
ROLE OF HUMAN RIGHTS IN REGULATING CONDUCT OF STATES

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ABSTRACT

Human Rights are inalienable attribute of individuals. It does not demand specifically entrusting individuals with such rights but the important task is to protect those rights which they already have. Success of human rights ultimately depend upon *States* therefore it directly appeals to *State* to regulate its conduct in favor of protection of human rights of individuals but major stumbling block in the set up is the *sovereignty* of State which repulses the idea of rights of individuals. Since Human Rights are basic and undeniable, should be available to all individuals transcending territories and cultures. But fabric of human rights mechanism is weak without the golden thread of obligation of states. Meaningful implementation of remedies to violation of human rights requires States to accommodate responsibility in their conduct otherwise these will remain as bare texts on well drafted Conventions and Declarations. Due to lack of normativity which results in differentiation and controversy, the set up of human rights has been unsuccessful in regulating the conduct of States at the domestic level. At the International level also the conduct could not be well regulated as concept of State sovereignty conceptualizes absolute powers over its subjects but human rights tries to limit it to regulate its conduct so it opposes the idea of absolute sovereignty. Thus the Research Paper first ponders upon the need and logic to entrust States with the responsibility of protecting human rights and then reflects upon the legislative and pragmatic conflicts between the two inconsistent concepts of human rights protection and absolute sovereignty. It also exemplifies how the international community and social pressure diluted the concept of absolute sovereignty and thus urges upon the need to bring about coherency between sovereignty and human rights protection by States by regulating its conduct at national and international domain.

Introduction

The march for the protection of Human Rights has been tough from the establishment of **United Nations Organization** (UN) after Second World War to the present day violations of Human Rights by so called civilized nations. Human rights being inalienable attribute of individuals need not be specifically given to individuals but the important task is to protect those rights which they already have. State is a powerful entity having all the powers and resources and has always been in a position to violate the human rights of individuals. Thus the entire framework of Human Rights regime was to regulate the conduct of states. How the state conduct itself with respect to its responsibility towards protecting human rights of its individuals will ultimately determine stronger system of human rights. Therefore, Human right is a yardstick that lays down limits to the administration of governance of nation. It directly links to determining the nature of functions of states as in absence of Human Rights Norms; State will become powerful and exploit people.

Need to entrust States with protection of Human Rights

Every right has a co-relative duty which imposes upon another an obligation to protect it. Human Rights requires imposition of duty upon national governments as these are the most appropriate bodies owing to its resources, powers and structural set up to effectively discharge their duty. There are two ways to understand why States have been entrusted with task of protection of human rights-

1. Domestic setup (Bottom-up approach):

From ancient times people have been reluctant to appoint an authority whether in the name of *King* in ancient Hindu philosophy of *Dharma* or in the name of *State* in *Social Contract Theory* of three trios of *Hobbs*, *Locke* and *Rousseau* for protection and safeguard of interests of individuals. This practice is still continued and individuals look up to their respective states for enjoyment of human rights. The idea of state as protector and guarantor is favored owing to its resources and powers requisite to guard its subjects against all kinds of disarray. History witnessed several revolutions for the establishment of state with the expectation that once it is established it will secure a minimal good life to all individuals. The earlier development of International Law recognized only States as its subjects.

Therefore, responsibility has been imposed upon States for the protection of human rights of its subjects.

2. International setup (Top-down approach):

At international level, aftermath the scourge of Second World War, UN was set up which adopted **Charter of the United Nations** (UN Charter) in its efforts to prevent war like situations again and secure individuals protection of human rights against states. Though the gamut of human rights is well-knitted at international level but enforcement mechanism is not effective because of weak international sanctions. Human Rights Conventions, Charter or Declarations only enumerates content and responsibility of State while actual violation needs domestic laws to redress it. International human rights documents mention states as the locus of penetrating human rights towards individuals and not addressing to private individuals, entities or group of persons directly. This comes to establish that from international perspective also State is only in a position to guarantee protection and effective implementation of human rights.

Regulating State's Conduct by Human Rights Mechanism

The idea of protection of human rights is evident of historical fact that State is in a position to suppress people and abuse human rights. Means are devised to regulate conduct of states in light of maxim that '*He who is most powerful violates human rights.*' Targets of international human rights mechanism are states but due to weak international enforcement mechanism, responsibility has been shouldered off to states itself. Meaning thereby, violators of human rights has ironically became the forerunners of mechanism. This necessitates to boundary wall role of states by concrete obligations to protect human rights. According to *Ronald Dworkin* individuals have moral rights against State and those rights precedes any technical legislations as the backing of those rights are human dignity, therefore those rights must be given priority over other contemplations in state public policies.¹ These obligations have reciprocally encouraged individuals to claim basic rights of foods, services, protection and opportunities from states. Various pillars have been created by international community to pull up the

¹ Norman E. Bowie, *Taking Rights Seriously* By Ronald Dworkin, Massachusetts: Harvard University Press. 1977 Pp. 563, 26 Cath. U. L. Rev. 908, 908-909 (1977) (Book Review)

human rights above the concept of sovereignty by controlling states' conduct which is briefly laid down as follows:

- **Regulation under UN Charter,1945**

The normative values enshrined under **Charter** are critical standards to assess State governance. Domestic laws are expected to confirm to those standards. **Article 1 Para (2) and (3) of Charter** imposes obligations upon states to observe friendly relations and co-operate among nations in establishing fundamental freedoms of individuals without any discrimination.

- **Regulation under Universal Declaration of Human Rights (UDHR),1948**

The Preamble of **UDHR** provides that human rights should be protected by rule of law. Further **Article 30** prevents State to engage in any activity aimed at destruction of rights and freedoms.

- **Regulation under International Covenant on Civil and Political Rights (ICCPR),1966**

The Preamble of **ICCPR** states that each State Party undertakes, considering its obligation under UN Charter to promote universal respect for human rights and freedoms, to ensure to all individuals rights recognized in the Covenant, without distinction of race, color, sex etc, and to take necessary steps to adopt such laws or other measures to give effect to rights and develop possibilities of judicial remedy.² **Article 5** prohibits state party to engage in any activity aimed at destruction of rights and freedoms. Further States are obliged to ensure right equality³, right to life⁴, prevent torture and degrading treatment⁵, prohibit forced labor⁶, ensure liberty and security of person⁷, protect privacy of individuals⁸, ensure freedom of thought, conscience and religion,⁹ etc.

- **Regulation under International Covenant on Economic, Social & Cultural Rights (ICESCR), 1966**

²International Covenant on Civil and Political Rights, 1966 art. 2

³*Id.* at art.3

⁴ *Id.* at art.6

⁵ *Id.* at art.7

⁶ *Id.* at art.8

⁷ *Id.* at art.9

⁸ *Id.* at art.7

⁹ *Id.* at art.18

The Preamble of **ICESCR** provides that considering States' obligation under UN Charter to promote universal respect for human rights and freedoms, state undertake to take steps to achieve progressively full realization of rights by all appropriate means, particularly by legislative measures.¹⁰ **Article 5** prohibits State to engage in any activity aimed at destruction of rights or freedoms. Further the Covenant obliges state to ensure right to work¹¹, education¹², prevention, treatment and control of epidemic, endemic etc; ensure medical services, provide environmental and industrial hygiene¹³, provide decent standard of living¹⁴, special protection for children and young persons¹⁵, provide social security¹⁶ and other social and economic rights.

- **Regulation by State Constitution**

The state constitutions of almost all nations have inculcated Human Rights in its constitutional domain and the constitutions which are devoid of them have regularly demanded their inclusion to give them constitutional status.¹⁷ Emergence of constitutional principles in 17th-18th century required states to observe respect for human rights towards its subjects. Constitutionalism intrinsically disseminates the idea of human rights and results in States obligations to enforce rights enshrined under the Constitution. The earliest examples being *Magna Carta* granted by *King John* in 1215, declaring sovereign subject to *rule of law* and provided foundation for individual rights¹⁸, *The French Declaration of Rights of Man and Citizens* (1789) and *American Bill of Rights* (1791). *At present* the Constitution of nation states enumerates basic human rights as fundamental rights (e.g. Part III of Constitution of India, 1950) and urges States to secure them through robust governmental and judicial machinery.

¹⁰International Covenant on Economic, Social and Cultural Rights, 1966 art.2

¹¹ *Id.* at art.6 and 7

¹² *Id.* at art.13 and 14

¹³ *Id.* at art.12

¹⁴ *Id.* at art.11

¹⁵ *Id.* at art.10

¹⁶ *Id.* at art.9

¹⁷ Louis Henkin, The Universality of the Concept of Human Rights, 506, ANNALS, AAPSS, Human Rights around the World, 10,13 (Nov., 1989)

¹⁸ D.M.Stenton, Magna Carta England [1215], Britannica, (Oct 29, 2020)
<https://www.britannica.com/topic/Magna-Carta>

Additionally, the regulation of conduct is strengthened by Charter-based and Treaty-based system. Establishment of Human Rights Council displacing Commission on Human Rights, peer review, Universal Periodic Review, responses to country situations, Special Procedures, complaint procedure and Advisory Committee under Charter-based system supports this argument. And Treaty-based system establishes model of state reporting, publication of general comments, setting up of inter-state complaint mechanism and individual complaint procedures.

Conflict of Sovereignty and Human Rights

State sovereignty hurdles laying down asset of human rights framework. The political design of Sovereignty leads to concentration of powers and authority in one entity and this consequently leads to blocking of governance of international human rights mechanism, hampering its growth and effective realization.¹⁹ In fact, human rights depend upon discretion of states for recognition, which in turn highlights hidden context of sovereignty as main ingredient of human rights mechanism. International human rights law which avoids affinity with state sovereignty is in reality subordinate to it.²⁰

There is no second thought to the fact that strict compliance to sovereignty results in violation of human rights. According to *R.Falk* “Governments do not protect human rights, they violate them”.²¹ The most recent example being US exit from Paris Climate Agreement in midst of environmental crisis that reflects state’s balance in favor of sovereign political reasons against human rights realization.²² Notwithstanding the contempt by other nations and climate intellectuals there is no remedy to this at international level. There is a vacuum of enforcement mechanism and that gets filled with show of sovereign power when conflict arises.

Embracing the concept of sovereignty, monoist and dualist theories have been emerged that makes States as decision-makers as to which of international laws they will accumulate in their domestic laws and the manner of enforcement thereof. The entire idea of sovereignty culminates into opposing the implementation of international human rights norms which acts

¹⁹ Louis Henkin, Human Rights and State Sovereignty, 25 GA. J. INT’L & COMP. L. 31,31(1995)

²⁰ Daria Jarczewcka, Do Human Rights Challenge State Sovereignty?, E-International Relations (Mar 15 2013), <https://www.e-ir.info/2013/03/15/do-human-rights-challenge-state-sovereignty/>

²¹ R. Falk, Human Rights And State Sovereignty ,3 ,(1981) cited in Jost Delbrueck, International Protection of Human Rights and State Sovereignty, 57 IND. L .J. 567, 567,(footnote 2) (1982)

²² Matt McGrath, Climate change: US formally withdraws from Paris agreement, BBC NEWS,(4 Nov.) <https://www.bbc.com/news/science-environment-54797743>

as major lacunae in enforcement mechanism and therefore the race to establish robust human rights system has been slow.²³

The First World War witnessed States being indifferent to the idea of giving any authority to external institutions in their domestic matters. Even after the Second World War, **UN Charter** recognized *sovereign equality of states*²⁴ and *territorial integrity & political independence*²⁵ as vital to international human rights law. **Article 2(7)**²⁶ of UN charter based on principle of non-intervention guarding national sovereignty has barred discussions in some important matters extending domestic jurisdiction clause beyond stretchable limits for example²⁷-

-Civil turmoil in Sudan and Nigeria, it was argued that such matters should be resolved by states themselves conferring Organization of African Unity authority to handle them,

- Similar claim was made by American states who wanted to deal with their own issues, and

- The upsurge of the Soviet Union regarding Warsaw Pact demanded to deal with countries. This shows accommodation of human rights principles in state framework requires them to open up the pores in their cohesive web of sovereignty.

The idea of imposing obligation upon states becomes irritants to sovereignty and nature of obligation is always contested by states for e.g. human rights system calls for a democratic polity to ensure equality in human rights regime. In fact without democracy, human rights become subject of discretion of sovereign, and thus could not be categorized as rights at all.²⁸ The requirement of democracy imposes political restraints upon states to choose its political head in a certain way and this challenges state sovereignty.

Another facet of sovereignty that blocks penetration of human rights into states is cultural relativism. *Louis Henkin* has called cultural relativism-“a euphemistic synonym of sovereignty”²⁹. The evidence to this is arguments of some states resisting human rights

²³ Louis Henkin, *supra*, at 41

²⁴ The Charter of United Nations, 1945, art. 2(1)

²⁵ The Charter of United Nations, 1945, art. 2(4)

²⁶ The Charter of United Nations, 1945, art. 2(7) “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter....”

²⁷ Edvard Hambro, Human Rights and States’ Rights, 56(4), American Bar Association Journal , 360, 362 (April 1970)

²⁸ Anthony J. Langlois, Human Rights without Democracy? A Critique of the Separationist Thesis 25(4) Human Rights Quarterly , 990, 1019 (Nov., 2003)

²⁹ Louis Henkin, *supra*, at 43

concept at the World Conference on Human Rights at Vienna in 1993 basing their dissent on ground of cultural relativism.³⁰

Another important issue that sprung from sovereignty is state's claim to exercise jurisdiction in derogation of rights owing to exigent circumstances. This assertion lies in fear of threat to security of states. But this exercise of power imminently threatens security of human rights of individuals because determination of exigencies lies in discretion of powerful states. The recent example would be of India in this context when Government of India locked up people of Jammu & Kashmir after changing its nature of statehood to union territory and curtailed basic human rights like freedom of expression, freedom from arbitrary arrest questioning the democracy of nation. There were reports of massive violation of human rights and all this was legalized in the name of emergent situations.³¹ *Rupert Colville*, spokesperson for the UN High Commissioner for Human Rights, said on October 29, 2019- "We are extremely concerned that the population in Kashmir continues to be deprived of wide range of human rights and we urge the Indian authorities to unlock the situation and fully restore the rights that are currently being denied."³² Amnesty International also started campaign in September, 2019 to end the shutdown.³³ Even the sacrosanct constitution of the land could not fulfill the legitimate aspirations of individuals and yielded to state sovereignty in the name of emergent situations.

Diluting Sovereignty by Human Rights Norms

Moral justification for human rights precedes the analytical conception of traditional sovereignty. The idea of sovereignty could not be stretched so far to oust basic human rights in entirety. Development of international law evidences emergence of international organizations and conventional laws that keeps on diluting traditional concept of sovereignty. This can be supported by fact that contemporary world is witnessing universalism of human rights because today virtually all states are parties to UN Charter and UDHR, further

³⁰ *Id.*

³¹ Fahad Nabeel, Abrogation of Article 370 and India's Crackdown in Kashmir- A Human Rights Perspective, Centre For Strategic and Contemporary Research, <https://cscr.pk/explore/themes/politics-governance/abrogation-of-article-370-and-indias-crackdown-in-kashmir-a-human-rights-perspective/>; *See also*: J & K special status: Amnesty International cautions Centre on human rights violations in state, Scroll.in, <https://scroll.in/latest/932905/j-k-special-status-amnesty-international-cautions-centre-on-human-rights-violations-in-state>

³² As Jammu & Kashmir loses its political status, here's what the past 80 days have meant for it, Quartz India, <https://qz.com/india/1737332/kashmir-loses-article-370-turns-indian-union-territory-today/>

³³ *Id.*

international covenants and conventions of human rights are widely adhered to, and customary human rights laws are binding on all states.³⁴

For diluting state sovereignty its necessary to shed off the idea of sovereignty as depicted by *Bodin formula*³⁵, defining it as '*potestas legibus soluta*' or denoting monarch as '*legibus solutus*' (not bound by law) explaining concept of sovereignty as absolute power. But accommodate it sensibly that Sovereignty is not synonym for limitless and absolute power. This can be understood by the principle of natural law of '*pacta sunt servanda*' that highlights limitation upon state sovereignty.³⁶ This finds further support in **Article 56** of **UN Charter** where all member states have pledged themselves to take joint and separate action in cooperation with the Organization for attainment of purposes enshrined under **Article 55**.

Though, provision of **Article 2(7)** of **UN Charter** guard sovereignty of states but verbatim of *Article* has given opportunity to interpret provision in favor of human rights protection limiting state sovereignty. It has carved out four exceptions to this provision including one already enshrined under it-

- it permits intervention not only when matter is *outside* domestic jurisdiction but also when matter is *not essentially* within domestic jurisdiction of State,
- the word *intervention* is subject to interpretation, so acts of international community not amounting to intervention are not prohibited,
- prohibition of Article 2(7) is not applicable to enforcement measures under Chapter VII,³⁷
- human rights violations which don't come under Chapter VII exception opens door for intervention by virtue of other provisions of Charter.

These efforts invited discussions in matters of Indonesia, Algeria, Tunisia and Morocco though these were cried as internal questions.³⁸ In recent trends collective humanitarian intervention usually penetrates cohesive web of sovereignty by interpreting internal

³⁴ Louis Henkin, The Universality of the Concept of Human Rights, 506 , ANNALS AAPSS, Human Rights around the World, 10,10 (Nov., 1989)

³⁵ Bodin, The First Booke of a Commonweale, in The Six Books Of A Commonweale (K.D. McRae ed. 1962) cited in Jost Delbrueck, supra, at 569

³⁶ Jost Delbrueck, supra, at 570

³⁷ The Charter of United Nations, 1945 , art.2(7) "Nothing contained in the present Charter shall authorize the United Nations to intervene.... but this principle shall not prejudice the application of enforcement measures under Chapter VII"

³⁸ Edvard Hambro, supra, at 362

oppressions as matters threatening international peace and security as happened in Somalia, Bosnia, Cambodia and Haiti.³⁹

Another example underlining the changing attitude towards human rights values negating unreasonable compliance to strict sovereignty is Britain. Firstly, even after *Brexit* human rights are secured under *Human Rights Act, 1998* that embeds human rights set out in the *European Convention on Human Rights* under domestic British law. And secondly, the courts therein are actively giving effect to human rights notwithstanding that there is no concept of Judicial Review.

Further, the claim of state to exercise powers in emergent situations is regulated by **Article 4** of **ICCPR** which requires states to adopt such measures that are not inconsistent with other obligations under international law and do not involve discrimination and do not derogate from **Articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 of the Covenant. Para (3) Article 4** requires State to inform other States Parties, through the intermediary of the UN Secretary-General, of the provisions from which it has derogated and of the reasons by which it was actuated.

Analysis of Human Rights in Context Of State Regulation

The analysis of complex web of human rights regulating big powers of states is frowned with contrasting difference between theoretical glory of human rights with romantic evolution and its ugly ground reality. The highlighted defect is Sovereignty which unless becomes coherent with human rights, will not yield stronger platform for the latter to flourish.

Article 2(7) of **UN Charter** which tries to maintain its fervor in favor of human rights still lack consistency as determination of *internal matters* has political connotation. The Permanent Court of International Justice in its Advisory Opinion on Tunisian and Moroccan Nationality Decrees in 1923 stated that the question of determination of matters whether it would fall essentially within domestic jurisdiction of State is a relative question which is dependent upon development of International relations.⁴⁰ This elementary rule is still applicable in international domain.⁴¹

³⁹ Louis Henkin, Human Rights and State Sovereignty, 25 GA. J. Int'l & Comp. L. 31, 43 (1995)

⁴⁰ Nationality Decrees Issued in Tunis and Morocco on Nov. 8th, 1921, Advisory Opinion, 1923 P.C.I.J. (ser. B) No. 4 (Feb.7)

⁴¹ Edvard Hambro, *supra*, at 363

Other problems that more or less derive its authority from sovereignty are uneven application of human rights in domestic regimes owing to monoist and dualist theories, ineffective redress system, lack of judicial independence and indifferent approach towards human rights. The regulation of conduct by Charter-based and Treaty-based systems also struggles to secure optimal level of protection of rights as both of them suffer from its own short-comings-

- **Shortfall in Charter Based Obligation-**

Firstly, there is no content in **UN Charter** about rights like right to life, right to freedom etc. Therefore **UDHR** was enrolled by General Assembly but it is recommendatory in nature and is not binding on member states. In fact, it is incapable of imposing obligations upon states. Another setback is that they may not be accepted by a few states or may be accepted by a few of them only. The States may give different interpretations to their obligations. State also emphasizes more upon prerogatives of sovereignty to hinder action sought to be taken by UN.

- **Shortfall in Treaty-Based Obligation-**

As opposed to convention based obligations; it imposes obligations upon States to protect human rights. But limitation is that unless there is compelling Conventions no State give rights on its own volition. Another setback is that it is fruitful in guaranteeing protection to individuals against violation of rights by limiting sovereignty of those states only who become party to treaty. Entering into treaty is sole discretion of states. For example India is not party to *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987*. Though India had signed the Convention against Torture on 14th October 1997, it is yet to ratify it. Moreover there are various channels open to states to avoid obligations like reservation made by them in treaties while entering into them.⁴²

The golden asset of UN Charter fails to achieve accountability from States as they have *pledged* and *not bound* themselves for observance of human rights and fundamental freedoms.⁴³ **Article 62** of UN Charter clothes Economic and Social Council with only recommendatory powers. Security Council though competent to take binding decisions under **Chapter VII** of Charter, can take decisions under **Article 39** only in cases of *breach of peace, threat to peace* or *acts of aggression*. Security Council generally refrains from directly addressing individual States under **Article 41** through its embargo resolutions and they are

⁴² See generally Linda Camp Keith and Steven C.Poe, Are Constitutional State of Emergency Clauses Effective? An Empirical Exploration, 26, Human Rights Quarterly, 1071, (Nov., 2004)

⁴³ International Covenant on Civil and Political Rights, 1966 Art. 55 & 56

generally addressed to States requiring them to take measures in accordance with its resolution.

Lack of normativity resulting in differentiation and controversy in regulating conduct of states adds to the list of downfall of human rights regime. The cultural relativism is a significant factor causing lack of uniform normativity of human rights. At present it has emerged as most influential phenomena that seclude legal centralism in domain of human rights. These shortfalls blot out current violations of human rights and global helplessness towards redress mechanism. Recently at the Inter-American Commission on Human Rights headquarters, the Dominican authorities reiterated their refusal to comply with the Court's decision showing indifferent attitude towards enforcement mechanisms built to guard against human rights violations.⁴⁴

The struggle in regulating state conduct can be highlighted by the failure of states to submit reports to UN treaty bodies. The Annual Report of the Human Rights Committee (HRC) for 2006 reveals that 46 States have Reports that are due for over five years e.g. France (five years overdue) and Spain (seven years overdue) and so on.⁴⁵ Since 2001 the HRC has amended its *rules of procedure* to assess the measures taken by State party to enforce the provisions of Covenant from the evidences present before it in the absence of state report.⁴⁶

Conclusion

The road to success of human rights is in nascent stage and the mechanism of international human rights is still evolving. There is contrasting gap between implementation of human rights by states and their codification into charters and conventions. This bridging of the gap largely depends upon States to respect those efforts by accommodating them in their domestic regime. Perusing the above analysis it can be concluded that there is no need to entirely resolve sovereignty conflict to regulate conduct of states by imposing upon them human rights obligations. But there is a need that state shall realize sense of responsibility and accept inroads for human rights enforcement mechanism by diluting its concept of traditional

⁴⁴ Robin Guittard, National sovereignty vs human rights?, Amnesty International, (6 November 2014, 17:24), <https://www.amnesty.org/en/latest/campaigns/2014/11/national-sovereignty-vs-human-rights/#:~:text=Human%20rights%20are%20the%20cornerstone,race%2C%20nationality%20or%20other%20status.>

⁴⁵ Report of the Human Rights Committee, A/61/40 (Vol I) 16-18, <https://www.refworld.org/pdfid/45c30bd50.pdf%20para%2052-58>

⁴⁶ *Id.* at Para- 52-58

sovereignty. The claim of states to curtail rights in emergency situations is rational but its susceptibility to be abused needs scrutiny. Even the existence of duration clauses sometimes increases the risk of human rights violations by extending from time to time the state of emergency.⁴⁷ It should be available temporarily and should not completely abrogate rights but have rational nexus to safeguarding the security of state. Thus it can be summarized that it is not the sovereign state as such that is problematic to human rights regime because these are flourishing area for values of human rights. Just as the concept of absolute human rights is non-existent and these are restricted in the interest of other individuals and security of state to make the concept reasonable and affordable, similarly the idea of absolutism of sovereignty is arbitrary that definitely hurdles the enforcement of human rights mechanism. Thus it should be made flexible enough to give space to human rights to breed naturally and evolve into coherent system of sovereignty effectively respecting the human rights.

⁴⁷Linda Camp Keith and Steven C.Poe, *supra*, at 1096-1097