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International Community

For 1st Year L.M.D Student

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Importance of Studying the International Community

- Defining the International Community for Students.
- Allow students to understand the historical development stages of the international community, starting from ancient times through the Middle Ages and up to the modern and contemporary international community.
- Provide students with knowledge related to key actors in international law, including States Exercising Sovereignty, Various Manifestations of International, Regional, and Non-Governmental Organizations, Liberation Movements, Multinational Corporations, Individuals, and Their Interrelationships, Alongside the Resultant Rights and Responsibilities.

Introduction:

The term "international community" is commonly used during crises that threaten international peace and security, such as wars, revolutions, and even internal armed conflicts like civil wars. This term is also spread in news bulletins, political analyses, and international reports, making it familiar to everyone. It is often linked with criticisms of ineffectiveness and inaction in addressing numerous international issues, such as long-lasting crises affecting Palestine, Western Sahara, and others.

International community law serves as an introduction to the study of international law in its various branches. Therefore, it is considered the foundation and basis for understanding other modules in the coming years, such as International Public Law and Human Rights in the second year, and International Humanitarian Law and International Criminal Law, which are studied in the third year of the General Law curriculum.

Therefore, this course will be presented in three main chapters. The first chapter will discuss the concept of the international community by defining it, presenting its characteristics, and discussing its sources, followed by an examination of its historical development. The second chapter will cover the actors in the international community, starting with states, then international organizations, and concluding with the third chapter, which will address the legal status of newly emerging entities in the international community, including individuals, liberation movements, multinational corporations, and others.

Course Chapters

- First Chapter: Definition of International Community
- Second Chapter: Actors in the International Community (States and International Organizations)
- Third Chapter: The Legal Status of Emerging Entities in the International Community (Actors, Liberation Movements, and Multinational Corporations)

First Chapter: Definition of International Community

• First Section: Definition of the International Community

• Second Section: Characteristics of the International Community

• Third Section: Sources of International Community Law

• Fourth Section: Historical Evolution of the International Community

First Chapter: Definition of International Community Law

International community law consists of a set of rules that apply to members in the international law in the context of international relations. It also regulates how these members interact with each other and with other entities. People who are subject to international law are collectively referred to as the international community. This term represents an ever-evolving concept, and this evolution has had an impact on the rules of international law.

International community law serves as the legal framework that governs the many components of the international community. It outlines how members within this community come into existence, their rights, and their responsibilities. To understand this legal framework, it is important to begin by defining the concept of the international community itself. This concept is basically linked to the international community law and is a reflection of it. Therefore, it is important to provide a clear definition of the international community, discuss the sources of the applicable law, and highlight its key characteristics.

First Section: Definition of the International Community

There are various opinions (viewpoints) among scholars regarding the existence of the concept of the international community as an independent community with its own members and entities. These opinions can be divided into three main categories:

1. A viewpoint that denies the fundamental existence of the international community, viewing what dominates international relations as mere chaos and confirming the absence of international law, with the law of power governing relationships.

2. A viewpoint that recognizes the existence of a genuine (real) community of individuals and entities that have distinctiveness (uniqueness) and independence, connected by solidarity and mutual influence, often referred to as an "international community."

3. A viewpoint that sees the international community as a collection of moral and legally accountable entities, such as individuals and organizations.

The term "international community" refers to the collective of independent political entities that interact with each other in the world. This includes states, international organizations like the United Nations, the African Union, the European Union, and other organizations that have been established through international agreements and treaties. This assumes that all of these entities face the challenge of working together to find solutions to different crises in the name of the common interest and the universality of shared human values. In their interactions with each other, these entities are subject to international law.

These entities within the international community have political characteristics, differing in their organizational structures and the elements that constitute them. Each entity depends on its own unique strategy to assert its presence and political weight within this community.

The international community is composed of entities with international legal personality, including states and government-owned international organizations, as well as other entities that do not possess this status. These non-state entities include non-governmental international organizations, national liberation movements, national committees, and other independent political entities.

Second Section: Characteristics of the International Community

The international community is characterized by a set of features that distinguish it from other communities.

First: The international community is composed of independent international political entities.

It is a group of individuals recognized under international law as having legal personality, rights, and international obligations that govern their relationships. Therefore, these

are political entities, and they are characterized by their independence, meaning they are not subject to any higher authority.

Second: A community without superior authority.

Relationships in the international community are horizontal, not vertical. There is no authority that supersedes (replace) the sovereignty of states, not even international organizations, which do not govern states.

Third: A community with relative obligations.

One state may sign an agreement that another state does not sign, making the signing state bound by the agreement while the non-signing state is not. This highlights the relative effects within the international community.

Fourth: A community with conflicts.

Contemporary developments have shown that the international community experiences conflicts. After economic and ideological conflicts between the East and the West, the international community entered a cold war, which lasted for years. However, racial and linguistic protests reappeared after the breakdown of communism.

Fifth: A community that seeks solidarity.

European countries, after the World Wars and the devastation (destruction) to humanity, wanted to stabilize continents through treaties, conferences, and organizations, particularly the League of Nations and the United Nations, with the aim of achieving international peace and security.

Sixth: Absence of legislative authority to enact rules for the international community.

The international community is characterized by the absence of an authority that governs the sovereignty of states and sets the laws that govern them. Therefore, some argue that the absence of this authority has turned it into a chaotic and virtual community. However, this view is not accurate because most rules of international law are unwritten and arise through custom, agreements between states, or international organizations. These rules are codified after getting used to their practice and having a sense of their obligation, turning them into written rules documented in the form of international treaties.

Seventh: Proportional consequences between entities of the international community.

Despite the existence of international legal rules prescribed (set) by sources of international law, these legal rules are generally abstract and general, addressing entities by their attributes rather than their individual identities. However, some argue the absence of consequences or lack of bindingness (obligation) of international law. Nevertheless, it is impossible for jurisprudence to deny the existence of the concept of consequences in the international community based on its absence from explicit rules in this law. Consequences indeed exist in the international community and have changed with the development of international law.

In case an individual within the international community fails to respect its international obligations, they are subjected to consequences. However, these consequences differ from those imposed on individuals and often take the form of compensation, especially when unlawful acts result in harm to another state. Alternatively, they may take the form of punitive sanctions (**military or non-military**), as stipulated (specified) in the United Nations Charter.

Moreover, these consequences are relative, meaning that they depend on the general consent of states to submit to the provisions of international public law. No state is automatically or coercively subjected to it. In other words, its rules are based on the consent of states, except for the imperative rules of international law, which cannot be violated, nor can there be an agreement to violate them.

Eighth: Consensual Arbitration among Members of the International Community

There are numerous international judicial bodies, each with its own specialized jurisdiction. Among the most significant are:

- The International Court of Justice, even though it specializes in states, its judgments remain advisory.
- The International Criminal Court specializes in the prosecution of individuals, not states or governmental international organizations.
- Human Rights Courts (e.g., the European Court, the African Court, and the Inter-American Court).

Furthermore, international justice differs from national justice in that it is consensual. In other words, it depends on the general consent of states to submit to the provisions of

international public law. No state is automatically or coercively subjected to it. Therefore, its jurisdiction is subject to the acceptance of states. It cannot consider a specific case unless the parties to the dispute have accepted its jurisdiction. Thus, no international court has compulsory jurisdiction unless the parties involved have declared their acceptance in the fundamental statute for all legal disputes arising between them and other states that have accepted the same commitment.

Third Section: Sources of International Community Law

International law scholars distinguish between official sources and supplementary sources of international law, and they often refer to Article 38 of the Statute of the International Court of Justice, which states:

"The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

b. international custom, as evidence of a general practice accepted as law;

c. the general principles of law recognized by civilized nations;

d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case ex aequo et bono[1] if the parties agree thereto."

From the text of Article 38, we can deduce that sources of international law can be categorized into:

Primary Sources:

1. **Treaties:** Article 2 of the 1969 Vienna Convention on the Law of Treaties defines treaties as follows: "An international agreement concluded between States in written form and

[1] Latin for "according to the right and good," which means **justice and equity** .the term (also known as amiable compositeur) refers to a tribunal's consideration of a dispute according to what is fair and just given the particular circumstances, rather than strictly according to the rule of law.

governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation..."

The legal scholar Reuter Paul defines treaties as: "The process of expressing the harmonious intentions of two or more persons under international law, with the aim of creating legal effects in accordance with the rules of international law."

Therefore, a **treaty**, in simple legal terms, **is any legal agreement entered into in writing between two or more entities under international law with the intention of creating legal effects.**

2. **Customary International Law:** It consists of unwritten rules resulting from a consistent and general practice, accepted as law by members of the international community.

3. **General Principles:** These are fundamental principles recognized and relied upon by international and domestic legal systems. They can be divided into general principles of international law, coming from the foundations of the international legal system (such as the principle of state equality, freedom of navigation on the high seas, and the right of states to their natural resources), and general principles coming from domestic law systems, shared among these systems (examples include the principle of good faith in the exercise of rights and the principle of respecting acquired rights).

Supplementary Sources:

1. **Judicial Decisions:** Refers to judgments issued by international courts and tribunals, including the legal rules and principles contained therein.

2. **International Jurisprudence:** This term refers to the studies, research, and publications of prominent legal scholars in the field of public international law. As a result, the International Court of Justice has traditionally referenced the opinions of these legal scholars in its judgments, acknowledging their significant role in the field of international law.

3. **Principles of Justice and Equity**: These are legal principles resulting through reason and the wisdom of legislation. However, the International Court of Justice requires the consent of the disputing parties to apply principles of justice and equity, making it a source of law through agreement and consent.

What can be observed from the analysis of Article 38 of the Statute of the International Court of Justice is its neglect of an important source of international law, specifically international decisions issued by international organizations, especially those of the United

Nations Security Council and the General Assembly. Some legal scholars attribute this omission to the historical and political circumstances surrounding the drafting of the Court's Statute, which was developed under the auspices (guidance) of the United Nations League. International decisions by organizations like these, in addition to individual state actions, constitute a modern source of international law.

Fourth Section: Historical Evolution of the International Community

The development of the international community has passed through various significant stages, which we will summarize as follows:

First: Ancient Times (Before Christ to 476 AD)

The emergence of the international community is closely connected to several ancient civilizations. It is essential to recall the historical stages of the international community's development. Some scholars agree that ancient times witnessed the emergence of some aspects of international law. This can be illustrated with the following examples:

- **Indian Civilization:** The Indian legal code, known as the "Laws of Manu," regulated rules of warfare, treaty-making, and diplomatic representation. It was developed around 1000 BC.

- **Mesopotamian Civilization:** The Sumerian state in southern Mesopotamia (modern-day Iraq) engaged in numerous international interactions and relations around 4000 BC. For example, there was a treaty in the early history (3100 BC) between Ennatum, the victorious ruler of the city-state of Lagash, and representatives of the people of Umma. This treaty included specific provisions for arbitration in disputes.

- **Pharaonic Civilization:** The ancient Egyptians, around 3200 BC, entered into various treaties with neighboring kings. These treaties were categorized as follows: treaties of vassalage, alliances, and protection. For instance, an agreement was made in 1279 BC between Pharaoh Ramesses II of Egypt and Hattusili III, the Hittite king, which contained special provisions for cooperation in case of a common enemy and the extradition (repartition) of fugitive criminals.

- **Greek Civilization:** The Greek society consisted of multiple independent city-states, each with full autonomy. This system led to the development of certain rules of international law governing relations between these city-states during both peace and wartime.

Greeks also recognized some regulatory principles for warfare, such as the necessity of declaring war before engaging in it.

- **Roman Civilization:** In Roman civilization, Roman citizens were subject to the Jus Civile (the Roman civil law). As the number of foreigners increased in Rome, authorities appointed judges specifically for them, known as "judges of foreigners." These judges applied customary law and principles of ethics and justice. This body of law was later referred to as the Jus Gentium (Law of the People). Romans also established another system to govern their relations with other nations, which involved the appointment of a group of 20 religious officials called the "Fetiales" who were responsible for applying divine law (Jus taorum) to Rome's relations with other peoples. Those nations that did not have treaties with Rome did not enjoy protection under Roman law.

What distinguishes (differentiates) this period:

- The existence of some customary international rules that different civilizations contributed to forming, given that these civilizations did not share a common law among ancient states. Equality before the law for different nations was not recognized, and social foundations for international law were limited.

- The concept of international law as understood today was not fully understood during ancient times. **Foreigners were often considered as enemies**, and there was no sanctity associated with treaties. The law of force governed international relations during that era.

- Ancient civilizations contributed to the formation of some international law rules through geographically and contextually limited interactions. However, there was no equivalent to the contemporary international community, which enjoys a degree of organization, stability, and adherence to established legal principles.

Second: The Middle Ages (476 AD to 1453 AD)

The Middle Ages began with the fall of the Western Roman Empire in 476 AD and ended with the fall of the Eastern Roman Empire in 1453 AD. This period was characterized by the division of society into two major parts: the Islamic society and the Christian society.

1. **Islamic Society:** Islamic civilization played a significant role in establishing many principles of international law. It started with the founding of the Islamic state in 622 AD and the following development of numerous international rules and humanitarian principles,

which formed the basis of international relations. Islamic jurisprudence categorized the international community into three parts:

A- Dar al-Islam (House of Islam): The goal of Islam was to unify all Muslims. It did not recognize the division of the world into Islamic states. All lands where Islamic law (Sharia) was applied, and Muslims had authority were called Dar al-Islam. Muslims, non-Muslims under a pact (dhimmis), and those granted security (musta'min) lived in these lands.

- Muslims were those who followed Islam and adhered to the principles of Islamic law.
- Dhimmis were non-Muslims who were part of the Islamic society and enjoyed certain rights and protections in return for paying the jizya (a financial tax).
- Musta'min were non-Muslims who did not convert to Islam but wanted protection from the Islamic state while residing within its territory for a specified period.

B- Dar al-Ahd (House of Covenant): These were lands that did not follow Islam but had treaties (covenants) with the Islamic state, and hostilities were not declared against them. Covenant, in this context, referred to a temporary peace agreement, such as truces, ceasefires, and reconciliation.

C- Dar al-Harb (House of War): These were lands that did not follow Islam and did not have any agreement or covenant with the Islamic state.

Islamic law (Sharia) put rules to govern international relations both in peacetime and during warfare. The principles of modern international humanitarian law can trace their origins to Islamic law.

2. **European Society:** Medieval Europe was characterized by political chaos, feudalism, and the dominance of the papacy. This period saw the Thirty Years' War between Catholic and Protestant European states, which ended with the Treaty of Westphalia in 1648. This treaty drew inspiration from the writings of philosophers and theologians influenced by Greek idealistic philosophy. It laid the foundations for the concept of collective security and marked the beginning of the modern state and international community. By ending the authority of the Pope, it put an end to religious and sectarian conflicts. Although the treaty did not establish the principle of permanent peace, it did provide relative stability among European states by preserving the existing territorial boundaries. Therefore, the Treaty of Westphalia marked a new direction in international relations and laid the groundwork for the European collective security theory.

Results of the Treaty of Westphalia:

1. Appearance of the concept of the state and the international community.
2. Preparation of international conditions for meetings to discuss common interests.
3. Adoption of the principle of equality among states.
4. Establishment of the system of permanent embassies replacing temporary missions, recognition of diplomatic representation, and the exchange of ambassadors, which became an international norm among European states after the treaty.
5. Opening the door for the codification of legal rules.
6. Shifting international relations towards cooperation and participation rather than domination and subjugation.
7. Adoption of the principle of relative equality among states, thereby achieving the principle of non-interference in internal affairs.
8. Laying the initial principles of traditional international law, which later progressed into public international law.

Third: The Modern Era

The Treaty of Westphalia is considered the cornerstone that established the foundations of traditional international law. Additionally, prominent scholars during this period, such as Grotius, Suarez, Vitoria, and Machiavelli, contributed to the development of international legal principles.

The Vienna Congress (1815-1818) is another significant event in this era. It was an international attempt to redraw the political map of Europe, bringing together European monarchs, ministers, and diplomats in Vienna. The goal was to regulate European affairs and restore international balance, especially after the French Revolution. Many principles were adopted during this congress, including the principle of neutrality and the principle of balance of power, among others.

This period was also marked by the Monroe Doctrine, declared by the U.S. President in 1823. This doctrine outlined many principles and norms of international law, particularly those related to humanitarian international law. Then, agreements and conferences, such as the Hague

Peace Conferences of 1899 and 1907, led to the development of rules for peaceful dispute resolution, laws of land and naval warfare, and rules of war.

Thus, this era was characterized by the establishment of legal rules governing relations among the international community, particularly among European states. Some refer to this period as the European Community era, but it is important not to ignore the presence of American continent nations, especially towards the end of this era.

Fourth: The Contemporary Era from 1914 to the Present

This era witnessed the rise of international organizations as key players in international law. Notable organizations include the Universal Postal Union (1865), the World Health Organization (1946), the World Bank (1944), and the International Monetary Fund (1944). Additionally, two world wars happened during this period.

Following World War I, efforts were made to find solutions, starting with the Paris Peace Conference of 1919 and the signing of the Treaty of Versailles in 1919. The League of Nations was established, initially consisting of 42 member states and later expanding to 58 member states. However, the League was weak for various reasons, including the inadequacy of its texts and the absence of authorities appropriate to its tasks. Additionally, major powers like the United States and Germany did not join the League, and France and Britain held significant influence within it.

After the failure of the League of Nations following World War II, it was dissolved in 1946. Efforts were then made to create a new organization, the United Nations (UN), which was established during the San Francisco Conference in June 1945. The UN's primary objectives include preserving international peace and security, developing friendly relations among nations, ensuring self-determination for all peoples, promoting international cooperation on economic, social, cultural, and humanitarian issues, and safeguarding human rights and fundamental freedoms for all. The UN has key bodies, including the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat.

The United Nations preserved several principles, including the principle of sovereign equality among all its members, the principle of good faith, and the principle of non-interference in the internal affairs of states.

Second Chapter: Actors in the International Community (States and International Organizations)

Through our study of the historical evolution of the international community, we have observed that it is a community that constantly evolves in response to ongoing changes and developments. This has led to changes in the actors within the international community and the emergence of entities.

To discuss the actors in the international community, we must first understand the concept of international legal personality. International legal personality is not limited to states alone but is a concept that can apply to any entity within the international community as long as it fulfills its elements and has an impact on and is impacted by it.

International jurisprudence is divided between those who support and oppose the existence of international legal personality. Some, like jurist Hans Kelsen, denied its existence, primarily based on their denial of the moral personality in general. They regarded the international legal personality of the state as a mere formal political organization of the powers it uses for its purposes in both domestic and international systems. On the other hand, the majority of international law scholars acknowledge the existence of international legal personality.

There are several definitions of international legal personality. It can be defined as: "The capacity to acquire rights and assume duties with the ability to protect them through the filing of international claims." It can also be defined as: "**Any human unit that occupies a position in building the international community and exercises international, regional, or specialized jurisdiction, regulated by international legal rules. It also defines the rights, obligations, and responsibilities of this entity towards other international entities or towards the international community as a whole**."

International legal personality is determined by the fulfillment of certain conditions:

1. Eligibility **to acquire rights** and assume duties and obligations.

- Rights include the right to **conclude treaties**, diplomatic representation, sending and receiving diplomatic and international missions, and enjoying international and diplomatic privileges and immunities.

- Obligations include respecting international law, **executing international obligations in good faith**, refraining from using force or threatening to use it unlawfully in international relations, settling international disputes through peaceful means, refraining from interfering in the internal affairs of other international personalities, and respecting the rights of other international personalities.

2. The ability to **protect its rights** through the submission of international claims, meaning its ability to file legal cases before international courts.

3. The ability to **establish an international legal** basis with other international entities, whether through treaties or customary practices.

4. The ability to **engage in legal actions** with other subjects of international law, such as establishing diplomatic relations with states and organizations, as well as engaging in individual actions to protect its legal properties.

Based on the definition and the required conditions for international legal personality, it becomes evident that only states and international organizations are considered as actors in international law. Others may be included among the entities newly introduced to the international community. Therefore, we will discuss states in the first section and international organizations in the second section of this chapter.

Section One: States

States are the primary legal entities in the international community, with their origins traced back to the Treaty of Westphalia.

First Subsection: Definition of the State

Numerous political and legal definitions of the state exist, each emphasizing different aspects of its nature. In international law, a state can be defined as an independent political

entity equipped with international legal personality. This definition underscores the presence of a population, territory, and a governing authority.

This definition highlights that the essential components of a state are its people, government, and territory. Meanwhile, the constitutive elements of the state are sovereignty and recognition.

It is crucial to differentiate between a state and a nation, as they are sometimes confused. A state can comprise multiple nations, and conversely, a nation may consist of multiple states. Unlike a state, a nation does not necessarily require a governing authority. The key element of a state is its existence as an independent political entity.

Part One: pillars of the State

The fundamental pillars of a state are its population, territory, and authority.

I. Population

The population refers to a group of individuals residing within the territory of a specific state, subject to its laws. This population can include citizens, foreigners, or residents. As for nationals, they are the people of a specific state who belong to it by virtue of their citizenship and allegiance. The nature of their citizenship can be either original or acquired. The principle of whether citizenship is determined by bloodline or territorial affiliation is essential. It's worth noting that the Algerian state primarily considers bloodline (jus sanguinis) as the basis for granting Algerian citizenship, with territorial affiliation (jus soli) being an exception.

Every individual who possesses the citizenship of a particular state is considered a subject of that state and, consequently, a member of its population. However, in cases of multiple citizenships, such as in the Nottebohm case, where an individual held citizenship in both Liechtenstein and Guatemala, the determinant is the genuine or effective citizenship (as explained in the lecture). This principle was recognized by the International Court of Justice in the Nottebohm case of 1955.

From the concept of the people or nationals, several legal consequences arise:

- Allegiance to the state.
- Legal subjugation to the state.
- Diplomatic protection: This is an inherent right of the state exercised on behalf of its subjects. It cannot be renounced, and it serves as a last resort after exhausting all

diplomatic and secret avenues through negotiations and arbitration. Diplomatic protection necessitates meeting three conditions :

- Citizenship: The effective citizenship is the key factor.
- Clean hands: This means not causing harm to others.
- Exhaustion of all internal remedies.

On the other hand, residents do not hold the citizenship of the state but reside within its territory for various purposes, such as work, education, long-term medical treatment, or other reasons. They enjoy the rights of foreigners, not those of nationals, which means they do not have the right to vote or run for office in elections, for example.

Foreigners, meanwhile, are individuals who are subjects of other states and are present within the territory of a state that is not their own. Their presence on the state's territory is typically temporary, lasting less than six months, and can be for short-term purposes like tourism or other similar reasons.

Therefore, the population of a state encompasses both nationals (citizens) and residents (foreigners) who are present within the territory of a given state, and there is no specific population threshold required for the existence of a state.

II- Territory

the concept of territory is defined as one of the elements of a state. It represents the geographical area where the population resides, and where the state exercises its political authority. There is no specific requirement for the size of the territory; it can be large or small. What matters is the geographic delineation of the territory, which can be determined by natural features such as mountains, rivers, seas, or artificial features like fences or walls. Virtual markers like lines of longitude and latitude can also be used for this purpose.

Territory can be acquired through various means, including independence, occupation over time, cession, or the addition of attachments, whether they are natural or artificial. Territory can also be acquired through mergers, like the reunification of East and West Germany, or through division, as seen in the case of the dissolution of the Soviet Union. Additionally, territory can be acquired through annexation, conquest, or seizure in the case of unclaimed territories.

Territory includes both land territory and maritime territory, which encompasses land, sea, and air.

1. **Land Territory:** Land territory refers to the solid land area of a state, whether it's continental or not. It is separated from other states by natural or artificial boundaries established through agreements between states.

2. **Airspace Territory:** Airspace territory includes the airspace over a state's land and extends into the atmosphere. A state has full sovereignty over its airspace, and other states must seek permission or comply with agreements to navigate through it. Outer space, beyond the atmosphere, is regulated by international law, and no state can claim sovereignty over it. It is considered the heritage of humanity.

3. **Maritime Territory:** Maritime territory includes several subdivisions:

- **Internal Waters:** This zone lies before the baseline from which territorial sea is measured and includes ports, harbors, bays, lakes, and rivers. A state has full sovereignty over its internal waters, but it may grant privileges to other states through agreements for purposes like navigation.

- **Territorial Sea:** Extending 12 nautical miles from the baseline, this area falls under the full sovereignty of the coastal state. It's worth noting that the distance used to be calculated as 3 nautical miles in the past. When two states face each other and define their territorial waters, they use the median line, which is equidistant from their respective baseline points. The state exercises full sovereignty over this area in terms of control, navigation, customs, environmental protection, and health regulations. However, in return, concessions are made to other states to ensure innocent passage of foreign vessels, provided these vessels are not warships and do not intend to harm the state.

- **Contiguous Zone:** also known as the adjacent zone, is the area that follows the territorial sea. The United Nations Convention on the Law of the Sea (UNCLOS) of 1982 defined the maximum width of the contiguous zone as 24 nautical miles, measured from the baseline. In this zone, the state exercises necessary control to prevent violations of its customs and tax laws, along with other regulations. The state also maintains its sovereign rights and the freedom of maritime navigation in this area.

- **Exclusive Economic Zone (EEZ):** This zone extends up to 200 nautical miles from the baseline. While the coastal state doesn't have sovereignty over this area, it has exclusive rights for resource exploration and exploitation.

- **Continental Shelf or Continental Ridge**: This includes the continental shelf of any coastal state to the seabed and subsoil of the submerged areas that extend beyond its

territorial sea throughout the natural extension of the territory of that coastal state to the outer edge of the continental margin or up to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

- **High Seas:** This is the area that is not subject to the sovereignty of any state. Everything in this area is considered common to all states on an equal footing, and all states are responsible for protecting the environment and safety in it, whether they are coastal or landlocked. It is open and available to all states, where freedom of the high seas is exercised, including freedom of navigation, overflight, construction and establishment of islands or structures, freedom of fishing, freedom for scientific research, and the freedom to allocate any part of the high seas for peaceful purposes for all coastal and landlocked states.

- **Archipelagic Waters:** This applies to archipelagic states, which are countries composed of a group of islands (such as Indonesia and the Philippines). It refers to the waters surrounding these islands. The sovereignty of archipelagic states extends to the waters enclosed by the archipelagic baselines agreed upon by the archipelagic states and neighboring states, regardless of their depth or distance from the coast. This sovereignty also extends to the airspace above archipelagic waters, as well as to the seabed and its resources.

- **Straits**: These are parts of the waters located between two land masses or that connect two seas. These straits remain open for maritime navigation, and it's also possible for aircraft to fly over them. Submarines can pass through them as well. Coastal states can regulate fishing activities and protect the environment in these straits through international agreements.

III- Authority

Here, it refers to institutions or governing bodies. There is no state without legal institutions or entities with authority. These institutions constitute the state in its narrow sense. At the highest level, they are referred to as political institutions or the government in its general sense (the President, the heads of the two parliamentary chambers, the Prime Minister). At a lower level, they are referred to as administrative institutions or administration in its general sense (the governor, the head of the district, the mayor).

Authority does not need to take on a specific form. It is sufficient that it **extends its control over the territory**, oversees its **organization with the legal rules** it establishes, and supervises their application **using legitimate means of coercion at its disposal**, based on the **principle of sovereignty.** When the people, through their rulers, accept submission to coercion

through constitutional institutions belonging to the state, they accept the constraints on their sovereignty.

However, authority must adhere to two important principles:

- The principle of the effectiveness of authority: It refers to the state's ability to **effectively exercise** its powers.
- The principle of continuity: Changing the government does not mean the cessation of authority; it remains continuous.

Part Two: Elements of the State

The elements of the state consist of sovereignty and recognition.

First: Sovereignty

Sovereignty is defined as the legal capacity of the highest authority of the state to exercise all its rights and duties, make decisions, and establish rules in various fields. Sovereignty has both internal and external aspects, and it entails a set of legal consequences that are considered its characteristics.

1. Aspects of Sovereignty :

- **Internal Aspect**: This refers to the state's ability to extend its powers and influence over its entire territory and population without foreign interference or internal conflicts. This capacity should be comprehensive, covering all aspects of governance within the state's territory and over its population. It should also be supreme, meaning there is no higher authority within the state's territory and over its population.
- **External Aspect:** This aspect signifies the state's independence in managing its external affairs with other states without interference from any other state. This adheres to the principles of equality and non-interference in internal affairs.

2. Characteristics of Sovereignty:

- **Independence:** Sovereignty is not subject to the will of any foreign entity.
- **Supremacy:** There is no higher authority within the state, making it the highest authority in the state.
- **Comprehensiveness:** Sovereignty applies to all citizens and residents within the state, except as provided in international agreements, such as diplomats and employees of

international organizations. At the same time, no entity within the state competes with it in exercising sovereignty and enforcing obedience among the citizens.

- **Inalienability:** Sovereignty cannot be partially or completely relinquished.
- **Permanence:** Sovereignty is enduring as long as the state exists, and vice versa. Changes in government do not mean the loss or cessation of sovereignty; governments may change, but the state and sovereignty remain.
- **Indivisibility:** Within a single state, there is only one indivisible sovereignty.
- **Constitutional and Legal Sovereignty:** Sovereignty is documented in all constitutions and is subject to legal constraints and limits imposed by the law, which the state's residents must respect.

Second : Recognition

1. **Definition of Recognition in International Law:** Recognition can be defined as a legal act performed by an individual international actor with the intention to acknowledge the status of a new entity as an international personality or to acknowledge a specific factual situation to give it international legitimacy.

2. **Forms of Recognition:**

Recognition can take several forms, including constitutive and declaratory recognition, political recognition, legal recognition, public recognition, and implicit recognition.

- **Constitutive and Declaratory Recognition:**

Constitutive recognition means that the international legal personality of a state does not exist in the international community until recognition is granted. Recognition is what endows the state with its international legal status, subjecting it to international rules and laws.

As for declaratory recognition: It implies that recognition does not create the state but is an act that expresses the will of other states to engage with a new state in the international community. Supporters of this view point to the judgment of the International Court of Justice in the "Corfu Channel" case between Britain and Albania. Britain brought the dispute before the Court, despite not recognizing Albania. However, the Court ruled that Albania was responsible, even though its basic jurisdiction is limited to states. Supporters of this approach conclude that recognition is merely an acknowledgment of the existence of the elements of statehood and does not affect its establishment**.**

- **Political Recognition and Legal Recognition:**

Political recognition: Recognition is fundamentally a political act as it is linked to the absolute will of the recognizing state. States make their decisions based on their individual political interests when it comes to recognizing another state. Consequently, a state that is recognized by some states is considered an international legal entity concerning those who recognize it, even if it cannot exercise its international powers over those who do not recognize it.

Legal recognition: Recognition is considered an intentional and individual act, which can be unilateral or collective, issued by a group of states or organizations collectively regarding an entity that fulfills the conditions of international legal personality. In both cases, it stems from the individual will of the recognizing state, granting it the freedom to fully and unconditionally recognize. This action is a right, not a legal obligation, but it imposes a legal obligation on the recognized state.

- **Explicit recognition and implicit recognition:**

Explicit recognition is the formal and official acknowledgment that occurs explicitly from a legal personality in the international community, accepting a new legal international entity into the international community. Explicit recognition can be issued individually by one legal entity under international law, such as a recognized state. It can also be collective, as when a group of states decides to recognize a new state or a group of states. Additionally, it can be issued by a public body within an international organization, like the United Nations General Assembly.

Implicit recognition is the actual recognition that results from interactions with the new state as if it were explicitly recognized. For example, signing a trade agreement or exchanging consular representation with the new state before formal recognition. Implicit recognition is inferred from the circumstances of international relations.

Second Subsection: International Organizations

International organizations are defined as a group of members consisting of at least three states, established by an official agreement among the member states to achieve a common goal. Examples include the United Nations. over 250 governmental international organizations whose members are states, and over 6,000 non-governmental organizations with group and individual members.

Part One: Governmental International Organizations

There are many definitions for governmental international organizations, such as: "A voluntary assembly of states, established by an international agreement, supported by permanent and independent bodies responsible for managing common interests, possessing legal personality distinct from that of its members."

"An entity composed of **a group of states**, based on an **international agreement** aimed at achieving permanent **common purposes**, possessing legal and distinct **international personality** separate from its member states in the international field."

First: Elements of Governmental International Organizations

These elements distinguish organizations from other associations:

- Formation occurs among governments.
- The legal basis for its establishment is an international treaty.
- It consists of permanent and independent bodies.
- It enjoys legal independence.
- Its aim is to achieve a common goal among states.

Second: Principles of International Organizations

1. **Establishment:** International organizations are established through international treaties. For example, the League of Nations was established by the **Covenant of the League of Nations**, the United Nations by the **United Nations Charter**, and the Council of Europe by its **Statute**.

2. **Membership in International Organizations:** Regarding governmental international organizations, only states possess membership status. However, other entities apart from states may have different statuses within these organizations. Membership can take one of three forms: full membership, participation, or observer status.

a. **Full Membership:** Only states are entitled to full membership in governmental international organizations. Full members have significant rights, such as the right to vote, as well as obligations, including contributing to the organization's budget.

- **Acquiring Full Membership:** The process of acquiring full membership varies from one organization to another. For instance, the United Nations sets forth conditions for acquiring full membership. According to Article 4 of the UN Charter, there are both objective conditions, such as a state's capacity and commitment to fulfilling its obligations, and

procedural conditions, including a General Assembly decision based on a recommendation from the Security Council. However, it should be noted that the matter of joining an organization is not solely a legal issue but is also influenced by political considerations.

- **Loss of Full Membership**: The reasons for losing full membership in a government-based international organization vary, including:

  - **Dissolution of the organization** (e.g., the League of Nations**)**

  - **Voluntary Withdrawal by a State:** If a treaty allows it, a state can voluntarily withdraw from an international organization. However, the issue arises when the founding treaty of the organization remains silent on the matter of voluntary withdrawal. In such cases, a state can still withdraw and justify it based on its sovereignty, as it has the right to do so. For example, Indonesia's withdrawal from the United Nations in 1965 (in protest against Malaysia's membership in the Security Council) was considered by the Secretary-General as a cessation of engagement with the organization. Nevertheless, Indonesia later rejoined without the need for a new application.

  - **Expulsion from the Organization**: This occurs when a state violates the founding treaty of the organization. Expulsion is a serious and exceptional measure, as states typically prefer to withdraw voluntarily before facing expulsion. For example, Greece's withdrawal from the Council of Europe in 1969.

  - **Suspension or Freezing of Membership:** An example of this is Egypt's suspension from the Arab League after signing the Camp David Accords in 1979.

  - **Restriction of a State's Participation:** For instance, there was pressure on South Africa due to its apartheid policies, which led to limitations on its participation in the General Assembly of the United Nations, as it did not receive its full rights during those discussions.

- **b. Participant Status:** This status is also exclusive to states, allowing them to participate in discussions within the organization without having the right to vote. Participation can be internal (within the organization) or external (establishing a relationship between states and organizations, such as the NATO Partnership for Peace program).

- **c. Observer Status:** Observer status can be obtained by states, international organizations, non-governmental organizations, and national liberation movements. Observers have limited rights compared to those of participants.

Third: The Legal Personality of International Governmental Organizations

International governmental organizations possess legal personality within their member states. The territory of the organization's headquarters or the territory where it carries out its mission is considered part of its legal personality. Referring to the case of the assassination of one of the United Nations representatives (Count Bernadotte) in Palestine in 1948, the United Nations asked the International Court of Justice for an advisory opinion on whether it had the right to seek compensation from the government responsible for the death of this official. The advisory opinion issued on April 11, 1949 affirmed that the United Nations possesses legal personality at the international level, and therefore, it has the right to claim compensation.

Part Two: Non-Governmental International Organizations

Non-governmental international organizations are defined as "international entities established through agreements among private individuals (natural or juridic persons) from multiple countries who share common interests in specific international issues. They aim to find suitable solutions to these issues independently of state and government authority."

They are also defined as "international entities that have emerged in contemporary international community, established through individual initiatives of private individuals from multiple countries who share common interests in specific specialized international issues. Their work aims to find appropriate solutions to these issues, free from the control of states and governments."

First: Characteristics of Non-Governmental International Organizations

The distinctive features of these organizations can be summarized as follows:

A. Established by Agreement Among Private Individuals: Non-governmental international organizations are formed based on agreements among private individuals, whether natural or juridic persons, from multiple countries. They do not involve agreements between states, governments, or public legal entities.

B. Based on Independent Voluntary Initiatives: These organizations operate based on individual voluntary initiatives independent of governments. They are initiated by individuals with common interests in specific areas of international relations, aiming to bring about change individually and voluntarily, apart from government directives. They do not receive funding from governments but rather rely on contributions from their members. Individuals have the free will to join and commit to voluntary participation in their activities.

C. Focus on Specific, Specialized, Non-Profit Issues: Non-governmental international organizations specialize in specific international fields regulated by international law. They have their organizational structure regulated by international law, considering them as entities transcending national boundaries. Their primary goal is not profit but rather bringing about changes in lifestyles, reducing legal gaps, and finding solutions to essential issues in contemporary international society.

D. International in Nature: These organizations have an international character in terms of their organizational structures and the scope of their activities. They are considered international entities due to their global reach, representing significant parts of global public opinion that extend beyond the boundaries of individual states to many countries worldwide.

Second: Legal Personality of Non-Governmental International Organizations

Non-governmental international organizations must meet certain conditions to have legal personality. In addition to being non-profit, they must also have:

1. An established constitution or bylaws with governance structures, such as a board of directors and a general assembly, which may require a minimum number of founders.
2. Clearly defined objectives and areas of activity, with a non-profit nature.
3. Registration and public declaration, which grant the organization legal personality.

Third Chapter:

The Legal Status of Emerging Entities in the International Community

The world has witnessed numerous developments in various scientific, technological, industrial, commercial, environmental, humanitarian, social, and cultural aspects. In this evolving landscape, it is no longer solely states and international organizations that are the exclusive actors in international relations. New international actors have emerged, characterized by their ability to influence international law and the international community. The term "actors in the international community " refers to any legal entity capable of making, changing, or influencing international decisions or even influencing decision-makers in the international community.

Section One: Individuals

The individual's status in international law has evolved over time. Firstly, individuals were excluded as legal persons in the early stages of the international community's development. However, with the emergence of the concept of the state and the definition of statehood, debates arose within many legal schools of thought, both supportive and opposing, especially after the wars and revolutions of the 19th and 20th centuries. These conflicts led to a legal paradigm shift driven by the international community's desire to hold accountable those responsible for these wars and to impose punishment.

The first trial of an individual for international crimes was the trial of German Emperor Wilhelm II after World War I. He was charged with gross violations of international morality and the sanctity of treaties, according to Article 227 of the Treaty of Versailles in 1919. However, the Netherlands refused to extradite (deport) him after he fled there. This case marked a significant turning point in the debate over whether individuals should be considered subjects of international law.

Part one: Legal Schools of Thought

International jurisprudence agrees that international legal personality is the capacity to acquire rights and bear international obligations, as well as the ability to enjoy legal capacity, including the capacity to litigate (sue). However, there have been three different legal schools of thought regarding the recognition of individuals' possession of international legal personality:

1. **Traditional School:** Scholars like the Italian jurist Anzillotti and the German jurist Triepel were proponents of this school of thought. They denied individuals the possession of international legal personality. They argued that the key distinction between international law and domestic law lies in their subjects. In international law, states and international organizations are the subjects, whereas in domestic law, individuals are the subjects. States possess sovereignty, which grants them the capacity to create rules of international law and, therefore, international legal personality, while individuals lack the attributes of sovereignty and the capacity to establish international legal norms.

Supporters of this school adhere to the principle of "dualism," which means that both national and international law are independent in several aspects:

Source: National law derives from the individual will of the state, while international law derives from the collective will of states.

Addressees: National law addresses individuals, while international law addresses states and international organizations.

Subject Matter: National law regulates relations between individuals or their relations with domestic authorities, while international law deals with relations between states or between states and international organizations, whether in times of peace or war.

Legal Structure: National law includes legislative authorities that enact laws, executive authorities that enforce them, and judicial bodies that apply penalties to violators. In contrast, international law lacks a central legislative authority that applies to all states, and there is no global executive authority to enforce international laws or punish violators. Even taking a case to the International Court of Justice is voluntary and not obligatory, and it is the states that create legal rules in international law, not individuals.

2. **Objectivist School (Realist Theory):** Scholars such as the Greek jurist Politis Nico and Léon Duguit from France advocated for this school. They believed that individuals are the primary subjects of both international and domestic law. They rejected the concept of state personality and argued that the moral personality attributed to states, granting them rights and imposing duties, is a legal fiction detached from reality. According to this theory, the state is merely a technical instrument for managing the interests of the community, which consists of individuals. Consequently, individuals should be the central focus of the law.

3. **Social Theory**: Advocated by legal scholars like Paul Reuter and Charles Rousseau, this theory emphasizes that the ultimate goal of legal rules, whether international or domestic, is the well-being and happiness of individuals. From this perspective, legal rules can directly address individuals, creating rights and corresponding obligations for them. In this context, individuals become subjects of international law, and they possess international legal personality.

Part Two: The Status-Quo of the International community :

The status quo of the international community highlights considering the individual as one of its members, which is evident through the rights granted to individuals and the penalties they face when violating international laws.

First: International Rights of the Individual:

The United Nations Charter, issued in 1945, is among the most important treaties that highlighted human rights. This charter reflects the extent of international law's interest in human rights as one of the United Nations' key objectives. Subsequently, the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights were adopted on December 16, 1966. Several international agreements followed, including:

Convention on the Elimination of All Forms of Discrimination Against Women on December 18, 1979.///International Convention on the Elimination of All Forms of Racial Discrimination on December 21, 1965.////Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948.///Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity on November 26, 1968.///Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment on December 10, 1984.///Convention on the Rights of the Child in 1989. These international agreements have formed a body of law known as "International Human Rights Law," which recognizes the individual as one of the primary subjects of public international law and has become a separate legal framework.

Second: International Trials of Individual:

After the trial of Wilhelm II, numerous international criminal trials were established by contemporary international law to prosecute individuals directly before international criminal courts for their violations of international laws. Additionally, contemporary international law has granted individuals the right to legal action, whether as plaintiffs or defendants.

Section Two: Multinational Corporations

There is a difference of opinion regarding the origin of multinational corporations. Some argue that they have existed since the time of the Greek and Phoenician traders and the Mesopotamian civilizations. Others claim that they emerged at the beginning of the industrial revolution when countries needed markets to sell their surplus products. These corporations were entrusted with the task of exploiting the wealth of nations and using cheap labor, especially after they were given privileges by states, which were seen as a delegation of some aspects of power; therefore, giving them social and political influence. These corporations did not remain confined to Europe but extended their influence worldwide, especially in America and Africa. As competition between industrialized countries increased, these nations introduced protective

customs measures to promote local industries at the expense of imported goods. However, these measures had a negative impact on large corporations, leading them to establish production units in these countries.

From the late 19th century until the outbreak of World War I, there was a stability in the concept of multinational corporations. However, both world wars disrupted the activities of these corporations, especially the European ones, due to the economic destruction prevailing in Europe. In contrast, America, which exploited the economic vacuum, saw the dominance of multinational corporations grow after the two world wars.

First Part: Definition of Multinational Corporations

Today, multinational corporations are a fundamental force in the global economy of our contemporary world. They operate through a complex network of institutional and organizational structures and engage in international production processes. They control more than one-third of the world's production of goods and services and account for more than three-quarters of technology and foreign investment worldwide.

There is a difference in the naming of multinational corporations. Some refer to them as international public companies, while others use the term multinational entities. The United Nations, however, has labeled them as transnational corporations since 1976, as specified in its Resolution No. 3202.

Multinational corporations are characterized by their large size, technological superiority, and the presence of several legally independent units. Each unit enjoys separate legal personality internally. Economically and strategically, these units are subject to the control of the parent company. These corporations operate in different regions and countries as part of a unified global strategy, vision, and mission established by the parent company.

The company that extends its branches to multiple countries and achieves a significant portion of its large-scale production of goods and services outside its home country, through a unified global strategy, characterized by its utilization of the latest technological advancements, and managed centrally at its country of origin.

Elements of multinational corporations :

1. The presence of several independent legal units, with each company having its separate legal personality internally.
2. Economic and strategic subordination of these independent units to the parent company.

3. The practice of these corporations across different regions or territories.

The parent company exercises control over the legal units through technical and economic means.

Second Part: International Law's Stance on Multinational Corporations

Opinions on multinational corporations vary between supporters and critics.

- **The Critical Perspective on the International Legal Personality of Multinational Corporations** This perspective acknowledges the role of these corporations in international economic relations and their clear impact on the economic, social, and political fields. However, it denies their international legal personality for several reasons.

Firstly, the law applied to multinational corporations is domestic law, the national law of the country where they were established. Secondly, these corporations are subject to state control internally, which imposes restrictions on their activities. This perspective is based on various international resolutions, including the United Nations General Assembly Resolution 3281/1974 on the rights and responsibilities of states in economic matters, and Resolution 3201/1974 on establishing a new international economic order. These resolutions aim to regulate and monitor the activities of multinational corporations in accordance with the domestic laws of host countries. Therefore, multinational corporations are not subjects of international law.

- **The Affirmative Perspective on the International Legal Personality of Multinational Corporations** This perspective argues that multinational corporations are subjects of international law. They contribute to shaping international business regulations by entering into a series of international commercial contracts. They are considered instruments that facilitate trade and economic exchanges across borders. Moreover, they possess a set of rights and obligations, including respecting the sovereignty of the host state, not interfering in its internal affairs, protecting the environment, transferring technology, and having the right to resort to international arbitration.

It is more likely that multinational corporations enjoy limited legal personality corresponding to their functions. Their powers are constrained by their legal framework, international law, and the laws of the host state.

Section Three: National Liberation Movements

National liberation movements emerged after World War II, with the participation of colonized peoples in the war effort. This was followed by the recognition of the principle of the right to self-determination in Article 2 of the United Nations Charter. National liberation movements gradually gained legal status and full membership in international and regional organizations. They were also granted observer status in the United Nations, similar to the Palestine Liberation Organization.

First Part: Definition of National Liberation Movements

National liberation movements are considered one of the most important actors in the international community, particularly in the field of public international law. They play a significant role in international relations, both through their long struggle to achieve freedom and independence for their homelands and by influencing changes in the international community.

National liberation movements refer to a group of individuals organized under a structured system. They have both civilian and military wings and engage in armed struggle against colonial control or foreign occupation to establish an independent sovereign state that abides by domestic law and adheres to its national obligations.

Second Part: International Legal Personality of National Liberation Movements

International law has recognized the right to liberation and the right to resistance, as reflected in various international rules and agreements, including:

1. Regulations attached to the 1899 and 1907 Hague Conventions on Land Warfare.
2. The Geneva Conventions of 1949, particularly Article 4(2) of the Third Convention relating to the treatment of prisoners of war, and Article 13(2) of the First and Second Conventions regarding the treatment of wounded and sick in the field and at sea.

The Geneva Conventions established a set of conditions for liberation movements, the most important of which include:

- Being under the leadership of a responsible person accountable for their subordinates.
- Having a specific distinctive emblem that can be recognized from a distance.
- Carrying arms openly.
- Conducting their operations in accordance with the laws and customs of war.

3. Protocol I additional to the Geneva Conventions of 1977, particularly in Article 1(4).

4. UN General Assembly Resolution 1514 of December 14, 1960, which adopted the Declaration on the granting of independence to colonial countries and peoples, emphasizing the right of all peoples to self-determination.

5. UN General Assembly Resolution 2160, which emphasizes the importance of a careful consideration of the danger of the threat or use of force in international relations and the right of peoples to self-determination. It also includes a program of action for the full implementation of the Declaration on the granting of independence to colonial countries and peoples, using all necessary means available to them.

6. Resolution 3103 of 1978, which legitimized the struggle of peoples for self-determination.

However, legal scholars are divided between those who affirm and those who deny the international legal personality of national liberation movements.

The Denial of Legal Personality for National Liberation Movements

Those who deny the legal personality of national liberation movements argue that these movements do not rise to the level of international legal personalities. They view them as organizations seeking to change the existing order through unlawful means and often label them as terrorist organizations. The United States has been a leader in this perspective, designating movements like Hamas as terrorist organizations. This stance faces condemnation from the international community, especially after the establishment of legal foundations recognizing the right of peoples to self-determination.

The Affirmation of Legal Personality for National Liberation Movements

Proponents of this view argue that national liberation movements have international legal personality. They rely on international legal principles that grant peoples the right to self-determination, which is evident in the international arena through the establishment of international relations with the temporary governments of these movements. Additionally, these movements enter into international treaties and are recognized as representative entities in international forums and organizations. The reality shows that most national liberation movements, such as the Algerian and Vietnamese movements, eventually achieved independence and became independent states. **Therefore, it is more likely that national liberation movements are considered legal personalities under international law**.