

2. INTERNATIONAL RELATIONS FUNDAMENTALS: PROVIDE PARTICIPANTS WITH A BASIC UNDERSTANDING OF RELATIONS BETWEEN COUNTRIES AND HOW THEY INTERACT WITH EACH OTHER.

The **system of international relations** can be considered as a set of centers of power and independent formal organizations, bearers of political interests (the ruling class, the government and the pressure groups operating against it), of economic and social interests that interact with a certain frequency and regularity.

The **structure of the** international relations system is identified by all those elements, those institutions capable of playing a role on the international scene, and which interact with each other. As a rule, the following are usually considered as actors of the relational complex: States and quasi-States, supranational organizations (the so-called "QUANGOs" from the English acronym Quasi-Autonomous Non-Governmental Organizations), transnational forces, peoples and liberation movements.

Sovereign and independent states are certainly the main subjects of the system of international relations and international law represents the regulatory system aimed essentially at regulating the coexistence between sovereign entities.

The very birth of a state is a question of international law. International law is precisely the set of rules that regulates the relationships between the entities that make up the international community.

The attribution of international legal personality to the States can be traced back to the conclusion of the Treaty of Westphalia in 1648 which put an end to the Thirty Years' War: the State, on the one hand, definitively consolidates its independence from the Pope and the Emperor and asserts its exclusive dominion over a specific territory and its population, with the elimination of the various centers of power (feudal or municipal) that had formed in the previous centuries.

The dichotomy is outlined, external sovereignty or independence (from any other body or regulatory system) and internal sovereignty (i.e. government over territory and population). In addition to sovereign and independent States, they participate in the life of international relations as territorial bodies and supranational or international organizations, associations established between member States (their governments), formed by their own and autonomous bodies, having the task of pursuing the achievement of the objectives and the common goals of the affiliated countries, through mutual collaboration. The action of these organizations extends over a different territorial, global or regional level; we will therefore have a spectrum of different interaction possibilities, depending on the ability of individual organizations to operate on the international system. For example, international organizations such as the UN, the World Bank, the International Monetary Fund, have assumed a notable influence on global scenario, with a considerable political and economic impact.

Globalization has led to the multiplication of political and economic bodies acting at a transnational level; the set of non-governmental and private movements are bearers of interests, pursued independently of the policies of the States and beyond their national borders. Non-governmental organizations but also multinational companies determine significant effects on the development of relational life between states: in fact, they are able to orient or influence the political choices of countries, due to the considerable economic weight of their presence or absence in an area compared to another.

The presence of actors other than states, however, is not such as to deprive sovereign nations of their central role within the international system: even if at the beginning of the millennium conflicting signals appear to be arriving indicating a progressive emptying of state power in favor of superordinate entities but the monopoly of force (internal and external), the ability to adapt to changing times, make states still fundamental in world relations .

States, as parts of the international system, although equal in legal status, differ from each other in their ability to influence the balance of power, given the implicit hierarchy of power that is created between the various members.

We will have states that are superpowers, large and medium powers, regional powers and small powers, according to a continuum that takes into account a broad sequence of geopolitical, military and economic factors.

A superpower is that state that plays a global role, with a global strategy and manifest in its aspirations, with interests involving the entire globe and total intervention capacity.

The medium powers are all those countries that exercise global influence and have limited interests, despite having global ambitions; the ability to intervene and the political-economic weight, although relevant, are partial or insufficient for the conduct of a world power policy, being able to intervene, possibly, even in areas other than one's own, but always with limitations and restrictions.

Regional powers, on the other hand, are those nations that exercise their economic and political influence only in a specific region, since their power is limited, the action manifests itself in a very specific geographical area, even if "theoretically" the possibilities for intervention could manifest themselves on a much wider scale.

Small powers are states with modest influence on the international scene, without significant intervention capabilities.

Their power is functional. In other words, due to geographical factors and their political position, they represent elements that the superpower or great powers use for projection and influence, drawing terms of relative strength from this situation.

In the field of studies on international relations, in particular on states, the modeling of international systems represents the attempt to classify and study the structure and evolution of the complex international structure.

From a scientific point of view, the first organic and analytical classification was made by **Robert Kaplan**, who developed a series of models through which to study and recognize the structure of international relations. Through his observations, the scholar constructed **six types of international systems structure models**:

- balance of power (balance of power);
- elastic bipolar;
- rigid bipolar;
- hierarchical;
- universal;
- of the veto unit.

The balance of power is a system of international relations essentially composed of Nation States, with a group of essential actors, the number of which must not be less than five, in order to guarantee the elasticity of alliances between the systemic components. There is, therefore, a main power that represents the tip of the scale and other essential components.

The alliance is not based on a common ideology, but on the search for overall balance and has the characteristic of being short-term. Conflicts tend to be limited, they do not tend to eliminate the main actors, but rather to counteract the formation of a hegemonic block and to guarantee the maintenance of the overall balance. "Elastic" bipolarism, which has strongly characterized the scenario of post-World War II international relations, is essentially the presence of two opposing blocs, controlled respectively by a superpower, and of nation states in a subordinate position, with satellite functions.

The armament of the contenders, of the thermonuclear type, imposes and creates direct connections between the perceptions and reactions of the systemic components since, in the presence of any variation in the war potential of one party, there are immediately reflections and repercussions on the other and on the entire complex (what for years was the arms race).

The possession of nuclear devices, however, ensures mutual deterrence and therefore the needs for stability and internal control. None of the groupings can win what is a zero-sum game. According to Kaplan, they refrain from engaging in large-scale conflicts to prepare only for warlike events on a global level in the event of a crisis and confrontation between the two super powers, leaders of the respective MAD (Mutual Assured Destruction) alignment.

Alliances are long-term, based on permanent interests and ideological reasons, with mutual containment between opposing parties. The rigid bipolar model presents similarities with the previous one; in this, however, there are no supranational organizations capable of influencing systemic relations and the two blocks must have an internal hierarchical structure. The hierarchical system, on the other hand, is an organized and centralized

system, with a superordinate authority with respect to the various interacting decision-making levels, which can derive from the transformation of a rigid bipolar system (for example in the case of a conflict resolved with the victory of one side over the other) or by the change that occurred within a universal system. In the universal model, there is a superordinate authority with systemic tasks (such as resolving the state of conflict between national political actors) and a certain number of sovereign states (with a certain degree of political autonomy). The system derives from the transformation of an elastic bipolar system, where the preponderance of the dominant superpower is overwhelming compared to the potential of the various states. In the system of veto units, decentralization applies and the structure lacks international organizations with political purposes, while the systemic order is guaranteed by the danger of retaliation and nuclear arms race, accompanied by the loss of power of the superpower and the great powers, to the detriment of new actors, first regional powers with aggressive policies and similar supporting ideologies. The history of international relations shows that their analysis cannot ignore war events and the use of force. Their analysis is inserted in the geopolitical context for the exercise of dominion over territorial, economic or other (cultural, religious) space, carried out in a cooperative, competitive, or at least conflictual form with other subjects.

States remain the main actors in international relations, capable of mobilizing the necessary resources, being the main places of attribution of interests and policies but other subjects can also play a role that can influence political choices: international organizations (United Nations, UN, NATO, non-governmental organizations (NGOs) made up of private individuals who create organizations with international purposes, the Churches, multinational companies, interest groups, all those subjects indicated with the term, non-state actor but which has an organizational structure refers to a concept that includes all those subjects of international relations that are not states.

Regarding the **instrument** through which states but also international organizations regulate mutual relations between themselves and international collaboration develops, **the treaty** is the main one.

Even today the solemn process of forming the treaty follows that already followed a few centuries ago, at the time of absolute monarchies. In that era the stipulation of the treaty was a matter of exclusive competence of the Head of State, it was negotiated by the Sovereign's emissaries, defined as plenipotentiaries, who prepared the text of the agreement and signed it. Then followed the ratification by the Sovereign, with which he ascertained whether the plenipotentiaries had actually complied with the mandate received. Finally, it was necessary that the Sovereign's final will be brought to the attention of the counterparties through the exchange of ratifications.

Today, despite the loss of the pre-eminent position of the Head of State, in a manner contiguous to the changes in the organization of the powers of the State, the **phases** described are still in use in international practice. The articles 7-16 of the Vienna Convention (1969) regulate the **stipulation** of agreements in writing.

There are four phases:

- Negotiation

- Signature
- Ratification
- Exchange of ratifications

The process of forming the agreement begins with the negotiations conducted by which, usually, bodies of the executive power or in any case act on mandate and which prepare the text and sign it in a non-binding form for their own States. Those who hold a delegation from the Ministry of Foreign Affairs to negotiate on behalf of their government in negotiations have "full powers". Full powers automatically have the Heads of State and Government, Foreign Ministers, heads of diplomatic missions (only for treaties with the States in which they operate), delegates to international organizations (only for treaties stipulated within the organization to which they belong).

The art. 9 establishes that the adoption of the text takes place with the favorable vote of two thirds of the States present and voting unless, with the same majority, it has previously been decided otherwise.

The negotiations end with the signing of the voted text by the plenipotentiaries (art. 10). The text is thus authenticated and any modification can only take place through a new negotiation. The signature has no binding value for the States.

Each State undertakes to observe the treaty through ratification (art. 14). The ratification mechanism is regulated by the constitutions of the individual states. The Italian Constitution in art. 87 paragraph 8, provides that ratification is the responsibility of the President of the Republic subject to authorization from the Chambers where there is an obligation, regulated by the art. 80 which lists the matters covered by parliamentary reserve: treaties of a political nature, judicial regulations, changes in the national territory, burdens on finances, amendments to laws. In reality, ratification is a function of the Government: it may not even follow up on parliamentary authorisation if political reasons arise. Accession is the mechanism by which a State that did not participate in the negotiation of the treaty nevertheless decides to adopt it. This only happens if the treaty is open, i.e. provides for an explicit accession clause.

The last phase is that of the exchange of ratifications between the signatory states. Today, the deposit of ratifications with a State acting as secretary or, more commonly, with the Secretary General is preferred. The treaty enters into force in the States which have deposited the ratification.

In international practice, agreements in a simplified form, also called informal agreements, are becoming increasingly common, which come into force following the sole signing of the text by the plenipotentiaries (art. 12), which thus express the full and definitive expression of will of the states to which they belong. These agreements, according to an extensive interpretation of the art. 80 of the Italian Constitution, would be possible in Italy for all matters not covered by parliamentary reserve for ratification. The executives of most states, for

reasons of necessity, prefer to adopt simplified arrangements to bypass parliamentary inertia.

Agreements formed exclusively within international organizations, such as some UN declarations of principles, are adopted in a simplified form.

The provisional application of treaties is a mechanism used in treaties adopted in normal form which provide for their provisional entry into force during the solemn ratification process of the signatory States. The actual legal value of such provisionally applied treaties is a matter of debate.

Within treaties, not bilateral ones, it is possible in some cases to add clauses called **reservations** but it is also possible that the treaty itself expressly indicates that it is not possible to add reservations.

The reserves are:

- exceptional, those which consist in the rejection by the State of certain clauses of the treaty;
- modifying, those which consist in acceptance only with modification of some clauses;
- interpretative, those which consist in the acceptance of some clauses only on the basis of a certain interpretation.

Causes of termination of treaties are:

- **repeal by the parties.** It is an agreement between the parties regarding the cessation of the effects of a treaty and can in fact always occur after its entry into force, i.e. at any time, through the consent of all the parties, and after consultation with the other contracting States. However, it is not common for States to conclude a treaty for the sole purpose of expressly abrogating a previous treaty in force between them.

- **violation of the treaty by one of the two parties.** The existence of a general rule of international law that allows a party to dissolve a treaty in the event of a substantial violation by another has never been seriously contested in doctrine and practice. A party may plead the impossibility of performing a treaty. If the impossibility is temporary, it can only be invoked as a reason for suspending the application of the treaty. Impossibility of enforcement cannot be invoked by a State as a reason to terminate a treaty, to withdraw from it or to suspend enforcement if this impossibility results from a violation by the party invoking it.

- **fundamental change in circumstances.** A major change in circumstances which has occurred from those existing at the time of the conclusion of a treaty and which was not foreseen by the parties cannot be invoked as a reason for terminating the treaty or withdrawing from it unless two hypotheses apply. First, the existence of these circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and secondly this change has the effect of radically transforming the scope of the obligations that remain to be performed under the treaty. Furthermore, the change must be unexpected and fundamental, both because it concerns an essential aspect of the treaty and because it radically alters the balance that originally existed between the performances of the parties.