

Do national self-determination provide an adequate foundation for the advancement of human rights?

By Okot Godfrey Braxton-A paper being submitted in partial fulfilment of the requirement of the degree of LLM, International Human Rights Law (University of Hull)

The discipline of Human rights is a popular discipline in the modern world. However, its genealogy has remained elusive. The elusive genealogy has been a source of common concern among advocates of human rights because not only does it affects the promotion and advancement of human rights, but as the old metaphor goes; 'a bridge built without strong materials usually collapses'. In an attempt to establish grounds for the advancement of human rights, several scholars have offered various alternative theoretical bases. Thomas Paine for example underpins human rights to God.¹ Political philosophers like Bentham on the other hand attributes human rights to the will of states and argues that without governments, there can be no human rights.² Earlier writers like Peter Jones³ on the other hand view human rights as a matter of morality that can be advanced from a morality perspective while several other scholars view human rights as a matter of law.

The difficulties in ascertaining a firm foundation from which to promote human rights have made some scholars in recent times to wonder as to whether the principles of national self-determination and sovereign statehood can provide an adequate foundation from which to advanced human rights. The contentious question therefore is: **Do national self-determination provide an adequate foundation for the advancement of human rights?** This essay attempts to provide the relevant response. However, it should be noted that the response to this question is being provided at a time when the world is growing into a global village and at a time when the idea that international cooperation should be promoted in all aspects of human development, including human rights, is fast becoming an important aspect of international relation⁴. This internationalisation of human development is a factor greatly influencing the responses to the question at hand.

The present writer while admitting that the doctrines of sovereign statehood and national self-determination can to a limited extent offer some basis for the foundation and advancement of human rights, the essay largely disagree with the statement .Instead, the essay argues that claims for sovereign statehood and national self-determination are generally risky for the course of human rights movements and offer prospects for wanton human rights violation. The present writer believes that the massive cases of human rights violations facing the world today, ranging from ethnic violence in Kosovo and Rwanda, to

¹ See for example Thomas, Paine 'The Right of Man' (1792) in Patrick Hayden (2001:95), The Philosophy of Human Rights, Paragon Issues in Philosophy, Paragon House, USA

² See for example Jeremy, Bentham ' Anarchical Fallacies: A Critical Examination of the declaration of Rights' in ibid, page 118-125

³ See for example Peter, Jones (1994:45-47), Rights, Issues in Political Theory, Macmillan, England

⁴ See for example Milan, Bulajic (1993:256-257), Principles of International Development Law, Martinus Nijhoff Publishers, The Netherlands

humanitarian disasters in Darfur-Sudan, to Refugee crisis in Congo etcetera⁵ are some of the examples of cases of human rights crises that are sustained in the name of claims for 'national self-determination' and sovereign statehood where foreign interventions are kept at bay on the grounds that foreigners should respect the principles of independent state sovereignty and rights to self-determination. Thus, while states appear to be in better disposition to promote and protect human rights, in reality, they have failed to do so. Human rights are universal and global issues and can be better advanced and promoted within a universal framework arrangement. The present writer concludes the essay by the opinion that it is not feasible to leave human rights protection in the hands of individual sovereign states. A global concerted effort is the best way to ground, advance and promote human rights.

Self-determination is both a right, a principle and an ideology as well. Generally, the terminology is often legally and politically tied to the rhetoric of independent statehood and sovereignty.⁶ An authority is argued to be sovereign when it has exclusive authority over the regulation of all activities within its boundary without any other external authority inside or outside that territory having legitimate right to cancel or override the state authority or decision.⁷ In this sense, sovereignty, independence and self-determination are interrelated concepts as both emphasise non-interference to a group of people or government that has absolute control over what goes on inside their nation with no outside agent having more right to make claims upon or interfere with what the self-determining entity does. Reciprocally, the self-determining nations are morally and automatically expected not to interfere in the businesses of other states just as they too claim non-interference by outsiders within their areas of jurisdiction. The arguments for the rights for independent statehood are that nations are better-off deciding their own destinies than relying on aliens. In effect, this means that each nation should provide for its own wellbeing and development, free from domination from other states.⁸ It involves individual governments determining the character of their own social, economic and political destinies, their fortunes, ideas, opinions, national programmes and their course of development without relying on foreign interest⁹ and subsequently leading to the realisation of their own rights as a group. While such claims are ideologically easy to make, they are extremely difficult to translate to tangible human rights realisation to the citizens.

From its extremist perspective, sovereignty in the context of human rights can be amounted to implying that each nation is responsible for the advancement of human rights to its own people. Thus, the rights to life, rights to adequate standard of living, rights to liberty, rights to fair trial, rights to property, education, health, personal security etc that would ideally be

⁵ See for example Alain, Destexhe (1995:48-51), *Rwanda and Genocide in the Twentieth Century*, Pluto Press, UK; Gregory H. Fox (2008:74-87), *Humanitarian Occupation*, Cambridge University Press, UK; <http://news.bbc.co.uk/1/hi/world/africa/7705282.stm>.

⁶ Hurst, Hannum (1996:14), *Autonomy, Sovereignty and Self-Determination: The Accommodation of Conflicting Rights*, Revised Edition, Pennsylvanian Press, USA.

⁷ Iris, Marion Young (2007), *Global Challenges: War, Self-determination and Responsibilities for Justice*, Polity Press, UK.

⁸ Malcolm, D. Evans (2008:211), *International Law Documents*, 8th Edition, Oxford University Press, UK.

⁹ Avishai Margalit; Joseph Raz (2008:78) in Thom Broke (ed.) (2008), *The Global Justice Readers*, First Edition, Black-Well Publishers, UK.

left for each nation to determine for its own people as it wishes without foreign interference. By implication, this would automatically imply that human rights would vary from country to country depending on how each individual nation will determine and depending on how such a nation would wish to shape its destiny. Certainly such a position cannot be suitable for the protection of human rights as shall be seen in the discussions.

Historically, the claim for self-determination and sovereign statehood in the modern world can be argued to have emerged during the periods of the end of World War I and World War II where it is generally believed that as old empires crumbled, new hopes and aspiration were released for subjugated nations. As James¹⁰ puts it, 'as Germany, Austro-Hungary, Russia and Ottoman Empire crumbles, new states emerged from the ruins, with the hope that people could live under a government of their choice.' This was also a similar thing that happened during the period immediately after World War II where one after the other, the international community of states recognised new and emerging sovereign states in the territories of former European colonies both within and outside Europe either rebuilding themselves or emerging as new states.¹¹ Indeed as Iris¹² puts it, the borders of many of these states were initially arbitrarily drawn often gathering people who considered themselves distinct under the rule of one state dominated by one other group, hence the beginning of the call for the right to self-determination. Moreover as Hurst¹³ puts it, the historical events were also tied to nationalistic egoism where empires that were unresponsive to the needs of their people were disbanded and new ones created. In the nut-shell, the growth of nationalism, claims for self-determination and sovereignty are attached to efforts by linguistic, religious, ethnic or group efforts to gain political power in order to respond to changing needs of their people/nations

There are legal provisions that seem to support the calls for self-determinations and sovereignty of nations. The Charter of the United Nations (1945) for example stressed the 'equal rights and self-determination of all people' as one of the purposes of the UN.¹⁴ The Universal Declaration of Human Rights (UDHR) while it made no specific reference to self-determination, it refers to 'the will of the people as the basis of the authority of governments'¹⁵. This could be viewed as an expression of internal right for self-determination. The International Covenant on Civil and Political Rights (1966) provides that 'All Peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development'¹⁶. Further legal provisions for self-determination are provided for in various international laws and declarations including the International Covenant on Economic, Social, and Cultural Rights (1966) that empowers states to freely determine their own

¹⁰ James, Summers (2007), *People and International Law: How Nationalism and Self-Determination shape a contemporary Law of Nations*, 8th Edition, Martinus Nihoff Publishers, USA

¹¹ See for example *Ibid* at 7, page :26)

¹² *Ibid*

¹³ *Ibid* at 6, page25.

¹⁴ See article 1 (2) of the Charter of the United Nations (1945).

¹⁵ See article 21 of the Universal Declaration of Human Rights (1948)

¹⁶ See article 1, paragraph 1 of the International Covenant on Civil and Political Rights (1966)

economic, social and cultural development.¹⁷ The Declaration On Principles of International Law Concerning Friendly Relation and Cooperation Among States considers alien subjugation, domination and exploitation as major obstacles to the promotion of international peace and security.¹⁸ The UN Draft Declaration on the Rights of Indigenous Peoples states that 'Indigenous Peoples have the right to self-determination'.¹⁹ These declarations and legislation are some of legal basis for claims for sovereignty and self-determination of nations. At the regional level, the African Charter on Human and Peoples Rights contains a provision expressly guaranteeing the right for self-determination. This is probably not surprising given the charter's aim provided in the preamble to 'eradicate all forms of colonialism from Africa'. The African charter was drafted during the struggle against apartheid in South Africa and colonialism in some African countries. Thus, the charter guarantees all people the right to existence. That all people shall have the unquestionable and inalienable right to self determination, freely determining their political status and freeing themselves from the bonds of dominion by resorting to any means recognised by the international community.²⁰ In Europe, the Helsinki Declaration made provision for participating states to respect the equal rights of people and their right to self-determination acting at all times in conformity with the purposes and principles of the UN Charter and with relevant norms of international law, including those relating to the territorial integrity of states.²¹

Admittedly, there are some rights that can be successfully grounded and advanced through claims for self-determination. A nation's rights for self-governance can be a starting point for the discussion. For instance, nations that were once subject of alien subjugation, domination and exploitation such as the former colonies in Africa, Asia and Latin America justifiably argued for their rights for self governance and subsequent independence basing on the values and ideas of the principle of self-determination to re-assert their independence. This is the principle that was successfully applied by the colonies to advance for the rights of their people. Thus, from the perspective of a nation or a group seeking to advance their rights for self governance, the principle of self-determination appears adequate to advance for such a right. Moreover, self determination coalesce the notion of people characterised by a common language, religion or custom to condense into a 'natural unit' within which they develop their own political institutions ideally unimpeded by outside influence. This helps to create the nation-state ideal in which every nation has its own state and people and every state and people has its own nation.

Similarly, group rights such as minority rights for cultural identity and preservation can easily be grounded and defended from the principle of self-determination

¹⁷ See article 1 of the International Covenant of Economic, Social and Cultural Rights (1996)

¹⁸ See paragraph 13 of the preamble of the UN Declaration On the Principles of International Law Relating to Friendly Relations Among Nations (1970)

¹⁹ See article 3 of the Draft UN Declaration On the Rights of Indigenous People (1993)

²⁰ See article 20 of the African Charter on Human and People's Rights

²¹ Refer to Principle VII of the Conference on Security and Cooperation In Europe, Final Act, Helsinki, 1st August 1975.

perspective.²² Example, a minority group who feels discriminated against by a dominant in a nation can capitalise on the right to self-determination to secede and break away from the discriminating group. While secession is not a right within domestic law, minority rights to non-discrimination and equal opportunity is a reality that can be capitalised upon using the ideology of self determination. Indeed many minority groups in Kosovo (2008), Southern Sudan (2007), East Timor etcetera successfully used the self determination ideology to advance their rights to break away from governments that they believed was undermining their human rights. However, what should be noted here is that the rights achieved in this context is only group rights but not individual rights. Since the focus of self-determination is one the 'group' and not the individual, it can be argued that the principle does not provide a firm foundation for the advancement of an individual rights. It should be noted that human rights as a discipline focuses more on individual than the group. Therefore, any effort to promote human rights should be one that promotes realisation of individual rather than collective rights.

The idea of sovereign statehood is premised on the belief that sovereign states have the capacity to guarantee and protect the rights of their citizens to physical security and personal wellbeing. As Neil²³ asserted, modern statehood is built along the concept of power. A state can exercise its power to maintain order, create a stable and predictable legal and political environment capable of protecting citizens from foreign threats and aggressions from fellow citizens that would impair the indigenous member's rights to physical well-being and personal security. Specifically, national structures and institutions such as the courts, police, prison, customs, and parliament can be used to guarantee the rights to safety, security, and well-being of the people. Such institutions can be used not only for the protection of citizens from each other but for protection from external threats as well. Indeed some of the states institutions primarily exist to contribute to the process of strengthening administration, promotion and protection of human rights. The police and court institution for example exist to detect, prevent, investigate, punish, and, whenever possible, restore rights that have been violated and or to provide compensation. This contributes to the realisation of safety and security rights. From this perspective, states by disposal can become a starting point for the advancement of human rights. The protective function of the state is argued to extend from protecting citizens to providing stable economy that eventually enhances the realisation of the 'second wave' of the economic and social rights²⁴.

Also, there are certain rights that appears to better promoted and protected within an individual national context. Cultural rights, social rights and certain economic rights are generally difficult to advance to a community by an outsider. The rights to employment, right to social security and the right to belong to one's culture are by disposal easier to

²² See for example Hurst Hannum, 'Minorities, Indigenous Peoples and Self-determination' in Louis Henkin etal (eds.) (1994:10-11), Human Rights: An agenda for the Next Century. Studies in Transnational Legal Policy, No 26, The American Society of International Law, USA

²³ Neil, A. E. 'The Consequences of a constructed universal democracy and Civil Rights in the Modern States' in Mahmood Monshipouri, Andrew J. Nathan, Karita Philip (ed) (2003:93), Constructing Human Rights in the Age of Globalisation, M.E. Sharpe INC, USA.

²⁴ Ibid, page 93

provide by individual nations through their internal efforts than by foreign interventions because each nation knows its people better than foreigners and can better take care of their human rights needs. However, this argument appears not very convincing because there are nations with inadequate resources who cannot therefore provide for certain economic and social needs such as the rights to adequate standard of living for their citizens. If the principle of total sovereignty, non-interference and independence of nations are to be up-held, this would imply that the human rights for certain communities in such nations would not be provided because of resource constraints. Self-determination here therefore comes short of being a good foundation for the advancement of human rights. Recent practices have shown that nations with limited resources actually do bend towards more endowed neighbour for assistance. African countries and certain Asiatic countries cannot claim to be totally sovereign due to their dependence on western world. In this sense it appears that nations with limited resources states like Somalia, Eritrea, Afghanistan, cannot satisfactorily use claims of sovereignty to advance the rights of their people. It is on this basis that global cosmopolitanism provides the alternative foundation to support the advancement of human rights.

But as initially asserted at the onset of this essay, the idea of national self-determination and sovereign statehood generally cannot provide an adequate ground for the advancement of human rights. An analysis of events in the world indicates that claims for sovereign statehood and self-determination are more of a source of vulnerability and human rights violation of citizens than being sources of advancement of human rights. The internal politics of many countries of the world claiming sovereignty and independence are often characterised by brutal internal wars and rebellions that often lead to mass human rights violation. Internal wars of nationalism within countries are often associated with indiscriminate killing, mass abduction and coercion, raping of women, looting and other forms of lawlessness. According to Lotta Harbom²⁵, since 1990-2005, there have been 57 armed conflicts fought across the world. Out of the 57 armed conflicts fought, 53 were internal wars fought within individual countries on grounds of internal power struggles, minority secession attempts and other basis of nationalism such as it was in the case of East Timor, Kosovo, Somalia, Bosnia and Southern Sudan among others. During such wars, if the principle of sovereignty or non-interferences in the internal affairs of sovereign nations is to be upheld, many civilians and innocent will suffer in the hands of few individuals fighting on claims of nationalism or self determination while rejecting external influence. It is on this account that the principles of sovereignty and self determination do not provide adequate foundation for the protection of human rights as they put the 'cause' of countries above that of citizens/individuals and as they discourage external influence even as a time when the citizens are suffering.

It has been argued that the Rwanda genocide of 1994 and the subsequent massacre of over 800 million people would not have reached the magnitude it reached if Rwanda had not made claims that the problem was an internal issue that it could resolved as a country without external interferences. According to Alain Destexhe, Rwanda at the beginning of the genocide rejected foreign support on account that the problem was a 'small' domestic

²⁵ Lotta Harbom and Peter Wallensteen (2006), Pattern of Major Armed Conflict, 1990-2005, in Gregory H. Fox (2008:5), Humanitarian Occupation, Cambridge University Press, UK

matter that would be sorted-out by Rwandan themselves.²⁶ According to Alain, Rwanda initially asserted that any form of foreign intervention would be seen as an aggression and violation of Rwanda territorial sovereignty. However, as it turned out, the country was not able to contain the situation leading to the near extermination of the Tutsi race by the Hutu extremist. The genocide was only halted after the deployment of United Nations Peace Keeping Force. In this case, it can be argued that Rwanda's claim for sovereignty led to the killings of its own citizens. Thus, the misuse and misconception often associated with the concept 'sovereignty' cannot make it a firm basis for the promotion and protection of human rights.

The principle of Sovereign statehood is a misleading principle in as far as human rights advancement is concern because it is premise on the idea that states are the protector of its people. This can give a false assurance to people because there are situations where nations collapse or disintegrate to the extent that external intervention to protect human rights is inevitable as it was in the case of Bosnia and Somalia. Nations therefore needs each other to protect human rights and no state can completely claim non-interference in its internal affairs. The Republic of Somalia for example at the moment does not have the necessary institutions to offer protection to its people and therefore it cannot adequately determine its own course without foreign assistance.

An alternative basis /foundation from which Human Rights can be advanced and promoted

It is the opinion of the present writer that human rights can be better understood, grounded, advanced and promoted within a universal context through universal ideals such as the global justice system and cosmopolitanism. From a universal perspective, human rights are held equally by all people on earth whatever their circumstances and wherever they live. They belong to each one of us regardless of ethnicity, race, sexuality, age, religion or political conviction. This by implication means that every individual including the global-state has the responsibility of promoting the protection, respect and realisation of human rights. It also means that human rights are equal all over the world and can be promoted from a global perspective.²⁷

Indeed right from the Nuremburg Trial after World War II, there was a general realisation that human rights protection cannot be left at the discretion of individual sovereign nations. The mass atrocities committed during the World War II by the German aggression indicated to the victorious allies that there is need for a concerted and united effort towards the promotion and protection of human rights.²⁸ The subsequent establishment of the international Military tribunal for the trial and punishment of major war criminals of the European Axis became a turning point in the internationalisation of human rights.²⁹ The

²⁶ Alain Destexhe (1995:48-51), Rwanda and Genocide in the Twentieth Century, Pluto Press, London.

²⁷ See for example Upendra, Baxi (2002), the future of human rights, Roopak Printers, Noida, India

²⁸ See for example Amel, Ahmed (2006:115), Genocide Prevention in Obi (2006:115), Ethnic Hatred: Genocide in Rwanda, ASEN Publication, UK.

²⁹ See <http://www.law.umkc.edu/faculty/projects/ftrials/nuremberg/NurembergIndictments.html>

United Nations through the Universal Declaration of Human Rights (UDHR) in 1948 clearly demonstrated the global nature of the human rights movements.

Advancing human rights through universal ideals can be grounded on two theses; morality universalism and that of legal universalism. Morality universalism is based on the idea that every human being has a global stature and people are morally bound to stand in for one another during time of need. According to this underpinning, an individual status in the society becomes the ultimate unit of moral concern and people jointly make collective efforts to uplift an individual status of people. This imposes the demand to construct an institutional scheme that directs responsibilities for the advancement of human rights to individuals. Thus, collective group efforts like humanitarian interventions are justified in case of mass human right violations in a country. This approach contrasts sharply with practices under claims of national sovereignty and self determination that focuses on 'groups' other than individuals. The legal universalism perspectives on the other hand emphasises concrete political ideal of a global order under which all persons have equivalent legal rights and duties under global citizenship. Ordinarily, this would mean that all people in the world are governed by the same laws other than living than leaving people at the discretion of states individual state's determination.³⁰

The strengths of this approach is that where there is a gap at national level in advancing human wellbeing and rights, that gap can be bridged by the collective support of other nations. This can come in the form of humanitarian aid, reliefs, humanitarian intervention, technical support and other forms of international good will. As Kathryn Sikkim et al argues, as nations ignore fails or become unable to protect human rights alternative support can be harnessed from transnational organisation (inter-governmental or non-governmental organisation) who operating across transnational borders and who are capable of bringing new ideas, norms and discourses into policy debates on human rights.³¹ They serve as communicative structures and create political spaces in which different actors negotiate the social, cultural and political meanings of their joint enterprises. By the 1990's, it was clear that human rights was more or less an intergovernmental issue than a states internal issues.

Also, the universal nature of human rights makes it better promoted and protected within global settings rather than within the determination of individual countries. The plethora of international agreements on the creation and strengthening of the necessary institutional arrangements to pressure governments into respecting their citizen's rights suggest the strength of this approach and the internationalisation of domestic jurisdiction. When the UN Security Council created the ad-hoc international criminal tribunals for the former Yugoslavia and Rwanda in the 1990's, it was a sign that an era of justice without borders had emerged. As with the example of Rwanda above, the strength of this approach can be seen in that it was only when the international community intervened that the genocide that was initially seen as an internal conflict was able to be put into an end. If the

³⁰ See for example Thomas Pogge (2008:174-178), *World Poverty and Human Rights*, second edition, Polity press, UK

³¹ Margret E. Keck; Kathryn Sikkim (1998), *Activist Beyond Borders: Advocacy Networks in International Politics*, Cornell University Press, New York.

international community had kept at bay in the name of respect for Rwanda sovereignty, it is likely that worst humanitarian disaster would have happened.

It should also be noted that sovereignty is not absolute especially if the life of the citizens within a self-determining state is at risk.³² Even within their own territories, states have long been limited by international law in a manner which makes any argument in favour of absolute sovereignty difficult to maintain. Some of these limitations are related to the protection of other equal state such as state responsibilities for acts wholly within one's state cause damage to the image of humanity. Human rights situations as seen above are not essentially within the exclusive jurisdiction of a state within the meaning of Article 2 (7) of the UN Charter. It is of particular significance to point out that according to Articles 56 and 55(c) read in conjunction, states that are United Nations Member have a legal obligation "to take joint and separate action in co-operation with the Organization for the achievement of" "universal respect for, and observance of, human rights and fundamental freedoms. The devastating experiences of the First and Second World Wars underscored the imperative need both to protect the human person against the arbitrary exercise of State power. When a State pursues a deliberate policy of denying persons within its territory their fundamental rights in the name of sovereignty, not only is the internal security of that State in jeopardy, but in serious situations there is a spill over affect that imperils the peace and security of other States as well.

I do not deny that the universal perspective of advancing human rights has weaknesses. For Example, it is true that without cooperation of nations, the operation of international human rights agencies can be jeopardised. It is also true that without extensive local cooperation and good will of the government of the individual nation, foreigners coming to work with the government would find it extremely difficult to operate without such support. It is true that even prominent institutions like Amnesty International relies on report of human rights abuses from the country's own citizens and local leaders without which they would not be able to operate successfully. Moreover investigations on the global approach to human rights protection have established significant gaps. A study of the activities of UN Peace Keeping Forces in Liberia (1999) and Congo (2002) for example established that the humanitarian forces were involved in rape, sale of relief food (in Liberia) and looting of minerals wealth (in Congo) as well as support for local rival groups. Such kind of criminal activities by humanitarian forces undermines the merit of humanitarian interventions.³³

As for the former colonies of the world, humanitarian interventions remind them of the time they were subjugated by dominant European power. The legacy of colonialism makes them suspicious of any outside intervention. Indeed as Mahmood etal put it, it Africa, transnational organisations with European roots are stigmatised as 'elitist' and 'out of touch' with their roots. They are often criticised for their dependency on foreign funds as for having ties with international elites than with the common African that they claim to serve.³⁴ This kind of thinking and created the perception that human rights are not only

³² Refer to ICJ Annual Report, 1986: 14)

³³ Refer to the official journal of the European Union, C 317 E/899, 23rd December 2006).

³⁴ Mahmood Monshipouri, Andrew J. Nathan, Karita Philip (Ed.) (2003), Constructing Human Rights in the Age of Globalisation, M.E. Sharpe INC, USA.

western inspired but as something imperialist as well. More over the support the western powers gave over the years to African dictators has raised suspicion about the intent of humanitarian interventions and the activities of transnational organisations. The failure of transnational organisations to build coalition with local human rights movements in Asia, the Caribbean and Africa renders international human rights movement vulnerable to being suspected of western ill-intention. The failure of the international community to resolve persistent global problems such as the Israel-Palestinian crisis, the Albanian-Kosovo conflict with Serbia, the Somalia crisis, the Darfur crisis, the Congo crisis, Iraq crisis, Afghanistan crisis among others makes one suspect of the capacity of a global community to effectively respond to human right challenges.

In the final analysis, it is more feasible to ground and advance human rights from a universal morality and universal legal perspective than to attempt to promote it through individual group and national efforts. This is because governments are more or less violators of human rights than guarantors. As initially asserted, the world is going more global and there is need to embrace the international cooperation approach to international development, including human rights protection. The principles of self-determination and sovereign statehood were invented to promote **state interests (rights) than individual interests (rights)**. Thus, they are only applicable in the context of state rights but not individual rights. The existence of international systems such as the UN systems, International Human Right Committees, International Criminal Court, regional arrangement such as the European Court of Justice, the African Court of Justice, the Inter-American Court of Justice are reflections that human rights protection and advancements are more of global issues than individual state issues. Nations should remain implementers of international systems. As for the principles of self determination, it has no authoritative exegesis for existence.³⁵ The principle lacks clarity as to which 'peoples' or 'nations' should be its bearers and supposed beneficiaries. Peoples are simply not arranged conveniently on the map in a way that makes their formation into states possible in the name of self determination. Margaret sums it all when she asserted that "nations are both the primary 'guarantors' of human rights as well as their primary violators."³⁶

³⁵ See Malcolm N. Shaw (2003:247-249), "The Role of Recognition and Non Recognition With Respect to Secession: Notes on Some Relevant Issues" in Julie Dahlitz (2003), *Secession and International Law, Conflict Avoidance, Regional Appraisal*, TMC Asser Press, The Hague, The Netherlands.

³⁶ Margret E. Keck; Kathryn Sikkim (1998), *Activist Beyond Borders: Advocacy Networks in International Politics*, Cornell University Press, New York.

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