# THEORETICAL ASPECTS REGARDING THE APPLICATION OF TREATIES IN TIME AND SPACE

**Roxana-Mariana POPESCU**[*]

**Abstract**

*Treaties in force, more precisely those not affected by a cause of nullity or not expired, must be applied by the parties in good faith. The application of a treaty implies the obligation to introduce it into the internal legal order of each state party and raises the issue of the relationship between international law and the internal law of the states. The application in time of treaties is governed by the principle of non-retroactivity of conventional provisions. In principle, a treaty is applied on the territory or with regard to the territory of the contracting parties. There are, however, cases in which the treaty can only be applied to a part of their territory or it can have an „ultra-territorial" application, that is, it is intended to be applied on the territory of third countries.*

**Keywords:** *treaty, territorial application, application in time, state party, third state.*

## 1. Introductory considerations

The adoption of the text of the treaty marks the completion of negotiations, but that does not mean that the treaty becomes legally binding for the states that signed it. As a rule, the binding effect of the treaty results only after the state that signed the treaty, expresses its consent to be bound by it, unless the parties agreed otherwise. However, a state the representative of which signed the adopted text of a treaty is no longer in the same situation as a state that did not sign the negotiated text[1]. According to the International Court of Justice (ICJ), „signed but unratified treaties may constitute an accurate expression of the understanding of the parties at the time of signature".

Although not bound by the treaty, the signatory state acquires, by virtue of signature of its representative, certain rights and obligations. Codifying a long practice, art. 18 of the Vienna Convention on Treaties, from 1969, provides that „a state must refrain from committing acts that would deprive a treaty of its object and purpose: a) when it signed the treaty (...) as long as it did not show its intention of not becoming a party to the treaty".

This provision, which derives from the principle[2] of good faith in international relations, does not mean that the signatory state is obliged to comply with the substantive provisions of the treaty, but the respective state cannot adopt a behaviour that would render its subsequent commitment without substance, after it expresses its consent to become a party to the treaty.

It results from art. 18 of the Vienna Convention that the state must examine the text of the treaty in good faith in order to determine its future position regarding that treaty. Thus, an obligation of behaviour emerges, and the signatory state has the possibility to express or not its consent to become a party to the treaty.

The status of the state that signed the text of the negotiated treaty implies certain rights in its favour. Having the capacity to become a party to the treaty, the signatory state is the recipient of various communications regarding the fate of the treaty, made by the depositary of the treaty. Moreover, the respective state can make certain objections regarding the reservations formulated by other states.

By their nature and object, the final clauses[3] of the treaty are considered to be applied immediately. Art. 24 para. 4 of the Vienna Convention supports this statement: „the provisions of a treaty that regulate the

---

[*] Associate professor, PhD, Faculty of Law, „Nicolae Titulescu" University of Bucharest (e-mail: roxana.popescu@univnt.ro).

[1] Point 89 of the judgement of 16.03.2001, case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain - Qatar v. Bahrain*. See, in this sense, D. Popescu, *Drept internaţional public*, „Titu Maiorescu" University Publishing House, Bucharest, 2005, p. 179; R.M. Beşteliu, *Introducere în dreptul internaţional public*, 3rd ed., revised and added, All Beck Publishing House, Bucharest, 2003, p. 296.

[2] „The principles of law represent a stability factor and, also, a source of unity, coherence, consistency and efficiency for that legal system" (E. Anghel, *Justice and Equity*, LESIJ no. XXIII, vol. 2/2016, p. 120). At the same time, it must be remembered that the principles of law are „the fundamental prescriptions that channel the creation of law and its application" (E.E. Ştefan, *Legalitate şi moralitate în activitatea autorităţilor publice*, in Revista de Drept Public no. 4/2017, p. 95).

[3] These clauses refer to aspects such as: the methods of authentication of the text, the expression of consent by the parties, the entry into force of the treaty etc.

authentication of texts, the establishment of the consent of the states to be bound by the treaty, the modalities or the date of entry into force, the reservations, the powers of the depositary, as well as other issues that are necessarily raised before the entry into force of the treaty, they are all applicable as soon as the text is adopted".

A treaty becomes binding on the states that expressed their consent to become parties, from the moment of its entry into force. The moment of entry into force of a treaty is when all the parties or a minimum necessary number of parties, provided by the treaty, have expressed their consent to become a party to them.

As a rule, the parties provide in the content of the treaty, a general formula that allows the formalities for entry into force to be adapted to the procedure regulated in the internal law of each state[4].

Bilateral treaties at state level enter into force on the date of the modification of the instruments of ratification, at the time provided by the treaty or by another method provided by it.

Multilateral treaties usually provide that they enter into force at a certain time after the deposit of a certain number of instruments of ratification or accession[5].

The registration of the treaties is a particularly important operation in terms of the publicity and opposability to third parties of the text contained in the treaty[6]. According to art. 102 of the Charter of the United Nations[7] (UN), member states have the obligation to send international treaties and agreements to the UN General Secretariat for registration. This is the one which also ensures their publication. The non-registration of the treaties does not affect the binding legal force for the parties, but only lacks opposability towards the UN bodies[8].

According to art. 26 of the Vienna Convention, treaties in force, more precisely, those not affected by a cause of nullity or not expired, must be applied by the parties in good faith (the fundamental principle of international law - *pacta sunt servanda*).

The application of the treaty implies the obligation to introduce it into the internal legal order of each state party. Thus, the competent state bodies must take the necessary measures for this purpose. A party cannot invoke the provisions of its internal law to justify the non-execution of a treaty.

The application of treaties in the internal legal order of a state raises the issue of the relationship between international law and the internal law of states.

According to the monist theory - with the primacy of international law over internal law - from the moment the treaty enters into force, it will be applied immediately and directly, without the intervention of legislative bodies, even if it were in contradiction with an internal law, in which case, the internal legal act would cease to produce effects. This theory has been criticized, as it minimizes the role of the state as a subject of international law. In the case of the monist theory with the primacy of internal law over international law, the treaty acquires legal force to the extent that it would be provided by internal law, and in case of conflict between internal and international legal rules, priority is given to the application of the internal normative act.

The dualist theory, which supports the clear distinction between the two systems of law - internal and international - states that it is necessary to adopt an internal act by which the treaty is transposed from the international order into the internal order, acquiring the nature of the act in which it was transposed (internal law). Currently, the tendency is to give priority to international rules over internal rules, but the two theories subsist.

Therefore, the application of provisions of a treaty in the internal legal order of the states-parties is not carried out uniformly, being determined by the method of reception by each state, of the legal rules of international law.

After 1919, with the emergence of the League of Nations, the fundamental laws of the states have confirmed the principle of the subordination of internal norms to international norms. However, it can be noticed that there are several „*degrees*" of constitutional recognition of this primacy. Thus, some Constitutions limit

[4] A. Năstase (coord.), *Legea nr. 590/2003 privind tratatele comentată şi adnotată*, edited by the Ministry of Foreign Affairs and the Association of International Law and International Relations, printed at C.N.I. Coresi S.A., Bucharest, 2004, p. 48.

[5] For example, for the entry into force of the Statute of the International Criminal Court in Rome (1998), it was necessary to submit 60 instruments of ratification; likewise in the case of the Montego Bay Convention on the Law of the Sea (1982) etc.

[6] N. Ecobescu, V. Duculescu, *Dreptul tratatelor*, Continent XXI Publishing House, Bucharest, 1995, p. 52. See also D. Popescu, *Înregistrarea tratatelor internaționale*, in S.C.J. no. 4/1964, pp. 44-53.

[7] „In 1945, the representatives of fifty states signed, in San Francisco, the Charter of the United Nations" (A. Fuerea, *Dreptul Uniunii Europene. Principii, acțiuni, libertăți*, Universul Juridic Publishing House, Bucharest, 2016, p. 14).

[8] D. Popescu, A. Năstase, *Drept internațional public*, Şansa Publishing House and Press, Bucharest, 1997, p. 218.

themselves to affirming the principle of the subordination of internal law to international law[9], while others enshrine the incorporation of international law rules into internal law, requiring the legislator to achieve a balance between its provisions and the international ones. However, if some Constitutions talk about international law, in general, others refer only to „treaties". In this sense, the Constitution of the United States of America, in art. VI, recognizes *„self-executing"* treaties as superior to previous internal laws. In case there is a contradiction between an internal provision and a provision from a higher law, priority will be given depending on the will manifested by the Congress. Regardless, however, of what will be established, the treaty can never derogate from the constitutional provisions.

Most of the European states have provided in their Constitutions the recognition of international norms as part of their internal system. Such a reception system can be found in Austria, Italy, France and Germany.

## 2. The application of treaties in time

The application of treaties in time is governed by the principle of non-retroactivity of conventional provisions[10]. According to the Vienna Convention, art. 28, „if a different intention does not result from the treaty or it has not been provided otherwise, the provisions of the treaty do not bind a party regarding an act or a fact prior to the date of entry into force of this treaty regarding the respective party, or a situation which ceased to exist at that time".

The execution of treaties in time raises the issue of their concurrent application and solutions in case of conflict between the norms of successive treaties[11].

Subject to the provisions of art. 103 of the UN Charter, art. 30 of the Vienna Convention establishes two general rules, namely:

- „when a treaty specifies that it is subordinated to a previous or subsequent treaty or that it should not be considered as incompatible with the other treaty, its provisions shall apply in preference";
- „when all the parties to the previous treaty are also parties to the subsequent treaty, without the previous one having expired or the application having been suspended in accordance with art. 59, the previous treaty is only applied to the extent that its provisions are compatible with those of the subsequent treaty".

According to art. 59 of the Vienna Convention, „a treaty is considered to have come to an end if all the parties to this treaty subsequently conclude a treaty on the same subject". In this situation, the new treaty will apply, provided that its provisions show the intention of the parties to replace the old treaty or if its provisions and those of the old treaty are incompatible to such an extent that it is impossible to apply both treaties at the same time[12]. If the states party to the previous treaty are not all parties to the newly concluded treaty, art. 30 para. 4 of the Vienna Convention provides the following:

- in the relations between states that are not parties to both treaties, the previous treaty applies only to the extent that its provisions are compatible with those of the previous treaty;
- in the relations between a state party to the two treaties and a state party to only one of these treaties, the treaty to which both states are parties regulates their mutual rights and obligations.

## 3. The territorial application of treaties

According to art. 29 of the Vienna Convention, „if a different intention does not emerge from the content of the treaty or if it is not established in another way, a treaty binds each of the parties with respect to its entire territory".

---

[9] For example: The Preamble of the French Constitution, dated October 27, 1946 stated: „The French Republic, faithful to its traditions, submits to the rules of public international law" (point 14 - *https://www.conseil-constitutionnel.fr/sites/default/files /2021-09/constitution.pdf*, accessed on April 5th, 2023); Art. 1 para. (2) of the Constitution of Greece, dated June 11th, 1975 states that „Greece, adhering to the generally recognized norms of international law, seeks to consolidate peace and justice, as well as to encourage friendly relations between peoples and states" [Șt. Deaconu (coord.), *Codex Constituțional. Constituțiile statelor membre ale Uniunii Europene*, Monitorul Oficial R.A. Publishing House, Bucharest, 2015, *https://codex.just.ro/Tari/EU*, accessed on April 2nd, 2023].

[10] Nevertheless, there are treaties that contain clauses with retroactive application. Thus, we mention the Lausanne Treaty of 1923 (Treaty of Peace with Turkey), according to which Turkey's renunciation of its rights over Sudan and Egypt and the annexation of Cyprus by Great Britain were considered to have had effects since November 5th, 1914 (art. 14 and 20), *https://wwi.lib.byu.edu/index.php/Treaty_of_Lausanne*, accessed on April 2nd, 2023.

[11] Gh. Moca, *Dreptul internaţional public*, Era Publishing House, Bucharest, 1999, p. 435.

[12] R.M. Beşteliu, *op. cit.*, p. 304.

In principle, a treaty applies on the territory or with regard to the territory of the contracting parties. There are, however, cases in which the treaty can only be applied to a part of their territory or it can have an *„ultra-territorial"*[13] application, that is, it is intended to be applied on the territory of third countries[14].

As a general rule, the international treaty produces effects on the entire territory subject to its state sovereignty[15]. However, the territorial application, even if it constitutes the principle, it does not have an absolute character and includes some exceptions. Thus, in the case of mutual assistance treaties, for example, the territories were sometimes determined with respect to which the contracting parties agreed to grant the benefit of the assistance regime. Also, „from the perspective of territorial application, it should be noted that, under the protocols annexed to the Treaty on European Union, Denmark [and] Ireland (...) benefit from non-participation clauses"[16] regarding some provisions[17] of the Treaty.

On the other hand, it is possible that the political activity of the state does not fall under the commitments assumed by the treaty. This is the case of the Treaty of Accession of Cyprus to the European Union, which entered into force on May 1st, 2004. With the entry of this state into the EU, theoretically, the Union legislation should apply to the entire Cypriot territory. However, due to the political problems that exist in this state, namely the problem of the inhabitants of the south and the north of the country, it was agreed that the treaty should apply only to the territory inhabited by the Cypriot population, following that, with the accession of Turkey to the EU, the territory inhabited by the Turkish population will be subject to the rules of the Union. In other words, the application of EU treaties is suspended in areas where the Cypriot government (Government of the Republic) does not exercise effective control.

The treaty can contain clauses that limit the territorial application and leave the state party to the treaty, the right to determine the territories that will be subject to the treaty (*colonial clause*[18]) or subordinate the extension of the treaty to the consent given by the local authorities that have powers in the area of the treaty (*federal clause*[19]). It is possible that the scope of a treaty exceeds the state territory or the metropolitan territory of the contracting states, including territories not subject to the sovereignty of that state[20]. In the case of overseas territories, the treaty may not apply to the state's insular dependencies, even if they are not colonial dependencies[21].

In practice, *the colonial clause* appears in three different forms, namely: the first form envisages an optional application of the treaty to the dependent territories of the contracting states. Thus, the treaty does not apply to those dependent territories, unless the contracting states decided to this effect; the second form of the colonial clause provides for an optional exclusion from the application of the treaty for the dependent territories of the contracting states (in this case, the treaty applies to the dependent territories, unless the contracting parties explicitly excluded them); the third form of the colonial clause envisages the automatic application of the treaty to the dependent territories of all the contracting parties.

There is a controversy, within the United Nations, regarding the form of the colonial clause that should be included in multilateral instruments or whether such a clause should be inserted[22]. In this sense, there is an

---

[13] I.M. Anghel, *Dreptul tratatelor*, vol. 2, Lumina Lex Publishing House, Bucharest, 2000, p. 663.

[14] In this sense, see the Treaty of Versailles, from 1919, concluded between the Main Allied and Associated Powers (the United States of America, the British Empire, France, Italy and Japan) and Belgium, Bolivia, Brazil, China, Cuba, Ecuador, Greece, Guatemala, Haiti, Hejaz, Honduras, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Romania, Serbia-Croatia-Slovenia, Siam, Czechoslovakia and Uruguay on the one hand, and Germany on the other. However, the Treaty provided some rights in favour of Denmark and Switzerland (Section XII, art. 109-114), *https://www.census.gov/history/pdf/treaty_of_versailles-112018.pdf*, accessed on April 5th, 2023.

[15] Art. 26 of the Vienna Convention.

[16] A.M. Conea, *Politicile Uniunii Europene*, Universul Juridic Publishing House, Bucharest, 2019, p. 126.

[17] It is about those aspects specific to the field dedicated to the area of freedom, security and justice.

[18] The colonial clause can be found in the Convention for the Prevention and Punishment of the Crime of Genocide (1968), art. XII: „any contracting party may, at any time, by a notification addressed to the Secretary-General of the United Nations, extend the application of this Convention to any territory or to any of the territories with which it conducts external relations" and in the Convention on the Status of Refugees (concluded in Geneva, 1951), art. 40 para. (1): „Any state will be able, at the time of signing, ratification or accession, to declare that this convention will extend to all the territories it represents internationally or to one or more of them".

[19] The federal clause can be found in the Convention on computer crime (Budapest, 2001), art. 41 para. (2): when a state formulates a reservation provided for in para. (1), „a federal state will not be able to use the terms of such a reservation to eliminate or substantially reduce its obligations under chapter II. In any case, it will use extended and effective means that will allow the application of the measures provided for in the mentioned chapter".

[20] For example, France and the Principality of Monaco, Switzerland and the Principality of Liechtenstein.

[21] The Treaty of Versailles (1919) was not extended to the Anglo-Norman islands until 1935, when economic sanctions were applied against Italy.

[22] I.M. Anghel, *op. cit*., p. 669.

opinion for the inclusion of a colonial clause by which the dependent territories should not be included *ipso facto* in the scope of the application of treaties, but they should be given the option to accede. At the same time, there are supporters of the version according to which the dependent territories must not be deprived of the benefits of multilateral conventions.

The federal clause gives the federal state the ability to reserve the right to accept certain obligations in accordance with the principles governing the relationship between the central government and the federated or territorial entities, provided that the federated entities can fulfill their treaty obligations[23].

### 4. The application of treaties in Romania

Article 11 para. (2) provides that the treaties ratified by the Parliament, according to the law, are part of the internal law. Next, para. (3) stipulates that, if a treaty to which Romania is to become a party includes provisions contrary to the Constitution, its ratification can only take place after the revision of the Constitution. This paragraph must be corroborated with the provisions of art. 1 para. (5), according to which „in Romania, compliance with the Constitution, its supremacy and the laws, is mandatory". Thus, the ratification of a treaty can only take place if it does not include provisions contrary to the Constitution. Paragraph (3) must be interpreted as expressing a dualistic position, since treaties, the provisions of which are in conflict with constitutional norms cannot be implicitly amended by the law of ratification. Only following the amendment of the Constitution, in accordance with the treaty, it can be incorporated into the internal law"[24].

Article 20, at para. (1), establishes the rule according to which the internal rules regarding the rights and freedoms of citizens must be interpreted and applied in accordance with the Universal Declaration of Human Rights[25], the pacts and other treaties to which Romania is a party. Paragraph (2) of the same article regulates the situation in which there are inconsistencies between pacts and treaties regarding fundamental human rights, to which Romania is a party, and internal laws. The solution proposed by the Constitution comes close to the monist interpretation of the existing relationship between the international legal order and the internal legal order, in the sense that the rule established is that, in such cases, the international regulation has priority in application (therefore, we are in the presence of the monist theory with the primacy of international law over internal law), and the exception is given if the Constitution or internal laws contain more favourable provisions, in which case the latter apply (monist theory with the primacy of internal law over international law).

A special situation is given by the EU constitutive treaties, as well as the other binding EU regulations. The specificity of the application of these legal instruments of the Union in internal law has its basis in the CJEU jurisprudence. Thus, according to the Luxembourg Court, the Union „constitutes a new legal order of international law in favour of which the states have limited their sovereign rights, even if in a limited number of fields, and whose subjects are not only the member states, but also their nationals; (…) therefore, independently of the legislation of member states, community law does not only create obligations for individuals, but it is also intended to confer rights that enter into their legal patrimony; (…) these rights arise not only when they are explicitly granted by the treaty, but also as a result of certain obligations that the treaty imposes in a well-defined way both on individuals and on member states and community institutions"[26]. Considering this specificity of the EU legal order, the Romanian constituent legislator regulated the relationship between internal law and the EU law - a new legal order of international law resorting to the monist theory with the priority of Union law. Worth mentioning that, unlike the situation in art. 20 (where we find a rule, but an exception is also established), in art. 148 only the rule without any exception is present. Thus, according to para. (2) of this article „as a result of the accession, the provisions of the constitutive treaties of the European Union, as well as the other binding community regulations, have priority over the contrary provisions of the internal laws, respecting the provisions of the act of accession".

---

[23] I. Gâlea, *Manual de drept internațional*, vol. I, Hamangiu Publishing House, Bucharest, 2021, p. 355.

[24] R.M. Beșteliu, *Drept internațional public*, vol. I, *op. cit.,* p. 12.

[25] The Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on December 10th, 1948 and is the first document dedicated to human rights, adopted by an international organization. From a legal point of view, [the Declaration] is not a treaty", with no binding legal force (L.-C. Spătaru-Negură, *Protecția internațională a drepturilor omului. Note de curs*, Hamangiu Publishing House, Bucharest, 2019, p. 37).

[26] Judgement of the Court of February 5th, 1963, *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration*, case 26/62, EU:C:1963:1.

## 5. Conclusions

As a rule, the application of international treaties in space is carried out in compliance with the principle of territoriality, by virtue of which the treaties are applied to the entire territory of the states party, subject to their sovereignty.

The application of international treaties in time is carried out according to the principle of non-retroactivity, as it also results from the provisions of art. 28 of the Vienna Convention. States parties to a treaty may derogate from the principle of non-retroactivity, provided that the derogation results from the clauses of the treaty.

Knowing how a treaty is applied, territorially and spatially, contributes to the compliance of the principle of fulfilling the assumed obligations in good faith, otherwise the principle of international liability[27] of the state can be applicable[28].

## References


- E. Anghel, *Justice and Equity*, LESIJ no. XXIII, vol. 2/2016;
- I.M. Anghel, *Dreptul tratatelor*, vol. 2, Lumina Lex Publishing House, Bucharest, 2000;
- R.M. Beşteliu, *Introducere în dreptul internaţional public*, 3rd edition, revised and added, All Beck Publishing House, Bucharest, 2003;
- A.M. Conea, *Politicile Uniunii Europene*, Universul Juridic Publishing House, Bucharest, 2019;
- Șt. Deaconu (coord.), *Codex Constituțional. Constituțiile statelor membre ale Uniunii Europene*, Monitorul Oficial R.A. Publishing House, Bucharest, 2015;
- N. Ecobescu, V. Duculescu, *Dreptul tratatelor*, Continent XXI Publishing House, Bucharest, 1995;
- A. Fuerea, *Dreptul Uniunii Europene. Principii, acțiuni, libertăți*, Universul Juridic Publishing House, Bucharest, 2016;
- I. Gâlea, *Manual de drept internațional*, vol. I, Hamangiu Publishing House, Bucharest, 2021;
- K. Gözler, *La Question de la supériorite des normes de droit international sur la Constitution*, Ankara Universitesi Hukuk Facültesi Dergisi (Revue de la Faculté de droit de l'Université d'Ankara), Cilt, (vol.) 45, 1996, Sayi (no) 1-4;
- Gh. Moca, *Dreptul internaţional public*, Era Publishing House, Bucharest, 1999;
- A. Năstase (coord.), *Legea nr. 590/2003 privind tratatele comentată şi adnotată*, edited by the Ministry of Foreign Affairs and the Association of International Law and International Relations, printed at C.N.I. Coresi S.A., Bucharest, 2004;
- D. Popescu, *Drept internaţional public*, „Titu Maiorescu" University Publishing House, Bucharest, 2005;
- D. Popescu, *Înregistrarea tratatelor internaționale*, in S.C.J., no. 4/1964;
- D. Popescu, A. Năstase, *Drept internațional public*, „Șansa" Publishing House and Press, Bucharest, 1997;
- L.-C. Spătaru-Negură, *Protecția internațională a drepturilor omului. Note de curs*, Hamangiu Publishing House, Bucharest, 2019;
- E.E. Ştefan, *Legalitate şi moralitate în activitatea autorităţilor publice*, in Revista de Drept Public no. 4/2017;
- E.E. Ștefan, *Răspunderea juridică, privire specială asupra răspunderii în dreptul administrativ*, ProUniversitaria Publishing House, Bucharest, 2013;
- Judgement of the Court of February 5th, 1963, *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration*, case 26/62, EU:C:1963:1;
- Judgement of 16.03.2001, case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain - Qatar v. Bahrain*;
- Vienna Convention on Treaties, from 1969;
- *https://wwi.lib.byu.edu/index.php/Treaty_of_Lausanne*;
- *https://www.census.gov/history/pdf/treaty_of_versailles-112018.pdf*.


[27] „Liability is inherent in the existence of the rule of law, being necessary both internally and externally" (E.E. Ștefan, *Răspunderea juridică, privire specială asupra răspunderii în dreptul administrativ*, ProUniversitaria Publishing House, Bucharest, 2013, p. 12).

[28] K. Gözler, *La Question de la supériorite des normes de droit international sur la Constitution*, Ankara Universitesi Hukuk Facültesi Dergisi (Revue de la Faculté de droit de l'Université d'Ankara), Cilt, (Vol.) 45, 1996, Sayi (No) 1-4, pp. 195-211 (*https://www.anayasa.gen.tr/superiorite.htm*, accessed on April 5th, 2023).