

DIATOPIC CONSTITUTIONALISM: OPENING TO GLOBAL CONSTITUTIONALISM

CONSTITUCIONALISMO DIATÓPICO: ABERTURA AO CONSTITUCIONALISMO GLOBAL

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Como citar: MASSAÚ, Guilherme Camargo. Diatopic constitutionalism: opening to global constitutionalism. **Revista do Direito Público**, Londrina, v. 19, n. 1, p. 275, abr. 2024. DOI: <https://doi.org/10.5433/1980-511X.2024.v19.n1.47470>

Abstract: The text aims at identifying the opening of a global constitutionalism education from evaluating fundamentals of constitutional norms. At first, it was sought to establish a measure of formal similarity between the constitutional texts (rules and principles) of several states. Through expressions contained in constitutional texts it was possible to identify the formal elements which determine several constitutions. The selection of these expressions was carried out randomly, and its majority was broad. It has been demonstrated that there is, at least in textual context, a similarity of half of normative constitutional commands. The method used was analytical because it analyzed constitutional texts based on bibliographies.

Keywords: comparison; constitutionalism; diatopic; global.

Resumo: O texto visa identificar a abertura de uma educação constitucionalista global a partir da avaliação dos textos das normas constitucionais. No início, procurou-se estabelecer uma medida de semelhança formal entre os textos constitucionais (regras e princípios) de vários Estados. Através das expressões contidas nos textos constitucionais foi possível identificar os elementos formais que determinam várias constituições. A seleção destas expressões foi feita de forma aleatória, e, na sua maioria, trata de expressões amplas. Ficou demonstrado que existe, pelo menos no contexto textual, uma semelhança de metade dos comandos constitucionais normativos. O método utilizado foi analítico, porque foram analisados textos constitucionais com base em bibliografias.

Palavras-Chave: comparação; constitucionalismo; diatópico; global.

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INTRODUCTION

The paper is focused on comparative law, but only regarding to constitutional texts¹. Therefore, it is a comparative study² that involves some legal devices from several constitutions. This is proposed as an expression form (among many possible ones) of *global constitutionalism*. Based on constitutional texts, a parameter is established to settle a formal similar degree between constitutions in the international community (Wellens, 2009, p. 7-8). The similarity of constitutional texts leads to the possibility that States behave with a certain level of similarity. Therewith would have constitutional powers because the Westphalian State still prevails in the international scenario.

The expression *diatopic constitutionalism* refers to the possibility of identifying similar legal norms among constitutions of the States in the international community (Häberle, 2013, p. 20). The result of applying similar legal norms leads to compatibility by means of how States behave in international scenarios. Thus, it is called *diatopic* that is differentiated or distributed geographically. In this study, the word *similarity* is used instead of equality. It must be considered its material aspects in the interpretation and application. That is recognized through the similarity only in the formal text. However, it is also necessary to highlight that it must be taken into consideration the material distinctions and their interpretations and realizations.

However, the constitutional text³ is the first point of interpretation of legal command that is the possibility to establish a dynamic of similarity between States in their international relations. Consequently, the similarity is projected through the text. It is concentrated on constitutional law expected, necessary and valid performance, which are reflected in international law⁴.

This happens because the constitutional norms impose actions and abstention to the inner environment of States that reflect externally. When the States perform the right of health care, human and fundamental rights are performed simultaneously. As a result, an idea of *diatopic constitutionalism*, whose objective is to reach a homogeneous international practice through current constitutional norms in different States is achieved.

The favorable aspects to this view are: 1) maintenance of Westphalian sovereignty, guiding principle of the international community and law; 2) normative power of constitution; 3) independence maintenance of the States; 4) constitutional realization in the sphere of international relations with regard to the execution of international treaties, conventions, and declarations. The unfavorable aspects are: a) maintenance of Westphalian sovereignty as a barrier to international integration; b) dependence on internal mechanisms to States for the realization of international norms; c) low interference of the international law in the national environment⁵.

It is highlighted in this Article that the analysis carried out was kept in the textual level by

1 See: Atilgan (2018, p. 178-181).

2 The comparison in this text is not correlated to identify common or outlying aspects among constitutional texts, just as it should be the comparative law study. See: Kotzur (2015, p. 359).

3 See: Häberle (2013, p. 31).

4 The reflection that the similarity among constitutional norms of various States may cause in international law is not the object of analysis in this text. However, the theme is relevant? due to the nature of the analysis proposed in the text.

5 See: Häberle (2013, p. 17).

the following obstacles: 1) difficulty in accessing data in each State due to language and information; 2) lack of knowledge of each legal system; 3) overwhelming information to be processed to reach to the knowledge of executing respective constitutional provisions.

1 THE WESTPHALIAN STATE AND THE INTERNATIONAL LAW

The contemporary situation of the relation between the States and the international order is the independence of the States. The sovereignty principle still prevails⁶. However, it is necessary to acknowledge the influence of globalization creating a certain degree of interdependence – in the States and international organizations, which stimulate them to adopt similar policies. This is reflected in the approved law norms by the States in the internal and external environment (international).

The Charter of the United Nations (Art. 1st, 2)⁷ gives priority to express the principle of independence of States. This means that each State sovereignty should be recognized and respected by its peers. If the fact and the law are there, the consequence is the prevalence of internal norms of the State, including those regarding international law accepted and incorporated by the State. There is an obstacle for the integration between the States, *e.g.*, in the European Union (EU) (Gutan, 2018, p. 104). It is emphasized that the notion of law and constitution is based on European law (Kotzur, 2019, p. 29-30). Many of the constitutions, if not all of them, existing in the international community suffered the influence of the European constitutions, in both form and substance which results in a generic grade of similarity between constitutional texts and institutions, which defines the power and limits of the governmental use of force. Moreover, substantive guarantees such as human rights, human dignity, equality, due process of law, democracy between other guarantees and institutions.

The conception of *multilevel constitutionalism* introduces the possibility of settling a multilevel network of norms able to keep accepted elements in the political and legal international environment, as in the case of modern constitutionalism. The critical issue is founded in the perspective in which the constitutions of States are the basic norm of legal systems. Consequently, on the one hand, if the independence of States would prevail, on the other hand, the independence is relativized be subordinate to constitutional, international or community norms, *e.g.*, in the EU case. The result would be the fact of constitutional norms (the national and citizens' interests) to stay subordinate to supranational order⁸.

However, in the case of the EU, the principle of subsidiarity sustains the relation between the States and the EU. Such principle would be found in the *Constitutional Treaty* and it is strengthened in the Treaty of Lisbon (Art. 3b) (Kiiver, 2008, p. 78). It aims to protect the decision-making capacity of the Member States and to legitimize the EU intervention in the insufficient

6 See: Crawford and Koskenniemi (2013, p. 119-124).

7 See: United Nations ([2020]).

8 See: Kotzur (2018, p. 32-33).

conditions in these Members to achieve the levels required by the EU. In the same sense, in terms of Human Rights protection, the Art. 35 of the European Convention on Human Rights set the principle of Subsidiarity (Fabbrini, 2015, p. 5) with as one of the conditions for admissibility of demands intended for Human Rights. Therefore, the European Court of Human Rights should analyze the case after exhausting all domestic judicial remedies⁹.

This strength principle refers to the degree of the sovereignty of Member in front of the EU, guaranteeing a safe place of autonomy for every Member in front of the EU (Fabbrini, 2015, p. 9-11). Therefore, it has to be acknowledged that the States have not ceded their autonomy to the EU at all, so much so that the Member States can leave, as it happened with the United Kingdom (the so-called *Brexit*). If the EU would have had the sovereignty, the uniting of the United Kingdom would depend exclusively on the EU or such dismemberment would not have been allowed. Thus, the Westphalian State still has strength in the case of the EU.

1.1 THE NATIONAL PREVALENCE

Sovereignty and independence are contemporary legal elements of States. Therefore, the States are like a single and indivisible entity for international law. The States decides about its internal problems and take part (Crawford; Koskeniemi, 2013, p. 121) – with other States – in decisions that lead to international commitments. Thus, in order to think about *global constitutionalism*, given the legal-political reality of the States, it should be taken a movement that starts internally and ends externally. Without this direction, structuring proposals for a homogeneous global order or an international constitution will be far from a future reality or feasibility.

The importance of constitutional parameters of political positions is taken on by States in the international environment [...]. The constitutional rules propitiation to establish normative connections with the international law (Dunoff; Trachtman, 2009, p. 10)¹⁰, and project a regular horizon among the States. By considering the hypothesis that, *prima facie*, e.g., the constitutional principles of international relations¹¹, we may be facing two-dimensional normative situations (or *dédoublement fonctionnel*) Scelle (1932, p. 54-56), that is, with strength that is both constitutional and international.

This means that the realization of the principles of the constitutional environment is the realization of international law. Standing against them means to violate these principles, therefore it is unconstitutional action. The fact of similar existence of constitutional norms (rules and principles) among the Constitutions of the international community enabled, embryonically, the conception of one face of *global constitutionalism*. The connection with international law tends to take place for existing similarity between constitutional and international law. In addition, the reator and violating individual, for both international and national law, will be the State, but in

⁹ See: Council of Europe ([2023]).

¹⁰ See: Habermas (2004, p. 133-137).

¹¹ See: O'Donoghue (2014, p. 44-51).

their respective dimensions. It is highlighted that the mechanisms of law application¹² are different as well as the normative forces.

1.2 DIATOPIC CONSTITUTIONALISM

The named *diatopic constitutionalism*¹³ demonstrates the similarity and the equivalence of the constitutional norms in different States Häberle (2013, p. 30). Obviously, the similarity among constitutional texts does not mean efficiency and effectiveness. However, it reveals similarities in the existence level. The presupposition is the adoption and the effectiveness of the normativity, prevalence of the constitutional text, unity of constitution (and the legal system) and practical agreement principles Hesse (1993, p. 24-36). Thus, it is possible to deduce that the States which are similar in values tend to assume similar requirements among themselves and to be principles and rules with similar requirements Häberle (2013, p. 18). This pre-establishes an international community (apart from international law) formally, but not necessarily materially, to the extent that there is a similarity of law that establishes similar conduct among the States, which may have a practical reflection in the internal and external environment.

2 FORMAL SIMILARITIES AMONG CONSTITUTIONS

In this paper, a choice was made to construct a textual research to demonstrate similarities among the Constitutions of States. For so, keywords were selected to find in the constitutions our specific goals. Generic terms such as *tolerance*, *human rights*, *United Nation*, *human dignity*, and, specifically, *right to health care* were chosen. The *right to health care* was chosen randomly so that one right could have a stricter parameter in relation to the others. The language used for the search was English, the same as the database consulted. Therefore, it is maintained in the same language to name the searched States.

2.1 TOLERANCE, INTERNATIONAL RELATIONS, UNITED NATIONS AND HUMAN RIGHTS

The principle of tolerance was found expressly in 48¹⁴ out of 199 constitutions. However,

¹² In this sense, the jurist (law applier) will have to be open to the cosmopolitan perspective, especially when it comes to defending freedom (Kotzur, 2019, p. 39).

¹³ *Diatopic constitutionalism* is not, nor is it intended to be, an offshoot of international law. It is a normative projection of similar value bases among States that, in a certain way, are reflected in the international community through the actions of States.

¹⁴ There are subsequent constitutions: *Albania* (1998), Preamble; *Andorra* (1993), Art. 1, 2; *Angola*, (2010), Preamble, Art. 22, 3, b; *Austria* (1920), A, Art. 14, 5A; *Benin* (1990), Art. 36; *Bhutan* (2008), Art. 3, 1, Art. 8, 3; *Bosnia and Herzegovina* (1995), Preamble; *Bulgaria* (1991), Preamble, Art. 31, 1; *Burkina Faso* (1991), Chapter of the transition, Art. 1; *Burundi* (2005), Preamble, Art. 67; *Cape Verde* (1980) Art. 77, 2, Art. 81, Art. 82; *Central African Republic* (2016), Preamble; *Congo* (Democratic Republic of the) (2005), Art. 66; *Congo* (2015), Art. 51; *Côte d'Ivoire* (2016), Preamble; *Ecuador* (2008), Art. 66, 8; *Egypt* (2014) Art. 19; *Eritrea* (2014), Art. 19; *Gambia* (1996), 216, 1; *Ghana* (1992), 35, 9; *Guinea* (2010), Art. 22; *Guyana* (1980), 212D, d; *Kosovo* (2008), Art. 548, 2; *Liberia* (1986), Preamble; *Malawi* (1994), 12, 2; *Maldives* (2008), 36, c, 67, b; *Mexico* (1917) Art. 123, A, XXII; *Moldova* (1994), Art. 31, 1; *Montenegro* (2007), Preamble; *Morocco* (2011) Preamble; *Mozambique* (2004) Art.

this principle might have a wider spectrum and it is implicitly present in other constitutions. The same research was carried out with the principles of international relations that resemble those contained in 4th Article¹⁵ of the Brazilian constitution. The principles were found expressly in 35 (including the Brazilian Constitution) out of 198 constitutions. In the same direction of constitutional opening to international scenarios, the keywords searched were United Nations and/or Human Rights. The same principles were found expressly in 114 of the 198 constitutions¹⁶.

11, Art. 12, 4, Art. 44, Art. 45, d; *Nepal* (2015), Preamble, Part. 4, 50, 2, 51, a, 2; *Niger* (2010) Art. 158; *Nigeria* (1999), 23; *Pakistan* (1973), Preamble, Annex; *Portugal* (1976), Art. 73, 2; *Romania* (1991), Art. 29, 2; *Rwanda* (2003), Preamble, Art. 46; *Serbia* (2006), Art. 81; *Seychelles* (1993), 49; *South Africa* (1996) Part. c, 185, 1, b; *South Sudan* (2011), 36, 2, c, 46, 2, b; *Sudan* (2005), Preamble, 23, 2, b, 156, a; *Swaziland* (2005), 58, 6; *Togo* (1992), Art. 48; *Tunisia* (2014), Art. 6, Art. 42; *Uganda* (1995), Political Objectives, III, IIII; *Zimbabwe* (2013), Preamble. The research was conducted in site <https://www.constituteproject.org/search?lang=en>, on January 17 2020. The word *tolerance* was (searched).

15 There are subsequent constitutions: *Afghanistan* 2004 (Art. 8); *Algeria* 1989 (Art. 27, Art. 28); *Angola* 2010 (Art. 12, 1, 2 and 3); *Bangladesh* 1972 (Art. 25); *Belarus* 1994 (Art. 18); *Bhutan* 2008 (Art. 9, 24); *Bolivia* 2009 (art. 255); *Bosnia Herzegovina* 1995 (Preâmbulo, Art. II, 1, 2 and 8, and Art. III, 2, a); *Burkina Faso* 1991 (Preamble); *Cape Verde* 1980 (Art. 10); *Dominican Republic* 2015 (Art. 26); *Djibouti* 1992 (Art. 9 and Art. 22); *Ecuador* 2008 (art. 416); *Iraq* 2005 (Art. 8); *Ireland* 1937 (Art. 29, 1, 2 and 3); *Italy* 1947 (Art. 11); *Kazakhstan* 1995 (Art. 8); *Mozambique* 2004 (Art. 17, 1 and Art. 19); *Nicaragua* 1987 (Art. 5, 8); *Norway* 1814 (Art. 115); *Oman* 1996 (Art. 10); *Paraguay* 1992 (art. 143 and Art. 144); *Philippines* 1987 (Art. 2, sec 2); *Portugal* 1976 (Art. 7, 5 and 6); *South Sudan* 2011 (43); *Sudan* 2005 (art. 17); *Suriname* 1987 (Art. 7); *Taiwan* 1947 (Art. 141); *Togo* 1992 (Preamble); *Uganda* 1995 (XXVIII); *Uzbekistan* 1992 (Art. 17); *Venezuela* 1999 (Art. 152); *Vietnam* 1992 (Art. 12); *Zimbabwe* 2013 (Art. 12, 1, b and c, 2). It is used the site www.constituteproject.org to quote information from constitutions. The words *international relations* were searched.

16 The constitutions that include the expression United Nations and/or Human Rights are: *Afghanistan* 2004 (Art. 7, Art. 58); *Albania* 1998 (Art. 17, 2, Art. 121, b); *Angola* 2010 (Art. 12, 1, Art. 26, 2, Art. 71, 1); *Algeria* 1989 (Art. 31, Art. 198, Art. 199); *Andorra* 1993 (Art. 5); *Argentina* 1853 (Art. 75, 22, 23, 24); *Armenia* 1995 (Art. 61, 2, Art. 81, 1); *Austria* 1920 (Art. 148h, 3); *Azerbaijan* 1995 (Art. 71, Art. 95, I, 6, Art. 109, 14); *Bangladesh* 1972 (25); *Benin* 1990 (Preamble, Art. 7, Art. 40); *Bolivia* 2009 (Art. 13, IV, Art. 14, III); *Bosnia and Herzegovina* 1995 (Preamble, Art. I, 1, Art. II, 1, 2, Annex I); *Brazil* 1988 (Art. 5, §3, Art. 4, II); *Burkina Faso* 1991 (Preamble); *Burundi* 2005 (Preamble, Art. 19, Art. 274); *Cambodia* 1993 (Art. 31, Art. 48); *Cameroon* 1972 (Preamble); *Cape Verde* 1980 (Art. 16, 3); *Central African Republic* 2016 (Preamble); *Colombia* 1991 (Art. 93, Art. 214, 2); *Comoros* 2001 (Preamble); *Congo [Democratic Republic]* 2005 (Preamble, Art. 45); *Congo* 2015 (Preamble, Art. 214, Art. 215, Art. 216); *Côte D'Ivoire* 2016 (Preamble, Art. 113); *Croatia* 1991 (Preamble, Art. 93); *Cuba* 2019 (Art. 16, c); *Djibouti* 1992 (Preamble); *Dominican Republic* 2015 (Art. 26, 3); *Ecuador* 2008 (Art. 11, 3, 7, Art. 57, Art. 93, Art. 156, Art. 157, Art. 384, Art. 416, 7, Art. 424, Art. 436, 5); *Egypt* 2014 (Preamble, Art. 99, Art. 214); *Equatorial Guinea* 1991 (Preamble); *Ethiopia* 1994 (Art. 10, Art. 13, 2, Art. 55, 14); *Fiji* 2013 (Preamble, 45, 115, 7); *Finland* 1999 (Section 1); *France* 1958 (Title XVII); *Gabon* 1991 (Preamble); *Germany* 1949 (Art. 16a, 2, 5) *Ghana* 1992 (40d, i, 70, 1, a, 71, c, 216); *Guatemala* 1985 (Art. 46, Art. 273, Art. 274, Art. 275); *Guinea* 2010 (Preamble, Art. 25, Art. 80, Art. 94, Art. 96, Art. 100, Art. 146); *Guinea-Bissau* 1984 (Art. 29, 2); *Guyana* 1980 (39, 2, 154A, 4, 5, 212G, a, 212H, 212J, 212N, 212O); *Haiti* 1987 (Preamble, Art. 19); *Honduras* 1982 (Art. 59); *Iraq* 2005 (Art. 102); *Kazakhstan* 1995 (Art. 12, 1, 2, 5); *Kenya* 2010 (59, 248, 2, a); *Korea (Republic of)* 1948 (Art. 10); *Kosovo* 2008 (Art. 17, 2, Art. 18, 2, Art. 21, 1, 2, 3, Art. 22, Art. 53); *Kyrgyzstan* 2010 (Art. 16, 1, Art. 20, Art. 40, 1, Art. 41, 2); *Latvia* 1922 (Art. 91); *Lebanon* 1926 (Preamble B); *Lesotho* 1993 (Chapter XIA); *Libya* 2011 (Art. 30, 2); *Macedonia* 1991 (Art. 10); *Madagascar* 2010 (Preamble); *Malawi* 1994 (Chapter XI, 170, 2); *Maldives* 2008 (Part. 4); *Mali* 1992 (Preamble); *Malta* 1964 (1, 3, b, i); *Mauritania* 1991 (Preamble); *Mexico* 1817 (Preamble, Art. 15, Art. 102, B, Art. 105, II, g, h, i); *Micronesia* 1978 (Art. XVI, 1); *Moldova* 1994 (Art. 4, 1); *Mongolia* 1992 (Art. 19, 1, 2); *Montenegro* 2007 (Art. 81, Art. 147, 3, Appendix, Art. 5); *Morocco* 2011 (Preamble, Art. 7, Art. 19, Art. 23, Art. 92, Art. 161, Art. 164, Art. 171); *Mozambique* 2004 (Art. 43); *Namibia* 1990 (Art. 146, 2, d); *Nepal* 2015 (51, b, 2, m, 1, 248, 249); *New Zealand* 1993 (Human Rights Act 1993); *Nicaragua* 1987 (Art. 46, Art. 93); *Niger* 2010 (Preamble, Art. 44); *Norway* 1814 (Art. 92); *Palestine* 2003 (Art. 10, Art. 31); *Panama* 1972 (Art. 129); *Papua New Guinea* 1975 (39, 3, b, c, d, e, 279, b); *Paraguay* 1992 (Art. 144, Art. 145); *Peru* 1993 (Fourth, Declaration of the Democratic Constitution Congress); *Philippines* 1987 (Art. XII, sec 17, sec 18); *Portugal* 1976 (Art. 16, 2); *Romania* 1991 (Art. 20); *Russia* 1993 (Art. 17, Art. 18, Art. 85, 2); *Rwanda* 2003 (Art. 139, 1, a, 3, c); *Sao Tome and Principe* 1975 (Art. 12, 2, Art. 18, 1); *Senegal* 2001 (Preamble); *Serbia* 2006 (Art. 20); *Seychelles* 1993 (49); *Slovakia* 1992 (Art. 86, d, Art. 134, 4); *Slovenia* 1991 (II Human Rights and Fundamental freedoms, Art. 47, Art. 68); *Somalia* 2012 (Art. 3, 4, Art. 41, Art. 111B); *South Africa* 1996 (181, 1, b, 2, 3, 4, 5, 184, 185, 3, 193, 1, 2, 4, a, 5, 194, 1, 2, b, 3); *South Sudan* 2011 (9, 4, 43, a, Chapter IV, 169, 4); *Spain* 1978 (Section 10, 2); *Sri Lanka* 1978 (41, B, schedule, e, 170, m); *Swaziland* 2005 (163, 163, 165, 166, 167, 236, d, 2); *Sweden* 1974 (Chapter 2, Art. 19); *Switzerland* 1999 (Art. 197, 1, 11); *Tanzania* 1977 (Chapter 6); *Thailand* 2017 (Part 6); *East Timor* 2002 (Preamble, Art. 23); *Togo* 1992 (Preamble, Art. 50, Art. 138, Title XV); *Tunisia* 2014 (Art. 82, Art. 125, Art. 128); *Turkmenistan* 2008 (Art. 2); *Tuvalu* 1986 (15, 5, c); *Uganda* 1995 (51); *Ukraine* 1996 (Art. 22, Art. 55); *United Arab Emirates* 1971 (Preamble, Art. 12); *United Kingdom* 1215 (Human Rights Act 1998; Northern Ireland Act 1998, 13, 4, b, Scotland Act 1998, 100, 126, Subheading 3); *Venezuela* 1999 (Art. 280; Art. 339); *Vietnam* 1992 (70, 14); *Yemen* 1991 (Art. 6); *Zimbabwe* 2013 (232, b, 237, 242, 243, 244). We used the site www.constituteproject.org to quote information from constitutions.

2.2 HUMAN DIGNITY AND INTERNATIONAL RELATIONS DISPOSITIONS ON CONSTITUTIONS

The principle of human dignity (or similar expressions) was found in 151¹⁷ of the 193 Constitutions. The majority of existing constitutions around the World have indicated human dignity as a value in constitutional law. The relation between national and international law involves the normalization process of the international relations of the States. Each constitutional State has rules and principles that organize the communication between international individuals. Therefore, the law regulates who has and the extension of competence the state and how and when

17 The constitutions are: *Afghanistan* (2004) Art. 6; *Albania* (1998) Preamble, Art. 3; *Andorra* (1993) Art. 4; *Angola* (2010) Preamble, Art. 1; *Antigua and Barbuda* (1981) Preamble; *Armenia* (1995) Art. 3, 1; *Azerbaijan* (1995) Art. 13, III, Art. 8, II, Art. 24, I, Art. 46, Art. 68, I; *Bahrain* (2002) Art. 18; *Bangladesh* (1972) 11; *Barbados* (1966) Preamble, a; *Belarus* (1994) Art. 25, Art. 42, Art. 53; *Belgium* (1831) Art. 23; *Belize* (1981) Preamble, a, 3 c; *Benin* (1990) Preamble; *Bhutan* (2008) Art. 9, 3; *Bolivia* (2009) Preamble, Art. 8, II, Art. 9, 2, Art. 21, 2, Art. 22, Art. 73, I; *Bosnia and Herzegovina* (1995) Preamble; *Bulgaria* (1991) Preamble, Art. 4, 2, Art. 6, 1; *Burkina Faso* (1991) Preamble; *Burundi* (2005) Art. 13, Art. 14, Art. 21, Art. 52; *Cambodia* (1993) Art. 38, 2; *Cape Verde* (1980) Art. 1, 1, Art. 226; *Central African Republic* (2016) Preamble; *Chad* (1996) Preamble; *Chile* (1980) Art. 1; *China* (1982) Art. 38; *Colombia* (1991) Art. 1, Art. 21, Art. 51, Art. 53, 5, Art. 70, 2; *Democratic Republic of the Congo* (2005) Art. 11, Art. 18, 5; *Côte D'Ivoire* (2016) Preamble, Art. 2, 3, Art. 7, 3; *Croatia* (1991) Art. 25, Art. 35; *Cuba* (1976) Preamble, Art. 9, a, 3, Art. 16, Art. 42, Art. 43; *Czech Republic* (1993) Preamble; *Dominica* (1978) Preamble, a; *Dominican Republic* (2015) Preamble, Art. 5, Art. 7, Art. 8, Art. 38; *Ecuador* (2008) Preamble, Art. 11, 7, Art. 84, Art. 158, 3; *Egypt* (2004) Preamble, Art. 51, Art. 55, Art. 56, Art. 78; *El Salvador* (1983) Art. 10, Art. 11, 2; *Equatorial Guinea* (1991) Art. 5, a, Art. 13, 1, a, Art. 14; *Eritrea* (1997) Preamble, Art. 2, 2, Art. 16; *Estonia* (1992) Art. 10; *Ethiopia* (1994) Art. 21, 1, Art. 24, 1, Art. 29, 6, Art. 30, 2, Art. 91, 1; *Fiji* (2013) Preamble, Art. 1, e, Art. 3, 1, Art. 7, 1, a, Art. 13, 1, j; *Finland* (1999) Section 1, 2, Section 7, 2, Section 9, 4; *Gambia* (1996) Art. 28, 1, Art. 31, 1, Art. 37, 8; *Georgia* (1995) Art. 17; *Germany* (1949) Art. 1, Abs. 1; *Ghana* (1992) Art. 15, 1, Art. 33, 5, Art. 35, 4; *Greece* (1975) Art. 7, 2, Art. 106, 2; *Grenada* (1973) Preamble, c; *Guatemala* (1985) Art. 4; *Guinea* (2010) Art. 5; *Guinea-Bissau* (1984) Art. 17, 1; *Haiti* (1987) Art. 44-1; *Honduras* (1982) Art. 59, 2, Art. 63, Art. 68, 3, Art. 76; *Hungary* (2011) Preamble, (Freedom and Responsibility) Art. II, Art. IX, 4, 5, Art. 37, 4; *India* (1949) Preamble, 39, F, 51A, e; *Indonesia* (1945) Art. 28G, Art. 28H, 3, Art. 32, 2; *Iran* (1979) Preamble – MassCommunicationMedia –, Art. 2, 6, Art. 22, Art. 121; *Iraq* (2005) Art. 37, First, A; *Ireland* (1937) Preamble; *Israel* (1958) Basic Law: Human Dignity and Liberty (1992) 1A, 2, Basic Law: The Government (2001) 39, d; *Italy* (1947) Art. 3, Art. 41, 2; *Jamaica* (1962) 13, 1, b, 14, 4; *Japan* (1946) Art. 24, 2; *Jordan* (1952) Art. 8, 2; *Kazakhstan* (1995) Art. 17; *Kenya* (2010) 10, 2, b, 19, 2, 20, 4, a, 24, 1, 28, 54, 1, a, 57, c, 244, d; *Republic of Korea* (1948) Art. 10, Art. 32, 3, Art. 36, 1; *Kosovo* (2008) Art. 23; *Kuwait* (1962) Preamble, Art. 29; *Kyrgyzstan* (2010) Art. 20, 4 (6), 5 (1), Art. 22, 2, Art. 29, 1, Art. 33, 5; *Latvia* (1922) Preamble, Art. 95; *Lybia* (2011) Art. 7; *Liechtenstein* (1921) Art. 27bis; *Lithuania* (1992) Art. 25, 3; *Macedonia* (1991) Art. 11; *Madagascar* (2010) Art. 17, Art. 29; *Malawi* (1994) 12, 1, d, 19, 42, 1, b, 2, g, iv; *Maldives* (2008) 57, 68; *Mauritania* (1991) Preamble; *Mexico* (1917) Art. 1, 5, Art. 3, II, c, Art. 25, 1; *Moldova* (1994) Art. 1, 3, Art. 9, 2, Art. 32, 2; *Monaco* (1962) Art. 20, 2; *Mongolia* (1992) Art. 16, 17, Art. 17, 2; *Montenegro* Art. 25, 3, Art. 27, 1, Art. 28, 1, Art. 31, 1, Art. 47, 2; *Morocco* (2011) Preamble, Art. 22, 2, Art. 161; *Mozambique* (2004) Art. 48, 6, Art. 119, 3, Art. 120, 1; *Myanmar* (2008) 44; *Namibia* (1990) Preamble, Art. 8, Art. 98, 1; *Nepal* (2015) 16, 1; *New Zealand* (1952) Bill of Rights Act (1990) 23, 5; *Nicaragua* (1987) Art. 5, Art. 6, Art. 33, 2, 2.1, Art. 82, 1; *Niger* (2010) Preamble, Art. 50, Art. 74, Art. 89, Art. 158, 1; *Nigeria* (1999) 17, 2, b, 21, a, 24, c, 34, 1; *Oman* (1996) Art. 31; *Pakistan* (1973) 11, 4, b, 14, 1; *Panama* (1972) Preamble, Art. 17, 2, Art. 122; *Papua New Guinea* (1975) Preamble, 36, 1, 37, 17, 39; *Peru* (1993) Art. 1, Art. 3, Art. 7, Art. 23, 3; *Philippines* (1987) Art. II, sec. 11, Art. XIII, sec. 1; *Poland* (1997) Preamble, Art. 30; *Portugal* (1976) Art. 1, Art. 59, 1, b, Art. 67, 2, e; *Romania* (1991) Art. 1, 3; *Russian* (1993) Art. 21, 1; *Rwanda* (2003) Art. 23, 1, Art. 38, 2; *Saint Kitts and Nevis* (1983) Preamble, a; *Saint Lucia* (1978) Preamble, e; *Saint Vincent and Grenadines* (1978) Preamble, c; *Sao Tome and Principe* (1975) Preamble; *Saudi Arabia* (1992) Art. 39; *Serbia* (2006) Art. 19, Art. 23, 1, Art. 28, 1, Art. 69; *Seychelles* (1993) Preamble, 16; *Sierra Leone* (1991) 8, 2, b, 13, e; *Slovakia* (1992) Art. 12, 1, Art. 19, 1; *Slovenia* (1991) Art. 21, Art. 34; *Solomon Island* (1978) Preamble; *Somalia* (2012) Art. 10; *South Africa* (1996) 1, a, 7, 1, 10, 35, 2, e, 36, 1, 39, 1, a; *South Sudan* (2011) Preamble, 1, 5, 11, 17, 1, g, 35, 2, 38, f, 169, 6; *Spain* (1978) Section 10, 1; *Sri Lanka* (1978) Preamble; *Sudan* (2005) 1, 2, 28, 45, 1; *Suriname* (1987) Art. 16, 3; *Swaziland* (2005) 18, 1, 30, 1, 57, 2, 60, 6; *Sweden* (1974) Art. 2; *Switzerland* (1999) Art. 7, Art. 118b, 1, Art. 119, 2, Art. 119e; *Syrian Arab Republic* (2012) Preamble, Art. 19, Art. 33, 1; *Taiwan* (1947) Art. 10, 6; *Tajikistan* (1994) Art. 5, e; *Tanzania* (1977) 9, a, f, 12, 2, 13, 6, d, 25, 1; *Thailand* (2017) Section 4, Section 26, Section 32; *East Timor* (2002) Art. 1, 1; *Togo* (1992) Preamble, Art. 11, 1, Art. 28, 3; *Trinidad and Tobago* (1976) Preamble; *Tunisia* (2014) Art. 23, Art. 30, 1, Art. 47, 1; *Turkey* (1982) Art. 17, 3; *Turkmenistan* (2008) Art. 4, 2, Art. 31, Art. 60; *Tuvalu* (1986) Preamble (6), 12, c, 15, 27, 3, f, 29, c; *Uganda* (1995) XVI, XXIV, 24, 35, 1; *Ukraine* (1996) Art. 3, Art. 21, 1, Art. 28, 1; *Uzbekistan* (1992) Art. 13, Art. 27, 1, Art. 34, 2, Art. 48; *Venezuela* (1999) Art. 3, Art. 46, Art. 47, Art. 55, Art. 80, Art. 81, Art. 332; *Vietnam* (1992) Art. 20, 1; *Yemen* (1991) Art. 48, a; *Zambia* (1991) Art. 8, d; *Zimbabwe* (2013) 3, 1, e, 16, 1, b, 50, 1, c, 5, d, 51, 56, 5, 62, 4, 80, 1, 86, 2, 3, b, 141, iv, Section 87, 4, 1, c.

it should behave externally.

To identify how many constitutions adopt rules and principles which discipline? the relation among the political-legal environment, domestic and foreign, 198 constitutions were analyzed, of which 173 have rules and principles concerning the legitimacy and competence of the representative of the State abroad and the process of internalization of international law. Most of the cases involve representatives of the legislative and executive branches of government. Thus, the mentioned articles refer specifically to these rules and principles¹⁸.

18 *Afghanistan* 2004 (Art. 64, 14 and 17, Art. 90, 5, Art. 97, Art. 121); *Albania* 1998 (Art. 5, Art. 29, Art. 92, dh, e, ë, Art. 109, 4, Art. 116, 1, b, Art. 117, 3, Art. 121, 1, Art. 122, Art. 123, Art. 131, a, b and c, Art. 171, 2, Art. 180, Art. B, 1 and 2); *Angola* 2010 (Art. 13, Art. 108, 4 and 5, Art. 121, Art. 134, 4, f, Art. 161, k and l, Art. 202, Art. 203, Art. 207, 1, Art. 209, 1, Art. 210, 1, Art. 211, Art. 227, b, Art. 228, 1, Art. 229, 1); *Algeria* 1989 (Art. 13, Art. 27, Art. 91, 9, Art. 111, Art. 149, Art. 190); *Andorra* 1993 (Art. 3, 3, Art. 64, Art. 65, Art. 66, Art. 67); *Antigua and Barbuda* 1981 (Art. 8, 3, b, Art. 89, 2, b); *Argentina* 1853 (Art. 75, 22, Art. 99, 11); *Armenia* 1995 (Art. 5, 3, Art. 13, Art. 19, 2, Art. 55, 2, Art. 76, Art. 81, 2, Art. 111, Art. 116, Art. 132, 1, 1, 2, 3, 2, Art. 169, 2, Art. 204, Art. 205); *Australia* 1901 (Art. 75, i); *Austria* 1920 (Art. 9, Art. 10, 1, 1a, 2, Art. 15a, 3, Art. 16, B [European Union], Art. 26a, Art. 50, Art. 50a, Art. 50b, Art. 50c, Art. 50d, Art. 65, Art. 66, 2, Art. 145); *Azerbaijan* 1995 (Art. 1, II, Art. 7, II, Art. 8, III, Art. 10, Art. 12, Art. 69, Art. 70, I, Art. 94, 22, Art. 109, 15, 17, Art. 110, 1, Art. 130, III, 6, X, Art. 148, II, Art. 151, Art. 155); *Bahamas* 1973 (25, II, 113); *Bahrain* 2002 (Art. 37, Art. 40, Art. 50, Art. 57, a, Art. 121); *Bangladesh* 1972 (47, 3); *Barbados* 1966 (79A. 2. b, 79B, 79D. 1, 79E. 1); *Belarus* 1994 (Art. 8, Art. 10, Art. 21, Art. 61, Art. 79, Art. 97, 2, Art. 116); *Belgium* 1831 (Art. 8, Art. 34, Art. 46, 2, Art. 65, Art. 78, §1, 3, Art. 127, §1, 3, Art. 128, §1, Art. 130, §1, 4, 5, Title IV); *Belize* 1981 (Preamble, e, 10. 3, b, 61A. 2, a, 91. 1, 3, 107); *Benin* 1990 (Art. 40, Art. 144, Art. 145, Art. 146) *Bhutan* 2008 (Art. 9, 24, Art. 10, 25); *Bolivia* 2009 (Art. 29, I, Art. 172, 5, Art. 202, 9, Art. 256, Art. 257, Art. 258, Art. 259, Art. 260, Art. 265, Art. 266, Art. 377, I, Art. 410, II, 2); *Bosnia and Herzegovina* 1995 (Art. II, 7, 8, Art. III, 1, e, g, h, 2, b, c, 3, b, 4, b, d, Art. V, 3, d, Art. VIII, 1); *Botswana* 1966 (112, 2, a); *Brazil* 1988 (Art. 5, §2, §4, Art. 21, I, Art. 49, I, Art. 84, VII, VIII, Art. 102, I, e, III, b, Art. 105, II, c, III, a, Art. 109, II, III, V, §, Art. 142, X); *Brunei Darussalam* 1959 (42, 1, b); *Bulgaria* 1991 (Art. 4, 3, Art. 5, 4, Art. 18, 3, Art. 22, Art. 25, 4, Art. 85, 1, 2, 9, 3, Art. 98, 3, 6, Art. 100, 5, Art. 149, 1, 4, Art. 158, 2); *Burkina Faso* 1991 (Art. 55, Art. 148, Art. 149, Art. 150, Art. 151, Art. 155); *Burundi* 2005 (Art. 132, Art. 289, Art. 290, Art. 291, Art. 292, Art. 294, Art. 296); *Cambodia* 1993 (Art. 8, Art. 26, Art. 55, Art. 90); *Cameroon* 1972 (Art. 5, 2, Art. 36, 1, b, Art. 43, Art. 44, Art. 47, 1, 3); *Canada* 1867 (132); *Cape Verde* 1980 (Art. 6, 2, Art. 10, 5, 7, Art. 11, Art. 12, Art. 13, Art. 30, 7, Art. 148, Art. 190, Art. 216, 1, Art. 218, Art. 300, 2, Art. 301, 1); *Central African Republic* (Preamble, Art. 29, Art. 33, Art. 43, Art. 90, Art. 91, Art. 92, Art. 93, Art. 94); *Chile* 1980 (Art. 5, Art. 32, 8, 15, Art. 54, Twenty-Fourth); *China* 1982 (Art. 67, 14, 18, Art. 81, Art. 89, 9); *Colombia* 1991 (Art. 9, Art. 35, Art. 44, Art. 53, Art. 93, Art. 96, 2, c, Art. 101, Art. 129, Art. 150, 16, Art. 164, Art. 221, Art. 224, Art. 235, 5, Art. 241, 10); *Comoros* 2001 (Art. 10, Art. 12); *Congo* [Democratic Republic] 2005 (Art. 15, Art. 56, Art. 69, Art. 88, Art. 153, 10, Art. 202, 1, Art. 213, Art. 214, Art. 215, Art. 216, Art. 217); *Congo* 2015 (Art. 44, Art. 49, Art. 64, Art. 89, Art. 93, Art. 125, Art. 175, Art. 180, Art. 197, Art. 217, Art. 218, Art. 220, Art. 221, Art. 222, Art. 223, Art. 243); *Costa Rica* 1949 (Art. 6, Art. 7, Art. 8, Art. 10, b, Art. 19, Art. 31, Art. 48, Art. 105, Art. 121, 4, Art. 140, 1, 10); *Côte D'Ivoire* 2016 (Art. 54, Art. 69, Art. 73, Art. 119, Art. 120, Art. 121, Art. 122, Art. 124, Art. 125, Art. 134); *Croatia* 1991 (Art. 2, Art. 7, Art. 9, Art. 31, Art. 33, Art. 59, Art. 115, Art. 128, Art. 132, Art. 133, Art. 134, Art. 135, Art. 141, a, b, c, d); *Cuba* 2019 (Art. 8, Art. 11, Art. 12, Art. 16, Art. 34, Art. 62, Art. 108, ñ, Art. 122, ñ, o, Art. 128, p, Art. 137 d); *Cyprus* 1960 (Art. 1A, Art. 11, 2, f, Art. 32, Art. 37, c, Art. 50, a, i, ii, iii, Art. 54, Art. 169, Art. 170, Art. 181, Art. 195, Art. 198, Annex I, II); *Czech Republic* 1993 (Art. 1, 2, Art. 10, Art. 10a, Art. 10b, Art. 33, Art. 39, 3, 4, Art. 43, 1, 2, 4, a, b, Art. 49, Art. 52, 2, Art. 63, 1, a, b, c, Art. 87, 2); *Denmark* 1953 (Part III, 19, 1, 20, 1, 42, 6, 87); *Djibouti* 1992 (Art. 9, Art. 22, Art. 39, Art. 62, Title VI, Art. 70); *Dominica* 1978 (12, 3, b, 20, 2, 42, 4, a, b, Schedule 3); *Dominican Republic* 2015 (Art. 9, Art. 11, Art. 20, §, Art. 25, 3, Art. 26, Art. 27, Art. 28, Art. 46, Art. 55, 4, Art. 61, 2, Art. 74, 3, Art. 80, 7, Art. 93, 1, l, Art. 128, 1, d, j, 3, a, c, Art. 185, Art. 201, Art. 220); *Ecuador* 2008 (Art. 3, 1, Art. 4, Art. 10, Art. 41, Art. 58, Art. 84, Art. 120, 8, Art. 147, 1, 10, Art. 153, Art. 164, Art. 234, Art. 261, 9, Art. 403, Art. 416, 9, 10, 11, 13, Art. 417, Art. 418, Art. 419, Art. 420, Art. 421, Art. 422, Art. 423, Art. 425, Art. 426, Art. 428, Art. 438, 1); *Egypt* 2014 (93, 151, Art. 153); *El Salvador* 1983 (Art. 28, Art. 84, Art. 89, Art. 93, Art. 110, Art. 131, 7th, 29th, Art. 133, 5th, Art. 144, Art. 145, Art. 146, Art. 147, Art. 168 1st, 4th, 13th); *Equatorial Guinea* 1991 (Art. 8, Art. 41, I, Art. 81, a, Art. 102, g); *Eritrea* 1997 (Art. 32, 4, Art. 42, 6); *Estonia* 1992 (Art. 3, Art. 36, Art. 65, 4, 11, Art. 87, 4, Art. 106, Art. 120, Art. 121, Art. 122, Art. 123, Art. 128); *Ethiopia* 1994 (Art. 2, Art. 9, Art. 51, 8, Art. 55, 12, Art. 96, 2); *Fiji* 2013 (7, 1, b, 14, 1, a, 43, 1, a, ii, 51, 128); *Finland* 1999 (Sections 14, 50, 66, 93, 94, 95, 96, 97); *France* 1958 (Art. 5, Art. 11, Art. 16, Art. 52, Art. 53, Art. 53-1, Art. 53-2, Art. 54, Art. 55, Art. 88, Title XV); *Gabon* 1991 Art. 1, 9, Art. 21, Art. 26, Art. 84, Art. 87, Art. 113, Art. 114, Art. 115); *Gambia* 1996 (79); *Georgia* 1995 (Art. 2, Art. 6, 2, Art. 9, 2, Art. 13, 4, Art. 30, 3, Art. 38, Art. 43, 2, Art. 65, Art. 73, Art. 74, 2, Art. 89, 1, e, Art. 98, 1, 2, Art. 100, Art. 104-4, 1); *Germany* 1949 (Art. 23, 1, 1a, Art. 24, 1, Art. 25, Art. 26, Art. 32, 2, 3, Art. 59, Art. 73, 5, Art. 79, 1, Art. 80a, 3, Art. 96, 5, 2, Art. 100, 2, Art. 109, 5, Art. 115, a, 5, Art. 123, 2, Art. 143); *Ghana* 1992 (40, c, d, ii, iii, iv, v, 73, 75, 219, 2, b); *Guatemala* 1985 (Art. 27, Art. 171, l, Art. 138, k, o, Art. 272, e); *Guinea* 2010 (Art. 51, Art. 93, Art. 97, Art. 149); *Guinea-Bissau* 1984 (Art. 18, 1, 2, Art. 28, Art. 29, 1, Art. 68, e, Art. 85, h, Art. 100, 1, f); *Guyana* 1980 (154A, 1, 2, 3, 6, 193, i, 205, 3, 212R, h, 212V, c, d, 212AA, c, Fourth schedule); *Haiti* 1987 (Art. 8-1, Art. 40, Art. 98-3, 3, Art. 139, Art. 139-1, Art. 140, Art. 276, Art. 276-1, Art. 276-2); *Honduras* 1982 (Art. 9, 3, Art. 12, Art. 13, Art. 15, Art. 16, Art. 17, Art. 18, Art. 19, Art. 20, Art. 21, Art. 24, 6, Art. 102, Art. 119, Art. 183, 1, Art. 205, 5, 11, 27, 30, Art. 218, 7, Art. 245, 1, 13,

14, 15, 44, Art. 274, Art. 313, 4, Art. 329, Art. 331, 3, Art. 313); *Hungary* 2011 (Art. E, Art. Q, Art. XXIII, Art. XXVIII, 4, 5, 6, Art. 1, d, Art. 8, 3, d, Art. 9, 4, a, b, 5, Art. 19, Art. 22, 1, Art. 24, 2, f, 3, c, Art. 32, 1, k, Art. 45, 1, 2, Art. 47, 3); *Iceland* 1944 (Art. 21); *India* 1949 (51, 253); *Indonesia* 1945 (Art. 11); *Iran* 1979 (Art. 77, Art. 125); *Iraq* 2005 (Art. 8, Art. 21, Third, Art. 61, Fourth, Art. 73, Second, Art. 80 Sixth, Art. 110, First); *Ireland* 1937 (Art. 29); *Italy* 1947 (Art. 10, Art. 11, Art. 35, Art. 72, Art. 75, Art. 80, Art. 87, Art. 117, Art. 120, Art. 122); *Japan* 1952 (Art. 21, 2, Art. 33, Art. 103); *Jordan* 1952 (Art. 21, 2, Art. 33, Art. 103); *Kazakhstan* 1995 (Art. 4, 1, 3, 4, Art. 5, 4, Art. 8, Art. 11, Art. 12, 4, Art. 44, 1, 11, Art. 53, 5, Art. 54, 1, 7, Art. 72, 1, 3, Art. 74, 1, Art. 76, 1, 2); *Kenya* 2010 (2, 5, 6); *Kiribati* 1979 (14, 3, b, 18, 3); *Korea* 1972 (Art. 15, Art. 91, 17, Art. 103, 4, Art. 116 11, 14, 19, Art. 125, 11); *Korea (Republic of)* 1948 (Art. 6, Art. 60, Art. 73, Art. 89, 3, Supplementary Provisions Art. 5); *Kosovo* 2008 (Art. 16, 3, Art. 17, 1, Art. 18, Art. 19, Art. 20, Art. 35, 4, Art. 58, 2, Art. 59, 10, 13, Art. 65, 4, Art. 84, 7, Art. 113, 3, 4, Art. 121, 2, Art. 122, 1, Art. 125, 3, Art. 145, Art. 146, Art. 147, Art. 153); *Kuwait* 1962 (Art. 70, Art. 177); *Kyrgyzstan* 2010 (Art. 6, 3, Art. 16, 2, Art. 19, Art. 50, 2, Art. 64, 6, 24, Art. 74, 2, 3, 5, 3, 4, 6, 1, Art. 89, 3, Art. 97, 6, 2); *Lao People's* 1991 (Art. 53, 11, Art. 70, 8); *Latvia* 1922 (Art. 3, Art. 41, Art. 68, Art. 73, Art. 79, Art. 89, Art. 98, Art. 101); *Lebanon* 1926 (Art. 52, Art. 65, 5); *Liberia* 1986 (Art. 2, 2, Art. 34, f, g, Art. 57); *Libya* 2011 (Art. 7, Art. 17); *Liechtenstein* 1921 (Art. 4, 2, Art. 8, 2, Art. 28, 2, Art. 31, 3, Art. 62, b, Art. 66bis, Art. 67, Art. 92, 2, 3, Art. 104, 2, Art. 107); *Lithuania* 1992 (Art. 10, Art. 13, Art. 67, 16, Art. 84, 2, 3, Art. 94, 6, Art. 105, 3, Art. 106, Art. 135, Art. 136, Art. 138, Art. 142, 4); *Luxembourg* 1868 (Art. 37, Art. 49bis, Art. 118); *Macedonia* 1991 (Art. 8, Art. 29, Art. 37, Art. 68, Art. 98, Art. 118, Art. 119, Art. 120, Art. 121); *Madagascar* 2010 (Art. 57, Art. 116, 1, Art. 137, Art. 138); *Malawi* 1994 (1, 11, 2, c, 13, 45, 4, a, 89, 1, f, 96, 1, f, 135, a, 160, d, 211); *Malaysia* 1957 (25, 2, b, 76, 1, a, b, c, 167, 7, 169, ninth schedule, List 1, 1); *Maldives* 2008 (59, b, 68, 93, a, 115k, 1, 2, l, m, n); *Malta* 1964 (43, 1, 4, 65, 1); *Marshall Island* 1979 (Art. V, 1, d, 4); *Mauritania* 1991 (Art. 36, Art. 37, Art. 78, Art. 79, Art. 80); *Mauritius* 1968 (15, 3, b, 75, 7, 87); *Mexico* 1917 (Preamble, Art. 18, Art. 27, Art. 42, V, VI, Art. 73, XXXIX-P, Art. 76, I, Art. 89, X, Art. 103, I, Art. 104, II, Art. 105, II, b, Art. 117, I, Art. 119, Art. 133); *Micronesia* 1978 (Art. IX, 2, b, 4); *Moldova* 1994 (Preamble, Art. 3, 2, Art. 4, 2, Art. 8, Art. 19, 2, 3, Art. 54, 2, Art. 66, g, Art. 86, Art. 128, 1, Art. 135, a); *Monaco* 1962 (Art. 1, Art. 14, Art. 68, Art. 70, Art. 77); *Mongolia* 1992 (Art. 10, Art. 18, 5, Art. 25, 1, 15, Art. 33, 1, 4, Art. 38, 2, 9, Art. 66, 2, 2, 4); *Montenegro* 2007 (Art. 9, Art. 12, Art. 15, Art. 17, Art. 56, Art. 81, Art. 82, 17, Art. 100, 4, Art. 118, Art. 129, Art. 145, Art. 149, 1, Art. 152, Appendix, Art. 12); *Morocco* 2011 (Preamble, Art. 11, Art. 19, Art. 30, Art. 42, Art. 55, Art. 92); *Mozambique* 2004 (Art. 18, Art. 161, b, Art. 162, b, Art. 179, 2, e); *Myanmar* 2008 (Chapter IV A, Part 12, 108, Chapter V, A, Part 3, 209, Chapter VI, B, Part 2, a, i, Chapter XV, 456, Schedule 1, 2, d, 11, k); *Namibia* 1990 (Art. 1, 4, Art. 32, 3, e, Art. 40, i, Art. 63, d, e, Art. 96, Art. 143, Art. 144, Art. 145, 1, a); *Nepal* 2015 (51, b, 3, 51, m, 2, 253, b, e, 256, 1, d, 278, 279, Schedule 5, 17); *Netherlands* 1815 (Art. 2, 3, Art. 73, 1, Art. 91, Art. 92, Art. 93, Art. 94, Art. 95, Art. 120); *Nicaragua* 1987 (Art. 5, Art. 9, Art. 10, Art. 16, 1, Art. 22, Art. 42, Art. 43, Art. 60, Art. 71, Art. 131, Art. 134, 1, d, Art. 138, 12, Art. 140, 4, Art. 147, 4, Art. 150, 8, Art. 152, 4, Art. 161, 7, Art. 171, 4, Art. 182); *Niger* 2010 (Art. 46, Art. 67, Art. 120, Art. 168, Art. 169, Art. 172); *Nigeria* 1999 (Part II, 12, 1, 2, 3, Chapter II, 19, d, C, 164, 1, 2, CC, 254C, 2); *Norway* 1814 (Art. 26, Art. 75, g); *Oman* 1996 (Art. 42, Art. 76, Art. 80); *Pakistan* 1973 (fourth schedule, Part 1, 3, 32); *Palau* 1981 (Art. II, section, 3, Art. VIII, section, 7, 2, 3, Art. IX, section 5, 7, 8, 9); *Palestine* 2003 (Art. 40); *Panama* 1972 (Art. 159, 3); *Papua New Guinea* 1975 (39, 3, i, 42, 1, ga, 51, 1, a, 117, 176, 3, b, 197, 3, 293, 327, 3, b); *Paraguay* 1992 (Art. 137, Art. 141, Art. 142, Art. 202, 9, Art. 238, 7); *Peru* 1993 (Art. 54, Art. 55, Art. 57, Art. 101, 4, Art. 118, 11, Art. 139, 8, Art. 205); *Philippines* 1987 (Art. VII, sec 21, Art. VIII, sec 4, 2, sec 5, 2, a); *Poland* 1997 Art. 9, Art. 25, 4, Art. 27, Art. 42, Art. 55, 2, 3, 4, Art. 56, 2, Art. 59, 4, Art. 87, 1, Art. 88, 3, Art. 90, Art. 91, Art. 116, Art. 117, Art. 133, 1, 1, 2, 3, 2, Art. 146, 4, 10); *Portugal* 1976 (Art. 7, Art. 8, Art. 135, Art. 161, i, Art. 277, 2); *Qatar* 2003 Art. 6, Art. 68, Art. 143); *Romania* 1991 (Art. 3, Art. 11, Art. 91, Art. 146, b, Art. 148, Art. 149); *Russia* 1993 (Art. 15, 4, Art. 46, 3, Art. 63, 1, Art. 69, Art. 83, 1, Art. 86, Art. 106, d, Art. 125, 2, d, 6); *Rwanda* 2003 (Art. 5, Art. 19, Art. 29, 4, 8, Art. 85, 3, Art. 86, 2, Art. 95, 3, Art. 98, Art. 108, Chapter X); *Saint Kitts and Nevis* 1983 (38, 3, b); *Saint Lucia* 1978 (41, 7, b, 87, 2, c, Schedule 3); *Saint Vincent and the Grenadines* 1979 (12, 3, b, 79, 2, c); *Sao Tome and Principe* 1975 (Art. 4, 2, Art. 12, 1, 3, 4, Art. 13, Art. 17, 2, Art. 18, 2, Art. 71, 2, Art. 80, i, Art. 82, b, e, Art. 90, 2, e, Art. 97, d, j, Art. 111, e, Art. 144, 2, Art. 145, 1, Art. 146, 1, Art. 149, 3); *Saudi Arabia* 1992 (Art. 43, Art. 70, Art. 81); *Senegal* 2001 (Art. 9, Art. 52, Art. 92, Art. 95, Art. 96, Art. 97, Art. 98); *Serbia* 2006 (Art. 16, Art. 18, Art. 75, Art. 97, 1, Art. 99, 4, Art. 105, 15, 6, Art. 142, Art. 145, Art. 194); *Seychelles* 1993 (44, 2, 48, 64, 163, b, Schedule 5, 2, a); *Sierra Leone* 1991 (10, d, 26, 1, 40, 3, 4, d, h, 77, 1, n); *Singapore* 1963 (129, 5, a); *Slovakia* 1992 (Art. 1, 2, Art. 7, 2, 3, 4, 5, Art. 13, 1, b, Art. 67, 2, Art. 77, 1, Art. 84, 3, 4, Art. 86, b, k, Art. 87, 4, Art. 102, a, b, l, Art. 199, f, g, h, p, Art. 120, 2, Art. 125, 1, a, b, c, d, 3, 4, Art. 125a, Art. 127, Art. 129, 2, Art. 130, 1, g, Art. 133, Art. 144, Art. 145, 3, Art. 153, Art. 154c); *Slovenia* 1991 (Art. 3a, Art. 8, Art. 13, Art. 86, Art. 153, Art. 160); *Somalia* 2012 (Art. 7, 3, Art. 35, 13, Art. 36, 1, Art. 37, 2, Art. 40, 2, Art. 45, 3, b, Art. 53, 1, Art. 90, q, Art. 11c, 5, a, Art. 127, 1, f, Art. 140); *South Africa* 1996 (39, 1, b, 198, c, 199, 5, 200, 2, 231, 232, 233); *South Sudan* 2011 (9, 3, 37, 1, b, 43, e, 57, d, 86, 7, 101, p, 110, d, 135, 5, a, 157, 7, c, 193, 2, d, schedule A, 25, schedule C, 16); *Spain* 1978 (section 10, 1, section 93, section 94, section 95, section 96); *Sri Lanka* 1978 (33, 2, h, 157); *Suriname* 1987 (Art. 7, 2, 5, Art. 72, a, Art. 103, Art. 104); *Swaziland* 2005 (61, c, 191, 2, 237, 238); *Sweden* 1974 (Chapter 10, Art. 1, Art. 2, Art. 4, Art. 5, Art. 6, Art. 7, Art. 8, Art. 9, Art. 10, Art. 11, Art. 12, Art. 13, Art. 14, Chapter 15, Art. 9, Art. 13); *Switzerland* 199 (Art. 5, 4, Art. 56, Art. 121, a, 4, Art. 139, 3, Art. 141, 1, d, Art. 141a, Art. 147, Art. 166, Art. 172, 3 Art. 184, Art. 186, 3, 4, Art. 189, b, Art. 190, Art. 193, 3, 4, Art. 194, 2, Transitional Provision to Art. 87, 2, f); *Syrian Arab Republic* 2012 (Preamble, Art. 75, 6, Art. 107, Art. 128, 7); *Taiwan* 1947 (Art. 38, Art. 63); *Tajikistan* 1994 (Art. 10, Art. 11, Art. 57, Art. 69); *Tanzania* (37, 8, 63, 3, e); *Thailand* 2017 (section 66, section 156, 14, section 178); *East Timor* (Art. 8, Art. 9, Art. 18, Art. 95, 3, f, Art. 115, 1, f, Art. 158, 1); *Togo* 1992 (Art. 137, Art. 139, Art. 140); *Tonga* 1875 (39, 90); *Trinidad and Tobago* 1976 (third schedule, 1); *Tunisia* 2014 (Art. 20, Art. 62, Art. 65, Art. 67, Art. 77, Art. 92, Art. 120); *Turkey* 1982 (Art. 15, Art. 16, Art. 42, Art. 69, Art. 87, Art. 90, Art. 92, Art. 104); *Turkmenistan* 2008 (Art. 9, Art. 11, Art. 68, Art. 71, 2, Art. 81, 10); *Tuvalu* 1986 (2, 3, 17, 2, 1, 18, 2, a, 32, b); *Uganda* 1995 (II, v, 119, 4, b, 5, 6, 123, 286); *Ukraine* 1996 (Art. 9, Art. 18, Art. 26, Art. 55, Art. 85, 14, 32, Art. 106, 3, 4, 5, Art. 124, Art. 151, Chapter XV, 14); *United Arab Emirates* 1971 (Art. 20, Art. 40, Art. 47, 4, Art. 60, 7, Art. 65, Art. 91, Art. 115, Art. 123, Art.

2.3 RIGHT TO HEALTH CARE

The objective is to ascertain the degree of similarity among the constitutions. Thus, the fundamental right is *right to health care*. It is found in 138 of the 193 Constitutions¹⁹. Consequently, it is evident that most constitutions explicitly address the *right to health*. Therefore, it does not mean that the others do not refer to this right in some way, but they do not explicitly contain this expression. It is complemented by the idea of *global constitutionalism* through the dimensions of *diatopic constitutionalism*, in the sense that a similar normative spectrum can be identified in the Constitutional texts, so that, internally, the normative requirements are also similar. Internally, in the case of similarity, the tendency is that it is reflected in the relations between the States by force of constitutional law. In this sense, sovereignty would have been maintained with the incidence

124, Art. 125, Art. 140, Art. 147, Art. 148); *United Kingdom* 1215 (Union with Ireland Act 1800, Article sixth, European Communities Act 1970, Northern Ireland Act 1998, 6, 2, c, d, 14, 5, a, 24, 1, a, b, 26, 27, Scotland Act 1998 29, 2, d, 35, 1, a, 57, 2, 58, 106, 4, 5, 6, 7, Constitution Reform Act 2005, 3, 8, b); *United States of America* 1789 (Art. I section 10, Art. III, section 2, Art. VI); *Uruguay* 1966 (Art. 6, Art. 46, Art. 85, 7, Art. 168, 20, Art. 239, 1); *Uzbekistan* 1992 (Preamble, Art. 17, Art. 23, Art. 78, 20, Art. 85, 6, Art. 86, 6, Art. 93, 4, 5, 6); *Vanatu* 1980 (26); *Venezuela* 1999 (Art. 19, Art. 22, Art. 23, Art. 31, Art. 37, Art. 73, Art. 78, Art. 98, Art. 103, Art. 153, Art. 154, Art. 155, Art. 187, 18, Art. 236, 4); *Vietnam* 1992 (Art. 88, 6, Art. 96, 7, Art. 98, 5); *Yemen* 1991 (Art. 92, Art. 119, 12, Art. 125, 5, Art. 137, d); *Zambia* 1991 (Art. 4, 5, Art. 10, 4, Art. 63, 2, e, Art. 92, 2, b, c, Art. 114, 1, d, Art. 177, d, Art. 245, c); *Zimbabwe* 2013 (34, 36, 2, b, 43, 2, a, 46, 1, c, 100, 2, b, 110, 4, 165, 7, 204, 213, 3, a, b, e, 219, 2, c, 295, 2, 326, 327). We used the site www.constituteproject.org to quote information from constitutions.

19 *Afghanistan* 2004 (Art. 52); *Albania* 1998 (Art. 55); *Algeria* 1989 (Art. 66); *Andorra* 1993 (Art. 30); *Angola* 2010 (Art. 21, Art. 35, Art. 77, Art. 80); *Armenia* 1995 (Art. 85); *Azerbaijan* 1995 (Art. 41); *Bahrain* 2002 (Art. 8); *Bangladesh* 1972 (Art. 15, a, Art. 18, 1); *Belarus* 1994 (Art. 45); *Belgium* 1831 (Art. 23, 2); *Belize* 1981 (Preamble, e); *Benin* 1990 (Art. 8); *Bhutan* 2008 (Art. 9, 21); *Bolivia* 2009 (Art. 18, I, II, III, Art. 30, II, Art. 36, I); *Brazil* 1988 (Art. 6, Art. 196, Art. 197, Art. 198, I, II, III, §1º, §2º I, II, III, §3º I, II, III, IV, §4º, §5º, §6º); *Bulgaria* 1991 (Art. 52, 1, 2, 3, 4, 5); *Burkina Faso* 1991 (Art. 26); *Burundi* 2005 (Art. 55); *Cambodia* 1993 (Art. 72); *Cape Verde* 1980 (Art. 68, 1, 3); *Central African Republic* 2016 (Art. 8); *Chile* 1980 (Art. 19, 9); *Colombia* 1991 (Art. 49); *Congo (Democratic Republic of the)* 2005 (Art. 47); *Congo (Republic of the)* 2015 (Art. 36); *Côte d'Ivoire* 2016 (Art. 9); *Croatia* 1991 (Art. 58); *Cuba* 2019 (Art. 46, Art. 72); *Czech Republic* 1993 (Art. 31); *Dominican Republic* 2015 (Art. 61) *Ecuador* 2008 (Art. 3, Art. 32, Art. 37, Art. 39, Art. 42, Art. 43, Art. 45, Art. 46, Art. 47, Art. 50, Art. 51, Art. 358, Art. 359, Art. 360, Art. 361, Art. 362, Art. 363, Art. 364, Art. 365, Art. 366); *Egypt* 2014 (Art. 18); *El Salvador* 1983 (Art. 65, Art. 66); *Equatorial Guinea* 1991 (Art. 23); *Estonia* 1992 (Art. 28); *Ethiopia* 1994 (Art. 41, Art. 90); *Fiji* 2013 (Chap. 2, 38); *Finland* 1999 (Section 19); *France* 1958 (Preamble); *Gambia* 1996 (Chap. XX, 216, 4); *Georgia* 1995 (Art. 37); *Greece* 1975 (Art. 21); *Guatemala* 1985 (Art. 93, Art. 94); *Guinea* 2010 (Art. 15); *Guinea-Bissau* 1984 (Art. 15); *Guyana* 1980 (Art. 24); *Haiti* 1987 (Preamble, Art. 19); *Honduras* 1982 (Art. 145); *Hungary* 2011 (Art. XX); *India* 1949 (Part. IV, 47); *Indonesia* 1945 (Art. 28 H); *Iran* 1979 (Art. 3, Art. 29); *Iraq* 2005 (Art. 31, 1 e 2); *Italy* 1947 (Art. 32); *Japan* 1946 (Art. 25); *Kazakhstan* 1995 (Art. 29); *Kenya* 2010 (Cap. 4, Part 2, 43, 11, Part 3, 53, 1, 56); *Korea (Democratic People's Republic of)* 1972 (Art. 56, Art. 72); *Korea (Republic of)* 1948 (Art. 36); *Kosovo* 2008 (Art. 51); *Kuwait* 1962 (Art. 15); *Kyrgyzstan* 2010 (Art. 9, Art. 47); *Lao People's Democratic Republic* 1991 (Art. 25); *Latvia* 1922 (Art. 111); *Liberia* 1986 (Art. 8); *Libya* 2011 (Art. 8); *Liechtenstein* 1921 (Art. 18); *Lithuania* 1992 (Art. 53); *Luxembourg* 1868 (Art. 11); *Macedonia (Republic)* 1991 (Art. 39); *Madagascar* 2010 (Art. 19); *Malawi* 1994 (Art. 13); *Maldives* 2008 (Art. 23); *Mali* 1992 (Art. 17); *Marshall Islands* 1979 (Art. II, Sec. 15); *Mexico* 1917 (Art. 4); *Micronesia* 1978 (Art. XIII, sec. 1); *Moldova* 1994 (Art. 36, Art. 47); *Mongolia* 1992 (Art. 16); *Montenegro* 2007 (Art. 69); *Morocco* 2011 (Art. 31, Art. 71); *Mozambique* 2004 (Art. 89, Art. 116); *Myanmar* 2008 (Cap. VIII, 367); *Nepal* 2015 (Part. 335, Part. 451); *Netherlands* 1814 (Art. 22); *Nicaragua* 1987 (Art. 59, Art. 105); *Niger* 2010 (Art. 13); *Nigeria* 1999 (Chap. II, 17, 3, d); *Oman* 1996 (Art. 12); *Palau* 1981 (Art. VI); *Panama* 1972 (Art. 109, Art. 110); *Papua New Guinea* 1975 (Preamble); *Paraguay* 1992 (Art. 68, Art. 69); *Peru* 1993 (Art. 7, Art. 11); *Philippines* 1987 (Art. II, sec. 15, Art. XIII, sec. 11, Art. XIII, sec. 12, Art. XIII, sec. 13); *Poland* 1997 (Art. 68); *Portugal* 1976 (Art. 64); *Qatar* 2003 (Art. 23); *Romania* 1991 (Art. 34); *Russian Federation* 1993 (Art. 41); *Rwanda* 2003 (Art. 21); *Sao Tome and Principe* 1975 (Art. 50); *Saudi Arabia* 1992 (Art. 31); *Senegal* 2001 (Art. 8, Art. 17); *Serbia* 2006 (Art. 68); *Seychelles* 1993 (Art. 29); *Sierra Leone* 1991 (Chap. II); *Slovakia* 1992 (Art. 40); *Slovenia* 1991 (Art. 51); *Somalia* 2012 (Art. 27); *South Africa* 1996 (Art. 27); *South Sudan* 2011 (Part. 2, 31 anex.); *Spain* 1978 (Sec. 43); *Sudan* 2019 (Part. 1, Chap. II, 19); *Suriname* 1987 (Art. 24, Art. 36); *Swaziland* 2005 (Chap. V, 60); *Switzerland* 1999 (Art. 41); *Syrian Arab Republic* 2012 (Art. 22); *Taiwan* 1947 (Art. 157, add. Art. 10); *Tajikistan* 1994 (Art. 38, Art. 39); *Thailand* 2017 (Sec. 47, Sec. 55); *East Timor* 2002 (Art. 57); *Togo* 1992 (Art. 34); *Tunisia* 2014 (Art. 38); *Turkey* 1982 (Art. 56); *Turkmenistan* 2008 (Art. 52); *Uganda* 1995 (XIV); *Ukraine* 1996 (Art. 49); *United Arab Emirates* 1971 (Art. 19); *Uruguay* 1966 (Art. 44); *Uzbekistan* 1992 (Art. 40); *Venezuela* 1999 (Art. 83, Art. 84, Art. 85); *Vietnam* 1992 (Art. 38, Art. 58); *Yemen* 1991 (Art. 32, Art. 55); *Zimbabwe* 2013 (Chap. 2, 29, Cap. 4, Part. 2, 76).

of each State's Constitution, and the results of incidence of similar norms would be, in theory and abstractly, within a common normative spectrum.

The *diatopic constitutionalism* does not demand a law document nor any agency of power that overrides the independence and sovereignty of States, that is, it does not mean internalization, but interstate nationalization. It requires the legal-value convergence in the interpretation and the realization of similar constitutional texts. It could be carried out in three forms: 1) by decisions of national courts influenced by decisions of foreign courts; 2) by international treaties, covenants, declarations, and customs by which States are bound; 3) by decisions of international courts. Those three forms would conduct the application of the Constitution, to reduce disparities within constitutional normative-spectrum. As a result, based on constitutional force referring to each State, a praxis would be formed, with a relative degree of homogeneity, capable of establishing legal consensus on fundamental rights and guarantees, democratic rules, organizations, and separation of powers, among other legal institutes.

3 THE CONSTITUTIONAL INTEGRATION THROUGH LAW

The State of law is founded on the principle of rule of law. That principle is an essential paradigm for the effective division of powers, the democracy and the protection and the guarantee of fundamental rights (Kotzur, 2018, p. 34). Therefore, through law, the State is legitimated to act or omit. In terms of constitutional norms, there are rules and principles that open or close the legal system to the external environment. As some examples of constitutional opening norms, it could be mentioned the Art. 4, Art. 5, §2, §3, §4, of CRFB and as closing norms Art. 1, I, Art. 4, I, of CRFB.

The constitutional State respects and watches legal limits. In this point, formal projection among legal systems are in the inner and external environments. For instance, when the Brazilian State materializes the *right to health care*, simultaneously, it materializes the similar disposition of law that other States have too. For that matter, it does not have discordant actions among States because in the *right to health*, at least formally, 138 constitutions have the expression *right to health care*. The problem of can be a decisive factor to move away from the idea that there can be similar practices in the State actions. However, the material aspect is not the object of the present analysis.

4 CONSTITUTIONAL NORMS AMONG THE STATES

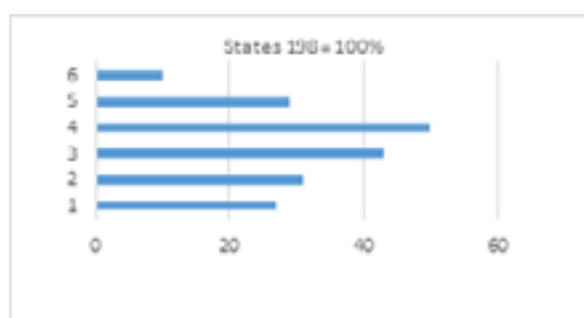
This topic reports the numbers that help to understand, partly, the legal approach among different States. The inference is that constitutions are the top of the legal system of the States and that the constitutional norms are supreme, in terms of normativity and binding, being there

interpreted in a unitary and systematic way. The initial idea is about differentiated effectiveness of constitutional norms, in other words, all norms have high or low normative density (Sarlet; Marinoni; Mitidiero, 2019, p. 190-192).

There were six guidelines for metric²⁰ construction. It is highlighted that the comparison is delimited to words of the text of legal dispositions, therefore it is not analyzing the respective interpretations, efficacy, and effectiveness. The guidelines are: (1) tolerance; (2) constitutional principles of international relations; (3) United Nations and/or Human Rights; (4) human dignity; (5) the regulatory norms of international relations; (6) right to health care. Before, it was reported the number of States that adopt each guideline²¹. At this stage, it highlights the similarity level among the searched constitutions, taking into consideration the guidelines used.

It is possible to presume that other constitutional guidelines can be factors of similarity among constitutions of the States. It establishes the measure in relation to quantity of disposition that are similar terms of theme and proposal. Therefore, there are six guidelines, and the quantity will determine the degree of similarity. The variation is one to six, varying from the weakest to the strongest degree, the middle one residing in three and four. The research demonstrated that twenty-seven States have one guideline of similarity; thirty-one States have two guidelines of similarity; forty-three States have four guidelines of similarity; twenty-nine States have five guidelines of similarity; ten States have all of them of similarity. The perspective is: eighty-nine States have four to six guidelines of similarity; one hundred and one States have one to three guidelines of similarity; eight States have no guideline of similarity with other States.

Figure 1 - factors of similarity



Source: Self-made.

Partial numbers show that formal similarity prevails among the constitutional provisions surveyed: fifty States have four similar guidelines out of six. Most States (one hundred and fifty-three) concentrate between two and five similar guidelines. However, when taking into account

²⁰ The word metric is here?: "...using or relating to a system of measurement that uses metres, centimetres, litres, etc..." (Cambridge [...], [2021]).

²¹ The word parameter is used here in accordance with Cambridge Dictionary "...a set of facts or a fixed limit that establishes or limits how something can or must happen or be done...". (Cambridge [...], [2021]).<https://dictionary.cambridge.org>

the total of guidelines and States – more than half of similar guidelines in their constitutional norms, i.e., one hundred and one States have from one or three and eighty-nine States have among four and six similar guidelines.

The comparison numbers lean to the middle degree of similarity among the constitutions searched. Some elements can be added to this result: 1) there were six guidelines, in other words, there were just a few compared points; 2) some guidelines are generic, to the point of being implicitly treated, such as tolerance and the principles of international relations; 3) the comparison was based on the formal-textual aspect of constitutions searched. These elements can reduce the result of the comparison, to the extent that there are similarities in the material dimension of the constitutions or not. Thus, it can be said formally and textually, following the English translation of the constitutional texts and the chosen parameters, that the numbers indicate a low and middle degree of similarity between the constitutional texts of the international community.

CONCLUSION

Diatopic constitutionalism is a possible path to think about *global constitutionalism*. The highlighted characteristic is that one must think according to the Westphalian State, with sovereignty as the basic principle of international relations. There is still no way to think of a *global* or world (or *multilevel constitutionalism*) because it would have as much value as a declaration, a covenant, or a treaty. The path to be thought must be reversed, using the constitutional rule of law, the effectiveness of norms, and the that the Judiciary can exercise on the acts of the State, especially regarding the effectiveness of Constitutions.

In any case, it is up to the State to enforce the internal and external norms – which it ratifies – (international law) within its jurisdiction. This implies, e.g., enforcing human rights, i.e., promoting them within its sphere of sovereignty, and, within its possibilities, cooperating in the international environment. If a *global constitution* were instituted, the dynamics would be the same, but with the difficulty of overcoming the principle of sovereignty (and independence of States).

The similarity of the normative texts among the constitutions leads, at least formally, to the presupposition of a similar value-normative similarity that can guide the internal actions of States that, in an analogous sense, have an international impact. Thus, e.g., the realization of a fundamental right that is also considered as a human right is, therefore, simultaneously materialized. This impacts the international environment in such a way as to create a legal-valorative community of States that, within their scope of sovereignty, act in a similar manner and under the strength of the Constitution. However, for this to happen, it is necessary that the normative similarity goes beyond the normative texts and materializes into practical similarity.

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Recebido em: 05/02/2023

Aceito em: 23/06/2023