

University Of Abdelhafid Boussouf- Mila

Faculty of law & political sciences

Department of Law

Lecture three: International Relations Law



Addressed To Third Year Public Law Students-Semester 1

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What is International Relations Law? (ما هو قانون العلاقات الدولية؟)

International Relations Law is the body of legal norms and principles that govern the interactions between states, international organizations, and other actors in the global community. It covers a wide range of issues, from diplomacy and treaties to human rights and environmental protection. It is essential in guiding the behavior of states in the international system, ensuring that there is order, stability, and cooperation.

Unlike domestic law, which applies within a single state, international law governs relations between entities in the international community. This body of law helps resolve disputes, prevent conflicts, and foster cooperation through mechanisms like treaties, conventions, and international institutions.

Key Principles of International Relations Law (المبادئ الرئيسية في قانون العلاقات الدولية)

Sovereignty (السيادة):

Sovereignty refers to the authority of a state to govern itself without external interference. It is a core principle of international law that emphasizes the independence and equality of states in the international system.

Non-Intervention (عدم التدخل):

The principle of non-intervention prohibits states from interfering in the internal affairs of other sovereign states. This principle supports the idea that states have the right to determine their own political and economic systems without foreign influence.

Peaceful Settlement of Disputes (التسوية السلمية للنزاعات):

International law encourages states to resolve their conflicts through peaceful means, such as negotiation, mediation, or arbitration, rather than resorting to violence or war.

Self-Determination (تقرير المصير):

The principle of self-determination asserts that people have the right to freely determine their political status and pursue their economic, social, and cultural development.

International Cooperation (التعاون الدولي):

States are encouraged to cooperate in addressing global challenges such as climate change, terrorism, and economic development. International agreements and organizations like the United Nations foster such cooperation.

Human Rights (حقوق الإنسان):

Human rights law seeks to protect the fundamental rights and freedoms of individuals. Treaties such as the Universal Declaration of Human Rights lay the foundation for international human rights law.

International Responsibility (المسؤولية الدولية):

States and international organizations can be held accountable for actions that violate international law, such as committing war crimes or failing to uphold international agreements.

Treaties and Conventions (المعاهدات والاتفاقيات):

Treaties are agreements between states that are legally binding. Conventions are multilateral agreements between states that address specific issues, such as environmental protection or human rights.

Sources of International Law (مصادر القانون الدولي)

International law is derived from various sources that help to regulate relations between states and other actors:

Treaties (المعاهدات):

These are formal written agreements between states that are legally binding. Treaties can cover a wide range of subjects, including trade, defense, and environmental protection.

Customary International Law (القانون الدولي العرفي): Customary law arises from practices that have become widely accepted by states over time. It is based on consistent and general practice by states, followed by a belief that such practice is required by law (opinio juris).

General Principles of Law (المبادئ العامة للقانون):

These are principles recognized by civilized nations as fundamental to legal systems, such as fairness, justice, and equity.

Judicial Decisions and Teachings (الأحكام القضائية والتعليمات):

Decisions of international courts, such as the International Court of Justice (ICJ), and writings of legal scholars contribute to the development of international law.

Institutions in International Relations Law (المؤسسات في قانون العلاقات الدولية)

Various institutions play a significant role in the creation, enforcement, and interpretation of international law:

The United Nations (الأمم المتحدة):

The United Nations is a key international organization that works to promote peace and security, protect human rights, and address global challenges. Its Security Council can authorize interventions and sanctions, while its General Assembly provides a forum for states to discuss global issues.

International Court of Justice (محكمة العدل الدولية):

The International Court of Justice (ICJ) settles legal disputes between states and gives advisory opinions on legal questions referred to it by the United Nations or other international bodies.

World Trade Organization (منظمة التجارة العالمية):

The WTO regulates international trade and ensures that trade flows smoothly, predictably, and freely between nations. It also helps resolve trade disputes through a structured legal process.

International Criminal Court (المحكمة الجنائية الدولية):

The ICC is responsible for prosecuting individuals for crimes such as genocide, war crimes, and crimes against humanity, ensuring accountability for the most serious offenses under international law.

World Health Organization (منظمة الصحة العالمية):

The WHO is responsible for international public health and coordinates efforts to combat global health issues such as pandemics and infectious diseases.

Types of International Relations Law (أنواع قانون العلاقات الدولية)

International Relations Law can be divided into several subfields, each addressing specific aspects of global relations:

Public International Law (القانون الدولي العام):

This branch deals with the rights and duties of states and international organizations. It governs relationships such as treaties, diplomacy, the use of force, and human rights.

Private International Law (القانون الدولي الخاص):

This area addresses cross-border private transactions, such as international contracts, disputes between private individuals or companies in different countries, and the recognition of foreign judgments.

Human Rights Law (قانون حقوق الإنسان):

Human rights law seeks to protect the inherent dignity and rights of individuals around the world. It addresses issues such as freedom of expression, right to education, and freedom from torture.

International Humanitarian Law (القانون الدولي الإنساني):

This branch of law seeks to regulate armed conflict and protect individuals who are not participating in hostilities, such as civilians, prisoners of war, and the wounded.

Environmental Law (قانون البيئة):

International environmental law aims to address global environmental issues, such as climate change, biodiversity, and pollution. Key agreements in this area include the Paris Agreement on climate change.

Challenges in International Relations Law (التحديات في قانون العلاقات الدولية)

Despite its importance, international relations law faces several challenges:

Enforcement (التنفيذ):

One of the main challenges of international law is the lack of an overarching global enforcement mechanism. Unlike domestic laws, international laws often rely on the willingness of states to comply.

Sovereignty vs. Global Governance (السيادة مقابل الحكم العالمي):

While international law promotes cooperation, states often prioritize their sovereignty, making it difficult to implement international agreements that may limit national control.

Political and Economic Power (القوة السياسية والاقتصادية):

Powerful nations can sometimes influence international law to their advantage, undermining the principle of equality among states.

Global Challenges (التحديات العالمية):

Issues such as climate change, terrorism, and pandemics require international cooperation, but conflicting national interests often hinder effective global governance.

Terminology

- International Law - القانون الدولي
- Sovereignty - السيادة
- State - الدولة
- Diplomatic Immunity - الحصانة الدبلوماسية
- Treaty - المعاهدة
- Convention - الاتفاقية
- Customary International Law - القانون الدولي العرفي
- International Court of Justice (ICJ) - محكمة العدل الدولية
- International Criminal Court (ICC) - المحكمة الجنائية الدولية
- United Nations (UN) - الأمم المتحدة

- International Organizations - المنظمات الدولية
- Human Rights Law - قانون حقوق الإنسان
- War Crimes - جرائم الحرب
- Refugee Law - قانون اللاجئين
- Geneva Conventions - اتفاقيات جنيف
- Peacekeeping - حفظ السلام
- Arbitration - التحكيم
- Diplomatic Relations - العلاقات الدبلوماسية
- Non-Intervention Principle - مبدأ عدم التدخل
- Self-Determination - تقرير المصير