



## THE BRITISH UNIVERSITY IN EGYPT

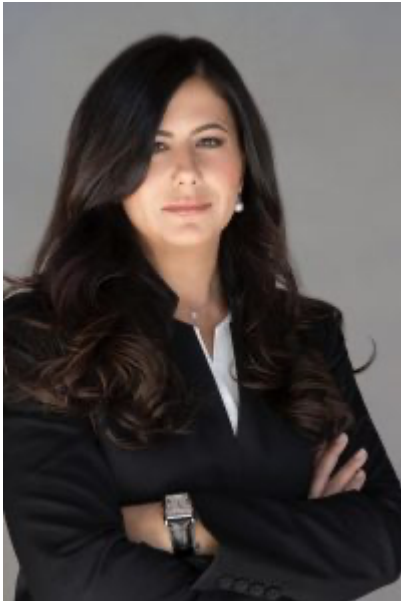
Center for Egypt and ME Studies Journal

Third Edition

### Inside this Issue

1. Message from **Mrs. Farida Mohamed Farid Khamis**; Chair of the Board of Trustees
2. Message from **Professor Dr. Mohamed Loutfi**; BUE President
3. Climate change: A challenge for the World, but an opportunity for UK & Egypt partnership by **H.E Sir Geoffrey Adams; Former UK Ambassador to Egypt**
4. Show me the Progress: Women in Diplomacy and International Affairs- Resolution 1325 and beyond by **Dr. Angela Kane**
5. Why Irish Studies by **H.E Ambassador Sean O' Regan: Ambassador of Ireland to Egypt**
6. Africa Cooperation needs to be upgraded in the Post Epidemic Era by **Dr. HE Wenping: China**
7. The evaluation of the factors affecting the ICJ's effectiveness in resolving interstate conflict by **Tala Zaitoun**; BUE Political Science Student

## Message from Mrs. Farida Mohamed Farid Khamis



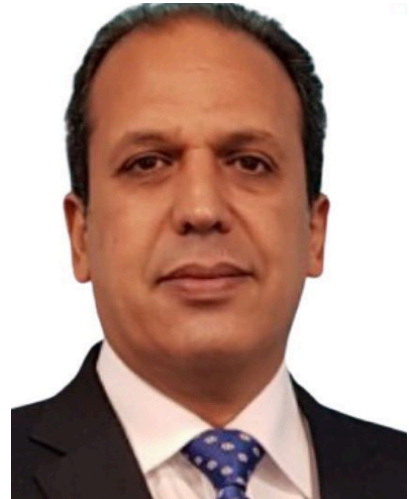
BUE is dedicated to providing its students with the resources to enable them to be part of a global community and we will always endeavour to provide opportunities for our students to be challenged and inspired by delivering to them the latest thinking in the subject area they choose to study. The Centre for Egypt and ME Studies (CEMES) has created an invaluable resource for our students through the Quarterly E-Journal where they can actively contribute to their chosen field and learn from the contributions of world class experts. Congratulations to CEMES and Ambassador Dr. Mahmoud Karem on establishing the E-Journal and we look forward to everything our students and the CEMES Center will accomplish.

*Chair of the Board of Trustees, The British University  
in Egypt*

*CEMES warmly welcomes Professor Dr. Mohamed Loutfi*

**Message from Professor Dr.  
Mohamed Loutfi**

It gives me great pleasure to partake in the third edition of the Centre for Egypt and ME Studies (CEMES) Quarterly E-Journal. I would like to congratulate Ambassador Dr. Mahmoud Karem, Special Advisor to the BUE President for Foreign Affairs and the Director of CEMES, and his team for taking the initiative to create this exceptional academic platform, with its global list of high-profile contributors who are tackling pressing topics in today's world and its accompanying challenges. Also, I would like to thank all our highly distinguished writers for their time, effort and expertise that has allowed this pivotal Journal to come to light and to give the unique opportunity to the BUE students to publish their papers and articles alongside the names of global world leaders and experts.



One of my first and key priorities as President and Vice-Chancellor of the BUE, is to have more projects that engage students at various levels and allow them to actively interact in both academic and extra-curricular activities in a variety of fields. Our aim at the BUE is to not only provide students with the highest quality of education but also to provide them with a life changing journey throughout their years of study and to play a positive role towards building their personality and their personal growth. Thus, instilling in them the desire and skills to make an impact in both the economic and social fields.

***President and Vice-Chancellor  
The British University in Egypt***

## Sir Geoffrey Adams: Biography

Sir Geoffrey Adams was appointed as British Ambassador to Egypt in September 2018. Sir Geoffrey joined the diplomatic service in 1979. Prior to his appointment to Egypt, he was British Ambassador to the Netherlands and UK Permanent Representative to the Organisation for the Prohibition of Chemical Weapons (OPCW) from 2013 to 2017.



He previously served in Egypt from 1998 to 2001 as Deputy Head of Mission. His other postings have included Director General (Political) at the FCO, Director for Middle East and North Africa, British Ambassador to Iran, Principal Private Secretary to the Secretary of State for Foreign and Commonwealth Affairs, Consul General in Jerusalem, European Secretariat at the Cabinet Office, First Secretary and Head of Political Section in Pretoria/Cape Town, Private Secretary to the FCO Permanent Under-Secretary, Ecole Nationale d'Administration in Paris, and Third later Second Secretary (Political) in Jeddah.

Sir Geoffrey is married to Mary Emma, and they have 3 children aged 17, 15, and 13.

**Climate change:** a challenge for the world, but an opportunity for UK-Egypt partnership

There's no question that that this has been an unprecedented year of global upheaval. The COVID-19 pandemic has of course dominated world affairs, and for all the continuing challenges, many of us will be feeling more positive as vaccines are rolled out around the world – including here in Egypt through the COVAX scheme. Meanwhile in the United Kingdom, we are re-designing our foreign policy following our departure from the European Union: seeking new opportunities, and reinvigorating old partnerships.

But even as we build back from the pandemic, one global challenge continues to overshadow all others: climate change. We've already experienced the impact of this on our societies – from extreme weather to water scarcity to loss of biodiversity. The basic necessities of life – food, water, and shelter – are becoming more precarious. Species are going extinct at an alarming rate. It's no exaggeration to say that mankind is under threat.

According to UN data, 2019 was the second warmest year ever recorded, and the average global temperature is expected to rise further in the coming years. We will see dramatic changes, and they will require determined collective action.

This year the UK is hosting COP26, the United Nations Climate Change Conference. With the world's leaders in attendance, it's a real opportunity for us to confront these challenges head-on, and to commit to ambitious yet practical action to protect our natural heritage. There is much to be done: from stopping our damaging reliance on fossil fuels, to boosting our use of renewables, to ensuring that we consider CO2 emissions from industry and how best to reduce them. COVID-19 has only increased the need and the urgency for us to achieve systemic change.

Against that background, it's excellent news that the UK and Egypt are working together more closely than ever, forging a real partnership to tackle these vital issues.

Back in 2019, at the UN Climate Action Summit, the UK and Egypt co-chaired the global coalition on climate adaptation and resilience. Since then, Alok Sharma, the UK COP26 President, and Egyptian Environment Minister Dr Yasmine Fouad have presented an ambitious plan to rally international support for this cause. Together, the UK and Egypt, along with other partners, launched the Adaptation Action Coalition, which is helping nations adapt to climate change, and build resilience against its impacts. The stories we see on the news about neighbourhoods, cities, and sometimes entire regions suffering from freak weather events, with all their devastating human and economic losses, are sobering reminders of the central importance of adaptation and resilience to our climate efforts.

At COP26, we will need to make progress on this file, and Egypt is a valued partner in achieving the goals and ambitions of the conference – not least as a regional leader in the Middle East and Africa.

To take one example: Egypt is making great strides in its transition to renewable energy. In a recent session of the Energy Transition Council, part of the series of meetings preparing for COP26, I was encouraged to hear the Minister of Electricity, Dr Mohammed Shaker, paint a vibrant and encouraging picture of Egypt's transition efforts. According to current expectations, Egypt should exceed its current target of 20% of energy from renewable sources by 2022, and is aiming for up to 50% by 2035.

Egypt is also home to one of the largest solar parks in the world, Benban, which I am proud to say was partially funded by UK development finance.

And there are many other examples of our cooperation on renewables, sustainability, and building a green economy. To mention just a couple: “we are providing **export finance of £1.7bn** to help deliver the trains for the new monorail connecting the **New Administrative City with East Cairo**, and 6<sup>th</sup> of October City with Giza”. And through delivery partners, and working closely with the Egyptian Central Bank and Financial Regulatory Authority, we recently supported a digital fintech sprint, generating innovative solutions to help Egypt’s financial system ensure a green and resilient recovery from **COVID-19**.

These are two examples of many – and I hope that there will be many more.

Given that human activity is responsible for 75% of the change on the surface of the earth (according to UN figures), we have to be ambitious. Last month, Prime Minister Boris Johnson announced a new world-leading climate target to cut emissions by 78% in the UK by 2035, and we hope that many other countries will make similar efforts to achieve net zero. We are also committing £11.6bn to International Climate Finance over the next five years, and we are setting out an Industrial Decarbonisation Strategy, showing how industry can decarbonise in line with net zero and remain competitive. At COP26, we will be encouraging our friends, allies, and partners to make their own commitments to our shared future. Egypt is one of a number of countries which we hope, by building upon work already done and commitments already made, will demonstrate greater ambition before the conference.

Much more work is needed to keep the rise in global temperature to 1.5 degrees, and to achieve the goals of the Paris Agreement. Climate change is the biggest challenge of this century; we can only tackle it by working together. So I’m delighted that climate can be added to the growing list of subjects on which the UK and Egypt are working closely together, to the benefit of both.





## **Dr. Angela Kane: Biography**

Dr Angela Kane had a long and distinguished career at the United Nations; her functions included High Representative for Disarmament Affairs (2012–2015), Under-Secretary-General for Management (2008–2012), Assistant Secretary-General for Political Affairs (2005–2008) and Assistant Secretary-General for General Assembly and Conference Management. She served as Deputy Special Representative of the Secretary-General for the United Nations Mission in Ethiopia and Eritrea (UNMEE), and had postings in

the Democratic Republic in the Congo, Indonesia, and Thailand.

Previously, she held UN positions as director in the Department of Political Affairs and director in the Department of Public Information. She served as principal political officer with former Secretary-General Boutros Boutros-Ghali and worked with the Personal Representative of the Secretary-General for the Central American Peace Process, which resulted in the signing of the El Salvador Peace Accords. Before she joined the UN Secretariat, she worked for the World Bank. Ms. Kane went to Bryn Mawr College and studied at the Johns Hopkins School of Advanced International Studies. She received an honorary doctorate from the Middlebury Institute of International Studies (Monterey, California).

### **Show me the Progress: Women in Diplomacy and International Affairs Resolution 1325 and Beyond**

History has been dominated by powerful men. Power and the male gender were one and the same, and the occasional strong woman was memorable because she was so unusual in a world where women were considered the lesser sex.

Yet history has also shown us great and influential – and long-reigning - women monarchs: in the UK, Queen Elizabeth I, Queen Victoria, now Queen Elizabeth II. Austria celebrated the 300<sup>th</sup> birth anniversary of Queen Maria Theresia, and the commemoration of her birth sparked many events with the title: “Powerful Women in History”. And think of powerful heads of State like Indira Gandhi, Golda Meir, Margaret Thatcher, Helen Clark, Mary Robinson, now Angela Merkel and Jacinda Ardern in New Zealand.

Yet, women in power are still not the norm – women are under-represented in many walks of life: as leaders, as negotiators, as politicians, as CEOs, as parliamentarians – just to mention a few of the occupations where we have far less than our share of 50% of the population. Few women occupy the prestigious “corner office” from where power emanates. Few women are at the table when decisions are being taken.

It is really a matter of catching up: men had the vote long before women, and even in Europe, women mostly obtained the vote in the 20<sup>th</sup> century – the “suffragettes” of those days had to fight for their rights; they were belittled and harassed, yet they persisted – and won the right to vote. Even in

enlightened Switzerland, women gained the vote only in 1971. In Saudi Arabia, women were first allowed to vote in the municipal elections four years ago. Getting the vote for women was never easy, and I am reminded of this history when I see today's struggle for women to get elected to public office.

International Women's Day is being observed every year in many countries. Let us not forget that it was first held over 100 years ago, in 1914. In Germany, my own country, women did not win the right to vote until 1918.



Let us also not forget that the UN Charter was the first international document to inscribe the equal rights of men and women as part of fundamental human rights. Recent research showed that three women delegates participated in the San Francisco Conference that adopted the UN Charter in 1945. They were all from Latin American countries: Brazil, the Dominican Republic and Uruguay. Their leader was Bertha Lutz from Brazil and she, together with the other two women delegates and the few women delegates who participated, demanded an explicit reference to women's rights in the Charter<sup>1</sup>.

It is not surprising when we look at the figures: delegates to the San Francisco conference were primarily men: out of 850 delegates, only four women signed the Charter. And of the 50 countries represented, women had voting rights in only 30 of them. Can you imagine the difficulties of promoting the principle of gender equality in such a group?

I found it fascinating to learn that gender equality was not an idea at San Francisco that came from the West; in fact, not only was the West opposed to have gender equality in the agenda, but they also tried to remove it from Article 8 of the Charter, which says that women and men can participate equally in all UN bodies. In her memoir, Lutz wrote that delegates from the US and UK told her "not to ask for anything for women in the Charter since that would be a very vulgar thing to do". Yet Lutz and the other women delegates persisted, and we now have several references to the equality of women and men in the Charter, as well as a reference to non-discrimination on the basis of sex. This is a strong legacy, as is Bertha Lutz's advocacy for an autonomous Commission on women's rights – which would become the Commission on the Status of Women that was created in 1946, though it was initially established as a Sub-Commission under the Human Rights Commission).

Let me recall that until that year – 1946 - women were excluded from the British Foreign Service on the grounds that they would not be taken seriously by foreign governments and that they would create "insurmountable administrative difficulties". I often wondered what men meant by "administrative difficulties". In the UN, for example, as our numbers increased, women had to fight for additional washrooms in the proximity to the General Assembly and other august meeting halls, as only men participated in large numbers in conferences and the women's lavatories were tucked away in some remote corner, often resulting in long walks to the location and considerable waiting time due to the lines that formed.

Other constraints on women persisted far too long: in many countries, even if women were admitted to the Foreign Service, they had to resign when getting married – a practice that was considered normal, as no married woman was supposed to work, particularly if she had children.

<sup>1</sup> "Women and the UN Charter", Centre for International Studies and Diplomacy, SOAS University of London, see online at: <https://www.soas.c.uk/cisd/research/women-in-diplomacy/women-in-the-un-charter/>



Even today, women taking leadership roles in diplomacy remains an unpopular concept among diplomats in many parts of the world. Out of 193 countries, 22 have female heads of state. Eleven of these countries are here in Europe. Many countries have never had a woman head of State. Only four countries in the world have at least 50 percent women in the national legislature. Worldwide, the proportion of women in national parliaments is 24%. Clearly, there is still a long way to go.

I should note that in 2015, the overall percentage in national parliaments stood at 22.6%, and that means that in the last five years, the increase was just one percent. Impediments to women running for office are not only gender bias, but also the lack of adequate campaign financing and the lack of commitment from the political parties in changing the status quo, more role models for girls and young women to emulate and aspire to.

Let me give you some more sobering statistics: according to *Catalyst.org*, of the Fortune 500 companies, only 6% of CEOs were women (a one-point increase in five years!), and 26% were senior corporate managers, an increase of 2% since 2015.

It is clear that we need more women who are powerful and who are visible. More heads of State, more legislators, more women in the boardroom. That is what societies need today.

### **Women, Peace and Security in the United Nations: the 1325 Agenda at 20**

Let me now turn to Resolution 1325 which had a long history of gestation. When it was adopted in 2000, twenty-five years had passed after the First World Conference on Women was held in Mexico, three more World Conferences had followed (in Copenhagen in 1980, Nairobi in 1985, Beijing 1995), The first conference on women took place in Mexico City in 1975 and a decade for women was proclaimed, yet the aims of the conference – and the decade – were more oriented towards development cooperation and the economic assistance for women. One important step was the declaration of 8 March as International Women's Day that allowed women to use this occasion for advocacy and campaigning for equal rights and an increase in senior-level appointments for women.

In the ensuing years, the General Assembly repeatedly called for higher percentage of women in UN management and senior positions, yet at the end of the 1990s only 7.1% of positions at the D-1 level and higher were held by women. In 2000, no woman was seated at the Security Council table, and the number of women ambassadors to the UN was in the single digits.

Resolution 1325 had three goals:

- (i) To increase representation and participation of women at all decision-making levels in national, regional, and international institutions and mechanisms for conflict prevention, conflict management, conflict resolution, and peacebuilding (op. paras. 1-5);
- (ii) To bring a gender perspective to the planning and implementation of peace operations and peace negotiations (gender-sensitive training of personnel, an expanded role of women as peacekeepers etc), (op. paras. 6-9); and
- (iii) To increase attention to the protection and respect of women's rights, including protection against gender-based violence in situations of armed conflict (op. paras. 10-14).

Resolution 1325 marked the formalization of the Security Council's recognition that women were crucial to peace processes and international security, though the initial focus was more on women as

victims of under-development. Since the adoption, the Security Council has regularly monitored the implementation of the resolution, culminating in 2013 in the request to the Secretary-General to conduct a review with regard to the implementation<sup>2</sup>. This review was to:

- (i) identify the gaps and challenges; and to
- (ii) identify emerging trends and priorities for action.

The global study was completed in 2015 and presented to the Security Council for consideration.

Looking back twenty years, one has to underline how much the world has changed and become increasingly militarized. It has become more violent, more conflict-ridden, more prone to greater readiness to use force – and in many cases less respect has been shown for protection of civilians, especially women and children.

Yet I would like to focus on the positive: the adoption of resolution 1325 was clearly a watershed for the international community. It placed women and the question of gender firmly on the agenda and made it part of the formal UN discourse on security. The Outcome Document of the World Summit<sup>3</sup> in 2005 included a paragraph which recognized “the important role of women in the prevention and resolution of conflicts and peacebuilding” and stressed “the need to increase their role in decision-making at all levels”.

This commitment was also reinforced when the Peacebuilding Commission was established in late 2005, followed in 2008 by Security Council resolution 1820 which focused specifically on sexual violence in armed conflict, a topic that has since been addressed regularly in the Council discussions on resolution 1325 and peacekeeping mandates.

It is thus clear rather that women in peace and security (WPS) has become a central part of the agenda, both on the political front as well as in humanitarian and social development contexts. It is a topic that cannot be shunned. I should also like to note that resolution 1325 was the first of the so-called “thematic resolutions”; the “thematic issues” on the Security Council’s agenda now number ten<sup>4</sup> and go far beyond the country-specific resolutions and their narrow focus that used to be the staple of Security Council considerations.

References to the women, peace and security agenda have been included in other thematic resolutions<sup>5</sup> as well as in the mandates of peace operations. It has even found its way onto the agenda of the 1533 DRC Sanctions Committee when it listed new entities and individuals, including for sexual violence – a trend that was replicated when the Council responded to the deteriorating situation in the Central African Republic.

Let me now highlight a few of the results of the High-Level Review on Women, Peace and Security: 15 Years of Security Council Resolution 1325<sup>6</sup>, a 420-page assessment of developments since 2000 and its implementation. Let me also add that at the time, in 2015, women made up only 2% of mediators, 5% of signatories and 8% of negotiators – indicating the exclusive male nature of formal peace processes.

Its executive summary sets out ten specific recommendations and concludes with a set of general recommendations for policy guidance and advocacy. The ten recommendations are:

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<sup>2</sup> S/RES/2122 of 18 October 2013

<sup>3</sup> A/RES/60/1 of 24 October 2005

<sup>4</sup> Protection of Civilians; Women, Peace and Security; Children and Armed Conflict; Counter-Terrorism; Arms Control and Disarmament; Justice and Criminal Accountability; Peacebuilding; Peacekeeping; Peacemaking; UN Institutional Issues.

<sup>5</sup> See S/RES/2117 on small arms; S/RES/2129 on counter-terrorism; and S/RES/2086 on peacekeeping.

<sup>6</sup> <http://wps.unwomen.org/en/highlights>

1. prevention of conflict must be the priority, not the use of force;
2. resolution 1325 is a human rights mandate;
3. women's participation is key to sustainable peace;
4. perpetrators must be held accountable and justice must be transformative;
5. localization of approaches and inclusive and participatory processes are crucial to the success of national and international peace efforts;
6. supporting women peacebuilders and respecting their autonomy is one important way to counter extremism;
7. all key actors must play their role;
8. a gender lens must be introduced into all aspects of the work of the Security Council;
9. the persistent failure to adequately finance the women, peace and security agenda must be addressed; and
10. a strong gender architecture at the United Nations is essential.

In response to the Global Study, the Secretary-General's issued his own report<sup>7</sup>, in which he linked the Study to the three other review processes, namely the High-Level Independent Panel on Peace Operations<sup>8</sup>, the Advisory Group of Experts on the 2015 Review of the United Nations Peacebuilding Architecture<sup>9</sup>, and the consultations for the 2016 Humanitarian Summit. It is a useful overview of developments from the UN's perspective, with much of the focus on gender as a human rights and development issue rather than an emphasis on the political participation of women which I would have liked to see more highlighted.

And here is really the issue that in my opinion needs to be addressed: the "development lens" – even at times the "women-as-victims lens"- has been the traditional approach to gender and this has also been manifest in the focus of the assessment of the implementation of resolution 1325. The language in the study and the SG's report is often aspirational, urging action, suggesting steps to be taken, rather than reporting on the practical successes of implementation. The level of consciousness of gender is high, yet there is a wide gap between exhortation and concrete outcomes.

Following the 2015 study, the Security Council established an Informal Experts Group (IEG) on Women, Peace and Security<sup>10</sup> to facilitate a more systematic approach and to enable greater oversight and coordination of implementation efforts. Yet the IEG's status as an expert group downgrades its visibility: the IEG co-chairs are not included in the list of Security Council subsidiary bodies, and meetings are not reflected on the Council's program of work. Neither is there an obligation for Member States to attend. While most do, China and Russia are mostly absent<sup>11</sup>.

While the normative framework of 1325 has been firmly established, there is pushback by Member States and extensive negotiations take place on inclusion of language in resolutions. Sweden, as Security Council member for 2017-2018, had declared a "feminist foreign policy" under Foreign Minister Wallstrom and was very active on 1325 issues. But even States which are generally supportive of gender issues are not always in agreement on wording.

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<sup>7</sup> S/2015/716 of 16 September 2015

<sup>8</sup> S/2015/446

<sup>9</sup> S/2015/490

<sup>10</sup> S/RES/2242 of 13 October 2015 and IEG guidelines S/2016/1106

<sup>11</sup> "Women, Peace and Security: The Agenda at 20"; Security Council Report, Research Report, June 2020, online at [www.securitycouncilreport.org](http://www.securitycouncilreport.org)

In April last year, for example, the US threatened to veto a draft resolution on conflict-related violence over language on sexual and reproductive health – even though the same language had already been included in past Security Council decisions. Though the resolution was ultimately adopted<sup>12</sup>, the negotiations proved extremely difficult and China and Russia abstained in the voting.

Similarly, contentious negotiations took place in October 2019 ahead of the adoption of resolution 2493<sup>13</sup> on the WPS. While the resolution was finally adopted by consensus, it has become clear that further expansion of the WPS agenda is not conducive to progress at this time. Even the suggestion to have the IEG submit annual updates on progress towards implementation of the recommendations had to be taken out of the draft.

A recent Security Council resolution focused on women in peacekeeping<sup>14</sup>, and while not a WPS resolution in the strictest sense, I see it as furthering a nuanced discussion of women as actors. Previously, calls to increase women's participation in peacekeeping relied on gendered stereotypes, on their empathy, on other “soft skills” and their role as protectors of women, girls and children. Such stereotypical language is missing from resolution 2538 and instead stresses their operational effectiveness, a subtle yet meaningful change. Equally meaningful is the fact that 97 countries co-sponsored the resolution, including all fifteen Security Council members.

### **Looking to the future**

While more needs to be done, the last 20 years have accomplished much in the 1325 agenda. It is easy to be critical: what is important is to look ahead and take concrete steps to further the goals.

The UN now has tools in the Council's toolbox to address the issue of gender in peace and security (appoint more gender advisers in peace operations, impose targeted measures for sexual violence, interact more consistently with the Special Representative on Sexual Violence, stress gender during visiting missions, etc.), though these tools have not been applied consistently. One aspect that stands out is the increased involvement of civil society groups, whose representatives have been regularly invited to Council sessions and briefed the members, even if it was in an Arrria Formula setting.



Gender is firmly rooted in the international security agenda, even if some states only grudgingly tolerate it. The establishment of UN Women in 2010, the United Nations Entity for Gender Equality and the Empowerment of Women, reinforced the gender agenda, and the adoption of the Sustainable Development Goals (SDGs) further rooted the WPS development aims.

Ahead of the 20<sup>th</sup> anniversary, the NGO Working Group on Women, Peace and Security, an umbrella organization of 18 international NGOs advocating for equal and meaningful participation of women in international peace and security, published a “road map” with recommendation for the implementation of the WPS agenda<sup>15</sup>. It is ambitious and far-reaching and while I do not believe that the Security Council will support the program at its annual consideration of the 1325 resolution (which

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<sup>12</sup> S/RES/2467 of 23 April 2019

<sup>13</sup> S/RES/2493 of 29 October 2019

<sup>14</sup> S/RES/2538 of 28 August 2020

<sup>15</sup> 2020 Civil Society Roadmap on Women, Peace and Security, online at [www.womenpeacesecurity.org](http://www.womenpeacesecurity.org)

traditionally takes place in October each year), it is further proof that the norm and expectations of the WPS agenda are a fact.

In the light of divisions among Council members, what could be the most effective way forward? Steps could include: using the established tool box, specific briefings on WPS issues by civil society, monitoring of the implementation of resolutions, country-specific reporting on WPS issues, expansion of listing criteria for sanctions regimes to include sexual and gender-based violence, and the regular raising of WPS issues in political briefings.

It is imperative, however, not to lose sight of the divisions that exist among Member States, in the Security Council and the membership at large. While resolution 1325 was adopted in the Security Council, questions have been raised, particularly by China and Russia, whether the mandate, especially relating to sexual violence in conflict, properly belongs in the Security Council. The states supporting the WPS agenda therefore may have to weigh carefully how best to proceed. Using the individual peace operations mandates seem to be the most promising effort. Rather than anchoring resolutions in the WPS framework, placing the discussion in specific country or peacekeeping context allows for a deeper discussion during negotiations of the text and would hopefully lessen gender stereotyping in the final outcome.

## Ambassador Sean O' Regan: Biography

Seán O Regan has been Ambassador of Ireland to Egypt since August 2017. He is concurrently Ambassador to Lebanon.

Ambassador O Regan has worked in diplomacy for more than three decades. His foreign postings have been to Finland, Turkey, China and Slovenia and now Egypt. He has also served at the Irish Permanent Representation to the European Union in Brussels and worked in the Private Office of the Secretary General/ High Representative and Vice President of the European Commission Javier Solana. At the Department of Foreign Affairs in Dublin the Ambassador was assigned to the Anglo Irish Division (on three separate occasions working in Security, Press and Community Development in Northern Ireland), the European Union Division (working on the Internal Market) and to Political Division (working on Human Rights).

Prior to his diplomatic career, Seán worked for a manufacturer of doctor's office and home medical diagnostic kits and reagents as a production manager, and for a software publisher in the same role.

He holds an Honours Degree in Microbiology (B.Sc. (Hons) from University College Cork (National University of Ireland), a Master degree in Public Policy (M.Comm.), also from University College Cork and postgraduate diplomas in Accounting and Management (Dublin City University), and Conflict Resolution and Mediation (Trinity College – Dublin University).

In his non-working life, Seán watches rugby, he plays golf and likes walking in nature. He reads widely and appreciates all forms of the visual arts. He also enjoys the cinema, good food and good company.





## **Why Irish Studies**

At the outset I should say how pleased I am that an Irish studies centre is being established in Egypt. This is a development that the Embassy of Ireland welcomes, and we look forward to supporting the growth and development of the Research Centre for Irish Studies (RCIS) at BUE in a spirit of cooperation and friendliness. Indeed the Embassy has worked closely with Dr Rania Khalil on a number of projects and I know with her enthusiasm, her drive and her attention to detail that the centre will succeed.

It is of particular importance that RCIS is the first such organisation in Africa and in the Arabic speaking world. It should be no surprise that there are many Irish Studies programmes and institutions within Universities in countries where the 70 million people of Irish descent around the world are concentrated – the United Kingdom, North and South America and in Australia. It may be more surprising that East Asia, and particularly China, is strongly represented in lists of Irish Studies centres. What surprises me is that until now there has been none in Africa or the Arab speaking world.

Ireland has long established and deep links to Africa, primarily through education and health services provided by priests and nuns. Many of Africa's independence leaders were taught in schools run by religious orders and still today the hospitals established by them provide significant support to the populations of many African countries. It is also true that many Irish people migrated to Africa, especially South Africa, in the late 19<sup>th</sup> and early 20<sup>th</sup> century.

Ireland's links with Egypt are similarly very strong, but some elements, sadly, are forgotten. Since coming to Egypt, I have learned that the school of gynaecology at Cairo University was established by an Irish physician; Dr Frank Harpur came to Egypt in 1889 and set about providing medical services to the traders on the River Nile who congregated close to old Cairo before establishing a hospital in Menoufia and then fitting out a dahabeya as a clinic to bring health services up and down the Nile; During the first World War Irish soldiers stationed in India "staged" in Egypt before being sent to fight the disastrous Gallipoli campaign – many of those wounded lie in the English graveyard in Fustat having succumbed to their injuries; Indeed, in that same graveyard the first Secretary General of the newly independent Ireland's Ministry of Foreign Affairs, then called the Department of External Affairs, is also buried, having died in Cairo in his retirement here.

The links between the Irish and Egyptian independence movements cannot be neglected, and are still a subject that offers rich opportunities for research. An Irishman edited the Egyptian Standard, Cairo's most significant nationalist newspaper in the 1900s. British administrators in Egypt compared the situation of landless Egyptian peasants with their Irish counterparts in urging different approaches to avoid rebellion. The Irish and Egyptian delegations cooperated in Versailles, and Zaghlul Pasha was compared to the Irish revolutionary leader Michael Collins by British commentators. The burgeoning Egyptian Independence movement was described, in fear, as potentially creating a pan-Islamic Sinn Féin. I have in my house, here in Cairo, the charming personal travelogue of Ibrahim Rashad, a young man who was sent to study medicine in England and opted instead to study economics in Ireland, and became convinced that the Irish model of agricultural cooperatives would greatly assist Egypt's own economic development.

I continue to meet new friends in Egypt whose parents and grandparents studied in Ireland, many in medicine, but many in very different fields including engineering, chemistry and of course the humanities. I would hope that this kind of connection can be restored and that we will again welcome Egyptian students to Ireland as we did so much in the past. This is not to say there are none now, but



there is space for more. I would hope too that more Irish third level education institutes would grow their links with Egypt.

Of course one must ask, why Irish Studies? I think, inevitably, many universities first think about the subject through the lens of the great Irish writers in English – Jonathan Swift, George Bernard Shaw (who also has an Egyptian connection), Oscar Wilde, James Joyce, William Butler Yeats, Samuel Beckett and, of course, Seamus Heaney, to mention a few. However, I think when one begins to read their literature one can only make full sense of it by knowing the context in which they wrote. In addition, the hibernicisation of English in its collision with the Irish language and culture ensured they all had a distinctive voice. The way Lady Gregory “put English on” old Irish language poems and folk tales ensured an audience captivated by the romance of Ireland.

However, I believe that after 100 years of independence there are many more reasons to study Ireland in a broader sense, and also to do so in Egypt. Our histories have in many respects run in parallel. The great moments in world history impacted on both Egypt and Ireland in similar ways, and certainly since 1922 we have faced many of the same challenges. Of course we have not always addressed those challenges in the same way. By comparison with Egypt, Ireland is a small State of 5 million people with a land area of 70000 km<sup>2</sup>. Nevertheless, history has ensured that there are some 70 million people of Irish descent living around the world. This gives my country a reach and an influence that many larger countries envy. It has helped to ensure a steady stream of investment into the Irish economy. It has ensured a traffic in ideas and innovation that the great Irish imagination has been able to turn into world beating companies. The decision of the Irish government to face the post WW2 world by opening the economy up and encouraging free trade has made it possible for Ireland to have its total trade valued at more than twice its GDP. Of course, our decision to join, in 1973, the European communities that became the European Union has been vital part of that economic development.

Beyond that, Ireland has also progressed socially at a bewildering pace. For centuries on the fringe of Europe, with a largely homogenous population, Ireland is now home to more than 100 nationalities. Our open economy has encouraged many people, including many Egyptians, to come and work in Ireland and they have brought with them their own traditions and cultures and have greatly enriched Ireland. This has contributed to Ireland being a hub for artistic endeavour and creativity, which also contributes to economic growth and development. It has also allowed Ireland to attract and retain world-class researchers to our universities and research centres. Ireland’s university rankings for specific course continue to rise across a broad range of disciplines.

While every conflict is different and, in consequence, it is difficult to replicate conflict resolution, Ireland’s own peace process in the late 1990s offers some very good examples of best practice, particularly in the inclusion of women. Since independence Ireland has pursued a foreign policy based on pacific resolution of disputes within a rules based multilateral order. Since first deployment in 1958, not one day has passed that an Irish soldier, sailor or aircrew has not been on peace keeping duty with a UN Mission somewhere in the world. That first deployment was to Lebanon in 1958 and Irish peacekeepers have served all over the Middle East, including in Egypt. Ireland is currently serving on the United Nations Security Council, for the fourth time. We believe we bring a unique perspective to matters of international peace and security, including empathy, partnership and independence.

Against this background, I believe that the establishment of the RCIS offers a great opportunity to deepen the relationship between Ireland and Egypt, not just in the academic sense and not merely in the foreign policy arena but in a partnership of people with a common interest.

## Dr. He Wenping Biography

Dr He Wenping is a Professor and Senior Research Fellow at the Institute of West-Asian and African Studies (IWAAS), Chinese Academy of Social Sciences (CASS), and specializes on Africa's relations with China and major world powers, African democratic transition and South-South Cooperation. She began her research and teaching career at CASS in 1989, and has served as a visiting scholar at Yale University, London University, the Nordic Africa Institute based in Sweden, German Development Institute and the BRICS Policy Center of the Pontifical Catholic University of Rio de Janeiro (PUC-Rio). Dr. HE is also the senior research fellow of the Charhar Institute, the Standing Member of the Chinese Asian & African Research Society, the Research Society for African Problems, and Asian–African Development & Exchange Society of China. She received B.A. and M.A. degrees in international politics and a Ph.D. in law from Peking University in China. Dr. HE is a regular commentator of Chinese Central TV Station/Chinese Central Radiobroadcast and a regular lecturer on Sino-African relations and Chinese Development Experiences in various African human resource training classes. Dr. HE also serves as associate researcher in the Centre for Chinese Studies of Stellenbosch University in South Africa and a Council Member of the World Economic Forum's Global Agenda Council on the Future of Africa from 2009 to 2011. Dr. He was invited as the "Outstanding Scholar" to visit the US by the US State Department in Oct. 2007, to visit Norway by the Norwegian Foreign Ministry in Jan. 2007, and to visit France by the French Foreign Ministry in Jan. 2016.



### **China- Africa Cooperation needs to be upgraded in the Post epidemic Era**

At the beginning of the year 2021, two major events have taken place in Africa's development and China-Africa cooperation, which can be said to have sounded the march of African integration and the upgrading of China-Africa cooperation in the post-epidemic era

**The first major event** was the official launch and start of the first transaction of the African Free Trade Area (AfCFTA) on 1 January 2021. Judging by the number of member countries, the Continent's Free Trade Area, the world's largest free trade zone since the founding of the World Trade Organization, will lead to a large market with a population of 1.2 billion and a combined gross domestic product of \$2.5 trillion. There is no doubt that the launch of the African Free Trade Area is a landmark event and an important milestone in the process of African integration. The construction of the African Free Trade Area would greatly promote intra-African trade, promote industrialization and competitiveness, and contribute to job creation, and the release of regional value chains would help Africa to integrate more meaningfully into the global economy.

**The second major event** is that Chinese State Councilor and Foreign Minister Wang Yi paid official visits to five African countries – Nigeria, Congo, Botswana, Tanzania and Seychelles, from January 4

to 8, 2021. The Chinese foreign minister's New Year's trip to Africa has become an unwritten tradition that has taken place annually for the past 31 years. The global spread of the COVID-19 pandemic has been unable to stop either the Chinese foreign minister's visit or the development of China-Africa friendship. Foreign Minister Wang Yi's visit to Africa not only highlighted China's sincere will and firm determination to deepen friendly relations with African countries in the post-epidemic period, but also fully communicated and planned how to promote the upgrading of China-Africa cooperation in the post-epidemic era.

During his trip, Chinese Foreign Minister Wang met with African leaders to discuss vaccine cooperation, economic recovery, transformation and development – three important areas of current and future China-Africa cooperation.

**China-Africa work together to fight the epidemic and jointly build the China-Africa Health community**

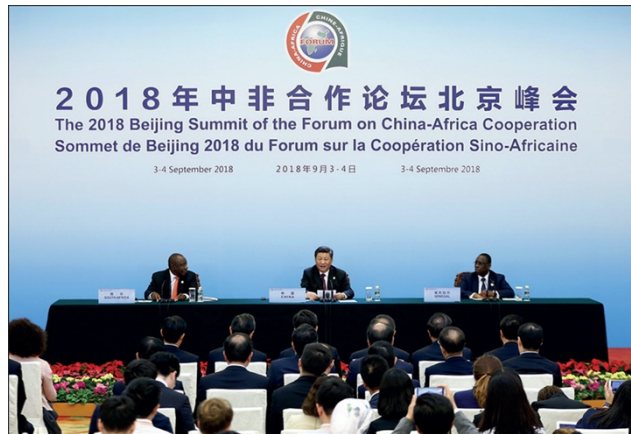
First, in terms of vaccine development cooperation, China is keen to provide all kinds of anti-epidemic support to Africa. At the special summit on China-Africa solidarity and fighting the epidemic in June 2020, Chinese President Xi Jinping said China will start construction of the headquarters of the African Center for Disease Control and Prevention (CDC) ahead of schedule by 2020, work with Africa to implement the "Health Initiative" within the framework of the Forum on China-Africa Cooperation (FOCAC), speed up the construction of China-Africa friendly hospitals and cooperation with China-Africa counterpart hospitals, and jointly build the "China-Africa Health Community". China is committed to taking the lead in benefiting African countries after the vaccine research and development is completed and put into use.

There is an old saying in China that "commitment is gold" and that if you promise, you must fulfill it. The commitments made by the Chinese government have always been fulfilled or implemented on time. In December 2020, construction began on the new China-funded headquarters for the Africa CDC in Addis Ababa, Ethiopia, which will include emergency response center, data center, laboratory, library, press rooms, training center, conference rooms, offices and apartments for expatriate staff. The 90,000-square-meter center, likely to be completed in two years, will help the Africa CDC to improve coordination, mobilization, and emergency management of public health events, and strengthen scientific research.

In terms of vaccine provision, the first batch of Chinese-developed vaccines arrived at Cairo International Airport in Egypt on Dec. 11, 2020. Speaking at a news conference, Egyptian Health Minister Hala Zayed said that the arrival of the Chinese vaccines was a historic moment for Egypt and showed the new heights of bilateral relations. She said: "China's vaccine is safe, we have conducted clinical trials, and I am one of the volunteers to get vaccinated. The Chinese vaccine proved successful in clinical trials and received final emergency approval from Egypt's Ministry of Health on Dec. 9."<sup>16</sup>

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<sup>16</sup> The website of the Egyptian media *Seven Daily* published a message on 11 December 2020; also from the official website of *the Beijing Evening News*: "The first batch of Chinese-made vaccines arrived in Egypt, said the Egyptian Minister of Health and Population" in the December 12, 2020 <https://baijiahao.baidu.com/s?id=1685828684697833927&wfr=spider&for=pc>. Also see *China Daily Online* December 15, 2020, "Egyptian Minister of Health: A Historic Moment! The first Chinese-made vaccines arrived in Egypt."



The year 2020 is of special significance in world history and the history of China-Africa relations. The global outbreak of the COVID-19 pandemic presented an unprecedented test for the world's public health system, globalization and international cooperation. Facing the COVID-19 pandemic, China and Africa have stood together and supported each other in fighting the pandemic, as well as promoting multilateral cooperation. This reflects the unshakable bond between China and Africa that has made sure we can share weal and woe and fight for common goals in this difficult year.

At a critical moment in China's fight against the epidemic, African countries spared no effort in supporting China's fight against the epidemic. Egypt, South Africa and other countries provided China with anti-epidemic supplies. Equatorial Guinea and Djibouti, which are among least developed countries, generously donated \$2 million and \$1 million respectively to the Chinese Government. After the 36th AU Ministerial Meeting, a special communiqué expressed the union's confidence in China's victory in the fight against the epidemic, and called for more international anti-pandemic cooperation. When the pandemic hit Africa, China also rushed to help the continent, shipping medical supplies, dispatching teams of medical experts, providing training and sharing prevention and control experience. In total, China has delivered medical supplies to more than 50 African countries and the AU, and sent more than 170 medical experts to 15 African countries. Video conferences were held with African countries, where experience gained in China was shared. More than 40 medical aid teams in Africa have carried out nearly 400 training sessions and trained more than 20,000 local health workers.<sup>17</sup>

Looking at the cooperation between the world's major powers and Africa after the outbreak, China has not only played a leading role in supporting Africa's fight against the pandemic, but is also the only country that has jointly initiated an extraordinary summit on solidarity against COVID-19 with African countries. In this fight against the pandemic, both China and Africa have achieved good results. The pandemic is under effective control in China and businesses and schools across the country have reopened. In Africa, the confirmed cases of COVID-19 and deaths from the disease account for about 4 percent of the World's total, much lower than the predictions of many international agencies.

**Strengthen the construction of the African Free Trade Area and  
Promote the upgrading of China-Africa cooperation**

The unexpected COVID-19 outbreak in 2020 has brought shocks and challenges to China-Africa economic and trade cooperation and

Africa's economic development. In the first quarter of 2020, China-Africa trade fell by 14%, to about \$41 billion. The study "*COVID-19: Protecting Africa's Lives and Economy*", released by the United Nations Economic Commission for Africa on 17 April 2020, also notes that Africa's economic growth rate

<sup>17</sup> "China and Africa are united in fighting the epidemic and supporting each other." CGTN network June 17, 2020 [http://world.gmw.cn/2020-06/17/content\\_33920478.htm](http://world.gmw.cn/2020-06/17/content_33920478.htm).



could fall to 1.8% by 2020 from the previously anticipated 3.2%, with an estimated 27 million people falling into extreme poverty as a result.<sup>18</sup> Thus, in order to revive the affected economies, African countries officially launched the first transaction of the African Free Trade Area Agreement (AfCFTA) on 1 January 2021, hoping to meet the challenges of international environmental change by promoting the process of economic integration in Africa.

China has always firmly supported the integration process on the African continent. In addition to building the AU headquarters building and improving office conditions for the construction of regional integration organizations in Africa, China has also promoted the development of the African Free Trade Area in three areas: infrastructure construction, industrial development and market integration. In December 2020, China and the African Union (AU) signed the Cooperation Plan on Jointly Promoting the Construction of the Belt and Road Initiative (BRI), which became the first cooperation document signed by China and regional organizations to jointly build the BRI. According to the plan, China will synergize the initiative with the AU's Strategic Framework for "Vision 2063"; strengthen cooperation with African countries in the fields of railways, highways, regional aviation and industrialization; promote integration with African countries; jointly address the challenges of globalization; and promote the high-quality development of the BRI. Today, Chinese companies have been doing construction of railways, airports, industrial parks and ports in African countries such as Ethiopia, Djibouti, Kenya and Nigeria, using actions to write and practice the interface of China-Africa development blueprints and to advance the dream coming true of African economic integration.

The launch of the AfCFTA and the formation of a large market for African unity could also assist the development of China-Africa trade. Moreover, ahead of the China-Africa Beijing Summit in September 2018, China and Mauritius completed negotiations on a free trade agreement between the two countries (the agreement went into effect on Jan 1), achieving a breakthrough in China-Africa FTA cooperation. Looking ahead, China-Africa economic and trade cooperation will seize the opportunity launched by the African Free Trade Area to promote China's free trade negotiations with more African countries and sub-regional organizations to help realize the transformation and upgrading of China-Africa trade.

During the epidemic outbreak, China's more than 1,100 "Belt and Road" cooperation projects in Africa continued to operate, with nearly 100,000 Chinese technical and engineering personnel holding their posts also in Africa. A number of railway, road and power station projects which overcome the impact of the epidemic have been resumed work, and make an important contribution for the local economic recovery and social development.

During his visit in Africa, Chinese Foreign Minister Wang Yi also signed the memorandum of understanding (MoU) on the joint construction of the BRI with Congo and Botswana, making the countries the 45th and 46th partners in Africa to participate in the Belt and Road cooperation. It is a strong proven that the BRI has been a welcome initiative and is being built to overcome the effects of the outbreak and external interference and is covering the entire African continent, with brighter prospects. In the future, China will continue to support the construction of a free trade zone on the African continent, strengthen connectivity and safeguard the supply chain of the industrial chain in

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<sup>18</sup> "The United Nations Economic Commission for Africa predicts that Africa's economic growth may slow to 2% this year," see the website of the West Asia & Africa Division of the Ministry of Commerce of China, April 3, 2020. <http://xyf.mofcom.gov.cn/article/zb/202004/20200402951648.shtml>.

Africa, accelerate the development of Africa's digital economy, and expand exchanges and cooperation with African countries in the fields of digitalization and information and communication, especially in the fields of telemedicine, distance education, 5G, smart cities, clean energy and big data.

New technologies such as cloud computing, big data and artificial intelligence have been widely used in the tracking, detection and analysis of COVID-19 outbreak situations in Africa, as well as virus tracing, prevention and control and resource allocation. During the epidemic, China-Africa digital economic cooperation ushered in a rapid development opportunity. All kinds of digital cooperation platforms, online promotion fairs, live video sale and other new forms of cooperation are flourishing, effectively serving the connecting of Chinese and African Enterprises and promoting African products exports to China, which has played an important role in helping Africa's economic recovery.



As an old Chinese poem says, “Fearless of floating clouds to cover the eyes, the wind should be long to look at the amount”(不畏浮云遮望眼,风物长宜放眼量). Although the COVID-19 outbreak in 2020 has had a certain impact on China-Africa economic cooperation, the golden complementary economic structural nature formed by China's technology, capital, development experience and African markets, resources and development potential has not changed. In the post-epidemic era, with the recovery of supply chains and production chains, China-Africa economic and trade cooperation is expected to return to its peak soon. Let's be optimistic and work together.



## Tala Zaitoun: BUE Political Science Student

**The evaluation of the factors affecting the ICJ's effectiveness in resolving interstate conflict**

The 17<sup>th</sup> century witnessed the beginning of the codification of certain norms and laws that guide the ever growing international system. Since the likes of Hugo Grotius, the father of international law, followed closely by the establishment of the Westphalian system, which recognized the equal sovereignty of nation-states in an international system, international law has continued to develop gradually (Baderman, 2006). The simplicity of the law of peace and war, and the peace of Westphalia however, no longer fit the rapid growth of complexity in inter-state relations. War is no longer at the forefront of dealings, and states prefer to settle disputes through other peaceful means such as adjudication.



Adjudication had developed from arbitration, becoming its institutionalized form. Despite international courts being established from the 19<sup>th</sup> century, the first proper manifestation was through the Permanent Court of International Justice, which had limited success in conflict management and resolution, but played a crucial role in the development and clarification of international law (Sands, 1999). With the outbreak of the bloodiest war in history, World War II WWII, the international community was searching for new ways to achieve and maintain peace, which resulted in the exponential increase in the number of international courts, as well as their continuously widening range of specialties and jurisdictions. Therefore, this growth led to an abundance of literature about the effectiveness of the courts in achieving their goal.

The International Court of Justice ICJ being amongst the pioneers and is the highest court in the world, deserves great focus and assessment. The United Nations UN charter clearly stipulates in Chapter 14, that all members of the UN are perforce members of the ICJ (U.N. Charter art. 93), hence making it one of the most far-reaching courts in the world as well.

The aim of this paper is therefore to evaluate to what extent is the ICJ effective in resolving inter-state conflict and what are the factors that might impede the adjudicative process the ICJ provides to the international community.

### Evaluating effectiveness

The literature available evaluating the effectiveness of the adjudication process of the ICJ, although limited, employs a number of different methods and reaches extremely divergent results due to both theoretical and methodological difficulties in conducting research and empirical studies (Shany, 2012). In order to conduct empirical studies, there needs to be a normative baseline on which to base the research on, which this field highly lacks due to the complexity of the cases submitted to adjudication and the complexity of the political context in which they take place. As proposed by Shany, a method to approach such a study in social sciences is the ‘goal-based approach’ (2012). This approach measures effectiveness through identifying the goal intended, and a time frame in which it should be reached, in order to simplify the measurement. The ICJ’s goal is “to settle, in accordance with international law, legal disputes submitted to it by States”, as cited on their website. However it is important, in order to achieve the most reliable results, to evaluate the factors that affect state’s submission, and state behavior after the judgement has been reached.

The process of conflict settlement or resolution can be hindered for a number of reasons, which can be grouped into 2 phases, adjudicative and post-adjudicative. In the adjudicative phase there is the issue of reluctance to proceed with adjudication and the bias attributed to the court. Furthermore, there are problems regarding the jurisdiction of the court (ICJ). In the post-adjudicative phase, there are the closely linked problems of lack of enforcement mechanisms and therefore compliance of the states.

### Adjudicative phase

The legal process of adjudication exists in a wider intellectual construct which is made up of the merge between law and politics, and therefore when assessing one, the other must be heavily taken into consideration (Slaughter, 1995). Having established that, it is rational to assume that the pursuance of adjudication could be affected by other factors, and those factors greatly influence the sensitive circumstances of inter state conflict.

**Reluctance**

Firstly, there is a theoretical analysis set forth by Muller and Schneider, applying game theory, in order to explain why respondent states are reluctant to go through with adjudication (2008). Adjudication is a zero-sum game, with no room for compromise, therefore, the applicant states can either gain a victory, or lose nothing. However, on the other hand, the respondent states in the best case-scenario can only avoid a loss. Consequently a rational respondent state will always be reluctant to participate in the adjudicative process.

Secondly, the nature of the dispute. As empirical evidence shows, the majority of the disputes submitted to adjudication are usually minor territorial disputes or technical inquiries (Bilder, 1997; Diehl, Reifschneider & Hensel, 1996). Minor disputes are usually submitted by mutual agreement, showcasing their peaceful nature, like that between Belgium and the Netherlands over a frontier in 1957 (Sumner, 2004). There is a correlation between the political sensitivity of the dispute and the reluctance to pursue adjudication. Rational actors are unlikely to submit their sovereignty to a third party, due to the uncertainty of the outcome, and the collateral effects the process may have (Gent, 2013). Reaching an agreement through other means, usually narrows the range of outcomes, decreasing the uncertainty.

Lastly, power politics plays a considerable role. Larger states do not see the need to pursue adjudication, because they are capable of using other forms of unilateral persuasion to leverage their adversary to reach the outcome they prefer, for example economic sanctions or boycotts (Bilder, 1989). Furthermore, strong states can use military force against other nations while justifying it in self-defence. In many cases, especially with states like the United States, the actions are deemed illegal under international law, however they do not face any consequences and continue with the pattern of behavior. For instance, the US invasion of Panama in 1989 was in the name of combating drug money laundering and trafficking in Panama, which was a transit point for the activity to the US (Quigley, 1990). The ICJ's purpose is to judge on these types of inter-state conflict, however, the US as a strong state fails to see the need to do so, and so acts on a unilateral basis.

On the other hand, smaller states avoid submitting disputes for adjudication because it may be perceived as an unfriendly act of escalation, which can therefore affect other strategic relations with the other parties (Helfer & Slaughter, 1997), especially with the growing interdependence of the international community.

**Bias**

Another extremely prevalent theme in the literature is the bias of the ICJ as an adjudicative body in a number of respects. As cited by Tumonis, there is a “fallacy of formalistic Decision-making” (2013). Despite the goal of international law and international adjudicative processes to depoliticize inter-state dispute settlement, empirical studies show that they do not always disregard political considerations and instead legal rules are only used to justify rather than reach judgements (Lowe & Fitzmaurice, 1996). It is also important to note that individual judges' goals can slant their judgements due to their political predispositions (Shany, 2012).

Additionally, there are multiple structural flaws intrinsic to the ICJ like the process of the election of the ICJ judges. The initial list is drafted by the Secretary General, and the Security Council

UNSC makes the final decision on the judges to be appointed (Statute of the ICJ, 1945). This process inherently goes against common jurisprudence. The Security Council (UNSC), in its nature, is not a judicial nor a preferential entity; its main goal is to maintain security and peace, however not necessarily through justice (Brown, 2005); furthermore, its composition gives the P5 states an advantage in the selection, therefore politicizing the entire process.

The re-election process is also problematic. The prestige of the position might influence judges to seek securing votes, in the same manner politicians do, amongst the General Assembly rather than be fair according to the merits of the case (Posner & Figueiredo, 2005). Politicization is further embedded through the reservation of 5 of the 15 seats of the ICJ to each of the P5 member states of the UNSC (Ogbodo, 2012), creating a noteworthy pattern of monopolization by the world powers and hence a conflict of interest.

Lastly, as per art. 31, par. 2&3 of the statute, the process of choosing a judge of the nationalities of the parties to the case, to sit on the bench contradicts the claim of impartiality of the court in art. 20. If the court was truly impartial, no choice should be left to the parties in the appointment of the judges. Empirical studies show that the judges appointed on this ad hoc basis, almost always vote for the party that appointed them (Lowe & Fitzmaurice, 1996).

### Jurisdiction

The jurisdiction of the ICJ is regarded amongst its most fundamental weaknesses. Art. 36 par. 2 of the statute, states the court's 'compulsory jurisdiction' as being only applicable, once the states declare their recognition of it, otherwise it does not fall under the court's jurisdiction. Tuyishime notes that this article contradicts the accepted legal concept of *pacta sunt servanda*<sup>1</sup>, delegitimizing the court's influence in the international community (2017). Hence, with states' reluctance, only 74 states out of -

<sup>1</sup>In the legal sphere, the principle is confirmation of the character of international law as law. Subjects of international law are legally bound under the principle to implement what the law prescribes (Lukashuk, 1989) a total of 193 UN members have declared the recognition of the compulsory jurisdiction (Declarations recognizing the jurisdiction of the Court as compulsory, 2018).

Furthermore, Four (USA, China, Russia, France) of the five permanent members of the UNSC are not amongst the states who have declared; China and Russia at no point made the declaration, whilst France and the USA have revoked their declaration in 1974 and 1984 respectively (Ogbodo, 2012). This sets a negative precedent to states who might view in general or in a particular case that the judiciary process might impede their national interests, and therefore undermine the entire adjudication process.

## Post adjudicative phase

### Enforcement

International adjudication, and the ICJ, does not exist in a political vacuum, and because compliance is amongst the most used methods to evaluate the effectiveness of adjudication (Shany, 2012), it is important to assess the enforcement of their judgements. In the statute of the ICJ, there is no outlined enforcement mechanism; under art. 41, the ICJ delegates this responsibility to the UNSC. The process of recourse

is outlined under art. 94 of the UN charter and is left to the UNSC's discretion, and essentially, the discretion of the P5 members who can veto any process of recourse sought by the creditor state. As observed by Llamzon, creditor states rarely seek enforcement through the UNSC, most notably after the ruling on the *Nicaragua v. The United States* case (2007). The case ruling was for the US to cease all activities in breach of the law in Nicaragua as well as pay reparations. When the US rejected the ruling, and Nicaragua sought recourse in the UNSC, they were vetoed 5 times by the US across 3 years (Hight, 1987). Without an official mechanism, there are no means by which to compel the debtor state to appear before the court except a hollow threat that they will receive a default judgement in their absence (Helfer & Slaughter, 1997)

### Compliance

Compliance can be defined as “acceptance of the judgement as final and reasonable performance in good faith of any binding obligation” (Tumonis, 2013). Amongst the most commended empirical studies on the topic is a study by former ICJ Judge Shigeru Oda. His research aimed to assess the compliance level of all the cases in the ICJ's docket from 1946-1999.

Judge Oda's assessment, started with establishing only 47 contentious cases were fit for examination; 36 out of 47 (77%) were raised unilaterally to the court, with only 7 achieving meaningful results, which accounts for 19% (Oda, 2000). If generalized over the ICJ, the conclusion reached is that only 1 in 5 cases taken up by the court contribute to the management and/or resolution of inter-state conflict, making it ineffective in achieving its goal of ultimately affecting states' behavior.

There are a number of reasons that can explain states' non-compliance. Just like power asymmetry affects state's reluctance to pursue adjudication, it also affects states' levels of compliance. On the one hand, stronger states can choose not to comply, if it serves their interest, without facing the same repercussions in the international community than weaker states (Llamzon, 2007). For example, with the ICJ's advisory ruling to dismantle the wall Israel has built inside Palestinian territories, as well as pay reparations for damages, has been not complied with. Due to Israel's strong alliance with the US, it faced no repercussions over a decade after the ruling (Barrie, 2014). On the other hand, weaker states might be more pressured to comply because there are high reputation costs attached with non-compliance; it will be considered rejection of international legal code (Gent, 2013).

Nevertheless, there are some advantages to compliance, and it is a pattern observable by both strong and weak states. Adjudication is usually an acceptable method for governments to seek conflict resolution when they are faced with domestic opposition, especially in politically charged cases. Adjudication makes settlement appear more favorable to internal opposition, it is perceived as cooperation and compliance to international legal standards rather than a show of weakness (Simmons, 2002). This notion reinforces the argument that states only comply when it serves their best interests, rather than there being an enforcement mechanism in place.

An extremely clear case is that of *DRC v. Uganda*. The DRC accused the Ugandan government of economic and political meddling in its territories, during the political turmoil of ousting Mobutu (former president of Zaire/DRC) from power. The ICJ has reached a judgement ordering Uganda to pay reparations, although it was not conclusive on a specific figure, leaving it to both states to negotiate (Wasswa, 2007). The newly elected government in the DRC, who was aided by Uganda to come to power, suspecting Ugandans may not pay reparations. Therefore, they instead hailed it as a symbolic victory to his people, making a point that they were wrong to occupy the territory.

**Conclusion**

The aim of the paper was to evaluate the factors that aid or impede the process of adjudication that the ICJ provides. The factors provided offer insight into how the process could be made more effective in achieving its goal.

The setup of the ICJ is fundamentally flawed as a court. A court can function effectively only with the proper jurisdiction and enforcement mechanisms. As highlighted above, the jurisdiction of the court, although named compulsory jurisdiction, is recognized by less than half of the members of the UN, with amongst the strongest states not recognizing it, hence its power in conflict resolution is limited. Furthermore, past the judgment phase, the ICJ has no means of enforcing its judgement. The body in charge of enforcement, the UNSC, is by nature political and hence the process depletes the value of justice. This setup has proven to not be effective and hence if the court aims to achieve justice, these two mechanisms need to change drastically.

These two structural changes, if achieved, will theoretically solve the reluctance of states to pursue, the assumed bias of the court and the levels of compliance with the judgements. When the leading judicial body in the international system proves to be a fair and effective one, the peaceful process of adjudication through the ICJ will become both effective and efficient in the field of conflict resolution.

## **About BUE**

The formation of a British University in Egypt arose from a 1998 Memorandum of Cooperation between the UK and the Egyptian Governments. It was envisaged that such an institution would produce graduates of UK standards for key sectors of the Egyptian economy, particularly in the areas of engineering, computer science and business studies. The BUE is a major University delivering Higher Education with Students graduating with both Egyptian and UK degrees. It is the largest face-to-face provision of British Transnational Higher Education in the Middle East, leading in Educational Quality, Student Experience, high research and focused enterprise. We have started since September 2005 and now our student population has reached 11058 thousand with 11 faculties. BUE is the first accredited Private University in QS Ranking. For more information, please visit our Website: <https://www.bue.edu.eg/>

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