

State Information Service

Information Sector

Egypt
Peace-Making Country

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Contents

Introduction.....3

First: Penetration of Peace in the Egyptian Conscience4

Second: Egypt and the League of Nations 6

Third: Egypt’s Role and Contributions in Applying the UN Charter 8

Fourth: Egyptian Orientation towards Peace after the October Victory 10

1- Sadat's Initiative and Opening the Prospects of Peace in the Region 11

2- Acceptance of International Arbitration Dedicates Establishes the Peace Culture 13

Fifth: Extraordinary Egyptians... Legislate for Humanity 15

1- Egyptian Judges in the International Court of Justice 15

2- Egyptians Assuming Office in International Organizations 17

3- Egyptians Gain Nobel... Education and Peace Messengers for all Humanity..... 18

Sixth: Egypt's Contribution and Participation in Peacekeeping Mission 18

Seventh: Egypt Stances Supporting International Stability and Peace 19

1- Abiding by International Human Rights Law 19

2- Uphold of the Conventions on Preventing and Combating Terrorism 22

3- Egyptian Initiative to Free the Middle East of Weapons of Mass Destruction 23

Eighth: Effective Participation in the International Forums and Conferences 25

Ninth: Egypt’s Eligibility to Represent the African Continent in the UN Security Council28

1- A Major Role in the Founding of the Organization of African Unity (OAU) and Establishing Structures of the African Union..... 28

2- Deep Egyptian Reaction with the African Issues on all Levels..... 30

3- Cairo Regional Centre for Training on Conflict Resolution and Peacekeeping in Africa (CCCPA)..... 31

4- The Egyptian Partnership Agency for Development 33

Conclusion.....34

Appendices..... 36

1- Egyptian Judges at the International Court of Justice 36

2- Dr. Hamed Sultan (Member of Taba Arbitration Tribunal)..... 38

3- Arbitration Compromise between Egypt and Israel 39

Annex47

Introduction

Egypt is aspiring to obtain a 2-year Security Council non-permanent membership, starting from January 2016 till December 31, 2017, so as to express the issues and concerns of the African Continent. Thus, it seeks to attain a worldwide support during the UN General Assembly elections taking place in October 2015.

For receiving the Security Council's non-permanent membership, the support of two thirds of the General ASSEMBLY'S state members, totaling 193 states, is needed, i.e. at least 129 votes are required. The Council which includes 15 members renews half the number of its non-permanent seats (10 seats) every year based on a just geographical distribution¹.

In electing the non-permanent Security Council members, the contribution of the UN members in preserving international peace and security and in other purposes are particularly and foremost put into consideration. The just geographical distribution is also put into account.

Such other purposes are represented in: developing amicable relations between nations based on respecting the principle of equality in rights and the right to self-determination, adopting other suitable measures to boost public peace, realizing international cooperation in solving international problems of economic, social, cultural and humanitarian character, and enhancing and encouraging the respect of human rights and of fundamental freedoms without any discrimination based on the origin, language, religion or sex².

It is well-known that to receive such a membership, the country desiring to be a member should handle a request to the UN General Assembly, which in turn should take a decision within 35 days, then the General Assembly should submit its request to the Security Council to vote on whether its membership is or is not granted to that country. Nine out of 15 votes should be obtained, including the five permanent Security Council members.

¹ Article 18 of UN Charter

² Declaration of the spokesman of the Presidency of the Republic (December 10, 2014)

The following pages show Egypt's contributions in preserving international peace and security and in realizing the other UN purposes, in addition to Egypt's major qualifications to receive the Security Council's non-permanent membership, not to mention its contributions towards the African Continent, thus making it the most worthy of expressing its concerns.

First: Penetration of Peace in the Egyptian Conscience

In fact, Egypt's role in entrenching regional and universal peace is based on several facts, on top of which are Egypt's status and prestigious position, its political and economic weight, and its stock of knowledge and civilization along 7000 years.

It is well-known that Egypt – the cradle of human civilization- has distinguished contributions in the field of preserving international and regional peace, in codifying and entrenching the rules of the old and contemporary international law. On the banks of the River Nile, the first peace treaty in history has been signed between Egypt's Pharaoh, Ramses II, and the king of the Hittites in 1258 BC, and was written in Hieroglyphic on the walls of al-Karnak Temple, Luxor³. A duplicate of such a treaty is currently hanged on the walls of the UN permanent headquarters⁴. It includes several international principles, such as⁵;

- The principle of permanent peace between two states.
- The principle of defensive alliance between two states against any external aggression, as the treaty stipulated on obliging both states to offer military assistance to the state under external aggression. It is also obliged to offer assistance in case that an internal revolution is erupted against any of the two kings.
- The principle of the extradition of political refugees in accordance with the rules of proper treatment upon their deportation to the homelands.
- In modern history, Egypt showed an active existence in San Francisco Conference, 1945 that applied the foundations of the contemporary international system. It also adopted various international principles that govern the contemporary international relations such as preserving international peace and security according to the principles of justice and

³ Egypt and the United Nations: The Egyptian Role in World Politics through the Twentieth Century (1945-2000) (New York: sis, 2000) p. 253

⁴ Ministry of Foreign Affairs' Website: <http://www.mfa.gov.eg/Arabic/Ministry/BriefHistory/HistoryOfMFA/Pages/default.aspx>

⁵ Dr. Ibrahim al-Anani, Public International Law (Cairo: Dar Al Nahda Al Arabeya, 2005) p. 37

international law and to the principle of just geographic distribution in occupying vital posts and in representation in the main UN bodies⁶.

Egypt is one of the pioneering countries that effectively supported the peacekeeping operations since the establishment of the 1st international peacekeeping forces in 1948. In this respect, Egypt believes that respecting human rights is a main pillar for realizing international peace and security. It also believes that the pillars of peace will only be achieved by preventing the Middle East from entering an arms race, especially the field of weapons of mass destruction. Egypt also fosters every effort exerted to eliminate terrorism; being an act that threatens international peace and security.

Egypt had, and is still enjoying a distinguished presence in international standard-setting conferences⁷, among others. This includes conferences that discussed human rights and, sea and environmental rights. In this vein, Egypt realizes that organizing the optimum use of the humanitarian mutual heritage, including international rivers and seas, should foster universal stability and entrench international peace.

Through shouldering the responsibility in various international organizations, Egypt's sons had, and are still sharing their view points and proposals in the field of fostering international legitimacy and of entrenching international peace.

Along 70 years, Egypt had exerted strenuous efforts in settling disputes among several Arab and African states. It did not save any effort to create the suitable environment for restoring peace and stability in the tension hotbeds around the world.

In this vein, Egypt's role in defusing the war between Syria and Turkey, December 1998 can never be ignored. Such a role had prevented the occurrence of scourges of war in this area. Moreover, in April 1999, the Korean President Kim Dae-jung, asked for Egypt's good offices to conciliate between North and South Korea, being an honest and unbiased mediator,

⁶ Egypt and the United Nations: Report of Study group set up by the Egyptian Society of International Law (New York: Manhattan Publishing Company, 1957)

⁷ Standard-setting conferences lead to an international convention that applies or establishes abstract legal rules approved by the states and acknowledged as binding legal rules in the future; ex; San Francisco Conference, 1945, leading to the UN Charter and the third UN Conference on the Law of the Sea, 1982 leading to the Convention on the Law of the Sea... refer to:

- Dr. Ahmed al-Anani, *ibid*, p. 46-47
- Ahmed Abu al-Hassan Halabi, *The Diplomacy of Conferences in the UN Era*, PhD. Theses presented to the Faculty of Economics and Political Sciences, 1989, p. 105...

in addition to its great experience in resolving international disputes peacefully⁸. Here is a detailed review to such pivots:

Second: Egypt and the League of Nations

The League of Nations came into being after the end of World War I by signing the final Covenant of the League of Nations on 28 June 1919. The league aimed to limit armament, keep international peace and security, and enhance states to resolve their disputes through peaceful means⁹. However, the League of Nations had been established in 1919, but Egypt joined the League on June 26, 1937. This is due to the British fears that Egypt would submit the four "reservations" in the Declaration of 28 February, 1922¹⁰ to the League or to any of its bodies. And although the restrictions imposed by the Treaty of 1936¹¹ affected the sovereignty of Egypt, yet it paved the way towards joining to the League of Nations¹².

It is worth mentioning that Egypt's request to obtain a membership in the League of Nations had an international consensus agreement¹³. Also, accepting the membership of Egypt did not face any opposition. Furthermore, on day Egypt joined the League was a distinguished event on all levels whether domestically or internationally. On the domestic level, the Egyptian delegation consisted of Mostafa el-Nahas Pasha, Wasif Ghali Pasha, Makram Ebeid Pasha, Ali El Shamsi

⁸ Ahmed Abu al-Hassan Egyptian role in resolving African conflicts (State Information Service, Nile Magazine, Issue no. 39, October, 1989) p. 21-26

⁹ Dr. Ahmed Abul Wafa, Al-Waseet in International Organizations Law, (Dar Al Nahda Al Arabeya For Publishing, Downtown, Cairo, Egypt), P.23-24.

¹⁰ The Declaration of 28 February, 1922. It is a British unilateral declaration issued by the government of the United Kingdom of Great Britain Through this declaration, the British government unilaterally ended its protectorate over Egypt and granted it nominal independence with the exception of four "reservation", which are :

- (a) The security of the communications of the British Empire in Egypt;
- (b) The defense of Egypt against all foreign aggression or interference, direct or indirect;
- (c) The protection of foreign interests in Egypt and the protection of minorities;
- (d) The Soudan.

¹¹ The Anglo-Egyptian Treaty of 1936 was a treaty signed in London between the United Kingdom and the Kingdom of Egypt. Under the terms of the treaty, Egypt was given an incomplete dependence as it gave Egypt the right to sign political treaties with foreign states and to exchange ambassadors with Great Britain, however it gave Britain the right to keep military troops necessary to protect the Suez Canal and its surrounding. Therefore, Mostafa el-Nahas Pasha, the Egyptian Prime Minister at that time, abrogated the treaty on October 8, 1951 and said his famous quotation: " For you I agreed on the Treaty of 1936 and for you I declare abrogating the Treaty". Finally, the League of Nations came to an end on April 18, 1946.

¹² Egypt and the League of Nations ,Dr. Younan Labib Rizk, Al-Ahram, August 25, 2005.

¹³ The number of states that called upon the joining of Egypt to the League of Nations reached twenty three states, which are: Poland, Colombia, Australia, Switzerland, Great Britain, Hungary, Czechoslovakia, Yugoslavia, Bulgaria, Belgium, South Africa Union, New Zealand, India, Afghanistan, Iran, Austria, Mexico, Chili, and China.

Pasha, George Domani Bek, Fouad el-Faroni, Leone Deche, Aram Stephan, and Hassan Lotfy Bek¹⁴.

It is clear that the delegation expressed the view points of the Egyptian spectrum, not to mention the attendance of around 23 Egyptian students among the participants in the session that resulted in the accession of Egypt to the League of Nations on May 26, 1937.

The keenness of the states on calling Egypt to join the first international organization in our modern history is an evidence on the importance of Egypt's role as a peace-loving country. This was also evident when Egypt obtained the membership of the League of Nations by consensus; 50 votes out of 50¹⁵.

What is even more important is the word of the delegations at the inauguration of the session. In this respect, the President of the Republic of Ecuador and of the League of Nations' session expressed his content by presiding this session, saying that the country which is knocking our door today represent the world with all its old and new manifestations. He also added that despite the contrast and contradiction of such manifestations, yet they coordinate to form a whole unity of a great value for us all.

The same meaning was included in the words of other delegations which talked during the same session about Egypt's role. In his capacity as the President of the Egyptian Delegation Mustafa al-Nahhas responded saying that Egypt knows the consequences that relied upon as regards realizing peace. He added that Egypt used to apply the principles of the League even before joining the organizations.

This occasion would have never passed without the British Foreign Minister, Mr. Eden's mentioning at the beginning of his address that all the fifty states gathering in that hall are, in a way or another, indebted to Egypt's sophisticated ancient civilization. He added that long before some states we are currently representing become civilized, Egypt granted humanity the science

¹⁴ Ibid.

¹⁵ Al-Ahram Newspaper, headline entitled: 50 states welcome Egypt's accession to the League of Nations, May 27, 1937

and literature, besides its arts that, till our present days, are a source of admiration and appreciation from the whole world¹⁶.

Third: Egypt's Role and Contributions in Applying the UN Charter

It is well known that Egypt paid due attention to the post World War II arrangements. On February 27, 1945, Egypt acceded to what is known as the UN Declaration, signed on January 1, 1942. Such a declaration included the consent on establishing an international system mainly interested in defending lives, freedoms and independence, in addition to preserving human rights and justice¹⁷.

Thereupon, a committee has been established to consider the preparations for such an international system in December, 1944. It was affiliated to the Cabinet and the then authorized deputy minister was Mahmoud Darweesh and included professional as follows: Dr. Mohamed Hamed Fahmi and Dr. Hamed Sultan the then professors in the faculty of Law, and Dr. Ali al-Gritli and Dr. Abdel Moneim al-Qassiouni the then lecturers in the Faculty of Commerce.

Egypt had effectively participated in San Francisco Conference during the period (April 25- June 26) 1945 with a high-level delegation under the chairmanship of Dr. Mohamed Hussein Heikal, President of the Constitutional Liberal Party and the then president of the Senate. The delegation also included a number of Egyptian prominent politicians and scholars in the field of international law.

Egypt had remarkable contributions and stances towards all the issues tackled in San Francisco Conference; leading to the establishment of the United Nations, the chief international organization that, directly and indirectly, supervises all the agreements and conventions that regulate the international life.

For example, the Egyptian delegation had contributed to drafting Article 1 of the UN Charter stipulating; to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring

¹⁶ Dr. Yunan Labib Rizk, *ibid*

¹⁷ Egypt and the United Nations: *op.cit*, pp.5-12

about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

The text “and in conformity with the principles of justice and international law” was added according to the suggestions of a number of delegations, including Egypt. This should link the target of peace-keeping with that of realizing peace so that international disputes are not settled by taking into account the political considerations, or on account of the small states. The Egyptian point of view in this respect was clear asserting that the real peace and security are those which are based on justice¹⁸.

Egypt –with other participating delegations- had the merit in adopting the rule of just geographic distribution while selecting the non-permanent members of the Security Council – in a manner that guarantees a worldwide representation. In this respect, Egypt’s delegation requested that various areas from around the world should be represented beside the five major countries. This should take place by dividing the world into regions to be deemed as real constituencies in the Security Council’s elections. The states lying in each region should designate their representatives in the Council upon ratifying inter-regional conventions¹⁹.

Egypt had suggested for the great states to have permanent seats in the Economic and Social Council. France and Canada as well had the same suggestion for states of great economic status. It is noteworthy that despite that suggestion was not codified, it was a common practice to re-elect great states, consequently, gave them a semi permanent presence in the Economic and Social Council.

The draft of article 83/3 of the Charter of the United Nations made the assistance of the Trusteeship Council to the Security Council an optional matter. Yet, due to an Egyptian suggestion of the necessity of emphasizing the humanitarian mission of the trusteeship system in all the regions, including the strategic ones, the text has been modified to make that assistance mandatory, and the final version became as follows:

¹⁸ Egypt and the United Nations, op. cit, .pp. 13...

¹⁹ Dr. Talaat al-Ghoneimi, al-Ghoneimi in International Organization, p. 623

- The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

From the foregoing, Egypt has contributed effectively in San Francisco Conference and in various issues that were raised, particularly the relationship between the Security Council and the General Assembly, and reduction of the authority of the Security Council, where it was intended to be a world government. Egypt also contributed in issues of settlement of colonialism and keeping international peace and security, and adoption of the principle of equitable geographical distribution in filling important positions in the international representation of the principal organs of the United Nations.

Egypt's approval on the Charter of the United Nations came on October 16th, 1948 without reservation, where the Senate ratified the Charter by a majority of 94 votes to two, then signed the Statute of the International Court of Justice on July 18th, 1957.

Fourth: Egyptian Orientation towards Peace after the October Victory

The Egyptian stances across the history of the Arab-Israeli conflict undoubtedly prove how the idea of peace is deeply rooted in the Egyptian conscience. Perhaps the Egyptian positive answers to the questions of Jarring in March 1969 are the best proof on the credibility of this saying. Egypt announced at that time, despite the 1967 defeat, her agreeing to end all reasons and cases of hostility when Israel withdraws from all Arab territories occupied in June 1967. Not only this, but in July 1970, Egypt accepted Rogers Initiative so as to give the US, the most influential on Israel, an opportunity to play a role in the establishment of peace and prevent the region the scourge of war.

1- Sadat's Initiative and Opening the Prospects of Peace in the Region:

Late President Sadat launched his first initiative on February 4th, 1971 to accept a cease-fire according to the resolutions of the UN. Then, he launched his second initiative announced on October 16th, 1973. This initiative resulted in the former US Secretary of State, Henry Kissinger's shuttle tours that ended by concluding two disengagement treaties between Egypt and Israel in 1974 and 1975 and an agreement on disengagement between Israel and Syria in 1975.

Being self-confident, and out of a genuine desire to achieve peace, late President Anwar Sadat announced on October 16th, 1977 his willingness to go to Israel to prevent bloodshed and avert the region the scourge of war.

This historic initiative came at an appropriate timing after the October 1973 war, so that it came in circumstances neither governed nor constrained by the spirit of defeat, for fear of misinterpretation. Especially that it targeted a comprehensive solution to the Middle East crisis. Sadat made his historic visit to Jerusalem on November 19th, 1977. He delivered a speech before the Knesset in which he put the basis of a peaceful settlement of the Arab - Israeli conflict according to the following principles:

- (a) Ending the Israeli occupation of Arab territories occupied after June 1967.
- (b) Recognition of the fundamental rights of the Palestinian people and their right to self-determination, including their right to establish their own state.
- (c) The right of all states in the region to live in peace within their boundaries, which will be secured and guaranteed through procedures to be agreed upon, which provide appropriate security to international boundaries, in addition to appropriate international guarantees.
- (d) The commitment of all states in the region to administer the relations among them in accordance with the objectives and principles of the UN Charter, particularly the principles concerning the non-resort to force and the solution of differences among them by peaceful means.

(e) Ending the state of belligerency in the region.

When the Egyptian - Israeli peace negotiations started, the Egyptian's constant preliminary position was giving priority to resolving the Palestinian issue; the essence of the conflict, and there is no peace without resolving it. Those negotiations extended from December 1977 until March 1979²⁰, this means that the Egyptian negotiator was firmly committed to reach an acceptable, firm settlement that guarantees the rights of all parties.

On September 17th, 1978, a framework for peace in the Middle East has been reached. It stressed that the basis for the settlement of the conflict is the Resolution 242. This framework laid the foundation of peace not only between Egypt and Israel, but between Israel and its Arab neighbors as well. Egypt and Israel signed in March 1979 the Peace Treaty that ended the state of hostility between the two countries.

Egypt has repeatedly stressed that comprehensive and just peace is the one that is based on Security Council resolutions no. 242, 338 and 425 on the basis of land for peace.

In general, the courageous Egyptian Initiative represented by the visit of late President Anwar Sadat to Jerusalem in November 1977 had opened wide horizons towards the adoption of comprehensive and just peace in the Middle East, starting with the Declaration of Principles between the Palestinians and the Israelis in 1993, and then the Jordan-Israel Peace Treaty on October 26th, 1994.

²⁰ On November 26th, 1977, and in the light of the initiative of President Sadat, Egypt had sent formal invitations to all parties to the conflict, including the Palestine Liberation Organization to hold a preparatory conference in Cairo to prepare for the resumption of the Geneva International Conference for Peace. This was the first time that the Organization is officially invited to participate in the peace conference on an equal footing with other interested parties. Despite the non-participation of the Palestine Liberation Organization in the preparatory conference, which was held in Cairo on December 22nd, 1977, the Palestinian flag were raised during the opening session. The Palestinian issue dominated the discussions at the conference, where the Egyptian delegation explained the dimensions of the issue, stressing on the need of the Palestinian people to restore all their rights

See it at:

Dr. Ahmed Abolhassan Zard, Egypt and the Palestinian Issue (Cairo: SIS, 2009) p. 15

There is no exaggeration to say that the Camp David Agreement concerning the Palestinian autonomy, and the mutual letter between Egypt and Israel on the autonomy measures; has laid the foundation of the Palestinian - Israeli negotiations in the framework of the Madrid Peace Conference in October 1991, which Egypt supported, with all of its political and civilizational weight, backed the Palestinian negotiator and supplied him by diplomatic and legal expertise to help manage the negotiation files.

Egypt has played an active role in the Palestinian - Israeli negotiations. Cairo has hosted more than a summit between the two sides. On May 4th, 1994, Gaza and Jericho autonomy agreement was signed. On September 28th, 1995, the autonomy, redeployment and withdrawal of Israel from six Palestinian cities agreement was signed in Taba. It is known as Oslo Accord 2.

The Egyptian diplomacy continued its efforts to reach a ceasefire agreement between Palestine and Israeli sides during the recent Israeli war on Gaza, which began in July 2014, and lasted for 51 days. Moreover, it continued its efforts to sponsor indirect negotiations between the Palestinian and Israeli sides after reaching the agreement. It also played a leading role in hosting the Reconstruction of Gaza Conference in Cairo on October 12th, 2014, which was attended by representatives of more than 90 countries and international organizations. The volume of contributions that have been announced reached about US \$ 5.4 billion.

Egypt opened the check-point and allowed access of passengers, passage and the transportation of the human aid to the people of Gaza strip in spite of the emergency circumstances of Egypt, at top of which are the military operations to combat terrorism in North Sinai ²¹.

2- Acceptance of International Arbitration Establishes Peace Culture:

Egypt accepted arbitration in Taba issue despite the fact that the Egyptian-Israeli peace treaty signed on March 26, 1979 stipulated in its 2nd paragraph that the permanent International borders between Egypt and Israel are the recognized borders between Egypt and Palestine under mandate. Despite this decisive article ⁽¹³⁾ that Taba is an Egyptian land, Israel before withdrawal

²¹ Suzy Gendi, yield of Foreign Ministry during 2014, al-Ahram al-Arabi (29/2/2014)
<http://arabi-ahram.org.eg/news/59068.aspx>

from Sinai raised a problem by refusing withdrawal from Taba on purpose. Egypt dealt with the crisis quietly and wisely and destroyed the chance of Israel for procrastination.

Committed by peace, the Egyptian diplomacy adopted a "long breath" policy. An agreement on April 25, 1982 to solve the technical issues concerning the international borders, was signed.

Egypt fought a diplomatic and legal battle that led to the agreement on Jan 13, 1986 under which Israel accepted arbitration.

This matter took additional 8 months of severe and hard negotiations till concluding a compromise arbitration, signed on September 11, 1986.

Such compromise for arbitration has been considered a certificate of excellence for the Egyptian diplomacy that didn't give any loophole for Israel to go through. Israel wanted to transfer the crisis to "Border demarcation issue". This affects Egypt's sovereignty, while the Egyptian negotiator insisted on his definite and just request, namely "define the borders positions". The Egyptian situation was translated into a definite article where article 2 of the compromise agreement for arbitration stipulates: "A report about the positions of the recognized international borders markers between Egypt and Palestine under mandate according to peace treaty and agreement of April 25, 1982 shall be requested from the tribunal".

The arbitration battle that a host of elite of Egyptian scientists and diplomats participated in, lasted about 14 months. The ruling of the Geneva-based tribunal was issued on September 29, 1988 deciding that Taba is an Egyptian land. However, Israel hindered the ruling on purpose, in spite of acceptance of arbitration means its compliance with the tribunal's decision. Egypt dealt with this matter wisely and logically and followed the "long breath" policy to force Israel accept the ruling. After six months of negotiations and meetings, Israel declared acceptance of the ruling of arbitration and the Egyptian flag was raised high on Taba on March 15, 1989.

Egypt proved, through arbitration battle, that peace is more precious than taking the territories by force and the security of any state is ensured and guaranteed only by good neighborhood with others. Egypt's victory in Taba battle is considered a victory for international Justice and for the

principle of settling conflicts peacefully as well as preferring the peace policy that Egypt has chosen.

Fifth: Extraordinary Egyptians... Enacting Laws for Humanity

Several Egyptians contributed-and still- since building the modern International organization, to establishing the international law rules through participating in international committees and conferences, held in the framework of regional and international organizations or the irrelevant ones. It is important to highlight the prominent roles of the Egyptians, who assumed the responsibility in many international organizations with their opinions and suggestions in supporting the international legitimacy rules and establishing the international peace.

1- Egyptian Judges in the International Court of Justice:

Appreciating its active and effective role, three Egyptian judges were elected to the membership of the International Court of justice. Dr. Abdel Hamid Badawi (1887-1965) worked as a judge in the Court of Justice for 19 years (1946-1965). He presided over the Court from 1955 to 1958. Dr Abdullah Al-Aryan worked as a judge for one year²² (1980-1981). Also, Dr. Nabil Al-Arabi occupied it from 2001 to 2006.

During his office, Dr. Abdel Hamid Badawi managed to harmonize between the international policy requirements and international law.

His opinions, he made in the cases, contributed to developing the international law to cope with the new world order. He contributed with his independent opinion to 13 consultative opinions among those the Court issued in that period, especially in the cases related to determine the rules concerning obligatory jurisdiction of the International Court of justice by enforcing the provisions of Article 36/2 of the charter of the United Nations, the evidences as a means of proof in the international law and objective responsibility in the international law, legal personality of the international organizations. He also contributed to define the meaning of necessity in giving the political asylum the authority of the International Court of Justice in the order of taking precautionary procedures, the position of the international law in regard to the judicial

²² He died during his work as a judge in the International Court of Justice on December 12, 1981

monitoring in the case of abusing authority and determine the jurisdiction of the International Court of Justice concerning the disputes of international loans, in addition to the problems related to the acceptance of obligatory Jurisdiction of the court, the implicit precautionaries on treaties concerning the special international law, the effect of lapse of time in considering the sovereignty's rights and the effect of the stipulated rulings in the international lawetc²³

As for Dr. Nabil Al-Arabi, he was one of the judges, who issued a consultative opinion on June 9, 2004 concerning the illegal wall that Israel built in the Palestinian territories. This opinion was made after the U.N General Assembly referred the following question to the Court of Justice:

"What are the effects that will result due to constructing the wall by Israeli for being the authority of occupation in the Palestinian territories including East Jerusalem (Al- Quds) and the enclaves in the light of the 4th Geneva agreement of 1949, the Security Council and General assembly's relevant resolutions?"²⁴ The court concluded that the construction of the Israeli wall in the occupied Palestinian territories is in contradiction with the international law. The court pointed to the legal results that will crop up due to that illegitimacy. The court mentioned the necessity to encourage the efforts in order to, according to the international law, reach as soon as possible a solution through negotiations for the hanging problems and establish a Palestinian state, living along with the Israeli State and other neighbours in peace and security.

Dr. Al-Arabi did not only support such ruling but also made an independent opinion, highlighting the need to identify the historical and legal nature and wide sphere of UN towards Palestine. He said: "The matter that we should highlight is this responsibility was made over five decades without paying attention to the law. The Palestine Question has dominated UN agenda since its establishment without any party requesting the Court of Justice to highlight the complicated aspects of its jurisdiction affairs. Resolutions were taken where long term results appeared on the basis of political compromise without considering the legal necessities".

²³ Dr. Abdel Aziz Sarhan, judge Abdel Hamid Badawi contribution in jurisprudence of international law (Cairo: Egyptian Association for Political Economy, Statistics and Legislation, 1967) p. 1-8

²⁴ International Court of Justice opinion concerning the legal impact resulted from constructing the wall in Palestinian territories , Secretary-General documents, document no. 273/10/ A/ES

He added that when dealing with a long- term occupation resulting from war, International law seeks to" remain in force until the end of the conflict, there is no one can trivialize the chronic problems that arise during prolonged occupation. However, prolonged occupation leads to more cruelty in the applied rules. Moreover, it must be given full respect to the law of occupation as a result of a war regardless of the duration of the occupation. Professor Christopher Greenwood²⁵ had presented a right legal analysis that I share with. He wrote: Nevertheless, there is no indication that International law permits an occupying power to disregard provisions of the Regulations or the Convention merely because it has been an occupation for a long period, not least because there is no body of law which might plausibly take their place and no indication that the international community is willing to trust the occupant with *carte blanche*.”

The Arab Judge had enriched, according to this opinion, the aspects concerned by legal status in the occupied Palestinian territories. He is the only one who refers to the theory promoted for more than a quarter of a century in legal literature on the long-term occupation as an obstacle to the right to self- determination, including its effects and sufferings on the occupied people²⁶ .

He concluded that the right solution and the right way out of this tragedy in Palestine is implementation of all the concerned Security Council resolutions particularly resolutions 242 and 338, sincerely. Also, establishment of a just and permanent peace requires full implementation of the obligations for the two parties. And he must begin a new era based on this opinion, as the first determined announcement for the management of a meaningful justice in Palestine, in hope that it drives the sleeping endeavors for a just peace. ²⁷

2- Egyptians Assuming Office in International Organizations:

It is known that Dr. Boutros Boutros Ghali assumed office as the United Nations Secretary General (UNSG) on January 1, 1992 until December 31, 1996 while Dr. Mohamed El Baradei assumed office as the Director General for the International Atomic Energy Agency on December 1, 1997 until November 30, 2009.

²⁵ C. Greenwood, "The Administration of Occupied Territory in International Law", International Law and the Administration of Occupied Territories,(Ed. By E. Playfair, Clarendon Press, Oxford, 1992),pp 262-263

²⁶ Dr. Abdallah El Ashaal, Legal and Political Implications of the Advisory Opinion on the Barrier, International Politics, in October 2004

²⁷ Ibid

It is worth mentioning that Dr. Boutros Ghali during his tenure presented a plan to reform the UN system and its administrative body in addition to his important role in activating the missions of the international peacekeeping forces. He also called for decreasing the "Veto" effects which is no longer commensurate with the new atmosphere for international relations, and that was excessively used during the Cold War²⁸.

Moreover, he presented his vision about enhancing and increasing the UN ability to achieve an integrated concept to establish peace and security. This came in a report entitled "Agenda for Peace" published on June 17, 1992. It includes four main terms forming an integrated loop starting with preventive diplomacy and continues to peace making and peace keeping reaching to peace building. This concept is circulating in the international peace and security literature since that date. This report that is translated in not less than 29 languages is still taking a wide scale discussing pivot²⁹.

3- Egyptians Gain Nobel... Education and Peace Messengers for all Humanity

Egypt is the only state in the Arab region and Middle East that its sons gained the world Nobel Prize four times during 27 years, salient of which were President Anwar El Sadat in 1978 and Dr Mohamed El Baradei in 2005. Also, the Nobel Prize in Literature awarded to Naguib Mahfouz (the Egyptian great writer) in 1988 and in Chemistry awarded to the famous scientist Dr Ahmed Zewail in 1999.

Sixth: Egypt's Contribution and Participation in Peacekeeping Missions

Egypt is considered from the forefront countries that supported the UN peacekeeping operations effectively since the establishment of the first UN mission in 1948. Egypt's first contribution in the peacekeeping operations came through its participation in the UN mission in Congo by balloon brigade in 1960. Then, it participated by a mechanical infantry battalion and military brigade in Bosnia and Herzegovina while in Somalia it participated by a mechanical infantry battalion and a military brigade. However, in Central Africa it participated by 200

²⁸ Report of the (UNSG), Document no. A/on June 17, 1992

²⁹Dr. Boutros Ghali Dialogue in Akhbar El Youm paper by Hadia Sherbini on November 11, 2014

personnel. It also participated by military monitors in East Timor, Angola, Mozambique, Rwanda, Liberia, Burundi, Comoros, Nepal, South Sudan, Darfur among others.³⁰

Totally, Egypt participated in 37 UN missions by more than 30 thousand personnel in 24 countries in Africa, Asia, Latin America and Europe. Currently, it is participating in Democratic Congo and Cote d'Ivoire. Moreover, it participated by 24 monitors in Western Desert and Liberia in addition to Haiti in Latin America rather than the forces participated in the "UNAMID" peacekeeping in Darfur. It reached now about 105 officers³¹.

Now, Egypt contributes by about 2585 personnel from Armed Forces, police and civilians in nine peace missions³² from among 16 missions supervised by the Security Council. So, Egypt ranks eleventh in the world in the participation in peacekeeping operations³³.

Seventh: Egypt Stances Supporting International Stability and Peace

Egypt is keen on respecting the international standards related to the international law for human rights. Thus, it is committed to all international agreements that establish human rights in peace time. It is also committed to what the international community approved of agreements related to forbidding and combating terrorism. On the other hand, it works to approve peace and security in Middle East. In this framework, it proposed its initiative to free the Middle East from mass destruction weapons.

1. Abiding by International Human Rights Law:

It is admitted that respect for human rights was a basic rule, on which the ancient Egyptian civilization was established. These rights are tangible both during man's life and after death; "Ingenuity in construction engineering of the pyramids and tombs in general is a clue that absolutely affirmed this".³⁴ It is attributable to Akhenaten, caller to Monotheism, his saying, "the clue of the existence of one God is not manifested in war victories, but in the presence of flowers

30 Mohamed Nazmi, *Egypt and International Peacekeeping and Security*, Egypt Magazine, issued in 2008, p.4

31 El Youm El Sabe', September9, 2014

32Ambassador Hisham Badr Statement, Published in most of the media, on November 30, 2014

33 Basil Yousry, *Egypt and its historical role in peace and security*, Al Ahran, on MAY 31, 2014

34 Dr. Ahmad ar-Rashidi, *Human Rights: Comparative Study of the Theory and Application*, Cairo, Shorouk Bookstore, 2005, p. 56

and trees. The equality of people in their secular affairs is a reflection of their equality in front of their Creator. The human being cannot live without righteousness and justice".³⁵

Egypt realizes that respecting human rights is a cornerstone of the achievement of peace, security and progress of individuals, nations and the International Community.³⁶ Thus, Egypt was among the members of the United Nations Commission on Human Rights (UNCHR)³⁷ set up on February 16, 1946 to proclaim the Universal Declaration of Human Rights which was adopted on December 10, 1948.

Furthermore, Egypt strongly supported the International Human Rights Treaties and Convention, and presented her ideas and proposals by being a member in various committees on human rights issues. Egypt's efforts are converted into regulations and clauses in many agreements approved by the United Nations; including the Covenant on Civil and Political Rights on December 16, 1966, and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on December 16, 1966.³⁸

Egypt has sought at the Vienna Conference on Human Rights in 1992 to achieve a balance between individual and collective rights, as well as among civil political, economic and social rights. These instruments focused on key issues, such as; the right of self-determination for all peoples, the right to guarantee economic and social integrated development, the right of enjoying different cultures and civilizations, along with the right to the protection of individual and political freedoms, and freedom of opinion and expression at the level of individuals and peoples. Egypt particularly focused on highlighting the urging of peoples to self-determination, in resisting oppression and occupation, and in condemning ethnic cleansing and religious hatred.³⁹

³⁵ Dr. Ali al-Qasbi, *Human Rights in the Islamic Legislation and the Universal Declaration*, Rabat, Ramses Publications, 2001, p. 14

³⁶ Dr. Ibrahim Badawi ash-Sheikh, *Egypt's Implementation of the International Covenant on Civil and Political Rights*, *Egyptian Journal on International Law*, Issue No. 39, 1983, p. 327

The UNCHR consists of eighteen members representing the United States of America, the Soviet Union, France, China, Australia, Belgium, Egypt, Lebanon, India, Iran, Philippine, Panama, Uruguay, Belarus, Ukraine, and Yugoslavia. References: - Mahmoud Azmy, *Human Rights*, Cairo, the Anglo Egyptian Bookshop, 1949, p.12

- Nagwa Kamel, *Mahmoud Azmi... the Pioneer of the Egyptian Press*, Cairo, Dar El-Maaref Publishing House, 1987, p. 126, 127

³⁸ Nagwa Kamel, *Ibid*, p. 133

³⁹ Dr. Mohammad Nouman Galal, *Arabism, Islam and Human Rights in Egypt*, Cairo, The General Egyptian Book Organization (GEBO), 1999, p. 236, 237

Egypt maintained its leading role against all forms of discrimination through issuing the draft resolution on religious persecution and discrimination presented by the Egyptian delegation to the UN General Assembly at its first session and unanimously adopted by the UN Member States' Resolution No. 1, 103 on November 19, 1946.⁴⁰

Moreover, Egypt ratified a number of agreements combating all forms of discrimination,⁴¹ namely; International Convention on the Elimination of All Forms of Racial Discrimination (ratified on May 1, 1967), the International Convention on the Suppression and Punishment of the Crime of Apartheid (ratified on June 13, 1977), the International Convention against Apartheid in Sports (ratified on April 2, 1994), the Convention on the Prevention and Punishment of the Crime of Genocide (ratified on February 8, 1952), the Convention on the Rights of the Child (ratified on July 6, 1990), and the Convention on the Elimination all Forms of Discrimination against Women in September 1981, as well as other agreements against torture and other forms of cruel or inhuman treatment or punishment.

In spite of all political and economic challenges and the fight against terrorism, Egypt confirms her full commitment to standards of respecting and protecting human rights. These efforts have been manifested in the 2014 Constitution, which singled out a whole chapter on Rights and Freedoms. Its introduction guarantees the following rights; freedom of opinion and expression, personal freedom, inviolability of the privacy of homes, human dignified treatment, prevention of torture, as well as ensuring justice, public means of communications, intellectual property, education, health care, social security and adequate healthy environment.

The constitution not only enumerates many rights and freedoms of citizens, but also ensures some guarantees to put these rights into practice. The emphasis on the principle of citizenship comes in the forefront of those guarantees; it is no understatement to say that it serves as the foundation of all guarantees. Other forefront guarantees ensured by the Constitution are; the principle of equality of all citizens, ensuring the right of litigation,⁴² the independence of the

⁴⁰ Ibid, p. 286

⁴¹ Dr. Ahmad ar-Rashidi, Ibid, p. 56

⁴² Reference on the content of the principle of equal recognition before the Law and ensuring the right of litigation: Dr. Mohammad Abdel Ghani Basioni, the principle of equal recognition before the Law and ensuring the right of litigation, Alexandria, Al-Maaref Establishment, 2004

judiciary, and that proceedings in respect of violations of freedoms and rights should not be time-barred.

2. Uphold of the Conventions on Preventing and Combating Terrorism:

Egypt is actively involved in promoting the UN role in combating terrorism, including the implementation of the United Nations Global Counter-Terrorism Strategy. Based on the fact that any act of terrorism constitutes a threat to international peace and security,⁴³ Egypt has signed and ratified most international and regional counter-terrorism conventions as follows:⁴⁴

1- The Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, concluded in September 1963 and entered into force on May 13, 2005, to which Egypt acceded on February 12, 1975;

2- The Hague Convention for the Suppression of Unlawful Seizure of Aircraft, concluded on December 16, 1970, to which Egypt acceded on February 28, 1975;

3- The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on September 23, 1971, to which Egypt acceded on November 24, 1972 and ratified on May 20, 1975;

4- The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the United Nations General Assembly on December 14, 1973, on which Egypt ratified under the Presidential Decree No. 478 of 1988;

5- The Convention for the Suppression of Acts of Nuclear Terrorism, on which Egypt signed on September 20, 2005;

6- The International Convention against the Taking of Hostages, adopted by the UN on December 17, 1979, on which Egypt ratified in 1981;

7- The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in February 1988, to which Egypt acceded on February 24, 1988 and ratified on July 25, 2000;

⁴³ UN Security Council Resolution 1373 (2001)

⁴⁴ Preventing and Combating Terrorism... International Treaties and Documents, Cairo, State Information Service (SIS), 2008

8- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on March 10, 1988, on which Egypt ratified under the Presidential Decree No. 416 of 1993, and entered into force on April 8, 1993;

9- The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on March 10, 1988, on which Egypt ratified under the Presidential Decree No. 416 of 1993, and entered into force on April 8, 1993;

10- The Convention on the Marking of Plastic Explosives for the Purpose of Detection signed at Montreal on March 1, 1991, on which Egypt signed on March 1, 1991, ratified in July 1993, and entered into force on June 21, 1998;

11- The International Convention for the Suppression of Terrorist Bombings, adopted by the UN on December 15, 1997, on which Egypt signed on December 14, 1999, ratified on June 16, 2005;

12- The Convention for the Suppression of the Financing of Terrorism, concluded in New York on December 9, 1999, on which Egypt signed on February 4, 2005;

13- The Arab Convention for the Suppression of Terrorism, signed at Cairo on April 22, 1998, on which Egypt signed on the same date, ratified on November 25, 1998, and entered into force on January 13, 1999;

14- The Convention on the Prevention and Combating of Terrorism made by the Organization of the African Unity OAU (recently called the African Union), signed at Algiers on July 14, 1999, on which Egypt signed on the same date, and entered into force on March 19, 2001; and

15- The Convention on Combating International Terrorism by the Organization of the Islamic Conference OIC (the Islamic Cooperation Organization IOC), which Egypt signed on July 1, 1999.

3. Egyptian Initiative to Free the Middle East of Weapons of Mass Destruction:

Egypt's vision to achieve peace and stability in the region is established on several bases and factors; foremost of which is to make the Middle East free zone from arms race, especially from Weapons of Mass Destruction (WMD). Henceforth, Egypt steadily presented a draft resolution to

the UN to make Middle East nuclear-weapon-free zone since the 29th session of the UN General Assembly in 1974. This initiative achieved success as being approved by consensus during the 35th session of the UN General Assembly. Moreover, Egypt presented an initiative to make the Middle East free from WMD⁴⁵ .

Since the 52nd session of the General Assembly, Egypt presented a draft resolution entitled "Transparency in Armament" which aims at applying transparency on all WMD, especially the nuclear weapons. Moreover, Egypt presented a draft resolution on outer space armament which gained the support of the majority of states.

Egypt hosted the signing ceremony of the "evacuation of the African continent from nuclear arms' treaty in April 1996, where Cairo Declaration had been issued and stressed the principles of the regional disarmament and called on the international community to conclude similar treaties in the whole continents.

Egypt with six other countries participated in June, 1998 in issuing ministerial declaration on the need to formulate a new plan for nuclear disarmament. It is the coalition which is known as the "new agenda coalition". Egypt confirmed before the non-proliferation of nuclear weapons conference in 2000, that Israel should join the treaty without delay and subject its nuclear facilities to the comprehensive safeguards of the International Atomic Energy Agency. Egypt presented a proposal to found a mechanism to follow up contacts with Israeli side and urge it to adhere to the demands of the international community and the states parties to the treaty and monitor the progress in this regard through the establishment of a committee to follow up implementation.

Generally, Egypt believes that going ahead with producing and maintaining nuclear weapons contradict with peace and disrupt the balance, necessary among all countries of the region, especially that the vast majority of the states have positively responded to the Egyptian demand that calls for liquidation of the Israeli nuclear program in the stage of peace and this is the trend expressed by the final declaration issued by the conference "Review Banning of Nuclear Weapons" NTP in May 21,2000 that for the first time requested from Israel to join the treaty

⁴⁵ Egypt and Weapons of Mass Destruction, Cairo, SIS, March 2007, p. 5, 6

and subject all its facilities to a comprehensive system of safeguards of the International Atomic Energy Agency.

Eighth: Effective Participation in the International Forums and Conferences:

It can be said that the international treaties and agreements are the product of consultations, deliberations and negotiations among the participants in the international conferences, which put the principles of these agreements and treaties. Egypt had significant contributions to many of these conferences, for example, "The Summit of Earth" conference in Rio de Janeiro, Brazil (1992), where the Egyptian diplomacy played a constructive role in reconciling the opposing views around many thorny issues related to pollution of the environment.

Egypt hosted The International Conference of Population and Development in (13-9-1994) which discussed the issues of poverty, development and public health and the status of women and it agreed to allocate \$17 billion to implement the conference's recommendations on family planning and control the population growth. The conference stressed promotion of the status of women in a way leading to get their fair share like men in the political, economic fields or social life.

In addition to that, Egypt hosted the Ninth International Conference on "Prevention of Crime and the Treatment of Offenders" (29 / 4-8 / 1995). A clear vision was presented and included in the national report, which had the greatest impact to assist states to understand the Egyptian viewpoint and to support the two draft resolutions presented by Egypt on combating terrorism as well as training in the field of social justice. The conference condemned terrorism and linked it to organized crime which threatens the stability of countries and threatens the fundamental freedoms of individuals. Besides, the conference welcomed the establishment of a regional center for training and researches on crime and criminal justice of the Mediterranean basin to be based in Cairo.

Besides, Egypt participated in the Fourth World Conference on Women held in Beijing in 1995, and stressed the importance of spreading the culture of peace as a way of civilized thought

and behavior, choosing democracy as a way of governance and making justice and equality a framework for coexistence.

Egypt hosted the International Conference on the Prevention of Crime (April-May 1995), the Summit of Peacemakers in Sharm el-Sheikh in March 1996, the eleventh African Union summit in Sharm el-Sheikh (June 2008), the second conference on the role of women in development in the member states of the Organization of Islamic Conference (November 2008), the second ministerial meeting of the AMED Sharm el-Sheikh 5- 6 April 2008, the International Conference of Donors for the development and reconstruction of Darfur, the fourth ministerial conference "International Forum on Cooperation between China and Africa" (Sharm el-Sheikh November 8-9, 2008), and the international Cairo Conference on Palestine - Reconstruction of Gaza - October 12, 2014.

Egypt actively participated in many meetings and African summits. For example: Afro-Arab Summit held in Kuwait on November 19-20, 2013, the COMESA summit held in Kinshasa in February 2014, the meetings on the ministerial level for Sahel-Sahara held in March 2014 in Khartoum, Africa-European Union summit in Brussels in April 2014, and the summit of Africa and the United States in Washington in August 2014. In addition to that, Egypt constructively participated in the three meetings (COMESA-SADC- East Africa gathering) in Burundi in October 2014. Through that participation, Egypt was able to secure the support of the member states of the three blocs (26 countries of the Eastern and Southern Africa) to Egypt's hosting of the 3rd Summit of the three blocs. Besides, Egypt managed to obtain the support of the member states to declaring the launch of the free trade zone of the three blocs, and to get the signature of the head of states and governments of 26 countries on the establishing convention for the free trade zone⁴⁶.

Egypt realizes that organizing the exploitation of the common heritage of mankind, and establishing international legal rules governing the rights of coastal states would support global stability and consolidate international peace.

⁴⁶ A paper prepared by Ministry of Foreign Affairs published by Al-Ahram al-Araby magazine in 12/29/2014

It is well known that Egypt has played a constructive role in the formulation of an international legal system for seas, which determines the powers of coastal States on their neighboring sea areas. Egypt participated in all sessions of the Third United Nations Conference on the Law of the Sea (December 1973 - September 1982)⁴⁷.

Egypt also participated in the works of the committee of the peaceful use of the seabed. Egypt has signed this agreement, with 119 countries, on December 10, 1982.

Egypt signed the agreement along with issuing a number of declarations on the regional sea, the contiguous zone, the passage of nuclear ships, and the like in the Egyptian regional sea, as well as the passage in the Strait of Tiran and the Gulf of Aqaba, Egypt's practice of her rights in the exclusive economic zone, the recommended procedure for settlement in accordance with the Convention and a letter concerning the remarks of the Arab Republic of Egypt on the Arabic text of the Convention.

Egypt announced that the extension of its regional sea is twelve nautical miles, which agrees with Article III of the Convention and decided to make the adjacent region to be 24 nautical miles of the foundation lines from which the breadth of the regional sea is measured. This comes as an application of Article 33 of the Convention.

With regard to the passage of the nuclear-operated ships, and the like, in the Egyptian regional sea, these ships will need a prior permission in case of practicing the right of innocent passage through the regional sea.

This Declaration on the prior authorization for the passage of ships is not inconsistent with the text of Article 17 of the Convention, which stipulates the right of ships of all nations of innocent passage through the regional sea without allocating specific regulations for the passage of warships such as requiring permission or prior notification.

⁴⁷ For more details, see:

- D. Salahuddin Amer, *The new international law of seas*, (Cairo: Supreme Council of Culture, 1998)

- A group of researchers, *the new law of seas and the Arab interests* (Cairo: Arab Research and Studies Institute 1977)

On the whole, the declarations issued by Egypt when ratifying the agreement constitute coherent structure for international maritime system. This is shown in Article 310 of the Convention approved that the countries may, when signing, ratifying or acceding to, issue declarations or statements, whatever their name, aiming at a number of things, among which is to achieve consistency between the laws or regulations and the provisions of this Convention.

However, these declarations or data may not eliminate or modify the legal effect of the provisions of this convention when being applied to that one.

Ninth: Egypt's Eligibility to represent the African continent in the UN Security Council

1- A major role in the founding of the Organization of African Unity (OAU) and establishing structures of the African Union:

It is known that Egypt is one of the founding countries of the Organization of African Unity (May 1963)⁴⁸. Moreover, Egypt played an active role in supporting national liberation movements in Africa and firmly stood behind decolonization policy⁴⁹.

Egypt also contributed to the establishment of the African Union through its participation in the founding summit of the Union in Lome in 2000. The Egyptian delegation to the summit suggested some amendments to the draft document, i.e. amendment to Article 4 (h) to restrict the right of the Union to intervene in the affairs of member states to three specific cases: the crimes of genocide, crimes against humanity, war crimes. Besides, the amendment to Article (5) concerning the languages used in the Union and the inclusion of the Arabic language to be among the languages of the Union. Over more than half a century, Egypt saved no effort to build cadres and African capacities⁵⁰.

48 D.Boutros-Ghali, the international relations in the framework of the Organization of African Unity (Cairo: Egyptian Anglo library, 1974), pp. 200 et seq.

49 Amr Moussa, Egypt and Africa, the African Perspectives Magazine, first issue, spring 2000, pp. 11-14.

50 SIS Website: www.sis.gov.eg

On the basis of Egypt's entrenched affiliation to the African continent, Egypt puts all of its resources to serve the joint African work, and continues its efforts to put an end to the crises facing the African continent. In order to achieve those objectives, Egypt participates in all forums and events concerned with the African affairs.

Egypt is aware of the seriousness of the challenges that face the African content in the present time. These challenges include armed disputes, civil wars, terrorism, illegal emigration, energy, health, and climatic and environmental changes. In addition to that Egypt believes that the link between sustainable development, peace, security, and eliminating terrorism. Thus, Egypt has always presented, in African and international conferences concerned with Africa, visions and strategies to solve African problems and crisis, based on the following axis:

First: Giving attention to the scientific research and technology, thus it presented a developing educational initiative for the future African leaders to achieve the development of the human cadres, that can push scientific and technology march all over the continent, as well as presenting an initiative of establishing the African center for scientific research and technology, so as to fulfill the goals of the continent which is to spread science and technology as well as to strengthen and support co operation among institutions and centers of the African research. Hence the African activities and conferences were received in this field of which was the conference for the African Ministries of science and technology on November 2006 and also the decision makers conference October 2006.

Second: To continue the mechanism of peace keeping in the continent through establishing an early caution as to form an integrated system with the Peace and Security Council to deal with struggle and emergency crises, and peace keeping in the continent. Within this frame Egypt introduced an initiative for establishing consultation and coordination mechanism between the African Peace and Security Council and the International Security Council.

Third: Regional cooperation to face terrorism especially cooperation in the field of information exchange, and following the terrorism criminals, as well as watching the suspicious financial deals to apply international and regional commitments especially those of the African treaty to fight terrorism.

Fourth: Supporting and strengthening dialogue mechanism with an international partners that before them is France, through the African- French summits. Hence Egypt receive the 25th summit of the African countries and government's presidents and France 2009, as well as exerted efforts to enhance dialogue between China and Africa through the African- Chinese cooperation symposium ,besides connecting Africa with the European Unity. This was asserted by participating in the African- European Summit, which was held in Lisbon (November, 2007).

Fifth: Egypt participates in the African economic gathering such as COMESA, as well as holding meetings and seminars and providing fellowships for trainers especially in the fields of roads, transportations and infrastructures...etc. Moreover Egypt receives headquarter of the Investments Regional Agency which is one of the agencies related to COMESA.

Sixth: The institution of training media people in the Ministry of Information takes an important role in improving and polishing the kills of African youth people of journalists and media men of which 3575 trainers benefited from this program since it has been started in 1977⁵¹

2- Deep Egyptian Reaction with the African Issues on all Levels

The last few months witnessed a deep Egyptian reaction with the African continent issues on all levels. On the marginal of the 29th session meetings of the U.N (September 2014), president Abdul Fattah El Sisi met with many of the African leaders among them: the president of the Republic of South Sudan, Salva Kiir Mayardit, president of the Republic of the Equatorial Guinea, Teodora obieng Nguema ,president of Uganda Yoweri Museveni, president of the republic of South Africa, Jacob Zuma, Prime minister of Ethiopia Hailemariam Desale, And president of Republic of Chad, Idriss Deby.

Prime Minister Ibrahim Mahlab made an African tour which included Equatorial Guinea (May 2014) ,Tanzania (25/4/2014) ,Chad (25/4/2014). On 2/11/2014, foreign minister Sameh Shoukry attended the fifth session of the joint Egyptian – Ethiopian ministerial committee in Ethiopia. Also on 21/9/2014, minister of Water Resources and Irrigation Dr. Hossam Moghazy

⁵¹ Institution Website: <http://www.moinfo.gov.eg/page.php?ID=4>

visited Ethiopian Renaissance Dam, and on 11/1/2015 Shoukry visited the national Kenyatta hospital where the Kenyan Health Minister and the director of the hospital received him.

Moreover ,Egypt received many of the African officials to attend the inauguration ceremony of Sisi on (8/6/2014)salient of them were: the foreign minister of Tanzania, Bernard Membe and Tedros Adhanom the foreign minister of Ethiopia, and George Rebelo Chicote foreign minister of Angola.

Also many African figures visited Egypt such as: the Mali's prime minister on 25/8/2014, president of Eritrea Isaias Afwerki on 9/9/2014, the foreign minister of Burkina Faso Djibril Bassole on 10/9/2014, as well as the foreign minister of South Africa Maite Nkoane on 12/10/2014, the Senegal's minister of commerce Elion Sar on 27/10/2014. The Ethiopian foreign minister Tedros Adhanom visited Egypt on 21/11/2014 to participate in the ministerial cooperative forum about Somalia. On 23/11/2014 presidential envoy of the Democratic Republic of Congo Joseph Kabila visited Egypt as well as the president of Chad Republic, Idriss Deby on 14/12/2014, the delegation of the Ethiopian public diplomacy led by the Speaker of the Ethiopian parliament on 16/12/2014, the transitional president of the Central African Republic Catherine Samba-Panza on 18/12/2014, the president of Somalia Hassan Sheikh, a high-rank delegation of the Ethiopian church led by Patriarch St. Menas on 12/1/2015.

3-Cairo Regional Centre for Training on Conflict Resolution and Peacekeeping in Africa (CCCPA)⁵²

The center was founded in 1994 by the Ministry of Foreign Affairs, which operates independently and impartially and seeks to support local, national, regional and African continental actors in their efforts to achieve peace, security and prosperity in Africa. So this center was founded to support the mechanism of prevention and resolution of African conflicts in order to allow for the advanced training of African and civilian personnel in preventive

⁵² The annual report of the Ministry of Foreign Affairs (December 2014)

diplomacy and crisis management and peacekeeping field⁵³. The center works closely with the Egyptian armed forces and police to provide training before the deployment of Egyptian forces participating in the United Nations and the African Union peacekeeping operations⁵⁴.

During the past year, the center witnessed a quantum leap in terms of both the number of activities organized, which mounted up to 24 training courses attended by 578 trainees from 30 African countries with an increase of approximately 120% compared to last year, or in terms of diversity of training fields. In addition to traditional fields of the center's work, such as peacekeeping and peace building besides conflict resolution and conflict management, this year's training activities of the Centre dealt with topics such as crisis management, combating trafficking in human beings, combating the smuggling of small arms and light weapons, and integrated border management, in addition to sessions held by the center in the field of media and conflict, through which Egyptian and African journalists were trained on professional skills of conflict coverage. The center organized a course in the field of crisis management to deal with the epidemic of Ebola, in collaboration with the World Health Organization and the International Organization for Migration. In addition, the activities of the center have been upgraded from merely providing training courses to playing a supportive role for the activities of conflict resolution and peacekeeping. For example, the center hosted the first meeting of Libyan Tribes Forum, in collaboration with the Libyan Reconciliation Commission and facilitating dialogue between the two communities, rather than research activity.

Egypt is working in parallel to support the efforts of United Nations and regional organizations in order to secure peace in a number of conflict zones that extend in Africa and other regions, where Egypt is one of the largest troop-contributing nations in the United Nations peacekeeping missions.

53 Amr Moussa, op. cit., p.13.

54 The Center site Link : <http://www.cairopeacekeeping.org/about-us/history>

4- The Egyptian Partnership Agency for Development⁵⁵:

Egypt is keen on the development of cooperation with the countries of the African continent, therefore came the announcement of the establishment of the Egyptian Partnership Agency for Development in Africa in order to prepare and qualify the African cadres and support new initiatives for the implementation of leading development projects in the continent. The Egyptian Partnership Agency for Development came into force on July 1st, 2014, in accordance with the Council of Ministers Resolution No. 959 for the year 2013, where the Egyptian Fund for Technical Cooperation with Africa, and the Egyptian Fund for Technical Cooperation with the Commonwealth were integrated in a single entity, with the aim to build on what has been accomplished by both funds in African and Islamic countries.

During the fiscal year 2013/2014, 95 Egyptian experts in the fields of: Health, Infrastructure, Agriculture, Irrigation, and education were dispatched to more than 20 countries (Burkina Faso - Chad - Tanzania - Brazzaville Congo - Djibouti - Rwanda - Zanzibar - Ghana - Senegal - Mauritius - Zimbabwe - Uganda - Namibia – South Sudan - Georgia - Armenia - Bosnia and Herzegovina - Kazakhstan - Uzbekistan - Gabon - Burundi).

With regard to scholarships and financial contributions, the agency provides scholarships for students from African and Islamic countries in fields such as: engineering, medicine, police, agriculture, irrigation and water resources, and law, in addition to scholarships for Al-Azhar students. Also, the agency contributed to the financial expenses of advanced education to prepare African future leaders. In this respect, the center provided 1780 scholarships and financial contributions during the fiscal year 2013/2014.

⁵⁵ A paper prepared by Ministry of Foreign Affairs magazine and published by Al-Ahram Arab in 12/29/2014

Conclusion

Egypt's cultural and cognitive history enabled it to be a major element of balance and stability among the great human civilizations. Also, Egypt had a prominent role and distinct contributions to the preparatory works that preceded the establishment of the United Nations, and was on the verge of obtaining permanent membership of the Security Council in 1945, as it was among the three African countries that participated in the San Francisco Conference which set the Charter of the United Nations and was attended by 51 countries at the time.

Furthermore, Egypt was among the founding members of many other international organizations such as the Arab League and the Organization of African Unity, known nowadays as the African Union, and the Organization of the Islamic Conference, known nowadays as the Organization of Islamic Cooperation (OIC).

In extent to this role, Egypt fought a battle for peace after the October war that changed a lot of the concepts of the Arab-Israeli conflict, and established the culture of peace in the region, and thus opened the door to all parties to engage in the peace process believing that peace is the key to achieving national goals in terms of stability and development relying on its history and significant role in resolving many of the problems and crises on the African arena such as: Mauritanian Senegalese conflict, the Libyan conflict, Chad-Somalia crisis and the crisis in Darfur and elsewhere.

Also, Egypt participated in international peacekeeping operations since its inception in 1948, and occupied the 11th rank on the world level in terms of presence and contribution to in peacekeeping operations forces deployed in different continents.

Egypt is keen to respect the international standards relevant to the international law of human rights and thus abide by all international agreements that entrench human rights in time of peace. And also, Egypt always calls upon respecting the rules of international humanitarian law and in

particular the four Geneva Conventions, which ensure respect for the rights of peoples and territories under occupation.

In addition, Egypt abides by each and every anti-terrorism convention approved by the international community. On the other hand, Egypt is working on everything that would establish peace and security in the Middle East. In this context, Egypt launched its initiative to free the Middle East of mass destruction weapons.

Egypt is the maker and protector of human civilization just as Dr. Hussein Moa'nes describes it in his book entitled "**Egypt and its Mission**" saying: "It is the same contemporary Egypt, the Peace Maker. And at the same time the nation of knowledge, work and prosperity. As a proof of this, four of its sons won Nobel Prize in science, literature and peace. In addition, another three of its sons assumed the highest international judicial posts, and all of them had their mark of excellence in the field of jurisprudence of contemporary international law and its development.

The past few months showed that Egypt though absent for some time and unable to participate in the activities of the African Union, however it has never stopped paying due attention to the concerns and issues of its continent⁵⁶. This is sound clear when it continued to provide technical assistance through the mechanism of "Egyptian Partnership for Development" and contributed to the training of African cadres through Cairo Regional Center for Training on Conflict Resolution and Peacekeeping in Africa, besides the African media training Center, and other joint African cooperation frameworks.

Thus, the history and civilization of Egypt as well as its pivotal role on the Arab and African arenas grants it the opportunity to obtain a non-permanent seat in the Security Council as it did four times before.

⁵⁶Speech by President Abdel Fattah al-Sisi before the opening session of the African summit on June 26, 2014 at the 23rd session (Equatorial Guinea
The absence of Egypt lasted nearly 11 months (since the freezing of its membership on July 5, 2013 until the decision to cancel the freezing of its membership on June 17, 2014)

Appendices

First: Egyptian Judges at the International Court of Justice:

1- Dr. Abdul Hamid Badawi:

- He was born in Alexandria on March 13, 1887.
- He received his Bachelor of Law from the Khedivial School of Law in 1908 and was the first of his class. He received his Doctorate degree in law from Grenoble University, France, 1912.
- He was appointed as an assistant prosecutor and was promoted in his post. He was chosen among the 30-membered committee which drafted the 1923 Egyptian Constitution. Additionally, he participated in the 1927 negotiations conducted by Abdel Khalek Tharwat, and the 1929 negotiations conducted by Mohammed Mahmoud. Moreover, he participated in the Convention on Abolishing Concessions in 1937.
- In 1940, he was appointed as Minister of Finance in the Cabinet of Hussein Serri, then he left it because of his dissatisfaction with the King. Afterwards, he served as Minister of Foreign Affairs in the Cabinet of Nuqrashi in 1945.
- He resigned from his office and was nominated in 1946 for the post of Judge at the International Court of Justice (ICJ) where he served until his death on August 4, 1965.
- He was chosen as a member of Arabic Language Academy in Cairo in 1945.
- Beside judiciary, he had many published legislative researches, including; The Status of the Heir in Islamic Legislation, The Impact of Concessions on the Egyptian Judiciary and Legislation, The System of Government in the United States of America, and Freedom of Speech in Egypt.

2- Dr. Abdullah El-Erian:

- He was born on March 21, 1921.
- He was graduated from Cairo University in 1942. In 1951, he got his doctorate from Columbia University in International Law. He worked as a Professor of International Law at Cairo University until 1961.
- In 1979, he was chosen as a member in the Egyptian mission to the United Nations in Geneva, and the Vice President of the Egyptian mission to the United Nations in New York.
- He was elected as Judge at the ICJ in February 1979.
- Since 1959 until 1968, he presided the Department of Legal Affairs and Treaties at the Egyptian Foreign Ministry.
- Prior to this, he was Egypt's ambassador to France and Switzerland. Moreover, he represented Egypt in conferences and legal committees of the United Nations.
- He has many works in the fields of international law and international organizations, including: The Idea of International Organization, The General Theory of International Law of the Sea and The Role of International Law in the United Nations. Furthermore, he translated some of his writings into Arabic.
- He died while working as judge at the International Court of Justice on Saturday, December 12th, 1981.

3- Judge Dr. Nabil El-Araby

- Born on March 15th, 1935.
- Graduated from the Faculty of Law at Cairo University in 1955. He received a master's degree in International Law (L.L.M.) from the Faculty of Law at New York University in 1969. Then, he obtained a Doctorate in Legal Sciences from the same Faculty in 1971.
- Delegate of the Egyptian Government to the International Arbitration Tribunal in Taba dispute from 1986 to 1988.
- Legal Adviser to the Egyptian delegation to the Camp David Middle East Peace Conference in 1978.
- Worked as an Ambassador of Egypt to India from 1981 to 1983.

- Worked as a Permanent Representative of Egypt to the United Nations in Geneva from 1987 to 1991, and in New York from 1991 to 1999. Furthermore, he served as an Adviser to the Sudanese Government in the arbitration on the borders of Abyei between the Government of Sudan and Sudanese People's Liberation Movement.
- He was elected as a member of the International Court of Justice from 2001 to 2006, and he was part of the panel of judges that issued the landmark ruling in June 2004 to condemn the separation wall that Israel is building.
- He was appointed as Foreign Minister on March 7th, 2011, and continued until his appointment as Secretary General of the Arab League on May 15th, 2011, a position he has held until now.
- He was a member of the International Law Commission of the United Nations from 1994 to 2001, and worked as a member of the Hague-based Permanent Court of Arbitration since 2005.
- On February 4th, 2011, he was appointed as a member of the “Council of the Wise”, which was formed during the outbreak of the January 25 Revolution in 2011.

Second: Dr. Hamed Sultan (Member of Taba Arbitration Tribunal)

- Born on November 15, 1912.
- He was awarded the Bachelor Degree in Law, 1934, a high-studies Diploma in International Law, 1935, Ph.D. in Law, Cairo University (Fouad I), 1938.
- He was a staff member at Fouad I University (1934), then a professor and Head of the Department of International Law, 1948 and a part-time professor.
- A member in the Constitution Panel, 1953 (a decree issued on January 13, 1953).
- President of the Egyptian Society of International Law and the Honorary President of the Society.
- One of the five members in Taba arbitration panel before the International Tribunal that issued a rule stipulating Egypt's right to Taba, 1988.
- He conducted more than 60 researches in Arabic, English and French languages.
- He was awarded the State's Order of Merit of the first class, 1982.
- He died in 1992, aged 80 year old.

Third: Arbitration Compromise between Egypt and Israel

- Reaffirming their adherence to the provisions of the Treaty of Peace of 26 March 1979, and their respect for the inviolability and sanctity of the recognized international boundary between Egypt and the former mandated territory of Palestine,
- Recognizing that a dispute has arisen, as defined in Article II of this Compromise, on the location of fourteen boundary pillars of the recognized international boundary between Egypt and the former mandated territory of Palestine as stipulated in accordance with the Annex, which the parties wish to resolve fully and finally,
- Recalling their obligation under the United Nations Charter to settle disputes by peaceful means,
- Considering the conclusion and implementation of this agreement as an integral part of the process of furthering peaceful and good relations between them,
- Affirming their intention to fulfill in good faith their obligations, including their obligations under this Compromise,
- Recalling their obligation to settle disputes in accordance with Article VII of the Treaty of Peace,
- Confirming their commitment to the provisions of the agreement of 25 April 1982, between them,
- Having resolved to establish an arbitration tribunal,
- Have agreed to submit the dispute to binding arbitration, in accordance with the following procedures:

Article I

1. The arbitration tribunal (hereinafter called "the Tribunal") shall be composed of the following members: Hamed Sultan, nominated by the Government of Egypt, Ruth Lapidot, nominated by the Government of Israel, Pierre Bellet, Dietrich Schindler, and Gunnar Lagergren, who shall be the President of the Tribunal.

2. Once the Tribunal has been constituted, its composition shall remain unchanged until the award has been rendered. However, in the event a member nominated by a government is or becomes unable for any reason to perform his or her duties, the original nominating government shall designate a replacement member, within 21 days of such a

situation. The President shall consult with the parties in the event the President believes such a situation has arisen. Each party is entitled to inform the other party in advance of the individual it would designate in the event of such a situation occurring. In the event the President of the Tribunal or a non-national member of the Tribunal is or becomes unable for any reason to perform his or her duties, the two parties shall meet within seven days and shall endeavor to agree on a replacement within 21 days.

3. Where a vacancy has been filled after the proceedings have begun, the proceedings shall continue from the point they had reached at the time the vacancy had occurred. The newly appointed arbitrator may, however, require that the oral proceedings and visits be recommenced from the beginning.

Article II

The Tribunal is requested to decide the location of the boundary pillars of the recognized international boundary between Egypt and the former mandated territory of Palestine, in accordance with the Peace Treaty, the April 25, 1982 Agreement, and the Annex.

Article III

1. Each party will be entitled to submit to the Tribunal any evidence which that party considers relevant to the question.

2. A party may, by notice in writing through the registrar, call upon the other party to make available to it any specified document or other evidence which is relevant to the question and which is, or is likely to be, in the possession or under the control of the other party.

3. At any time during the arbitral proceedings the Tribunal may call upon either party to produce additional documents or other evidence relevant to the question within such a period of time as the Tribunal shall determine. Any documents or other evidence so produced shall also be provided to the other party.

4. The Tribunal may request that a nonparty to this Compromise provide to it documents or other evidence relevant to the question. Any documents or other evidence so provided shall be transmitted simultaneously to both parties.

5. The Tribunal will review all documents and other evidence submitted to it.

Article IV

1. The participation of all Tribunal members shall be required for the award. The presence of all members shall also be required for all proceedings, deliberations and decisions other than the award except that the President may determine that the absence of not more than a single member from any proceeding, deliberation, or decision other than the award, is justified for good cause.
2. In the absence of unanimity, decisions, including the award, will be taken by a majority vote of the members.

Article V

1. The seat of the Tribunal shall be at Geneva, Switzerland.
2. The President of the Tribunal shall, with the approval of the parties, appoint a registrar who shall be located at the seat of the Tribunal. The President and the parties shall endeavor to reach agreement on the appointment of the registrar within 21 days of the entry into force of this Compromise. The registrar shall be the regular channel of communications to and from the Tribunal. The President shall serve in such capacity until the registrar is appointed. The proceedings under this Compromise will not be delayed by the inability of the parties to agree on the appointment of a registrar.

Article VI

1. The remuneration of the members of the Tribunal shall be borne equally by both parties.
2. The general expenses of the Tribunal shall be borne equally by both parties.
3. Each party shall bear its own expenses incurred in, or for, the preparation and presentation of its case.
4. The parties shall agree upon the amount of remuneration of the members, in consultation with the President.
5. The registrar, in consultation with the President, shall keep a record of all general expenses and shall render a final accounting to the parties.
6. The Tribunal may, in consultation with the parties, engage such staff and obtain such services and equipment as may be necessary.

Article VII

1. Within 21 days of the entry into force of this Compromise, each party shall appoint its agent for the purposes of the arbitration.
2. Each party may nominate a deputy or deputies to act for its agent. The agent may be assisted by such counsel, advisors and staff as the agent deems necessary.
3. Each party shall communicate the names and addresses of its respective agent and deputy or deputies to the other party and to the Tribunal.

Article VIII

1. The Tribunal shall apply the provisions of this Compromise.
2. Within 30 days of the entry into force of this Compromise, the Tribunal shall meet.
3. The proceedings shall consist of written pleadings, oral hearings and visits, to sites which the Tribunal considers pertinent, in accordance with the following schedule:
 - (A) The written pleadings shall include the following documents:
 - (i) A memorial, which shall be submitted by each party to the Tribunal within 150 days of the first session of the Tribunal, and
 - (ii) A counter-memorial, which shall be submitted by each party to the Tribunal within 150 days of the exchange of memorials, and
 - (iii) A rejoinder, if a party, after informing the other party, notifies the registrar within 14 days of the exchange of counter memorials of its intention to file a rejoinder. In the event of such notification by one party, the other party shall also be entitled to submit a rejoinder. The rejoinders shall be submitted to the Tribunal within 45 days of the notification.

Written pleadings shall be filed simultaneously with the registrar and then be transmitted simultaneously by the registrar to each party. Notwithstanding this provision, a party may file its pleading at the end of the time period specified, even if the other party has not done so.

The Tribunal may, if it deems it necessary, or at the request of one party, and after hearing the views of the parties, decide, for good cause, to extend the time periods for the submission of written pleadings. By agreement, the parties may exchange their written pleadings prior to the expiration of the period provided in paragraph 3 of this article.

The original of every pleading shall be signed by the agent. It shall be accompanied by a copy of the pleading, certified by the respective agent, and by 30 additional copies for communication by the registrar to the other party. It shall also be accompanied by copies, certified by the respective agent, for communication by the registrar to each of the members of the Tribunal. Any documents and maps quoted or referred to in a pleading shall, whenever possible, be annexed to the pleading. The registrar shall specify such additional copies as may be required.

After the end of the written pleadings, no additional papers or documents may be submitted, except with the permission of the Tribunal.

The Tribunal shall provide the other party an opportunity to respond if it has permitted the submission of an additional paper or document.

The registrar shall file all submissions received. The registrar shall make such files available for perusal by either party on request, and shall inform the other party of such requests.

(B) The oral hearings and the visits shall be conducted in such order and in such manner as the Tribunal shall determine. The Tribunal shall endeavor to complete its visits and the oral hearings within 60 days of the completion of the submission of written pleadings.

The oral hearings and the deliberations shall be held at the seat of the Tribunal or such place as the Tribunal, with the agreement of the two parties, may determine. Each party shall be represented at the oral hearings by its agent and/or deputies and by such counsel and advisors as it may appoint.

If a party submits an affidavit to the Tribunal in support of its case, the other party shall, on request, be given an opportunity to cross-examine the deponent. Each party will be permitted to present witnesses and to cross-examine witnesses of the other party at the oral hearings.

Each party shall facilitate the visits of the Tribunal. The agent of each party, and such other individuals as the agent may determine, shall be entitled to accompany the Tribunal during the visits. Members of the Tribunal shall be accorded by each party the privileges and immunities applicable under customary international law. The Tribunal shall be accompanied by such expert, technical or other staff as it deems necessary.

(C) If the Tribunal determines that without good cause a party has failed within the prescribed time to appear or present its case at any stage of the proceedings, the Tribunal may determine how to proceed with the arbitration process and to render its award on the merits.

(D) At the time of the rendering of the award, the award and the written pleadings shall be made public, unless otherwise agreed by the parties. The registrar shall keep a transcript of the oral hearings, and it shall be made available to the parties as soon as possible. With the agreement of the two parties, this transcript shall be made public at the time of the rendering of the award.

4. Subject to these provisions, the Tribunal shall, as the need arises and as appropriate, and after consulting with the parties, decide on any necessary supplementary procedures, taking into account international practice.

5. The Tribunal may engage experts. The Tribunal shall hear and take the views of the parties into consideration before any such engagement.

Article IX

1. A three-member chamber of the Tribunal shall explore the possibilities of a settlement of the dispute. The three members shall be the two national arbitrators and, as selected by the President of the Tribunal sometime before the submission of the suggestions, one of the two non-national arbitrators.

2. After the submission of counter-memorials, this chamber shall give thorough consideration to the suggestions made by any member of the chamber for a proposed recommendation concerning a settlement of the dispute. Suggestions based upon the memorials, the counter memorials, and other relevant submissions shall be presented to the chamber commencing from the month immediately preceding the counter-memorials. The chamber shall thereafter consider these suggestions, and the counter-memorials, during the period after submission of the counter-memorials until the completion of the written pleadings. Any proposed recommendation concerning a settlement of the dispute which obtains the approval of the three members of the chamber will be reported as a recommendation to the parties not later than the completion of the exchange of written pleadings. The parties shall hold the report in strictest confidence.

3. The arbitration process shall terminate in the event the parties jointly inform the Tribunal in writing that they have decided to accept a recommendation of the chamber and that they have decided that the arbitration process should cease. Otherwise, the arbitration process shall continue in accordance with this Compromise

4. All work pursuant to the above paragraphs absolutely shall not delay the arbitration process or prejudice the arbitral award, and shall be held in the strictest confidence. No position, suggestion, or recommendation, not otherwise part of the presentation of a party's case on the merits, shall be brought to the attention of the other members of the Tribunal, or be taken into account in any manner by any members of the Tribunal in reaching their arbitral decision.

Article X

The written and oral pleadings, and the decisions of the Tribunal, and all other proceedings, shall be in English.

Article XI

1. In accordance with the provisions of the agreement of 25 April 1982:

(A) Egypt and Israel agree to invite the MFO to enter Taba and maintain security therein through the establishment of an observation post in a suitable topographic location under the flag of the MFO in keeping with the established standards of the MFO. Modalities for the implementation of this paragraph have been discussed and concluded by Egypt and Israel through the liaison system before the signature of the Compromise The interpretation and implementation of this paragraph shall not be within the jurisdiction of the Tribunal.

(B) During the interim period any temporary arrangements and/or any activities conducted shall not prejudice in any way the rights of either party or be deemed to affect the position of either party or prejudice the final outcome of the arbitration in any manner.

(C) The provisions of the interim period shall terminate upon the full implementation of the arbitral award.

2. The Tribunal shall have no authority to issue provisional measures concerning the Taba area.

Article XII

1. The Tribunal shall endeavor to render its award within 90 days of the completion of the oral hearings and visits. The award shall state the reasons upon which it is based.
2. The award shall be deemed to have been rendered when it has been presented in open session, the agents of the parties being present, or having been duly summoned to appear.
3. Two original copies of the award, signed by all members of the Tribunal, shall immediately be communicated by the President of the Tribunal to each of the agents. The award shall state the reason for the absence of the signature of any member.
4. The Tribunal shall decide the appropriate manner in which to formulate and execute its award.
5. Any member of the Tribunal shall be entitled to deliver a separate or dissenting opinion. A separate or dissenting opinion shall be considered part of the award.
6. The Tribunal shall at the joint request of the parties incorporate into its award the terms of any agreement between the parties relating to the issue.

Article XIII

1. Any dispute between the parties as to the interpretation of the award or its implementation shall be referred to the Tribunal for clarification at the request of either party within 30 days of the rendering of the award. The parties shall agree within 21 days of the award on a date by which implementation will be completed.
2. The Tribunal shall endeavor to render such clarification within 45 days of the request, and such clarification shall become part of the award and shall not be considered a provisional measure under the provisions of Article XI (2) of this Compromise.

Article XIV

1. Egypt and Israel agree to accept as final and binding upon them the award of the Tribunal.
2. Both parties undertake to implement the award in accordance with the Treaty of Peace as quickly as possible and in good faith.

Article XV

This Compromise shall enter into force upon the exchange of instruments of ratification.

ANNEX

1. A dispute has arisen on the location of the following boundary pillars of the recognized international boundary between Egypt and the former mandated territory of Palestine: 7, 14, 15, 17, 27, 46, 51, 52, 56, 85, 86, 87, 88, and 91. The parties agree that boundary pillars 26 and 84 are on the straight lines between boundary pillars 25 and 27, and 83 and 85, respectively, and that the decision of the Tribunal on the locations of boundary pillars 27 and 85 will establish the locations of boundary pillars 26 and 84, respectively. The parties agree that if the Tribunal establishes the Egyptian location of boundary pillar 27, the parties accept the Egyptian location of boundary pillar 26, recorded in Appendix A; and, if the Tribunal establishes the Israeli location of boundary pillar 27, the parties accept the Israeli location of boundary pillar 26, recorded in Appendix A. The parties agree that if the Tribunal establishes the Egyptian location of boundary pillar 85, the parties accept the Egyptian location of boundary pillar 84, recorded in Appendix A; and if the Tribunal establishes the Israeli location of boundary pillar 85, the¹¹⁴ EGYPT/ISRAEL parties accept the Israeli location of boundary pillar 84, recorded in Appendix A. Accordingly, the Tribunal shall not address the location of boundary pillars 26 and 84.

2. Each party has indicated on the ground its position concerning the location of each boundary pillar listed above. For the final boundary pillar No. 91, which is at the point of Ras Taba on the western shore of the Gulf of Aqaba, Israel has indicated two alternative locations, at the granite knob and at Bir Taba, whereas Egypt has indicated its location, at the point where it maintains the remnants of the boundary pillar are to be found.

3. The markings of the parties on the ground have been recorded in Appendix A.

4. Attached at Appendix B is the map referred to in Article II of the Treaty of Peace, which provides:

The permanent boundary between Egypt and Israel is the recognized international boundary between Egypt and the former mandated territory of Palestine, as shown on the map at Annex II, without prejudice to the issue of the status of the Gaza Strip.

The parties recognize this boundary as inviolable. Each will respect the territorial integrity of the other, including their territorial waters and airspace. A 1:100,000 map is

included in order to permit the indication of the locations of the 14 disputed boundary pillars advanced by the parties and provides an index to Appendix A. The Tribunal is requested to refer to the general armistice agreement between Egypt and Israel dated 24 February 1949.

5. The Tribunal is not authorized to establish a location of a boundary pillar other than a location advanced by Egypt or by Israel and recorded in Appendix A. The Tribunal also is not authorized to address the location of boundary pillars other than those specified in paragraph 1.

