

**AN EXAMINATION OF THE ROLE OF THE UNITED NATIONS IN THE DEVELOPMENT OF INTERNATIONAL HUMAN RIGHTS LAW\***

**Abstract**

*The end of the Second World War II paved way for the evolution of International Human Rights by the Formation of the United Nation (UN) in 1945 with its subsequent adoption by the United Nation General Assembly. This paper examines the role of United Nation in the development of International human rights using judicial pronouncements and statutes. It was the findings of the paper inter-alia that the historical origins of the concept of human rights are often linked with the idea of natural rights and there had been legal instruments adopted earlier in different Nations geared towards ensuring the protection of human rights by the adoption of the Universal Declaration of Human Rights (UDHR). It was recommended that human rights be enshrined into the Constitution of nations and be strictly enforced thereof. The legislature in diverse Nations should enact proactive, pragmatic and holistic human rights law, in line with international best practices. The various judiciaries should uphold human rights in cases adjudicated upon by them. There be more human rights enlightenment campaigns worldwide. Governments globally should sustain human rights instead of them engaging in gross violations of human rights.*

**Keywords:** International, Human Rights, United Nations, Development

**1. Introduction**

The end of the Second World War II paved way for the evolution of International Human Rights by the founding of the United Nation (UN) in 1945 with its subsequent adoption by the United Nation General Assembly. Although the historical origins of the concept of human rights are often linked with the idea of natural rights and there had been legal instruments adopted earlier in different states aimed at acknowledging and ensuring the protection of human rights by the rule of law, the proclamation and adoption of the Universal Declaration of Human Rights (UDHR) on 10 December 1948 marked the real beginning of the momentous international journey towards ensuring that human rights are protected universally by the rule of law. Thus, the UDHR is considered today as the legal baseline for modern international human rights law, and 10 December 2008 marked the 60th anniversary of the setting of that legal baseline.<sup>1</sup>

The United Nations was established, partly to continue the work of the dissolved League of Nations, in response to proposals for the creation of a new world body to monitor relations between States. The United Nations is an international organization representing the body of States, established according to the United Nations Charter in 1945.<sup>2</sup> One of the purposes of the United Nations is to promote and encourage respect for human rights through international co-operation.<sup>3</sup> The United Nations Organisation was founded not only to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights, but also to ‘establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained’ (Preamble of the United Nations Charter). Encouraging the development of international law as a way to regulate international relations has been a major objective of the United Nations since its very beginning. This paper discusses the role of United Nation in the development of international human rights via its three instruments.

**2. An Evaluation of the UN Charter and the Development of International Human Rights Law**

Prior to the creation of the UN after the Second World War in 1945, earlier attempts at including specific human rights provisions in the Covenant of the League of Nations after the First World War in 1919 were unsuccessful. The only substantive human rights provision in the Covenant was on labour rights in its Article 23, stating that members of the League ‘will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend’ and ‘undertake to secure just treatment of the native inhabitants of territories under their control’.<sup>4</sup> However, there emerged separate minority protection treaties and state declarations guaranteeing the protection of the rights of minorities, with the League of Nations performing a supervisory role over the

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<sup>1</sup> Mashood A. Baderin and Manisuli Ssenyonjo, Development of International Human Rights Law, <https://www.researchgate.net/publication/228220713> accessed on 17th April 2019

<sup>2</sup> Article 1, United Nations Charter available at <http://www.un.org/aboutun/charter/index.html>.

<sup>3</sup> The International Bill of Rights, [www.humanrights.gov.au/human-rights/](http://www.humanrights.gov.au/human-rights/) accessed on 17th April 2019

<sup>4</sup> Covenant of the League of Nations, Art. 23

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obligations created, which were considered of international concern.<sup>5</sup> Nevertheless, private endeavours continued both within and outside the League of Nations for the realization of an international human rights legal regime. In 1929, the Institute of International Law, a private body of distinguished authorities on international law in Europe, the Americas and Asia, adopted the Declaration of the Rights of Man,<sup>6</sup> in which it considered that it was the duty of every state to recognize, inter alia, the equal rights of every individual to life, liberty and property. The Institute also considered that every state had a duty to accord to everyone within its territory the full and entire protection of these rights without distinction as to nationality, sex, race, language or religion. Although the Declaration was not a legally binding document, it contributed to the popularization of the idea of an international human rights legal regime in the years immediately after its adoption. Commenting on the Declaration, Marshall Brown, writing in 1930, observed: This declaration ... states in bold and unequivocal terms the rights of human beings, 'without distinction of nationality, sex, race, language and religion,' to the equal right to life, liberty and property, together with all the subsidiary rights essential to the enjoyment of these fundamental rights. It aims not merely to assure to individuals their *international* rights, but it aims also to impose on all nations a standard of conduct towards all men, *including their own nationals*. It thus repudiates the classic doctrine that states alone are subjects of international law. Such a revolutionary document, while open to criticism in terminology and to the objection that it has not juridical value, cannot fail, however, to exert an influence on the evolution of international law. It marks a new era which is more concerned with the interests and rights of sovereign individuals than with the rights of sovereign states.<sup>7</sup> The Charter of the United Nations provides in Article 102 that 'Every treaty and every international agreement entered into by any Member of the United Nations ... shall as soon as possible be registered with the Secretariat and published by it.' The publication of treaties is designed to ensure transparency, accountability and fairness in international relations.<sup>8</sup>

### **General Assembly as a forum for adopting multilateral treaties**

The General Assembly is composed of representatives from each Member State of the United Nations and is the main deliberative body on matters relating to international law. Many multilateral treaties are in fact adopted by the General Assembly and subsequently opened for signature and ratification. The Legal (Sixth) Committee assists the work of the General Assembly by providing advice on substantive legal matters. The Committee is also made up of representatives from all Member States of the United Nations.

### **International Law Commission**

The General Assembly established in 1948 an expert legal body, the International Law Commission (ILC), 'to promote the progressive development of international law and its codification.' 'Progressive development' is defined as 'the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States,' whereas 'codification' is defined as 'the more precise formulation and systematization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine.' The Commission concerns itself primarily with public international law, though it is not precluded from entering the field of private international law. The Commission, for example, has worked extensively in the field of international criminal law, culminating in the completion of the draft Statute for an International Criminal Court (1994) and the draft Code of Crimes against Peace and Security of Mankind (1996). It also drafted the Vienna Convention on Diplomatic Relations (1961), the Vienna Convention on the Law of Treaties (1969), and the draft articles on the Responsibility of States for Internationally Wrongful Acts (2001). The Commission is composed of 34 members, experts in their individual capacity, who do not act as representatives of their governments. They are elected by the General Assembly for five-year terms and meet for a period of 10-12 weeks each year in Geneva.<sup>9</sup>

### **3. The International Bill of Rights**

There are three documents that made up the International Bill of Rights vis a vis The Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights along with its two optional protocols and The International Covenant on Economic Social and Cultural Rights

#### **Universal Declaration of Human Rights (UDHR) 1948**

The Universal Declaration of Human Rights (UDHR) was the first UN instrument adopted that contained a list of internationally recognized human rights. It was adopted unanimously<sup>10</sup> as a simple resolution of the UN General Assembly on 10 December 1948, and it has served, since its adoption, as a framework for subsequent international

<sup>5</sup> Article 12 of the Polish Minorities Treaty (1920). See also A. Cassese, *Human Rights in a Changing World* (Cambridge: Polity Press, 1990), pp. 17–21.

<sup>6</sup> See G.A. Finch, 'The International Rights of Man', *American Journal of International Law*, 35 (1941), pp. 662–5.

<sup>7</sup> P.M. Brown, 'The New York Session of the Institut De Droit International', *American Journal of International Law*, 24 (1930), pp. 126–8, at p. 127

<sup>8</sup> Role of the United Nations in International Law, [https://treaties.un.org/doc/source/events/2011/Press\\_kit/fact\\_sheet\\_5\\_english](https://treaties.un.org/doc/source/events/2011/Press_kit/fact_sheet_5_english) accessed on 17<sup>th</sup> April 2019

<sup>9</sup> *Supra*

<sup>10</sup> With eight states out of the then 58 UN members states abstaining.

human rights treaties as well as many regional human rights instruments and national constitutions.<sup>11</sup> The Universal Declaration of Human Rights 1948 can be regarded as the embodiment of common standard to be adopted for achievement of human rights. It sets forth the fundamental liberties and rights common to all people on earth. It is not a legally binding instrument, but it casts obligation on the Member States to incorporate its provisions into their national constitutions and laws. Apart from the Preamble, the Universal Declaration consists of 30 Articles. Article 1-21 deals with the traditional civil and political rights such as right to life, liberty and security of person, effective remedy before competent tribunals for acts violating human rights, to be presumed innocent until proved guilty, freedom of movement, right to nationality, right to property, freedom of thought, conscience and religion, freedom of opinion and expression, right to peaceful assembly and association, right to take part in the government of a country, right to access to public services in his country etc. It condemns slavery, torture and inhuman and degrading treatment, arbitrary arrest etc. Right to marry, right to privacy etc., are also guaranteed in the Declaration.

Articles 22 to 27 are concerned with the social economic and cultural rights. They declare that everyone has a right to social security, to work under just and favourable conditions, to join trade unions for the protection of interests, to rest and leisure, to adequate standard of living, to education, to participate in the cultural life of the community etc. According to Article 28 everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized. The rights mentioned in Articles 2 to 21 of the Universal Declaration impose negative obligation on the part of the States not to interfere with the rights and these rights are called first generation rights. The rights mentioned in Articles 22-27 impose a positive obligation and they are called second-generation rights. Rights mentioned in Article 28 consist of collective rights and are termed as third generation rights. As a common standard of achievement, the rights covered by the UDHR are the following: right to life, liberty and security of person (Art. 3); prohibition of slavery or involuntary servitude (Art. 4); prohibition of torture or cruel, inhuman or degrading treatment or punishment (Art. 5); right to equality before the law, non-discrimination, and equal protection of the law (Art. 7); etc. Significantly, as can be noted there are 30 articles in the UDHR which covered both civil and political rights, as well as economic, social and cultural rights, rights without distinction, and thus recognized indivisibility, interdependence and interrelatedness of all human rights from the and full development of his personality is possible'.<sup>12</sup>

Although the UDHR at the time of its adoption was not a legally binding instrument, over time it has evolved to the extent that some of its provisions now either constitute customary international law and general principles of law or represent elementary considerations of humanity.<sup>13</sup> As noted above, its greatest significance is that it provides an authoritative content, adopted by the UN General Assembly, to the interpretation of the UN Charter in respect of its human rights provisions. Its considerable practical importance, in that regard, has been demonstrated through its invocation by the International Court of Justice (ICJ),<sup>14</sup> the International Criminal Court (ICC),<sup>15</sup> regional and domestic courts as an aid to interpretation of relevant human rights treaties,<sup>16</sup> and national constitutional provisions protecting human rights.<sup>17</sup> The Declaration has also been referred to in a number of cases involving human rights issues.<sup>18</sup> At the regional level, Article 60 of the African Charter on Human and Peoples' Rights (African Charter or ACHPR), ratified by 53 African states, specifically requires the African Commission on Human and Peoples' Rights to draw inspiration, inter alia, from the UDHR when interpreting the African Charter.<sup>19</sup> Some national constitutions also accord the UDHR a special status by their reference to it, with

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<sup>11</sup> Eg H. Hannum, 'The Status of the Universal Declaration of Human Rights in National and International Law', 25 *Georgia Journal of International and Comparative Law*, 25 (1 and 2) (1995-6), pp. 287-396. Mashood A. Baderin and Manisuli Ssenyonjo, Development of International Human Rights Law, <https://www.researchgate.net/publication/228220713> accessed on 17th April 2019

<sup>12</sup> Universal Declaration of Human Rights, Art. 29(1).

<sup>13</sup> I. Brownlie, *Principles of Public International Law*, 7th edn (Oxford: Oxford University Press, 2008), p. 559.

<sup>14</sup> The ICJ invoked the UDHR in relation to the detention of hostages 'in conditions of hardship'. See *Case Concerning United States Diplomatic and Consular Staff in Tehran*, ICJ Reports, 3 (1980), para. 91, at p. 42.

<sup>15</sup> See Pre-Trial Chamber I, Situation in Darfur, Sudan: in the Case of the *Prosecutor v Omar Hassan Ahmad Al Bashir*, No. ICC-02/05-01/09 (4 March 2009), para. 156.

<sup>16</sup> See e.g. the European Court of Human Rights in the *Golder* case, ILR 57, 201 at pp. 216-17.

<sup>17</sup> See e.g. Supreme Court of Uganda, *Attorney General v Susan Kigula and 417 Others*, Constitutional Appeal No. 03 of 2006, Judgment of 21 January 2009.

<sup>18</sup> See M.N. Shaw, *International Law*, 6th edn (Cambridge: Cambridge University Press, 2008), p. 280, citing the following cases: *In re Flesche* 16 AD, 266, at 269; *The State (Duggan) v Tapley* 18 ILR, 336, at 342; *Robinson v Secretary-General of the UN* 19 ILR, 494, at 496; *Extradition of Greek National* case, 22 ILR 520 at 524; *Beth El Mission v Minister of Social Welfare* 47 ILR, 205 at 207; *Corfu Channel* case, ICJ Reports, 4 (1949), at p. 22; *Filartiga v Pena-Irala* 630 F.2d 876 (1980).

<sup>19</sup> The African Charter on Human and Peoples' Rights, below note 41, Article 60 reads: 'The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organisation of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights as well as from the provisions of various instruments adopted within the Specialized Agencies of the United Nations of which the parties to the present Charter are members'.

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some explicitly providing for the interpretation of the constitutions in conformity with the UDHR. For example, Article 102 of the Spanish Constitution of 1978 provides that ‘The norms relative to basic rights and liberties which are recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreement on those matters ratified by Spain’. Similarly, Article 75(22) of the Constitution of Argentina (as amended) confers constitutional rank on various human rights instruments, including the UDHR, by declaring that these instruments ‘have a higher hierarchy than laws’.

**International Covenant on Civil and Political Rights (ICCPR) 1966**

This International covenant on Civil and Political Rights was adopted in 16<sup>th</sup> December 1966. It covers civil and political rights contained in the Universal Declaration of Human Rights. Unlike the Universal Declaration of Human Rights which was not binding on member states, this instrument was binding on member states who are signatories to it. The instrument contains 53 Articles, some of which are the right to freedom of conscience and religion, the right to be free from torture, and the right to a fair trial. Most of these rights are not absolute. Instead, they are subject to reasonable limitations which are created for a legitimate purpose. For example, it may be legitimate to limit a right in order to protect national security, public order or the general welfare of a democratic society. Some rights, such as the right not to be held in slavery and the right to be free from torture are absolute. Article 4 of the ICCPR identifies absolute (or non-derogable) rights which cannot be infringed in any circumstances. The ICCPR has two Optional Protocols. An optional protocol supplements the original convention with additional obligations.

*Optional Protocol to the International Covenant on Civil and Political Rights 1966:* On 25 September 1991, Australia agreed to be bound by the First Optional Protocol to the ICCPR. This means the United Nations Human Rights Committee can hear complaints from individuals who allege that the Australian Government has violated their rights under the ICCPR. However, the findings of the Human Rights Committee are not enforceable. For examples refer to the case studies.

*Second Optional Protocol to the International Covenant on Civil and Political Rights:* On 2 October 1990, Australia agreed to be bound by the Second Optional Protocol to the ICCPR. The purpose of this protocol is for States to eliminate the death penalty.

**International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966**

The International Covenant on Economic, Social and Cultural Rights (ICESCR) which is the second instrument to be adopted by the United Nations General Assembly on 16<sup>th</sup> December 1966 covers the remaining part of the Universal Declaration of Human Rights with its sole optional protocol. The instrument contains 31 Articles which include the right to an adequate standard of living, the right to education, the right to fair wages and the right to safe working conditions. Article 2(1) of the ICESCR requires States to take steps, including legislative measures, to achieve the ‘progressive realisation’ of ICESCR rights. This requires that States only demonstrate in good faith the fulfillment of the rights over time within their capacities. For example, it is assumed that where States have inadequate resources to ensure free education is provided, they will work towards achieving this goal. The United Nations Committee on Economic, Social and Cultural Rights (the CESCR) monitors compliance with the ICESCR and provides guidance on how countries should interpret the ICESCR.<sup>20</sup> An increasing number of countries, across all continents and legal systems, have incorporated judicial review of economic, social and cultural rights. These include South Africa, Finland, Argentina, Mauritius, Canada, Latvia, France, India, Bangladesh, Nigeria, and most countries in Central and Eastern Europe.<sup>21</sup>

*Optional Protocol to the International Covenant on Economic, Social and Cultural Rights:* This Optional Protocol was adopted by the United Nations General Assembly on 10 December 2008. It has been open for signature for State Parties to the ICESCR from 24 September 2009.

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<sup>20</sup> Committee for Economic, Social and Cultural Rights *General Comment No. 03: The Nature of States Parties Obligations*, U.N. Doc HRI/GEN/1/Rev.1 at 45 (1994), available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument)

<sup>21</sup> See n. 3

### **Human Rights at Regional Level**

Since the adoption of the UDHR in 1948, a considerable number of rules of international law, both customary and treaty, have been developed at the international<sup>22</sup> and regional levels – in Europe,<sup>23</sup> the Americas<sup>24</sup> and Africa<sup>25</sup> – with the aim of protecting, promoting, further defining and expanding the content of human rights.<sup>26</sup> At the regional level, organizations such as the Council of Europe, the Organization of American States, the Organization of African Unity/African Union,<sup>27</sup> and the League of Arab States have also adopted different regional human rights treaties in recognition of the noble ideals of international human rights. The basic regional human rights treaties are the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),<sup>28</sup> the European Social Charter (1961),<sup>29</sup> the American Convention on Human Rights (1969),<sup>30</sup> the African Charter on Human and Peoples' Rights (1981),<sup>31</sup> and the Arab Charter on Human Rights (1994).<sup>32</sup> Specific regional human rights treaties and declarations on the rights of women, children, refugees, and the prohibition of torture, etc., have also been adopted.<sup>33</sup> Although Arab and Asian states have not yet created a regional human rights system, as a result of several factors including vast differences in culture, political ideology and economic development,<sup>34</sup> there are emerging trends that present an opportunity to create a regional system in the Middle East. This is evident, for example, in the adoption of a revised Arab Charter on Human Rights by the League of Arab States in 2004, which, in its preamble, reaffirmed, inter alia, the principles of both the UN Charter and the UDHR.<sup>35</sup>

Over the last six decades since the adoption of the UDHR, human rights have progressively developed into a universal value system, and it is now generally accepted that 'the promotion and protection of all human rights is a legitimate concern of the international community,' and it is against this that states are evaluated today. Evidently, the scope and limits of human rights have enormously transcended the initial rights guaranteed under

<sup>22</sup> The principal UN international human rights instruments include the UDHR, ICCPR, ICESCR note 45 below 3; International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 660 UNTS 195; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UN Doc. A/34/46; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), UN Doc. A/39/51 (1984); and the Convention on the Rights of the Child (CRC), UN Doc. A/44/49 (1989). See United Nations, *Human Rights: A Compilation of International Instruments*, UN Doc. ST/HR/1/Rev.6, UN Sales No. E.02.XIV.4 (New York: United Nations, 2002).

<sup>23</sup> The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 1950; UKTS (1953), 213 UNTS 221. For a discussion, see Chapter 14 in this volume and, generally, C. Ovey and R. White, *Jacobs and White: The European Convention on Human Rights*, 5th edn (Oxford: Oxford University Press, 2006); M.W. Janis et al., *European Human Rights Law: Text and Materials*, 3rd edn (Oxford: Oxford University Press, 2010). See also the European Social Charter (ESC) 1961, UKTS 38 (1965), and the European Social Charter (revised), ETS No. 163. For a discussion, see D. Harris and J. Darcy, *European Social Charter*, 2nd edn (Ardsley, NY: Transnational Publishers, 2001). Another key human rights treaty at the European Union level is the Charter of Fundamental Rights of the European Union, 2000 O.J. (C 364) 1, entered into force 7 December 2000.

<sup>24</sup> The American Convention on Human Rights 1969 (1970), 9 ILM 673. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, 'Protocol of San Salvador', OAS Treaty Series No. 69 (1988). See Chapter 13 in this volume and, generally, D. Harris and S. Livingstone (eds), *The Inter-American System of Human Rights* (Oxford: Oxford University Press, 1998); T. Buergenthal and D. Shelton, *Protecting Human Rights in the Americas: Cases and Materials*, 4<sup>th</sup> edn (Kehl: N.P. Engel, 1995).

<sup>25</sup> The African Charter on Human and Peoples' Rights (African Charter or ACHPR) 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 ILM 58 (1982); Protocol to the African Charter on the Establishment of the African Court on Human and Peoples' Rights, OAU/LEG/MIN/AFCHPR/PROT.1 rev. 2 (1997); Protocol to the ACHPR on the Rights of Women in Africa, Maputo, 11 July 2003, African Commission on Human and Peoples' Rights [online]. Available from: at [http://www.achpr.org/english/\\_info/women\\_en.html](http://www.achpr.org/english/_info/women_en.html); African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990); OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1001 UNTS 45. For a discussion of human rights in Africa, see Chapter 12 in this volume and, generally, F. Viljoen, *International Human Rights Law in Africa* (Oxford: Oxford University Press, 2007); F. Ouguergouz, *The African Charter on Human and Peoples' Rights* (The Hague: Martinus Nijhoff, 2003); V. Nmeielle, *The African Human Rights System: Its Laws, Practice, and Institutions* (The Hague: Martinus Nijhoff, 2001).

<sup>26</sup> For an overview of the action taken to protect international human rights, see, generally, H. Steiner and P. Alston, *International Human Rights in Context: Law, Politics, Morals – Text and Materials*, 3rd. edn (Oxford: Oxford University Press, 2008); M Nowak, *Introduction to the International Human Rights Regime* (Leiden: Martinus Nijhoff,

<sup>27</sup> The Organization of African Unity was replaced by the African Union (AU) in 2001. See Art. 28 of the Constitutive Act of the African Union, which came into force on 26 May 2001.

<sup>28</sup> Adopted on 4 November 1950. E.T.S. No. 005.

<sup>29</sup> Adopted on 18 October 1961. E.T.S. No. 035.

<sup>30</sup> Adopted on 22 November 1969. O.A.S.T.S. No. 36 at 1.

<sup>31</sup> Adopted on 27 June 1981. OAU Doc.CAB/LEG/67/3 rev. 5 (1982) 21 I.L.M. 58.

<sup>32</sup> Adopted on 22 May 2004, reprinted in *International Human Rights Reports* 12 (2005), p. 893. Entered into force 15 March 2008. For an overview of the Arab Charter, see M. Rishmawi, 'The Arab Charter on Human Rights and the League of Arab States: An Update', *Human Rights Law Review*, 10(1) (2010), pp. 169–78.

<sup>33</sup> See e.g. <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

<sup>34</sup> See D. Shelton, 'The Promise of Regional Human Rights Systems', in Burns H. Weston and S.P. Marks (eds), *The Future of International Human Rights* (New York: Transnational Publishers, 1999), pp. 351–98, at p. 364.

<sup>35</sup> See Preamble, para. 5, Arab Charter on Human Rights, adopted by the League of Arab States, 22 May 2004; reprinted in *International Human Rights Reports*, 12 (2005), p. 893. Entered into force 15 March 2008.

the UDHR in 1948. While it is certainly impossible to attempt to address all the relevant issues, developments and failures in that regard in a single volume of this nature, this book has been carefully structured and issues carefully selected to cover the principal and most relevant aspects of the developments.

#### **4. Conclusion**

Since, the concept of right emanated from natural right before its developed into a legal instrument which now becomes binding on countries all over the world. The United Nations had helped greatly in development of human rights with the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 which served as a point of contact to all other instrument of the United Nations. Though the UDHR was a declaration which was not binding or enforceable against member states but it covers the civil and political rights as well as the economic, social and cultural rights. The non – binding nature of the Universal Declaration of Human Rights on member states led the United Nations to the drawing board with the adoption of the International Bill of Right vis a vis The International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Right in 1966 along with their optional protocol. This marks the beginning of development of human right with subsequent instruments adopted by the General Assembly of the United Nation. This development had greatly influenced the enactment of most of these rights at regional level as could be seen in Europe, America, Africa etc. This has led to almost all the countries of the world replicating the international bill of rights into their various constitution. With democracy in place in most of the countries of the world, people could freely work around to enforce their rights. It must be noted that though some of these rights may be jeopardize in emergency situation. It was recommended that human rights be enshrined into the Constitution of nations and be strictly enforced thereof. The legislature in diverse Nations should enact proactive, pragmatic and holistic human rights law, in line with international best practices. The various judiciaries should uphold human rights in cases adjudicated upon by them. There should be more human rights enlightenment campaigns worldwide. Governments globally should sustain human rights instead of them engaging in gross violations of human rights.