
Global Governance and Policy

International Law and Institutions

Arbitration – A consensual dispute-resolution mechanism where parties submit their conflict to one or more neutral third parties whose decision is binding.

Related terms: mediation, conciliation, adjudication.

Arbitration is commonly used in commercial contracts, investment disputes, and maritime claims. It offers flexibility, confidentiality, and enforceability under the New York Convention. Practical application includes the International Centre for Settlement of Investment Disputes (ICSID) panels hearing investor-state disputes. Challenges arise from concerns over transparency, perceived bias of arbitrators, and the limited ability of national courts to review awards, especially when public policy issues intersect with private arbitration outcomes.

Bilateral Investment Treaty – A treaty between two states that establishes reciprocal protections for investors from each country, such as fair-and-equitable treatment and protection against expropriation.

Related terms: multilateral investment treaty, BIT, investment protection.

Bilateral Investment Treaties (BITs) aim to encourage foreign direct investment by reducing political risk. An example is the US-Argentina BIT, which provides a framework for US investors to claim compensation if Argentina enacts discriminatory measures. In practice, BITs are invoked before investment arbitration tribunals. However, they face criticism for limiting sovereign regulatory space, especially in public health or environmental policy, and for creating “regulatory chill” where governments hesitate to enact reforms for fear of litigation.

Customary International Law – Law derived from the general and consistent practice of states followed out of a sense of legal obligation (*opinio juris*).

Related terms: state practice, *opinio juris*, *jus cogens*.

Customary rules govern issues ranging from diplomatic immunity to the prohibition of genocide. The prohibition of torture, for instance, is widely recognized as customary despite not being codified in a single treaty. Practically, courts use custom to fill gaps in treaty law. Challenges include establishing the existence of a customary rule, especially when state practice is fragmented, and addressing the dynamic nature of customary law as new practices emerge.

Diplomatic Immunity – A principle that shields foreign diplomats from the jurisdiction of the host state’s courts and law-enforcement agencies.

Related terms: Vienna Convention on Diplomatic Relations, consular immunity, inviolability.

Diplomatic immunity ensures the free performance of diplomatic functions. For example, ambassadors can communicate with their home governments without fear of prosecution. In practice, the host state may declare a diplomat “*persona non grata*” to expel them. Challenges include abuse of immunity for criminal conduct, balancing sovereign equality with the need to protect diplomatic channels, and the limited mechanisms for waiving immunity when serious offenses occur.

Economic and Social Council – One of the six principal organs of the United Nations, responsible for promoting international economic and social cooperation and development.

Related terms: ECOSOC, UN specialized agencies, sustainable development.

ECOSOC coordinates the work of UN agencies such as WHO and UNESCO and convenes high-level forums on issues like poverty eradication. It adopts resolutions that influence global policy agendas, such as the 2030 Agenda for Sustainable Development. The council's practical impact is often mediated through its subsidiary bodies and partnerships with civil society. Challenges include limited enforcement power, the need for consensus among diverse member states, and criticisms that its agenda can be dominated by powerful nations.

Extraterritorial Jurisdiction – The assertion of a state's legal authority over conduct occurring outside its territory, often based on nationality or protective interests.

Related terms: universal jurisdiction, passive personality principle, corporate liability.

Countries may prosecute their nationals for crimes committed abroad, as seen in anti-corruption statutes like the US Foreign Corrupt Practices Act. Extraterritorial claims also arise in environmental law, where a state seeks to regulate cross-border pollution. Practical application includes coordinated investigations among law-enforcement agencies. Challenges involve conflicts of law, accusations of legal imperialism, and the difficulty of enforcing judgments when the offending party resides in a non-cooperative jurisdiction.

Geneva Conventions – A series of four treaties (1949) and their Additional Protocols that set standards for humanitarian treatment during armed conflict.

Related terms: IHL, war crimes, protected persons.

The conventions cover the care of wounded soldiers, shipwrecked personnel, prisoners of war, and civilians. They are universally ratified, providing a legal baseline for conduct in war. In practice, the International Committee of the Red Cross monitors compliance and assists parties to the conflict. Challenges include ensuring compliance by non-state armed groups, interpreting the conventions in asymmetrical warfare, and addressing violations in the context of modern technology such as drones.

Human Rights Council – A UN subsidiary body tasked with strengthening the promotion and protection of human rights worldwide.

Related terms: UNHRC, Universal Periodic Review, special procedures.

The council conducts thematic and country-specific reviews, adopts resolutions, and appoints independent experts (special rapporteurs). Its practical work includes investigating alleged violations in conflict zones and issuing recommendations. Critics point to politicization, the presence of states with poor human-rights records, and the limited enforcement capacity of its decisions. The council's effectiveness often depends on the political will of member states and the cooperation of civil-society actors.

International Court of Justice – The principal judicial organ of the United Nations, seated in The Hague, which settles legal disputes between states and gives advisory opinions.

Related terms: ICJ, contentious jurisdiction, advisory jurisdiction.

The ICJ's jurisdiction is based on the consent of the parties, often through treaty clauses or declarations. Notable cases include the "North Sea Continental Shelf" dispute and the advisory opinion on the legality of the nuclear weapon threat. In practice, the court's rulings are binding but lack direct enforcement

mechanisms, relying on the UN Security Council for compliance. Challenges include the limited number of states willing to submit to compulsory jurisdiction and the potential for political pressure to influence the court's composition and decisions.

International Criminal Court – A permanent tribunal established by the Rome Statute (1998) to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression.

Related terms: ICC, Rome Statute, complementarity.

The ICC operates on the principle of complementarity, intervening only when national jurisdictions are unwilling or unable to prosecute. Cases such as the prosecution of former Congolese rebel leader Thomas Lubanga illustrate its reach. Practical application involves cooperation with states for arrest warrants and evidence gathering. Challenges include limited jurisdiction (only 123 states are parties), accusations of bias toward African states, and difficulties in securing custody of suspects when powerful states refuse cooperation.

International Law of the Sea – A body of law governing the rights and responsibilities of states concerning the use of the world's oceans, primarily codified in the United Nations Convention on the Law of the Sea (UNCLOS).

Related terms: UNCLOS, EEZ, continental shelf.

UNCLOS defines maritime zones such as territorial seas, exclusive economic zones (EEZs), and the high seas, establishing rules for navigation, resource exploitation, and environmental protection. Practical examples include dispute settlement through the International Tribunal for the Law of the Sea (ITLOS) and the arbitration of the South China Sea case. Challenges involve overlapping claims, the balance between freedom of navigation and resource rights, and enforcement of conservation measures in areas beyond national jurisdiction.

Joint Commission – A bilateral or multilateral body established to oversee cooperation on specific issues, often in post-conflict or transitional contexts.

Related terms: confidence-building measures, bilateral agreements, monitoring mechanisms.

Joint commissions may address border demarcation, trade facilitation, or security coordination. For instance, the Joint Commission of the United Nations and the Government of South Sudan monitors cease-fire agreements. In practice, commissions provide platforms for dialogue, data sharing, and joint implementation of projects. Challenges include divergent political agendas, capacity constraints, and the risk that commissions become symbolic without substantive authority or resources.

Kelsenian Theory – The legal positivist framework advanced by Hans Kelsen, emphasizing a hierarchical "grundnorm" (basic norm) from which all legal norms derive their validity.

Related terms: grundnorm, legal positivism, normative hierarchy.

Kelsen's model underpins much of modern constitutional analysis, asserting that the legitimacy of international law rests on the acceptance of a higher normative order. Practically, the theory informs debates on the supremacy of treaty law versus domestic law. Critics argue that the abstraction of a "basic norm" may overlook moral considerations and the role of customary practice, especially in the evolving field of human-rights law.

Legal Personality – The capacity of an entity to possess rights and duties under international law and to

bring or be subject to legal proceedings.

Related terms: statehood, non-state actors, subjectivity.

States, international organizations, and, increasingly, corporations and NGOs possess varying degrees of legal personality. The International Court of Justice recognizes the United Nations as a legal person, enabling it to sue and be sued. Practical implications include the ability of NGOs to submit amicus briefs in human-rights cases. Challenges arise in defining the scope of personality for emerging actors such as multinational enterprises and cyber-entities, and in balancing sovereignty with accountability.

Multilateralism – A diplomatic approach where multiple countries cooperate on common issues through institutions or agreements, emphasizing collective decision-making.

Related terms: unilateralism, coalition, consensus-building.

Multilateral frameworks include the World Trade Organization (WTO), the Paris Climate Agreement, and the UN Security Council. In practice, multilateralism facilitates standard-setting, dispute resolution, and resource pooling. Critics contend that multilateral processes can be slow, unwieldy, and dominated by powerful states, leading to “gridlock” on urgent matters. The rise of regional trade blocs and bilateral deals sometimes signals a retreat from global multilateral cooperation.

Non-Refoulement – A principle of international refugee law prohibiting the return of individuals to a country where they face threats of persecution, torture, or death.

Related terms: asylum, refugee protection, principle of protection.

Embedded in the 1951 Refugee Convention and customary law, non-refoulement obliges states to assess risk before deportation. Practical application includes asylum procedures, temporary protection measures, and judicial review of removal orders. Challenges include balancing national security concerns, the “safe third country” doctrine, and the increasing use of automated border controls that may overlook individual risk assessments.

Obligation erga omnes – Obligations owed by all states to the international community as a whole, such as the prohibition of genocide or slavery.

Related terms: erga omnes, jus cogens, universal jurisdiction.

These obligations are non-derogable and trigger collective responsibility; any state may invoke them in legal proceedings. The International Court of Justice cited erga omnes obligations in the Barcelona Traction case. Practical implications involve the ability of states to bring claims on behalf of the global community. Challenges include determining the precise content of such obligations and reconciling them with sovereign interests, especially when enforcement mechanisms are limited.

Parliamentary Assembly – A deliberative organ composed of representatives from member states, often attached to an international organization, that provides a forum for political dialogue and oversight.

Related terms: UNGA, PA, inter-parliamentary cooperation.

Examples include the Parliamentary Assembly of the Council of Europe (PACE) and the Pan-African Parliament. These bodies adopt resolutions, monitor human-rights compliance, and foster legislative exchange. In practice, they can influence treaty ratification and promote democratic norms. However, they lack binding authority, and their recommendations may be ignored by executive branches, limiting their impact on concrete policy change.

Qualified Majority Voting – A voting system used in certain international institutions where decisions require a specified proportion of votes, often balancing population size and member equality.

Related terms: EU Council, weighted voting, consensus.

In the European Union's Council of Ministers, a qualified majority (55 % of member states representing at least 65 % of the EU population) enables efficient decision-making while protecting minority interests. The system is employed in the International Monetary Fund for certain financial decisions. Challenges include perceptions of "big-state dominance," the complexity of calculating thresholds, and the tension between efficiency and inclusiveness in highly diverse coalitions.

Responsibility to Protect – A doctrine asserting that the international community has a duty to intervene, diplomatically or militarily, when a state fails to protect its population from mass atrocities.

Related terms: R2P, sovereignty, humanitarian intervention.

R2P comprises three pillars: the state's responsibility to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity; the international community's duty to assist; and the responsibility to intervene when a state is unwilling or unable. Practical application includes UN Security Council resolutions authorizing intervention in Libya (2011). Critics argue that R2P can be misused for political purposes, suffers from inconsistent application, and raises questions about the threshold for "failure to protect."

Sovereign Immunity – The doctrine that a state and its agencies are immune from the jurisdiction of foreign courts, except in narrowly defined exceptions.

Related terms: state immunity, restrictive immunity, commercial activity.

The United Nations Convention on Jurisdictional Immunities of States (2004) codifies the distinction between sovereign acts (*jure imperii*) and commercial acts (*jure gestionis*). In practice, foreign courts may allow lawsuits against a state for contractual breaches. Challenges include reconciling immunity with accountability for human-rights violations, the divergent domestic approaches to immunity, and the difficulty of enforcing judgments against sovereign assets.

Treaty Interpretation – The process of determining the meaning and scope of treaty provisions, guided by the Vienna Convention on the Law of Treaties (VCLT).

Related terms: VCLT, object-and-purpose, subsequent practice.

Interpretation may involve textual analysis, context, and the treaty's object and purpose. The International Court of Justice frequently applies these rules, as in the "Nicaragua v. United States" case. Practical tools include recourse to commentaries and the use of "subsequent practice" to clarify ambiguous terms. Challenges arise when parties dispute the meaning, when treaties evolve through amendments, and when divergent domestic interpretations lead to inconsistent application.

UN Charter – The founding treaty of the United Nations, establishing its purposes, structure, and the principles governing international peace and security.

Related terms: Article 2, Security Council, General Assembly.

The Charter outlines the prohibition of the use of force, the principle of self-determination, and the primacy of the Security Council in maintaining peace. In practice, it provides the legal basis for peacekeeping missions, sanctions, and the International Court of Justice's jurisdiction. Challenges include the veto power of permanent Security Council members, which can impede collective action, and debates over the Charter's

relevance in addressing non-traditional threats such as cyber-attacks and climate-induced conflicts.

Vienna Convention on the Law of Treaties – The primary instrument governing the creation, interpretation, and termination of treaties, adopted in 1969.

Related terms: VCLT, treaty law, pacta sunt servanda.

Key provisions include the principle of “pacta sunt servanda” (agreements must be kept), rules on invalidity, termination, and the doctrine of *rebus sic stantibus* (fundamental change of circumstances). The convention is applied by courts and tribunals worldwide, shaping the legal certainty of treaty relations. Practical challenges involve the limited ratification by non-Western states, disputes over the applicability of “material breach,” and the difficulty of addressing contemporary issues such as digital trade agreements within a mid-20th-century framework.

World Trade Organization – An international organization that regulates global trade through a system of agreements, dispute settlement, and monitoring.

Related terms: WTO, GATT, Doha Round.

The WTO’s core functions include administering trade agreements, providing a forum for negotiations, and adjudicating disputes via the Dispute Settlement Body. Practical examples include the United States-EU “banana” dispute and the “US-China” tariffs case. Challenges include the paralysis of the Doha Development Agenda, criticism of the dispute settlement mechanism’s perceived bias, and tensions between trade liberalization and emerging concerns over environmental sustainability and labor standards.

Humanitarian Law – Also known as International Humanitarian Law (IHL), the set of rules that seek to limit the effects of armed conflict for humanitarian reasons.

Related terms: Geneva Conventions, war crimes, protected persons.

IHL distinguishes between combatants and civilians, prohibiting indiscriminate attacks and requiring proportionate use of force. The International Committee of the Red Cross monitors compliance and assists victims. Practical application includes the prosecution of war crimes at the International Criminal Court. Challenges involve the applicability of IHL to non-state armed groups, the integration of new technologies such as autonomous weapons, and ensuring accountability when violations occur in asymmetric warfare.

International Monetary Fund – A specialized UN agency that provides financial assistance, policy advice, and technical assistance to its member countries.

Related terms: IMF, conditionality, SDR.

The IMF’s primary tools include standby arrangements, extended fund facilities, and the issuance of Special Drawing Rights (SDRs). It intervenes during balance-of-payments crises, as seen in the 1997 Asian financial crisis. Practical challenges include the perception that IMF conditionality infringes on national sovereignty, the adequacy of its surveillance mechanisms, and the need to reform governance structures to reflect the interests of emerging economies.

International Organization for Standardization – An independent, non-governmental body that develops and publishes voluntary technical standards for a wide range of industries.

Related terms: ISO, voluntary standards, conformity assessment.

ISO standards, such as ISO 9001 for quality management, facilitate international trade by harmonizing product specifications. In practice, governments often adopt ISO standards in procurement policies,

enhancing market access. Challenges include ensuring inclusivity of developing-country stakeholders in standard-setting processes, addressing rapid technological change, and balancing the voluntary nature of standards with the need for enforceable compliance in critical sectors like cybersecurity.

International Criminal Law – The body of law that defines individual criminal responsibility for serious offenses that affect the international community.

Related terms: genocide, war crimes, ICC.

Key doctrines include command responsibility and the principle of universal jurisdiction. The Nuremberg Trials established precedent for prosecuting individuals for crimes against humanity. Practical implementation involves cooperation between national courts and international tribunals. Challenges include gaps in jurisdiction, political resistance to prosecutions, and the difficulty of gathering evidence in conflict zones.

Peacekeeping Operations – Deployments of multinational forces authorized by the UN Security Council to monitor cease-fires, protect civilians, and support the implementation of peace agreements.

Related terms: UNPKO, Blue Helmets, robust mandates.

Operations such as MONUSCO in the Democratic Republic of Congo illustrate the evolution from traditional observation missions to multidimensional mandates that include civilian protection. Practical considerations involve rules of engagement, funding, and the safety of personnel. Challenges include mission creep, the need for rapid deployment, and the tension between impartiality and the necessity to use force to protect civilians.

Non-Governmental Organization – Private, nonprofit entities that operate independently of government control, often focused on advocacy, humanitarian assistance, or development.

Related terms: NGO, civil society, advocacy groups.

NGOs like Amnesty International influence policy through research, lobbying, and public campaigning. In practice, NGOs contribute to treaty negotiations, monitor compliance, and provide expertise to intergovernmental bodies. Challenges include funding dependence, questions of legitimacy, and the risk of co-optation by state actors, which can undermine their ability to act as unbiased watchdogs.

International Environmental Law – A branch of public international law that addresses trans-boundary environmental issues, including climate change, biodiversity, and pollution.

Related terms: UNFCCC, biodiversity conventions, precautionary principle.

Key instruments include the Paris Agreement and the Convention on Biological Diversity. Practical enforcement relies on reporting mechanisms, compliance committees, and, increasingly, climate litigation in domestic courts. Challenges involve the principle of common but differentiated responsibilities, the lack of binding emission targets, and the difficulty of aligning economic development with environmental protection.

International Investment Law – A field that governs the relationship between foreign investors and host states, primarily through bilateral and multilateral investment treaties.

Related terms: BIT, ISDS, investor-state arbitration.

The practice of Investor-State Dispute Settlement (ISDS) enables investors to bring claims before arbitral tribunals. The case of **Philip Morris v. Uruguay** illustrates the balance between public health regulation and

investor protections. Challenges include the “regulatory chill” effect, the opacity of arbitration proceedings, and the movement toward treaty reforms that incorporate sustainable development goals.

Human Rights Treaty – Formal international agreements that create legally binding obligations to protect civil, political, economic, social, and cultural rights.

Related terms: ICCPR, ICESCR, monitoring bodies.

The International Covenant on Civil and Political Rights (ICCPR) obliges states to ensure freedoms such as speech and due process. In practice, treaty bodies like the Human Rights Committee review state reports and issue concluding observations. Challenges include gaps between ratification and implementation, the tension between universal norms and cultural relativism, and limited enforcement mechanisms beyond diplomatic pressure and occasional judicial review.

International Trade Law – The set of rules governing the exchange of goods and services across borders, primarily under the World Trade Organization framework.

Related terms: GATT, WTO, trade dispute settlement.

Core principles include most-favoured-nation treatment and national treatment. The WTO’s Dispute Settlement Body adjudicates conflicts, as seen in the *US-EU* “bananas” case. Practical issues involve tariff negotiations, non-tariff barriers, and the impact of trade policies on development. Challenges consist of the rise of protectionism, disputes over intellectual property rights, and the need to reconcile trade liberalization with environmental and labor standards.

State Sovereignty – The principle that a state possesses supreme authority over its territory and domestic affairs, free from external interference.

Related terms: non-intervention, self-determination, territorial integrity.

Sovereignty underlies the Westphalian system and informs the UN Charter’s prohibition of the use of force. In practice, sovereignty is balanced against obligations under international law, such as human-rights duties. Challenges arise when global challenges—climate change, pandemics, cyber threats—require collective action that may be perceived as encroaching on sovereign prerogatives.

Transnational Corporations – Enterprises that operate in multiple countries, influencing global economic governance and regulatory frameworks.

Related terms: MNC, corporate social responsibility, global value chains.

MNCs engage with international institutions through standards (e.g., ISO), and may be subject to ISDS claims. Practical examples include the role of oil companies in shaping energy policy. Challenges include ensuring accountability for human-rights impacts, addressing tax avoidance, and reconciling profit motives with sustainable development objectives.

Universal Jurisdiction – The principle that certain crimes, such as genocide, torture, and piracy, may be prosecuted by any state regardless of where they were committed.

Related terms: extraterritorial jurisdiction, war crimes, ICC.

Countries like Spain have exercised universal jurisdiction to investigate foreign officials for alleged crimes. In practice, the principle reinforces the global fight against impunity. Challenges include diplomatic tensions, accusations of selective enforcement, and the practical limits of prosecutorial capacity when suspects reside abroad.

World Health Organization – A specialized UN agency responsible for international public health, disease surveillance, and health policy coordination.

Related terms: WHO, International Health Regulations, pandemic response.

The WHO coordinates global responses to health emergencies, as demonstrated during the COVID-19 pandemic. It issues guidelines, provides technical assistance, and facilitates vaccine distribution through mechanisms like COVAX. Challenges include funding constraints, member-state compliance with International Health Regulations, and geopolitical disputes that can hinder coordinated action.

International Human Rights Law – The corpus of norms and institutions that protect the fundamental rights and freedoms of individuals worldwide.

Related terms: UN human-rights system, treaties, customary law.

Key instruments include the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. In practice, mechanisms such as treaty bodies, regional courts, and special rapporteurs monitor compliance. Challenges involve enforcement gaps, cultural relativism debates, and the increasing politicization of human-rights advocacy within international forums.

International Law of the Sea (UNCLOS) – The comprehensive legal framework governing oceanic spaces, resource exploitation, and navigation rights.

Related terms: EEZ, continental shelf, maritime dispute settlement.

UNCLOS establishes a 200-nautical-mile exclusive economic zone where coastal states have sovereign rights to explore and exploit natural resources. The regime also includes freedom of navigation on the high seas. Practical applications include the arbitration of the South China Sea dispute and the establishment of marine protected areas. Challenges involve reconciling overlapping claims, ensuring compliance with environmental obligations, and addressing emerging issues such as deep-sea mining and climate-induced sea-level rise.

International Humanitarian Intervention – The use of force by one or more states, or a coalition, to halt mass atrocities in another state, often without explicit UN Security Council authorization.

Related terms: humanitarian intervention, R2P, coalition of the willing.

Examples include NATO's 1999 intervention in Kosovo, justified on humanitarian grounds. In practice, such interventions raise questions about legality, sovereignty, and the criteria for determining when intervention is warranted. Challenges encompass the lack of consistent standards, the potential for abuse as a pretext for geopolitical objectives, and the difficulty of securing post-intervention stability.

International Arbitration – A dispute-resolution process where parties agree to submit their conflict to an independent tribunal whose decision is legally binding.

Related terms: ICSID, UNCITRAL, arbitration clause.

International arbitration is widely used in commercial, investment, and maritime disputes. The UNCITRAL Arbitration Rules provide a flexible framework for parties from different legal systems. Practical benefits include speed, expertise, and enforceability under the New York Convention. Challenges include ensuring transparency, addressing perceived biases, and managing the cost of arbitration, especially for less-resourced parties.

International Criminal Procedure – The set of rules governing how criminal investigations, prosecutions, and

trials are conducted at the international level.

Related terms: due process, ICC, evidence admissibility.

Procedural norms include the presumption of innocence, the right to counsel, and the standards for admissible evidence. The ICC's Rules of Procedure and Evidence illustrate the application of these principles. Practical challenges involve coordinating with national jurisdictions, protecting witnesses, and dealing with limited investigative resources.

Global Governance – The collective management of trans-national issues through a network of international institutions, norms, and actors.

Related terms: multilateralism, regime complex, policy networks.

Global governance encompasses climate change regimes, financial stability mechanisms, and health security systems. In practice, it relies on both formal institutions like the UN and informal coalitions such as the G20. Challenges include coordination among diverse actors, legitimacy deficits, and the tension between national interests and collective action.

International Law of Human Rights (Regional Systems) – The body of law and institutions operating at the regional level to protect human rights, complementing universal norms.

Related terms: European Court of Human Rights, Inter-American Court, African Commission.

Regional courts issue binding judgments, as seen in the European Court's rulings on freedom of expression. Practical benefits include accessibility for individuals and the development of region-specific jurisprudence. Challenges involve overlapping jurisdictions, varying levels of enforcement, and political pressures that may undermine judicial independence.

International Trade Dispute Settlement – The mechanism by which WTO members resolve conflicts over the interpretation and application of trade agreements.

Related terms: DSB, panel reports, Appellate Body.

The dispute settlement process includes consultation, panel formation, and, if necessary, appeal. Cases such as *US-EU* "bananas" illustrate the system's capacity to enforce commitments. Recent challenges include the Appellate Body's paralysis, the rise of unilateral trade measures, and concerns over the fairness of the process for developing economies.

International Financial Regulation – The set of rules and supervisory frameworks that govern cross-border financial activities, including banking, securities, and capital flows.

Related terms: Basel III, FATF, macro-prudential policies.

Regulatory bodies such as the Financial Stability Board coordinate standards to mitigate systemic risk. Practical applications include stress-testing banks and implementing anti-money-laundering measures. Challenges involve regulatory arbitrage, the need for coordination among diverse jurisdictions, and balancing financial stability with economic growth.

International Human Rights Enforcement – The mechanisms through which compliance with human-rights obligations is monitored and remedied.

Related terms: UN treaty bodies, regional courts, universal jurisdiction.

Enforcement tools include reporting obligations, individual complaint procedures, and inter-state communication. The European Court of Human Rights' binding judgments exemplify effective enforcement.

Challenges include limited enforcement capacity in many regions, political resistance to judgments, and the difficulty of translating legal decisions into tangible improvements on the ground.

International Environmental Governance – The institutional architecture that coordinates global environmental policy, standards, and compliance.

Related terms: UNFCCC, CBD, Paris Agreement.

Key mechanisms involve conferences of the parties (COPs), national determined contributions, and compliance committees. Practical outcomes include carbon market mechanisms and biodiversity targets. Challenges consist of divergent national interests, inadequate financing for developing nations, and the need to integrate climate action with other policy areas such as trade and development.

International Law of State Responsibility – The doctrine that holds states accountable for breaches of their international obligations.

Related terms: reparations, attribution, breach of treaty.

The International Law Commission's Articles on State Responsibility outline the principles of attribution and reparation. In practice, states may be required to provide restitution, compensation, or satisfaction.

Challenges include the enforcement of reparations, especially when the responsible state lacks the capacity or political will to comply, and the interplay between state responsibility and individual criminal accountability.

International Humanitarian Law (Jus Cogens) – The subset of peremptory norms that are universally accepted as fundamental principles, such as the prohibition of genocide.

Related terms: peremptory norms, universal prohibition, treaty hierarchy.

Jus cogens norms cannot be derogated by treaty or customary law. Practical implications include the automatic nullity of agreements that conflict with the prohibition of genocide. Challenges involve identifying emerging jus cogens norms and reconciling them with conflicting state interests.

International Legal Personality of NGOs – The recognition that non-governmental organizations may possess rights and duties under international law.

Related terms: subjectivity, participation, observer status.

NGOs can obtain observer status at the UN, submit written statements, and engage in treaty negotiations. In practice, NGOs influence agenda-setting and monitor compliance. Challenges include the variability of access across UN bodies, the need for capacity building in developing-country NGOs, and the risk of co-optation by states seeking to legitimize their positions.

International Law of the Sea (Dispute Settlement) – The procedural framework for resolving maritime disputes, primarily through the International Tribunal for the Law of the Sea (ITLOS) and arbitration.

Related terms: ITLOS, Annex VII arbitration, delimitation.

The 2016 North Sea Continental Shelf case illustrates the use of arbitration to settle boundary issues.

Practical mechanisms include compulsory jurisdiction clauses and the option for parties to select a forum. Challenges involve the politicization of maritime claims, the complexity of legal arguments concerning seabed resources, and the enforcement of rulings in contested areas.

International Trade Law (Regional Agreements) – Trade arrangements that operate within a specific

geographic region, complementing the multilateral WTO system.

Related terms: NAFTA, EU single market, ASEAN Free Trade Area.

Regional agreements often go beyond WTO commitments, covering services, investment, and regulatory harmonization. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) exemplifies deep integration. Challenges include “spaghetti-dining” of rules, potential fragmentation of the global trading system, and the need to align regional standards with global obligations.

International Human Rights System (Accountability Mechanisms) – The suite of processes that hold states accountable for human-rights violations, ranging from diplomatic reporting to judicial review.

Related terms: Universal Periodic Review, treaty monitoring, reparations.

The UN’s Universal Periodic Review (UPR) provides a peer-review platform for all UN member states. In practice, civil-society submissions shape the UPR outcomes. Challenges include limited follow-up on recommendations, political bargaining that dilutes accountability, and the difficulty of translating recommendations into concrete policy changes.

International Law of Cyber Operations – The emerging body of norms governing state conduct in cyberspace, including issues of sovereignty, due diligence, and use of force.

Related terms: Tallinn Manual, cyber-warfare, attribution.

The Tallinn Manual interprets existing international law principles in the context of cyber operations.

Practical concerns include establishing attribution, determining what constitutes a cyber-attack equivalent to a kinetic use of force, and developing norms for state behavior. Challenges involve the rapid evolution of technology, divergent state interpretations, and the lack of a comprehensive treaty framework governing cyberspace.

International Investment Arbitration (Reform) – Ongoing efforts to revise the ISDS system to address concerns over legitimacy, transparency, and balance of interests.

Related terms: Multilateral Investment Court, treaty revision, sustainable development.

Proposals include creating a permanent multilateral investment court with appellate mechanisms and public hearings. Practical steps have been taken by the EU in its investment policy review. Challenges include reconciling investor protection with host-state regulatory autonomy, achieving consensus among diverse states, and ensuring that reforms enhance, rather than diminish, the rule-of-law protections