



INTERNATIONAL AND NATIONAL MECHANISMS IN THE APPLICATION OF THE RULE OF INTERNATIONAL LAW

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Abstract:

This research aimed to know the international and national mechanisms involved in the implementation of international law. The descriptive analytical approach was used, and the most important findings reflected that all member states of the United Nations have endorsed the principle of the necessity of universal commitment to the rule of law and its use at both the national and global levels. Moreover, the United Nations works in line with key facts in support of the rule of international law by presenting unified legal standards that work on the rule of international law over national laws and their application in the face of all addressees. It was also found that national courts are a very important component of the implementation of international law at the national level.

Keywords: international law, rule, mechanisms, court, United Nations, legal standards.

1. INTRODUCTION

To achieve economic, political, and social growth, protect fundamental freedoms, human rights, and collective security, it is crucial to reinforce international law both nationally and internationally. Such reinforcement heavily relies on international cooperation through individuals who are knowledgeable in international law.

In accordance with the United Nations Charter and the world's laws, every state must refrain from using force or making any threat inconsistent with the UN's principles and objectives in their international relationships. International disputes should be settled peacefully, without violence, and in a way that does not compromise international peace, security, and justice. Chapter VI of the Charter stipulates that the rule of public international law is a desirable and necessary objective.

A strong rule of international law can bring about numerous benefits, including democracy, peace, and stability. This can be achieved by safeguarding human rights, which has a positive impact both at the local and global levels. Efforts are underway nationally and internationally to reinforce the rule of international law in countries that have struggled with weak or absent legal frameworks. These initiatives emerged primarily after World War II and have evolved over time, with changes in the approach taken by national authorities and the definition of the rule of law at both levels. The geographical reach of international law has also broadened, and the number and diversity of actors involved in the field of worldwide law has increased.

The United Nations plays a prominent role in promoting the rule of law globally, with international and national mechanisms serving to implement the rule of international law at both levels. Individuals with expertise in international law also play a critical role in establishing effective mechanisms within states to uphold and apply international law, adhering to international standards. These mechanisms play a crucial role in ensuring that international legal rules take precedence over domestic legal systems.



THE CONCEPT OF THE RULE OF PUBLIC INTERNATIONAL LAW:

The rule of international law was neither the result of modern legal thought nor its innovation. Rather, it is a product of the entire civilized history, as it has its roots in ancient history, to the time when man revolted against custom, traditions and religious myths, as knowledge of custom and religious teachings was a privilege confined to priests and clerics. The first step taken by man in this field was his codification of those customs and religious traditions, which achieved the general knowledge of the law and its prevalence, and made sure that protecting human rights and freedoms in a serious manner will not be achieved except under the rule of international law declared by virtue of its immutability, stability, and its distinction with the characteristic of generality, abstraction and obligation.⁽¹⁾

The idea behind the rule of law in the narrow sense includes all the advantages available in the law, such as guaranteeing the right to a fair trial and applying the law to those subject to it at the local and global levels. The rule of law would achieve a measure of certainty and predictability with regard to relations between persons of international law and the rest of the members of societies. This is done by restricting the actions of government officials towards individuals subject to internal laws and obligating them to legal rules that transcend and prevail in protecting their rights against the abuse of government agencies. It is achieved through the enforcement of those rules that concern the field of human rights.⁽²⁾

The term "rule" in this context does not connote "domination" or "power and authority over others" but rather refers to governance by law. "Rule" signifies a collaborative connection between those who govern and those who are governed. It also represents a structure for enacting regulations or laws that consider the welfare of all members of society and safeguard and uphold their fundamental rights⁽³⁾.

In the present era, nations encounter numerous local, regional, and global obstacles encompassing justice, security, economy, and politics. These difficulties or strains heighten the likelihood of violence and instability in any country. Some of the challenges that nations face are war, terrorism, organized crime, civil unrest, natural calamities, ethnic and religious discord, human rights breaches, and prejudice⁽⁴⁾.

In 2004, a practical definition of the rule of law was established by the international community. It is considered one of the key principles of governance, with individuals, institutions, public and private entities, and even the state itself being held accountable under laws that are based on equality and applied fairly and independently. International human rights norms and principles should be in line with the rule of law. Emphasising the significance of taking action to guarantee respect to the rules of the rule of law—including equality, responsibility, fairness in how the law is applied, and procedural and legal transparency—is vital⁽⁵⁾.

¹(Jamal Salama Ali, *The Origins of Political Science - A Realistic Approach to Concepts and Variables*, 4th edition, Dar Al-Nahda Al-Arabiya, Cairo, 2012, p. 41.

²(Salem Anwar Ahmed Al-Obeidi, *The Role of Civil Society in Promoting the Rule of Law in Post-Conflict Societies*, University of Tikrit, *Journal of Research in Law and Political Science*, Issue 6, p. 355

³(Rule of Law in other Problems, Cognates False, Clauses Dependent: Learned Lessons Grammar, "Channell W .174): 2010 (72 Review Law Pittsburgh of University," Programming .

⁴(Manal Mahmoud Salih, *The Concept of State Sovereignty in Light of Contemporary International Developments*, 1st Edition, Dar Al-Nahda Al-Arabiya, Cairo, 2011, p. 33

⁵(Justice to Access to Approach Based-Rights Human a to Guide s'Practitioner A; All for Access: Justice for Programming, U.178), 2005, UNDP: Bangkok(



The rule of law is a fundamental concept included into the UN Charter. According to the preamble of the United Nations Charter, one of the aims of the United Nations is to preserve "conditions under which fairness and regard for obligations arising from treaties and other sources relating to international law are able to be maintained." Another significant objective of the UN is the peaceful and fair settlement of international conflicts in accordance with the fundamentals of justice and international law. The 1948 Universal Declaration of Human Rights highlights the importance of the rule of law by declaring that the preservation of people's human rights under the law is essential for their capacity to fight oppression and the rule of law"⁽¹⁾

ELEMENTS OF THE RULE OF INTERNATIONAL LAW:

According to the prevailing standards in the contemporary global society, the concept of the rule of public international law requires all individuals subject to international law to equally respect its provisions as a basis for lawful conduct. However, the rule of international law goes beyond mere respect for its provisions and includes the primacy of international law over national law. Its ultimate goal is to safeguard the rights and freedoms of all individuals, serving as the cornerstone of the rule of international law. Consequently, it is not just a tool for international institutions but also a guarantee that protects individuals' rights under international human rights law in case of violation by persons subject to international law⁽²⁾. These elements include:

1. The formal element ⁽³⁾: The rule of international law requires that international rules be characterized by a set of formal characteristics. These characteristics are called formal because they do not imply anything related to the content or subject of international law. One of the most important formal characteristics is that the international rules are issued by specialized international bodies and include the features of the international rule; comprehensiveness, abstraction, generality and mandatory. The most important formal element of the international legal rule is that it is sufficiently clear, confirmed and published. On the other hand, the international rule that is not clear, uncertain, or not declared sufficiently, is not obeyed by persons of international law. In addition, certainty and clarity can provide protection for the international legal rule when applied. These features establish international sanctions and responsibility for those who violate it. Moreover, the rules of general international law must include a certain generality, especially in the international rules for the protection of human rights. This idea of generality indicates that international rules should not contain a limitation of those who apply them or an exception for those who apply them. It must contain true equality between persons of international law. And the international legal rule must be as stable as possible, since the rule of international law cannot be achieved if the international rule is changed, modified, or abolished⁽⁴⁾. In sum, the formal or procedural elements of the rule of nation global law lie in:

- A. The way to formulate the binding rules of international law in the form of multilateral treaties, imperative rules, or obligations in the face of all.
- B. The element of transparency must be achieved in the legislative processes of international legal rules.
- C. International laws must be published and made available to all persons of international law.
- D. International laws must be imposed on all subjects of international law equally, without discrimination.

¹(Manal Mahmoud Saleh, previous source, p. 38.

²(Cameroon Center for Democracy and Human Rights, " Press Release: New Criminal Procedure Code Comes into Force, Custodians .4 Still Ignorant," January 1, 2007.

³(Abu Al-Qasim Issa, Rules of International Law in the Light of Peremptory Rules, New University House, Alexandria, 2020, p. 16.

⁴(Raoul Willnberg Institute for Human Rights and Humanitarian Law, The Rule of Law, A Guide for Politicians, Sweden, 2012, p. 9.



E. Seeking justice in its application and elimination by an independent international entity such as the International Court of Justice.

2. The inherent objective of global law is to protect individuals' rights and freedoms under public international law. Such rights are considered fundamental to reinforcing the rule of public international law and serve as an effective means of safeguarding human rights. Given that international law represents a core focus of the United Nations, The establishment of circumstances that allow for the preservation of justice and respect for responsibilities resulting from treaties as well as other sources of international law is listed as one of the company's principal goals in the third preambular phrase of the United Nations Charter. ⁽¹⁾ The World Court of Justice is a significant member of the United Nations entity, and the Supreme Court of Justice's Statute is a fundamental component of the Charter.⁽²⁾

The objective aspect is represented in international bodies, which represent the legislative aspect in setting international laws such as international organizations. A good example is the United Nations General Assembly, and the statement of the executive authority to implement the rules of international law in relation to limiting human rights violations, such as the International Security Council, which has the authority to issue international sanctions against people who violate human rights. Another example is the existence of international judicial bodies, which work to resolve international disputes, as well as to set international penalties for those who violate human rights.

This does not oppose the fact that the formal characteristics of public international law can also be realized to some extent in some rules of international law, the source of which is international custom. In sum, the objective elements of the rule of public international law lie in:

- a. Conditions regarding the content of international laws that are characterized by the supremacy of their rules, such as the necessity of consistency of laws with international principles and standards of human rights.
- b. These laws must be clear and precise, with the possibility of predicting them by persons of international law, especially since they are concerned with protecting human rights and limiting the violation of those previously regulated rights at the international and national levels.

INTERNATIONAL MECHANISMS IN APPLYING THE RULE OF INTERNATIONAL LAW:

The United Nations envisions a world where the rule of international law upholds justice, security, and peace. To this end, the Security Council acknowledges the importance of all parties adhering to the rule of law. It emphasizes the crucial role played by promoting justice and the rule of international law in fostering peaceful coexistence and preventing armed conflicts. The principle of preventing the use or threat of force and settling disputes through peaceful means forms the bedrock of the rule of international law at the international level. Therefore, we will now discuss the most effective ways to apply this principle to enhance international peace and security. It is imperative that persons of global law abide by these principles:

1. 1. The global premise of international organizations applying the rule of international law:

The United Nations is committed to promoting the international rule of law both at the international and national levels. The consolidation of the rule of law is crucial for establishing lasting peace after conflicts, protecting human rights, achieving progress and development in the economic field, and ensuring that all individuals, states, and international organizations are held accountable under publicly-issued and applied laws. The principle of equal treatment for everyone is a fundamental concept that underpins the job of the United Countries. The administration of relations between nations is governed by the rule of international law, as stated in the United

¹(The third paragraph of the preamble to the Charter of the United Nations.

²(JORGE URBINA 'Julio 'Protección de las víctimas de los conflictos armados 'Naciones Unidas y Derecho Internacional Humanitario'... 'op.cit. 'p.165; MANGAS MARTÍN 'Araceli 'Conflictos armados internos y Derecho Internacional Humanitario 'Salamanca.1990 'p66.



Nations Charter. In addition to other key UN bodies, the General Assembly and Security Council are crucial to preserving the Charter's requirements. The UN's initiatives to advance the rule of law assist the creation, dissemination, and application of international rules and norms in a number of fields of international law⁽¹⁾.

2. The Security Council emphasises its unwavering commitment to the United Nations Charter, global law, and the global order constructed on the rule of international law in order to restore confidence in the Security Council's role in promoting the rule of international law and upholding global peace and security. This is essential to promote international peace and security through fostering international cooperation and cooperation among states to meet common issues. The Security Council aggressively encourages and prioritises peaceful conflict settlement. It reiterates its appeal to Member States to use peaceful measures to resolve their differences in accordance with Chapter VI of the United Nations Charter. The Council recognises the International Court of Justice's crucial role in resolving disputes between States as the primary UN judicial body and appreciates its invaluable contributions. It calls on States that have not yet accepted the jurisdiction of the Court specified in its statute to consider doing so, as this will reinforce the effectiveness of the Court in promoting the rule of international law and upholding justice⁽²⁾. In addition, the Security Council urges states to seek alternative means of resolving disputes, such as international and regional courts, which offer opportunities for peaceful settlement. These courts play a vital role in preventing and resolving conflicts. The Council emphasizes the significance of the efforts made by the Secretary-General of the United Nations in promoting mediation and the peaceful settlement of disputes between states. It cites the Secretary-General's report of 8 April 2009 on enhancing mediation as evidence of this. To this end, the Secretary-General is encouraged to further enhance his support for asylum using all available diplomatic methods and tools under the Charter⁽³⁾.

3. The gradual classification of international act and international standards:

The foundation of a more peaceful, prosperous, and just world is largely dependent on public international law. Without the rule of international law, a society where justice is replaced by might would not be the alternative, but instead, a society devoid of any potential for long-term peace and prosperity. One of the United Nations' greatest achievements is the development of international law, a comprehensive body of international norms and standards formulated under its auspices. The continuous process of gradually developing and codifying international law is essential to international organizations' work. To strengthen the rule of international law at the resident level, the United Nations needs to invest more resources in developing its capacities to ratify general treaties, coupled with legal training on the application of substantive areas of international law. However, the biggest challenge lies in fully implementing international rules and leveraging their potential to create a better world. Unfortunately, violations of international law still occur too frequently, and the means of holding perpetrators accountable remain limited. The International Court of Justice and other mechanisms for resolving international disputes must be strengthened to reinforce the rule of international law at the global level⁽⁴⁾.

4. Combating impunity:

If a state breaches human rights, it is not held accountable under international law. This is known as impunity. This might be seen as a bad deed. According to the Inter-American Court of

⁽¹⁾(See: Saeed Al-Sayed Ali, *Basic Principles of Contemporary Political Systems and Systems of Government*, Modern Book House, Cairo, 2007, 56.

⁽²⁾(United Nations, Security Council, Encouraging and Strengthening the Rule of Law in the Maintenance of International Peace and Security - 26 June 2010, Statement Submitted by the President of the Security Council At the 6347th meeting of the Security Council held on 26 June 2010, the President of the Security Council made the statement on behalf of the Council, available On the United Nations website: Welcome to the United Nations.

⁽³⁾(UN Security Council: Resolution No. (1894) / 2009.

⁽⁴⁾(See: Atef Abdullah Abd Rabbo, previous source, p. 285.

Fundamental Rights, Impunity is the lack of investigation, legal action, arrest, trial, and punishment of individuals guilty of human rights violations. The draught set of values for the protection and advancement of human rights through action to combat no consequences, which was created by an expert on those who engage in civil and political infringements of human rights and is currently being reviewed by the UN Committee on Human Rights, includes a proposal for a definition of impunity. The proposal's article (18) defines impunity as a state's failure to carry out its responsibilities to look into violations, take appropriate action against offenders, particularly in the area of justice, make sure they are prosecuted and punished, and ensure that victims receive adequate remedies and compensation for the harm they have endured. In order to prevent future instances of these infractions, it is also crucial to take preventive action.⁽¹⁾ When perpetrators of human rights violations are allowed to act with impunity, it violates a State's pledge to uphold human rights. As the expert on impunity has highlighted, impunity runs counter to the responsibility of a State to prosecute and penalize those who commit human rights violations. This duty is considered essential in guaranteeing victims' rights to obtain material compensation and the right to information, or more precisely, the right to know the truth.

5. Strengthening international criminal justice to uphold the rule of international law requires the collaboration and expertise of various national and international entities. Revitalizing a weakened criminal justice system is vital for successful peacebuilding, and this involves an array of interconnected activities such as allocating essential resources, renovating the judiciary and correctional facilities, recruiting and scrutinizing new criminal justice personnel, and overhauling the entire legal framework and court system. Apart from addressing the physical and human aspects, it is equally essential to ensure that the laws applied promote the rule of international law through the enforcement of binding international legal regulations⁽²⁾.

The United Nations regards justice as a fundamental principle for ensuring accountability, fairness, and protection of human rights, as well as preventing and punishing abuses. It involves safeguarding the rights of the accused, prioritizing the interests of victims, and promoting the welfare of society as a whole. Justice is deeply ingrained in various national cultures and traditions. Although formal judicial mechanisms are often used to achieve justice, traditional dispute resolution mechanisms are also crucial. As a result, the international community has established substantive and procedural standards to guide the administration of justice⁽³⁾.

NATIONAL MECHANISMS FOR APPLYING THE PRINCIPLE OF THE RULE OF INTERNATIONAL LAW:

Constitutions, and the proliferation of new constitutions, are crucial to the United Nations' approach to strengthening the international rule of law. They often play a critical role in implementing international law. Many countries' constitutions provide for the direct application of international law in their domestic legal systems. However, in some cases, it may be necessary to pass domestic legislation where international obligations lack the necessary level of precision to be self-enforcing. In this context, a constitution can establish that national law is subordinate to international law. It may also establish procedures for courts to assess the compatibility of national law with the state's international obligations, including taking into account relevant decisions of international courts. Therefore, we will discuss the most important national mechanisms for applying the principle of the rule of international law in the following sections:

1. The acknowledgment by states of the decisions made by international organizations is crucial in upholding the rule of international law. In 2004, Kofi Annan, the Secretary-General of the United Nations, emphasized the importance of restoring and expanding the scope of the rule of

¹(See: International Commission of Jurists, *Military Justice and International Law - Military Courts and Gross Violations of Human Rights*, Part 1, Geneva, 2004, p. 46.

²(See: Vivian O'Connor and Colette Roche-Hans-Georg Albrecht and Goran Klemencek, *Model Laws of Post-Conflict Criminal Justice*, Volume II, United States Institute of Peace, 2011, p.6.

³(See: United Nations, Twelfth United Nations Congress, *Crime Prevention and Criminal Justice*, Salvador, Brazil, 12-19 April 2010-2012, UN Publication 2010, p. 5.

international law worldwide. He described it as a framework that prioritizes right over force, rather than the opposite. Annan warned that the rule of international law was under threat globally, with many nations disregarding established laws. Annan urged the United Nations, as a collective entity, and each Member State individually, to remain committed to enforcing legal principles that underpin the United Nations Organization. He emphasized that these principles should be reinforced at every level and in every circumstance.⁽¹⁾ Over time, the United Nations has developed standards and norms through various instruments in an ad hoc manner. States usually address issues as they arise, and action is taken when the necessary political will is evident. This action can take various forms such as policy statements, legislative texts, declarations, guidelines, manuals, statements of principles, or agreements. Conferences have been able to create texts that set standards applicable to all countries, with most of these legal rules being contained in resolutions of relevant UN bodies. Some of these articles are increasingly being included in treaties or becoming a body of customary legal rules. However, as these instruments have been created over half a century, it is difficult to consider them as a complete code of recommended practice. They represent areas where a high degree of consensus has been reached at a given time, and there may be overlap, repetition, and obsolescence. Despite these limitations, these instruments have had a significant impact on the development of criminal justice and the consolidation of the rule of law. More generally, they have contributed to the formation of a global conscience that upholds the principles of integrity, freedom, and respect for values ⁽²⁾.

2. The State's reinforcement of the concept of global democracy:

The truth is that the state in which the citizen enjoys his full rights within the framework of respecting the rights of others is a democratic state that seeks to consolidate the application of the law both domestically and internationally⁽³⁾. Additionally, democracy, which is founded on the rule of law, is ultimately a tool for achieving world peace and security, advancement and development in the economic and social spheres, and respect for human rights. As stated in the United Nations Charter, these are the three pillars around which the organization's purpose is built. The normative fabric of the United Nations is infused with democratic values in every aspect. Indeed, the first phrase in the Charter itself, which is "We the peoples of the United Nations," is closely followed by important references to the basic pillars of democracy: Human rights, basic liberties, gender equality, freedom, and the abolition of prejudice based on a person's gender, language, or religion are all important concepts. The General Assembly clarified on the general human rights provisions in the Charter in the Universal Covenant of Human Rights, including the obligations related to equal treatment, equality before the law, freedom of expression, assembly, and association, which are acknowledged as essential rights for democracy ⁽⁴⁾. During the 2005 World Summit, the governments of the world reasserted their belief that democracy is a universal value. They emphasized that democracy is based on the free expression of the will of people in determining their own social, economic, political, and social coordination and the full participation of individuals in all characteristics of their lifetime. The summit highlighted the interconnectedness and mutual reinforcement of democracy, development, and adherence to all basic liberties and human rights.

⁽¹⁾(See: The United Nations, facing the challenges of a changing world, the annual report of the Secretary-General (Kofi Annan) on the work of the organization 2006, New York, 2006, p. 56.

⁽²⁾(See: The reports of the Secretary-General submitted to the General Assembly on the implementation of the conclusions or recommendations of the Fifth Conference, the Sixth Conference, and the Seventh Conference, and the note submitted by the Secretary-General to the Committee on Crime Prevention and Control at its eleventh session, and also considers General Assembly resolutions 3021 (D-27) of 18 1 December 1972, 32/59 of 8 December 1977, 35/171 of December 1980, 40/32 of 29 November 1985, 45/108 of 14 December 1990 and 46/152 of 18 December 1991, 50/145 of 21 December, and 55/59 of December 2000.

⁽³⁾(See: The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo 29 April - 8 May 1995, United Nations Publication, New York, 1995, p. 53.

⁽⁴⁾(See: United Nations, Guidance Note of the Secretary-General on Democracy, UN Publication, 2010, p. 2.



The summit also reaffirmed its commitment to supporting democracy by enhancing the capacities of countries to apply democratic principles and practices. In addition, the United Nations was tasked with strengthening its ability to aid Member States in their efforts to uphold democracy.⁽¹⁾

3. Member nations must recognise the International Court of Justice's authority to promote international law. Only 66 of the UN's 192 member states have accepted the Court's compulsory jurisdiction under paragraph (2) of Article 36 of its statute.

In our view, the Court has proven its vital and constructive role in resolving disputes since its inception. Encouraging more states to consider accepting its jurisdiction would benefit member states and the international community. Furthermore, promoting legal and non-legal tools, such as arbitration and conciliation, that support binding commitments in areas such as trade and investment is crucial to strengthening the rule of international law⁽²⁾.

4. Combating Corruption by States:

Bribery in International Business Transactions, and the United Nations Convention against Fraud and Inducement in International Business Transactions. But because corruption has so many different aspects, a unique instrument was required to address this problem. As a result, After less than two years of talks, the UNGA adopted the UN Convention against Injustice on October 31, 2003.⁽³⁾ This Convention establishes a wide range of preventive measures and requires Member States to specify a range of offences. It also contains basic provisions on promoting international cooperation in criminal matters and specific aspects of cooperation in the field of international law enforcement. The Convention is a significant achievement due to its introduced comprehensive provisions.⁽⁴⁾ The United Nations has taken a lot of action throughout the years to address the problems caused by corruption. This includes the adoption of numerous instruments like the International Standards of Conduct for Public Officials, the United Nations Declaration against Bribery, and the launch of the Scientific Programme to Combat Corruption by the United Nations Office on Drugs and Crime to offer aid to Member States in bolstering legal and institutional structures and consolidating integrity assurances. This program also collects good practices and lessons learned in a set of publications and improves cooperation between internationally active agencies in anti-corruption policy⁽⁵⁾. This contributes to strengthening the rule of international law and improving cooperation between internationally active agencies in anti-corruption policy and defending it, thus strengthening the rule of international law.

CONCLUSIONS:

1. All UN member nations have supported the notion of a universal dedication to the rule of law to advance and defend human rights. This idea, which is applicable both nationally and internationally, is a basic goal of the United Nations in preserving world peace and security.

2. The United Nations plays a critical role in promoting the rule of international law by establishing unified legal standards that take precedence over national laws and are applicable to all. This is achieved by supporting intergovernmental bodies in developing global policies, standards, and norms and providing technical and financial support to member states upon request. The United Nations also collaborates with civil society to establish effective partnerships in promoting and applying international law.

⁽¹⁾(See: United Nations, Guidance Note of the Secretary-General on Democracy. Ibid., p. 3.

⁽²⁾(See: Atef Abdullah Abd Rabbo, previous source, p. 284.

⁽³⁾(The United Nations General Assembly, by its resolution 51/55, established an ad hoc committee to negotiate a broad and effective anti-corruption agreement on a comprehensive and multidisciplinary basis.

⁽⁴⁾(See: UNDP (2008), UNDP Framework on Corruption and Development: Guidance Note on Anti-Corruption, New York: UNDP, see also UNDP Promoting Social Accountability: Guidance Note, issued September 2010, p. 19.

⁽⁵⁾(Including the UNODC September 2004 Anti-Corruption Toolkit, the UN Handbook on Anti-Corruption Policies and the UN Handbook on Practical Measures. Anti-corruption for the use of prosecutors and investigations September 2004.



3. The rule of law is a shared concept at national and international levels, requiring the same characteristics in both contexts. This includes an independent and impartial judiciary, clear and accessible laws that are equally applied to all, and effective law communication. Compliance with the rule of law is essential to ensure justice, promote human rights, and maintain peace and security.

4. National courts are a crucial element in international law enforcement at the national level, and they can play a vital role in ensuring that states, organizations, and individuals fulfill their obligations under international law. Therefore, the future of the rule of international law relies significantly on the effectiveness of national courts. It is important to note that national courts have limitations in their ability to apply all the rules of international law to all types of disputes and subjects of international law. Nonetheless, there are circumstances where national courts can make a valuable contribution, particularly in cases where they have jurisdiction over the detention of individuals from other countries responsible for violating basic human rights.

In such cases, national courts can uphold international legal standards and hold perpetrators accountable, thereby promoting compliance with international law. Additionally, national courts can interpret and apply international law in their domestic legal systems, contributing to the harmonization of national and international legal frameworks..

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