for those actions that are capable of endangering international peace and security, creating and maintaining a warlike, tense and tense climate that favors the use of force or threat by force, to generate conflicts and military confrontations. The responsibility for such acts must be clearly stated in the system of international law, so that its *preventive* functions are successfully performed, and the peace and security of the peoples are fully guaranteed [7][6]. In the researches carried out over the years, the need for liability for the war of aggression to be expressed in precise sanctions enshrined in norms of international law was highlighted. This responsibility refers to the obligation of the aggressor state to bear in various forms the consequences of its illicit acts, "*which can go from covering the material damage, to the most rigorous sanctions allowed by international law*"[8]. A decisive role in this regard was the adoption by the International Law Commission in 2001 of the *Draft Articles on State Liability for Unlawful International Acts (referred to as the Draft Articles or CDI Project)* [9][7], a project annexed to UN General Assembly resolution 56/83 , although the actual coding works had begun in 1955. The elaboration of this project took about 46 years, with a large number of governments participating in this process, who presented their objections to the articles elaborated by the Commission. This document is the result of a long work of the IDC, in which a series of main provisions of international liability law have been developed as one of the basic branches of international law, including the formulation of its principles and norms. Finally, the RDI decided to deal with the illicit act and the forms of state responsibility, not the violations of the different norms and, on this basis, the Commission adopted in 1996 a draft of articles.

The International Law Commission has developed outstanding projects in areas such as the recognition of states and governments, the judicial immunities of states and their property, the jurisdiction over offenses

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[5] Resolution of the UN General Assembly no. 174 (II) of November 21, 1947 on the establishment of the International Law Commission

[6] *Convention on the Prevention and Suppression of the Genocide Crime, adopted on December 9, 1948.*

[7] The draft articles on state accountability for unlawful international acts, 2001.

committed outside the national territory, the succession of states and governments, the treatment of foreigners, the right to asylum, the right to treaties, the territorial water regime, the free sea regime, diplomatic relations and immunities. The efforts of this commission, as well as other committees of the General Assembly subsequently established, have been seen in the elaboration and conclusion of many conventions for codification of international law, in various fields, such as: diplomatic relations (*Vienna Convention of 1961*); consular relations (*Vienna Convention of 1963*); international treaties (*Vienna Convention of 1969*); the law of the sea (the four *Geneva Conventions of 1958*, followed by the *Montego Bay Convention of 1982*).

We consider that a reference document for analyzing the evolution of the normative framework of international law is the *1969 Vienna Convention on the Law of Treaties*. It was adopted on May 23, 1969 at the UN Conference on the Law of Treaties, to which 110 states participated, and entered into force on January 27, 1980. The importance of this international document is that it represents a major step in the process of codifying the rules of international law governing the conclusion of treaties, conventions or other agreements between states and their entry into force (Part II of the Convention), the way in which the interpretation of the treaties and agreements, their application and their observance (part III of the Convention), rules regarding the modification, suspension and termination of the treaties, the vices of consent (articles 48, 49, 50, 51 and 52) are made and the invalidity of the treaties (Part V of the Convention). The convention codifies the notion of imperative norm (*jus cogens*) and reaffirms the fundamental principle of public international law *pacta sunt servanda*, which is the principle of observance in good faith of a lawful treaty (art. 26), the principle of free consent and the principle of non-retroactivity of the treaty (art. 29) [2: 114]. The Convention also reaffirms the principles of international law embodied in the UN Charter, such as: the principle of equality of peoples' rights and their right to decide their own fate, the principle of sovereign equality of states, the principle of non-interference in the internal affairs of states, the principle of prohibiting the threat with the force or use of force and the universal principle of human rights and fundamental freedoms for all.

The 1969 Convention was followed by a new *UN Convention on the law of treaties concluded between states and international organizations*, *as well as between international organizations in 1986*. In addition to these two conventions*, the Convention on the succession of states to treaties* was adopted [10], a contribution to the process of codification of international legal norms by international conventions. This convention was adopted on August 23, 1978 by the Conference of Plenipotentiaries on the succession of treaty states held in

Vienna in two sessions, respectively in 1977 and 1978, and entered into force on November 6, 1996. The depositary of the convention was the Secretary General of UN. The importance of this convention lies in the fact that it establishes the legal regime of the succession of states to treaties, consecrating the general tendencies in the field. One of the five resolutions adopted by the Convention concerns incompatible rights and obligations arising from a treaty following the merger of some states. The signatory states of the Convention have recognized the need to codify and develop the rules of international law regarding the succession of states, being means of ensuring legal certainty in the field of international relations. Also, the Convention shows the importance of respecting the general multilateral treaties by which international law is codified and developed, as their objectives and goals are vitally important for strengthening international peace and cooperation within the international community [1: 152-168].

We note that, despite the sustained efforts of the states to respect the norms and principles of international law, to maintain peace and security in the world, unfortunately, some local and regional conflicts have continued to disturb the pacifist climate. We believe that the latest example is the conflict in Ukraine, where the population's creed has turned into a bloody conflict. From the point of view of international law, the differences between different situations and regions require a permanent adaptation of the working and cooperation methods. For this reason, we believe that respect for human rights has had to be reaffirmed in the multitude of international legal instruments adopted by the UN and regional organizations.

In 1949 the Council of Europe was created, having as founding members ten states, thus making the first step towards the realization of the idea of a united Europe. The role of the Council was not confined to the military and economic field, but to the social and cultural domain. The member states of this body must accept the principles of the rule of law and the principle that every person under its jurisdiction must enjoy the fundamental human rights and freedoms, to which is added the sincere desire of the participants - the members, to compete effectively in achieving the purpose of the Council. Its first political achievement was the adoption and opening for signature on November 4, 1950, in Rome, of the *European Convention on Human Rights*. The mechanism of protection of fundamental human rights and freedoms within the system of the European Convention on Human Rights has an effective character, which allows us to assert that the European system of human rights protection is far superior to the United Nations specific system [11: 159].

We consider that another important act in studying the theme of this work is the *Declaration on the principles of international law on friendly relations and cooperation between states*, according to the UN Charter. The declaration was adopted by UN General Assembly Resolution no. 2625 (XXV) on October 24, 1970 at the twenty-first (1970) jubilee session of the General Assembly of the United Nations. By adopting this document, the General Assembly expressed its conviction that promoting the supremacy of international law and the universal application of the principles of the UN Charter will strengthen world peace and will be a point of reference in the development of public international law, and especially of relations between states. This document undoubtedly reiterates the provisions and purposes of the UN Charter, namely the maintenance of international peace and security, the development of international relations and cooperation between states.

III.„LIKE MINDED STATES" THEORY

We note that international law has included, since the nineteenth century, norms agreed by two or more states, by which it was understood to pursue and punish certain acts considered by them to be crimes committed in the territories subject to their jurisdiction or in premises located in outside the jurisdiction of any state (such as the free seas), such as piracy, slave transport, trafficking of women and children, drug trafficking and the like. In the twentieth century, such norms were extended, including acts of genocide, acts of terrorism against civil aviation, maritime navigation, against persons protected internationally. It is what has been called international criminal law; we are not in the presence of an international jurisdiction, but of rules by which the states agree to consider certain offenses and punish them within their domestic jurisdiction [12]. . The recognition of the idea of international criminal justice has come a long and difficult path, as numerous obstacles have arisen towards the establishment of *ad hoc* courts and, especially, the establishment of the International Criminal Court. Specialized by the experts, the idea of an international criminal court as a permanent institution with general competence, although on the agenda of the O.N.U. since 1953, it has been possible to find its realization only after 45 years, due to obstacles that were more concerned with the political will than by challenging the idea of an international criminal justice. After the Second World War, the idea of creating an international Criminal Court, with the exception of special experiences through the creation of ad hoc Courts (Nuremberg and Tokyo) at that time, never went beyond the project stage. In 1948, the *Convention on the Prevention and Suppression of the Genocide Crime* provided for the sending of the perpetrators of this serious crime to an international criminal court to be created. In the same year, the UN General

Assembly asked the International Law Commission to examine the possibility and opportunity of setting up such institutions. In 1954, the General Assembly decided to postpone the analysis of this issue, which was related to the development of a *draft Code of crimes against international peace and security* (codification of the principles used by the Nuremberg Tribunal), as well as the definition of the act of aggression. In 1973, the *UN Convention on Apartheid* provided for the possibility of referral of an international criminal court to persons accused of committing this crime. In 1974, the General Assembly, by Resolution 3314 (XXIX), adopted by definition a definition of aggression, which allowed the relaunching of the activity of the International Law Commission on the criminalization of crimes against international peace and security and the creation of an International Criminal Court, but all these efforts did not materialize in success. In 1989, following the initiative of the State of Trinidad and Tobago, concerned about its situation on the issue of drug trafficking, the UN General Assembly asked the International Law Commission to review the issue of creating a Court within the Code of Crimes Against Peace and Security and to approve the competences. The court for persons guilty of drug trafficking [13]. Only on July 17, 1998 was the Statute of the International Criminal Court adopted by the Diplomatic Conference of the Plenipotentiaries in Rome and entered into force on July 1, 2002. The negotiations aimed to create a balanced and modern status text, which would harmonize the legal requirements. of the different systems of law existing worldwide and the creation of an international criminal court which, by exercising jurisdiction over the guilt-ridden platforms for committing particularly serious crimes, completes the system of the instruments available to the UN for maintaining world peace and security.

In this context, we identify an interesting position of the so-called *The group of like minded states* that played a key role in the negotiation of the Statute of the International Criminal Court. *Like minded states theory* refers to a group of states that share the same goals for establishing rules, legal norms. This is the case for the adoption of the ICC Statute in 1998 at the ICC Diplomatic Conference in Rome. The final vote for the adoption of the Statute came after a long process of negotiations between the states participating in the adoption of this document [14]. A group of states have been assigned the likes of *Like minded*, including Canada, Australia, Argentina, Costa Rica and most European countries except France. We specify that this is a common theory also within the various international governmental organizations, within which interest groups are formed and militated for their common purpose, each of these groups trying to make a profit from the like group. Regarding the adoption of the ICC Statute, the

strategy of the Like minded states group was to divide the 5-member Permanent Group (P5) of the UN Security Council. The US had already expressed disagreement with this status at the time of negotiations, England was already a Like minded member, and France and Russia were not fraternizing with this move. The role of the UN Security Council was to resolve without too much difficulty the support of the Like minded group, and finally, during the negotiation rounds, France and Russia agreed with the provisions of the statute. The most difficult task for the Court was to exercise jurisdiction over crimes committed internally, where states had expressed their desire to protect the perpetrator [15]. Other states that voted for this status were: China, Iraq, Israel, Libya, Qatar and Yemen.

Regarding the issue of international sanctions, we highlight the contribution of the *Like minded states* groups. One of these groups is *The group of Like minded states on Targeted Sanctions*, consisting of Austria, Costa Rica, Germany, Denmark, Finland, Liechtenstein, Norway, Holland, Switzerland and Sweden [16]. He called on the UN Security Council in May 2013 to take concrete action and tighten the sanctions regime against al-Qaeda. The group has expressed its support for the one headed by the Sanctions Committee of the Security Council and under the mandate of which 27 cases have been solved and another 16 are still awaiting settlement. In fact, this group has been trying since 2011 to call for tougher sanctions against the Taliban and is still very active. We mention that Targeted Sanctions - the target sanctions - are an important tool of the UN Security Council. We note that, on June 17, 2014, the UN Security Council adopted a resolution reviewing measures against Al Qaeda individuals and affiliated entities thought with the support of Like minded States and negotiated under P5. [17].A similar resolution was given on September 24, 2014 by the Security Council UN Anti-ISIS Resolution, this time referring to the Islamic State. This document provides for harsh sanctions against all those who join the Islamic State. On this occasion, Turkey and Romania announced their participation in the fight against international terrorism. These states play a central role in the UN's efforts to maintain international peace and security in the fight against international terrorism. What is equally important is that all UN member states have recognized the need for the UN sanctions regime and at the same time the future development of this regime. This was also stipulated at the High Level Meeting in the *Rule of Law* of September 2012 [18]. On May 28, 2014, Belgium, on behalf of Like minded States, recognized the need for the development of UN procedures regarding the regime of sanctions regarding Al Qaeda. We are talking about other examples of sanctions imposed by the EU and the US on Russia following the conflict in Ukraine which entered into force on September 11, 2014.

These are: the ban on banks and companies in the energy and military fields to seek financing on European markets, the ban on 24 Russian officials and leaders of the Ukrainian rebellion to enter EU and US territory, plus freezing of their assets and visa bans, and restricting access of major oil companies to capital markets.

IV. CONCLUSIONS

We consider that each state has specific legal regulations that define its own legal order, but in their relations established with other topics of international law, states must also obey the international legal order. Starting from this juxtaposition of the two orders of law, the domestic and the international, the two monistic and dualist theories were created in doctrine. Regarding international law, Kant was designing a universal world state model in which he believed that world peace would be guaranteed and viewing a Constitution based on the equality of states with the role of peacekeeping.

The contemporary international community, we find that derives from a process of continuous integration and enlargement of the political environment, most of the political events crossing the borders of the states beyond their incipient framework, promoting interdependence and integration at the international community level beyond the internal legal order. of states. The character of mutual interconditioning of states is given by the whole international society, by the interstate relations and by the fact that the international law is in a permanent evolution.

REFERENCES

[1] Năstase A, Aurescu B. Drept internaţional public. Sinteze. Bucureşti, România: C.H. Beck; 2011.

[2] NTI. Protocol fot the prohibition of the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare (Geneva protocol). Available at: http://www.nti.org/learn/treaties-and-regimes/protocol-prohibition-use-war-asphyxiating-poisonous-or-other-gasses-and-bacteriological-methods-warfare-geneva-protocol/

[3] Năstase A, Aurescu B, Gîlea I. Drept internaţional contemporan. Texte esenţiale. Bucureşti, România: C.H. Beck; 2007.

[4] World Trade Organization. Acordul General pentru Tarife şi Comerț (The General Agreement on Tariffs and Trade). GATT Documents. Available at: http://www.wto.org/english/docs_e/docs_e.htm şi www.eumed.net.

[5] Miga-Beşteliu R. Drept internaţional public. Vol. II. Bucureşti, România: Ed. C.H. Beck; 2008
[6] Resolution of the UN General Assembly no. 174 (II) of November 21, 1947. Available at: www.un.org
[7] Convention on the Prevention and Suppression of the Genocide Crime, adopted on December 9, 1948. Available at: http://www.irdo.ro/file.php?fisiere_id=89&inline
[8] Preda-Mătăsaru A. Tratat de drept internaţional public. Bucureşti, Romania: Ed. Lumina Lex; 2007.
[9]International Law Commission. Available at: http://www.un.org/documents/ga/docs/56/a5610.pdf
[10] Convention on the succession of treaty states, Vienna, August 23, 1978. Available at: http://www.docfoc.com/conventia-privind-succesiunea-statelor-la-tratate
[11] Ciucă A. Protecţia internaţională a drepturilor omului. Iaşi, România: Ed. Editura Fundatiei Axis; 2009
[12] Ignătescu C. Lecţii de Teoria generală a dreptului. Bucuresti, Romania: Editura Hamangiu; 2014.
[13] Ponta V, Coman D. Curtea Penală Internaţională – Consacrarea juridică a statutului primei instanţe penale permanente din istoria justiţiei internaţionale. Bucureşti, România: Ed. Lumina Lex; 2004;
[14] Benedetti F, Ionneau K, Washburn J. Negotiating the International Criminal Court: New York to Rome, 1994-1998. SUA: Martinus Nijhoff Publishers; 2013
[15] Bedont B, Matas D. Negotiating for an International Criminal Court, în: Peace Magazin; Sept. -Oct. 1998, 14(5). Available at: http://www.peacemagazine.org/index.php?id=2103
[16] United Nations, Security Council. Proposal by the Group of Like-Minded States on Targeted Sanctions for fair and clear procedures for a more effective UN sanctions system;12 November 2015. Available at: www.derechos.org
[17] Mazilu D. Drept internaţional public. Ediţia a II-a, vol. I. Bucureşti, România: Lumina Lex, 2005.
[18] United Nations. Available at: www.un.org