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ABUAD PRIVATE AND BUSINESS LAW JOURNAL (APBLJ)

Vol. 2, No 1, 2018, Pages 133-148 <https://doi.org/10.53982/apblj.2018.0201.07-j>

Published by Department of Private and Business Law, College of Law,
Afe Babalola University, Ado-Ekiti, K.M 8.5 Afe Babalola Way, Ado-Ekiti,

Ekiti State, Nigeria. ISSN: 2971-706X

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**Restriction on State Sovereignty and Refocus on International
Human Rights as the New Trend of International Concerns**

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Abstract

This paper briefly discusses the overlapping and often overarching principles of state sovereignty, human rights and international concern whilst drawing on the examples of the Nicaragua Case, The East Pakistan 1971 Massacre, the Australian-run detention centre on Papua New Guineas Manus Island among others to illustrate several tensions between traditional sovereignty versus human rights principles. This paper proceeds on a discourse of the colossal conundrum created when self-assumed intervention of strong countries over the weaker nations become unguarded as a result of deviation from absolute sovereignty. The aim of this paper with doctrinal methodological approach therefore is to decipher the fact that state sovereignty is no longer absolute due to the principle of international concerns, human rights, environmental protection, humanitarian intervention, inter generational equity etc. The paper makes several recommendations and concludes that the prevalence of human rights has led to a change in the nature of traditional Sovereignty to give rooms for both political and economic interventions.

Introduction

The concepts of state sovereignty, human rights and international concern are interrelated but quite distinct in scope and application. Of major importance is

the need in international law and relations for acceptable standards and precepts that regulate human behaviour and activities more amicably and in this relation, international law has left the arena of regulating state as subject of international law alone but as well extend to area of concerns on human welfares and thus, international law had made individual an object of international law. Therefore the traditional state sovereignty had become obsolete in the face of new trends of concerns for human sustenance. Often times, the concepts overlap and impugn on each other such that conflicts are unavoidable. The international community is often beset with highly contentious issues when conflicting interests and State policies and objectives collide. It is in this regard that the three concepts of state sovereignty, human rights and international concern collide and often compete. Strict enforcement of state sovereignty on one hand can have adverse effects on human rights; the true enforcement of human rights can challenge the overall powers of the state especially when upholding the Rule of Law, international concern can equally be utilized as a weapon to challenge State Sovereignty. It is therefore exigent to discuss the basic concepts to wit;

State Sovereignty

State sovereignty on one hand is linked to equality of nations based on the idea that there is no higher power than the sovereign state The notion of sovereignty contradicts the idea that there is a higher power in other states or international institutions unless consented to by the nation state.

The United Nations Charter codified and strengthened the existing international system based on the sovereign equality of states in order to reduce the threat of war and international strife”¹. Sovereignty therefore implies a right against interference by foreign power in the domestic affairs of another state (*sic utere tuo ut alienum non laedas*). This is also guaranteed by

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¹Justin Conlon, ”Sovereignty vs. Human Rights or Sovereignty and Human Rights?” (London, Sage publication,2004) Accessed from <http://rac.sagepub.com/cgi/content/abstract/46/1/75>
accessed 20th of June 2010 p 20

Article 2(7) of the 1945 United Nations charter on non interference in domestic jurisdiction of the sovereign state as well as Articles 2(1) which affirms the sovereign equality of all states and Article 2(4) that prohibits the use of force against political independence and territorial integrity of another state. It seems that a state has jurisdiction from interference of the international community but in reality, this is not always the case where there are gross violation of human rights. Article 2(4) has two exceptions, they are authorisation of enforcement action against a sovereign state (under Articles 39 and 42) if its activities are determined to constitute a threat to international peace and security by the Security Council; and force could be used against a sovereign state in self defence of its 'armed attack' on another state under Article 51.

International customary law also allows the use of force against a sovereign state on grounds of humanitarian intervention and protection of human rights which has become *ergar omnes*.(against the whole world). Gross violation of human rights will entail the use of force against the state sovereignty². Though, State cooperation is important for ratification, revocation, incorporation and reinvigoration of international human rights instruments within its domain. State refusal to cooperate will not hinder international concern and intervention for gross violation of human rights within the sovereign state. In essence, the traditional sovereignty or absolute sovereignty is no longer feasible due to this new trend of intervention on grounds of international concerns, human rights violations and environmental pollution that can affect human lives, it is important to note that environmental protection is part of human right protection. Importantly, it is worthy of note also that gross violation of human rights that caused refugees to flee their countries for neighbouring states is a technical violation of another state's sovereignty. State sovereignty of another state can therefore be violated when a state is violating its citizens' rights to an extent that the only option left for them is to flee to neighbouring towns without invitation, that itself is a

² Articles 39 and 42 of the UN Charter

technical violation of sovereignty of the neighbouring town and this should make human rights a subject of concern for United Nations³ not only to protect object of international law but to also protect state, the subject of international law.

Human Rights

The charter in its preamble reaffirms faith in fundamental human rights” and “dignity and worth of the human person” as well as “equal rights of men and women”. One of the purposes of the United Nations charter in Article 1(3) is to “achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian Character and in promoting and encouraging respect for human rights and for fundamental freedoms for all” Article 55 states that the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all”. Furthermore, several “subsequent multilateral treaties have been implemented protecting human rights which limit the sovereignty of states⁴. These include Conventions on “Torture”, “Genocide”, “Refugees”, “Race”, “Children”, “Discrimination against Women”; and “International Covenants on Civil and Political Rights” and on “Economic, Social and Cultural Rights”. These multilateral conventions and covenants were ratified by almost all states and these limit the range of “permissible actions” that a state may take concerning its own citizens, thereby restraining its sovereignty⁵. All of these “conventions, combined with the Universal Declaration of Human Rights (UDHR), have created an evolving binding customary international law, that protects human rights and limits sovereignty and that is on all states, whether or not they have ratified existing human rights treaties”⁶. Additionally, Article 15 of the Universal Declaration of Human Rights (1948) states that ‘(1) Everyone has the right to a nationality; (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality’. Hence, Nations-

³ Hereinafter referred to as UN

⁴ Ibid p 21

⁵ Ibid p 22

⁶ibid

States fall within the purview of the International human rights framework as bodies and institutions for the protection of human rights within their territorial boundaries. Human rights within this concept can be described as a collection of all moral and natural rights bestowed to a person by virtue of the innateness of rights to a human being. Human rights are freedoms established by custom or international agreement that impose standards of conduct on all nations.

From the foregoing, it is clear that human rights are of international concern and more valuable to the international community than sovereignty. The salient question about whether one can agree to a changed nature of state sovereignty due to significant priority given to the international human rights would be affirmatively answered in this paper.

The Principle of International Concern

In the cold war era, sovereignty was more protected than human rights by the UN, but International human rights for the first time received more attention after the cold war since the Universal Declaration of Human Rights in 1948. For example, one of the bedrocks of peacekeeping is to obtain 'consent' of the host state's sovereign leader in effective control of the territory and people before any functional operation within its domain. This is an act of respect for sovereignty of the host state but subsequent practice shows that obtaining 'consent' will not be necessary where there is mass violation of human rights, genocide, crime against humanity and aggression. Protection of human rights in those circumstances is paramount to the international community, in accordance to UN aims and objectives, upholding human rights rather than respect for sovereignty. The principal things will be the protection of civilians and human rights, especially universal rights, that is, right to life. Thus a crime like genocide will generate international concern because of the breach of a universal right and *jus cogen*. ONUC (Opération des Nations Unies au Congo) by Security Council resolution 145 (1960) was allowed to maintain ceasefire and protection of the territorial integrity of Congo in a peacekeeping operation. The Security Council for the first time reluctantly

allowed the operation. Security Council was reluctant because of its respect then for sovereignty despite mass violation of human rights in the country.

The Principle of International concern therefore has eroded the principle of sovereignty substantially. For example, Buchan is of the view that the principle of sovereignty will not be 'absolute' where there is need to entrench 'liberal values' like democracy and Human rights in a country; and that state sovereignty will not hinder collective action where the Security Council agreed, like the case of Iraq in 2003⁷. The shift from the protection of sovereignty to protection of people is a progressive impact of the international human rights on the corpus of international law. The UN took the first step to articulate the existence of a body of international human rights through the Universal Declaration of Human Rights in 1948 and the two subsequent international Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights of 1966 often known as International Bill of Rights.⁸

Changes in the Nature of State Sovereignty

After the Second World War and during the cold war era, protection of sovereignty was paramount to the UN but things have since changed due to many interventions of states in other nation states on humanitarian grounds and protection of human rights as justification for violation of the principle of sovereignty. There are two noticeable instances where disregard for the sovereignty of a nation state may be justified, first, is use of force in another nation state on the ground of protection of human rights. Use of force is however not permitted against another state except in self defence, in accordance to Article 51 of the UN Charter and authorisation of the UN Security Council in accordance to Articles 39 and 42 of the Charter as collective action.

⁷ Buchan Russell, "International Community and the occupation of Iraq", (2007) Vol.12 No1 *Journal of Conflict and Security Law* ,37-64 at p 46

⁸ Rhona Smith '*International Human Rights*, 3rd edition, Oxford, Oxford University Press,(2007) p 27

In the Nicaragua case, the USA⁹ used force against Nicaragua, a nation state and claimed self defence and protection of human rights as justification. US action was seen by Nicaragua as being based on motives beyond self defence and protection of rights in El Salvador, Costa Rica and Honduras. The International Court of Justice in *Nicaragua case*¹⁰ held that the action of the USA was unlawful, against the sovereignty of Nicaragua, because it was not exercised in self defence; and that any intervention that existed under customary international law can only take place if there is a significant loss of life or imminence of massacres, which is a gross violation of International human rights. Similarly, the reliance on ‘Bush doctrine’ or ‘pre-emptive self defence’ by the USA to attack Iraq, a sovereign state in 2003 is also unlawful¹¹. All these are more than self defence, or self defence wrongly exercised against the sovereignty of another state rather than humanitarian intervention.

The second example that became the subsequent practice of international community after the cold war shows that interventions against sovereign states have been justified on humanitarian grounds. For example, India’s intervention in East Pakistan due to the 1971 massacres; also the Tanzanian intervention in Uganda (1970s). It involves protection of the rights of the people in another state without its consent and provision of humanitarian services like medical care, food and shelter because of the primacy of the economic and social rights of the people. The Security Council enforcement action in response to humanitarian crisis and gross violation of human rights cannot be hindered by state sovereignty¹².

Apparently, “there is a tension between two fundamental values underlying the existing system of international law state sovereignty and human rights.

⁹ Nicaragua case(1986) ICJ Reports 14 at 100

¹⁰ Nicaragua case ibid

¹¹ Dinstein Yoram, ‘*War Essays in political philosophy-principle of just cause*’, Cambridge, Cambridge University Press, (2005) p 190

¹² Article 51 and 42 of the United Nation Charter

This tension is best addressed in the UN Charter, which includes provisions protecting both state sovereignty and human rights¹³. The conflict between state sovereignty and human rights was due to the shift in focus of international law from state sovereignty to human rights as earlier stated.

Moreover, globalisation has significantly impacted on the two concepts, the reason for the shift is not unconnected to the inability of states, mostly in third world countries, to respond to the popular will in this era of globalisation. The inability of Nation-State to provide for the sustained economic development and social rights widened the gap between national and popular sovereignty. Failure of the state led to the introduction of International Territory Administrations (ITA) in East Timor by UN resolution 1244 (1999), the reason for the administration being to maintain peace and protection of human rights was later abandoned¹⁴. The administration which Amnesty international chronicles their gross violation of human rights in the territory they were requested to protect within the administered territory under UN resolution¹⁵. UN came under strong criticism as a worst violator of human rights for violating sovereignty and human rights in the administered territory¹⁶. The 2003 CPA (Coalition Provisional Authority) occupation in Iraq also stripped off the Iraq state of its sovereignty in order to introduce political, social and economic reform in liberal form and thus guarantee rights of individual in these spheres¹⁷.

An interesting case in question is the Australian-run Manus Island Detention Centre case where the Australian government in enforcing her border protection regime, entered into a bilateral agreement with the Papua New Guinea (PNG) known as Regional Resettlement Arrangement (RRA) for the

¹³ Justin Conlon, op cit p 22

¹⁴ UN resolution of 1999 as seen in General Assembly Resolution 1244 (1999),

¹⁵ Amnesty International, "Peacekeeping and Human Rights' ,(AI index *IQR* 40/01/94)

¹⁶ Frederic Megret and Florian Hoffmann, "The UN as a Human Rights violators? some reflections on the United Nations changing Human Rights Responsibilities", (2003 25 *HRQ* 314-342) at 316

¹⁷ Buchan Russell, op.cit p 46

offshore processing of the immigrants into Australia¹⁸. The Australian government asserted that they had the overarching state interest to protect the state and affirm the state authority and sovereignty. The conditions on the Island left much to be desired in the area of human rights protection. “The indefinite detention of people in the centre in itself violates several human rights—such as the right to seek asylum, the right to a fair process in the determination of asylum claims, and the right to not be arbitrarily detained”¹⁹were grossly infringed. Consequently, the Supreme Court of (PNG) found the Detention Centre to be in gross violation of the country’s Bill of Rights and declared that, “the Australian and Papua New Guinea governments shall forthwith take all steps necessary to cease and prevent the continued unconstitutional and illegal detention of the asylum seekers or transferees at the relocation centre on Manus Island.”²⁰

This shows a contemporary model example of preference for human rights over state sovereignty. Most often, the state tends to use repressive means to sustain power which in many instances has resulted in inter border conflicts and civil wars. The failure of state to continue to sustain the use of power to control and correct abuses has increased the focus of individual persons compared to that of nation states in international law which also increase the importance of the notion of human rights in international law²¹. Most importantly, sovereignty itself is a right of the people and it emanates from the people; that is, sovereignty resides in people and not in government. Most constitutions enshrine the words ‘we the people resolved’ and this constitutes a resolution that has an inherent rights residing in the people because it reflects collective wishes of the people. For example, the unilateral declaration of

¹⁸ https://en.m.wikipedia.org/wiki/Manus_Regional_Processing_Centre accessed on the 21st of November 2019

¹⁹ Amnesty International Australia 2013, pp. 37–40, 48, 83–94

²⁰ Fraenkel, J. ‘Australia’s Detention Centres on Manus Island and Nauru: An End of Constructive Pacific Engagement?’ (The Journal of Pacific History, 2016, 513), pp.278-285.

²¹ Justin Conlon, “Sovereignty vs. Human Rights or Sovereignty and Human Rights?” London, Sage publication, (2004) Accessed from <http://rac.sagepub.com/cgi/content/abstract/46/1/75> (last assessed 10/0 5/2018) See also at Conlon, J.. ‘Sovereignty vs. Human Rights or Sovereignty and Human Rights?’. (Race & Class, 46(1) 2004), pp.75-100.

independence by the Smith government in Rhodesia cannot be said to be an exercise of “national sovereignty but a violation of the sovereignty of the people of Zimbabwe²². Similarly, the Chinese government’s massacre in the Tiananmen Square to maintain an oligarchy against the popular wishes of the people was an infringement on Chinese sovereignty²³. These examples show a widened gap between national sovereignty and popular sovereignty as a right of the people. In defence of sovereignty as the right of the people, Panama’s sovereignty was violated and usurper was removed for the legitimate government to take over. Similarly, in Resolution 940 (1994) the Security Council authorised states ‘to use all necessary means to facilitate the departure from Haiti of the military leadership [and] the prompt return of the Government of Haiti. On the other hand, the International Court of Justice said in the *Nicaragua Case*²⁴ that ‘the Court cannot contemplate the creation of a new rule opening up the right of intervention by one State against another on the ground that the latter had opted for some particular ideology or political system’.

The Colossal Conundrum

It has been argued that sometimes, members of the international community would have to violate sovereignty in order to protect human rights of the people within that state.²⁵In reconciling above differences, human right and humanitarian intervention as well as restoration of democratic government are allowed where the Security Council had given authorisation in defence of human rights and on humanitarian grounds especially where there is massacre and gross violation of human rights or where such a situation is imminent²⁶. One of the extreme arguments reflected is that; What is certain is that a

²² Mc Dougal and Reisman, ‘Rhodesia and the United Nation: The lawfulness of international concern’(62 *AJIL*432 1968)

²³ <https://www.google.com/search?q=Chinese+masacre+of+Tiananmen+square&oq=last> accessed on 22nd of November 2019

²⁴ ICJ Reports 1986 at paragraph 457

²⁵ Justin Conlon, op.cit p 23

²⁶ Article 42 of the UN Charter

prohibition on unilateral interventions for human rights amounts to a declaration that human rights do not exist.²⁷

This opinion negates the ICJ decision in the Nicaragua case where unilateral intervention of United State in Nicaragua, on the ground of human rights protection, was declared unlawful by the court. In spite of this, international human rights law which limits state sovereignty and international intervention in protection of human rights within a sovereign state has led to changes in the very nature of state sovereignty. “A government that engages in substantial violations of human rights betrays the very purpose for which it exists and so forfeits not only its domestic legitimacy, but its international legitimacy as well, in this sense, sovereignty is limited”²⁸. Thus, the justification of sovereignty is based on the ability to preserve the basic right to life. The very existence of sovereignty is to protect human rights including the right to life. It can be argued on the other hand that violation of sovereignty can also lead to violation of human rights. The International Territorial Administration set up for the first time in East Timor in violation of its sovereignty led to gross violation of human rights by the administrators. Also, the US invaded and bombed Vietnam, Cambodia and Laos during the Vietnam War. ‘By the war’s end, the death toll in Indochina may have reached four million or more, and the land and societies were utterly devastated.’²⁹ The US intervention involved human rights violations on a colossal scale, including the bombing of civilians, the carrying out of carnage against civilians and combatants as well as crimes like rape, murder and torture.

Most human rights abuses in the world can be attributed to the derogation of sovereignty as a result of self assumed intervention of strong countries over

²⁷ Steve G. Simon, ‘The contemporary legality of unilateral humanitarian intervention’ (Vol. 4 *California Western International Law Journal* 1993), p137

²⁸ John J. Merriam, ‘Kosovo and the law of humanitarian intervention’, (Vol.33 *Case Western Reserve Journal of International Law* 2001) , p 116

²⁹ Edward S. Herman and Noam Chomsky, *Manufacturing Consent: the political economy of the mass media*, New York, Pantheon, (1988), p 188..

the weaker nations. Thus the best option for prevention of humanitarian crisis is mediation but if it fails, other measures could be used. However, where there is a choice between derogate from sovereignty and violation of human rights, international communities will prefer to violate sovereignty for the protection of human rights. Intervention for the protection of human rights is justified where there is severe loss of life and 'ethnic cleansing' which negates the right to life and right to live freely as guaranteed by the International Covenant on Civil and Political Rights. Most violations of human rights have been criminalised and International Criminal Court can punish the four cores of international criminal crimes which are also violations of international human rights, they are genocide, war crimes, crime against humanity and aggression under the 1998 Rome Statutes. The case of former Chilean dictator, Augusto Pinochet, is however an example of selective punishment of violators of international human rights, Pinochet committed grave violation of human rights which happened to be ground for 'universal jurisdiction'³⁰. He was believed to be amongst the category of the greatest abusers of human rights in Europe till date. Pinochet was put under house arrest in Britain and was later put on trial in a judicial proceedings, yet his release was subsequently ordered by the then Home Secretary, Jack Straw without the trial on the ground that he was medically unfit to stand trial. However, new medical result declared by a medical doctor on Pinochet return to Chile indicated his fitness to stand trial.

Recommendations

State sovereignty derogation must not be seen as means to protect human rights alone, sovereign leaders who are human rights abusers must be punished for breach of international human rights and this justifies the trials and convictions of Saddam Hussein for human rights violations and war crimes in Iraq and Charles Taylor for crimes against humanity and serious human rights abuse in Liberia. Developing countries must not be singled out for selective punishment of violation of human rights; it is an injustice to

³⁰ Used in international criminal to mean an accused may be prosecuted by any national regime that chooses to extend its jurisdictional reach to cover him

allow human rights' abusers like Pinochet in developed countries to go with impunity while his counterparts in developing countries are punished for their recklessness. There is need for approaches that combine greater prosecutions with valuable outreach and support for the victims of human rights abuses³¹.

State sovereignty redefinition by the forces of globalisation and international cooperation is a result of international human rights as enshrined in 1948 declaration, ICCPR, ICESCR and the UN Charter had attracted the attention and focus of international communities to individual as object of international law than state as subject of international law. The state is now a servant of the people and not vice versa. Traditional notion of absolute sovereignty can no longer be sustained in the face of people's fundamental freedoms. States are now conscious and cautious in their desire not to violate international human rights because they know that its violations may attract Security Council sanctions for violation³².

There are many reasons given to justify the derogation of state sovereignty to protect human rights; one is an approach to human rights that accentuate its role in the development of modern states and the modern state system³³. Here human right is treated as a valuable idea and vital tool, for the gradual abolition of tyranny and arbitrary rule. It will also prevent governments from using their states to pursue bad courses against their citizens. International concern, the Security Councils enforcement action, collective security action and state intervention have restrained many states from human rights violation. The 1993 intervention in Somalia was as a result of human rights

³¹ Nick Grono, *The International Criminal Court: Success or Failure* Published on (2008/06/09). Accessed from <http://www.opendemocracy.net/article/the-international-criminal-court-success-or-failure> (2010/06/11)

³² Kofi A. Annan "*The Question of Intervention*", New York, UN Public Information Publication,(1999) p41

³³ Jack Donnelly, "*Universal Human Rights in Theory and Practice*, Ithaca, NY: Cornell University Press, (1989) p 48

abuse and civil war in the country³⁴, it got to a situation where all factions were killing and violating human rights as they like. Without intervention the country as an entity and not only its sovereignty, may have ceased to exist by now. Similarly, lack of social, economic, political and civil rights had in the past led to revolutions in Russia, France, the United States, etc. Lack of civil liberties had resulted in *coup d'état* in Africa, Asia and Latin America. Human Right violations can lead to breach of peace that UN is supposed to maintain and prompt reaction by intervention is justified. In Kosovo, Human interest was the major cause of derogation of State Sovereignty and it was well expressed by Vaclav Havel, President of the Czech Republic that human rights takes precedence over state sovereignty thus:

(NATO) It is fighting because decent people cannot sit back and watch systematic state directed massacres of other people. Decent people simply cannot tolerate this and cannot fail to come to the rescue if a rescue action is within their power. This war gives human rights precedence over the rights of states.... I see this as an important precedent for the future. It has now been clearly stated that it is not permissible to slaughter people, to evict them from their homes, to maltreat them and to deprive them of their property. It has been demonstrated that human rights are indivisible and that if injustice is done to some, it is done to all³⁵

The established conviction that the legal title to rule involves respect for fundamental human rights makes it more difficult for rulers who deny these rights to establish or sustain legitimacy. Human rights protection and humanitarian intervention should therefore justify sovereignty derogation every time the UN deem it necessary with all exigency. Ultimately, rulers who reject the relevancy of human rights should and will be forced to rule without legitimacy; they will need to rely on fear, force, or the lack of viable

³⁴ Marc Boutin, 'Somalia: The legality of UN forcible humanitarian intervention' (Vol.17 *Suffolk Transnational Law Review* 1994) p 17

³⁵ Vaclav Havel, Speech to a joint session of the Senate and House of Commons, Ottawa, April 30, 1999

alternatives. Beside the way a state treats its own citizens, is no longer isolated from outside scrutiny even when it claims the principle of non interference.

Humanitarian intervention is significant because the increase in refugees fleeing their country for another sovereign country as a result of human rights abuse should give global actors ability to derogate state sovereignty at appropriate time in order to curb excesses that will deprive people of their political, civil, social and economic rights. The UN Security Council assumed the role of global governance by taking over the role of sovereign leaders through administrators (ITA, CPA) in some countries like East Timor and Iraq as a result of violations of human rights. Where the UN has not taken over, they monitor the compliance of countries with International standards for human dignity and respect for the rights of the people under the state sovereignty. If the state is adamant, the UN can derogate the state's sovereignty to protect human rights because sovereignty is not absolute where there is gross violation of human rights. This happened in the USA invasion of Iraq in 2003 because the despotic leadership of Saddam Hussein's gross violations of human rights, shortage of food, infrastructural facilities and poor standard of living that followed the derogation³⁶.

The principle of state sovereignty was not a hindrance to the invasion because of human rights abuses in the country and the need to save the countless victims of state violence and terror. Though some intervention cannot be ruled out based on motives other than protection of civil, political, economic and social; notwithstanding the motives, intervention on the ground of apparent need to protect human rights justifies the intervention. Apart from intervention, an Individual can now petition some courts, for example, individuals can petition the European Court of Justice and European Court of Human Rights directly, also both the Optional Protocol to CEDAW (Convention on the Elimination of All Forms of Discrimination Against

³⁶ https://en.m.wikipedia.org/wiki/2003_invasion_of_iraq accessed on the 22nd of November 2019

Women) and ICCPR(International Covenant on Civil and Political Rights) permit individual or group to submit petitions. The Torture Convention as well as many other Conventions has individual complaint procedures.

CONCLUSION

The State-Centric view of international politics is fading away and the individual is being raised as subject of international law due to legal obligations entered into by states coupled with the level of interventions as a result of human rights protection. There is no doubt that the nature of state sovereignty has been changed by international human rights, of which is within the supervision and protection of the international community. This idea of internalisation of human rights was supported by democratic-liberal states as against illiberal states that prefer absolute sovereignty in their foreign policy which has become obsolete ;coupled with globalisation in international politics, technology, communication and economy that weakened absolute power of the state sovereignty to control the national space unilaterally without contributions of global actors. As a result, global actors' demand for prevalence of Human rights has led to change in the nature of traditional Sovereignty to give rooms for both political and economic interventions.