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Vong Un-Bor

Associate Professor of International Law, School of Law, Harbin Institute of Technology,
China, Harbin, e-mail: paulwong318@hotmail.com, tel.: 86-158-46506148

HUMAN RIGHTS, STATE SOVEREIGNTY AND INTERFERENCE: THE BASIC CONCEPTION UNDER TREATY LAW SYSTEM

This paper discusses what human rights are and how human rights changed after World War II. Author tried giving a legal determination of human rights. Also the paper considers evolution of development of human rights. In this document argues that under the domestic law, the protection of fundamental individual rights is guaranteed in the State Constitution or relevant legal documents. In this aspect, the protection is more related to the sovereign power of the State. The purpose of this protection is to confirm inalienable and legally enforceable rights against the State interference and the abuse of the power possessed by the government.

Author in the research considered UN Charter, The Universal Declaration of Human Rights, and Will of the State as Basis for Protection of Human Rights shows how domestic law and international treaties connected with each other in the field of human rights. Author claims that organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments. Implementation of International human rights treaties, which is ratified by the State should be be monitored by the monitoring bodies concerned.

Key words: Human Rights, International Law, State Sovereignty, Interference, Domestic law.

Вонг Юн-Бор

халықаралық құқық кафедрасының доценті, заң мектебі, Харбин технология институты,
Қытай, Харбин қ., e-mail: paulwong318@hotmail.com, тел.: 86-158-46506148

Адам құқықтары, мемлекеттік тәуелсіздік және араласу: Шарт құқығы жүйесіндегі негізгі концепция

Аталған жұмыста адам құқығы мәселесі мен оның Екінші Дүниежүзілік Соғыстан кейінгі өзгерісі көрсетіледі. Автор адам құқықтарына заңды түрде анықтама беруге тырысады. Сондай-ақ мақалада адам құқықтарының эволюциялық дамуы қарастырылады. Аталған құжатта адамның негізгі құқықтарын қамтамасыз ету Конституциямен және өзге де заңды құжаттармен қамтамасыз ететіндігі баса айтылады. Осы тұстан алғанда құқықтық тұрғыдан қорғау мемлекет тәуелсіздігімен тікелей байланысты. Бұл құқықтық қорғаудың негізгі мақсаты мемлекет атынан үкіметтің адамның ажырамас заңды құқығын пайдалану мен қорғауда араласпауын және өз өкілеттілігін асыра пайдаланбауын қадағалау.

Автор өз зерттеуінде Біріккен Ұлттар Ұйымының Жарғысын, Адам құқықтары туралы жалпыға ортақ декларацияны, Адам құқықтарын қорғаудағы мемлекеттің еркі туралы халықаралық дәрежедегі құжаттарды пайдалану арқылы адам құқықтарын қорғау мен қамтасыз етуде ұлттық заңдар мен мемлекетпен расталған халықаралық құжаттардың өзара байланысын көрсетеді. Автордың пайымдауынша, адам құқықтарын қорғауға бағытталған арнайы мекемелер мен ұйымдар адам құқықтары туралы халықаралық құжаттардың объективті қолданылуы мен жүйелі жұмыс жасауына ерекше назар аударып, өзара байланыстарын нығайтуы тиіс. Адам құқықтары туралы мүше мемлекетпен ратификацияланған халықаралық құжаттардың орындалуын арнайы қадағалаушы органдармен бақылануы тиіс.

Түйін сөздер: адам құқықтары, халықаралық құқық, мемлекет тәуелсіздігі, араласу, ұлттық заң.

Вонг Юн-Бор
доцент международного права, юридическая школа, Харбинский технологический институт,
Китай, г. Харбин, e-mail: paulwong318@hotmail.com, тел.: 86-158-46506148

Права человека, государственный суверенитет и вмешательство: Основная концепция в системе Договорного права

В этой работе рассматриваются вопросы прав человека и изменение прав человека после Второй мировой войны. Автор попытался дать юридическое определение правам человека. Также в статье рассматривается эволюция развития прав человека. В данном документе говорится, что согласно внутреннему законодательству защита основных прав личности гарантируется в Конституции или соответствующих правовых документах. В этом аспекте защита больше связана с суверенной властью государства. Цель этой защиты состоит в том, чтобы подтвердить неотъемлемые и юридически закрепленные права против вмешательства государства и злоупотребления властью, которыми обладает правительство.

Автор в исследовании рассматривал такие международные документы, как Устав ООН, Всеобщая декларация прав человека и Воля государства как основа защиты прав человека, и показывает, как внутригосударственное право и международные договоры связаны друг с другом в области обеспечения прав человека. Автор утверждает, что органы и специализированные учреждения, связанные с правами человека, должны, таким образом, еще более укрепить координацию своей деятельности на основе последовательного и объективного применения международных документов по правам человека. Исполнение международных договоров по правам человека, которые ратифицированы государством-участником, должны контролироваться соответствующими контролирующими органами.

Ключевые слова: права человека, международное право, государственный суверенитет, вмешательство, национальный закон.

Introduction

Before the Second World War Il is not likely to think that international law is able to interfere with the relations between States and their citizens since traditionally States were the primary subjects in international law governing relations among States. The emergency of international protection of human rights allows individuals to have certain degree of role-playing under international law (Higgins, 1985: 476-494.). Nowadays, respect for fundamental human rights has entered into a new generation and this is changing the international legal order; it practically reflects in the enhancement of the legal status of human rights. The human rights issue of a nation, by its nature, appears to be a domestic affair within the domestic legal order of a nation. In the process of the development of protection of fundamental rights, the protection of the human rights has become a part of international law. This fundamental change challenges the traditional role of the State sovereignty.

Many States, nonetheless, are of the view that the treatment of their own nationals is an internal matter and reject the abuse of allegation of violation of «human rights» on the ground that it is an unjustified form of intervention. This is probably because traditionally international law only governs relations between sovereign States while the relations of State and individuals are governed under domestic law. After the Second World War, international law began to consider including individual as a subject of international law. In this regard, the State sovereignty may have been more or less affected after the emergency of the international protection of human rights. The confusing issue is whether the State sovereignty will, thus, be restricted. The question especially is related to the legal status of human rights and of State sovereignty in the framework of international legal order. This article tries to analyze the legal relationship between the human rights and the State sovereignty.

Methodology

A conceptual framework that helps in identifying indicators for use in human rights assessments has to be backed by an effective methodological approach so as to populate those indicators with the required data. Thus, this article tries to give a definition about human rights and tries to analyze the legal relationship between the human rights and the State sovereignty. It is worth that philosophical and sociological dimensions, as well as trans-disciplinary analysis of this issue, however, are beyond my exploration. An analyses of the extensive legislation and conventions from this field, will allow us to understand the developments that have occurred

and how international jurisdiction understand the relationship between human rights and State Sovereignty. When examining specific human right in the context of domestic law and international are confronted with situations of potential norm conflict. Our analyses will show how the domestic law and international law act harmoniously, whether they help fill in the gaps of each other, or whether one field of law has priority over the other.

Main body

The General Legal Concept of Human Rights

When entering into discussion of the human, rights, the first question we are facing is the definition of the term «human rights» (Macklem, 1985: 501-513.) however, the term «human rights» seems to have no fixed content. It is difficult to precisely perceive what the «rights» should be.

On the constitutional law level, according to the Western European constitutional tradition and the movement of constitutionalism, human rights could be described as liberal fundamental rights and freedoms against State (Nowak*: 2003.* 14-15.). It extends also to social and economic rights. On the other hand, developing States emphasize more on economic development rather than on individual freedoms due to the fact that the poverty is the primary issue has to be resolved. Religion States, such as Islamic States, are of the different view in the explanation of freedom of religion and equality of men and women (Farrag, 1990: 133-134.). The diversity of views in the explanation of the meaning of human rights makes it difficult to have a global accepted definition of «human rights». One may agree that the nature and contents of human rights varies from State to State; and we are unable to predicate what it should be contained.

It has been accepted that the evolution of human rights can be classified into there «generations» (or three dimensions) (Malanczuk, 1997: 210.): 1.) Freedoms of individuals, emphasizing on the civil rights of individual against State interference; 2.) Social rights claiming welfare benefits from State, such as the right to work and education; 3.) the right to self-determination and the right to development could be seen as the third generation of human rights, but its contents are entirely unclear. Human rights contain many aspects in regard with the fundamental rights of a human being such as political rights, social rights, economic rights, cultural rights, but the enforcement of the protection of the human rights is to a large degree depended upon the State's implementation that they are recognized by the State and can be applied in the national court. More precisely, human rights do not have an absolute definition applying to all States but the standardization of which has been made by the UN in the «international bill of rights» (the Universal Declaration of Human Rights, the ICC PR and the ICESCR) (Bayefsky, 2001: 68-73).

Under the domestic law, the protection of fundamental individual rights is guaranteed in the State Constitution or relevant legal documents. In this aspect, the protection is more related to the sovereign power of the State. The purpose of this protection is to confirm inalienable and legally enforceable rights against the State interference and the abuse of the power possessed by the government.

Human Rights and the United Nation Charter

A) Promoting and Encouraging Respect for Human Rights

One of basic questions in regard with the legal status of human rights is that where the «rights» are delivered from? One may agree that the UN Charter has a great contribution to the development of human rights. Has the State sovereignty been limited under the UN Charter? Does the UN Charter bestow any «international» rights for individuals?

The term «fundamental human rights» has been mentioned in the preamble of the UN Charter, which states: «... to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and...» Article 1 of the UN Charter confirms further that it is one of the purposes of the United Nations «to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion...» Moreover, Article 13 (b) of the UN Charter states that the General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Article 55 of the UN Charter, additionally, mentions that 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. Significantly, the UN Charter in Article

56 states: «All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55». Similarly, promoting respect for human rights and fundamental freedoms has been remarked in Articles 62, 68, and 76.

The UN Charter has introduced the term «human rights» in many provisions. It requires the Member States to achieve the promotion of respect for human rights. The legal obligations may have been imposed by Article 56 of the UN Charter by using the word «pledge», but there is no concrete list of the contents of the «human rights». Clearly, the UN does not confer any international rights of individuals, but the benefits (*Malanczuk, 1997: 212.*). The vagueness of the language used in the UN Charter in regard with the human rights implies at least flowing aspects:

1) The term «human rights» is a general concept which cannot be identified.

2) The contents of the «human rights» left in the discretion of Member States.

3) The UN Charter merely imposes on the State the obligation to «promote and respect for» human rights, but it does not bestow any «international» rights to individuals or groups.

4) Promoting human rights is based on the respect for State sovereignty; this is particularly reflected in the principle of the non-interference embodied in Article 2(7) of the UN Charter.

The UN Charter merely mentions the *promotion* of human rights rather than the *protection.* It was so drafted because it considers that the measures protecting human rights need the consent of State; and interference, with national sovereignty is inadmissible (Nowak:2003, 23.).

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights probably is the concrete list of the human rights that the UN Charter promotes». It contains mainly two categories of rights: 1.) civil and political rights; 2.) economic, social and cultural rights. The legal status of the Declaration is an UN resolution, which indeed, by its nature strictly speaking, does not have legal binding force to the Member States. However, it can be regarded as authoritative interpretation of the term «human rights» in the UN Charter and, therefore, has function of indirect influence to the development of international human rights law.

The Universal Declaration of Human Rights can be regarded as milestone in the process of the standardization of human rights. In the preamble of the resolution, it states (Donnelly, 2004: 1-28) «The General Assembly, Proclaims this Universal Declaration of Human Rights as a *common standard* of achievement for all peoples and all nations, to the end that every individual and every organ of society, *keeping this Declaration constantly in mind*, shall strive by teaching and education *to promote respect for these rights and freedoms and by progressive measures*, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member Slates themselves and among the peoples of territories under their jurisdiction» (**Koskenniemi,** 1991: 397-410).

The wording «to promote respect for these rights and freedoms and by progressive measures» implies that the Declaration is a mere statement of ideal which could be seen as a recommendation to the Member State to promote respect for these rights and freedoms and that this obligation is not immediately. The Declaration could be recognized nowadays as the «standard» of human rights. Partly contents of the Declaration, such as the prohibition of torture and slavery, have become customary international law binding all States (Novak: 2003, 76.). Although the contents of the Declaration have been cited in the constitutions of many States, it is still debatable that the Declaration as a whole has obtained a status of customary international law. The consent of the State remains the primary decisive factor to decide whether or not to refer to the Declaration in the national constitution.

The Will of the State as Basis for Protection of Human Rights

The ICCPR and the CESCR can be said as transformational document which transforms the rights declared in the Universal Declaration of Human Rights into legal binding rights. The development of Human Rights enters into an era of protection and implementation.

The covenants, however, are not compulsory documents which indeed are opened for signature based on the will of the State. In other words, State *grants* international bodies or organizations to monitor their compliance with these international treaties. In the ICCPR, the only enforcement mechanism under Article 40 is a reporting system requiring State parties to submit periodically State report (every five year) to a Human Rights Committee. Article 41 of the ICCPR further arranges an optional procedure to allow State party to initiate complaints of violation of human rights against another State party. The effectiveness of the inter-State complaint system, without any doubt, relies on the discretion of State parties. Since it is based on a cooperation and communicational approach, the inter-State complaint system is week and ineffective.

In the ICESCR, neither the inter-State complaint system, nor the individual petitions procedure has been provided for; only the reporting system is required. It should be noted that the rights in this Covenant do not represent to have absolutely and directly binding force to the State parties (O'Flaherty, 2002: 47.); it may requires transformation into domestic law if the international law is not direct legal source applied in the national court. For example, Germany is one of the States in its constitution regulates that the international treaty that Germany ratified has direct binding force in the courts; while the United Kingdom, on the contrary, insists on a domestic incorporation so as to be applied in the national courts. This explains that these two Human Rights Covenants arc not inconstant with the principle of sovereignty, it merely requires in Article 2 of the ICESCR the State party to «to take steps *...to the maximum of its available resources,* with a view *to achieving progressively* the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures».

Therefore, it is clear that, under the both Covenants, the principle of sovereignty is the prerequisite in promoting respect for human rights. International human rights treaties in general with binding force to the States parties are based on the will of the State which in fact is the approval of the State party to be monitored by the monitoring bodies concerned. From this point of view, the effectiveness of the enforcement and the implementation of the human rights treaties are therefore very depend upon the self-determination of the State on voluntary basis. It is also the initial idea that the term «human rights» in general may not be abused to infringe the State sovereignty. This particularly reflects in the entitlement of the State parties in the consideration of making reservations, declarations and interpretative statements at the time of signature, accession or ratification (Best, 1995: 775-799). Indeed, a large extent of reservations is made in the major human rights treaties.

Briefly, the term «human rights» is still an on-going notion; it does not enjoy a legal status of supremacy overriding the principle of sovereignty except some universally accepted rights which have become customary international law or a rule of *jus cogens.* This part will be clarified later below.

Sovereignty V.S. Human Rights?

It is true that the main purpose of the UN is to maintain international peace and security. Human rights issue, however, in the evolution of the State practice, has become significant factor in the maintenance of international peace. It affects no only the inter-State political relations, but also international legal order. Human rights may haven been abused by some States as a tool to intervene internal affairs of another State (UN Document, 1993). Therefore, it raises a question as to whether «human rights» belongs to internal affairs or it should be an international concern governed under international law. As has been explored above, there is no universally accepted consensus on the contents and implementations of «human rights». The legal obligations imposed to States by the UN Charter or international human rights treaties are indeed based on the goodwill of the State «to promote respect for human rights». Treaty-law basis remains the main source of the protection of human rights. Most of the State would like to interpret that human rights arc the internal matter of a State and insist on principle of non-interference embodied in Article 2(7) of the UN Charter. It states: «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; but this principle shall not prejudice the application of enforcement measures under Chapter VII».

Discussion

There is a view that international law only protects the «people's sovereignty» but not the «sovereign sovereignty», arguing that the government violates the wishes of the people would not be protected under sovereign's domain reserve (Reisman, 1990: 866-876.). It happens often in the State practice that a third State criticize human rights situation of another State. This leads to a confusion of the justification of the application of human rights. Thus, on the basis that international society is constructed by sovereign States as a whole, it would be more meaningful to ask the justification of the inference itself rather than the legality of the violation of the human rights on the other hand. More precisely, the uncertainty lays on the international entitlement to a third State to initiate allocation of human rights violation against another State. In other words, the debatable question is whether «human rights» are the «matters which are essentially within the domestic jurisdiction of any state» in the sense of Article 2(7) of the UN Charter. It must be recognized the fact that most of the human rights protection is based on the will of the State on the treaty-basis; in this sense there is no «world constitution». On

that ground, it is conceivable to believe that at least in the contemporary international law, «human rights» could be seen as internal matters within the jurisdiction of a State unless the State violate serious fundamental human rights such as the prohibition of torture, racial discrimination or genocide, which have been regarded as *obligation erga omnes* and is non-derogable even under «state of emergency» (Sunga, 1992: 59). Individuals or officers who directly involve this kind of serious violation against humanity may not invoke any ground to deny their crimes. In other worlds, violation against these rights can be regarded as «international crime» (Mt'illerson, 2001: 357-369).

From this point of view, principally a third State is not entitled under international law to interfere with internal matters of another State. Even in the case of domestic violation of human rights, the violation itself should have become «international concern» as a threat to the peace and the security of the international society in which international law applies. When international law applies, it still needs a collective action taken by international society (e.g. the Security Council of the UN) or by a treaty monitoring organization, to which the State concerned has participated in, to stop the violation (**Popovski)**. One-sided responds or actions taken by the third State may fall into the suspicion of the infringement of the principle of non-interference. Human rights are not without limitations. States are free to decide the extent of the restriction of the human rights as far as it is permissible under general international law (Nowak, 2003: 59.). There are only few human rights such as the prohibition of torture or slavery can be considered as absolute human rights (Article 2 (2) of the Substantive Provisions of the Convention against Torture and Other Cruel. Inhuman or Degrading Treatment or Punishment states: «No exceptional circumstances whatsoever, whether a state of war or a threat of war. internal political in stability or any other public emergency, may be invoked as a justification of torture». (Article 2(2) of the Substantive Provisions of the Convention against Torture and Other Cruel). Prima facie, in certain degree there is a destination between the «international crime» and «human rights». However, the application of the international human rights has been interpreted into a broad sense. A precise destination becomes difficult. In other words, human rights in general can only have relative validity; it implies that under contemporary international law the interference with human rights issues of any other State could be seen as unjustified (Nowak: 57.).

However, if a State has ratified an international human rights treaty, it should be admitted that the State, by its consent to be monitored under the protecting procedure created by the treaty, has the obligation to implement the treaty provisions into domestic law. In this regard, invoking the principle of non-interference would become a denial to the treaty obligation and treaty rules if the violation of human rights is within the regime of the treaty obligations. The core of the issue here is the «treaty-obligation» which restricts the State's freedom of action and limits the exercise of its sovereignty/ ' rather than «human rights».

Results

The principle of sovereignty is a part of fundamental principles of general international law; it protects practically the self-determination of the State in the external and internal affairs. Internal affairs are for example the political, constitutional, cultural and social-economic systems within the jurisdiction of the State. «Human rights issue could be considered as interference with internal affairs in the sense of Article 2(7). The exception of Article 2(7) is that if the violation of the human rights has led to a there at to the international peace and security, then this could not simply be seen as internal affairs. This denotes that the protection of human rights principally remains the domestic affairs (but no longer exclusively and absolutely» (Steinberger: 1987, 500-521); it may also lead to international concern if there is a serious violation against humanity caused a threat to international peace. The question is: who is of competence to determine whether there is a violation as such? Article 39 of the UN Charter states: «*The Security Council shall determine* the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or *decide* what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security». Obviously, this whole responding mechanism is built on a collective basis. Article 40 of the UN state further: «In order to prevent an aggravation of the situation, *the Security Council* may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable (**The United Nations,** 2010.). Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take

account of failure to comply with such provisional measures» (Soren, 2001: 533-559).

The use of force is the last resort if it is considered necessary by the Security Council of the UN. Article 41 of the UN Charter adds: «*The Security Council may decide* what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations». Article 42 of the UN Charter goes on: «*Should the Security Council consider* that measures provided for in Article 41 would be inadequate or have proved to be inadequate, *it may take such action* by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations» (A Basic Handbook for UN Staff, 2005).

The systematic and serious violation of human rights may cause political tension in a region and probably result in an armed conflict. In State practice, apartheid policy in Southern Africa in the 1960s and 1970s has been regarded as a threat to international peace and security; and this excludes the applicability of Article 2(7) of the UN Charter. Without any doubt, Chapter VII of the UN Charter is dealing with extremely serious and systematic human rights violation (Cherif Bassiouni, 2012: 3-54). In recent years. Collective security measures have been used in the case of Iraq/Afghanistan, East Timor, former Yugoslavia and Somalia. However, one-sided interventions, as announced by the United States and the NATO in the event of 911, have undermined the power and the function of the Security Council in maintaining international peace and security. This raises a question to the effectiveness of the actions of the Security Council in the defense of basic human rights. The power of the determination of the Security Council in response to the human rights protection appears to be constructed under a «collective will», but the enforcement of that protection by- means of use of force would certainly leads to a doubt to the principle of prohibition of use of force (**Hoffmann**, 1995: 35). The relationship between the «human rights protection» and «the use of force» (the maintenance of international peace) is vague; at least there is no clear international rules governing the interventions against the human rights violations.

Conclusion

International law is a legal order constituted by typical subjects: States. The international human rights treaties regardless of multilateral or bilateral are concluded on the basis of the exercise of the State sovereignty. The protection of human rights in various international organizations regardless of universal or regional, also including the United Nations, reflects primarily the exercise of the sovereignty on the principle of equality of State. It implies that the consent of the State is predominated. There is no «World State» as such under which the State is entitled to exercise sovereignty. This, however, does not mean that the sovereignty is absolute. The question of absoluteness of the sovereignty may be closer related to the philosophy of law in regard with the validity of international law. Thus, upholding absolute sovereignty may be a denial to the idea of international law of mankind in which an international society is formed.

In order to promote respect on human rights, thus, the exercise of sovereignty may necessarily be limited in certain way. This could happen cither by the customary international law» or treaty law; the former is obviously binding to all State while the later is simply on the voluntary basis. Some contents of human rights, through the State practice, have become customary international law; in this case the State sovereignty may be difficult to be used as shield to deny the fundamental value accepted b\ almost all of the States. On the other hand, on the treaty-basis, the voluntary participation of human rights shows that human rights indeed is an on-going legal concept depending largely on the capacity of a State party in its internal legal, social and economic developments under which the human rights are effectively protected. Thus, the State sovereignty may only be restricted in the way that the provisions of the treaty provided for.

In fact, until nowadays, the international human rights treaties do not impose strict obligation on the State parties on the ground of diversity of the value of human rights according to religions, ethnics and cultural difference. The third State's allegation of the violation of human rights in another State without the above mentioned two basis may constitute a breach to the principle of non-interference laid down in the UN Charter. Therefore, unilateral taking-action by respond to the human rights is unjustified under general international law and should be condemned; the mechanism of the collective security and sanctions as embodied in the Chapter VII may not be ignored. In short, an

effective international protection of the human rights needs the enhancement of international cooperation and coordination on the basis of respecting Sate sovereignty and the principle of peaceful and friendly relations among nations and inconsistent with the contents of the human rights treaties.

At last, a meaningful statement in a declaration is cited here as a final summary of this article. Paragraph 4 of the *Vienna Declaration and Programme of Action 1993*(a World conference on Human Rights organized by the United Nations states: «The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, *in particular the purpose of international cooperation.* In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community». The organs and specialized agencies related to human rights should therefore further *enhance the coordination of their activities based on the consistent and objective application of international human rights instruments.*

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