

An Essay on Internationalisation of Human Rights

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Introduction

Human rights are the minimum rights belong to all human beings irrespective of their nationality, creed, race, gender, age, place of birth and other similar considerations. These minimum rights promote welfare of the individuals and thereby empower them. Though human rights are the minimum requirements for all living human beings, history reflects that they were subjugated to authoritarian despotic regimes or larger community interests and in addition, they were affected when peace and order were disturbed owing to outbreak of wars and internal disturbances. This led to large-scale sufferings of the individuals. Consequently, discourse on rights and development of rights movements forced the governments to give recognition to certain essential individual rights even though they are the limitations on the States' powers. However, recognition, protection and promotion of all human rights were made possible through the process of internationalisation and universalisation of human rights. Therefore, this article attempts to describe the process of internationalisation of human rights.

Emergence of Human Rights from Subjugation: Circumstances and Causes

It is said, rights stand for what we expect from others and others from us and they are indispensable for the fulfilment of the obligations that society ordains one. In this sense, society is founded in the principles of morality and justice and rights are co-relatives to one's social responsibilities that condition them. Nonetheless, rights of the individuals were subjugated to certain despotic regimes, despite their utility and value. For instance, in the Feudal order, where, ethics and religion had lost its hold upon the lives of the people, and in addition, State was so pre-occupied with military expeditions that the affairs of society were neglected and individuals were taxed unnecessarily. Therefore, the individuals had to resort to the doctrine of rights for their safeguard against growing despotism of the State. In this initial stage, the doctrine of rights performed the social function by giving expression to social purpose expressed by the legal system as a whole. Though both can be viewed as functioning for one another, the degeneration set in and the process of disorganisation commenced due to fading of colonialism, that is, the States of Africa and Asia became independent and then progressed in their own orders. It is pertinent to note that formal independence has had its own pitfalls. It is said, subsequently, "...geopolitics intruded to place the United States on the colonial side of the struggle, and afterwards, in the postcolonial settings of Asia and Africa and in Latin America, the United States engaged in interventionary diplomacy generally on behalf of authoritarian political solutions that

were, in many instances, more inconsistent with the realization of human rights than other plausible options.

This trend toward oppressive rulership is evident in all parts of the Third World” which also came to be known as “socialist” or “communist”, or “capitalist”. Indeed, many writers have identified totalitarianism as a ruthless, brutal, and, potent form of political tyranny whose ambitions for world domination are unlimited. From this, it would be clear that great power blocs, by totalitarian measures, tend to breed international political tension and destroy all the faith in the respect for basic human values. In addition, it would generate insecurity and violence in the minds of the people. This apart, instances of total one-party governmental control and tremendous human sacrifice or the elimination of free choice and individuality, the politicization of the private sphere, including that of the family and the denial of any notion of the universality of human rights have been witnessed in diverse areas of the world. Totalitarian movements were strong.

It is observed that, “in their early revolutionary stages of development, whenever and wherever they met opposition, totalitarian movements employed tyrannical measures of force and violence, but their nature differed from that of tyrannies precisely in the enormity of their threat of world destruction. In totalitarian society, freedom, private as well as public, is nothing but an illusion. The dynamism of totalitarianism negates the fundamental conditions of human existence”. This would suggest that totalitarian regimes did not protect basic rights of the people, as the regime was capable of going to the extent of even negating human existence in case of opposition raised against it.

Countries that had aided from decolonisation became independent. Being newly independent, those countries were extremely 'sovereignty conscious', and were hesitant to accept any limitation on their state sovereignty which would certainly arise by entering into any treaty obligations or programmes relating to human rights. Therefore, the Governments had usually directed the thought of their subjects to the concept of emancipation from foreign influences. This was based on the thought that “Without an international political arena conducive to friendly relation, any effort towards the realisation of human rights is futile, and there exists almost invariably an atmosphere of tension which requires legitimately in the view of the government, a sacrifice of many of the most important individual rights, such as those of personal security, freedom from arrest, and arbitrary detention and freedom of expression and political opinion”. All of the above can be treated as subversion of the rights of the individuals including human rights.

The indigenous people, although found in diverse areas of the world, these people have been subjected to a history of oppression, involving, for example, military conquest bordering on genocide, dispossession from and exploitation of their lands, forced relocation, deprivation of their traditional means of subsistence and livelihood, removal of their children and denial of

traditional cultural education, interference with their religious practices, discrimination in the dominant surrounding society, and marginalization in political processes bearing on their well-being. Thus the story, then, is a history of the systematic destruction, oppression of indigenous peoples and their rights, traditions, cultures. Besides, population explosion and scientific progress have reduced substantially the value of man as the former makes the world smaller and causes poverty and hunger besides fading respect for human rights in the light of the competition for day-to-day survival. The latter would make the world further mechanical and even lead men to be more concerned with scientific progress than seek improvement in the realm of self or spiritual satisfaction which is possible only through human rights. In addition, it is said that as long as the aristocracy held vast powers of jurisdiction they were respected. When individuals lost their privileges, *inter alia*, the privilege to exploit and oppress, the people felt them to be parasites, without any real function in the rule of the country. Anti-Semitism reached its climax when Jews had similarly lost their public influence. The same status holds true for nearly all Western European countries.

The seventeenth and eighteenth centuries witnessed the slow development of nation-States under the wing of absolute monarchs and this period brought with it the granting of privileges to the larger wealthy class, which had managed to help the Governments. This intimate relationship between national Government and the rich brought about differential treatment of people and this period ended with the rise of imperialism. Added to this, the Modern anti-Semitism, as found from Central and Western European countries, had political rather than economic causes, while complicated class conditions produced the violent popular hatred of Jews in Poland and Rumania. The Nazi regime is unprecedented episode for mass violation of human rights, including the right to life. Roman art of empire building followed the Greek model of colonisation. Racism was the powerful ideology of imperialistic policies since the turn of the nineteenth century. In France, the inner contradiction between the nation's body politic and conquest resulted in the failure of the Napoleonic dream. These situations exhibit that individuals and their rights got little attention in the light of the then existing borderline conflicts. This would also clarify that the authoritarianism, dictatorship, aristocracy and totalitarian form of Government ensured very poor protection to individuals' rights, consequently, subjugation of rights to communal interests and interests of the rulers were predominant.

In India, The Moghul rulers exercised control over different parts of India, while other parts of India were under the Hindu rulers. Rights of the individuals depended on the then understandings and practices of *Dharma* or *Quran*, and they were largely determined by the whims and fancies of the Kings, later by the authority of the British. The British rule provided a mixture of good and the bad experiences for the individuals, though the very nation lost its independence. British Government was a true businessperson exploiting any resources, finance, natural resource, and human resources for varieties of purposes such as defence and trade, but for its benefit. In accordance with the English laws and their courts established in India, the rights of the Indians

were dealt. In each regime, the individual rights were not absolute but were subjected to varieties of restrictions and limitations of different degrees. The British then dealt the freedom fighters with their iron fists. Indeed, many draconian laws were enacted to take away the personal liberty of the individuals in the pretext of preventive detention. The situation did not change much even when the freedom struggle took its supreme shape. Perhaps, the only change was intensification of executions of revolutionist/s or freedom fighters by judicial orders. Added to this, the communal riots and clashes that took place between the Hindus and Muslims who wanted a separation, speak volumes on the possible sufferings of the individuals. This movement also indicates that community interest took priority over individual rights.

On a global note, the thirst for power, expansion of power and acquisition of territories has been the bedrock for fighting of many Wars, including the World Wars. The primitive laws of war did little to protect individuals and even today, surprisingly, the International Humanitarian Law does not prohibit war but only aims to regulate means of warfare. Lastly, terror activities undertaken by some of the anti-governmental organisations with a desire to send strong message, as they claim, to Governments, have carried attacks on the State or its men. Terrors as we know it today strike without any preliminary provocation, its victims are very often innocents.

The rights asserted in early modern political revolutions and championed thereafter were central to the construction of State and Nation. Failure to live up to recognized standards of human rights have been a part of every nation's history, indeed in various degrees. These failures are connected to the fact that many nations derive their understanding of human rights from different branches of the Enlightenment. The word "right" is the foundation for the human rights movement. This is because in human rights discourse, rights provide for the platform through which human dignity is secured and guaranteed. In human rights law, the State bears the primary duty of protecting rights, which are enjoyed by individuals and groups.

From the above discussions, it would be clear that the feudal society was based on a hierarchical gradation. At the top of it stood the sovereign, who had control over the life and liberty of his subjects. The sovereign had not only the absolute law making power but also the power to enforce the law according to its will. Second in hierarchy came the privileged persons and heads who enjoyed some control over their freedoms. Lastly, the citizens could enjoy a few civil liberties which the society had offered them but such rights were not available to non-citizens. However, the fall of the feudal order in the sixteenth and early seventeenth centuries gave rise to the concept of equality. Soon the bourgeois who were oppressed by the ruling feudal class raised their voice against the system and this marked the era of industrialism. For industrialism to sustain, the feudal order had to go.

This gave motivation and strength to the emergence of a new thinking around the theory that man has certain inherent and inalienable freedoms and rights, which nobody could take away. This was based on the philosophy of the natural law school that gained more strength when Hugo

Grotius called natural law as immutable. In fact, he went to the extent of declaring that God Himself could not disobey natural law. On similar lines, H.L.A. Hart had pointed out that there are certain fundamental freedoms that are necessary if human beings are to live together. Many socio-political struggles against the then prevailing paradigms of injustices such as, slavery, racism, patriarchy, colonialism, and capitalistic class oppressions shaped the outlines of the contemporary human rights discourse in the West. Eventually, each succeeded in forming a widespread movement because of the language of inalienable rights and corresponding rights movements.

It has been observed that “The aftermath of the French Revolution, abolitionism and feminism were not the only manifestations of an ephemeral social radicalism that imagined a different future for Western communities than the one expected by the rising bourgeoisie.

The socialist-labour movements and the free religion movements were also formed to actualize one or more of the promises of the revolutionary era”. By the latter half of the seventeenth century and early eighteenth century, this process of degeneration had gone far, as in most European countries. The last requirement was to formally end the dead organization.

It is said, in the course of doing so, the individual was emancipated and his rights were enlarged to an extent. Especially, in the latter half of the eighteenth century, due to law and economic relations, the State itself was considered as a governing machine and the Church as a department of secular Government. This meant that “...people were free to determine in their capacities and then people thought to consider that their economic activity was beyond the jurisdiction of morality. ...The Government grew indolent and aristocracy turned irresponsible, Church was now remotely concerned with the daily life of the masses, Christianity lost its great hold... and individual began to assert his independence and forged the weapon of his rights.”

Thereafter, rights appeared as foundations of the social order. People demanded human right to express their opinions, or even to dissent from majoritarian views and to be free from torture and the threat of disappearance. Many of the Great Powers began intervening in the affairs of other States in the name of humanitarian ideals and civilization. It is observed that through the nineteenth century, the Concert of Powers evolved a set of constitutional principles, by which the rights of citizens and non-citizens were recognised and the list even included human rights, which are seen as moral standards for the States to achieve.

In the early twentieth century, the Covenant of League of Nations in its Articles 22 and 23 had provided that colonial powers must observe the principle of well-being and development of native peoples. In addition, it had called for fair and humane conditions of labour for men, women, and children. Accordingly, the International Labour Organization took up that challenge and produced a plethora of instruments on labour standards and worker's rights, to give effect to the ideals contained in the League of Nations, that are now recognised in national legislations by most States. The League of Nations also had advocated for the development of an international

system for the protection of minorities. International Humanitarian Law provided for the care of the wounded or sick combatants and the protection of medical personnel and hospital facilities in wartime. These were not only early developments but also significant developments in the rights talk.

Thereafter, popular mass struggles by the marginalised groups and colonized peoples aided in giving content to the post-war human rights movement. It is said that movement-condemning apartheid in South Africa provided an early impetus for the international human rights movement, even before its formal codification after the World War II. Similarly, the struggles for women's rights, universal suffrage, equal treatment, and non-discrimination in all parts of the world have played their roles in the development of the modern human rights standards and norms. It is pertinent to note that international law evolved mainly through treaty agreements between States, international organisations and institutions. However, under traditional international law system, human beings as such had no rights, and they were not subjects of international law. This would suggest that States had obligations to protect individual rights of its nationals. It would further suggest that 'Stateless Persons' could neither get protection from any neither State nor claim recourse to international redressal mechanisms. This meant that even redressal or remedy for breach of rights of Stateless Persons was limited to what that State had provided. One of the early exceptions to the traditional international law was the emergence of a legal basis to the doctrine of humanitarian intervention. Next was the limitation upon the State's sovereignty created by treaty. This is to be mentioned here because by treaty mechanisms, the States developed a new method of agreeing on arrangements as to the treatment of nationals of the other contracting party in a humane manner. The growth of individual rights and due process forced the Governments to redefine restraints that were necessary to maintain law and order.

Human rights movement that had begun in post-war Europe continued to spread its wings. Indeed, it gave rise to a new and prototype view of rights. Consequently, it even transformed the model of individual or State responsibility and their mutual relations. Therefore, it is observed that "International human rights, as both a post-war and post-totalitarian movement, were a radical departure from the prevailing rights theorising assumptions about the State". This apart, norms were ratified in various international charters and conventions to institutionalise the universal norms leading to the creation of international legal system that deals with human rights. Accordingly, it is said that "The post-war construction of international human rights appeared in transnational form: initially, in the Nuremberg Charter, then in the United Nations Charter and other United Nations instruments, and in multilateral treaties and conventions".

It is important to note that human rights are considered as the zenith of human civilization. At the international level, many international instruments on human rights were adopted for conferring recognition to and promotion of the basic rights of the people at the global level. This would mean that States held obligations at different levels such as international and regional to respect protect and promote human rights. On the other hand, the awareness amongst the individuals about their

basic rights, and corresponding rights oriented movements, have been the basis for expansion and evolution of the basic rights. “In fact, the whole intent and purpose of human thinking is to provide protection to individuals from the rapacity of human beings”.

Today, the human rights are protected by internationally guaranteed standards that ensure the fundamental freedoms and dignity of individuals and communities. Ruti Teitel, a scholar, has concisely spoken of the impact of emergence of rights. According to Ruti, the post-war paradigm implied a reconceptualisation of core rights concepts because rights came to be understood as protected within a conception of rule of law with intent to establish legal accountability to the States. These changed understandings implied new dimensions in the content of human rights values. “...This reconsideration included the extent to which these rights ascertained to a corresponding system of duties. The change in the prior expectations, which were the legacy of social contract theory, transformed the human rights paradigm entirely”. It is agreed that passage of time and changes in circumstances put pressure on the prevailing rights account and the attempt to theorize in terms of unitary international human rights machinery.

Internationalisation of Human Rights

It is said, “No revolutionary ideology, economic system, nationalist movement, or traditional culture has managed anything like a definitive embodiment of human rights”. Indeed, the idea of protection of human rights essentially is not limited to any international boundaries and as such, the international community as a whole has an obligation to ensure that all sovereign States guarantee and protect human rights. The idea of protecting human dignity is the focal point of human rights, which was previously a matter of domestic legal regimes. Prior to World War I, the States had only extended responsibility to give protection to the rights of aliens and minorities. “The end of World War I and the League of Nations produced the post war treaties for the better protection of the minorities, whose application was limited to certain countries”. In fact, the Covenant of the League of Nations did provide for a mandate system to consist of essential normative and institutional process for the protection of the indigenous people of some former colonies. However, it did not produce an elaborate framework of law that could be regarded as similar to the International Human Rights Law. It is said, until 1940s, the subjects of human rights were included in humanitarian intervention, minority rights, and State responsibility for injuries to aliens.

Internationalisation or humanisation of international norms was a priority for the international world order in the backdrop of World Wars. The process of giving recognition to the list of human rights though technically commenced with the Universal Declaration of Human Rights 1948, some of the rights contained in it were previously declared by different documents. Thus, “In the modern period, the earliest predecessors of the Universal Declaration of Human Rights 1948 are the Habeas Corpus Act 1679 and the Bill of Rights 1689. These were followed a century later by the American Declaration of Independence 1776, The US Constitution 1787. Treaty of Paris

1814, International Slavery Convention 1926 to suppress slavery may also be added to this list”.

The then Great Powers such as USA, Great Britain, France and the USSR decided to undertake coordinated efforts to restore and subsequently maintain international peace and security in the post-World War II scenario. This effort led to formation of Universal Declaration of Human Rights. It is said, “...Before the war ended, its destructive force had generated international climate that made possible a broad affirmation of essential human freedoms. In June 1941, nine European governments-in-exile had joined Great Britain and the Commonwealth of Nations... This became known as the Inter-Allied Declaration... Five months later, at a meeting in Washington attended by the USA, Great Britain, China, Russia, another document was issued which was known as the Declaration by the United Nations”.

The Allies wanted to create an international organisation at the earliest. This was to see that aggression is prevented, consequently, international peace and cooperation is achieved. Accordingly, the United Nations Organisation was formed in 1945. While doing so, the idea of rights for all, without distinction as to sex, race, language and religion was entrenched into the framework of the Organisation. The United Nations included a commitment to establish a Commission for the promotion of human rights with a special mandate to draft an international bill of rights. Humphrey, one of the framers of Universal Declaration of Human Rights, asserted that the Declaration of human rights became a moral political authority, which no other contemporary international instrument possessed. According to him, the only exception was the United Nations' Charter itself. Articles 1 (3), 55 (c) and 56 of Charter of the United Nations are important provisions in this context. The idea that United Nations as the international protector of human rights, upon the failure of the League of Nations, emerged from the holocaust and tragedies flowing from the World Wars.

Indeed, the contemporary International Human Rights Law and internationalisation of human rights has evolved in stages. It is said, “While it is true that international law recognised some forms of international human rights protection prior to the entry into force of the United Nations Charter, the internationalisation of human rights and the humanisation of international law begins with the establishment of the United Nations”. Thus, the starting point is the Charter of the United Nations, which has laid the foundation for modern International Human Rights Law.

The Charter paved the way for integration of States, intergovernmental and non-governmental organisations. It is important development as those entities are the principal players in international community and the Charter of the United Nations made them play a pivotal role in promoting and protecting human rights. The period between the Charter of the United Nations and the Covenants on first and the second-generation rights in 1966 may be regarded as the normative consolidation of International Human Rights Law. In this period, the Universal Declaration of Human Rights 1948, the Convention on the Prevention and Punishment of the Crime of Genocide 1948, the International Convention on the Elimination of All Forms of Racial

Discrimination 1965, the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, the American Declaration on the Rights and Duties of Man 1948, the Organisation of American States, *inter alia*, had been adopted.

Further, in this period, two major developments took place. First, “the human rights provisions of the Charter, supplemented by the Universal Declaration of Human Rights and other human rights instruments came to be accepted as defining basic human rights obligations that the members of the UN had accepted by ratifying the charter.” Second, “once it was acknowledged that the Charter, a multilateral treaty, had created some human rights obligations for the members, it followed as a matter of international law that human rights had, to that extent, been internationalised and removed from the protective domain of a subject that previously was essentially within their domestic jurisdiction”.

However, this did not mean that all human rights issues were no longer matters essentially within the domestic jurisdiction of States. The above-mentioned only meant that the States had assumed certain international obligations towards human rights and this in turn meant that the States could not deal with human rights issues as domestic issues. This is because the States had obligations to cooperate in matters of human rights in accordance with the provisions of the Charter. Accordingly, the States undertook massive efforts to cooperate and codify human rights. The Charter that provided for obligations of the States to protect and promote human rights neither did define what human rights meant nor listed basic rights which may be identified as human rights. The foundation for this codification effort was laid under the Declaration of Human Rights 1948 which also provided meaning to the phrase 'human rights and fundamental freedoms' employed in the Charter of the United Nations. Further, the Declaration provided a list of basic human rights and fundamental freedoms, which the States must respect, recognise and promote among all without any discrimination.

The list of human rights under the Declaration serves as a common standard of achievement for all peoples and all nations. The adoption of International Bill of Rights and a vast number of international human rights instruments and regional human rights instruments, the provisions in national constitutions giving recognitions to the principles contained in the Declaration of 1948, reflect the success of the efforts made by the United Nations. This needs to be mentioned as entry into force of each of such human rights instrument meant further internationalisation of the subject of human rights. It is said, “The State practice spawned by the vast network of human rights treaties continues to create a growing body of customary international law on the subject”.

The next important stage in internationalisation of human rights began sometime in the late 1960s and that continued until 1980s. The said period witnessed emergence and consolidation of international and regional treaty-based institutions for the cause of protection of human rights. For instance, the International Covenant on Civil and Political Rights 1966 and the Convention on the Elimination of All Forms of Racial Discrimination paved way for the establishment of the

UN Human Rights Committee, and the Committee on the Elimination of Racial Discrimination. Likewise, the establishment of European Court and Commission on Human Rights became a reality with the entry into force of European Convention on Human Rights. Similarly, the Inter-American Commission on Human Rights and Inter-American Court of Human Rights, were established with the entry into force of the American Convention of Human Rights. It is said, “They gave rise to worldwide expectations about the important role the UN and other international organizations should play in addressing human rights violations”.

During this period, some of the institutions also made trendsetter efforts. For instance, the ECOSOC Resolution 1235 of 1967 authorised the United Nations Human Rights Commission to make a detailed study of situations, which disclose a consistent pattern of violations of human rights. This resolution was followed by ECOSOC Resolution 1503 of 1970, which empowered the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities to develop a mechanism for dealing with communications from individuals and groups illuminating a consistent pattern of gross attested violations of human rights. These two ECOSOC resolutions continue to see the light of the day and they serve as the foundation of the United Nations Charter-based system for the protection of human rights. In addition, these Resolutions provided for an institutional mechanism within the framework of the United Nations for dealing with human rights violations.

Post 1980s, the focus has been on adopting effective measures to ensure State compliance with their international obligations. Indeed, this effort continues to this day. It is said, “The world has undergone a transformation of international systems, from a Westphalian system of nation-states, to a post-Westphalian international system based on transnational institutions. This post-Westphalian system sees State power as devolving to local or even private, entities and assigns rights and duties under international law to non-state actors”.

Conclusion

Universalisation or internationalisation of human right is a process and the States subjects it to a gradual and progressive realisation of international standards of human rights. The framework for international norms was postulated after the Second World War to establish a new world order in which States accepted that they could no longer enjoy the same relaxed approach in matters of rights of the individuals which they had exhibited in the previous years. Once a claim achieves the status of a human right, it acquires the aura of irreversibility, irrevocability, timelessness, and universal validity. This to an extent is ensured by internationalisation of those minimum rights of the individuals. By internationalisation, human rights act as higher law principle in validating domestic measures and State actions. The act of embracing the UDHR 1948 by the nation States has elevated it to an instrument of expression of their moral and behavioural aspirations, which could also be seen as the primary step in usurpation of human rights obligations by the States. With passage of time, the development of UN agencies, international judicial bodies

accompanied with thousands of non-governmental organisations gave hope for better monitoring of the implementation of human rights standards. Further, the world community has witnessed that the principles contained in the Charter of the UN and in UDHR and the International Covenants on Civil and Political Rights, and Economic Social and Cultural Rights have been progressively incorporated in most of the Nation's constitutions. These realities reflect that the process of internationalisation of human rights evolved in stages and in addition, it is shaping the domestic legislations and policies.

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25. Ibid.
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31. Makau Mutua, supra note 16 at p.552.
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44. Ruti Teitel, *supra* note 38, at p. 303.
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54. Philip Alston, The UN's Human Rights Record: From San Francisco to Vienna and Beyond, Hum. Rts. Q., 16 (1994), 376, 375-90.
55. Recognizes that one of the purposes of the United Nations as promoting international cooperation in

- solving various international problems, including humanitarian problems, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinctions as to race, sex, language, or religion.
56. Articles 55 (c) and 56 of the Charter imposes important obligations on members of the United Nations. Article 55(c) states that to create the conditions of stability and well-being which are necessary for the peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples, the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Article 56 imposes the same obligations on the Member States by stating that all members pledge themselves to take joint and separate action in cooperation with the Organisation for the achievement of the purposes set forth in Article 55.
 57. Thomas Buergenthal, *The Normative and Institutional Evolution of International Human Rights*, *Hum. Rts. Q.*, 19 (1997) 703, 703-723.
 58. Thomas Buergenthal, *Human Rights: A Challenge for the Universities*, 31 *UNESCO Couriers* 25, 28 (1978).
 59. Thomas Buergenthal, *supra* note 57, at p.704.
 60. *Ibid.* at p. 705.
 61. *Ibid.* at p. 706.
 62. *Ibid.* at p. 708.
 63. *Ibid.*
 64. *Ibid.*
 65. *Ibid.* at p. 709.
 66. *Ibid.* at p. 710.
 67. *Ibid.* at p. 712.
 68. Dinah Shelton, *Protecting Human Rights In A Globalized World*, 25 *B.C. INT'L. COMP. L. REV.* 273.
 69. Gross L., *The Peace of Westphalia, 1648-1948*, *The American Journal of International Law*, 1948, 42 (1), p. 20.