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# Navigating the Nexus: An In-Depth Analysis of the Interplay between International Law and Human Rights in the Contemporary Global Landscape

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## ABSTRACT

*This holistic discussion in this paper delves into the complex dynamics between international law and human rights, uncovering how this relationship has evolved concerning contemporary world politics. By highlighting the revolutionary change from state-based to human-oriented principles, this study therefore turns its focus on some of these challenges which include variety and fragmentation in legal regimes; tension between universalism and relativism in constitutional rights laws balancing conflict among domestic courts harmonization with national interest. However, to appraise the adequacy and accountability of international law and human rights institutions is critical whereby United Nations organs, and regional human rights systems from 1948 into the present play a key role. Labelling international law to be the "law of nations," one should notice a few keywords, which include principles governing an international legal system, sources and also its dynamic development. Historical evolution of human rights traces its roots to milestones like the Peace Treaty in Westphalia whereby they evolved from natural principles into Enlightenment ideas. This complex system is outlined in detail to reveal what opportunities and challenges similar systems offer, contributing towards a more interconnected global legal order.*

**Keywords:** *International law, Human rights, Global Sovereignty, Human Centred Principles.*

## I. INTRODUCTION

International Law and the Human Rights area together create a complicated and interdependent system that operates through multiple avenues of contact between them. Internal law, including treaties, customary rules and practices that govern the conduct of states and international entities. On the contrary, human rights law, which springs from international, regional, and state policies, targets individuals and groups against abuses carried out by the government or others.

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The great meaning of international law and human rights relationships manifests across several dimensions. It symbolizes the transformation from one-sided International Law to one which strives to satisfy human needs and take into account global principles, such as respect for humanity, justice, fairness and democracy. This mutually supportive relationship boosts the legitimacy and effectiveness of international law, which in turn, links the norms of human rights as standards and the rules to be followed in the international legal frameworks. And indeed, it creates grounds for novel ideas, theories and practices which in turn brings the broadening of international law resources which is applied in many customary and international subjects.

But on the other hand, the issue of the dependence of International law and human rights is not void of challenges and contradictions. Tensions are possible to appear in the same legal laws or regimes; they might make matters time-contingent due to the universality and context adaptability of human rights. Besides, the problems in balancing the preservation of some nations' sovereignty, safety or development may arise. Hence, understanding how these issues affect each other is essential because it can help to find both positive solutions and difficulties that need to be addressed.

International law and human rights beautifully intersect to some extent, creating many chances for strengthening legal regimes and achieving global fairness. Through it, international legal norms are developed to rather have a more human-orientated approach, reflecting the principles of dignity, equal opportunities and non-discrimination. Such development magnifies an individual/group's safety against instances of human rights abuse perpetrated by the state or a non-state actor.

Secondly, this cooperation stimulates the development of mechanisms such as oversight and sanctions. The human rights standard is used to evaluate any entity's actions regarding itself and others, and such an evaluation could result in legal accountability and recourse for victims of violations. Along with this, international human rights organizations and institutions are very important in terms of monitoring compliance and adjudication cases, and, eventually, these mechanisms join the implementation and enforcement of international law.<sup>2</sup> Finally, this intersection ensures partnership and solidarity among states and other international actors in tackling global issues. Although human rights and international law may differ in specifics, by acknowledging this interconnectedness, stakeholders are inspired to work together towards common objectives like sustainable development or peace and security. This collaboration strengthens international legal instruments and provides a way of settling cross-border

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<sup>2</sup> Susan A. Bandes (ed.), *The Passions of Law* 180 (New York University Press, New York, 1999).

problems.

### **(A) Challenges and Considerations**

Although it is the chance created by the interplay between international law and human rights which must be utilized, there are quite a few challenges that must be addressed to achieve this goal. The first problem, maybe, is the discordance of norms and principles in the two legal regimes. Differentiation in the understanding and realization may cause disunity between the protection of individual rights and state sovereignty, as well as between universal measures and cultural relativism.

The second point is that the performance of human rights in international mechanisms is dependent on the willingness of states to perform their duties and participate in monitoring and enforcement. The unwillingness of the states to give up their authority or accountability may slow down the implementation of the human rights standards and rob the reliability of the universal international law framework.

The problem of the gap in international law is also related to the separation of legal systems that regulate human rights. The expansion of the treaties, conventions, and customs across the thematic areas may overlap or conflict with the commitments into several difficulties in the efforts to ensure comprehensive protection and accountability. The synergistic relationship between international law and human rights is a dynamic equilibrium that influences the development of ideas and principles of law at the global level. On the one hand, this interface leads to developments of justice, accountability, and better cooperation, although they are combined, however, with challenges such as conflicting norms, state compliance, and legal fragmentation. Addressing these problems requires a close look at them, dialogue, and interaction among states, international organizations, civil society actors, and other stakeholders who defend human rights and deploy the rule of law in the world community.

### **(B) Statement of the problem**

One of the most important yet defiant questions in contemporary international relations is that between international law and human rights. Both are essential in maintaining global peace, security justice and development qualities that will go a long way towards balancing the relationship between their operation. Challenges and issues stem from this intersection, including:

- Diversity and Fragmentation: The number of international law and human rights regimes could evolve into conflicts, gaps or overlaps between different norms principles

as well as institutions<sup>3,4</sup>.

- Universality vs. Relativity: Balancing the universal and relative spirit of human rights stirs up controversy regarding their validity, relevance as well as deploying in varied cultures under different circumstances<sup>5</sup>
- Trade-offs and Synergies: It is impossible to reach a consensus on balancing the protection and promotion of human rights with other interests or values, including sovereignty, security, or development without any compromises in adjustments through integrations of different sets of perspectives and priorities<sup>6</sup>
- Effectiveness and Accountability: The success of international law and human rights institutions stems from their effectiveness in facilitating consent, compliance, and involvement among states, international organizations civil society actors as well as individuals<sup>7</sup>

These challenges and issues have massive implications for the evolution of international law as well as its impact on human rights policies. It is necessary to understand what causes and impacts these challenges and look for possible solutions or side effects around them. This paper endeavours to present a detailed description of the past, theory and practical aspects related to an international law-human rights relationship that discovers opportunities as well as challenges presented in the modern world.

### **(C) Purpose and scope**

This study intends to investigate the current situation and prospects of international law, and human rights including their relationship as well as adaptation capacity global and regional mechanisms in this regard. To guide this exploration, the research will address the following pivotal questions:

- Interaction and Influence: What opportunities and threats do current interrelations of international law with human rights present, and how are they revealed in the contemporary global political reality?
- Effectiveness of Mechanisms: How effective are the international and regional

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<sup>3</sup> Nilendra Kumar (ed.), *Nana Palkhivala A Tribute* (Universal Publishers, Delhi, 2004).

<sup>4</sup> Erika de Wet and Jure Vidmar (eds.), *Hierarchy in International Law The Place of Human Rights* (Oxford University Press, Oxford, 2012)

<sup>5</sup> Anne Peters, *Beyond Human Rights The Legal Status of the Individual in International Law* (Cambridge University Press, Cambridge, 2016).

<sup>6</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice* (Cornell University Press, Ithaca, 3rd ed., 2013).

<sup>7</sup> Abdullahi Ahmed An-Na'im (ed.), *Human Rights in Cross-Cultural Perspectives A Quest for Consensus* (University of Pennsylvania Press, Philadelphia, 1992).

mechanisms that already exist in implementing human rights norms and standards?  
What variables have a major influence on their performance and overall impact?

- Enhancing Coherence and Complementarity: What can be done to enhance the consistency and supplementation aspect of international law concerning human rights? What are the potential intervention options for addressing gaps and conflicts between various norms and regimes?

The study will target the international and regional level, with specific emphasis on the performance of various organs agencies arms mechanisms in the United Nations. Also, the study will discuss regional human rights systems in Europe, Africa and the American continent. Despite the significance of national and local perspectives, this research focuses only on them in a global or regional framework. This investigation is aimed at 1948 to the present-day timeline, focusing on recent trends and tendencies.

This is the so-called “law of nations,”<sup>8</sup> an international law that forms the basis for a set of norms governing relations between sovereign states. However, the reach of international law is not limited to state-to-state relations but also covers several problems that are considered critical on an international level. Most of these include human rights, international peace and security, international trade; international crimes, the law of war diplomatic relations extradition investment treaties economic development climate change, dispute settlement double taxation agreements<sup>9</sup>.

This all-encompassing structure is international law, which provides an umbrella under which human rights find their abode. Human rights, originating from international, regional and national legislative texts are an essential part of the global legal order. This sophisticated dance between international law and human rights highlights their complementary relationship, which sees each influence the other in the elaborate mosaic of global legality.

## **II. INTERNATIONAL LAW PRINCIPLES AND SOURCES**

International law principles have legal norms and rules that are the core of international law which mostly guide and shape the overwhelming structure that regulates international relations. The foundations of the principles are both natural and positive laws. The principles include the various dimensions, which include justice, humanity, and good faith. The dimensions are believed to be a part of natural law. The others are sovereign equality, the rule of non-use of

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<sup>8</sup> Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford University Press, Oxford, 2006).

<sup>9</sup> Philip Alston and Mary Robinson (eds.), *Human Rights and Development Towards Mutual Reinforcement* (Oxford University Press, Oxford, 2005).

force, self-determination, non-interference, peaceful settlement of disputes, and pacta sunt servanda which are based on positive law.

### **(A) Sources of International Law**

Article 38(1) of the Statute of the International Court of Justice enumerates four primary sources through which international law is created and recognized:

**International Conventions:** Such regulations could range from the scope of a particular agreement to the eligibility of it being identified by both the contracting states<sup>10</sup>.

**International Custom:** This source is based on general rules considered as customary law. These rules, which are constantly practised by states and accepted as legal, are a source of legal obligation<sup>11</sup>.

**General Principles of Law:** These tenets have been accepted as common by civilized societies and are useful for giving birth and the development of international law. They supply a yardstick against which to check inconsistencies in customary or treaty cases and assure that justice will be done by remaining impartial.

**Judicial Decisions and Teachings:** International courts' and tribunals' judgments, with the associated legal experts' writings and scholars' teachings, stand as essential means to both create and further explain the norms. Although not binding by nature, these sources enjoy a persuasive authority and are used for the development of legal norms which promote harmonization.

Furthermore, the resolutions of international organisations in particular the United Nations, as well as soft law instruments such as declarations, guidelines and principles, are also admitted as tools. Although such instruments fail to yield the same degree of mandate as treaties or customary law, they function as significant tools for state behaviour and global cooperation.

### **(B) The role of international agreements**

International conventions, which are known as treaties and agreements, are one of the most widely used and most important sources of international law. These agreements are documented expressions of the state's commitment to abide by strict rules and obligations. On conclusion of treaties that they have to mutually enter into, they voluntarily acquire legal obligations towards each other about issues affecting trade, human rights, environmental protection, and disarmament among others.

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<sup>10</sup> Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law* (Oxford University Press, Oxford, 2013).

<sup>11</sup> *Principles of International Law A Brief Guide*

## International Customary Law

Customary international law is derived from the states' conduct, which consists of the general and customary practice, as long as they believe that the conduct is mandatory. Customary norms evolve through long-time repetitive practices of states and have a common characteristic which is; widespread acceptance and functioning. Customary international law is seen as obligatory for all states irrespective of whether they have put forward implicit consent to it via treaty submission.

### 1. General Principles of Law

Impending principles of international law, embraced by civilized peoples, have an auxiliary role whereby they provide the legal system with elements of interpretation and supply for the gaps. They are featured in national legal systems and include elements like justice, fairness, providing equality to all, and good faith. Although not as ubiquitous as treaty law or customary law, general principles are key to maintaining harmony and uniformity across nations.

### 2. Judicial Decisions and Teachings

The rulings of the international courts and tribunals including the International Court of Justice (ICJ) and Human Rights Tribunals of the regions promote the formation and the differentiation of the international law. Judicial decisions not only provide authoritative interpretations of legal principles but also serve as precedents which help guide the future legal reasoning and decision-making process. Legal works and legal scholars' and courts' writings also shape the growth of international law for the reason that they offer scholarly analysis, interpretation, and critique of legal principles and doctrines.

### 3. Resolutions of International Organizations

Resolutions approved by multilateral organizations such as the UN Security Council or General Assembly may shape global customary law and reflect the determination of the world community. However, UN resolutions do not have a formally binding nature on states, but they do carry significant political and moral weight among states which can influence their behaviour by shaping norms, fostering state consent, and promoting international cooperation.

### 4. Soft Law Instruments

There are soft law instruments, like statements, guidelines and principles, which these days are used mostly in the field where states are not able to agree on their common principles. The soft law instruments allow this kind of cooperation to be oriented along the flexible frameworks in which the states can express their common desires, establish standards of behaviour, and align

actions with no legal obligations. Without the authority of the law, soft law instruments help the process of soft law deduction and serve as precursors to eventual treaty negotiations and customary practices.

Overall, the sources of international law are very diverse and complex. They mainly consist of different instruments and practices that show the intricate nature of global politics. Developing international law and itself are not sources of law independently but altogether contribute to the evolution, interpretation, and implementation of international legal norms. When states and other stakeholders recognize and interact with different sources of power they can promote the rule of law and respect human rights while searching for shared solutions to common problems.

### **III. INTERNATIONAL LAW: A DYNAMIC AND EVOLVING SYSTEM**

As a dynamic and time-adapting system international law is always reflecting the complexities and demands of the global society it governs. The complex nature can be observed by the existence of different branches, regimes and mechanisms which are among many aspects through which the body maintains its functionality. Knowing the principles and sources of international law is a crucial basis for relieving the complex legal system that controls the relations between the states which are sovereign ones. In this article, I will explain core ideas which are fundamental to natural and positive law and cite sources that are recognized by the International Court of Justice<sup>12</sup> to have a deeper understanding and appreciation of how international law evolves. This perception is invaluable in the contemplation of the essence and reality of international law<sup>13</sup>.

#### **(A) International Law: A Vibrant and Continuous Evolution**

International Law lives in a dynamic space that is constantly transforming to match the growing and changing world politics, economies, and societies. It covers a wide range of legal norms, principles, and institutions which are responsible for interactions between different actors in the world for instance, states, international organizations, and other actors. From treaties and customary practices to judicial pronouncements and soft law thinking, international law draws upon a broad array of references to deal with current problems and foster cooperation and order across the globe in the international community.

#### **(B) International regimes and branches of International Law**

The realm of International Law includes several subdivisions and regimes designed to address

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<sup>12</sup> Statute of the International Court of Justice, art. 38 (1).

<sup>13</sup> Malcolm N. Shaw, *International Law* (Cambridge University Press, Cambridge, 8th ed., 2017).

specific aspects of multiple international relations and governances. The two limbs of the international legal system are public international law which is concerned with the relations among the states and private international law which is intended to regulate interactions between individuals and entities across the national boundaries. Within the legal framework of public international law, specialized regimes have emerged to ensure the effective implementation of specific spheres such as human rights, international humanitarian law, environmental law, trade law, and diplomatic law. Each regime consists of a bunch of legal norms, principles, and institutions that are specific to each sphere, which takes into account the problems and the patterns of each domain separately.

### **(C) Mechanisms of International Law**

A range of techniques of international law are used to ensure compliance, enforcement and dispute resolution via these mechanisms. Diplomatic negotiations, treaty-making, international adjudication, arbitration as well as mediation and the activities of international organizations are how such mechanisms achieve their goals. Negotiation is an essential factor that contributes to norm development, as well as the resolution of interstate conflicts. Obligations of states and their commitments are formalized through treaties; this is in pursuit of promoting and ensuring continued cooperation which is enshrined in legally binding agreements. International arbitration is achieved through the medium of the International Court of Justice (ICJ) and the regional courts which provide a forum for resolving disputes among the states and interpreting international laws. Arbitration and mediation are alternative ways to resolve disputes between sovereigns and they are not only more flexible and confidential, but they are also considered faster than litigation. International bodies, including the United Nations, regional bodies, and specialized organizations, are key actors who promote cooperation, coordinate the implementation of collective action, and follow the development of norms, to encourage the compliance of states and to provide technical aid to the states.

### **(D) Sources and Basic Principles of International Law**

International law principles and sources form the core around which all legal norms of the international system are built and draw their authority and meaning. These principles entail notions from both the natural law and the positive law, yet they stand for widely accepted values, including justice, fairness, equality, and self-determination, to name a few. The sources of international law, enshrined in Article 38(1) of the Statute of the International Court of Justice, include treaties, customary international law, general principles of law of civilized nations, and the case law and doctrines of international courts. Treaties in the traditional mode

are the formal agreements that bind the state obligations and rights, which eventually shape the dimension of international law in international relations. Traditional international law, resting on a repetitive state practice and *opinio juris* (the belief that such practice is legally binding), is the mirror of the international community's long-lived norms and practices. The most important ones are those general rules of law that play the role of supplementary guidance for interpreting and developing international legal norms, referring to the common legal principles recognized by national legal systems. The judicial rulings and decrees, including those of international courts and tribunals, as well as legal writings of authors and scholars, play a part in the interpretation and transformation of international law by providing grounds for the application of legal principles and ways of resolving controversies.

In summary, international law is a living and changing system that responds to the multifaceted and diversified aspects of our global world. It operates within a structure of principles and sources which could be either natural law or positive law. The UN framework defines the conduct of relations among sovereign states and ideals of peace, cooperation, and justice. Grasping the fundamentals and sources of international law is an important step in the process of dealing with an ever-tightening legal web that crosses different national boundaries and regions of the world.

#### **IV. HISTORICAL DEVELOPMENT OF HUMAN RIGHTS**

##### **(A) Historical Developments of Human Rights**

The topic of human rights has grown through the ages, mainly because of the forthcoming era and the improvements in social and cultural settings. Starting the process at the time when the crisis in European feudalism began in the 13th century human rights developed as an evolutionary concept transforming itself from natural rights into those based on the dignity and liberty of human beings. This evolution continued with the Renaissance until the Peace of Westphalia in 1648 which constituted a major change of the existing order and the sovereignty of the states<sup>14</sup>.

##### **(B) The Enlightenment philosophers and the Revolutionary movements.**

In a time of Enlightenment, traditional authority competed with individual liberties, reason and progress. Enlightenment philosophers including Locke, Hobbes, Rousseau, and Immanuel Kant contributed greatly towards the current concepts around natural rights, social contract, and human dignity . These conceptual foundations moved the political revolutions of the 18th

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<sup>14</sup> International Law and Sources of International Law - ISROSET

century, such as the American Revolution in 1776, and the French Revolution in 1789, which in turn brought about revolutionary human rights charters like the Declaration of Independence in the USA and the French Declaration of the Rights of Man and the Citizen.

### **(C) Humanitarian Ethics and Modern Human Rights Movements and Emerging Challenges**

It was in the 18th to the early years of the 20th century that the emergence of human vibration and the human rights movements addressed the various social abuses that took place such as slavery, women's suffrage, labour rights, anti-colonialism and civil liberties. Following the ruin of two World Wars and the Holocaust, the international community tried to set up new security relationships for systems based on human rights<sup>15</sup>. The United Nations was born out of the rubble of the Second World War in 1945 and provided the crucial impetus for human rights issues to be addressed, leading to the adoption of the Universal Declaration of Human Rights (UDHR) in 1948.

### **(D) Our Dynamic Human Rights**

The evolution of human rights as an issue epitomizes their dynamic and changing nature, responding to societal shifts and the hopes of people in a given context. Human rights do not remain unchanged in separation from dynamic realities of social well-being and harmony<sup>16</sup>. Power comes not from the endowed but from those who struggle to be recognized, and is the true symbol of the desire for justice and equality. Further, human rights exhibit humans as instruments of peace, harmony and fairness free from any discrimination.

#### **1. International Human Rights Framework**

The UN established these key international covenants such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention Against Torture (CAT), and the Convention on the Rights of Persons with Disabilities (CRPD) which serve as the pillar of international human rights law<sup>17 18</sup>. Moreover, a range of other international legal instruments are aimed at various rights and issues and, together with the existing framework, provide the entire basis and fundamental direction for ensuring and enhancing human rights on a global scale.

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<sup>15</sup> International Covenant on Civil and Political Rights

<sup>16</sup> Convention on the Elimination of All Forms of Racial Discrimination

<sup>17</sup> Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law* (Oxford University Press, Oxford, 2013).

<sup>18</sup> Convention on the Elimination of All Forms of Discrimination against Women

## 2. Contemporary Complexities of Human Rights

The setting back of human rights faces the world with many-sided and complex problems. Global warming presents imminent challenges to several human rights issues that transcend the borders of traditional categories such as social and economic positions. With the advent of the new technology, which undoubtedly brings some benefits, its inherent risk related to some rights, including privacy and freedom of expression, cannot be excluded. Migration, a phenomenon in a global world, has not only benefits but puts the risk of committing human rights violations and thus society has to face social conflicts.

## 3. Intersectionality and Human Rights

Comprehending the relation between different human rights is critical providing help to deal with universal types of inequality and discrimination forms. This approach is grounded on the idea that different identity facets and experiences are not separate but are interdependent, therefore, multiple forms of discrimination often intersect and usually aggravate the rights abuses<sup>19</sup>. For example, such problems as women's rights, racial justice, and disability rights could benefit through an intersecting analysis of human rights which may facilitate a comprehensive approach to addressing such challenges within human rights. Inculcating solidarity and communal spirit along with a general human rights culture and practice is thus one of the main elements that promote human rights for all on an equal basis.

## V. CASE STUDIES

### 1. Case Study One: Myanmar and the Rohingya Crisis

The widespread and systematic human rights violations of the Rohingya people in Myanmar are being exposed for the whole world to see. These violations include murders, torture, rapes, arson, and displacements<sup>20 21</sup>. The world reaction to the crisis had a legal framework and involved diplomatic measures; however, numerous hurdles remained in the way of an effective response. Myanmar's failure to cooperate, subjectivity within the UN Security Council, regional complications and limitations of international mechanisms have all contributed to a highly complex characterization of the crisis.

The case emphasizes the tough aspects of the international legal system when taking on the most atrocious violations of human rights. However, irrespective of the international community's denunciation and insistence on accountability, the advancement of the situation is

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<sup>19</sup> Convention on the Rights of Persons with Disabilities

<sup>20</sup> Racial Justice | OHCHR

<sup>21</sup> Disability and Human Rights | OHCHR

still being hampered by several factors, including the role played by political dynamics and diplomatic issues. The Rohingya crisis sadly is showing us the reality of the desperate action needed to be taken by all countries together to resolve human rights problems.

Approaching the hard-core problems of the Rohingya crisis requires long-term effort and multi-stakeholder involvement including States, IOs, CSAs, and the communities involved in the conflict. Furthermore, it emphasizes the need for reinforcing international mechanisms for the defence and observance of human rights and also stresses the availability of remedies and redressal mechanisms for the victims of such abuses. Finally, resolving the Rohingya crisis depends on comprehensive and multidimensional measures which offer two solutions: short-term humanitarian support and long-term systemic changes.

## **2. Case Study Two: Israel and Palestine**

The Israeli-Palestinian conflict, which is most famous for its human rights violations, is provoked by various difficult problems: territory occupation, settlements, Gaza blockade, the question of Jerusalem, the right of Palestinian refugees to return, and the question of a Palestinian state<sup>22 23</sup>. Despite several UN resolutions and peace programs that the UN has adopted to address these problems, the conflict continues to exist as a result of issues like non-compliance, power imbalance, external parties and volatile situations on the ground.

The long-term nature of conflict and the persistent human rights violations, which are committed in the name of both Israelis and Palestinians, create obstacles the trust in international legal norms. Such a scenario of the lack of confidence mandates the need for a strong and meticulous involvement of the global community to ensure that all affected individuals receive their human rights. It underlines the need to go to the core reasons for the conflict and way out through sustainable solutions following the rules of international law and its principles for human rights.

## **3. Case Study Three: China and Hong Kong**

The national security law and the electoral reforms put in place by Hong Kong since it was handed over to China, particularly under the ‘one country, two systems’ policy, have sparked widespread protests from the Hong Kong people. Such practices constitute a major issue in the issue of individual autonomy, democracy and human rights that have been enjoyed by the people of Hong Kong for ages.

Though it is met by the international community with great concern and criticism, acting on the

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<sup>22</sup> Myanmar Who are the Rohingya? | BBC News

<sup>23</sup> Israel and Palestine Everything you need to know | Vox

Hong Kong situation imposes several difficulties. The first problem is that the international community has very little leverage over China because it remains one of the most powerful countries on the globe economically and politically. Moreover, there are great differences of opinion among countries on how to react in the face of China's actions, attempting to come up with a consonant plan more difficult. Rather, it is about the intensification of the conflict between China and other nations, mostly in case of the failure of diplomatic methods. The self-determination rule (“the ceiling principle”) according to which actors of the international community mostly refrain from intervening in the domestic matters of sovereign states also creates obstacles to the efforts meant to address the situation in Hong Kong<sup>24</sup>.

However, the case of Hong Kong calls for the serious attention of global solidarity in the defense of humanity and freedom of expression. The Hong Kong protests showed the spirit and will of people to stand up for their protests against any elements that threaten their rights and freedoms. International help is of high importance in the process of Hong Kong's voice being lifted and of China being forced to fulfil its obligations under the acknowledgement of Hong Kong's autonomy.

Finally, the events in Hong Kong illustrate the rainbow of factors in play in international affairs when events of human rights violations and threats to democracy occur. Despite the many challenges, rightful global solidarity remains a prerequisite for a successful advocacy of Hong Kong's human rights and democracy both locally and internationally.

These case studies reveal contemporary human rights issues, showing the power and weaknesses of international law concerning protecting and addressing global human rights.

## **VI. INTEGRATION OF HUMAN RIGHTS INTO INTERNATIONAL LAW: STRATEGIES FOR COHERENCE**

These challenges are related to the lack of coherence and consistency among different sources, norms and mechanisms in international law as well as the human rights system. To address these challenges, several strategies can be employed<sup>31</sup> to better integrate human rights considerations into international legal frameworks:

### **(A) Holistic Approach to Human Rights:**

All categories and generations of human rights should be identified to develop a holistic and comprehensive approach. This strategy should focus on the interconnectivity and indivisibility of human rights, involving not only civil and political rights but also economic, social, cultural

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<sup>24</sup> Hong Kong What is the Basic Law and how does it work? | BBC News

as well and collective in addition to emerging ones related to the development of environment peace democracy etc 32.

**(B) Systemic Integration Principle:**

Energizing the doctrine of systematic integration under subdivision 3 © by Article 31(2) Vienna Convention Law on Treaties. This principle guarantees that international law is taken and used according to the norms plus values of the entire worldwide legal community, which includes human rights regulation 33. Such integration would include areas that are trade, investment, security, environment and humanitarian law.

**(C) Coordination and Cooperation:**

Strengthening coordination and collaboration between different actors, as well as institutions charged with the implementation and enforcement of human rights laws. It refers to states, international organizations, regional bodies<sup>34</sup>, national human rights institutions civil society and individuals. Setting dialogue, consultation and collaboration mechanisms along with bringing harmonization of standards and procedures on human rights monitoring is important.

**(D) Universal Ratification and Domestic Incorporation:**

Advocating for the global endorsement and national application of primary international human rights charters and instruments. Supporting the encouragement of states to uphold the jurisdiction and powers given by treaty-based committees, special rapporteurs or international courts and tribunals. This means that all states are subject to the same human rights obligations, and individuals, as well as groups, enjoy equal access to remedies and redress in respect of human rights.

All these strategies are aimed at creating a more unified and systematic human rights regime in the jurisprudence of international law. Such integration contributes to the effective promotion and protection of human rights<sup>39</sup> globally by addressing conflicts, gaps in obligations as well as responsibilities among states.

**(E) Legal Reforms and Recommendations for Enhancing Human Rights at the International Level:**

The legal reforms and recommendations that should be suggested at the international level<sup>25</sup> to address challenges indicated in previous chapters are Some key proposals include:

**1. Reforming the UN Human Rights Council:**

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<sup>25</sup> Philip Alston and Mary Robinson (eds.), *Human Rights and Development: Towards Mutual Reinforcement* (Oxford University Press, Oxford, 2005)

a. Membership Expansion:

- Support for a more inclusive and diverse representation, with representatives from unrepresented regions.
- Review membership periodically depending on the dynamic changes in geopolitics.

b. Independence and Impartiality:

- Strengthen safeguards to protect the council members from undue influence or pressure.
- Implement mechanisms for independent investigations to reduce prejudice in the assessment of human rights.

c. Mandate Strengthening:

- Equip the Council with stronger capabilities to address human rights abuses immediately.
- Facilitate timely Council intervention in cases of developing emergencies to avert gross human rights violations.

d. Cooperation and Coordination:

- Increase cooperation with regional human rights bodies and mechanisms.
- Encourage synergies with other UN bodies and agencies to harmonize efforts towards dealing with human rights issues worldwide.

**2. Reforming the International Court of Justice (ICJ):**

a. Broadening Jurisdiction:

- Consider amendments to the ICJ's statute that will allow it to handle human rights cases.
- Define the criteria that determine which types of human rights cases belong under ICJ jurisdiction<sup>26</sup>.

b. Accessibility and Affordability:

- Create means to minimize procedural costs and make the ICJ more affordable.
- It would be advisable to establish a fund that can help states with little resources take cases to the Court<sup>27</sup>.

c. Compliance and Enforcement:

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<sup>26</sup> THE PRINCIPLE OF SYSTEMIC INTEGRATION IN HUMAN RIGHTS LAW

<sup>27</sup> OHCHR, Strengthening the United Nations Human Rights Treaty Body System (OHCHR, Geneva, 2012)

- Reinforce the processes that ensure compliance with judgments by ICJ<sup>28</sup>.
  - Analyze the construction of an enforcement agency by the UN to implement ICJ judgments.
    - d. Dialogue with Other Courts:
      - Let there be regular platforms for discussions between the ICJ and other international, as well as regional human rights courts.
      - Promote cross-jurisdictional cooperation and learning.
- 3. Reforming the International Criminal Court (ICC):**
- a. Increasing Universality:
    - Find ways to promote the ratification and adoption of the Rome Statute by other states.
    - Think of diplomacy initiatives to address reservations and concerns that prohibit ratification<sup>29</sup>.
  - b. Complementarity and Cooperation:
    - Strengthen cooperation with national legal systems to handle crimes that fall under the ICC mandate.
    - Encourage collaboration with other international and regional criminal courts.
  - c. Resource and Judicial Independence:
    - Support greater funding and resource allocation to the ICC for improved efficiency.
    - Ensure the integrity and impartiality of ICC judgement<sup>30</sup>.
  - d. Addressing Criticisms:
    - Ensure systems for periodic internal and external reviews are in place so that they can take a course of action on the criticisms to make ICC function better.
    - Increase transparency and communications to alleviate fears about impartiality, politicization, and selectivity.

These specific reforms are intended to give international institutions a more solid and responsive framework for dealing with human rights challenges while also keeping them accountable and credible.

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<sup>28</sup> OHCHR, Status of Ratification Interactive Dashboard

<sup>29</sup> OHCHR, Human Rights Bodies – Complaints Procedures

<sup>30</sup> UN General Assembly, Review of the Human Rights Council

## VII. CONCLUSION AND FUTURE OUTLOOK

The analysis of the interaction between international law and human rights offers a very broad but connected area of study that has gone on par with legal and social-economic systems evolution throughout time, consequently adapting to the changing times <sup>31</sup>. The close partnership is based on a common objective of achieving peace, equality, and human dignity for everyone. Human rights standards act as an ethical frame of reference that helps to tailor and adapt international law, but international law gives these principles the legal meaning to implement them.

### **(A) Complexities and Challenges**

Yet, this relationship has many subtle nuances and difficulties along the way. The variability and incoherency of international law give rise to the challenge of uniformity and adherence to human rights standards. Divergences found in the human rights documents alongside a lack of adequate implementation and enforcement of the laws compound the difficulties. While some states remain weak links that do not conform to the international laws and norms relating to human rights, this undoubtedly weakens the effectiveness of the global human rights regime <sup>32</sup>.

### **(B) Ensuring Stability and Effectiveness**

International law and human rights keeping in balance is a sustained mission, thus, the global community, states and non-governmental organizations must collaborate. Collaboration and participation are important elements in solving problems and ensuring fairness in the legal frameworks. The strategies, the reforms, and the recommendations which are directed at enhancing the relationship between international law and human rights are very important to promote common goals and to maintain the human sense of dignity.

### **(C) Future Perspectives and Challenges**

However, the future course of international law and human rights regimes will be influenced by the political resolve and legal commitment of states and other relevant actors. Involving and empowering individuals as stakeholders or as the affected groups are required to attain important goals. Furthermore, intensifying global issues like globalization, digitization, climate change, migration, and health crises will be critical events shaping the future of international law and human rights regimes<sup>33</sup>.

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<sup>31</sup> Marc Limon, *Reforming the UN Human Rights Council: A Practical Roadmap*

<sup>32</sup> Malcolm N. Shaw, *International Law* (Cambridge University Press, Cambridge, 8th ed., 2017).

<sup>33</sup> Laurence R. Helfer and Anne-Marie Slaughter, *Toward a Theory of Effective Supranational Adjudication*

**(D) Dynamic and Progressive Nature**

The link between international law and human rights is interactive, innovative, as well as responsive, known to adjust to changing realities and social necessities. The Ideals of the UN Charter and the Universal Declaration of Human Rights act as a frame of reference for the process of development. With the embrace of dynamism, the international community will be sure to have a mechanism that is strong enough and workable to achieve the collective objectives and be able to respond to the diverse needs of humanity<sup>34</sup>.

**(E) Synthesis in the name of Equity and Justice**

The synthesis of international law and human rights determines the legal basis of nations, establishing their common focus on justice, equality, and respect for human dignity. As the world becomes more interconnected through interlinking human rights principles into international legal frameworks and vice versa, this creates a more inclusive and fair global order. This constantly occurring synthesis maintains cooperation, collaboration, and a mutual understanding among nations, and it is very instrumental in the quest for peace and stability on the world stage.

To sum up, the international law and human rights cross-linkage represents the dynamic and developing relationship that makes it possible to ensure peace, justice, and human dignity. While meeting difficulties as well as barriers, this relationship proposes a chance of conjunctions, reforms, and evolution. By adopting the notions of the UN Charter and the Universal Declaration of Human Rights, countries can strive to establish a more enduring, rational, and rights-accordant world order.

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<sup>34</sup> William A. Schabas, *The International Criminal Court: A Commentary on the Rome Statute* (Oxford University Press, Oxford, 2010).