



THE INFLUENCE OF INTERNATIONAL RELATIONS ON THE PEACE TREATIES OF THE FIRST AND SECOND WORLD WARS

ORIGINAL ARTICLE

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ABSTRACT

In past centuries, war was used as an alternative for decision-making in various empires. It was seen as a necessary means for the interest of the majority to prevail. At the end of each war, international agreements were made with the aim of restructuring the world order, as well as promoting the implementation of non-aggression pacts. In this context, International Law emerges to assist in the protection of these measures of peace, acting as an instrument for the adoption of dispute-free solutions. Thus, the International Treaties are born, whose purpose is the adoption of mechanisms more favorable to the non-use of force, enabling a balance that preserves International Relations for a society consolidated on peaceful bases. In view of the above, this article aimed to answer: did International Relations influence the peace treaties of the First and Second World Wars? Therefore, the objective is to analyze and understand the influence that International Relations had at the end of the First and Second World Wars and the

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repercussions for the international scenario during the post-war period. For this, the bibliographic review of articles and books relevant to the topic was adopted as a methodology. Finally, it was concluded that the definition of a new world structural model through International Relations and the war events, were responsible for building between the States a harmonic base established on the principle of non-aggression, even in the face of hostile periods and within an aggressive structure.

Keywords: International Treaties, World Peace, International Law, International Relations.

1. INTRODUCTION

The coexistence of different peoples and cultures generate confrontations that can be considered natural. In this scenario, war can become a common phenomenon in the relations between these States, as it acts as a mechanism to protect the interests of the many hegemonies. However, it appears that, on numerous occasions, it proved to be an uncontrolled means that only aimed at consolidating results.

Faced with this reality, peace is considered an atypical phenomenon in International Relations, but it is necessary for the survival of society (GONTIJO, 2018).

When analyzing the events of humanity, the results, the consequences and the reflexes of the wars in the normative structure where the States are inserted are perceptible. Consequently, it appears that new values and principles undergo reformulation and give rise to new international concepts in the post-war period and that these realities were being modified through International Treaties, which defined mutual rules of non-aggression, adopting peaceful means such as way of indoctrinating International Relations. This movement has been going on since

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antiquity and it is something continuous and normative to be experienced throughout the world (HERZ; HOFFMANN, 2004).

This evolution contributed significantly to the development of International Relations guided towards the construction of a world order that did not use force as the first option in the resolution of its conflicts (PEDRÃO, 2012).

In view of the above, it is understood that post-war treaties are essential for the production of peaceful values and must be ensured by States within the egalitarian legal bases of International Relations (MAGNOLI, 2004).

Therefore, it is necessary to analyze important wars and their subsequent treaties that rebuilt the legal and political bases of State society, as well as modified the behavior of international actors after uninterrupted cycles of violence and deaths in the war camps, since there are numerous conventional norms available that deal with coexistence between States, making it possible to adopt norms that prohibit the use of any form of the use of force in conflict resolution.

In this context, the present study aims to demonstrate the reconstruction of the international legal system in the face of the balance of power system after the First and Second World Wars, highlighting the principled wave for the positivization of the prohibition of the use of force. Therefore, the following question is problematic: did International Relations influence the peace treaties of the First and Second World Wars?

To answer this problem, the objective of the article is to analyze and understand the influence that International Relations had at the end of the First and Second World War and the repercussions for the international scenario during the post-war period. The specific objectives are: To describe the mistakes left at the end of the First World War that led to the outbreak of the Second World War; assess the role of international peace-regulating actors and their importance for International

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Society; To analyze the importance of the Peace Treaty in the international scenario and its contribution to the post-war period. For this, the bibliographic review was adopted as a methodology.

Therefore, the present work will approach the records of these conventional documents in order to demonstrate how the reconstruction of the international legal system occurs, with a balance of power after the end of periods of war, being responsible for the formation of a wave of principles for the affirmation of the prohibition of the use of force.

2. INTERNATIONAL CONFLICTS AND THEIR HISTORICITY

International conflict is understood to be any disagreement about a certain right or fact, which may present contradiction or opposition to legal regulations or those of interest between States. The concept of international conflict was formulated by the International Court of Justice in 1924, showing that it is not necessary for the conflict to have serious consequences, and can be portrayed in the disagreements expressed on the understanding of international norms between States (REZEK, 2008).

For Clausewitz (1984), war is defined as a clash of antagonistic wills that were armed to oppose each other, differentiating each war event by the acts of force, quality of the opponent and the political objective that was sought.

According to Magnoli (2009), the international system by its nature is not peaceful. Even if states are not in constant struggle, there are isolated points of tension that can lead to instability of peace and security.

In this context, inserted in the field of International Law regarding armed conflicts, the so called "*jus in bello*" was a licit option granted for the resolution of conflicts



between States. While the “*jus ad bellum*”, it was the right to resort to war when it was preceded by just reasons that justified it (SALOMÃO, 2012).

In line with this, Vitoria (2006) states that war in the Middle Ages was a practice present in the daily life of International Relations and considered the only viable means of not harming the interest of a group or State. This reality has not completely disappeared as a result of the imposition of the conception on the conduct of States based on the notion of empires formed by territories spread around the world, with defense carried out through war (CALAFATE, 2012).

Therefore, it appears that until the end of the 19th century, the union of States to carry out war in International Relations was considered lawful, being justified by the defense of sovereignty. The first limitations occurred only in the second half of the 19th century and the beginning of the 20th century (SALOMÃO, 2012).

During this period, the States understood that even with this right to war, it was still necessary that there were legal limitations through international conventions, in order to limit the actions of combatants during conflicts (HOBSBAWM, 2012).

In this scenario, the Hague Regulations of 1907 were enacted after the events involving bombings of Venezuela's seaports by Italy, Germany and England in 1902, forcing the country to honor the payment of existing contractual debts. Faced with this, the Drago-Porter Convention was then celebrated, with the aim of preventing debt collection from taking place in a coercive way. As a result of these regulations, the US government requested that, during the Peace Conference to be held in The Hague in 1907, there be a set of rules limiting the military acts of States when necessary (SALOMÃO, 2012).

The Hague Conventions are recognized due to the importance of their rules that codified customary norms already recognized and accepted. Thus, the customary



content of the States that did not participate in its elaboration and signature was also recognized (HOBSBAWM, 2012).

In the same context, the Geneva Conventions emerged in 1949, representing an important set of international laws and imposing limits on the effects and conduct of combatants in wars, aiming to protect individuals who were not participating in combat, since until then there were only laws that protected the soldiers (MAGNOLI, 2009).

To fill the gap regarding the protection of the civilian population, the IV Convention was designed to deal with the consequences of wars, including during a military territorial occupation, disciplining the duties of the State considered to be an Occupying Power (HOBSBAWM, 2012).

This world reality led to a study on the Classical Theories of War, as it was found that the conduct of war is influenced due to innovations in armies, armaments, tactics and strategies (MAGNOLI, 2009).

3. THEORY AND PEACE TREATIES

The relationship between States, in the international context, is based on the instability caused by the coexistence and interaction of different political interests of different State nuclei. This instability, as well as the existence of conflicts between them, is natural. The choice of war, therefore, is based on the observation of the degree of state and human development in International Relations. Thus, it appears that peace is an exception in international society (HOBSBAWM, 2012).

In order to contradict the historicity of state conduct in the use of war as a way of satisfying political and military interests, the ideals of non-aggression emerged, such as the Treaty of Kadesh, which aimed to promote peace between Egypt. and



Hittites for several decades, being considered an effective treaty that preserved the territory and state policy (PEDRÃO, 2012).

The conception of Kant's (2004) theory of peace is considered visionary in the context of International Relations where theories of political realism predominate.

Contrary to what is preached by realism, the Kantian conception aims to reach the pacific formula, where there is the idea of a federation of Nations initiated by the union of European States seeking the maintenance of peace. Kant's objective was to conceive a structure that was capable of making an international union possible, eliminating wars resulting from political games. His ideal was not to accept war as a licit means, but as a factor responsible for the destruction of humanitarian efforts to create a future with more harmony. The peace project could not, therefore, be carried out in isolation, where the union of States would be ideal for the creation of a legal system based on non-violence (KANT, 2004).

In this scenario, the “Perpetual Peace” would only be possible under the prism of international contracts that materialize a federation of nations. Therefore, peace has become a utopian achievement in the evolution of international society, due to the natural context of instabilities caused by the coexistence and defense of interests by States. In this way, movements for peace became necessary to preserve the State (SALOMÃO, 2012).

Therefore, in line with the above and given the historical context, it appears that after the end of the destructive cycle of wars, the agreements signed define the new structure of the international order, enabling new guiding principles of international relations and policies within the balance of power, thus taking place the restructuring of international society and resulting in several peace treaties (MAGNOLI, 2009). Furthermore, it appears that this objective began to materialize with the emergence of the League of Nations and the United Nations in the 20th century, in order to preserve international security in the union of States.

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4. THE LEAGUE OF NATIONS AND THE TREATY OF VERSAILLES IN THE INTERNATIONAL COLLECTIVE SECURITY SYSTEM (1919)

4.1 WILSON'S 14 PEACE POINTS

With the end of World War I, the states considered victors held a Peace Conference in Paris (1919), seeking to establish various measures regarding the situation in Germany and a peace plan, which had been devised by Woodrow Wilson, North American President (MAGNOLI, 2004).

Initially, Wilson's plan did not feature any sort of revenge against Germany and its allies. However, France and the United Kingdom argued that the punishment of the German government was necessary due to the losses resulting from the war (SARFATI, 2005).

According to Carr (2001), Wilson's plan was utopian and was based on the belief that world peace would be established if international issues were not resolved by diplomats and politicians linked to the Ministries of Foreign Affairs. Also, according to the author, issues related to peace should be assigned to scientists who are uncommitted to their own ideals and who, therefore, would study the issues more deeply in search of a more democratic and unbiased solution.

Wilson's 14 points of Peace, in their 14th item, provided for the formation of an international organization active in international security. Thus, under the principle of collective security, the League of Nations Pact was born, where member states had the duty to promote the balance of international peace (SARFATI, 2005).

However, it is worth noting that the League of Nations did not intend to prohibit war, but rather to prevent its use as a first option, in case a rupture occurred between the members that could trigger a war (PEDRÃO, 2012).



Aiming at this end, the limit to resorting to war was established through the moratorium, which imposed the resort to war in the following way:

Art. 12. Todos os Estados membros da Sociedade concordam em que, se entre eles surgir uma controvérsia suscetível de produzir uma ruptura, submeterão o caso seja ao processo de arbitragem ou a uma solução judiciária, seja ao exame do Conselho. Concordam, também, em que não deverão, em caso algum, recorrer à guerra, antes da expiração do prazo de três meses após a decisão arbitral ou judiciária, ou o relatório do Conselho (LAWINTER, 2007, s.p.).

4.2 THE TREATY OF VERSAILLES

In 1919, during the Paris Conference, numerous debates were held to elaborate the Treaty of Versailles, which came to be composed of: measures to be taken against Germany and Turkey; the development of collective international security within a universal organization; and the establishment of a system of Mandates to administer the provinces of the Middle East, previously occupied by the Ottomans (MAGNOLI, 2004).

He imposed unilateral measures that diverged from the peaceful purposes on Germany, applying several sanctions that were intended to attribute: the blame for the outbreak of the war and the responsibility for bearing financial reparations and territorial losses during the war period (PEDRÃO, 2012).

The hegemonic trait of International Law can be seen in the Treaty of Versailles and during the elaboration of the Mandate System, regulated by article 227 of the Covenant of the League of Nations, as it was based on European thought at the beginning of the 20th century, being associated with voluntarism that already dominated the international legal system. In it, it was possible to observe the privilege of relations of states considered stronger, after the events of Westphalia, extolling state sovereignty and the exclusive protection of the state and its interests (SALOMÃO, 2014).

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One of the intentions of the Mandate System was the recognition by the victors that the government of the Turks would have been bad for their subjects, who were in the Balkans and Middle East and, as a result of this factor, they would lose control over their territories, according to Margaret MacMillan (2004).

4.3 THE INTERNATIONAL COLLECTIVE SAFETY SYSTEM

The League of Nations was the first international organization inserted in a global context of international voluntarism and with the system of military alliances (HERZ; HOFFMANN, 2004).

With the victory of the allies, there was an incentive to institutionalize the new configuration of power in the figure of the League, even with the imposition of peace by the winners and the guarantee of this situation by the collective peace system, especially as a means to promote the monitoring and combat of ideals of the Bolshevik Revolution of 1917 (MAGNOLI, 2004).

In this context, articles 10, 11 and 16 of the Peace League bring the concept of collective security, according to the text:

Cada Estado membro se compromete a respeitar e preservar a integridade territorial de todos os Estados membros [...] Qualquer ato ou ameaça de guerra contra um membro da Liga ou não, ela deverá agir de forma sábia para proteger a paz das nações [...] Se qualquer Estado membro recorrer à guerra, será considerado ato de guerra contra todos os membros que se comprometeram a retaliar este ato por sanções e usar de forças militares para proteger os membros da liga (SALOMÃO, 2012, p.54).

However, it appears that with the creation of this system there is a rupture in the balance of power of the powers of the time. There was no relationship between Versailles and the efficiency of the Congress of Vienna in 1815, when there was an intention to restructure Europe, on less revanchist bases, as world colonialism was increased with Versailles, and as an example of this, we can mention the Mandate



System. Finally, it is emphasized that the purpose of Versailles was to punish in the economic, territorial and military aspects (KISSINGER, 1994).

In light of the foregoing, it is understood that the fragility of the League for Peace's collective security was the result of the lack of skillful mechanisms to oblige violating member states to obey the rules of the League's Pact. Weak sanction mechanisms were immediately remedied when the United Nations was created (PEDRÃO, 2012).

5. THE BRIAND-KELLOGG AGREEMENT ON RENDERING WAR (1928)

After the First World War, it was necessary, once again, to think about the adoption of effective legal measures in order to prevent the outbreak of wars in International Relations.

In this context, when devising, in 1928, the bilateral Treaty of Waiver of War between the USA and France, also known as the Paris Pact or Briand-Kellogg Pact, Aristide Briand and French Chancellor Frank Kellogg, had the intention of formalizing the interdiction to the refusal to war, later expanded by the UN Charter restricting all forms of international aggression (SARFATI, 2005).

The Pact of Paris was an open, unlimited treaty, which aimed to prevent the arbitrary use of *jus ad bellum* by States in the first half of the 20th century after the consequences of the First World War. The accession to the Pact counted with several States, including Japan and Germany. This rule is described in article 1st of the Paris Pact, which provides:

Art. 1º. As Altas Partes contratantes declaram solenemente, em nome dos respectivos povos, que condenam o recurso à guerra para a solução das controvérsias internacionais, e à ela renunciam como instrumento de política nacional nas suas mútuas relações (BRASIL, 1934).

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The purpose of the treaty was to renounce the war through international policy, with the intention that peaceful relations between the States would not be broken. When taking into account the predominance of voluntarism at the time, it is clear that this was a utopian challenge. However, it did not prevent this regulation from leading to the intention of the parties to the Pact, encouraging other States to adhere to it, making the renunciation of war a new value in the face of international society (SARFATI, 2005).

According to Vauthier (2008), the failure of the Paris Pact may be related to the absence of sanction mechanisms and the deprivation of the benefits of that treaty to the violating States. Another gap observed was the non-prohibition of war, but its condemnation as a means of resolving disputes and an instrument of international policy.

With the end of World War I, there was an arms movement that ended up hampering the renunciation of war by States that had an interest in protecting their territory against new conflicts, leading to the Paris Pact being ineffective and resulting in World War II (HERZ; HOFFMANN, 2004).

However, the main advance of this treaty was the creation of an international custom and principle of non-use of war and even the interdiction of resources destined for it in International Relations, leading to the expansion of its concept by the UN Charter in the article 2nd, §4th, where the complete ban on the use of force was determined. Subsequently, these principles were adopted by international organizations (MAGNOLI, 2004).

6. THE UNITED NATIONS CHARTER AND THE PROHIBITION ON THE USE OF FORCE (1945)

In early 1943, before the end of the Second World War, articulations were already being carried out between the powers of the time, with the aim of drawing up an

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action plan to restructure the post-war world. On that occasion, Stalin joined Roosevelt and Churchill, in Tehran, to discuss topics related to the formation of a new universal organization that would be able to make the member states fulfill its determinations. In addition, the formation of a council composed of powers was proposed, as it was understood that this would be ideal for achieving the objective of maintaining peace. After that, in 1945, in Yalta, Crimea, a new meeting took place where it was determined the division of Germany, the concession of part of Poland to the Soviet Union and the creation of the United Nations (UN) (MAGNOLI, 2004).

Furthermore, it appears that the existence of the UN is the result of previous conventional instruments, such as: the Paris Conference of 1919, the Treaty of Versailles in 1920 and the Pact of the League of Nations in 1922. In addition, the peaceful nature in which the UN was created, is directly related to Wilsonian idealism, as well as to the perpetual peace idealized by Kant (CARR, 2001).

According to Norman Davies (2006), in this context there were already rivalries between the USA and the Soviet Union, showing points of rupture between the two countries as the common interest in Europe and the world was demonstrated.

This historical context is then taken as a background for the San Francisco Charter, which was based on the prohibition of any form of aggression, establishing that disputes would be resolved peacefully, as described by the Hague Peace Conference in 1899. and included in article 2nd, §3th of the aforementioned Charter (FERNANDES, 2006).

Thus, there was a prioritization of a value that had been previously established, associated with the Westphalian recognition of equality between States. The peaceful resolution agreed the insertion of this alternative in the International Relations of the new post-war security system, now with the objectivism of International Law to which the *pacta sunt servanda* would support the basis of

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effectiveness of international agreements and of International Law itself (HERZ; HOFFMANN, 2004).

With this, there was an attempt to repair the gaps in the Covenant of the League of Nations, which did not provide for the defense of peaceful methods for resolving disputes, making the insertion of resort to war as a choice for States after the three-month moratorium period (HERZ; HOFFMANN, 2004).

In view of the constant instability in International Relations, even in periods of peace, it is necessary to maintain peaceful means so that political rivalries between States, especially when the right to self-determination of peoples, are not manifested through war.

Associated with the rule of peaceful resolution, the prohibition of the use of force has its objectivist effectiveness in article 2nd, §4th of the United Nations Charter, within the new structure of modern international law, allowing, by exception, the use of force in cases of need for individual self-defense or that of third parties, present in article 51 (DINSTEN, 2004).

These provisions form the basis for the new international system, where the normative rules of interdiction to war and other forms of discretionary use of force are a new feature of an international imperative.

7. FINAL CONSIDERATIONS

International Law, as well as the entire evolution of international society, saw the need to develop new devices that were able to build a new international structure through the creation of principles of interdiction to war and other types of aggression.

For a long time, war was used as a means of protecting the interests of States, however it lost control in an attempt to create an environment for the consolidation

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of its results. In this context, numerous International Treaties have changed reality in order to define mutual rules of non-aggression and using peaceful means in order to establish guidelines in International Relations.

The purpose of this work was to highlight the influence of International Relations on the peace treaties of the First and Second World Wars, being possible to verify that even with the war inserted in the context of international society, the peace treaties and the conventional norms elaborate guidelines for a coexistence harmony between States, making it possible to prohibit the use of war and forms of force to achieve the desired objectives.

Therefore, returning to the guiding question of this study, which aimed to answer, if International Relations influenced the peace treaties of the First and Second World Wars, it was concluded that the definition of a new world structural model through International Relations and the war events of the last 500 years, they were responsible for building among States a harmonious base established on the principle of non-aggression, even when in hostile times and within an aggressive structure.

The legal bases resulting from the conventional norms of the periods after the wars allow the construction of favorable means to the construction of a collective security established in a legal space based on dialogue and in the propitious of the existence of a stability in the harmonious coexistence of several States, making the utopian dream of peace an increasingly closer reality within international dogmatics, taking into account the results suffered in the two World Wars of the 20th century.



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