

# **The Global Order: A Practical Encyclopedia of International Law**

**By**

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**Dedication**

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

**Light of my eyes, reason for my kindness**

## **Legal Notice**

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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 Cédra's 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 -**

## coastal states

### 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<sup>o</sup>  
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 .1  
given opportunity to respond

Access to justice: foreigners cannot be barred .2  
from filing suit

Non-discrimination: foreigners treated equally .3  
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 —**

**January 2026**

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