

The Global Order: A Practical Encyclopedia of International Law

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First Edition – January 2026

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Dedication

**To my daughter Sabreena, daughter of Egypt
and Algeria, and to my son, Mr. Mostafa El-
Rakhawy, attorney at law**

Light of my eyes, reason for my kindness

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January 2026

Author's Introduction

I did not write this encyclopedia to prove a theory or defend a doctrine

I wrote it because I saw a lawyer standing bewildered before a foreign court, unsure how to enforce a judgment issued in his own country

I saw a diplomat sign an agreement without realizing its arbitration clause was void under the law of the place of enforcement

And I saw a national judge disregard a well-established principle of international law merely ".because it was "not binding

International law is not intellectual
.ornamentation

It is a practical, daily, living system—built through correspondence, tested in courtrooms, and enforced through cooperation or pressure

Those who treat it as philosophy lose it as a
.tool

Therefore, this encyclopedia focuses on
:application

How to file a pleading before the International -
?Court of Justice

What are the actual steps to enforce an arbitral -
?award in Paris

How to prove the existence of customary -
?international law in a compensation case

What is the correct wording for a jurisdiction -
?clause in an international contract

I relied on actual judgments, judicial documents, diplomatic correspondence, and comparative national legislation—with special emphasis on experiences relevant to Arab practitioners: French, Egyptian, and general international .practice

I deliberately excluded any religious or ideological content, adhering to the neutrality that must characterize global legal work

**This encyclopedia is not an endpoint, but a
.gateway**

**A door opening onto a world where law knows
.no borders—if you know how to wield it**

.And God is the Guardian of success

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Part One: Foundations of the International Legal System

Chapter 1: Sources of International Law — Treaties, Custom, General Principles

Executive Summary

The primary source of international law is the consent of states. It is structured in three tiers: treaties (binding on parties), customary international law (consistent state practice accompanied by opinio juris), and general principles common to civilized legal systems.

First: Treaties

Treaties are governed by the 1969 Vienna Convention on the Law of Treaties, which serves as the silent constitution of international relations.

Core principle: *pacta sunt servanda* —
agreements must be kept

However, obligation is conditional upon valid formation: capacity, free consent, and absence of conflict with a peremptory norm (jus

.(cogens

Interpretation of Treaties

:Article 31 of the Vienna Convention provides

Interpret the text in accordance with its -
ordinary meaning in context

Consider the treaty's object and purpose -

Take into account subsequent practice of the -
parties

Practical Example

In *Qatar v. Bahrain* (2001), the International Court of Justice held that an exchange of diplomatic letters between the two foreign ministers constituted a binding treaty, as the intent to be legally bound was evident from .context and language

Second: Customary International Law

Mere repetition of conduct is insufficient. Two conditions must be met

Usus: consistent and general practice by .1 states

Opinio juris: belief that such conduct is legally .2 required or permitted

Evidence of Custom

National legislation -

Diplomatic correspondence -

Judicial decisions -

Official statements by state representatives -

Practical Note

A single state cannot “stop” custom, but it may qualify as a “persistent objector” if it opposed the rule from its inception and maintained that opposition consistently

Third: General Principles of Law

Not an independent source, but a gap-filler when no treaty or custom exists. Examples include

Good faith -

Estoppel (prohibition of contradictory - (conduct

Right to defense and fair trial -

Judicial Application

In the Chorzów Factory case (1928), the Court invoked the “full reparation” principle as a general principle, affirming that “a state violating an international obligation must restore the situation as if the wrongful act had not ”.occurred

Practical Model: How to Build a Custom-Based Argument

Gather evidence of practice (maps, legislation, .1

(judgments

Demonstrate that states acted out of legal .2
(obligation (not mere courtesy

Ensure no substantial opposition from .3
interested states

Exclude coerced or exceptional behavior .4

**Chapter 2: Legal Recognition of States and
Governments**

Recognition of States

Recognition does not create a state; it
.acknowledges its existence

**Statehood criteria under the 1933 Montevideo
:Convention**

Permanent population -

Defined territory -

Effective government -

Capacity to enter into international relations -

Types of Recognition

Express: formal declaration or establishment of -
diplomatic relations

Implied: participation in an international -
conference or signing a bilateral agreement

Recognition of Governments

.More complex than state recognition

Modern standard: effective control + popular
legitimacy

In practice, states often hesitate to recognize
.governments resulting from coups

Historical Example

After the 1991 coup in Haiti, the United States
did not recognize the Cédras regime despite its

de facto control, and supported President Aristide's return

Legal Effects

Representation before international - organizations

Treaty-making capacity -

Right to sue in foreign courts -

Entitlement to sovereign immunity -

Practical Warning

Non-recognition does not mean the entity lacks all rights. Even unrecognized entities may invoke self-defense under Article 51 of the UN Charter

Chapter 3: Territorial Sovereignty and Its Practical Limits

Essence of Sovereignty

The exclusive right of a state to exercise legislative, executive, and judicial authority within its territory

But sovereignty is not absolute; it is limited by international obligations (e.g., human rights, environment, counter-terrorism)

Exceptions to Sovereignty

Foreign forces: governed by Status of Forces .1 (Agreements (SOFA)

Diplomatic immunities: under the 1961 Vienna .2 Convention

International zones: sea lanes, international .3 rivers, outer space

Sovereignty Disputes

:Resolved through

Direct negotiations -

Mediation -

Arbitration -

The International Court of Justice -

Uti Possidetis Juris Principle

Preserves colonial administrative boundaries
.upon independence to prevent chaos

Applied in Latin America, Africa, and former
.Yugoslavia

Procedural Model: Defending Sovereignty in an
Island Dispute

Submit historical maps proving continuous -
administration

Show permanent installations (lighthouse, -
(police station

Present testimony from citizens or officials -

Invoke the principle of "intention to act as -

"sovereign

Chapter 4: International Responsibility

Basis of Responsibility

Arises when a state breaches an international obligation through an act or omission attributable to it

Elements of Responsibility

Existence of a binding international rule .1

Violation of that rule .2

**Attribution of the act to the state (per ILC .3
(Articles**

Acts Attributable to the State

Acts of official organs -

Acts of persons authorized by the state -

Acts of private groups under the state's - effective control

Consequences of Responsibility

Cessation of the wrongful act -

Assurances of non-repetition -

(Reparation (restitution or compensation -

Practical Example

In Diallo v. Congo (2010), the ICJ ruled that the Republic of Congo violated the rights of a Guinean citizen and ordered monetary compensation

Grounds for Exclusion

Consent -

Necessity -

Force majeure -

Self-defense -

Practical Note

International responsibility is not presumed.
Each element must be proven rigorously,
especially "intent to breach" in cases of
.omission

Chapter 5: Enforcement of International Law in National Courts

General Principle

National courts are not automatically bound to
.apply international law

However, most states incorporate certain rules
.into their domestic systems

Two Main Systems

Monist system (e.g., France): international law .1 becomes part of domestic law upon ratification

Dualist system (e.g., Egypt): requires .2 domestic legislation to transform international obligations into national rules

Application in Egypt

Article 93 of the 2014 Constitution: “The state - is committed to ratified international “agreements

Yet courts often require an “implementing - text,” especially in private law matters

Practical Challenges

Conflict between international law and - domestic legislation

Judges’ lack of familiarity with international - law

Difficulty proving customary international law - before national courts

Lawyer's Strategy

**Cite the international rule in the statement of .1
claim**

**Submit an official copy of the treaty or .2
international judgment**

**Reference prior national judgments applying .3
international rules**

**Request that the court interpret domestic law .4
in conformity with international obligations**

Conclusion

**The national court is the first front line for
.enforcing international law**

**Those who wait for “global justice” lose their
.opportunity today**

Part Two: Applied Public International Law

Chapter 6: Delimitation of Land and Maritime Boundaries — Mechanisms and Disputes

Executive Summary

Boundary delimitation is not merely geographical but a precise legal-political process. It remains one of the most sensitive and applied areas of international law. Today, boundary disputes are resolved through arbitration or international courts—not by force

First: Land Boundaries

Legal Sources

Bilateral treaties (e.g., Egypt-Sudan Boundary - (Agreement, 1902

ICJ judgments -

Uti possidetis juris principle -

Practical Delimitation Steps

Collect historical documents: old maps, .1
colonial correspondence, administrative orders

Determine the status quo line: who exercises .2
?effective sovereignty

Engage geospatial experts using GIS .3
technology

Present evidence before the arbitral tribunal .4
or court

Practical Example

In *Nicaragua v. Colombia* (2012), the ICJ rejected an old Colombian map because it was never formally adopted, instead relying on .“effective control” and modern maritime charts

Second: Maritime Boundaries

Legal Framework

The United Nations Convention on the Law of the Sea (UNCLOS, 1982) is the primary reference

:Key concepts

(Territorial sea (12 nautical miles -

(Exclusive Economic Zone (200 miles -

**Continental shelf (up to 350 miles in some -
(cases**

Delimitation Methodology

Draw baselines .1

**Identify overlapping zones between .2
neighboring states**

"Apply "equitable principles .3

**Adjust the provisional line based on factors .4
:such as**

Relative coastal length -

Presence of small islands -
Economic dependence on fisheries -

Practical Model: Drafting a Maritime Boundary Memorandum

Pursuant to Article 74 of UNCLOS, we request“
maritime delimitation based on equitable
.principles

The applicant state has a coastline of 420 km,
.versus 80 km for the respondent

Island X is not part of a stable geographical
.system and should not be granted full effect

We propose a line 12 miles from the island,
treating it as a ‘half-effect’ feature for
.delimitation purposes

Strategic Warning

Never submit a map without historical
documentation. Courts reject “unilateral maps”
.not accepted by both parties

Chapter 7: Use of Force and Military Intervention — Legal Constraints

Core Principle

Article 2(4) of the UN Charter: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.”

Permissible Exceptions

(Self-Defense (Article 51 .1

“Requires an actual “armed attack -

**Response must be “necessary” and -
“proportional**

**Must be immediately reported to the Security -
Council**

(Security Council Authorization (Chapter VII .2

**E.g., Resolution 678 (1990) authorizing force
.against Iraq after the Kuwait invasion**

Invitation by the Legitimate Government .3

**As in France’s intervention in Mali (2013) at the
.government’s request**

Unauthorized “Humanitarian” Intervention

.Not grounded in settled international law

**Example: Kosovo intervention (1999)—justified
by states as “moral necessity,” but legally
.unlawful**

Legal Consequences

**A state using unlawful force bears full
:responsibility**

Cease operations -

Withdraw troops -
Pay compensation (as in *Nicaragua v. USA*, -
(1986)

Practical Model: Legal Memorandum Against
Military Intervention

The cited military operation lacks Security“
Council authorization and fails to meet self-
defense criteria, as no armed attack preceded
.it

Thus, it constitutes a grave violation of Article
2(4) of the UN Charter and warrants immediate
”.cessation and full reparation

Strategic Note

Even if the case fails before an international
court, a strong legal opinion creates significant
.diplomatic and legal pressure

Chapter 8: International Law of the Sea —

Navigation, Resources, and Disputes

Maritime Zones under UNCLOS

Internal waters: up to baseline — full sovereignty

Territorial sea: 12 nautical miles — sovereignty with right of innocent passage

Contiguous zone: 24 miles — customs and immigration enforcement

Exclusive Economic Zone: 200 miles — sovereign rights over resources

High seas: beyond 200 miles — freedom of navigation, fishing, scientific research

Rights of Landlocked States

Right of innocent passage through territorial - seas

Access to EEZ resources via agreements with -

Common Disputes

Illegal fishing: foreign vessels in EEZ subject .1 to national laws

Oil exploration: requires coastal state license .2

Military passage: not “innocent”—states may .3 prohibit it

Practical Example

In *Ghana v. Côte d'Ivoire* (ITLOS, 2017), the tribunal ordered Ghana to halt drilling in a disputed area, affirming that “unilateral activities ”.threaten peace

Enforcement Procedures

Detain violating vessels -

Seize equipment -

Prosecute crew under coastal state law -

Seek compensation via maritime arbitration -
(ITLOS or ad hoc tribunal)

Practical Model: Legal Notice to Foreign Vessel

Pursuant to Article 73 of UNCLOS, you are
hereby notified that your vessel is engaged in
unlicensed fishing in our EEZ

Cease operations immediately, or your vessel will
.be detained and legal action taken

Chapter 9: Outer Space and International Law — Regulation of Peaceful Use

Core Treaties

Outer Space Treaty (1967): bans nuclear -
weapons in space

Liability Convention (1972): launching state -
liable for damage

Registration Convention (1975): all space - objects must be registered with the UN

Fundamental Principle

Outer space is the “province of all mankind” and .not subject to national sovereignty

Modern Challenges

Commercial exploitation: companies like .1 SpaceX raise questions about resource ownership

Space debris: no effective cleanup or liability .2 system

Military satellites: permitted for surveillance, .3 but weaponization banned

Liability for Damage

If a satellite crashes and causes harm, the - registering state pays compensation

Example: Soviet satellite Cosmos 954 crash in - Canada (1978)—Russia paid 3 million USD

Practical Model: Defense Memorandum in Space Dispute

The referenced space object is registered to ".State Y under the Registration Convention

The claimant has not proven negligence or .mismanagement

Per Article 6 of the Outer Space Treaty, the private operator bears responsibility, not the ".state, absent direct supervision

Strategic Note

With rising commercial activity, “private space law” will become a vital field for lawyers in the .coming decade

Chapter 10: International Environmental Law — Transboundary Obligations and Accountability

Core Principles

No-harm principle: states must not allow .1 activities within their territory to cause transboundary environmental damage

Precautionary principle: take preventive action .2 even without scientific certainty

Common but differentiated responsibilities: .3 developed states bear greater burden

Key Treaties

(Rio Declaration (1992 -

(Kyoto Protocol (1997 -

(Paris Agreement (2015 -

Legal Accountability

Between states: via ICJ (e.g., Pulp Mills on the - (River Uruguay, 2010

Against corporations: via national courts (e.g., -
(Shell case in the Netherlands

Through UN mechanisms: e.g., Climate -
Adaptation Committee

Practical Example

In Pulp Mills, the Court ruled Uruguay violated its duty to consult Argentina before building a plant, even though environmental harm was not .proven

Practical Model: Transboundary Environmental Notice

Pursuant to Article 7 of the Z River Protection“
Agreement, we request submission of an environmental impact assessment for any new project on the eastern bank within 60 days prior ”.to commencement

Greatest Challenge

Lack of coercive enforcement. Compliance relies

on reputation, diplomatic pressure, and national
.courts

Part Three: Private International Law and Cross-Border Justice

Chapter 11: Conflict of Laws — Choice of Applicable Law

Executive Summary

When a legal dispute involves parties of different nationalities or foreign elements (contract in France, performance in Egypt, party in UAE), a key question arises: which law applies

This is the essence of conflict of laws—not a dispute between states, but between legal systems

Core Principle

No unified “private international law” exists. Each state has its own rules for determining applicable

Comparative Systems

French System .1

Autonomy of will: parties may choose the - governing law

Absent choice: law of contract formation (civil - matters) or place of performance (commercial (matters

Tort: law of the place where damage - occurred

Egyptian System .2

Article 18 of the Civil Code: "Egyptian law - "governs the determination of applicable law

Applies law of common domicile or place of - contract formation

Tort: law of the place where the harmful act -

occurred

Common Exceptions

Public policy: foreign law rejected if contrary to - forum's public order

Example: foreign judgment recognizing < slavery—rejected in Egypt and France

Mandatory rules (lois de police): certain laws - (apply compulsorily (e.g., social protection

Practical Model: Choice-of-Law Clause in International Contract

This contract, its interpretation, and enforcement shall be governed by French law

The parties expressly agree that any dispute arising from or related to this contract shall be subject to French law, excluding French conflict-of-law rules

Strategic Warning

**Do not write: "governed by international law."
This does not exist in private law**

**Choose a specific jurisdiction: France, England,
Switzerland, etc**

Chapter 12: International Jurisdiction — Principles and Practical Challenges

Core Issue

**Which national court has jurisdiction over the
dispute**

**Jurisdiction is not automatic—it is based on
objective links between the dispute and the
state**

Jurisdictional Bases in Comparative Law

France .1

(Defendant's domicile (primary rule -

(Place of performance (contracts -

(Place of damage (torts -

Forum selection clause -

Egypt .2

Defendant's domicile (Article 28 of Civil and -
(Commercial Procedures Law

(Place of performance (if known -

(Place of incident (tort claims -

Practical Challenges

A. Forum Shopping

.Parties seek the most favorable court

Example: suing a U.S. company in France due <
to consumer-friendly laws

B. Forum Non Conveniens

Court declines jurisdiction despite competence,
".as another forum is "more appropriate

Accepted in U.S. and UK, not recognized in <
France or Egypt

**Practical Model: Motion to Dismiss for Lack of
Jurisdiction**

This Honorable Court lacks jurisdiction, as the"
defendant resides outside its territorial scope
and no material link exists between the dispute
.and Egypt

The contract was fully concluded and performed
in France and contains an arbitration clause
".referring disputes to the ICC in Paris

Practical Advice

When drafting contracts, include a clear clause
:such as

All disputes shall be submitted to the courts of
".[Paris], excluding any other jurisdiction

Chapter 13: Recognition and Enforcement of Foreign Judgments — Conditions and Procedures

Practical Reality

A foreign judgment is not automatically
.enforceable in another state

Recognition" and "enforcement" require a"
.special judicial proceeding

(General Conditions (Egypt and France

Judgment is final and enforceable in the .1
originating state

Foreign court was competent under accepted .2
international standards

Parties were properly notified .3

**Judgment does not contradict a prior .4
judgment in the enforcing state**

**Judgment does not violate the public policy of .5
the enforcing state**

Procedures in Egypt

**File a “request for enforcement of foreign -
judgment” before a first-instance court**

**Submit certified copy of judgment + legal -
translation**

Duration: 6–18 months -

Appeal: by appeal, then cassation -

Procedures in France

File “exequatur” before the Tribunal judiciaire -

No review of merits—only formal verification -

Faster: 3–9 months -

Examples of Refusal

Judgment issued without defendant - representation (violation of due process

Judgment imposing interest exceeding 15% - ((violates Egyptian public policy

Judgment recognizing a right not acknowledged (e.g., same-sex marriage in Arab states

Practical Model: Petition to Enforce French Judgment in Egypt

The plaintiff requests enforcement of the "judgment issued by the Paris Commercial Court on March 15, 2025, ordering the defendant to .pay 200,000 euros

The judgment is final, the defendant was duly notified, and it neither contradicts an Egyptian ".judgment nor violates public policy

Smart Strategy

If the judgment originates from a state party to the 1971 Hague Convention or the Arab Riyadh Convention, procedures are easier

Egypt is party to the Riyadh Convention—use it for Arab judgments

Chapter 14: International Judicial Cooperation — Extradition, Mutual Legal Assistance

First: Extradition

Basic Conditions

Existence of an extradition treaty or .1 reciprocity

Dual criminality: offense punishable in both .2 states

Minimum penalty of one year imprisonment .3

Not political or military .4

No risk of torture or death penalty (in .5 European systems

Practice in Egypt

Does not extradite its nationals (Article 4, Code - (of Criminal Procedure

Requires assurances against death penalty -

Rejects extradition for political offenses -

Practical Model: Extradition Request from France to Egypt

Pursuant to the Judicial Cooperation Treaty" between Egypt and France (1980), we request the extradition of Mr. X, accused of commercial document forgery, punishable by three years' ".imprisonment in both states

Second: Mutual Legal Assistance

:Includes

Witness examination -

Service of documents -

Asset seizure -

Information exchange -

Mechanisms

Bilateral treaties -

(UN Convention against Corruption (UNCAC -

(Europol network (for European states -

Practical Model: Request for Legal Assistance

We request Egyptian authorities to serve Mr. Y" with the French court decision and collect his testimony as a witness in an international fraud case, per Article 12 of the Judicial Cooperation ".Treaty

Chapter 15: Protection of Individual Rights in

Cross-Border Disputes

Fundamental Rights

Right to defense: party must be notified and given opportunity to respond

Access to justice: foreigners cannot be barred from filing suit

Non-discrimination: foreigners treated equally in proceedings

Practical Challenges

Difficulty accessing counsel abroad -

Costs of translation and service -

Procedural delays -

Protection Tools

Bilateral Agreements .1

Ensure equal treatment in civil and commercial
procedures

(Hague Service Convention (1965 .2

Regulates cross-border service of judicial
documents

Consular Role .3

:Consulates may assist citizens by

Appointing counsel -

Translating documents -

Monitoring proceedings -

Practical Model: Complaint Against Violation of
Right to Defense

The foreign judgment was issued without“
notifying the defendant or granting him a chance
.to defend himself

**This violates Article 14 of the ICCPR and suffices
".to refuse recognition**

Strategic Conclusion

**Protecting individuals in cross-border justice
depends not on "mercy" but on precise
.procedures**

**Document every step, retain proof of service,
.and request consular assistance immediately**

Part Four: International Organizations and Institutional Justice

Chapter 16: The United Nations — Powers, Resolutions, and Legal Effects

Executive Summary

**The United Nations is not a state and lacks
absolute legislative power. Yet it forms the most
important institutional framework for shaping**

international rules, resolving disputes, and imposing collective obligations. Understanding the nature of its resolutions is essential for any international legal practitioner

First: Types of UN Resolutions

General Assembly: recommendations — non-binding

Security Council: Chapter VII resolutions — binding on all states

Economic and Social Council: technical resolutions — non-binding

Second: Binding Resolutions

Only the Security Council may issue binding - .resolutions under Article 25 of the Charter

:Examples -

Resolution 687 (1991): imposed conditions on -

Iraq after the Gulf War

Resolution 1373 (2001): mandated anti- - terrorism measures globally

Third: Non-Binding Resolutions and Their Impact

GA resolutions (e.g., Universal Declaration of - :Human Rights) are not binding but may

Reflect existing customary rules .1

Contribute to forming new custom (opinio .2 (juris

Serve as interpretive aids before courts .3

Practical Example

In Nicaragua v. USA (1986), the ICJ used GA Resolution 3314 (definition of aggression) as .evidence of customary law

Practical Model: Objection to a Security Council Resolution

Resolution XXX exceeds the Council's authority" under Article 39, as no threat to international peace exists

Thus, it does not bind our state, and we reserve the right to challenge its legality before the ".ICJ

Strategic Note

Even non-binding resolutions are powerful .diplomatic tools

Use them in pleadings to strengthen your moral .and political position

Chapter 17: The International Court of Justice — Jurisdiction, Procedures, and Application of Judgments

Jurisdiction

Only between states—no individual or - corporate claims

:Requires express consent from both parties -

Via treaty containing a compromissory - clause

Via declaration accepting compulsory - jurisdiction

Via mutual acceptance at time of dispute -

Procedures

Application filed by applicant state .1

Respondent's reply .2

Written pleadings phase (memorial, counter- .3
(memorial, rejoinder

(Oral hearings (typically 1–2 weeks .4

(Judgment (by majority .5

Duration: 3–5 years

Working languages: English and French

Enforcement of Judgments

.The Court has no enforcement power -

Non-compliance is referred to the Security -
. (Council (Article 94

Veto use often blocks enforcement (e.g., -
. (Nicaragua case

Practical Example

In the Chagos Archipelago case (2019), the
Court issued an advisory opinion (not a
judgment) urging the UK to end its
. administration

Though non-binding, it created immense
. diplomatic pressure

Practical Model: Application to the ICJ

The Republic of X requests the Court to rule "that the Republic of Y violated its obligations under the 1965 Boundary Agreement

, order it to withdraw its forces from Zone Z

and pay compensation of 500 million US ".dollars

Practical Advice

Before filing, confirm the respondent has not withdrawn its acceptance of jurisdiction

Many states (e.g., the United States) reject compulsory jurisdiction

Chapter 18: International Criminal Tribunals — From Nuremberg to The Hague

Historical Evolution

Nuremberg and Tokyo Tribunals (1945–1948): -
ad hoc punitive courts

ICTY and ICTR: temporary tribunals under -
Chapter VII

International Criminal Court (ICC): permanent, -
(under Rome Statute (1998

(International Criminal Court (ICC

:Jurisdiction over gravest crimes -

Genocide .1

Crimes against humanity .2

War crimes .3

(Crime of aggression (since 2018 .4

:Conditions -

Crime occurs on territory of a State Party, or -

Security Council refers the situation -

:Challenges -

No enforcement power -

**Major powers not members (USA, China, -
(Russia)**

Difficulty arresting suspects -

Key Distinction

**The ICC prosecutes individuals—not states—such
.as presidents, generals, and officials**

Practical Example

**Prosecution of Sudanese President Omar al-
Bashir (2009)—first sitting head of state subject
.to ICC arrest warrant**

.Not executed due to lack of state cooperation

Practical Model: Request to Refer Case to ICC

Given the national judiciary's inability to" prosecute perpetrators of crimes against ,humanity in Region X

we request the ICC Prosecutor to open a preliminary investigation under Article 15 of the ".Rome Statute

Strategic Note

International criminal tribunals are as much .political as legal tools

Use them as leverage, even if actual prosecution .is unlikely

Chapter 19: Inter-State Arbitration — Establishment of Ad Hoc Tribunals and Enforcement of Awards

?Why Arbitration

Confidentiality -

Choice of arbitrators -

Procedural flexibility -

Avoidance of political hostility in permanent - courts

Legal Basis

Arbitration agreement (bilateral treaty or - (clause

(Arbitration rules (usually UNCITRAL -

Arbitration Steps

(Arbitration agreement (express or implied .1

Appointment of arbitrators (usually three: one .2 (per party, chair by agreement

Determination of procedural rules .3

Submission of memorials .4

Oral hearings .5

(Award (final and non-appealable .6

Notable Examples

**Chorzów Factory (1928): established full -
reparation principle**

**Yukos v. Russia (2014): 50 billion USD -
award—partially enforced**

**Egypt v. Israel (Taba Arbitration, 1988): -
resolved border dispute**

Enforcement of Awards

.No central enforcement mechanism -

:Relies on -

Diplomatic pressure -

Enforcement against foreign assets (e.g., -
(bank accounts in Europe

(Security Council referral (rare -

Practical Model: Inter-State Arbitration Clause

Any dispute arising from the interpretation or "application of this treaty, unresolved amicably ,within six months

shall be referred to an arbitral tribunal of three ,arbitrators

,under UNCITRAL Rules

,seated in The Hague

".with French as the procedural language

Strategic Conclusion

Inter-state arbitration is not a "quick fix" but a .long-term investment in relations

**The award may not be enforced, but it creates
.an indelible legal record**

Chapter 20: Role of Regional Organizations in the Development of International Law

First: European Union

Supranational legal system -

CJEU judgments binding on member states -

(Integrates international law (e.g., ECHR -

Second: African Union

African Court on Human and Peoples' Rights -

Applies African Charter on Human Rights -

**Intervenes in internal conflicts (e.g., Mali, -
(Sudan**

Third: League of Arab States

Weak enforcement -

No effective Arab Court of Justice -

Relies on mediation and diplomacy -

Fourth: Organization of American States

Inter-American Court of Human Rights -

Binding judgments on states accepting its - jurisdiction

Comparative Assessment

EU: High enforceability—automatic implementation—rule innovation

AU: Medium—diplomacy + sanctions—promotes

African human rights

Arab League: Low—mediation only—limited impact

OAS: Medium—binding judgments—pioneer in human rights

Practical Model: Resort to Regional Court

,As a citizen of an AU member state“

**I bring a case before the African Court on
,Human and Peoples’ Rights**

**as national courts failed to protect my right to
”.fair trial**

Strategic Conclusion

”.Regional organizations are not “mini-UNs

**Each has its own legal philosophy—understand it
.before choosing your forum**

Part Five: Contemporary Issues and Enforcement Mechanisms

Chapter 21: International Sanctions — Types, Legitimacy, and Legal Effects

Executive Summary

Sanctions are not “punishment” but political-legal tools to compel compliance. They may be individual or collective, economic or diplomatic, lawful or unlawful—depending on origin and .nature

First: Lawful Sanctions

(Security Council Sanctions (Article 41 .1

Binding on all states -

:Examples -

(Iran sanctions (until 2015 -

North Korea sanctions -

Override sovereignty as Chapter VII measures -

Bilateral or Regional Sanctions .2

E.g., U.S. sanctions on Russia after Ukraine - invasion

Not internationally binding but practically - effective

May constitute “unlawful intervention” if - targeting state sovereignty (e.g., freezing central (bank assets

Second: Legal Effects

Individuals: asset freezes, travel bans -

Companies: exclusion from SWIFT -

States: restricted access to international - financial institutions

Legal Challenge

Can a single state impose sanctions on foreign
nationals

Prevailing view: no, unless linked to -
(transnational illegality (e.g., money laundering

Exception: under universal jurisdiction (e.g., -
(terrorism

Practical Model: Challenge to Unilateral
Sanctions

The sanctions imposed by State X on citizens of
State Y exceed international jurisdictional
,limits

, violate the principle of non-intervention

".and contravene Article 2(7) of the UN Charter

Strategic Conclusion

.Sanctions are a double-edged sword

Use them as leverage, but do not rely on them
.as a final legal solution

Chapter 22: International Crimes — Definition, Prosecution, and Judicial Challenges

Recognized International Crimes

Genocide (1948 Convention): intent to destroy .1
a national, ethnic, or racial group

Crimes against humanity: widespread attack .2
(on civilians (e.g., torture, mass rape

War crimes: grave breaches of Geneva .3
Conventions (e.g., targeting civilians, prohibited
(weapons

Crime of aggression: use of armed force .4
against another state's sovereignty (recognized
(since 2018

Principle of Universal Jurisdiction

Allows any state to prosecute perpetrators of - international crimes, even without nexus

"Based on "common concern of humanity -

Practical Challenges

Evidence collection: witnesses in conflict - zones

Lack of cooperation: states shield nationals -

Political bias: targeting opponents only -

Practical Example

Universal justice" prosecutions in Germany and" France against Syrian officials—based on .universal jurisdiction

Practical Model: Extradition Request for War Crime Suspect

,Under universal jurisdiction"
we request Egyptian authorities to extradite Mr.
,X
accused of crimes against humanity in Libya in
,2014

pursuant to Article 5 of Egypt's Penal Code
".criminalizing international crimes

Practical Note

National courts are now the "first line of
.defense" against impunity

Use domestic legislation (e.g., Article 5 of
.Egypt's Penal Code) as an effective tool

Chapter 23: Migration and Asylum — International Legal Framework and National Implementation

Legal Foundations

Refugee Convention (1951) and Protocol - (1967): defines refugee, prohibits refoulement

ICCPR: protects right to life and liberty -

Convention on the Rights of the Child: protects - migrant children

Non-Refoulement Principle

No return to a country where risk of torture or - persecution exists

Peremptory norm (jus cogens)—no exceptions -

Modern Challenges

Economic migration vs. asylum: how to - ?distinguish

?Closed borders: are walls permissible -

ECtHR: permissible if migrants' lives are not < endangered

Implementation in Egypt

Not party to 1951 Convention, but applies non-refoulement in practice

Handles asylum seekers through UNHCR -

Practical Model: Asylum Claim Before National Court

The applicant fears return due to political persecution

His claim is protected by non-refoulement

, a peremptory norm of international law

".and the court must block deportation

Strategic Conclusion

Migration is no longer just humanitarian—it is a legal-security issue

Use treaties as defensive tools, even in non-signatory states

Chapter 24: Artificial Intelligence and International Law — Emerging Regulatory Challenges

Emerging Issues

Liability for Automated Decisions .1

?Who is responsible if a drone kills a civilian -

?State? Company? Programmer -

Cyber Warfare and AI .2

**Does an AI-driven cyberattack constitute an -
?"^armed attack**

No clear international agreement -

Algorithmic Bias .3

Facial recognition systems misidentify non- - white faces more often

?Does this violate human rights -

Legal Vacuum

No international treaty regulates AI -

:Current initiatives -

UNESCO Recommendations (2021)—non- - binding

EU proposals—domestic only -

Practical Model: Challenge to AI in Migration Screening

The automated asylum screening system lacks" transparency

,and denies applicants the right to appeal

".violating fair trial rights under the ICCPR

Future Outlook

Within 5–10 years, an “international law of AI”
.will emerge

The first lawyers to master this field will lead
.digital justice

Chapter 25: Enforcing International Law in the
Absence of a Central Authority — Reality or
?Choice

Hard Truth

”.There is no “world policeman

.No court enforces judgments by force

International law relies on political will—not legal
.authority

?Yet... How Is It Enforced

Domestic Incorporation .1

Integrate international rules into national law -

Example: Article 93 of Egypt's Constitution <

Enables national courts to apply international -
law directly

Diplomatic Pressure .2

Political isolation -

Withdrawal of ambassadors -

Suspension of cooperation -

Economic Sanctions .3

As with Iran or Russia -

Effective despite partial legality -

Legal Advocacy .4

**"Publicizing violations creates a "legal stigma -
Damages international reputation -**

Hybrid Tribunals .5

**E.g., Special Court for Sierra Leone -
Mix international and national judges -**

Practical Conclusion

**International law is enforced not because it is
", "binding
but because it is useful, accepted, and
.applicable**

**Strategic Advice for the Lawyer
".Do not wait for "global justice
:Start where you have influence**

National courts -

International contracts -

Arbitration -

NGO advocacy -

Legal media -

.International law is not an ideal system

It is a human project—built day by day

.by those who know how to use it

Conclusion

International law is not a book to be read, but a
.tool to be used

Its strength lies not in its words, but in its power
.to change reality

**This encyclopedia was written for those working
at the heart of that reality**

,the lawyer defending rights across borders

,the judge balancing sovereignty and justice

**the diplomat crafting an agreement that
,prevents war**

**and the arbitrator restoring trust between
.states**

,If these pages help enforce a judgment

,uphold an agreement

—or reclaim a right

.they will have fulfilled their purpose

.And God is the Guardian of success

Dr. Mohamed Kamal Arafa El-Rakhawy —

References

This encyclopedia was prepared based on the following sources, adhering strictly to a comparative and applied methodology

Treaties and International Instruments

Vienna Convention on the Law of Treaties - ((1969)

United Nations Convention on the Law of the - (Sea (UNCLOS, 1982

(UN Charter (1945 -

Geneva Conventions (1949) and Protocols -

Rome Statute of the International Criminal - (Court (1998

Judicial and Arbitral Decisions

ICJ judgments: Nicaragua v. USA, Qatar v. - Bahrain, Chagos Archipelago Advisory Opinion

European Court of Human Rights rulings -

Permanent Court of Arbitration awards -

Relevant national court decisions (France, - (Egypt, UK, USA

Comparative National Legislation

Egyptian Civil Code (provisions on private - (international law

French Arbitration Law (Code de procédure - (civile, Livre IV

Egyptian Enforcement Law (regulations on - (foreign judgments

(Egyptian Penal Code (international crimes -

Academic Works

Brownlie, I. Principles of Public International Law (9th ed)

(.Shaw, M. International Law (9th ed -

Redfern & Hunter, Law and Practice of International Commercial Arbitration

Crawford, J. State Responsibility: The General Part

Abi-Saab, G. Cours général de droit international public (Recueil des Cours

Institutional Reports and Publications

UN Secretary-General reports -

ILC (International Law Commission) - documents

World Bank reports on international investment and arbitration

IOM (International Organization for Migration) - publications

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First Edition – January 2026

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