On Universal Human Rights: the United Nations' Bureaucratic Barriers to Enforcement and Democratic Representation

by

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ABSTRACT

This research paper, with a particular interest in human rights seeks to address the alternative position on the following: The enhancement of a positive human rights culture can only come about with a forceful application of international law by duly constituted international organizations through democratic representation. The paper approaches answers to this with the following set of research questions: In what ways do statehood, sovereignty, and geopolitical considerations conflict with international conventions, treaties, declarations, pacts and the like? What are the limits of the United Nations as an effective bureaucracy? What ceases nation-states from cooperating as an international community when it comes to addressing human rights atrocities? Why do many states that belong to the UN continue to engage in torture? In brief, the paper will argue that states continue to favour the notion of state sovereignty above all other notions of international law, such as the principle of adherence to agreements (*pacta sunt servanda*). As will be analyzed, the primary factors that work to explain the inefficiency of the United Nations to operate as some centralized international authority force with substantial jurisdiction are; state sovereignty, nationalism, local contexts, Security Council dynamics, and systematic bureaucratic and structural challenges due to poor internal cooperation by member states. In terms of the ICC, its jurisdictional constraints and selective prosecutions also exhibit deficiencies in promoting a universal human rights culture. An analysis of the case studies of South Africa, Iran, Rwanda, as well as reference to the Augusto Pinochet case (1998) are in order.

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INTRODUCTION

One of the oldest principles of international law, *pacta sunt servanda*, translated from Latin to "agreements must be kept" or "promises must be fulfilled" acts as a reminder of upholding the stability of treaty relations in good faith (Schmalenbach, 2018, p. 465). However, It can be observed how nation-states are not protectors of human rights and some have progressed to be the very threat toward such rights. With the active rise of international organizations, namely the United Nations, it is expected that operating through the framework of bureaucracy, such entities will be the solution to the currently compromised human security agenda. This paper will serve to take an alternative position on the following: The enhancement of a positive human rights culture can only come about with a forceful application of international law by duly constituted international organizations through democratic representation. Specifically, it will do so by addressing the overarching research question: To what extent do underlying bureaucratic issues within the United Nations make it inherently difficult for the pursuit of true democratic representation at the international level in respect to the forceful application of universal human rights law?

The following series of secondary questions will also be considered: In what ways do statehood, sovereignty, and geopolitical considerations conflict with international conventions, treaties, declarations, pacts and the like? What are the limits of the United Nations as an effective bureaucracy? What ceases nation-states from cooperating as an international community when it comes to addressing human rights atrocities? The leading causes that explain the inefficiency of the United Nations to operate as some centralized international authority force with substantial jurisdiction are state sovereignty, nationalism, local contexts, Security Council dynamics, and

systematic bureaucratic and structural challenges due to poor internal cooperation by member states. An analysis of the case studies of South Africa, Iran, Rwanda, as well as reference to the Augusto Pinochet case (1998) are in order.

THE UNITED NATIONS

First and foremost, it can be accepted that some authority surpassing the sovereign nation-state ceases to exist. Much IR scholarship agrees on the basis that, in the absence of some centralized authority, the anatomy of the international system is formed of self-interested states (De Buck & Hosli, 2020, p. 5). To this extent, post World War II, the international organization that is expected to effectively counter total anarchism and facilitate international cooperation and governance is the United Nations, along with its six principal organs; the General Assembly, the Security Council, the International Court of Justice (ICJ or World Court), the Trusteeship Council, the Economic and Social Council (ECOSOC), and the UN Secretariat (Hassan & Musa, 2021, p. 19). However, in the discipline of human rights law, these entities do not constitute an overarching governing force given their Western-centric nature and ignorance of the posits of cultural relativism on a state-to-state basis, making it difficult to apply human rights in a universal manner. Thus, the success or failure of any human rights regime must be assessed based on its tangible impact on domestic human rights practices. In order to better classify the limitations of the UN with respect to its application to international human rights law, it is necessary to consider the fundamental treaties, conventions, and declarations that the UN has adopted under the direction of the Universal Declaration of Human Rights (UDHR, 1948).

Cumulatively, there exist nine core human rights treaties: the International Covenant on Civil and Political Rights (ICCPR, 1966); the International Covenant on Economic, Social and

Cultural Rights (ICESCR, 1966) the Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984); the Convention on the Rights of the Child (CRC, 1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW, 1990); Convention on the Rights of Persons with Disabilities (CRPD, 2006); International Convention for the Protection of All Persons from Enforced Disappearance (CPED, 2006) (Bruce, 2022, p. 61). Complimentary to these treaties, there are several optional protocols which Member States can voluntarily ratify, concerning more explicit, specialized matters such as the involvement of children and youth in armed conflict, the sale of children, child prostitution, and child pornography (Nastasi, 2020, p. 597). In this way, these treaties and protocols shape international human rights standards for the international community to refer to. In order for these treaties to be legally binding, they must be ratified by Member States who then assume a legal obligation to actualize the rights recognized in that respective treaty.

RATIFICATION OF TREATIES AND OPTIONAL PROTOCOLS

On the Convention of the Rights of the Child (CRC), it is the most widely ratified human rights treaty, with every member nation of the UN – with the exception of the United States – having ratified the convention (Heyns & Viljoen, 2021, p. 54). To this extent, the CRC is nearly universally binding. Despite this, the disclosed “Optional Protocols” in part of the CRC, containing the Protocol on the Involvement of Children in Armed Conflict and the Protocol on the Sale of Children, Child Prostitution and Child Pornography are significantly less favoured by

way of signatories, with only 170 states that have adopted them (Heyns & Viljoen, 2021, p. 54). Heyns & Viljoen (2021) offer a study that theorizes how for international treaties to be legally binding, states must follow "the adoption approach" (p. 57). Fundamentally, this process calls for the ratification or accession of international treaties into national law which could "translate into a greater impact of the treaties on the domestic system, because they automatically become part of the law of the land" (2021, p. 58). According to the study, most of the surveyed countries follow the traditional "monist approach", through which treaties become part of national legislation through adoption. This is the case in the following countries: Brazil, Colombia, Czech Republic, Egypt, Estonia, Iran, Japan, Mexico, Philippines, Romania, Russia, Senegal, Spain. In such countries, the judiciary will only consider the terms of treaties if they also appear in domestic law (Heyns & Viljoen, 2021, p. 60). As an example, in Mexico, judges will only apply the terms of treaties that have been integrated into Mexican domestic law (Heyns & Viljoen, 2021, p. 61). In a way, this allows for states to be selective in what terms of international treaties are favourable to their respective national law. For example, Iran follows Shia Islamic law, namely the Twelver Ja'fari school of thought, a legal system also known as the Shi'ite or Ja'fari jurisprudence (Armajani, 2023, p. 116). Therefore, for Iran, the constitutional superiority of Islamic law overrides some conditions of the treaties. For example, Armajani (2023) offers how certain forms of punishment prescribed by Shia Islamic law that are permissible, such as acts of whipping and stoning to death, conflict with the Convention Against Torture (CAT), preventing Iran from ratifying this treaty (p. 120).

In a similar manner, states that have not ratified the CRC protocol, or even ones that have but do not abide to it, continue to engage in exploitative practices such as allowing children's

involvement in armed conflict. According to the CRC protocol, it outlines regulations regarding 'the involvement of children in armed conflict' and demands international commitment to the following conditions:

> States will not recruit children under the age of 18 to send them to the battlefield.
> States will not conscript soldiers below the age of 18.
> States should take all possible measures to prevent such recruitment –including legislation to prohibit and criminalize the recruitment of children under 18 and involve them in hostilities.
> States will demobilize anyone under 18 conscripted or used in hostilities and will provide physical, psychological recovery services and help their social reintegration.
> Armed groups distinct from the armed forces of a country should not, under any circumstances, recruit or use in hostilities anyone under 18. (United Nations, n.d.)

For one, the conditions set the minimum age of recruitment and participation in combat to eighteen. However, with the evolving nature of modern warfare in the New Wars era, children under the age of 18 are increasingly being subjected to direct participation in armed conflict in the same adversities that adult soldiers are exposed to, such as the Global War on Terror (Hammarberg, 1990, p. 98). In this way, it is evident that regardless of affiliation with international human rights treaties, states continue to operationalize exploitative tactics for the benefit of the country, whether it be in terms of militarization or economic advantage. Realist theory argues that multilateral agreements are weak in moderating standardized models and ethics by virtue of national governments retaining the right to “interpret and apply the provisions of international agreements selectively” (Gazzini, 2022, p. 240). Further, the charge made by realists is that since international law can not be enforced, then it does not actually constitute law.

BUREAUCRACY

Ideally, bureaucracy necessitates the notion of impartiality. Correspondingly, it is assumed that bureaucratic systems will conduct essential protocols, such as decision-making and

policymaking in an impersonal manner, aiming for the objective of fairness, free from the bias of personal relationships or partiality. UNESCWA interprets this phenomenon as “red tape”, as defined by the following: “red tape is an idiom that refers to excessive regulation or rigid conformity to formal rules that is considered redundant or bureaucratic and hinders or prevents action or decision-making. It is usually applied to governments, corporations, and other large organizations. Red tape generally includes filling out paperwork, obtaining licenses, having multiple people or committees approve a decision and various low-level rules that make conducting one's affairs slower, more difficult, or both” (United Nations Economic and Social Commission for Western Asia, n.d.) On this account, the ‘red tape’ phenomenon can be applied to the UN in the sense that it is subject to such complexity that it obstructs, rather than facilitating efficiency of operations. This leads to efficiency concerns of the UN in that its bureaucratic procedures are slow, as administrative processes involve many layers of approval. As a result, this obfuscates timely decisive action which is needed to respond to human rights crises and enforce human rights law in order to stop human rights abuses.

However, despite the UN’s global mandate, the tangible reach of the UN in altering ground realities is severely limited by its bureaucratic constraints. In terms of collective military action, the UN has instituted a framework that commits itself [the organization] on behalf of the international community, codified under the doctrine of the Responsibility to Protect, “In this context, we, [the international community], are prepared to take action…through the Security Council, in accordance with the Charter, including Chapter VII...” (Scott & Ku, 2018, p. 20). Chapter VII Article 39 yields: “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or

decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security" (Scott & Ku, 2018, p. 20). On paper, this suggests a guarantee that any "threat to the peace", "breach of the peace" or "act of aggression" will be remedied via pressure from the UN. Theoretically, and in a rather highly idealistic sense, the Security Council's directives should manifest the mobilization of member states to promote the common good. However, another limitation of the UN is its dependency on member states in terms and their willingness to cooperate which, due to their self-interest may hinder UN bureaucracy from functioning as non-partisan. In practice, given that the UN does not employ an international "army", the manpower of the UN is only deployed by individual state personnel on a strict voluntary basis, as the UN has no authority to compel countries to contribute troops. Therefore, military action on behalf of the UN is only an available option when the necessary political will among member states exists. To this end, states will only lend armed forces and engage in militaristic operations in which they find national interest. This likelihood remains low, as was witnessed during the UNAMIR operation in Rwanda which only sought initial military support from Ghana and Bangladesh, with Belgian troops withdrawing early on (Bou, 2021, p. 81).

Ultimately, the UN suffers from weak enforcement mechanisms that hinder its capacity to enforce international law forcefully. Perhaps the most feasible option in the absence of military force is sanctions. On the one hand, the case of South Africa serves as evidence that sanctions can be an effective means of international pressure, as witnessed through many countries' ratification of CERD to express opposition to apartheid regimes in South Africa and the rest of the world (i.e. Colombia, India, and Iran) (Heyns & Viljoen, 2021, p. 61). On the other hand,

when sanctions are economically effective, this can evolve into dire humanitarian situations that often cause damage to the most vulnerable of a population rather than to the offending government. Perhaps the most comprehensive and severe sanctions ever applied by the UN was the 1990 UN sanctions on Iraq during which international sanctions were used as a tool of coercive diplomacy after Iraq's invasion of Kuwait (Drezner, 2022, p. 1544). In this case, the UN was able to initiate a full trade embargo which prohibited all countries from importing goods from or exporting non-medical supplies to Iraq in an attempt to compel Iraq to revert to compliance with international law. The sanctions led to widespread humanitarian issues in Iraq, including malnutrition, and deaths due to lack of medical supplies (Drezner, 2022, p. 1546). As a result, the UN is much less willing to impose sanctions to this degree as this raises the question of morality.

THE UN SECURITY COUNCIL

One of the organizational limitations is that concerning the structure of the UN featuring heterogeneous representation within the body. This is most notable via the UN Security Council, with permanent members (China, France, Russia, the United Kingdom, and the United States) enjoying exclusive veto power. Consequently, all other member states are not democratically represented. In this way, it is frequently observed that power imbalances manifest through weak states being further exploited by stronger states. Particularly powerful member states that enjoy veto power in the UN Security Council continue to abuse its use in cases of conflicting interests against the majority say which is nondemocratic. The reality of self-interest increases the likelihood of military action to be followed by dominant and more powerful states overseas in more vulnerable states.

A leading theory for states, especially the global South, to justify non-compliance is cultural relativism. Indeed, the UN, as a creature of the global North, fails to acknowledge, or is ignorant to the variability of human rights norms on a global scale. For example, what is considered a fundamental right in one country may not translate to be as important to another country due to unique societal, cultural, or religious differences. This leads to application issues for the UN as it is unable to apply a forceful application of a universal set of human rights norms due to criticism from other states for the imposition of foreign values.

AUGUSTO PINOCHET CASE (1998)

Much of the academic discourse in IR concerning international human rights standards often cites the Augusto Pinochet case (1998) in the way that it is celebrated as "a turning point in the extension of international human rights standards" (Rojas & Shaftoe, 2022, p. 180). Moreover, the Pinochet case is arguably the most influential cases regarding three fundamental principles of international human rights law: the prohibition against torture, the prohibition against disappearance, and the right to democratic governance (Rojas & Shaftoe, 2022, p. 180). By permitting extradition proceedings against Chilean General, Augusto Pinochet, the British House of Lords demonstrated a point in the extension of international human rights standards as the "inviolability of the international prohibition against torture" being formally accepted (Rojas & Shaftoe, 2022, p. 180). The arrest of Pinochet in the UK on October 16th, 1998 precipitated some of the most significant developments in the interpretation and application of international human rights law since the adoption of the UDHR in 1948 as "Fundamental principles were reaffirmed, such as the scope of universal jurisdiction and the absence of immunity from prosecution for former heads of state accused of crimes such as crimes against humanity and

torture" (Nash, 2007, p. 417). With all facts of the Pinochet case taken into account, it stands as a historically concrete affirmation of human rights as an abstract, yet universal concept and serves as a valuable reference point for enforcing a positive human rights culture universally.

CASE STUDY: RWANDA

In analysis of the UN's management of the Rwandan genocide in 1994, this case stands as a stark situation of bureaucratic inefficacy as the UN failed to provide remediation of cataclysmic human rights conditions in Rwanda. Some of the most significant early warning signals known to the UN prior to the massacres were the following:

> Militia training and complicity in massacres since 1992
> Weapons stockpiling in violation of the peace accords (continuous)
> Political maneuver by extremists to unsettle the peace process (1993-1994)
> Public media (RTLM) racist propaganda (1993-1994)
> Past massacres and assassinations (e.g., human rights reports) (January 1993, etc.)
> Rwandan military officers send Dallaire a note on coming massacres (December 1993)
> Informer ("Jean-Pierre") reports of concrete plans for genocide (January 1994) (Stanton, 2009, p. 23).

Assuming these records of evidence were made available to the UN, this suggests that the United Nations' intelligence capability could have synthesized the likelihood of the planned genocide months in advance and authorize a robust peacekeeping force. Rather, the UN failed to examine this critical evidence, nor did it pursue any further information. In another event, the UN peacekeeping force swore under a mandate to monitor illegal arms throughout Rwanda, yet there was a major deficiency in its investigative capability, particularly in respect to arms trade between the Rwandan government and the French government (Stanton, 2009, p. 19). In fact, President Habyarimana was responsible for the direct arming of Hutu civilians, as he managed to

distribute approximately 2,000 assault rifles in the hands of civilians that were loyal to his political party, the MRND (Stanton, 2009, p. 20). UNAMIR officials were cognizant of the extensive presence of illegal arms, ammunitions, and transfers within Rwanda, especially since weapons came to a point of being so readily available, being sold at fruit stands in markets around the capital, Kigali (Stanton, 2009, p. 21).

Although UNAMIR officials were aware of the alarming situation, they were unable to secure the necessary UN approval, and were denied permission to conduct searches, raids or to confiscate weapons from civilians and military personnel. The straightforward rationale on the part of the UN was that superiors at the UN Headquarters in New York strongly felt "a lack of commitment" from the major powers on the Security Council, particularly the United States (Stanton, 2009, p. 19). The lack of U.S. stemmed from a failed mission in Somalia the previous year, which resulted in the deaths of 18 American soldiers as well as the UN's failure to apprehend a key clan leader, leading to withdrawal from the mission (Stanton, 2009, p. 22). This event led Washington officials to adopt a heightened cautionary stance and refrain from over-involvement in respect to UN peacekeeping in developing countries (Stanton, 2009, p. 22). In the absence of U.S. leadership and support, other member states were reluctant to commit politically or militarily, even on high moral grounds. France, another member of the UN Security Council, on the basis of partisanship, was politically disinclined to prevent the massacre, given its longstanding institutional ties with the Hutus and its extensive provision of arms to the regime as it had long-standing links to the Hutu people on an institutional level as it helped provide abundant arms to the regime (Stanton, 2009, p. 22). Regarding the U.K., another Security Council member, it was not inclined to assume a leadership role or adopt a contrary stance on

political matters in Francophone Africa (Stanton, 2009, p. 23). The main thesis presented by Amnesty International, in their report on the assessment of the UN's action in Rwanda was that "there is one overriding failure which explains why the UN could not stop or prevent the genocide, and that is a lack of resources and a lack of will - a lack of will to take on the commitment necessary to prevent the genocide" (1999).

THE INTERNATIONAL CRIMINAL COURT (ICC)

Aside from the UN, the International Criminal Court (hereinafter referred to as ICC) can also be considered as part of the solution to the enhancement of a positive human rights culture. The possibility of using international criminal law remains as the ICC holds a mandate of prosecuting individuals who are responsible for committing genocide, war crimes, and other crimes against humanity. While the ICC assumes universal coverage, its deficiency presents as the fact that its jurisdiction only applies to individuals, not an entire state. In like manner to the UN, the ICC is concerned with human rights but differs on the basis that while the UN involves itself with state action, the ICC is only centered on actions of individuals.

What is more, the ICC can only convict citizens of member states that have ratified which further limits its jurisdiction (Sadat, 2023, p. 458). For example, this was observed in the case of the ICC's investigation of American soldiers on the Afghanistan file. Whereas the ICC considered this justifiable under the terms that Afghanistan ratified the Rome Statute, the Trump Administration remained hostile as the U.S. government was unwilling to grant the ICC authority over U.S. citizens given that the U.S. has not ratified the Rome Statute and is thereby not bound to it (Sadat, 2023, p. 462). Therefore, the prosecutory power of the ICC is low. The ICC is only competent to hear a case under limited conditions that: "the country where the

offence was committed is a party to the Rome Statute; or the perpetrator's country of origin is a party to the Rome Statute" and in cases where the UN Security Council has referred a case to the ICC and requests an investigation (Clark, 2017, p. 82). Where none of these things stand true, the ICC does not have universal jurisdiction.

Equally significant, the ICC operates under the legal principle of Complementarity, as it "may only exercise its jurisdiction if the national court is unable or unwilling to do so" (Clark, 2017, p. 84). By these terms, the ICC is designed to compliment national legal systems rather than substitute for them— a last resort. To this extent, it is unlikely that the threat of prosecution by the ICC is sufficient to deter individuals from committing human rights atrocities. Since its creation after the Rome Statute entered into force in 2002, the ICC has only launched 5 investigations that have been "concluded", including the case of Uganda, referred to the ICC by the government of Uganda in January 2004 and closed in December 2023 (International criminal court, n.d.). In this case, the focus was: "Alleged war crimes and crimes against humanity committed in the context of a conflict between the Lord's Resistance Army (LRA) and the national authorities in Uganda since 1 July 2002 (when the Rome Statute entered into force)" (International criminal court, n.d.).

Moreover, at the present moment, the ICC has 12 pending cases, including the Republic of the Philippines with the focus of "Any alleged crime within the jurisdiction of the Court, including but not limited to the crime against humanity of murder, committed in the Philippines between 1 November 2011 and 16 March 2019 in the context of the so-called 'war on drugs' campaign" (International criminal court, n.d.). Additionally, and most recently, the ICC has been presented with the case of the State of Palestine, "On 3 March 2021, the Prosecutor announced

the opening of the investigation into the Situation in the State of Palestine…that the Court could exercise its criminal jurisdiction in the Situation and, by majority, that the territorial scope of this jurisdiction extends to Gaza and the West Bank, including East Jerusalem" (International criminal court, n.d.).

Much of the criticism directed at the ICC follows the judgement that the ICC seems biased in who it focuses on prosecuting as almost all investigations are in Africa and all prosecutions targeted those in African states. This is a dismissive stance with colonial undertones considering that human rights violations take place in other regions of the world. How then, is this a neutral application of justice? Moreover, cases can be requested by the UN Security Council and ICC prosecution can be requested or delayed by the Security Council. The latter is observed in many of the concluded cases with extremely long processing times. For example, as noted, the Ugandan case was opened in 2004 and closed in 2023, a long 19 years to be resolved.

CONCLUSION

With all considered, this paper challenges the notion that a positive human rights culture can only be achieved through forceful application of international law by duly constituted international organizations with democratic representation. This is attributed to the underlying bureaucratic challenges internal to the United Nations, including Security Council dynamics, unique domestic contexts, and systemic, structural challenges stemming from poor internal cooperation among member states. Ultimately, these factors make true democratic representation at the international level and the enforcement of universal human rights law inherently arduous. The case study of the Rwandan genocide evidences the limitations and failures of the UN in

addressing human rights atrocities. Furthermore, while the International Criminal Court provides to be a potential mechanism for accountability, its jurisdictional constraints and selective prosecutions also exhibits deficiencies in promoting a universal human rights culture. Ultimately, the research question can be attended to by understanding that in the area of human rights law, the UN nor the ICC are proven to be effective sources of authority that may eventually facilitate a positive human rights culture universally. The theory, as developed in this paper, offers how international organizations remain as tools of powerful states at best.

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I. *I, Alina Saleh, declare that no plagiarism or other academic integrity offence have been committed in the preparation and delivery of this assignment. ALINA SALEH.*

OUTLINE

II. Introduction

For the purpose of this research paper and its interest in human rights, I intend to take an alternative position on the following: The enhancement of a positive human rights culture can only come about with a forceful application of international law by duly constituted international organizations through democratic representation (as stated under number 8 in the course syllabus).

Instead, I will lead to argue that there exist severe limitations to intervention from international organizations and the enforcement of international law in guaranteeing some sort of universal positive human rights culture with reasons to follow. My personal inclination to study this particular topic is elicited by my personal suspicions over the willpower of the United Nations to reinvent itself as an authoritative force in the face of international conflict especially in light of the ongoing event of the Israeli-Palestinian conflict.

The specific research question I will work to address is: To what extent do underlying bureaucratic issues within the United Nations make it inherently difficult for the pursuit of true democratic representation at the international level in respect to the forceful application of universal human rights law? Re-stated, there continues to be an impediment in achieving true democratic representation at the international level, with particular concern over the application of universally accepted human rights law due to clear bureaucratic issues internal to the UN.

The leading, but tentative, title of this research paper will be set as the following: "*On Universal Human Rights: the United Nations' Bureaucratic Barriers to Enforcement and*

Democratic Representation". I will set forth a series of overarching secondary questions that my research will serve to address, which includes, but is not yet limited to, the following;

i. In what ways do statehood, sovereignty, and geopolitical considerations conflict with international conventions, treaties, declarations, pacts and the like?

ii. What are the limits of the United Nations as an effective bureaucracy?

iii. What ceases nation-states from cooperating as an international community when it comes to addressing human rights atrocities?

iv. Why do many states that belong to the UN continue to engage in torture? Why is child labour still justified in so many states? Why do women remain to be considered a subordinate class in so many states? What explains the increase in number of authoritarian states in the last several years?

III. Evidence

An early preliminary search conducted for evidence available shows that:

i. There are six fundamental human rights treaties that have been adopted by the UN with respect to human rights: the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965); the International Covenant on Economic, Social and Cultural Rights (CESCR) (1966); the International Covenant on Civil and Political Rights (CCPR) (1966), together with the First Optional Protocol (OPI) to this Covenant; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) : the Convention

Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984); and the Convention on the Rights of the Child (CRC) (1989) (Heyns & Viljoen, 2021, p. 2).

ii. In theory, the UN has pledged to mobilize multinational collective action when and where needed. However, given the disparate nature of the international system with varying political and cultural contexts, resistance and noncompliance are commonly exercised by states. Given this, true democratic representation beyond the national level is difficult to achieve. Universally "democratic" decisions made on behalf of international organizations are then skewed as they may have been under the greater influence of geopolitical considerations, power imbalances, and the influence of major nations. All-encompassing, this produces a drastic lack of consensus between nations which is nondemocratic (Deitelhoff & Daase, 2017, p. 124).

iii. Particularly powerful member states that enjoy veto power in the UN Security Council continue to abuse its use in cases of conflicting interests against majority say which is nondemocratic. Russia and China, influenced by geopolitical considerations, engage in this practice to limit western efforts to advance human rights through military intervention and economic pressure (Posner, 2014).

iv. It remains true that national governments may pose a security threat to their populations (Findlay, 2013, p. 256). In fact, many of these are democratic countries that commit human rights violations. For example, the fourth largest democracy in the world, Brazil, violates the prohibition of extrajudicial killings which is a rule that is central to human rights law (Posner, 2014).

v. Child labour exists in countries that have ratified the Convention on the Rights of the Child (i.e. India) (Tobin, 2019, p. 288)

IV. Probable Causes

The main causes that work to explain the inefficiency of the United Nations to perform as some centralized international authority force with meaningful jurisdiction are state sovereignty, nationalism, local contexts, Security Council dynamics, and overall poor bureaucratic and structural issues due to poor internal cooperation by member states. Not to mention, all of the UN's treaties work on a state-to-state consent basis and are not legally binding.

V. Sources

In regards to the sources that will be referenced for the purposes of qualitative research to be provided in this paper, secondary sources of academic journals and peer-reviewed articles as well as physical books will be preferred above all else. In terms of academic journals, the following online journals; Harvard Human Rights Journal, Human Rights Law Review, Journal of Human Rights, Journal of Human Rights Practice, and The International Journal of Human Rights will be given precedence as they are recommended for use by this course given that they feature scholarly literature focused on human rights. As for peer-reviewed articles, selection will be determined upon the relative recency of the publication date of the source to which more recent publications are preferable. These articles will be collected from various databases including McMaster's digital library reserve, Google Scholar, and official reports of the UN (a tentative bibliography is provided below).

VI. Analysis

The above-mentioned sources will serve to define and further enhance the significance of of key terms and concepts incorporated in my paper, such as; human rights law, international law,

IR theory, international organizations, the United Nations (UN), western secularization, state sovereignty, nationalism, compliance/noncompliance, human rights, *pacta sunt servanda*, etc.

VII. Conclusion

In sum of the findings that result from my research, I will formulate a comprehensive conclusion that relates all the concepts found in the literature back to the initial research question and its aims.

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