

## THE IMPACT OF THE CURRENT INTERNATIONAL LAW CRISIS ON THE RIGHT TO SUSTAINABLE DEVELOPMENT

Titus CORLĂȚEAN\*

### Abstract

*The progress of the society, the socio-economic development and the increase of prosperity, in certain cases, and the decrease of poverty and of the economic disparities, in many other cases, constitute natural goals for any local, national, regional or global human community.*

*The natural human aspiration to progress has taken, over the time, the form of a right, for both the state and individuals, as a human right, namely as a right to development. The developments over the recent decades have even allowed that the right to sustainable development be enshrined within the third generation of the fundamental human rights, the so-called "solidarity rights".*

*The latter cannot exist outside a structured system of international rules and regulations, able to provide stability and predictability, a favourable framework for socio-economic progress. This requires both will and political commitment of international decision makers, as well as a reasonable functionality of the International Law system.*

*The International Law crises, the challenges arising in the international relations system affect the stability of the system and generate changes in the power relationships, in the foundation of the principles and set of values, in the allocation or access to resources, thus causing discontinuities or disparities in the mankind's effort to generate sustainable development.*

*The promotion of the major global goals for sustainable development enshrined in programmatic documents such as the 1992 Rio Declaration of the United Nations Conference on Environment and Development or the 2015 UN General Assembly Resolution on the 2030 Agenda for Sustainable Development requires also political support for the supremacy of the International Law and involves a quality education process, targeting both elites and international decision makers, as well as the society as a whole. It must necessarily include an increased awareness for the basis of the international legality, also by means of the university curricula addressing the Public International Law subject.*

**Keywords:** *sustainable development, International Law, United Nations, human rights, goals, crises, education*

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\* Associate Professor, PhD at the Faculty of Law of "Dimitrie Cantemir" Christian University in Bucharest; Visiting scholar 2018/2019 at Harvard University – Center for Study of World Religions.

## Introduction

The progress of the society, the socio-economic development and the increase of prosperity, in certain cases, and the decrease of poverty and of the economic disparities, in many other cases, constitute natural goals for any local, national, regional or global human community.

The natural human aspiration to progress has taken, over the time, the form of a *right*, for both the state and individuals, as a human right, namely as a *right to development*. The evolutions over the recent decades have even allowed that *the right to development* be enshrined within the third generation of the fundamental human rights, the so-called "solidarity rights".<sup>1</sup> The specialized doctrine<sup>2</sup> includes the right to peace, *the right to development* and the right to a healthy environment within the new generation of rights, as a reflection of the fact that human society and individual fundamental rights are not inflexible, but subject to a constant change generating new social and individual needs materialized in new correlative rights and obligations.<sup>3</sup>

Individuals may not be truly free and may not really benefit from their fundamental rights, be they civil, political or economic, social or cultural rights, in a poor society lacking opportunities or a reasonable level of protection, health or education or a job allowing them a decent standard of living and income.<sup>4</sup> Moreover, the concerns over the last decades, which have harmoniously combined the interest for a harmonious development of human communities and individuals and the environmental protection, respectively, have found consistent forms of expression in international relationships, as it was the case with the proclamation in 1961 of the first United Nations Development Decade (Resolution 1710 [XVI]) or with the adoption in 1970 of the International Development Strategy for the Second United Nations Development Decade (Resolution 2626 [XXV]).<sup>5</sup>

In the same context, it is necessary to mention the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment.<sup>6</sup> In the Preamble of the Declaration it is emphasized that the environment was "essential to ... the enjoyment of basic human rights- even to the right to life itself.", while Principle I states that "Man has the fundamental right to freedom, equality and *adequate conditions of life*, in an environment of a quality that permits a *life of dignity and well-being*".<sup>7</sup>

<sup>1</sup> T. Corlatean, *Protectia europeana si internationala a drepturilor omului*, Ed. Universul Juridic, Second edition, Bucharest, 2015, p. 80.

<sup>2</sup> J.G. Starke, *Introduction to international law*, Butterworths, London, Tenth edition, 1989, p. 373.

<sup>3</sup> T. Corlatean, *op. cit.*, p. 80.

<sup>4</sup> *Ibidem*, p. 82.

<sup>5</sup> P. Daillier, M. Forteau, A. Pellet, *Droit international public*, LGDJ- Lextenso editions, 8e edition, Paris, 2009, p. 1175.

<sup>6</sup> file:///C:/Users/User/Downloads/6471%20(2).pdf

<sup>7</sup> M.N. Shaw, *International Law*, Cambridge University Press, sixth edition, third printing, New York, 2010, p. 847.

At the same time, Resolution 41-128 adopted by the UN General Assembly on December 4, 1986<sup>8</sup>, includes a Declaration on *the right to development*, which defines it in the first article as "inalienable human right".<sup>9</sup>

### 1. The right to sustainable development

The right to development, doubled for ideological reasons, especially in the 1960s-1970s, by the concept of a "new international economic order"<sup>10</sup>, gave rise to new goals set by the international community in recent decades and which have outlined a new concept, namely that of a *sustainable development*.

This concept represented the key idea of the Rio Declaration adopted on June 13, 1992 by the United Nations Conference on Environment and Development<sup>11</sup>. The Rio Declaration, together with the Stockholm Declaration, are in fact the product of the first two global conferences on the environment and development.

The Rio Declaration essentially aims at integrating the environmental protection into the wider process of sustainable development. The document states even from Principle 1 that human beings are "at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature."<sup>12</sup> Principle 3 states, in its turn, that the right to sustainable development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. In its turn, Principle 4 emphasizes that in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process.<sup>13</sup> Finally, Principle 27 requires states to cooperate for the future development of international law in the field of sustainable development.<sup>14</sup>

The Declaration of the Rio Conference was included in and supported by the UN General Assembly Resolution 47/1992 of December 22, 1992, which urged the Member States to ensure the necessary actions to achieve certain effective results in the field of sustainable development.<sup>15</sup>

The Rio Conference adopted by means of the same Declaration an Action Program for the implementation of the goals set, called Agenda 21. At the request of the UN General Assembly, the Economic and Social Council (ECOSOC) laid the same year the foundation for the Commission on Sustainable Development,

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<sup>8</sup> [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/41/128](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/41/128)

<sup>9</sup> M. Tomescu, *Drepturile Omului/ Tendinte si orientari contemporane*, Ed. Pro Universitaria, Bucharest, 2013, p. 74.

<sup>10</sup> P. Daillier, M. Forteau, A. Pellet, *op. cit.*, p. 1176.

<sup>11</sup> [http://www.unesco.org/education/pdf/RIO\\_E.PDF](http://www.unesco.org/education/pdf/RIO_E.PDF)

<sup>12</sup> M.N. Shaw, *op. cit.*, p. 848.

<sup>13</sup> *Ibidem*, p. 869.

<sup>14</sup> *Ibidem*.

<sup>15</sup> Gunther Handl, Declaration of the United Nations Conference on the Human Environment Stockholm, 16 June 1972/ Rio Declaration on Environment and Development Rio de Janeiro, 14 June 1992, Introductory note, <http://legal.un.org/avl/ha/dunche/dunche.html>

designated to "monitor" the progress made in implementing the Agenda 21 ... and for integrating the environmental and development goals into the whole of the United Nations system".<sup>16</sup> Following the same line of argumentation, an Inter-Agency Committee on Sustainable Development was set up in 1992 in order to improve the cooperation between various UN institutions concerned with this matter.<sup>17</sup>

The finding of such reorientation of international priorities through the United Nations bodies could not prevent important changes being made both at the level of certain international jurisdictions, such as the International Court of Justice in The Hague, whose jurisprudence, for example, in the case of *Gabcikovo - Nagymaros* (Slovakia vs. Hungary)<sup>18</sup> begins to show a clear concern for the concept of *sustainable development*, and at regional level, as it has been the case in Europe since 1990, when the European Bank for Reconstruction and Development established under the article 2(1)vii of its establishment Agreement the goal to promote "environmentally sound and sustainable development".<sup>19</sup>

Since the adoption of Resolution 47/190, the Rio Declaration, whose implementation at national, regional and international level has been the subject to a detailed evaluation procedure at the 1997 UN General Assembly Rio + 5 session, has served as a reference regulatory framework for subsequent global meetings on the environment, mainly for the World Summit on Sustainable Development in Johannesburg in 2002 as well as for the United Nations Conference on Sustainable Development Rio + 20 in 2012.

The evolution of the process of promoting the concept and goals identified at global level for a sustainable development of mankind, triggered by a series of major challenges faced by the international contemporary society (an environmental problems crisis, action to reduce pollution and rational use of natural resources, simultaneously with the need for economic growth and ensuring greater prosperity, a more equitable international development between different regions of the world, improving the quality life, etc.), led to changes the concept of sustainable development, which shall also take into account the specificities of the new digital society, but also the need for inclusion, all circumscribed by the idea of *intelligent development or evolution*.

This is a brief explanation for the organization of the United Nations Summit for Sustainable Development in New York on September 25-27, 2015, in the form of a high-level plenary meeting of the UN General Assembly. On this occasion, the summit adopted one of the fundamental documents of mankind of all these decades in the field of sustainable development, a programmatic document, establishing the sector goals and actual steps to be taken for the next decade and a

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<sup>16</sup> P. Daillier, M. Forteau, A. Pellet, *op. cit.*, p. 1176.

<sup>17</sup> M.N. Shaw, *op. cit.*, p. 846.

<sup>18</sup> <https://www.icj-cij.org/files/case-related/92/092-19970925-JUD-01-00-EN.pdf>

<sup>19</sup> M.N. Shaw, *op. cit.*, p. 869.

half. This is the UN General Assembly Resolution A/RES/70/1 entitled: „Transforming our world: the 2030 Agenda for Sustainable Development”.<sup>20</sup>

The Preamble of the Resolution emphasizes that the 2030 Agenda is "a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace in larger freedom". On this occasion, the UN Member States recognize that "eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development".<sup>21</sup>

The resolution marks the setting of 17 Sustainable Development Goals and 169 targets that demonstrate the magnitude of this new Universal Agenda, aiming to achieve the so-called Millennium Development Goals (MDGs). They are specifically seeking to ensure that all human rights are truly respected, to achieve gender equality and to protect and promote the rights of "women and girls". These objectives are integrated and indivisible and highlight the three dimensions of sustainable development: economical, social and environmental.<sup>22</sup>

Essentially, the 17 UN Global Goals are the following:

- 1) No poverty;
- 2) Zero hunger;
- 3) Good health and well-being;
- 4) Quality education;
- 5) Gender equality;
- 6) Clean water and sanitation;
- 7) Affordable and clean energy;
- 8) Decent work and economic growth;
- 9) Industry, innovation and infrastructure;
- 10) Reduced inequalities;
- 11) Sustainable cities and communities;
- 12) Responsible consumption and production;
- 13) Urgent action to combat climate change;
- 14) Conservation and sustainable use of oceans, seas and marine resources for sustainable development;
- 15) To protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss;
- 16) Peace, justice and strong institutions;
- 17) To strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.<sup>23</sup>

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<sup>20</sup> [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

<sup>21</sup> *Ibidem.*

<sup>22</sup> *Ibidem.*

<sup>23</sup> Resolution adopted by the General Assembly on 25 September 2015-70/1. Transforming our world: the 2030 Agenda for Sustainable Development, p. 14; [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

## 2. The International Public Law

The proper functioning of the international society and, therefore, the chance to materialization of the right to sustainable development depend on the rules governing the international system and the commitment of the international subjects, starting with the states, to respect them. In other words, they depend on the rules of *International Public Law*, which is the foundation of the international system, the one that regulates the relationships between the actors of international life. It introduces the rules of functioning, sets out the rights and obligations as well as the punishments in case of non-compliance, punishments which are indeed more or less effective. The regulation of the relationships taking place in the international society prevents the chaos and disorganization, guarantees a necessary reasonable predictability of the conduct of the subjects of international law and facilitates the human aspirations towards the "universal peace".

Thus, we shall understand that *sustainable development* may not exist outside the stability and predictability enshrined in the International Law rules, as well as the fact that when such rules are attacked, subjected to illegitimate challenges, rewritten by force or simply violated, the right to *sustainable development* of the mankind is also affected.

*The Romanian doctrine* is generally similar in the process of defining the Public International Law, under the form of *a set of legal norms regulating the relationships established within the international society*<sup>24</sup> or of *a set of legal principles and norms created by the states, based on their will, for the purpose of regulating international relationships*.<sup>25</sup> In its turn, the *international classical doctrine* defines the International Law in similar terms, based on a traditional-sovereign view, which refers either to the law applicable to international society<sup>26</sup>, or to the one regulating the relationships between nations<sup>27</sup> or those between sovereign states<sup>28</sup> and covering a variety of areas, such as the law of the sea or the law of war, subsequently redefined as international humanitarian law. The most recent international doctrine takes into account the evolutions of the contemporary society, consequently making reference to the generally applicable rules and principles regulating the conduct of states and international organizations, as well as the conduct thereof that relates to persons, whether natural or legal.<sup>29</sup>

<sup>24</sup> R. M. Bestelîu, *Drept internațional public*, Ed. C.H. Beck. Vol. I, Second edition, Bucharest, 2010, p. 1.

<sup>25</sup> A. Nastase, C. Jura, F. Coman, *14 prelegeri de Drept internațional public*, Ed. C.H. Beck, Bucharest, 2012, p. 25.

<sup>26</sup> D. Nguyen Quoc, P. Daillier, A. Pellet, *Droit International Public*, LGDJ, 3e edition, Paris, 1975, p. 27.

<sup>27</sup> S.C. McCaffrey, *Understanding International Law*, LexisNexis, Newark/ San Francisco/ Charlottesville, 2006, p. 3.

<sup>28</sup> V. Epps, L. Graham, *International Law*, Wolters Kluwer, New York, 2015, p. 2.

<sup>29</sup> S.C. McCaffrey, *op. cit.*, p. 3.

The foundation of contemporary international society and its current organization was laid when the Second World War ended, by structuring the International Law regulating the current international relations. The cornerstone of such system, which also included fundamental norms for the establishment and guarantee of human rights and fundamental freedoms (under the effect of the shock suffered by mankind during the War, generated by the crimes against mankind, the Holocaust and other atrocities committed during the world conflagration), was the San Francisco Charter, which laid the foundations of the United Nations (UN Charter) and the Universal Declaration of Human Rights of December 10, 1948<sup>30</sup>. Thus, the principle of multilateralism in international relationships was strongly asserted and the need for cooperation between states, the use of force or the threat to use force being taken outside legality and, last but not least, the protection of human rights were confirmed. Subsequently, there were the two International Covenants of 1966 on civil and political rights and on the economic, social and cultural rights as well as other tens of thousands of international bilateral or multilateral treaties registered with the UN General Secretariat, which provide the network or the basis of the current international cooperation. In other words, an impressive system of regulations of universal or regional nature<sup>31</sup>.

### **3. The crisis of the International Law and its impact on the sustainable development**

At the basis of the international system set up after 1945, at least in the first decades, we found, *inter alia*, the strong establishment of the role of the states and their inclination towards asserting the sovereignty and independence prerogatives, subsequently circumscribed by the regroupings on ideological bases during the Cold War, but also bipolarism laid by the power relationships between the two major players in international relationships, the US (and allies in the free and democratic world) and the USSR (and its allies, socialists, communists or from among non-aligned states). Many characteristics of international society after the end of the Cold War have undergone changes, the international society becoming much more fluid, due to ideological and power reconfigurations, political fragmentation, the emergence for a period of unipolarism, due to the clear US domination, the disappearance of the USSR and the birth of a Russian Federation weakened politically, economically and strategically, at least in the first part of the cycle. We can now state that in all these decades, the International Law has worked more efficiently in the absence of any crisis, conflict or war. It is widely accepted that in times of peaceful coexistence, the International Law has been more efficient, its regulations and principles enshrining, for example, a code of conduct which

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<sup>30</sup> T. Corlatean, *op. cit.*, p. 10.

<sup>31</sup> *Ibidem*.

provided a reasonable stability and predictability for the cohabitation of the two major ideological systems, the capitalist one in the free world and the one from the "socialist camp". The Decalogue of Principles in the 1975 Helsinki Final Act of the Conference for Security and Cooperation in Europe<sup>32</sup> stands as a witness to that.

The essence of the International Law, beyond the establishment of rules of conduct accepted by the subjects of international law, is expressed by the fact that the states decide to limit their sovereignty temptations, accepting international obligations that offer advantages and rights in compensation. The self-limitation of sovereignty has allowed an upward trend over these decades, of course with the related fragmentation generated by certain crises or conflicts, in other words a process of development of the International Law, giving rise to more predictability in international relationships and thus more chances for technological progress, cooperation and sustainable development, an evolution and adaptation of the International Law rules to the changes, some even spectacular, in the current international society is only natural after all.

*Per a contrario*, the episodes of crisis in international relationships have generated pressures on the International Law, failures in ensuring the compliance with the international rules, often for political, strategic or economic reasons. The collapse of the bipolar system and the reconfiguration of the distribution of power, the globalization and the increase of interdependencies between the international law subjects, the regionalization and the proliferation of the regional structures of cooperation, the disintegration of certain states and the emergence of new ones, through the legal institution of the succession of states in the International Law, the security challenges, mainly unconventional, aimed at international terrorism, cyber attacks, drug trafficking etc. constitute important changes, which have inevitably affected the structure and content of the International Law.

Although beneficial in theory, the process of regionalization, which implies a deeper cooperation between the state actors from the same geographical region, having common set of values, characteristics and interests, may affect the overall system of regulation at universal level. The fragmentation of the International Law became a reality through the promotion of certain political-legal systems such as the European one, which introduced an intermediate level of norms (European Law) between the national and the universal level of International Law, with a different and often more ambitious standard than the global one, which often replaces the generally accepted International Law rules and which inevitably generates tensions between different regional or universal models.

Equally, great International Law principles have been reinterpreted or "rewritten", based on political and power considerations, with the establishment of new concepts, such as that of the "humanitarian intervention" in certain states, in the name of "international community's responsibility to protect" in case of

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<sup>32</sup> <https://www.osce.org/helsinki-final-act?download=true>



genocide or other crimes against mankind or that of "intervention to protect the nationals living in other states", which resulted in the change of the borders of certain sovereign states through the use of military force (please see the case of the Russian-Ukrainian conflict and the illegal annexation of Crimea by the Russian Federation). The reinterpretation of the principle of the self-determination of the peoples may also be cited, by promoting for reasons and political interests of a so-called right of national minorities to self-determination or even to obtain certain forms of ethnic autonomy. All these, without establishing in the International Law, through a normal process of codification of the law, of certain new International Law rules. And also with the finding of a gradual process of degradation of universal values established for many decades, which seemed to have acquired an immutable nature.

We are undoubtedly witnessing a period of crisis and the transformation of International Law, with certain consequences. We find, for example, a declining enthusiasm of certain important states to accept multilateral international legal obligations, in areas such as environmental protection, possibly with a preference for the adoption, in compensation, of political documents which are non-binding from a legal point of view. Therefore, the number of general multilateral treaties adopted in the last two to three decades has decreased, as well as the rate and the number of ratifications of large international multilateral treaties. At the same time, regional law systems, primarily the European Law, are evolving at different speed compared to the established universal law, which deepens the phenomenon of International Law fragmentation, but also reduces the profile and role of multilateralism promoted by the United Nations and of its legal instruments of universal nature.

All of these categorically influence the international environment and raise obstacles to international cooperation in establishing a predictable and continuous course for the sustainable development of the human community. Even though, as shown above, the international society has taken important political and normative steps in this area.

#### **4. The impact of the poor education of the elites in the letter and spirit of International Law on the sustainable development of the international community**

The evolution of the contemporary international society is marked, as mentioned above, by a process of profound change of the set of social values, sometimes by distorting the cultural axiological models, and the dynamics of the change increases in geometric progression, without these changes always being reflected immediately in reviewing the legal norms or in accommodating the society's mentalities as a whole. The degree of social and cultural homogeneity faces important challenges, the international migration process, for example,

generating the transfer in different national or regional societies of different cultural models, not always easy to accommodate with the traditional local ones.

It is a well-known fact, in this context, that the management of such processes at international level has also been affected due to a growing deficit of professional and political competence at the level of international political elites. Practically, in the contemporary society we are witnessing a disappearance of the visionary political leaders, able to propose to the national or international societies projects and visions of economic development, of social progress, who would act in the spirit of the international rules and of the respect for the state of peace and cooperation. This is especially noticeable at European level, where the last two decades have offered the image of an obvious degradation, with weak leaders or political "leaders" driven by populist, xenophobic, often racist or neo-fascist public attitudes. Pseudo-leaders keen on easy and secure electoral gains, especially in the context of the socio-economic crisis, too few are willing to play by the rules of international morality based on the International Law rules or willing to take the risk of going against the circumstantial social wave and to indicate the right long-term solution for their own nation, regardless of the costs involved.

There are multiple explanations for this phenomenon. However, I shall present only a few reasons, which equally reflect the consequences of the crisis that the International Law is currently undergoing and the benefits of the quality social education, in general, and of the elites, in particular, as well as the impact on the chances of progress and sustainable development for the human community.

It is widely known and accepted that education has always been the foundation of the evolution processes of human society, the human progress being generated to a great extent by the individuals' degree of education, acquired through a systematic and quality learning process. Moulding in this spirit the young generation, the behaviours, aptitudes and set of values provides, in principle, the continuity of the social action meant to ensure the ascending line of progress and therefore a sustainable development of the community. For illustration purposes, a scientific research conducted by the renowned American management consulting firm McKinsey & Company<sup>33</sup> shows that raising the quality of education has a substantial impact on the economy. For example, improving PISA indices<sup>34</sup> by only 40 points may generate a GDP growth of 0.9% per capita in a single generation (equivalent to 30 years).

Therefore, it is not accidental that, globally, among the 17 goals set by the 2030 Agenda, adopted by the UN in 2015, *the quality education is number 4 priority*. Or

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<sup>33</sup> M. Barber, M. Mourshed, How the world's best performing-school systems come out of top, McKinsey&Company, September 2007; [https://www.mckinsey.com/~media/mckinsey/industries/social%20sector/our%20insights/how%20the%20worlds%20best%20performing%20school%20systems%20come%20out%20on%20top/how\\_the\\_world\\_s\\_best-performing\\_school\\_systems\\_come\\_out\\_on\\_top.ashx](https://www.mckinsey.com/~media/mckinsey/industries/social%20sector/our%20insights/how%20the%20worlds%20best%20performing%20school%20systems%20come%20out%20on%20top/how_the_world_s_best-performing_school_systems_come_out_on_top.ashx)

<sup>34</sup> OECD' s Programme for International Student Assessment (PISA).

that the United Nations have decided that the period 2005-2014 should be considered the "Decade of Education for Sustainable Development". This naturally and necessarily includes teaching International Law in universities, primarily for future international decision makers.

The practice of the last two decades, especially in the field of national, regional or international crisis management, has shown serious deficiencies, erroneous decisions taken at critical moments by certain political leaders, the prevalence of power temptation over the rationality of compromise or compliance with international legal rules, or of a national selfishness based on narrow political interests. We note, for example, an obvious difficulty or reluctance of many representatives of political elites to understand and comply with the foundations of the right to peace, enshrined in the UN Charter and more recently included in the third generation fundamental human rights; a difficulty in having a better understanding of the right to sustainable development, of the fundamentals of international cooperation, of the fundamental human rights and freedoms or of the right to protection and assistance guaranteed by International Humanitarian Law. In the latter case, the populist position adopted by many European leaders and the correlative treatment applied to the *refugees* arriving in Europe from bloody conflict areas such as Syria or Iraq, refugees who have been assimilated in their entirety with the concept of "*illegal migrants*", confined in detention centres and subjected to interrogations, although the 1949 Geneva Conventions guaranteed their right to humanitarian assistance and protection.<sup>35</sup>

In a reasonable manner, one can see from this point of view a certain inefficiency of the International Law, which can also be described as a crisis thereof. One of the objective explanations is probably related exactly to the decrease of the effectiveness and quality of the impact of education on the future members of the national and international elites. More precisely, as surprising as the conclusion may be, it is about diminishing the authority and attractiveness of the Public International Law subject in universities from different states and regions of the world and, consequently, for the future leaders and elites.

The American professor Ryan M. Scoville shows in a study conducted for an American university the results of a research on teaching International Public Law in several thousand law faculties from 190 countries<sup>36</sup>. One of the main conclusions of the research, not at all surprising, states that the sequences of the International Law ineffectiveness in areas such as the prevention of serious or widely spread violations of human rights or the avoidance of armed conflicts, are linked to the

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<sup>35</sup> T. Corlatean, *The future of knowledge: current challenges and perspectives for International Law*, in *The Future of knowledge/ Proceedings of Harvard Square Symposium*, The Scientific Press, Cambridge MA, Volume 1, 2016, p. 12.

<sup>36</sup> R.M. Scoville, *International law in national schools*, in *Indiana Law Journal*: Volume 92/ Issue 4, Article 4, Fall 2017; <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=11262&context=ilj>

fundamental field of education and is explained by the clear disparity between the countries or regions of the world in respect of the education involving legal subjects, starting with the International Law<sup>37</sup>. This conclusion is even more valid for students whose subsequent professional or political career has subsequently placed them in the area of national or international elites. In essence, the quoted author states that disparities in the International Law teaching in different states or regions result in the absence of a unitary interpretation of international legal institutions, principles or rules and, ultimately, affect the International Law effectiveness itself.

The international situation regarding the introduction as compulsory of the mentioned subject in universities, with a clearly negative trend, is interesting. In most of the states where in 1973 this discipline was compulsory in all faculties, eleven years later, in 2014, the percentage had dropped substantially. As an example, the compulsory nature of the International Law subject remained valid only in 54% of faculties in France, 47% in Germany, 4% in the US and only 3% in the UK. The percentage in the case of Romania is much better, namely 74%. *Per a contrario*, in the case of Bulgaria, Denmark, Finland, Norway, the Russian Federation, Sweden and Hungary, the level of compulsory teaching of the mentioned subject remained at 100%<sup>38</sup>. At the other extreme we find, which is difficult to understand, Ireland, Japan and New Zealand with 0%. And this despite the fact that in 1989 the UN General Assembly, for example, had adopted a Resolution declaring the 1990s as "the UN decade for international law"<sup>39</sup>, including for the purpose to convey a clear political and public message to encourage the study of this subject in universities.

Another conclusion of the author regards to the place of International Law in the university curricula and the manner in which the professors teach this subject, as an impact factor on the international conduct, respectively for the compliance with international rules or, conversely, for the occurrence of International Law violations. For example, the mentioned research shows that in countries with functional legal education systems, where the training in International Law is deep and rigorous, as it is the case of Austria and Sweden, they contribute materially to the compliance with the international rules, while in countries such as Pakistan or even the USA, where the training is not a common situation or has a mediocre quality level, the consequences are neutral or especially in the opposite sense, negative.<sup>40</sup>

The conclusion of the quoted author refers, therefore, to the major concern related to the important disparities existing in the depth of International Law

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<sup>37</sup> *Ibidem*, p. 1449.

<sup>38</sup> *Ibidem*, p. 1461.

<sup>39</sup> United Nations Decade of International Law, UN General assembly Resolution 44/23/ 1989; <http://www.worldlii.org/int/other/UNGA/1989/29.pdf>

<sup>40</sup> R.M. Scoville, *op. cit.*, p. 1455.

education between different states or regions, as factors that inhibit the effectiveness of this fundamental branch of Law and which generate in a very actual material sense, through the absence of the compulsory teaching or limited availability, through the poor quality of education, visible effects in international relationships, the lack of commitment in assuming international obligations or even violating the legal rules.<sup>41</sup> In other words, ideas matter, education matters, and their absence or mediocre quality of the educational process may generate unexpected negative effects, especially at the level of international decision makers.

## 5. Conclusions

The sustainable development of the human community may not exist outside a structured system of international rules and regulations, able to provide stability and predictability, a favourable framework for socio-economic progress. This requires both will and political commitment of international decision makers, as well as a reasonable functionality of the International Law system.

The International Law crises, the challenges arising in the international relations system affect the stability of the system and generate changes in the power relationships, in the foundation of the principles and set of values, in the allocation or access to resources, thus causing discontinuities or disparities in the mankind's effort to generate sustainable development.

The absence, in this context, of a proper "equipping" of the international leaders, through education or other forms of training, resonating with the fundamental concepts of international legality, exposes them to erroneous decisions, to temptations of power to the detriment of decisions based on rationality and generally accepted normative reference points. The lack of adequate knowledge of such essential normative and axiological reference points or its limited and superficial nature, first of all by the elites, but also on a wider social level, generates a decrease in confidence or at least of the sensitivity towards the importance of abiding by the International Law. And therefore lower chances for an upward trend of sustainable development of the international community. The subordination of the International Law to the often very pragmatic political interests of certain international relevant actors may not therefore contribute to the progress of mankind.

Definitely, the international society still needs the foundation provided by the international legality. And even if the goal of the International Law supremacy continues to be difficult to achieve, it must be promoted further on. As the peace of mankind, a more equitable allocation of development resources and a wide access to current technological progress, cooperation in good faith between international actors constitute essential factors for the achievement of the mankind's ideal of

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<sup>41</sup> *Ibidem*, p. 1449.

sustainable development. And education, in all this equation, can make the difference.

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