FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW

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Abstract:
The fundamental principles of international law are initially imprinted at the abstract level of the legal experiences of nations, as guiding ideas of a social nature which, as time goes by and their viability is proven, require normative protection at the international level through appropriate regulation.
This article analyses the content of each of the ten fundamental principles of international law which are fully established in the United Nations General Assembly Declaration (UNO) no. 2625 (XXV)/1970 ”on principles of international law concerning friendly relations and cooperation among States in accordance with the UN Charter”, and in the Final Act of the Conference on Security and Cooperation in Europe (CSCE) adopted in Helsinki in 1975, respectively: the principle of the sovereign equality of States, the principle of self-determination, the principle of non-interference in internal affairs, the principle of non-use of force or threat of force, the principle of peaceful settlement of international disputes, the principle of good faith fulfilment of international obligations (pacta sunt servanda), the principle of cooperation, the principle of the inviolability of frontiers, the principle of territorial integrity and the principle of respect for human rights and fundamental freedoms, on the premise that the general principles of law, by virtue of their generality, applicability and binding force, are also fundamental not only to national systems of law but also to international law, in whose sphere of application they are used.
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General considerations

In the legal sense, the term principles means ”basic idea” [1] or ”guiding idea”, and principles of law are nothing more than the leading (guiding) ideas of a system of law.

In the system of international relations, and in particular in relations between States, legal relationships arise which are governed by international law, formerly known as Gentile law, which borrows the general principles of law from national systems of law, which in this respect constitute sources of international law.

As general principles of law we recall: the principle of ensuring the legal basis for the functioning of the state, the principle of freedom and equality, the principle of accountability, the principle of equity and justice, the principle of res judicata or good faith in the performance of contractual obligations.

The application of these principles is also necessary in order to eliminate the lack of regulation in certain areas in international relations or for the purpose of interpretation and development of international law, as they are indispensable for it.

The need for the application of general principles of law and international law follows unquestionably from the content of Article 38(2). (1) of the Statute of the International Court of Justice [2], content from which it follows that ”*General principles of law, as sources of international law, means all the principles common to the new contemporary legal systems which can also be applied in the international legal order*” and considered alongside treaties and custom in the settlement of disputes before the International Court of Justice.

The general principles of law by their generality, their applicability and their binding nature are obviously fundamental not only to national systems of law, but also to international law, in whose sphere of application they are used.

Article 2 of the UN Charter and the 1970 UN General Assembly Declaration on Principles of International Law [3], adopted under the aforementioned article refer to other ”specific” fundamental principles of international law applicable to ”*the conduct of States wherever it is exercised*” respectively: the principle of the sovereign equality of States, the principle of self-determination, the principle of non-interference in internal affairs, the principle of non-use of force or threat of force, the principle of peaceful settlement of international disputes, the principle of good faith fulfilment of international obligations (*pacta sunt servanda*) and the principle of cooperation.

These seven principles are also reiterated in the Final Act of the Conference on Security and Cooperation in Europe, adopted in Helsinki in 1975, with the addition of three further fundamental principles, namely: the principle of inviolability of borders, the principle of territorial integrity and the principle of respect for human rights and fundamental freedoms.

The ten principles adopted in the CSCE Final Act have also been recognised by the Charter of Paris for a New Europe, as well as by the Declaration adopted by the High-level Meeting of the UN General Assembly on 14 September 2012 on ”The Rule of Law at the National and International Level”.[4]

On the basis of the above, we conclude that by reference to the rules of international law, the fundamental principles of international law are "*rules of universal application, with a maximum degree of generality and mandatory character, giving expression to and protecting a fundamental value in relations between subjects of international law*" [5].

From the above definition we can identify several characteristics of the fundamental principles of international law, namely: maximum generality, their interdependence, are binding and mandatory and have normative value.

The interdependent nature of these principles is explicit in Declaration No 2625 (XXV) of 24 October 1970 of the UN General Assembly, namely "*In their application and interpretation, the preceding principles are interrelated and each principle must be interpreted in the context of the other principles*".

The normative character, in the sense of the obligation to respect the rules of conduct that these principles impose, is also confirmed by the International Court of Justice in its practice. Thus, on the occasion of the settlement of the dispute "*Military and paramilitary activities in and against Nicaragua*" (Nicaragua vs. SUA, 1984-1986), The Court ruled affirmatively on the normative value of the "*Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*" (UN General Assembly Resolution No. 2625 (XXV)/1970).

These principles "*arise by tacit or express agreement of States, by customary or contractual means, and are binding*" [6].

In the second section of the article, we will present an analysis of the content of each of the ten fundamental principles of international law.

Analysis of the content of the fundamental principles of international law set out in UN General Assembly Declaration No. 2625 (XXV)/1970 *on principles of international law concerning friendly relations and cooperation among States, in accordance with the UN Charter* and in the Final Act of the 1975 Conference on Security and Cooperation in Europe

Principle of sovereign equality of States

States are the main and primary subject of international law, and this quality is the result of their sovereignty, which belongs to both the constitutional law branch of the domestic law system and international law, thus resulting in the ”*supremacy*” of state power from the internal point of view and, respectively, the independence of the state from the external point of view, both components being inextricably linked to each other, given the unity between the domestic and foreign policy of the state. Independence is a full expression of sovereignty.

In the literature [7] sovereignty has been attributed certain characteristics, namely: inalienability (sovereignty cannot be surrendered, and at the same time it cannot be the subject of any cession to other States or international organisations), exclusivity (only one sovereignty can act on the territory of a state), indivisibility (the attributes of sovereignty cannot be appropriated and exercised in a state by more than one subject) and the original and plenary character (sovereignty is the exclusive and intrinsic attribute of the State, it is not attributed to the State by any foreign entity or group of entities, and the State, through all the constitutional and legal levers it possesses, acts all-embracing in all areas of the economic, social and political life of the society whose exponent is the State in question).

In the light of the elements set out above with regard to the characteristics (attributes) of sovereignty, we stress that when the constitutionally or legally competent national authorities represent the State in question at the international level, through the powers they hold, in the process of international cooperation and collaboration, for the purpose of pursuing the interests of the nation of which exponent that State is, it does not affect any of the attributes of State sovereignty.

On the basis of sovereignty, States conclude bilateral or multilateral treaties, participate in the work of international conferences and organisations with the aim of acquiring international rights and obligations designed to ensure effective inter-State cooperation and cooperation and, ultimately, a climate of global security.

The rights and obligations of States, acquired at the international level on the basis of their sovereignty, constitute the prerequisite for the freedom of choice at the internal

level by the States concerned of their economic, social and political system, on the basis of their own aspirations, without interference of an external nature.

Based on sovereignty, States must respect the rules of international law and, consequently, the sovereignty and independence of other States, their equal rights, and take an active role in identifying and implementing solutions leading to the maintenance of a climate of security and cooperation among nations.

With regard to the intrinsic content of this principle, the 1970 UN General Assembly Declaration attributed the following elements to it: a) states are legally equal; b) each State enjoys the rights inherent in full sovereignty; c) every state has an obligation to respect the personality of other states; d) the territorial integrity and political independence of the State are inviolable; e) each state has the right to freely choose and develop its political system, social, economic and cultural; f) every state has an obligation to comply fully and in good faith with its international obligations and to live in peace with other states.

To these elements, the 1975 CSCE Final Agreement added other equally important ones, namely: the right of each State to determine its own laws and regulations; the right to freely define and conduct its relations with other States in accordance with international law; the right to belong or not to belong to international organisations; the right to be or not to be party to bilateral or multilateral treaties, including the right to be or not to be party to alliance treaties; the right to neutrality and the right to change borders, in accordance with international law, by peaceful means and by agreement.

The principle of the sovereign equality of States implicitly enshrines their equality in rights, since all States can acquire rights and assume obligations on an equal footing, regardless of the differences in their economic and social development.

Thus, the 1970 UN General Assembly Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States under the Charter of the United Nations stated that ”*All states enjoy sovereign equality. They have equal rights and obligations and are equal members of the international community, regardless of economic, social, political or other differences.*” [8]

Equality of rights of state entities implies the obligation and necessity for developed countries to provide developing countries with specific trade and economic assistance (compensatory equality).

We also point out that according to UN General Assembly Resolution No. 2153/1966, all States, by virtue of the principle of their sovereign equality, exercise their permanent sovereign right of ownership and exploitation of national economic resources in accordance with their own conception of economic and social development, which constitutes, according to some authors, the crystallization of a new fundamental principle of international law.

The Montevideo Convention of 1933 states that the rights of States are independent of their capacity to ensure their implementation, the essential condition in this case being that the States concerned are subjects of international law.

The principle of self-determination (the right of peoples to determine their own destiny)

The origins of the right of peoples to self-determination can be traced back to the demands of the French Revolution of 1789 for the sovereignty of the people [9].

This principle was initially established in the UN Charter (Article 1(2)) and the 1960 UN General Assembly Resolution on the granting of independence to countries and peoples in colonies, and was later definitively crystallised in all its nuances in the Declaration on Principles of International Law concerning Friendly Relations among States in accordance with the UN Charter, adopted by UN General Assembly Resolution no. 2625 (XXV)/1970 and, respectively, the Final CSCE Act, adopted in Helsinki in the year 1975, bearing the title ”*the equal rights of peoples and their right to decide for themselves*”.

This right can only be exercised by the people or nation, not by any other subject of international law, and cannot be ceded to a subdivision of the nation (e.g. a national or religious minority or a part of the people in a division of the national territory).

By virtue of this principle, *all peoples have the right to determine their political status, in full freedom and without outside interference, and to pursue their economic, social and cultural development, and every State has an obligation to respect this right in*

accordance with the provisions of the UN Charter (UN General Assembly Resolution of 1970).

The limits [10] of this principle are clearly described in this resolution. Thus, "*Nothing in the preceding paragraphs shall be construed as authorizing or encouraging any action which would dismember or threaten, in whole or in part, the territorial integrity or political unity of any sovereign and independent State, governed according to the principle of equal rights and self-determination of peoples set forth above and having a government which represents the whole people belonging to the territory, without distinction as to race, creed or colour.*

Any State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of another State or country".

In the same vein, Article 1(1) of the 1966 International Covenants on Human Rights provides that all peoples have the right to self-determination and, on the basis of that right, to determine freely their political, economic, social and cultural organisation.

The 1970 UN General Assembly resolution regulates the means (modalities) by which peoples exercise their right to decide for themselves, namely: "*the creation of a sovereign and independent state, free association or union with an independent state or the acquisition of any political status freely determined by a people*".

It therefore establishes the obligation of every State to promote the realization of the principle of equal rights of peoples and their right to self-determination, whether with other States or separately, and to assist the United Nations in fulfilling its Charter responsibilities with regard to the application of the above principle, in order to promote friendly relations and cooperation among States and to put an end to colonialism and all forms of alien subjugation, domination or exploitation.

Furthermore, it prohibits any State from resorting to measures of coercion which would deprive peoples in colonies of the right of self-determination, and recognises the right to resist such measures of coercion and to seek and receive support in accordance with the principles and purposes of the Charter.

An essential manifestation of the right of peoples to decide their own destiny is embodied in the right of peoples to independence, from which derives the legitimacy of the process of resistance (including armed resistance) of peoples under foreign

domination and the correlative obligation of States to support the UN in fulfilling its responsibilities in this area, in order to effectively provide the support requested by these peoples.

Another form of protection for peoples under foreign domination is expressly provided for in the 1970 UN General Assembly Resolution by regulating that ”*the territory of a colony or other non-self-governing territory possesses, by virtue of the Charter, a status separate and distinct from that of the territory of the administering State, such separate and distinct status by virtue of the Charter exists so long as the people of the colony or non-self-governing territory do not exercise their right of self-determination in conformity with the Charter of the United Nations and, in particular, with its purposes and principles*”.

Today, any form of foreign domination, including colonialism, no longer effectively exists, which shows the decisive influence and impact on states of the above-mentioned principle, mainly regulated and implemented by the UN.

Last but not least, ensuring the practical effectiveness of this principle is inextricably linked to the effective recognition and observance by each State of human rights and fundamental freedoms, in accordance with the UN Charter.

The principle of non-interference in internal affairs

Referred to in the literature as the principle of non-interference or non-intervention, this principle finds its doctrinal origins in the ideas of the French Revolution of 1789 which established the postulate of non-intervention of the French people in the internal affairs of other nations and, correlatively, the non-interference of other powers in the internal affairs of France, being explicitly established in Article 119 of the French Constitution of 1793 [11].

The President of the United States of America, James Monroe, in his message to the U.S. Congress on December 2, 1823, launched what was later called in the international law, the ”*Monroe Doctrine*” which was originally directed against the intervention projected by the victorious states of Napoleon's France (England, Russia, Prussia and Austria) in the war between Spain as the hegemonic power and the states of

Latin America. Essentially this doctrine referring to non-intervention by the US in Europe and by European countries on the American continent.

In the contemporary era, the UN Charter states in Article 2(7) that ”*Nothing in this Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State, nor shall it oblige its Members to submit such matters for settlement on the basis of the provisions of this Charter.*”

Giving specific expression to this principle, UN General Assembly Resolution 2131/1965, entitled ”*Declaration on the inadmissibility of intervention in the internal affairs of other states and the protection of their independence and sovereignty*”[12] and subsequently UN General Assembly Resolution No. 2625 (XXV)/1970 [13], respectively the 1975 Final Act of the CSCE regulates the prohibition of any form of direct or indirect intervention, individual or collective, in the internal or external affairs of any State. Without being exhaustive, but merely illustrative, the following are therefore prohibited: armed intervention or the threat of such intervention, acts of military or political coercion, economic or other forms of coercion, direct or indirect support for terrorist or subversive activities and other acts aimed at the violent overthrow of the regime of another State, interventions in the internal strife of another State, as well as any form of interference or any threat to use economic, political or other measures directed against the personality of a State or against its political, economic and cultural elements.

The regulation made is only illustrative, not limitative, given the expressions used, namely ”*for any reason*”, ”*any form of interference or any threat*”, ”*of any other nature*”, ”*advantages of any kind*”, ”*any intervention, direct or indirect, individual or collective*”, ”*any form of armed intervention or threat of such intervention*”, ”*in all circumstances*”, ”*any act of military or political coercion, economic or otherwise*” or ”*some advantage*”.

This principle, from its inception (explicitly provided for in the French Constitution of 1793) to the present day, has not infrequently been violated, with the following arguments being put forward[14] in favour of its infringement ”*compliance with international law*”, ” *consensual interventions*”, ”*interventions for humanitarian purposes*”, ”*protection of citizens of a State abroad and their property*”.

”*However, violations have been the exception and compliance the rule, which also explains its evolution, development, maintenance and consolidation as a fundamental principle of international law*”[15].

In 1991, at international level, after the end of hostilities in the Persian Gulf, the view was taken that humanitarian considerations may have the effect of violating the principle of non-interference in the affairs of another state, taking into account the imperative to protect refugees, in which case no intervention was undertaken.

Thus, this principle retains its character as a peremptory norm of general international law (*ius cogens*), from which there can be no derogation and which can only be modified by a rule of general international law with the same binding force.

Principle of non-use of force or threat of force

Armed conflict was banned for the first time in history with the signing of the Briand-Kellogg Pact in Paris on 27 August 1928.

However, after the catastrophe of the Second World War, States broadened the scope of application of the principle of non-aggression, with Article 2(4) of the UN Charter stating that ”*All members of the Organization shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.*”

The legal content of the principle was refined by the 1974 Declaration on the Definition of Aggression, but in particular by the 1970 UN General Assembly Declaration and the 1975 CSCE Helsinki Final Act.

Thus the concept of ”*strength*” not only involves ”*armed force*”, but also pressures of any kind against states or world peace and security.

As such, ”*no consideration may be invoked as justification for resorting to the use of force or the threat of force contrary to this principle*”, and ”*war of aggression constitutes a crime against peace which gives rise to liability under international law*” – (the case of Russia's aggression against Ukraine is more than eloquent).

The most destructive effects are undoubtedly to be found in the use of armed force, which fully justifies the definition of armed aggression in a specific, far-reaching international document, UN General Assembly Resolution 3314 of 1974.

”*According to this resolution [16], the State which has resorted to armed force contrary to the provisions of the UN Charter has intentionally committed an act of aggression of a certain gravity which constitutes sufficient evidence of its status as aggressor*”.

This resolution includes, but is not limited to, the most common cases of aggression, namely: violation by a State which with the unforced consent of another State, has military forces on the territory of the latter State of the terms and conditions of stationing, invasion of the territory of a third State, unprovoked aggression by a third State on the military or civilian facilities of another State, blockade imposed by the naval forces of a State or bombardment by the military aircraft of an aggressor State.

It can therefore be seen that armed aggression has been regulated at international level, which is not yet the case with pressure and coercion of any kind, which can be exercised to the detriment of the independence and sovereignty of States.

International law allows the use of force in two situations:

1) use of force under UN Security Council decision; and

2) exercise of the right of individual or collective self-defence against an armed attack (Art. 51 of the UN Charter).

”*After the American intervention in Iraq in 2003, a new concept emerged in the specialist doctrine, promoted by US President George Bush, namely the concept of preventive war (the Bush doctrine), which is based on the new concept of preventive attack and is an outgrowth of the US National Security Strategy, a concept which, however, raised a number of legal problems*”[17].

So, in these two cases we are in the presence of the legitimate use of force, being internationally agreed to remove any aggression that endangers the existence, sovereignty and independence of states.

The principle of non-use of force and threat of force also applies to ”*submarine territories beyond national jurisdiction, to outer space, to the moon and to other celestial bodies, as provided for in the relevant special treaties*”[18].

In the Western-inspired literature, the view has been expressed that Article 2(4) of the UN Charter, which prohibits the use of force at the international level, is being eroded

because it has been frequently violated, and that a legal rule cannot be imposed on a State which other States ignore or violate.

This point of view must be vigorously contested because, at international level, Article 2(4) of the UN Charter is not abrogated and, on the other hand, no State is capable of issuing exceptions that would render the regulation in the aforementioned article ineffective, ”*all the more so since the provisions of Article 2(4) must be read in conjunction with those of Article 2(6) of the UN Charter, which provide that the UN has an obligation to ensure that non-UN Member States act in conformity with the principles of the Charter in order to maintain international peace and security*”[19].

The principle of peaceful settlement of international disputes

The non-use of force or the threat of force, as a fundamental principle of international law, is clearly the logical consequence of the settlement of any international dispute[20] peacefully. Peaceful means of settling disagreements have, of course, been used since ancient times, but at the normative level there was no such obligation until the adoption of the Briand-Kellogg Pact (Paris, 27 august 1928).

This principle is established in Article 2(3) of the UN Charter which provides that: ”*All members of the organisation shall settle their international disputes by peaceful means so that international peace and security and justice are not endangered.*”

Article 33(1) of the UN Charter provides for the means of settling disputes, namely: negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement, regional bodies or arrangements or other peaceful means, at the option of the parties, while providing for the obligation of the parties to have recourse to these means of settlement in the settlement of disputes.

The above principle was established in the UN General Assembly Resolutions of 1970 and 1982, in the 1975 Helsinki Final Act of the CSCE and in the Declaration[21] adopted at the High-level Meeting of the UN General Assembly on 24 September 2012 on ”*Rule of Law at National and International Level*”, providing as follows: ”*We reaffirm the obligation of all States to settle their international disputes by peaceful means, inter alia, through negotiation, enquiry, good offices, mediation, conciliation, arbitration and judicial settlement or other peaceful means of their own choice*”.

The peaceful settlement of international disputes logically requires that the parties to the dispute respect the principle of non-use of force or threat of force, as well as the other fundamental principles of international law.

A distinction must be made between an international dispute and an international situation.

Thus, the international dispute is a situation of disagreement between international actors, which presupposes that they have already crystallised their points of view through recourse to institutions of international law, the disagreement may be caused by conflicting interests or a lack of transparency or communication between States.

Unlike a dispute, an international situation is a state of affairs (circumstance) arising between international actors that may or may not degenerate into a dispute.

In this context, the question has been raised in the literature as to whether the obligation of peaceful settlement of disputes only applies to serious disputes with negative implications for international peace and security, or whether it also applies to disputes that present a low degree of danger in the international arena.

”*It was considered that any international dispute, whatever its nature, content and gravity, should be settled by peaceful means*”[22], this all the more so as the UN Charter, in Articles 11(3), 34 and 35, regulates situations ”*that could endanger international peace and security*”.

At the same time, the nature (substance) of the dispute - political or legal - is irrelevant, since any dispute has both political and legal connotations, and it cannot be said that, unlike legal disputes, political disputes do not have to be resolved by recourse to the institutions and principles of international law.

Just as the parties are free to choose the means of settling the dispute, they may subsequently choose another means of settlement if the choice of the initial means of settlement does not lead to a positive outcome, the essential elements in this case being good faith, responsibility and a spirit of cooperation on the part of the parties, with a view to moving the settlement of the dispute towards a positive solution and not to delaying the settlement of the dispute or aggravating it.

The peaceful settlement of international disputes also depends on how many states are involved in the dispute (two or more), and the means of settling them must be

addressed in consultations to be carried out mainly through regional international organisations or the UN, with states enjoying the same rights in settling disputes.

Accordingly, it is beyond any doubt that the States involved in the dispute, as well as other States, must refrain from any manifestations that aggravate the dispute, including fraudulent involvement in the negotiating process of the parties, and thereby undermine international peace and security.

In this regard, the 1982 UN General Assembly Declaration states that: ”*neither the existence of a dispute nor the failure of a procedure for the peaceful settlement of a dispute shall authorise any State party to a dispute to resort to force or the threat of force*”.

Contemporary international law contains rules, however, which do not prohibit the States involved in the dispute or other States from resorting to coercive measures not involving military force (retaliatory measures or reprisals not involving the use of force).

We consider, however, that if the use of such coercive measures has the effect of aggravating the dispute or endangering international peace and security, their use must be prohibited by the rules of international law.

Constant recourse to instruments for the peaceful settlement of international disputes also ensures that the principle of non-use of force or threat of force in international relations becomes more effective.

”Pacta sunt servanda” Principle (performance in good faith of the international obligations)

Throughout history, both in the domestic and international legal order, the performance in good faith of obligations undertaken or provided for in national or international law has been a fundamental principle in international law as well, constituting one of the oldest principles, appearing with the conclusion and fulfilment of the first treaties by the Chinese, Egyptians, Greeks and Romans.

States which disregard a treaty concluded are clearly violating international law, endangering and damaging first and foremost the States themselves, and indirectly the international legal order.

The UN Charter established the obligation of Member States to fulfil in good faith their obligations under the Charter (art. 2 point 2).

This regulation was further developed by the UN General Assembly Resolution of 1970 and the 1975 Helsinki Final Act of the CSCE, providing that ”*each State has an obligation to fulfil in good faith the obligations it has assumed in accordance with the UN Charter, its obligations under generally recognised principles and rules of international law and its obligations under international agreements in accordance with generally recognised principles of international law*”, while providing that ”*In the event of a conflict between the obligations of UN Members under the UN Charter and their obligations under any treaty or other international agreement, their obligations under the Charter shall prevail, in accordance with Article 103 of the UN Charter*”.

It follows from the foregoing that this principle is applicable both to treaties and to customary rules, i.e. to lawful treaties, i.e. those in conformity with the fundamental principles of international law.

According to Article 2 para. 1(a) of the 1969 Vienna Convention on the Law of Treaties, ”*a treaty is an agreement concluded in writing between States and governed by international law, whether embodied in a single instrument or in two or more related instruments, and whatever its name may be*”, and according to Article 26 of the same Convention ”*Any Treaty in force binds the parties and must be performed by them in good faith*”.

Custom is ”*a general, relatively long-standing and repeated practice of States, regarded by them as giving expression to a legally binding rule of conduct (a rule of law)*”[23].

This principle is not only ”*a rule of law, but also one of international morality, since States must fulfil the obligations to which they have freely consented, good faith presupposing the performance of obligations without subterfuge and without the use of improper means of evading their performance*”[24].

The principle of cooperation

This principle states the obligation of States to cooperate with each other and with all States on an equal footing, whatever differences may exist between their political,

economic and social systems, in the various fields of international relations in order to maintain peace, international security and justice and to achieve international economic progress and stability, the general welfare of nations and international cooperation which is free from discrimination based on these differences. Cooperation must ensure universal respect for and observance of human rights and fundamental freedoms for all the world's inhabitants, as well as the elimination of racial discrimination and religious intolerance in all its forms. This cooperation between States must also be carried out in the economic, social, scientific, cultural, technical, commercial and humanitarian fields, foster the advancement of culture and education in the world, in accordance with the principles of sovereign equality and non-intervention, and act jointly as well as individually in cooperation with the UN, in accordance with the provisions of the UN Charter (UN General Assembly Resolution of 1970 and the Helsinki Final Act of the CSCE of 1975).

The need for the promotion and establishment of this principle at the international level ”*is due to the multiplication of subjects of international law, the increase in interdependence, the emergence of acute global problems which require the cooperation of all States and the finding of international solutions to them*”[25].

This principle was originally established in Article 1(3) of the UN Charter which stated that ”*one of the purposes of the United Nations is to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting human rights*”.

The need to implement this principle is also provided for in Chapter IX of the UN Charter entitled ”*International Economic and Social Cooperation*” which states that the ultimate purpose of cooperation among States is the solution of problems arising at the international level which have implications for more than one State, or international economic prosperity and development, and which states the obligation of Member States to fulfil these objectives.

”*The content of the principle of cooperation consists in the existence of a right and a correlative obligation of States to cooperate with each other, each State having the right to establish cooperative relations with other States on a bilateral or multilateral basis, institutionalized or ad hoc, in any field of mutual interest or of general interest, and may not be arbitrarily prevented from exercising this right.*”[26]

Cooperation between States at the international level is at the core of the implementation of the entire edifice of international law, and is the prerequisite for the full manifestation of the other fundamental principles of international law, as well as ensuring their interdependence.

The principle of the inviolability of borders

This principle is established in the 1975 Helsinki Final Act of the CSCE and states that ”*The participating States shall each consider inviolable all frontiers of the other, as well as the frontiers of all States in Europe, and shall accordingly refrain now and in the future from any attack on these frontiers and shall refrain from any demand or any act of seizure and usurpation of all or part of the territory of any independent State*”.

Although this international document was signed in Helsinki in 1975 by the presidents or prime ministers of 33 European states, the USA and Canada, taking into account the provisions of the UN Charter, it is clear that this fundamental principle of international law refers to the inviolability of the borders of all states in the world.

We note that some of the practical modalities ensuring the implementation of this principle are contained in the regulation of the principle of non-use of force or threat of force, provided for in UN General Assembly Resolution 2625(XXV)/1970, namely ”… *any State has an obligation not to resort to the threat or use of force to violate a State's existing international borders*”, resulting in the interdependence of the two principles.

It makes sense for this to be the case, since the primary means by which a state's recognized international borders are those by which force or the threat of force is used.

The state border consists of ”*those lines drawn between different points which separate the territory of one State from the territory of another State or, as the case may be, from the high seas and which extend in height to the lower limit of outer space and in depth inland to the limits accessible to modern technology*”[27].

At the international level, it is accepted that the only way to change the State border separating the territory of one State from the territory of another State is by agreement or consent of both States.

The principle of territorial integrity

The 1975 Helsinki Final Act of the CSCE also established this principle by stating that ”*participating States will respect the territorial integrity of each other will refrain from any action inconsistent with the purposes and principles of the UN Charter, against the territorial integrity, political independence or unity of any participating State, and in particular, from any such action constituting a use of force or threat of force or of making the territory of another State the object of military occupation or other measures of direct or indirect use of force contrary to international law or the object of acquisition by such measures or threat thereof, no such occupation or acquisition being recognized as lawful*”.

We note that some of the practical modalities ensuring the implementation of this principle are contained in the regulation of the principle of non-use of force or threat of force, provided for in UN General Assembly Resolution 2625(XXV)/1970, namely ”*any State has an obligation not to resort to the threat or use of force to violate a State's existing international borders*”, thus resulting in the interdependence between these two principles.

This is natural, because some of the ways in which the territorial integrity of states is infringed are ”*any such action constituting a use of force or threat of force*”.

Also, the phrase ”*no such occupation or acquisition not being recognised as lawful*” (with reference to non-use of force or threat of force), is also reflected in the regulation of the principle of non-use of force or threat of force as laid down in UN General Assembly Resolution 2625(XXV)/1970, i.e. ”*no territorial acquisition obtained by threat or use of force shall be recognised as lawful*” which is an additional reason to underline the interdependence between these two principles.

In international law, state territory is ”*the geographical area made up of land, water, sea, soil, subsoil and airspace over which the State exercises its full and exclusive sovereignty*”[28].

The only lawful modification of a State's territory allowed under contemporary international law is ”*that which is based on the freely expressed consent of the population inhabiting the territory in question, thus resulting in the separation of territories from a State, the formation of another State or States, or the joining of parts of the territory of a State or States as a whole to another State or States*”[29].

According to Article 1(3) of the UN Charter, the amendments are legal ”*only if it expresses the sovereign will of the people living in that territory*”.

Principle of respect for human rights and fundamental freedoms

”*The idea that the individual, as a human being, has immanent rights, intrinsic to this quality, has distant origins, especially in the Christian conception of man*”[30].

The first European, and implicitly world-wide document outlining the basic elements of the legal guarantees of the individual in the ”*Magna Carta Libertatum*” annunciated by King John without Land in 1215, under pressure from the English nobility and church which provided that ”*No free man shall be imprisoned or expelled or destroyed in any manner without due process of law by his peers according to the laws of the land*”.

The need to respect human rights was crystallised in the doctrine of natural law (the law of gentiles and nature) from which J. J. Rousseau took his ideas for ”*Social contract*” (1762).

The bourgeois revolution in England led the British legislature to adopt two important documents, *Habeas corpus* (1679) and *Bill of Rights* (1689) which provided for the right to trial by jury, inviolability of the person, bail, the right to free elections and freedom of speech.

The legislation adopted by the young American state and the Declaration of the Rights of Man and of the Citizen adopted during the French Revolution on 26 August 1789 give expression to the principle that the human being is entitled to sacred and inalienable rights in respect of his person, recognized by the state power, without any connection with his origin and social status: equality among individuals, including before the law, the establishment of governments with the consent of the governed, the right to life and liberty, the right to property, freedom of thought, expression and demonstration, and the right to security and resistance to oppressive domination.

In the contemporary international era, given the crucial importance for humanity of respect for human rights and fundamental freedoms, the above-mentioned principle, ”*initially regarded as a principle of international law of a branch nature, considered to relate only to the subject of population in international law, has become a fundamental principle of international law, since the criterion of respect for human rights and*

fundamental freedoms has become an essential coordinate of inter-State relations and a condition for accession to various fora and forms of cooperation or integration”[31].

Consequently, in view of the above imperatives, effective systems and mechanisms have been established at international level to ensure the protection of human rights and fundamental freedoms.

Thus, at the UN level, the preamble to the UN Charter reaffirms ”*the belief in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small*”.

Article 55 of the UN Charter establishes ”*universal and effective respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion*”.

The Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948, constitutes a ”*common ideal to be achieved by all peoples and nation* ” and mentions numerous civil and political rights (the right to life, the right to liberty and security of person, the right not to be held in slavery or servitude, the right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment, the right to freedom of peaceful assembly and association, the right to take part in the conduct of public affairs and the right of access to public service, as well as economic, social and cultural rights (the right to social security, work and free choice of work, equal pay for equal work, insurance in case of unemployment, invalidity, mother and child protection).

Although the provisions of the Universal Declaration of Human Rights are not binding and coercive, they have legal content and priority over the domestic law of States, all the more so as this Declaration has been an essential landmark in terms of the level of regulation of human rights and fundamental freedoms in contemporary constitutions (see, for example, Article 20 of the Constitution of Romania).

The International Covenants on Human Rights were adopted by the UN General Assembly on 16 December 1966, the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, providing for the right to work, freedom to choose one's place of work, the right to just conditions of work, equal remuneration for work of equal value, the right to safety and health at work, rest and leisure, the right to form trade unions, the right to strike, the right to social security.

The International Covenant on Civil and Political Rights entered into force on 23 March 1976 and had two Optional Protocols, the first on the possibility of referral to the Human Rights Committee entered into force on 23 March 1976 and the second Optional Protocol concerned the abolition of the death penalty and entered into force on 11 July 1991.

This Covenant provides for the right to life, freedom of thought, conscience, religion, freedom of expression and the right to freedom of assembly and association.

The 1975 Helsinki Final Act of the CSCE provides for freedom of thought, conscience, religion or belief for all without distinction as to race, sex, language or religion, civil, political, economic, social, cultural and human dignity freedoms, freedom of individuals to profess and practise their religion or belief alone or in community with others, respect for the rights of persons belonging to national minorities, including equality before the law and the effective enjoyment of human rights and fundamental freedoms.

Regarding the international mechanisms for ensuring the protection of human rights, these are implemented at the UN level, the other mechanisms for ensuring the protection of human rights being of a regional nature (the European system through the Council of Europe and the OSCE, respectively the Inter-American system and the African system).

The UN system comprises the UN General Assembly, the Security Council, the Economic and Social Council, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the UN Secretariat, the Office of the UN High Commissioner for Refugees, the Committee on the Rights of the Child, the Office of the UN High Commissioner for Human Rights, the Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities.

Conclusions

The fundamental principles of international law have their origin in the abstraction of legal rules specific to this branch of law.

These principles have emerged and crystallised in inter-state relations and have evolved and developed in line with the evolution and development of relations between states, reflecting the socio-economic and political imperatives of the historical periods in which states emerged and developed.

States, as the principal subjects of international law, are primarily under an obligation to respect the fundamental principles of international law and, consequently, because of this desire, must also respect the other principles, institutions and rules specific to the whole edifice of international law.

The fundamental principles of international law, sometimes referred to in the literature as the standards of international conduct applicable primarily to States, are the highest criterion in verifying the legality of any legal act of international law or in assessing other actions or abstentions of States and other subjects of international law in international relations, as well as in constructing rules of conduct in areas newly regulated by international law.

Based on the fundamental principles of international law, the main subjects of international law, i.e. States, at the level of international organisations of global or regional scope, promote their own national interest through specific political and legal instruments.

Since contemporary society is constantly evolving and developing, this character is also organically imprinted on the fundamental principles of international law, in terms of their number and the enrichment of their content.

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