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The State and the Supranational Orders

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- 1. The sovereign power of the State and the supranational orders
- 2. The international global organizations
- 3. The international regional organizations
- 4. The European framework
- 5. International law and National law



1. The sovereign power of the State and the Supranational Orders

“State” Definition

- The State is a concentrated legal system, necessary, territorial in nature, focused on general aims, independent and sovereign.
- The constitutive elements of the State are: territory, people and sovereignty
- The State is not the only legal system!!! It is simply one of them
- Other legal systems include the supranational legal systems, i.e. international organizations which can be global or regional

“Sovereignty” Definition

- Sovereignty is one of the elements of the State
- It represents the full right and power of a governing body to govern itself without any interference from others sources or bodies

“Sovereignty” Definition

- Internal sovereignty describes the relationship between a sovereign power and its own subjects
- External sovereignty refers to the relationship between a sovereign power and other states

The Transformation of Sovereignty



The Transformation of Sovereignty

- In democratic pluralistic States, the idea of sovereignty changed.
- As a consequence, States accept the idea of a limitation of sovereignty in a framework of Multi-level Constitutionalism.
- This process is facing challenges and resistances...
- Also the Globalisation transformed sovereignty.
- Globalisation describes a process by which national and regional economies, societies, and cultures have become integrated through the global network of trade, communication, immigration and transportation

Italian Constitution and the transformation of sovereignty

- Art 10: Italian laws conform to the generally recognized norms of international law
- Art. 11: Italy [...] agrees, on conditions of equality with other states, to the limitations of sovereignty necessary to create an order that ensures peace and justice among Nations; it promotes and encourages international organizations having such ends in view.
- Art. 117: Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from European Union law and international obligations.



2. The International Global Organizations

Definition of International Global Organizations

- International global organisations are entities established by formal political agreements between their members that have the status of international treaties
- Their existence is recognised by law in their member countries
- Every State can (eventually) participate in this kind of organization, notwithstanding the geographical collocation

The United Nations (UN)

- The UN is the most important international global organization
- It was established on 24 October 1945 to promote peace and cooperation among the States
- At first, the UN had 51 member States; nowadays it counts 193 member States (all the States except Vatican City and the Palestine; last State to enter: South Soudan).

The United Nations (UN)

- The General Assembly is the main deliberative body of the UN
- It represents all the member states
- It approves recommendations that usually are not binding for member states, but that are politically important because they represent the international community's position about a certain issue

The United Nations (UN)

- The Security Council is the executive body of the UN
- The Security Council is made up of 15 member states: 5 permanent (China, France, Russia, the United Kingdom, and the United States) and 10 non-permanent members for 2 years term
- It has the power to make binding decisions
- The 5 permanent members hold veto power over UN resolutions

The United Nations (UN)

- The International Court of Justice is the primary judicial organ of the UN
- It is composed of 15 judges who serve 9-year terms and are elected by the General Assembly and the Security Council
- Its main function is to adjudicate disputes among states

The United Nations (UN)

- Others bodies of the UN are the Secretariat (the administrative body of the organization) and the Economic and Social Council (that promote economic and social co-operation among the States)
- The UN can establish specialized agencies to fulfill specific duties (the most important are the UNICEF, the FAO, the UNESCO, the UNHCR, the IMF, the WTO, the ILO...).



3. The International Regional Organizations

Definition of International Regional Organizations

- International regional organisations are entities established by formal political agreements between their members that have the status of international treaties
- Their existence is recognised by law in their member countries
- They include states with common goals and belonging to the same geographical area

Goals of International Regional Organizations

- These international organizations include states with common goals, which can be of various nature and extent
- The most important goals of these kind of international organization are the economic and political integration and the protection of human rights

The main International Regional Organizations

For economic/political integration

- European Union (Europe)
- Mercosur, Caribbean Community, Andean Community (Latin America)
- African Union (AU)
- Nafta (North America)
- Asean (Asia)

For the protection of human rights

- Council of Europe (Europe)
- Interamerican Court of Human Rights (America)
- African Court of Human and Peoples' Rights (Africa)