Chapter - VI

ASSESSMENTS AND CONCLUSIONS

What is discussed in the preceding chapters combine facts with analyses regarding the various facets of the UN activities for the promotion of human rights and carry their own derivative evaluation. This chapter attempts an overall assessment regarding the progress made and the constraints/limitations experienced during the last four decades.

I

Before attempting an assessment of the UN role in the actual observance of, and the promotion of respect for, human rights, in member States, it is pertinent to note that the "State" remains the guarantor and protector of the individual human rights, notwithstanding their internationalization.

It is not just the question of domestic jurisdiction or state sovereignty — of course it is still there in legal terms, but states differ from each other in their socio-economic, political, historical and cultural conditions and traditions. Since human rights are intrinsically related to the socio-economic systems, and their realization depend to a greater extent on the political, economic and cultural development of a particular state, therefore, human rights, in reality, are to be enjoyed by individuals in their own states.
and implemented under their domestic laws and institutions. Indeed, all the instruments of human rights recognize this fact. Moreover, these instruments are evolved on the principle that state is the guarantor and protector of human rights. Thus, at this stage, no global authority has been envisaged for implementation of human rights. The mechanisms evolved under the UN system do not operate directly upon the individual, they work on the states and are designed to induce them to adhere to the minimum norms agreed upon and spelled out in the international instruments. They serve only as an international process to encourage states to carry out their international obligations in respect of human rights and to desist from their violations.

Thus, the UN role in promoting respect for the recognition and observance of human rights, for practical reasons, is confined to bring about moral and political pressure on States to live up to their obligations under human rights instruments. As discussed in chapters IV and V, the UN role is performed through a variety of supervisory mechanisms and institutional and procedural framework, such as the communications system, reporting procedures, discussions by UN organs and bodies (in public as well as private), investigations and recommendations with regard to the complaints of gross violations of human rights and the state-to-state complaints procedure.

**COMMUNICATIONS SYSTEM**

One significant mechanism evolved, over the years, by the United Nations is the institution of a number of
procedures by the ECOSOC to deal with the communications/petitions emanating from individuals, group of individuals and NGO's. During the last four decades, the ECOSOC adopted a number of resolutions which institutionalized various procedures to deal with the communications. As noted earlier, such an arrangement of procedural nature leaves much to be desired.

The 1503 Procedure

The 1503 resolution of the ECOSOC, which governs the present communications system, is by far the most important of its resolutions. Under this resolution the communications that appear to reveal a consistent pattern of the gross and reliably attested violations are scrutinized and reviewed by the Working Group of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities; the Sub-Commission and the Commission on Human Rights itself. After examining the petitions at all these levels, the Commission may determine whether a situation/communication requires a thorough study or an investigation (of course with the consent of the state concerned).

As noted earlier, the 1503 resolution establishes a very complex procedure and the deliberations and actions initiated

1. Three important resolutions were adopted in this regard; resolution 728 F of 30 July 1959, 1235 of 6 June 1967 and 1003 of 27 May 1970. For details of the adoption and working of these procedures, see Chapter IV of this thesis, pp. 173-87.
thereby are treated as strictly "confidential". Nonetheless, it is a significant development inasmuch as that in case of gross violations that occur in any part of the world, it does allow to discussion and sometimes leads to international pronouncement. It is also encouraging to note that, beginning 1978, the Commission has increasingly resorted to the procedure of adopting resolutions, criticizing/disapproving, or sometimes denouncing the situation of gross violations as and where they occur and also, in the process, naming the governments held responsible.

It is true that under 1503 procedure so far no investigation of human rights situation has been carried out, however, discussion under this procedure had helped influence the related developments. For instance, the investigation into the Chilean situation, as a recent study reveals,\(^2\) was prompted mainly by the fact that the matter of Chilean violation was before the Commission under 1503 procedure.

**Individual Petition : Optional Protocol**

As a result of the coming into force of the Optional Protocol to the Covenant on Civil and Political Rights, the concept of individual petitioning against its own government

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has gained grounds. As discussed earlier, it is for the first time, leaving aside the European Convention, that an individual’s right to petition an international organization has been formally recognized in international law. Under this procedure, the Human Rights Committee is authorized to receive and consider communications from the individuals (within the jurisdiction of states Parties which have recognized the "competence" of the Committee) who claim to be victims of human rights violations by their states.

It is true that the procedure is weak since the Committee could merely state its findings and send them back to the state Party concerned. The Committee is yet to acquire any competence to redress the grievances of the petitioners. Nonetheless, a beginning has been made. Since the Optional Protocol began operated (1976), the Committee had considered 49 communications and made recommendations under Art.5(4) of

3. The European system was first to recognize the principle of individual petition. However, it should be noted that almost all European countries, which became parties to the European Convention, had already reached a degree of commonality of interests, economic, political and cultural development. They were politically like-minded and ideologically close to one another and had established liberal democracy as well as rule of law and independent judiciary for the protection of human rights at national level. The fact that the right of individual petition has been recognized by the United Nations, despite diversities and disparities among member states, is a significant development. Since the United Nations functions at a global level with disparities of diverse nature, the concept of individual petition has a dimension of its own.

4. For a detailed discussion on this point see Chapter IV, pp.220-30.
the Protocol to the states Parties concerned. 5

The petitioning procedure under the Protocol has significance of its own, it helps bring forth the specific instances of victimization. The state concerned is called upon to explain why the person concerned is being victimized. Of course, the Committee can do little when the state concerned justifies itself by saying that the victim endangered state security or was legally sentenced for "parasitism". Under such circumstances, there is little that the Committee can do. Moreover, there do not exist provisions in the Protocol for "follow-up-action" on the Committee's decisions, if any.

A similar procedure of individual petitioning, in optional form, is provided in the UN Convention on the Elimination of All Forms of Racial Discrimination. This Convention even permits the "group of individuals" to petition CERD (Committee on the Elimination of Racial Discrimination). Though the Convention entered into force on 4 January 1969, regrettably, its procedure on petitions has so far not become operational. As of 1 June 1985, only 9 States Parties of the Convention had accepted this procedure. 6

5. For the Committee's decision and "views" under Art.5(4) of the Protocol, see, Human Rights Committee - Selected Decisions Under the Optional Protocol (second to sixteenth session) (New York, United Nations, 1985). (CCPR/C/OP/1).

II

Until 1956, no direct link between the United Nations and member states was institutionalized to monitor the observance of respect for human rights norms. As noted earlier, the ECOSOC, that year initiated the procedure which called for periodic reports from member states.7

Reporting System

The reports envisaged under this procedure were expected to focus the obstacles and impediments, if any, experienced by member states in their efforts towards achieving the "common standards", as spelled out by the Universal Declaration of Human Rights, for all peoples and all nations, to promote human rights. The purpose of these reports, inter alia, was to ascertain the overall state of human rights prevailing in the member states. These reporting procedures, which were in operation till 1980, were universally applicable (unlike the Covenant procedures, which are confined to the States Parties) to all UN members.

However, it should be noted that these reports did not provide an objective statement of facts on the situations of

7. ECOSOC Resolution 624-B of 1956. Since 1956, three other resolutions were adopted, each being an improvement/revision over the previous one, by ECOSOC, which set forth the periodic reporting system. These were Resol. 888-B of 1962; 1074-C of 1965 and 1596(2) of 1971. For a detailed study of these procedures, see Chapter IV of this thesis, pp.163-71.
human rights prevailing in the reporting states. They variably contained information, couched in a tone of self-righteousness, and presented in a form as would help produce good image of the government concerned. One reason for such reporting was due to the fact that the ECOSOC procedures could not provide, obviously for lack of agreement among its members, a precise "format" or structural "guidelines" to member states for the preparation of their reports. Moreover, the procedures did not provide a machinery to "verify" or discuss the contents of reports submitted by member states. Though it is true that there were no practical benefits of these periodic reports, one fact becomes well-established that by regularly reporting to the UN bodies, the member states, advertently or inadvertently accepted the principle that there is an higher authority to which they are obliged to report regarding the observance and the state of human rights in their respective countries. In fact, this is a significant development, as it inobtrusively eroded the concept of "domestic jurisdiction" in matters of human rights.

The Convention/Covenant - Reporting Procedure

The reporting system envisaged in the Convention on the Elimination of All Forms of Racial Discrimination (hereafter referred to as the Convention) and the Covenant on Civil and Political Rights (hereafter referred to as the Covenant) added a new dimension to the supervisory role and monitoring at international level. Once the procedure got institutionalized, the reporting system evolved the momentum
It is significant to note that the working of the monitoring bodies — the CERD and the Human Rights Committee (hereafter referred to as the Committee), which are established under the Convention and the Covenant — has been quite impressive. The CERD acted as a model for other bodies. The decision of the CERD which required the presence of a State's representative during the consideration of that State's report was by far the most important contribution and a precedent-setting decision. This practice of requiring State's representative was subsequently followed by the Committee. The purpose of inviting state representatives was to initiate a "dialogue" with the reporting states and, moreover, they were required to respond to the questions/comments made, clarifications sought, by the members of the respective Committees on the observance of human rights in their countries.

It is true that none of the monitoring bodies, noted above, are empowered to take "action" against the states which are found to have been not complying with the obligations contained in the Convention or the Covenant. Nor do these instruments require the reporting state concerned to take necessary "follow-up-action" after examination process of reports (although a formal finding of non-compliance would imply a breach of an international legal obligation). And yet the experience of these monitoring bodies reveal that the implementation machinery of the Convention and the Covenant have worked effectively as far as the reporting system is concerned. The monitoring Committees have scrutinized the
reports of the States Parties to the Convention/Covenant in a thorough way, examination has the decisions of the whole, their interpretations cannot be "views" of the Committee. Though some in recent years, has begun elaborating provisions of the Covenant. These "comments" also Committee without standards expect the 1982 report of the States Parties, see pp. 204-16.

8. For instance, the Committee has, after finding the Iranian report too long, had demanded an from Iranian delegate (the delegate had described the report as "political inquisitional"). On the Committee's role of monitoring the observance of human rights, see pp. 204-16.

9. It is significant to note that under the provision of the Human Rights Committee, UN Doc. A/37/
Secretariat), and the reports of others did not reflect real situation prevailing in the reporting states, the reporting procedure of the Covenant has produced quite an impressive body of information on the problems of human rights. It is encouraging to note that some of the states are frank enough to acknowledge the fact that human rights are not fully observed and respected in their countries. For instance, the representative of Madagascar pointed out in the Human Rights Committee that "the promotion of civil and political rights in his country had been hampered by the lack of judicial facilities, the sharp rise in crime and the worsening of the economic situation as a result of the world economic crisis.\textsuperscript{10} Similarly, the representative of Rwanda appealed to the Committee "for assistance in training lawyers and judges with a view to assisting administration to fulfil its obligations under the Covenant".\textsuperscript{11} The statements of Madagascar and Rwanda, indicate that, by highlighting the factors and difficulties affecting the implementation of Covenant provisions, the States Parties would like to share their problems with other members and international organization.

\textsuperscript{10} UN Doc. A/33/40/1978, p.43.

\textsuperscript{11} UN Doc. CPR/C/3R.363 (15 July 1982), p.9.
III

Gross Violations and "Remedial" Measures

While examining the developments over the last four decades, one pertinent question confronts us: What course of action, if any, is available to an international body to undertake remedial measures in situations which demonstrates consistent pattern of gross violation of human rights perpetrated by a member state of the United Nations or by the State Party to the Convention/Covenant. Obviously, there is no such remedial measure available which could effectively guarantee protection to the people against the depredation. Nonetheless, over the years, the United Nations has evolved various procedures and parliamentary devices which could mobilize and maximize moral and political pressure on the member States allegedly involved in the gross violations. As noted earlier, this role is performed through such methods as (i) the complaint system; (ii) public discussion on the violations by UN bodies like the Commission on Human Rights and its Sub-Commission; (iii) investigations of the gross violations; and (iv) state-to-state complaint procedure under the Convention/Covenant.

Complaint System

Any member state of the United Nations or a group of states may bring a dispute or situation involving violation/denial of human rights to UN forum, specially the Security Council and the General Assembly. Normally a question/complaint is directed to either of these bodies in written
form with a request that it be placed upon the agenda. Such a request is generally made, depending on the nature of each case, under Articles 1(3); 10; 11; 12; 14; 34; 35; 55; 56; 62(2) and 76 of the UN Charter.12 These provisions refer to the powers and functions of the General Assembly and Security Council and the obligations of human rights assumed by member states. Whenever an urgent meeting of the Security Council is requested, Articles 34 and 35 are invoked, which require the Security Council to investigate any dispute/situation endangering international peace and security.

From Chapter V, which makes a detailed study of the cases of gross violations, it is evident that under Articles 1(3), 10, 11, 14, 55(c) of the Charter questions/complaints such as those of Algeria's self-determination; the observance of human rights in South Africa; Bulgaria, Hungary and Romania; and the Soviet Union were brought to the United Nations for discussion and recommendations. Articles 34 and 35 of the Charter were invoked with regard to cases such as the self-determination of Algeria and Angola; and human rights in South Africa. The question of Northern Ireland was the only case which was not placed on the agenda of the Security Council, though its inscription was requested under Art. 35 of the Charter.13 Interestingly, two cases relating to the

12. See Chapters III and V of this study for the cases which were brought to UN forum under these provisions for discussion and settlement.

13. See Chapter V for the details of this case, pp. 327-33.
observance of the cultural and religious rights in Tibet and South Vietnam were raised in UN forums (even when these countries were not members of the United Nations) under the provisions of the Universal Declaration.\textsuperscript{14}

From the discussion of cases concerning gross violations, dealt with in Chapter V above, it is also clear that despite objections raised on the ground of Art. 2(7), the UN organs upheld their competence to discuss the issues and recommend actions. Since the cases differed in nature from each other, the UN response on the jurisdictional issues too varied from case to case. In most of the questions, the UN organs have upheld their jurisdiction to concern, discuss, and to recommend on the questions of human rights. However, in some other cases — such as the alleged violation of human rights in Northern Ireland and the question of Kurdish minority in Iraq — no discussion could take place (as these questions failed even to get inscribed on the agenda of the relevant UN bodies). Nonetheless, some conclusions in the form of resolutions adopted, by implication, have had considerable bearing on the interpretation of Art. 2(7) relating to the question of domestic jurisdiction; despite the fact that the Article has been not explicitly referred to either in discussion or in the final decision taken. The Austro-Italian dispute, for instance, over the protection of German-speaking

\textsuperscript{14} See above for details of these cases, pp.309-21, (Tibet) and pp.323-27, (South Vietnam).
minority or the question of human rights in South Vietnam bear the point. 15

An analysis of the UN actions/resolutions adopted on cases involving gross violations are also revealing in as much as the UN response varied from case to case. Some resolutions merely "noted" and "expressed" concern; others "deplored" and "condemned" the practices of governments. Some resolutions recommended that the domestic policies be changed, while others called for punitive measures (specially in case of South Africa) such as diplomatic, economic and military sanctions. Thus, the United Nations took a variety of actions depending on the nature and circumstances of each case.

From the diverse UN responses, it is difficult to discern any pattern of actions evolvin. Who are the people involved, who constitute the government, and to which domain of political ideology the governments and peoples concerned belong to, remain the big question marks. Likewise, it is difficult to ascertain the extent to which the UN debates and discussions succeeded in influencing the developments for the better, and in quite a number of cases the recommenda- tions of the General Assembly, Security Council and ECOSOC were disregarded with impunity. Nonetheless, one cannot under-value the importance of discussions in international

15. These cases have been discussed in Chapter V of this study, see pp. 321-23 (Austro-Italian dispute) and pp. 323-27 (S. Vietnam).
forums. True, sometimes discussions or UN resolutions might not have yielded immediate concrete results. But then the fact is that there is an international forum doing the "watching". Moreover, that an alleged gross violation by a State could lead to international accountability for its acts, omissions or commissions has its own significance.

**Public Discussions by UN Bodies**

Besides the above procedure of having a public debate on cases/complaints brought to the General Assembly or Security Council by its members, the Commission on Human Rights has set a new procedure through its resolution 8(xxiii) of 1967, which enable it (along with its Sub-Commission on the Prevention of Discrimination and Protection of Minorities) to discuss in each of its session any question of violation of human rights under the agenda item titled "Question of violation of Human Rights in all countries", including the policies of racial discrimination and apartheid. As a result, the Commission, in 1968 discussed the question of human rights in Greece (after a coup de tat that had occurred in that country on 21 April 1967) and Haiti. Since then a large number of questions have been publicly discussed under this item. In fact, the purpose of such a public debate is to expose publicly the consistent pattern of gross violations occurring in any part of the world. Through such debates the governments have been compelled to justify their actions to the outside world. There is hardly any government that is
not concerned about its image in the international community. All wish to avoid condemnation of any kind. Such discussion is likely to establish, in the long run, an entirely different international environment, which may expect a "standard" behaviour from all member governments.

It may be recalled that since 1978 the Commission has been publicly announcing the names of countries against whom action was being considered or initiated under 1503 procedure (the names otherwise remain confidential). Such a public announcement of a country's name, which is under review of the confidential procedure, would even prompt a public debate on it.

Investigations, Studies and Reports

The resolution 8(xxiii) of the Commission also prompted the establishment of various ad hoc Working Groups and investigating missions to inquire into human rights violations. In 1967, the Commission established a Special Working Group of Experts to study the ill-treatment of prisoners and detainees in South Africa. The Group substantiated those allegations, as well as others concerning flagrant violation of trade union rights in South Africa. It also carried out a special study of apartheid from the point of view of international panel law, paving the way for the anti-apartheid Convention.
In 1975, the Commission also established a Special Working Group to inquire into the situation of human rights in Chile. The various reports submitted by this Group disclosed the glaring incidents of human rights violations.\(^{16}\) Besides, the Commission has asked special Rapporteur to prepare reports on the human rights situations in Equatorial Guinea as well as in Chile (following termination of the mandate of Special Working Group on Chile). Reports have been prepared on Democratic Kampuchea (formerly Cambodia), Nicaragua and Afghanistan (submitted in February 1985). However, it should be noted that these reports and studies are examined in public meetings.

Similarly, in 1968, the General Assembly had set up a Committee of three to investigate Israeli practices affecting the human rights of the people of the Occupied Arab territories. In case of South Vietnam, a UN Fact-Finding Mission was sent by the Assembly in 1963 (of course with the prior permission of that government) which was a first decision of its kind.

**State-to-State Complaints System**

Requiring government reports under the Convention and Covenant does not per se constitute an effective means of implementing or enforcing human rights standards. Therefore, additional measures of implementation, though optional, are

\(^{16}\) For the elaboration of this point, see pp. 338-40 above.
provided under these instruments. Both these instruments provide procedures for inter-state communication system and conciliation procedure. Under this procedure, the States Parties to these instruments may first raise any dispute/situation of human rights at state-to-state level, without involving international organization, for mutual settlement/adjustment of the dispute. If this procedure fails to settle the issue within the stipulated time of six months, the matter can then be brought to CERD or the Committee, as is the case, which would act as a mediator and conciliator between the parties concerned. The Committees are expected to provide their "good offices" and conciliation efforts to the parties concerned so as to find out an amicable solution to their dispute/complaint.

Though the procedure of inter-state communications under the Covenant became operational on 25 March 1979 (after ten States Parties had acceded it), regrettably it has so far been not used. Likewise, a similar procedure contained in the Convention which became operational on 3 December 1982 — almost 13 years after the Convention had entered into force — has so far been not invoked.

IV

Despite the advances made by the United Nations in internationalizing human rights by setting the norms and instituting international arrangements to supervise their implementation
the discussions and investigations of human rights situations by UN bodies, massive and shocking violations abound in all parts of the world. Politically motivated disappearances, extra-judicial and political killings, arbitrary arrests or long-term detention without trials by state machinery, torture and death in police custody are instances of daily occurrence. Member governments pay only lip service to their obligations of human rights. Nations apply a "double-standard" in their attitude toward human rights, harshly condemning violations by political enemies but ignoring equally serious violations on the part of nations with whom they wish to maintain good relations. Similarly, many governments which voted for human rights declarations/instruments in New York or Geneva are found to be ignoring the human rights ideals in their daily conduct of affairs. Given this backdrop, how do we evaluate the overall assessment of the UN role to promote the observance of human rights in member states?

An overall assessment of the UN role, during the last four decades, cannot be attempted by setting aside the age-old traditions and institutions, beliefs, disparities and discriminatory practices prevailing all over the world. One should evaluate this role in the light of a historical perspective, practical constraints and the nature/potentialities of the world organization.

17. It should be noted that in the initial years of UN functioning, the Communist States had become targets and the alleged violations by these countries were raised in UN forum by the Western and non-communist States under US influence.
Viewing developments in historical perspective, it is apparent that in almost all the countries (as well as in all centuries) it is only a small elite and ruling class which enjoyed for millions of years all the privileges and rights, while the majority of mankind was not only made to live in slavery, serfdom, poverty and subordination, but was also made to toil hard to keep the ruling class in comfort and luxury. It was only a century age that slavery and serfdom were legally abolished, though they exist in one form or other even today. Similarly, two-thirds of the population of the world was under colonial rule only two to four decades ago and it was only due to the changing international environment and the establishment of the United Nations that the process of self-determination got momentum. The UN's progress or lack of it should be seen in the light of centuries' history of man's struggle against his government to secure his rights. Moreover, the principles of "equality" and "self-determination" are recent phenomenons, as the UN Charter was first to speak of them. The Charter had re-affirmed unequivocally the principle of "equality" and regarded the principle of "the dignity and worth of human person" as the main source of human rights and fundamental freedoms.

At the outset, one should also acknowledge that no analysis can be made with a basic unworkable misconception that the United Nations is designed to function as a world government with an authority to implement its decisions. The UN efforts to promote human rights, like its other activities, depend to a large extent on the cooperation of member states and their acceptance of UN jurisdiction on these matters.

It should also be noted that the United Nations is an organization having within its fold the countries belonging to different cultures/civilizations, the stages of development, different economic, political, ideological and legal systems. Naturally, under such circumstances, it is not an easy task for the United Nations to promote international respect for human rights evenly in all parts of the world. It was due to these diversities that the United Nations had taken almost two decades to work out the adoption of human rights Covenants. Differences in perspective, for instance, had emerged between the Western developed nations and the developing and Socialist nations over the "rights" to be included in the Covenants. The former had given prime importance to civil and political rights while the latter had generally emphasized the importance of economic, social and cultural rights. In recent years, the so-called Third World countries are pressing for the recognition of such collective rights, as the right of self-deter- mination, right to development and right to peace etc.
Another difficulty the UN system has experienced to be noted is that most of the UN bodies concerned with human rights (except those of CERD, the Human Rights Committee and the Sub-Commission) are composed of government representatives, who normally take instructions from their governments. They do not function in their "individual" capacity. Their views and actions, therefore, reflect the policies and motives of their respective governments. This in no way does imply that those who function in their individual capacity always reach different or objective conclusions. Though some of the experts are influenced by their government's attitudes (especially those from the Eastern bloc), they generally enjoy greater freedom of thought and action. The diversity of state interests and policies -- a hard reality and an impediment in itself -- has often prevented unanimous and concerted actions by UN bodies. Given these considerations, and the existing diversities of socio-economic, cultural conditions, and political differences among member states, the efforts of the United Nations are bound to appear to be a modest beginning. One may also understand as why the United Nations has achieved a limited success in producing immediate results or effecting direct protection of human rights.

In spite of these inevitable constraints, the United Nations has made a significant progress in promoting the respect for, and observance of, human rights. Over the years,
it has brought about a revolutionary change in as much as human rights are no longer matters of domestic jurisdiction. It has laid down the norms and standards of human rights which are to be universally respected throughout the world without discrimination of any kind. As noted earlier, the United Nations has also evolved the system of monitoring and supervision of human rights, through the system it has designed still needs much to be desired. But the fact remains that there is no effective mechanism to redress individual grievances and state constitutes to be the sole guarantor and protector of human rights.

What is more significant is that, over the years, the UN bodies have constantly stimulated member states and the States Parties to various human rights instruments, to act individually or collectively in support of human rights. By discussing or investigating various situations of human rights, they have endeavoured to put an end to the most serious and gross violations. As noted in previous sections, the United Nations has been performing a useful role not only in providing an international forum to formulate world public opinion on matters of human rights, but also has been performing a useful service in assembling and making available information regarding the

status of human rights throughout the world. The mere fact
that the governments have agreed to submit reports on human
rights situations — though these reports are largely white-
washed — amounts to the recognition of an authority which
transcends national boundaries. This information, however
incomplete, is highly useful for states seeking to improve
their domestic legislation and administrative or judicial
practices. Many member states, especially the developing
ones, have been benefited of the programmes of the UN tech-
nical assistance.

Though human rights have been regarded these days as
matters of international concern and part of international
law, the questions of state sovereignty and domestic juris-
diction have been frequently invoked in UN fora by member
states. This is evident from the case-studies referred to in
Chapter V. Nonetheless, it is also true that the question
of human rights has increasingly been used as a kind of
"political football"20 in the arena of international politics.
Violations occurring in enemy states are immediately pointed
out, while every state ignores the skeletons hidden in one's
own cupboards or those of its allies and friendly states.
Besides these hard realities, the United Nations, by its
various activities relating to human rights, has made deep

inroads in the concept of sovereignty and domestic jurisdiction of member states. Though the states were ever-obsessed with their prerogatives of domestic jurisdiction, the concept has not prevented UN bodies in expanding their concern with regard to the questions of human rights. It may be noted that the UN's multifarious activities in the field of human rights has on the one hand, increasingly made the United Nations an active organization of human rights, and, on the other had undoubtedly led to the progressive adjustment (and gradual erosion) of the concept of domestic jurisdiction. Notwithstanding the limitation implied in Art. 2(7), the provisions of the Charter and those of human rights instruments have continued to exercise growing influence on the policies and practices, laws and institutions of member governments. Moreover, the UN efforts have also inspired many regional, governmental and non-governmental organizations concerned with human rights.

What the United Nations has achieved during all these years is that it has introduced in contemporary international relations a "human rights dimension", and conferred upon the "individual" a distinct status in international law and organization. The individual has been widely recognized as the real subject and beneficiary of international law and organization. Thus, as a result of the internationalization of human rights, today no state, not even repressive/authoritarian state, openly denounces the concept of human rights, and in fact, most of the states proclaim that respect for human rights is a major policy of their governments. Even if governments do not often take human rights seriously,
common people in countries throughout the world are clearly taking it seriously. Even if governments have employed international human rights concepts hypocritically and for selfish political purposes, their actions have served to reinforce human rights principles and establish important and continuing precedents. Indeed, the UN mechanisms and institutions have been continually expanding their activities in ways that governments have been finding it difficult to curb.

One of the greatest developments to be noted is that in the annals of human history, it is for the first time that (under the United Nations) a comprehensive list of "rights" have been recognized to which every individual, irrespective of his origin, religion, race, colour, sex, etc. can claim as a member of human society. What is of more significance is that these "rights" have been universally accepted by all states despite their historical, economic, social and cultural differences or ideological diversities. These rights -- which include both civil and political, economic social and cultural -- are so comprehensive (but by no means exhaustive) that they cover almost every facet of human life. Moreover, these rights have been defined not by any philosopher or jurist or a group comprising them, or by any single nation-state or a group of them but by a truly international consultative body, i.e. the United Nations, representing mankind. This development is a pointer to the fact that with the efforts
of the United Nations, a system of implementation is gradually emerging in the international community.

In sum, what the United Nations has done so far should be regarded as only the initial steps towards a long and arduous journey leading to a truly international framework of human rights.