

INTERNATIONAL LAW RULES AND THE CURRENT WORLD ORDER

Mihai-Ştefan DINU, PhD.¹

Abstract: *This paper focuses on the close connection between the current world order and the international law rules.*

Starting from punctual crises developed in the last years on the international scene, the analysis converged into a single conclusion related to the current state of international law rules, or to the level of compliance accepted by the international law subjects, no matter if they are states, liberation movements, or terrorist movements which tend to be perceived as liberation movements.

Keywords: *International Law, world order, borders, cyber space, terrorism, ISIS, international relations, China.*

1 Introduction

● In the period that followed the end of the Cold War, marked by the development of security studies, most scholars agreed on the fact that international scene was subject to changes that determined the transition to a new world order.

Today, a quarter century later on, the question that frequently arises in specialized studies or in the numerous views publicly expressed by scholars is *what kind of world order will characterize the international scene?*

Please note that we prefer using the phrase *international scene* in the sense that it designates the framework the international system evolves within, determined by the result of international relations' interactions. The use of this phrase is more appropriate, in our view, because it involves – besides modern approaches representative for the international relations subject matter – maintaining a strong focus on international law issues that

¹ Senior Researcher, „CAROL I” National Defence University.

should necessarily prevail in the development of international relations within the framework of international system.

Therefore we believe that the answer to the above mentioned question cannot be identified without first answering the questions related to the current international system physiognomy and to international law rules which should necessarily govern it.

To identify the framework needed for this answers, we will further analyze some major issues, starting from the brief characterization of the situation on the international scene.

2. Geopolitical issues related to the current state of international scene

Punctually, our opinion is that the current state of the international scene is characterized by the emergence and development of the following situations:

- Arab spring movements;
- Russian intervention in Ukraine and Crimea annexation;
- the unprecedented expansion, on the geographical scale, of the terrorist phenomenon, which later on made possible the emergence of movements like Al Qaeda and ISIS;
- the emergence of a new type of actor on the international stage, with tendencies to act in the international system as a subject of international law - ISIS;
- the natural resources competition, which led to the multiplication and diversification of situations related to drawing borders and territorial claims by states or national liberation movements etc;
- technological advances that allowed conducting actions perceived as hostile both in virtual space (cyber space) and in the geographical one (through artificial territorial expansion – China).

These situations are added, in our view, to the one which in fact constitutes a common feature of all of them, namely *ignoring / avoiding the existing international law or using legal tricks such as incomplete or absent regulation of certain aspects (i.e. cyberspace) insufficiently regulated in the public international law branch.*

Therefore, following the logic of this paper, we shall address issues related to unprecedented development of terrorism and those related to

technological advances allowing the emergence and evolution of legal cases insufficiently regulated under international law.

2.1. ISIS – tendencies to act as international law subject

In two of this year's previous articles² we detailed some issues related to the conditions in which the expansion of ISIS was possible, those being confirmed by various studies (figure no. 1) or statements of public authorities.

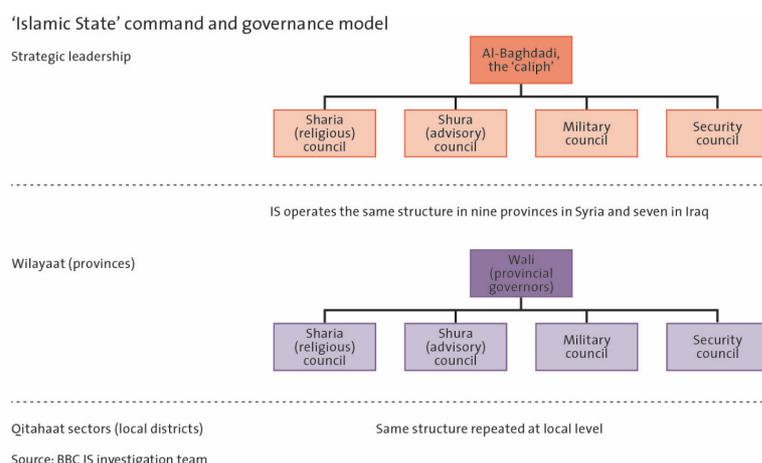


Figure no. 1. ISIS command and governance model³

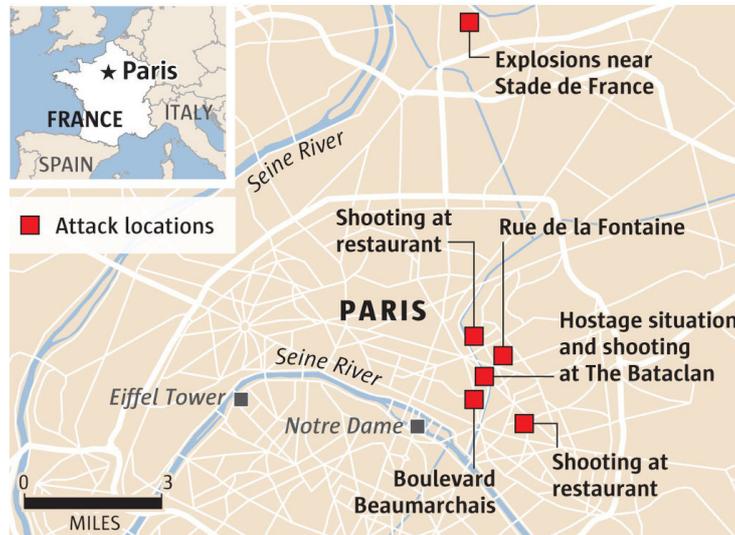
French President Francois Hollande, after the terrorist attacks in Paris – synchronized in six places in the French capital (figure no. 2) –, stated that the attacks are an "act of war committed by a terrorist army, Daesh "(Arab acronym of the jihadist group Islamic State), an act " prepared, organized and planned from the outside with internal complicity"⁴

² Mihai-Ștefan Dinu, *Paradigmatic Shifts in Strategic Rivalries*, in Annals series on Military Sciences, No. 1/2015, Academy of Romanian Scientists Publishing House, Bucharest, 2015, pp. 44-54; Mihai-Ștefan Dinu, *Cauze strategice și implicații juridice ale actualei crize a refugiaților din Europa*, Nr. 3/2015, *Revista de Științe Militare*, Editura Academiei Oamenilor de Știință, București, 2015

³ ***, *Strategic Trends*, Center for Security Studies, ETH Zurich, 2015, p. 53

⁴ www.hotnews.ro/stiri-international-20590512-francois-hollande-anunta-doliu-national-trei-zile-act-razboi-comis-armata-terorista-daech-planificat-din-exterior-complicitate-interna.htm

In our view, this statement, in the framework of international law, involuntarily recognizes ISIS's status as international law subject, based on the fact that war is a complex situation arising in the relations between two or more States as a result of armed conflict.



Source: The New York Times, Esri GARLAND POTTS/THE SEATTLE TIMES
Figure no. 2. Locations of terrorist attacks in Paris⁵

2.2. Artificially extended territories

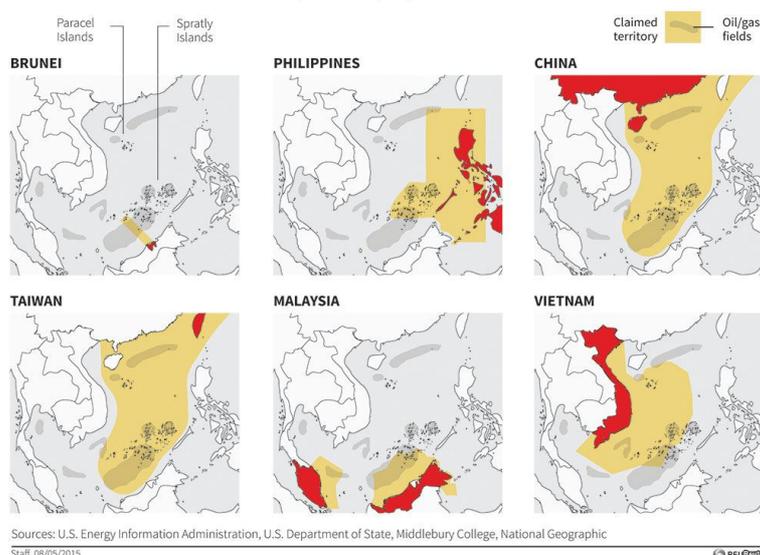
The artificial territorial expansion type constitutes one of those situations in which, on the basis of historical memory and the delay in updating the rules of law, emerge border-related tensions, especially maritime, leading to imbalances in the international system.

The most eloquent example is the current situation in the South China Sea, where a series of isles or reefs are disputed by the riparian states: Brunei, China, Philippines, Japan, Malaysia and Vietnam. Obviously, these disputes were emphasized on the background of natural resources reserves found in the region offshore (figure no. 3).

⁵ www.seattletimes.com/nation-world/french-police-report-shootout-and-explosion-in-paris

Claims on the South China Sea

China and five other Asian states contest all or parts of the Spratlys and Paracel islands in the South China Sea.



Sources: U.S. Energy Information Administration, U.S. Department of State, Middlebury College, National Geographic Staff, 08/05/2015

Figure no. 3. Territorial claims in the South China Sea and natural resources reserves⁶

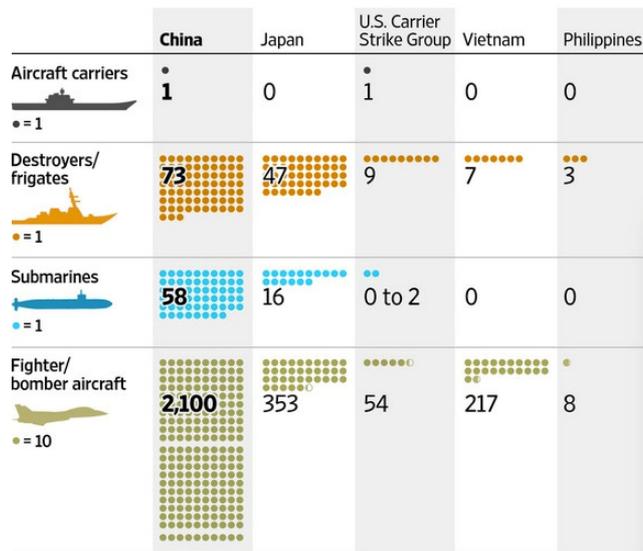
The most recent issue is related to Spratlys group of islands and reef, on 27 October 2015 US sending USS Lassen destroyer in the area of 12 maritime miles near Subi Reef, which is claimed by China. This claim was possible on the background of China's artificially expanding the reef territory, which built structures that can be used as combat capabilities similarly to those on Fiery Cross Reef or Woody Island.

The issues related to these structures built on the islands or artificially extended reefs raise concerns not only on the background of natural resources competition but also regarding the strategic and military balance in the region (figure no. 4).

⁶<http://learningenglish.voanews.com/content/will-south-china-sea-dispute-cause-a-world-war/2807527.html>

Power Projections

China aims to boost its maritime forces, but it already has an edge over its rivals in terms of the sheer size of its air and naval fleets.



Sources: U.S. Department of Defense, World Air Forces 2015 report, Japan Self-Defense Force (Japan fighter)

THE WALL STREET JOURNAL.

Figure no. 4. Military power of main actors in the South China Sea⁷

3. Role of International Law rules in shaping the new world order

The previous section mentioned a few current situations where tensions on the international scene emerged or were maintained on the background of international law rules which were ignored, avoided or not updated in compliance with modern human activities. Still, it is precisely this updating process that should become the main concern of the international system, while there are movements (ISIS) that defy not only the domestic order of states recognized as international law subjects (Syria, Iraq, France etc) but also organizations as such (the refugee crisis in the EU states).

Any law school student knows that at the national level the law is the a set of rules of general conduct, insured in a mandatory way and

⁷ Trefor Moss, *China's Naval Abilities Test Asia's Insecurities*, Wall Street Journal, 27 mai 2015, www.wsj.com/articles/chinas-naval-abilities-test-asias-insecurities-1432724142

guaranteed by the state, aiming to organize and discipline human behavior in the human relational framework. This behavior must be achieved in a specific climate that allows the coexistence of human rights and freedoms essential to social justice. Therefore, the law, international law implicitly, requires a sanctioning dimension in order to prevent, discipline or organize the behavior of international law subjects. Thus, within the international system, the current sanctioning systems appear rather weak⁸, since the preventing and organizing function is insufficiently heeded, situations when international law rules are not complied with are more and more frequent, everything resulting in tensions experienced on the international scene.

Conclusions

Following this brief analysis, we must present some conclusions that can contribute to finding answers related to the current physiognomy of the international system and the compliance with international law rules that necessarily should govern it, as we mentioned in the introduction.

Theoretically, we can state that, by its ends, law should be considered as a consolidation factor for social relations, an essential moral virtue aiming to guarantee and secure harmony and social peace.

Applying this principle to international law, we must conclude that the process of updating international law rules to the modern human activities can result in a consolidation of international relations and improvements in world security and stability that the updated international standards in modern human activities can strengthen international relations and considerably improve global security and stability.

⁸ Lee Jones, *How Do International Economic Sanctions (Not) Work?*, The Foreign Policy Centre, <http://fpc.org.uk/fsblob/1708.pdf>



BIBLIOGRAPHY

- ***, *Strategic Trends, Center for Security Studies, ETH Zurich, 2015*
- BEȘTELIU Raluca-Miga, *Drept internațional. Introducerea în dreptul internațional public*, Editura ALL Beck, București, 1998
- DINU Mihai-Ștefan, *Cauze strategice și implicații juridice ale actualei crize a refugiaților din Europa, Nr. 3/2015, Revista de Științe Militare, Editura Academiei Oamenilor de Știință, București, 2015*
- DINU Mihai-Ștefan, *Paradigmatic Shifts in Strategic Rivalries*, in Annals series on Military Sciences, No. 1/2015, Academy of Romanian Scientists Publishing House, Bucharest, 2015
- JONES Lee, *How Do International Economic Sanctions (Not) Work?*, The Foreign Policy Centre, <http://fpc.org.uk/fsblob/1708.pdf>
- MOSS Trefor, *China's Naval Abilities Test Asia's Insecurities*, Wall Street Journal, 27 mai 2015, www.wsj.com/articles/chinas-naval-abilities-test-asias-insecurities-1432724142
- SCĂUNAȘ Stelian, *Drept internațional public*, Editura C. H. Beck, București, 2002

Manuals & regulations:

- *** Manualul NCRS, Tools for crisis management, cap. 3, Bruxelles, 2005;
- *** “*The Alliances's New Strategic Concept*”, adoptat de Șefii de stat și de Guvern la Lisabona, 2010;

Electronic sources:

- <http://ro.wikipedia.org/wiki/Globalizare>
- http://ro.wikipedia.org/wiki/Organizația_Națiunilor_Unite
- www.hotnews.ro/stiri-international-20590512-francois-hollande-anunta-doliu-national-trei-zile-act-razboi-comis-armata-terorista-daech-planificat-din-exterior-complicitate-interna.htm

Mihai-Ştefan DINU, PhD

<http://learningenglish.voanews.com/content/will-south-china-sea-dispute-cause-a-world-war/2807527.html>

<http://www.seattletimes.com/nation-world/french-police-report-shootout-and-explosion-in-paris>

Other sources: Stratfor, Wikipedia, Washington Post

