

*Full Length Research Paper*

# **The United Nations (UN) and human rights: Challenges and prospects**

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Received 3 July, 2019; Accepted 12 February, 2020

**The two World Wars (1914-18, 1939-1945) cannot be forgotten easily. This is because of their uncanny brutality and imponderable consequences which in no small measure demonstrated man's capacity to destroy himself and decimate the environment. This assertion is predicated on the millions of people who were gruesomely killed, maimed and properties wantonly destroyed. The proliferation of weapons of mass destruction undoubtedly became an easy way to mediate an insatiable economic instinct. Propelled by the desire to save the human family from imminent extinction, world leaders decided to stop the carnage. They were convinced that upholding the tenets of human freedom in all ramifications offers a guarantee for human security and development. Therefore, this study seeks to examine the extent the UN has been able to ensure that human rights become the cornerstone of human security, its challenges and prospects. This is a qualitative study, and data collected was based solely on secondary sources. These include, browsing of the internet, review of existing literature, UN Resolutions, Official bulletins, Newspapers, Magazines and visit to some research institutes like the Nigerian Institute of International Affairs (NIIA), Center for Black Arts and African Culture (CBAC). It was discovered that since its formation in 1945, the UN has accomplished a lot in mainstreaming human rights. Consequently, many regional bodies like the Economic Community of West African States (ECOWAS), European Union (EU), the Organization of American States (OAS) and member States of UN have keyed into the UN emphasis on respect and promotion of human rights as a minimum condition for global peace. We recommend that knowledge and respect of human rights should be deepened in the curriculum of every level of socialization.**

**Key words:** Human insecurity, human rights, human family, development, global peace.

## **INTRODUCTION**

Since the end of the Second World War (SWW) to the 21<sup>st</sup> century, the global arena has witnessed a phenomenal transformation in all ramifications. This has spawned myriad complexities and multilateralism. People easily connect with fast exchange of goods and services which transcend geographical limitations. One is tempted

to surmise that the world is passing through its golden era with its global village status. Sadly, this scenario is almost blighted by the growing trend of human insecurity. Humanity is being dragged gradually to tender hooks. The two global wars gave an ominous signal that the world would not be a safe place, if there is no form of

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check and sanction on the excesses and destructive instinct of rulers. It was the bitter lesson learnt from that horrendous episode that constrained world leaders to do something to save mankind from self-destruction. They were alarmed by the sophistication of weapons, and shocked by the degree and dimension of destruction which had no parallel in recent history. Rulers hiding under the banner of sovereignty and prodded by their barbaric thoughts consciously perpetuated and visited unimaginable cruelty and pain on their people. Fligel (2012: 6) pointed out that the First World War (FWW), was by all measures the bloodiest war in history, ending the lives of eighteen million people as well as empires of Russia, the Ottomans, Australia, and Germany. Its lethality also surely wounded the empires of France, and Britain and shocked latecomer United States away from foreign entanglements for a generation.

Rourke and Boyer (2003: 249) also asserted that during the World War 1, six soldiers died for every civilian killed (8.4 million soldiers and 1.4 million civilians). World War II killed two civilians for every soldier (16.9 million troops and 34.3 million civilians). These scaring revelations signpost the worthlessness of human life in time of war. It was against this backdrop that human rights became global instruments to checkmate the totalitarian tendencies of sovereign states and their rulers. Indeed, the emergence of the United Nations Organization (UN) in 1945 was a clarion call to halt the inevitable dead-end of humanity. The underlying philosophy was to make the world safe and happy place to live, and never to subject mankind to another state of nature with its nasty existence and worthlessness of life. In other words, creating a congenial atmosphere for a commodious existence is to lay a foundation for the maximization of human potentials necessary for the take-off of human civilization.

It is, therefore, not amazing that the Global Human Rights Regime (GHRR) has become a recurring mantra in all global discourses. Civil society groups, Non-Governmental Organizations (NGOs), individuals and States have come to manifest human rights because of its essentiality to the totality of sustainable development and life itself. After all, ours is the age of rights. Human right is the idea of our time, the only politico-moral idea that has received universal acceptance (Henkin, 1990). But the acceptance and implementation of the demands of this idea has met some challenges. This paper seeks to examine the extent the UN has popularized human rights, its challenges and prospects.

### Clarification of concepts

A clear comprehension of this paper would require the clarification of the concept of human right. Human right has acquired its lexicon and universal status. It has also become a barometer through which the performance of

states is measured. As Henkin (1990: xvii) pointed out, Human rights is (sic) the subject of numerous international agreements, the daily gist of the mills of international politics, and a bone continuing contention among super powers. If the concept is important in human relations and possesses the quality of universality, then what is human right? There are two contending approaches to the concept based on ideological justification: The Marxists and the Liberals. The Marxian notion of human rights is that it is a myth, political sophistry and a fallacy of liberalism to legitimize the values and goals of the ruling class. In other words, any kind of so-called human rights does not go beyond the egoistic men, nor does it go beyond the man as a member of civil society, that is the man as an individual locked in himself, their private interests and private waywardness, and at the same time is out from the whole society (Marx and Engels, 1956:439). The thrust of the Marxian argument is that capitalism has an inherent explorative capacity, and therefore, cannot guarantee and uphold human freedoms. In fact, the motif of capitalist mode of production is to reduce man to an exploitable and expendable article. This will facilitate the triumph of private interest. The cornerstone of Marxist political theory which is anchored on historical materialism points out that the nature and character of a mode of production determines all super-structural manifestations, including rights. This accounted for the eclipse of human freedom in the slave and feudal modes of production. With capitalism which is rooted on freedom of private accumulation of wealth, human rights became a historical necessity, and not naturally-ordained.

Marxism believed that all rights are subject to certain constrain of the socio-economic base and cultural level, and that rights can never go beyond the economic structure of society as well as the cultural development of society restricted by economic structure (Marx and Engels, 1963: 22). The rights of man as expressed in the Revolutions of the 17<sup>th</sup> and 18<sup>th</sup> centuries represent a historical breakthrough for egoistic interest, a triumph of the bourgeois class over the doctrine of the Divine Right of Kings. Most importantly, at the very core of the rights of man is the intangible right to private property (Lacroix and Pranchere, 2013: 449). It is important to note that the Marxist school of thought was inveterately against private property because,

*The right of private property emerges with the capitalist mode of production. The loss of control over one's labour, its commodification, brings forth the immoderation and loss of rights of the working class. All that remains are the rights of property over the rights of the individual (Fansenfest, 2016: 2).*

From the Marxian perspective, human rights are not natural and universal, but historically determined. Rights under capitalism is a deceit, and represents the rights of inequality (Lacroix and Pranchere, 2013: 447). On the

other hand, the liberal definition of human rights is anchored on nature, and therefore, inalienable and universal. They are apriori to humanity, and cannot be abrogated or abridged by provincial law without due process of law. They are not just mere rights. They are fundamental. They belong to the citizen. These rights have always existed even before orderliness prescribed rules for the manner they are to be sought (Eso, 2003: 138).

The philosophical inspiration of human rights can be located in the writings of Locke (2004), Rousseau (1968) and other Enlightenment Philosophers, the United States (US) Declaration of Independence in 1776 and the French Revolution of 1789 and the Declaration of the Rights of Man and Citizens. Human rights take for granted that man is born free, with rationality and that all men by nature are equal (Locke, 2004: 141). They are those rights which accrue to humans because of their humanity, and without which they cannot reproduce themselves. To inhibit or curtail them is to wittingly destroy human civilization. Apart from its natural orientation, they can also be demands or claims which individuals or groups make on society, some of which are protected by law and have become part of the *lex lata* while others remain aspirations to be attained in the future (Eze, 1984: 5). In what can be seen as a celebration of human rights, the US Independence Declaration stated that:

*We hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute government laying its foundation on such principles and organizing its powers in such form, as to them shall seem likely to affect their safety and happiness.*

The declaration mandates governments to protect human rights, for the safety and happiness of the people. The equality of persons arising from possession of human rights planted by their creator makes human rights beyond the control and manipulation of governments or groups. Therefore, the suffocation of this gift of nature cannot be without some imminent danger. This was why Laski (2004:91) averred that:

*Rights, in fact, are those conditions of social life without which no man can seek in general, to be himself at his best. For since the state exists to make possible that achievement, it is only by maintaining rights that its end may be secured.*

The necessity of rights to human happiness and its

inviolability is aptly captured in Article I of the French Declaration. 'Men are borne and remain free and equal in rights. Social distinctions can only be founded on public utility.' Goldstein and Pavehouse (2013: 265) pointed out that human rights emanated from three sources. They include religion, political and legal philosophy and political revolutions in the 18<sup>th</sup> century. The political philosophers developed the idea that natural law exists, and grants humans the right to life, liberty, property and happiness. Therefore, any person, community or state that wants to reach the pinnacle of success must mainstream it without hesitation. This was re-echoed by Jimmy Carter, 39<sup>th</sup> President of USA in his inaugural address in 1977. According to him,

*We have already found a high degree of political liberty and we are now struggling to enhance equality of opportunity. Our commitment to human rights must be absolute. Our laws far, our natural beauty preserved, the powerful must not persecute the weak, and human dignity must be enhanced (Presidential Inaugural Address, 1977).*

From our discussion thus far, we can deduce the main characteristics of human rights. They include:

- (1) Human exclusivity
- (2) Inalienability
- (3) Universalism
- (4) Natural
- (5) Equality

These characteristics are embedded in Article 1 of the Universal Declaration of Human Rights (UDHR). It is noted that, human beings are born free in liberty and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood. Article 5 of the Vienna Declaration of 1993 also stated that human rights are universal, indivisible, independent and interrelated. By the 21<sup>st</sup> century it has become an indispensable article of faith, and an integral part of good governance and democracy. Member-states of the UN have not hesitated to insert it in their statute books. Sections 33 to 43 of the Nigerian 1999 constitution as amended contain provisions for fundamental rights, while the 1996 constitution of South Africa as amended has the bill of rights from article 7 to 30. The constitution of the Republic of Ghana 1992-95 amended provided for fundamental rights and freedoms from articles 12 to 33. These provisions shape, guard and subject rulers and other public officers to accountability and respect for popular sovereignty. Laski (2004: 88) pointed out that every state is known by the rights that it maintains. Our method of judging its character lies, above all, in the contribution that it makes to the substance of man's happiness. The substance of man's happiness is the principal goal of human rights. Al Hussien, Zeidrai and UN Commissioner for Human Rights (UNCHR) in no

uncertain terms declared that:

*None of us will find peace, development, dignity, safety if we stand by and allow the human rights of the people of all the people to be trampled upon. So, stand up, we must now, before it is too late (UNCHR, 2017).*

The above is a well-thought-out charge not to see human rights as a mere cinematic fiction worthy of an off-hand attention. Only a bold attempt to destroy the catacomb of inhumanity and injustice would solidify human rights advocacy. In this paper, the liberal notion of human rights which sees it as universal, inalienable and independent is adopted. We contend that without the efflorescence of these rights, no person can maximize his/her potentials and a siege mentality will invade society.

### **UN and human rights**

We noted that the UN emerged as a result of the horrific and awe-inspiring world wars. The processes of its formation commenced with the 1941 Atlantic Charter, the Dumbarton Oaks Conference of September 29- October 7, 1944, the Yalta Conference of February 4-11, 1945 and finally the San Francisco Conference of June 26, 1946 with the signing of the Charter. A common theme that permeated all the conferences was the need for global peace. This fact was expressed by the 32<sup>nd</sup> President of USA at the Yalta Conference. He stated that this time we shall not make the mistake of waiting until the end of the war to set up the machinery for peace (Ziring et al., 2005: 26). The founding fathers were concerned with the dimension of mindless destruction and false propaganda which incubated and sustained the wars. UN became a global watchdog that would make the world a safe place to inhabit. In order to realize the lofty ideals of peace and unity, a Charter was drawn as a standard principle for the regulation of the impulse and actions of states. The preamble stated that:

*We the people of the United Nations determined to save succeeding generation from the scourge of war, which our lifetime has brought untold sorrow to mankind and to reaffirm faith in fundamental human rights, in the dignity of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligation arising from treaties and other sources of international law can be maintained, and to promote social progress and better standard of life in larger freedom (Ziring et al., 2005: 532).*

The Charter which has nineteen chapters and one hundred and one articles, laid more emphasis on the importance of human rights. Mazrin (1984: 99) noted that the Charter became a kind of documentary expression of natural law and a global bill of rights in favour of the

privileged. The establishment of the International Military Tribunal and the Nuremberg trials of 1946 were meant to curb ultra-nationalism and racial intolerance, as in the Jewish holocaust. According to Goldstein and Pavehouse (2013: 266).

Horrified by Nazi Germany's attempt to exterminate the Jewish population by Japanese abuses of Chinese citizens, many scholars and practitioners began to say that there were limits to state sovereignty. States could not claim to be sovereign and above interference if they attempted to massacre their own people. We can pontificate that these two instruments (the Charter and IMT) laid the background for the triumph of human rights agenda. Pursuant to Article 6(2) of the Charter, the Economic and Social Council (ECOSOC) was mandated to make recommendation for the purpose of promoting respect for, and observance of human rights, and fundamental freedoms of all. ECOSOC established a Committee of nine members out of the forty-seven member Human Rights Council (HRC). It was this special Committee headed by Mrs. Eleanor Roosevelt, wife of President Franklin D. Roosevelt that prepared the draft for the UN.

On December 10, 1948, the document was adopted by the UN General Assembly (UNGA) through Resolution 217A at the session of the UN in Paris, France. It was a historic moment as it sets a pedestal for all member states to follow. As Wonteg (2017: 1) puts it,

*The UDHR is a timeless document and has been and continuous to be a source of inspiration at the global, national and regional level. It brings with it the promise of rights that everyone is inherently entitled to as a human being.*

Mrs. Roosevelt also underscored the importance of the document which has been translated to more than five hundred languages. The document took cognizance of many pre-UDHR instruments and did not hesitate to take whatever was relevant for humanity. According to her,

*We stand today at the threshold of a great event both in the life of the UN and in the life of mankind. The declaration became the international magna carta for all the men everywhere. We hope its proclamation by the General Assembly will be an event comparable to the proclamation of 1789 (the French Declaration of Rights of Citizens), the adoption of the Bill of Rights by the United States, and the adoption of comparable declarations in difficult times in other countries (Address of Mrs. Eleanor Roosevelt, 1948).*

UDHR placed a burden of responsibility for all men and states to promote protect and defend fundamental freedoms of humans. The universalistic character of human rights was reflected in the description of humanity as a human family. The Preamble stated that:

*Whereas the recognition of the inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, whereas a common understanding of the rights and freedom is of the greatest importance of the full realization of this pledge.*

Article 3 declared that 'everyone has the right to life, liberty and security of person'. This is an open declaration that the world and UN in particular would not tolerate any attempt to impose a state of fear and helplessness from any person or institution. UDHR propelled the resonance of human rights mantra, and became a weapon for people deprived of their rights to seek redress and self-determination. It was within this scenario that the 1955 Bandung Conference declared it as a common standard of achievement for all peoples and all nations. It is gratifying to note that since 1948 to the 21<sup>st</sup> century, the UN has expanded its corpus of human rights literature and being supportive of a resounding global advocacy. It is instructive to know that more than nine international human instruments including eighteen Protocols have been produced by the UN. These include but not limited to:

- (1) International Convention on the Elimination of All Forms of Racial Discrimination, January 4, 1969.
- (2) Covenant on Economic, Social and Cultural Rights (ECOSOR), January 3, 1976.
- (3) Covenant on Civil and Political Rights (CPR), March 19, 1976.
- (4) Covenant on the Elimination of All Forms of Discrimination against Women (CEDAW), September 3, 1981.
- (5) Convention on the Right of the Child (CRC), September 21, 1994.
- (6) The Vienna Convention and Programme of Action, June 25, 1993.

Apart from the above, regional bodies have come to comprehend the necessity of protecting human freedoms. As an integral part of the UN, they have also enunciated their own human rights instruments geared towards strengthening and reaffirming their commitment to UDHR ideals. Some of these instruments include:

- (1) The Protocol to the African Charter on Human and People's Rights of Women otherwise called the Maputo Protocol, November 25, 2015.
- (2) African Charter on Human and People's Rights, October 21, 1986.
- (3) American Convention on Human rights, July 18, 1928.
- (4) European Convention of Human Rights, September, 1953.
- (5) ASEA Human Rights Declaration, 2005.
- (6) Arab Charter on Human Rights, May 24, 2004.

All these instruments rededicate their focus to the

protection of human freedoms. This is because to unduly trample upon the rights of persons is to scuttle the trajectory of development. The consistency of UN in its policies, programmes, conventions and declarations in upholding the tenets of human rights as the cornerstone of human existence have in no small measure broadened that ecosystem of human rights. This can be gleaned from the Millennium Declaration (2000), the Millennium Development Goals (MDGs), 2000-2005, the Sustainable Development Goals (SDGs) 2015 – 2030, International Criminal Court (ICC) 2002, and the Responsibility to Protect (R2P) 2005. Section 1(6) of the Millennium Declaration identified six essential values to international relations. These are freedom, equality, tolerance, solidarity, and respect for nature and shared responsibility. Section V declared that 'we spare no effort to promote democracy, and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms including the rights of development. The wanton massacre of persons in Rwanda and the Balkans in the 1990s necessitated R2P. R2P is anchored on three planks: Responsibilities of the state, international assistance and capacity building, and timely and decisive response. Therefore,

*Every individual state has the responsibility to protect its population from genocide, war, ethnic cleansing and crime against humanity. This responsibility entails the prevention of such crimes, including their incident through appropriate and necessary means. We accept that responsibility and will to act in accordance with the {human rights principles}. International Community should as appropriate encourage and help states to exercise their responsibility and support the UN in establishing an early warning capability (World Summit Outcome Document, 2005).*

R2P recognizes states sovereignty but frowns at abandonment of responsibility to protect its people from crime against humanity. It also implies that if states derelict their responsibility, the UN would not hesitate to act in favour of human rights. This scenario has been created in article 4(h) of the Constitutive Act of the African Union (AU). Regrettably, despite the uncommon commitment of the UN to save mankind from the scourge of man's inhumanity to man, it has been saddled with myriad challenges. This is the next focus.

### **Challenges and prospects**

The UN has for the past seventy years ensured a minimum threshold for the promotion and protection of human rights. This, to a large extent, has prevented a repeat of the two world wars. According to the Former Secretary-General of the UN, Ban Ki Moon,

*The United Nations was created to be an agent of*

*change, not just an object of change. It has made history, even as it evolved. From its inception, the UN has been an incubator of ideas, a builder of norms, and an arbiter of standards. It remains so today. Through its actions, as well as its words, the world body has helped transform the global agenda by embracing human protection as an essential component (Address at the Cyril Forster Lecturer, 2016).*

Unfortunately, the global political theatre with its complexity is weakening and suffocating the demands of human rights. It appears that human right is now on a voyage to nowhere. The aftermath is that our basket of human rights is gradually depleting, while the catacomb of human insecurity is on a fast expansion. Al Hussein (2019:9) noted that:

*Human rights face a stress today; and the knuckled, multi-directional brawl about the legitimacy and necessity of rights. With the departure of the World War II, generations, and the dimming of memory, the growing unknowing as to why this rights architecture came to exist in the first place, means a decisive moment will soon be reached.*

The growing fragility of the Global Human Rights Regime (GHRA) is pointers to that approaching decisive moment. They constitute the current challenges to human freedom. Some of these challenges include state sovereignty, global power/refugees crises, terrorism, and wards/conflict. Let us briefly examine them.

### **State sovereignty**

Many states have come to see the protection, promotion and adherence to human norms as an unwanted infringement on their treasured sovereignty. Right from the Westphalia Treaty of 1648 to the Montivideo Declaration of 1933 in Uruguay, states have claimed absolute monopoly of violence, and supremacy in the affairs within their jurisdiction. The Westphalia Treaty recognized 'the exclusion of sovereignty of each party (state) over its lands, people and agents abroad.' Vinod and Desphanda, (2013: 177) asserted that sovereignty is the institutional arrangement for organizing political life that is based on two principles, territoriality and the exclusion of external actors from domestic political structures. Apologists of state sovereignty emphatically argue that its emporium and dominium powers would be defeated when subjected to the dictates of exogenous clout. Therefore, issues of human rights should be within their behest, and not to be coerced into sovereignty-infringing rights demands to satisfy global political practice. This is because:

*Human rights taking precedence over sovereignty and*

*'humanitarian interventions' seem to be in vogue these days. But respect for sovereignty and non-interference are the basic principles governing international relations and any deviation from them would lead to a gun boat diplomacy that would wreak havoc in the world (New York Times, 1999).*

It is in furtherance of the above stance that many states have become de facto human rights free zones. They disrespect the rights of their citizens at will, and flagrantly disobey orders and judgments from human rights courts. In the case of D. H. and others V Czech Republic, the later refused to discontinue its discriminatory education polity which violated the European Convention of Human rights as directed by the Grand Chamber of European Court of Human Rights. Other cases where states have refused to comply with judicial decisions on enforcement of human rights include:

(1) Yean and Bosico V Dominican Republic in 2015: The American Court of Human Rights found the Dominican Republic guilty of racial discrimination contrary to American Convention of Human Rights.

(2) Marques V. Republic of Angola: In 2005, the UNHR Committee ruled that Angola violated the Petitioners freedom of speech by holding him in comunicado contrary to the provisions of the International Covenant on Civil and Political Rights.

In many states of Africa, human rights have become a fantasy and a bogus idea that are sanctimoniously sermonized, but not practiced. There is glaring lack of access to the basic means of life, and violations of human freedoms with impunity. The state has lost its autonomy to the ruling class who privatize it as a patrimony. Oyobode (1998: 90) asserted that:

*A situation in which Africans are held hostage by self-opinionated, unelected, self-serving, self-perpetuating and generally inept rulers who pay the scantiest regard to the basic needs of their compatriots is hardly one that argues well for the promotion and enforcement of human rights.*

This is the scenario of states who have degenerated to the status of 'Isomorphic mimicry' – weak and fragile to enforce human rights regulations, yet hide under the canopy of sovereignty to watch millions of their people suffocate and perish in pain and penury. This is the genesis of popular discontent witnessed in countries like Somalia, Afghanistan, Libya, Algeria, Sudan and Syria. In Afghanistan,

*Violence against women remains a problem throughout the country. Women and girls are subjected to rapes, kidnapping and forced marriage. Taliban restriction against women and girls remained widespread,*

*institutionally sanctioned and systematically implemented. The Taliban imposed restriction dress codes prohibited women from working outside the home, girls were prohibited formally from attending school... there was widespread and widely accepted social discrimination against women and girls throughout the country (US State Department Report on Afghanistan Human Rights, 2015).*

The dearth of human rights in Afghanistan made it rank as the most dangerous country for women, especially in terms of health, economic condition and discrimination against them (Reuters, 2011). In a nutshell, the major challenge to global human rights enforcement is:

*The reluctance of states to do more (and this) reflects the realities of an international system made up of sovereignty entities. If states are thus inhibited, the United Nations is still less able to enforce individual rights against the wishes of a recalcitrant state (Ziring et al., 2005: 413).*

It is important to state that those who cling on state sovereignty to commit mayhem should be reminded that articles 2(7) and 41 and 42 of the UN Charter mandates the Security Council (SC) to take necessary action to maintain international peace and security. It should also be emphasized that the Agenda for Peace by the former Secretary-General, Boutros Boutros Ghali in 1992 note unequivocally that the time of absolute and exclusive sovereignty has passed (United Nations, 1992). Directly related to state sovereignty is the contentious argument of cultural relation and universalism. Most people believe that human rights should be culturally determined. To make it a universal phenomenon is to assume a common global culture. This is why the concept is seen as the universalization of western values and culture, couched in a sublime and solemn manner to elicit global acceptability. While most Africans are not comfortable with same-sex marriage, Lesbian, Gay, Bisexual and Transgender (LGBT) practices, in Asia and Middle East, human rights are considered an anathema especially when they conflict with the tenets of sharia law. This has led to rival human rights instruments like the Cairo Declaration of Human Rights. These have slowed down the enforcement of human freedoms.

### **Poverty/refugee**

The success of human rights is high in a stable polity. People can only feel free to exercise their freedom when there is freedom from want. As Marx (1984:21) noted, it is not the consciousness of man that determines their existence, but their social existence that determines their consciousness. This means that people must eat before they can engage in any political, social or philosophical

voyage. Unfortunately, poverty and refugee crises have combined to hinder the efflorescence of human rights. As the ranks of the poor keep swelling, the scope of human freedom is shrinking. Today, poverty and refugee have transcended the national barriers, and manifested in many forms.

Poverty is antithetical to human rights because it is a human condition characterized by sustained or chronic deprivation of the resources and capabilities, choices, security and power necessary for the enjoyments of an adequate standard of living and other civil, cultural, economic, political and social rights (Committee on Economic, Social and Political Rights, 2001).

In recognition of the negative effects of poverty to human rights and development, the International Day for the Eradication of Poverty was instituted in 1993, to promote awareness of the need to eradicate poverty and destitution in all countries. The magnitude and dimension is so threatening that:

*Every year, more than 6 million children die from malnutrition. Every day, more than 810 million people go to bed hungry. Every minute, a woman dies of pregnancy or childbirth. All these tragedies have one thing in common, poverty. Poverty is a human rights issue, one that affects people in every nation across the globe (Amnesty International Report, 2016).*

Martine (2008) also pointed out that there are 20 poorest countries whose GDP falls below \$1,000, and out of these 23 are in Africa. It is estimated that there are 341 million people that live in the ten countries with most extreme poverty. Nigeria tops the list with 86.9million people. Most frightening is that extreme poverty will increase tremendously from 2018 to 2030 in South Africa, Burundi, Venezuela, Nigeria and Dr. Congo (World Poverty Check, 2018). Poverty induces negative pressure to engage in unsustainable and ignoble activities. It can also induce deviant behaviour and deepen inequality. Shutter (2017:1) pointed out that:

*For the past 30 years, inequality has grown in almost all countries leading to the demands of the richest and not the needs of the poorest being met. Highly urged societies continue to grow beyond and wealthy accumulation is a major problem as a result. Within the context of business, there is now a growing pressure in having the rights of business balanced with the rights of those they affect. Unfortunately, the UN has no body code of conduct to be able to regulate relations with business as the major UN Guiding Principle on Business and Human Rights are weak, ambiguous and voluntary.*

As the crisis of poverty heightens, that of global refugees is becoming a daily concern. The UN High Commission for refugees (UNHCR) reported that 685 million people were forcefully displaced worldwide. Out of this number,

40 million were internally displaced, 25.4 million refugees from Syria, Sierra Leone, and Afghanistan, 3.1 million asylum seekers. According to Mills et al. (2017:20) in 2016, an estimated one million people from sub-Saharan Africa (SSA) migrants were waiting along the North African Coast mostly in Morocco, Algeria and Libya intent on making their way to Mainland Europe. Goldstein and Pavehouse (2013:436) stated that in 2010 out of the 33 million refugee population worldwide, Africa had ten million and Middle East and Asia had twelve million. It is therefore, not amazing that with the high rate of poverty and swelling number of refugees, the efficacy of human rights observance will be at its nadir.

### Global crises

There is a limitless fear because of the current global terrorism which has transcended continental barriers. Since the September 9, 2011 in the USA, the world has witnessed devastating and horrifying scenes of death and bloody wars. Those who think that their sectarian belief must reign supreme have become instruments of sabotage and terrorist operations. Their determination has almost placed everybody in a cavern of insecurity. The Global Terrorist Index (GTI) of 2016 held that 274 terrorist groups carried out attacks in 2015, and 103 did not kill anyone. It also noted that twenty of the most terrorist attacks in 2015 had 3,146 deaths. These fatalities were as a result of the activities of the most dreaded groups like ISIL, Boko Haram, Taliban and Al Quida. From 2017 to 2019, more than 2,200 people were killed and 2,889 injured (Table 1).

From Table 1, Afghanistan received the highest terrorist attacks between 2017- 2018, while Sri Lanka received the highest number of casualties, both dead and injured. Within the period under review, there were 2,200 death and 2,889 injured as in Table 2. Apart from the terrorist activities, the wars in Syria Yemen, Somalia and Afghanistan with corresponding massive destruction of property and mindboggling killings have placed human rights on tenterhooks. No one can even talk of human freedom and dignity in this situation of lawlessness. Indeed, these wars have placed a strong-booby trap on human rights. Al Hussein (2017:2) asserted that humanitarian workers are prevented from bringing in essential medical supplies, even food, to the hundreds of thousands of people confined in besieged areas, all in direct violation of international law.

### Activities of western powers

The global crises and terrorist activities cannot be divulged from the pontification and self-opinionated posture of western states, particularly the U.S. The country (US) sees itself as the policeman of the world,

the custodian of human rights and the ethical master of the world. But it has not hesitated to fraternize with terrorist groups and violators of human rights to uphold its economic interest and market ideology. During the war between the former Union of Soviet Socialist Republic (USSR) and Afghanistan, President Renal Reagan supported Afghanistan with more than \$3 billion. Some of the beneficiaries of this financial largesse included Osama Bin Laden and his terrorist groups. Darwish and Alexander (1991) stated how western powers including France, Europe and USA supplied Saddam, Hussein, President of Iraq with massive weapons so that Iran would not rise as a military power in the Middle East. The defense of national economic interest as against human rights prompted

British and other western policy-makers and strategists (to see) Iraq purely as a key regional power who possessed the largest oil reserves after Saudi Arabia, as a profitable export market and as a force to help keep the Iranians in check (Darwinsh and Alexander, 1991: 227). Basking in the support of western countries, President Hussein assumed unprecedented powers and engaged in a killing spree. This earned him the notorious name, Butcher of Bagdad. The meddlesomeness of US in Venezuelan internal Affairs and its prevarication on the death of Jewal Koshegen, killed in Saudi Arabian consulate in Turkey speaks volumes about the barefaced hypocrisy of US and its allies when issues about human rights conflict with their national interest.

Furthermore, the US cannot be the vanguard and a pacesetter for human rights when African-Americans are tortured, brutalized and killed wantonly in the streets. They are denied access to basic necessities of life. It becomes hypocritical when these countries mount the UN podium to preach about human dignity. Other challenges include the rise of non-state actors whose activities and policies influence millions of people across the world. The most powerful fifty banks control assets of \$20 trillion in the year 2000 (Rourke and Boyer, 2008: 305). Their financial clout sometimes influences national policies in favour of World Bank and International Monetary Fund (WB/IMF) dictated programme like the Structural Adjustment Programme (SAP). Their mantra of privatization and commercialization has assumed anti-people and anti-human rights posture.

### Arms race

The increase in terrorists' activities and wars are fuelled by availability of weapons. The proliferation of weapons including Small Arms and Light Weapons (SALWs) prolonged the wars in Liberia, DR Congo, Angola, Sierra Leone, Somalia and the spate of kidnapping, cult clash and herdsmen killing in Nigeria. The guts and determination of terror-oriented groups are emboldened with an uninterrupted source of weapons.



**Table 1.** Terrorist Attacks/Activities from 2017 to 2019.

<b>Location</b>	<b>Date</b>	<b>Deaths</b>	<b>Injuries</b>
<b>2017</b>			
Turkey	January 1	39	70
Iraq	January 2	36	52
Afghanistan	February 8	6	0
Afghanistan	February 11	7	21
Pakistan	February 16	88	100
Iraq	February 19	5	0
Pakistan	February 21	7	22
Egypt	February 22	2	0
Afghanistan	February 28	12	0
Afghanistan	March 8	40	50
Iraq	March 8	26	67
UK	March 22	6	49
Russia	April 3	5	15
Sweden	April 7	5	15
Egypt	April 9	47	100
France	April 20	2	3
UK	May 22	22	129
Egypt	May 26	28	22
UK	June 3	11	48
France	June 6	0	2
Iran	June 7	22	43
Iraq	June 9	30	36
Egypt	July 14	2	4
Pakistan	August 7	29	35
Spain	August 17-18	15	120
Finland	August 18	2	8
UK	September 15	0	29
<b>Total</b>		<b>484</b>	<b>952</b>
<b>2018</b>			
Iraq	January 15	38	105
Afghanistan	January 20	40	22
Afghanistan	January 24	6	27
Russia	February 18	6	5
Somalia	February 18	45	36
Burkina Faso	March 2	30	85
Afghanistan	March 21	33	65
France	March 23	15	15
Somalia	April 1	59	0
Afghanistan	April 22	69	120
Afghanistan	April 30	29	50
Nigeria	May 1	86	58
Libya	May 2	16	20
France	May 12	2	4
Indonesia	May 13	25	55
Belgium	May 29	4	4
Afghanistan	July 1	20	20
Pakistan	July 10	22	76
Pakistan	July 13	154	223
Tajikistan	July 29	4	2
Jordan	August 12	5	26

**Table 1.** Cond.

Netherlands	August 3	0	2
Iran	September 22	24	20
Egypt	November 2	7	19
Australia	November 9	1	2
Morocco	December 17	2	0
<b>Total</b>		<b>845</b>	<b>1,296</b>
<b>2019</b>			
Kenya	January 15	21	0
Afghanistan	January 21	190	70
Nigeria	February 10	141	-
Mali	March 23	160	70
Seri Lanka	April 21	359	500
<b>Total</b>		<b>871</b>	<b>641</b>

Source: <https://en.wikipedia.org/wiki/list-of-terrorist-incidents-from2017-2019>. Retrieved on 25/4/2019

**Table 2.** No. of death and injuries.

Year	Death	Injuries
2017	484	952
2018	848	1,296
2019	871	641
<b>Total</b>	<b>2,200</b>	<b>2,889</b>

Adopted from 2017 – 2019 Terrorist Attacks.

As the people die in their millions, manufacturers of this deadly weapons smile home with supernormal profit. In 2016, the Stockholm Institute of Peace and Research (SPIRI) declared that ten companies manufacturing arms made a profit of \$25,571 million in 2015. SIPRI also revealed that in 2016, global military expenditure was \$1,359.8 trillion. The US had \$611.0 trillion representing 36%, followed by China with \$215.0 trillion representing 13%. In 2018, the figure increased to \$1,822 trillion. This translates to a weaponization of the world. The implication for human rights is that it would survive at the whims of the stronger countries. When weapons with lethal efficacy fall into the hands of countries and groups intolerant of other people's views and opinions, brute force becomes a veritable channel of enforcement and definitely justice will be in the interest of the stronger.

## Prospects

The mounting challenges faced by human rights are enormous, but these cannot constitute an alibi to jettison it or consign it into the pit of irrelevance. Respects for human rights typify a state that is prepared to be on a transformatory trajectory. This is because no development

process can triumph without its preeminence. Human development which is the creation of an enabling environment for people to live long, healthy and creative lives (Nault, 2009:2) takes for granted the respect and promotion of human rights. Creating a decent order for creativity and happiness of people is to ensure sustainable development and human civilization.

It is therefore, not out of place that almost all the UN pronouncements and policies are solidly anchored on the expansion of the contours and frontiers of human rights. The liberatory content inherent in human rights has sustained the world from experiencing another tragic war. The Nuremberg trials of 1947 remind us of the danger of shrinking the space of human rights to satisfy selfish and national interest. In its judgment, it noted that:

*We have here participated in a crime of such savagery that the mind rebels against its own thought image and the imagination staggers in the contemplation of a human degeneration beyond the power of language to adequately portray (Nuremberg Military Tribunal, 1947).*

The determination to save the human family from the scourge of human indignity made the UN not to relent in deepening human rights ideals into the consciousness of the world. Today, human rights studies have occupied distinct position in the curriculum of tertiary institutions. This has produced an avalanche of human rights advocates, enriched international Human Rights Laws, enhanced civil society activism and produced global human rights watchdogs as in Amnesty International, Human Rights Watch and other national pro- human rights groups. These are welcome developments that are suggestive of a brighter prospect for human rights in the years ahead. What is needed therefore is to vigorously intensifying these effects for the broadest possible support of the ideals of human rights as enshrined in the UDHR. Almost all UN member-states have human rights

provisions in their statute books. This formed the basis for the Nigeria's Freedom of Information Act of 2018. Considering the expanding prospects of fundamental freedoms, limiting its space and reach to national demands is to consign human civilization to an apocalypse whose effect on the human family would be unimaginable.

## Conclusion

The UN was formed to check the excesses of states and other actors that want to impose their dominion – powers at all cost. Its historical charge and mission is to save humanity from self-destructive activities, and make the world a safe place for all to inhabit. Pursuant to this charge, it enunciated a Charter as a guard, and the UDHR as a veritable instrument to accomplish this mission. The Declaration on December 10, 1945 became a watershed in the annals of human rights history. UDHR became a standard for all states and actors to comply in the process of protecting and promoting fundamental human rights. The philosophical underpinning of this process is that, when the rights of people are recognized, promoted and systematically protected, foundation for human sustainability would be laid and the reproduction for the innate potentials of the people necessary for civilization would become a near-possibility. It was against this backdrop that Jane Torrres Bodef, former Director-General of the United Nations Education, Scientific, and Cultural Organization (UNESCO) stated that:

*The declaration (UDHR) of 10 December is not only a milestone in history; it is also a plan of campaign. Every paragraph is a call to action, every line a condemnation of indolence or national pasts, every word forces us to re-examine our present state. Can we say we are 'Not Guilty'? No country that is guiltless of the oppression that still weighs upon mankind... The destiny of man is a universal responsibility shared by everyone. So long as any right of any man is violated, the United Nations Declaration will hold us guilty of cowardice, negligence, laziness and inhumanity.*

Since 1948 to the 21<sup>st</sup> century, the UN has enhanced the frontiers of human rights through its programmes, policies, protocols and covenants. In fact, it has become the cornerstone and fulcrum of global activities. Today, human rights have come to stay. It has not only become a veritable channel for promoting development trajectory, but occupies a prominent position in the statute books of UN member states, regional bodies, and the development of human rights defenders both at the national and global level.

Unfortunately, the enforcement of human rights has faced many daunting challenges. They range from

protection of state sovereignty, the weaponization of the globe and increasing global poverty. These challenges have to a large extent, led to an off-handed treatment of human freedoms, recalcitrance of states to fulfill their responsibility to protect their members and growing inequality. In this scenario, our mutually assured honour is destroyed at the altar of political expedience.

In spite of these challenges, the prospects of human rights in the years ahead cannot be overemphasized. This is because of the intensification of the UN efforts to popularize and deepen the consciousness of the concept in the international community. Policies like R<sub>2</sub>P and Agenda for Peace in 1992 are some of the laudable measures to compel states to strictly adhere to human rights norms. The effectiveness of local and international NGOs committed to its defense vividly point to the fact that human rights cannot be eclipsed or abridged with the numerous body-traps. More importantly, states should be reminded of their statutory obligation to honour treaties signed at any point. Article 18 of the Vienna Treaty on the Law of Treaties enjoined states to obey the agreement they have consented to.

A state is obliged to refrain from acts which would defeat the object and purpose of a treaty when (a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty, or (b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.

The Vienna Treaty makes it clear that all the 193 member states that signed the UN Charter must respect its content; the same for the countries that signed the UDHR. In conclusion therefore, the founding fathers of the UN considered the human rights as a single weapon to move humanity away from jungle justice and man's inhumanity to man. This underlies the ever-growing emphasis, attention and focus on it. Despite the numerous challenges, the prospects for its expansion and consolidation in the global consciousness remain positive.

## RECOMMENDATIONS

In view of the importance of human rights to human development, we make the following recommendations:

- (1) Human rights should be mainstreamed in the curriculum of our socialization centers, especially at the tertiary level.
- (2) Civil society groups and NGOs should be encouraged and supported to deepen their human rights advocacy within their jurisdiction.
- (3) The UN should intensify efforts to punish/sanction states that flout the provisions of R<sub>2</sub>P, or engage in

activities that would consign people into the cocoon of brigandage and terror.

(4) The time has come to check the commercial excesses of manufacturers of weapons who supply states and terror-based organization massive weapons used to kill millions of people. The UN should begin to check how these deadly groups get their weapons and sanction such manufacturers.

## CONFLICT OF INTERESTS

The author has not declared any conflict of interests

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