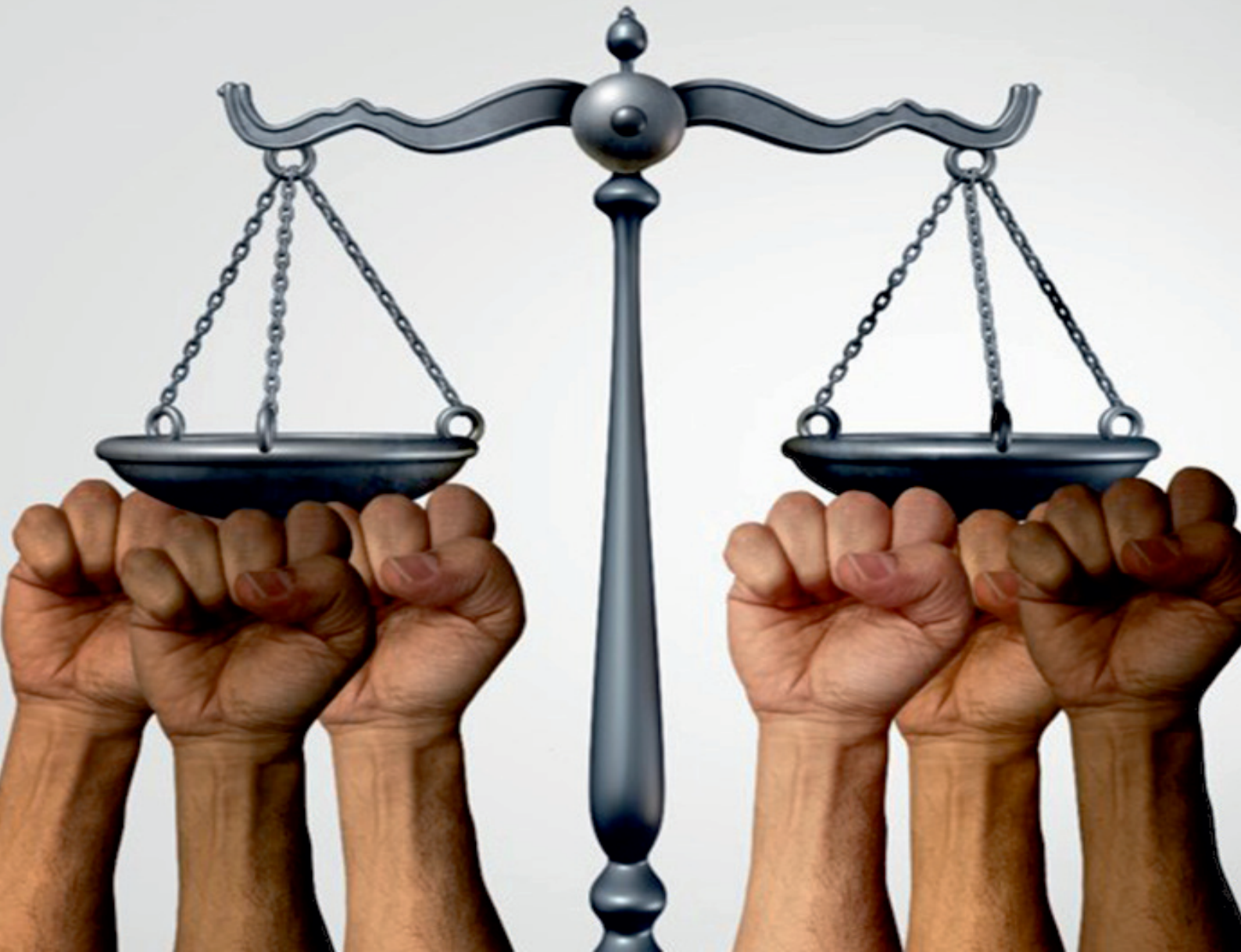
HISTORICAL PERSPECTIVES OF THE EVOLUTION OF HUMAN RIGHTS IN TIMES OF WAR

AMIT VERMA



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CHAPTER 1

INTRODUCTION TO WAR AND HUMAN RIGHTS

Amit Verma, Associate Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- amitverma2@gmail.com

ABSTRACT:

In times of armed conflict, the interconnectedness of war and human rights is often thrown into stark relief. Given that war has the ability to both threaten and violate human rights while paradoxically also being governed by human rights law, the connection between these two entities is complicated. For humanity to maintain its ideals and dignity even under the most challenging conditions, it is essential to comprehend this juncture. Fundamentally, the idea of human rights holds that each and every person has inherent rights and freedoms regardless of their country, gender, race, or any other trait. These include, among other things, the rights to life, liberty, safety, and immunity from torture. These rights are guaranteed by international treaties and agreements like the Geneva agreements and the Universal Declaration of Human Rights. These rules set out the safeguards and rights that people—combatants and non-combatants alike are deserving of, even under the savagery of war. They lay forth guidelines on how prisoners of war should be treated, how to protect civilians, and how to distinguish between military and civilian objectives. Maintaining human rights while balancing the demands of conflict is a never-ending struggle. It emphasizes the need of responsibility, openness, and adherence to the law during armed combat. In order to protect human rights during war, efforts must be made to advance peace, avert armed conflict, and hold war criminals responsible. Even in the most difficult of circumstances, promoting a more fair and compassionate society requires an understanding of the intricate interactions between conflict and human rights.

KEYWORDS:

Accountability, Armed Conflict, Civilian Protection, Conflict Resolution, Geneva Convention.

INTRODUCTION

In times of armed conflict, the interconnectedness of war and human rights is often thrown into stark relief. Given that war has the ability to both threaten and violate human rights while paradoxically also being governed by human rights law, the connection between these two entities is complicated. For humanity to maintain its ideals and dignity even under the most challenging conditions, it is essential to comprehend this juncture. Fundamentally, the idea of human rights holds that each and every person has inherent rights and freedoms regardless of their country, gender, race, or any other trait. These include, among other things, the rights to life, liberty, safety, and immunity from torture. These rights are guaranteed by international treaties and agreements like the Geneva agreements and the Universal Declaration of Human Rights [1], [2].

Contrarily, war is a dark aspect of human history that is characterized by bloodshed, devastation, and misery. The implementation of human rights might be shaky during violent situations. Civilians often find themselves in the crossfire during times of conflict, which results in infringement of their fundamental rights. Furthermore, maltreatment of prisoners of war is possible, and using particular weapons might injure civilians without cause. However, these transgressions during armed conflict are intended to be minimized by international

humanitarian law, which includes the Geneva Conventions. These rules set out the safeguards and rights that people combatants and non-combatants alike—are deserving of, even under the savagery of war. They lay forth guidelines on how prisoners of war should be treated, how to protect civilians, and how to distinguish between military and civilian objectives [3], [4].

Maintaining human rights while balancing the demands of conflict is a never-ending struggle. It emphasizes the need of responsibility, openness, and adherence to the law during armed combat. In order to protect human rights during war, efforts must be made to advance peace, avert armed conflict, and hold war criminals responsible. Even in the most difficult of circumstances, promoting a more fair and compassionate society requires an understanding of the intricate interactions between conflict and human rights.

DISCUSSION

The non-ideal circumstances we encounter often include unjustified internal institutions, unjustified foreign assaults, or both, which might seem to warrant going to war as a legitimate reaction. There are restrictions on how war should be conducted, even when it is acceptable as a reaction to grave injustice. When waging a righteous war, a state must have the "right intention." The main restraint on conflict is the notion of good purpose; a right intention seeks a fair and durable peace. Without a certain level of fundamental justice being assured, a durable peace is not feasible. Even though this idea has been present since at least St. Augustine's writings in the fourth century AD, it lost popularity throughout time but has recently gained ground again. A just war is one that is conducted with the proper objective of upholding a just cause and doing so in a just way, as well as dependably functioning as a path to a just and durable peace.

This book aims to analyze some fundamental aspects of this assertion. Reforms to just war theory are necessary in order to fight with the correct intentions and create the circumstances for a fair and enduring peace. Protecting fundamental human rights, adhering to the concept of noncombatant immunity, promoting political self-determination and international toleration, and acknowledging the international community's obligations to protect are all necessary for establishing a sustainable peace. I contend moreover that these standards for proper intention need to be established as standards of international law. For the last two thousand years, the just war theory has been a component of Western political thought. Prior to, during, and after war, theologians like St. Ambrose, St. Augustine of Hippo, St. Thomas Aquinas, Francisco de Vitoria, as well as jurist Hugo Grotius and philosopher Emmerich de Vattel, have led the charge in advancing moral arguments that governments and their armies should abide by. By relying on moral principles that take into account discrimination, proportionality, and necessity, just war theory more clearly offers a moral framework for when the use of force is not only morally acceptable but also places restrictions on the destructive actions of war [5], [6].

The moral obligations of the winner and the defeated in terms of postwar reconstruction, restitution, and reconciliation are also outlined under the just war theory. Michael Walzer, Brian Orend, Jeff McMahan, and Larry May are some of the modern just war theorists who have made significant contributions to the tradition. Political philosophy has benefited greatly from the work of modern human rights philosophers like Henry Shue, Allen Buchanan, Charles Beitz, and David Reidy. Their combined efforts are included in this book. More than any other philosopher, John Rawls has had a big impact on how I think. My work follows Rawls's perspective on human rights and just war in The Laws of Peoples, and I think that in order to advance the just war tradition, respecting fundamental human rights needs to be a major concern because they are a class of rights that have a special place in foreign policy:

"They specify boundaries to a regime's internal autonomy and restrict the justifications for war and its conduct."1 I base my argument on Rawls' articulation of traditional justice concepts that may be rationally accepted by nations that do not engage in internal or foreign aggression against their own population. The human rights movement has shaped the second part of the 20th century and doesn't seem to be slowing down. The moral right to nonintervention is no longer guaranteed by political control of a region and people. Although it was formerly believed that this was enough to support political sovereignty and, hence, a right to nonintervention, it is now seen to be just essential. Additionally, it is vital to uphold fundamental human rights. The right to nonintervention is entwined with the concept of sovereignty. However, we have come to understand and accept that sovereignty is something that relies on certain moral requirements being satisfied, among them the reasonable protection of fundamental human rights. Additionally, using force in self-defense does not always mean battling until a state's rights are upheld [7], [8].

Instead, "the aim of a just war waged by a just well-ordered people is a just and lasting peace."2 In order to create the circumstances for a fair and long-lasting peace, the just war tradition must be in harmony with the standard of right purpose. Without justice, there cannot be a durable peace, and justice is based on the upholding of human rights, which form the basis of international justice. Unjust governmental structures give birth to unjust war, tyranny, and genocide. We may perhaps identify what "policies and courses of action are morally permissible and politically possible as well as likely to be effective"3 in our long-term aim of achieving a stable and peaceful worldwide global order by participating in conversation about proper purpose. A nation's foreign policy may firmly include a just war tradition that prioritizes human rights. I am unable to tackle all just war concerns, but I do want to focus on some of the most important ones because of the challenging obstacles that our current non-ideal circumstances provide.

All of these urgent challenges stem from the fundamental notion that changes are necessary if force is to be regulated by a good aim directed toward peace and justice. I'll concentrate on six main points: that states are morally obligated to intervene when a state has disregarded its duty to protect the physical safety of its citizens; that having right intention compels states to proactively analyze postwar obligations before they arise; that residual effects of war continue to kill civilians after the fighting is over; and that there are obligations to mitigate these harms. First, ad bellum, in bello, and post bellum are all connected by correct purpose. By upholding human rights, taking precautions to protect civilians from the dangers of conflict, allowing for political self-determination, and educating its military and political culture, a state with good intentions creates the circumstances for a fair and enduring peace.

Additionally, a state's public deeds reveal its intentions. Without considering all of a state's actions, it is impossible to tell if it is fighting for the right reasons. Second, most people define the likelihood of victory in the fight in terms of the jus ad bellum precept of a reasonable prospect of success, but this perspective is overly constrained and undermines the important analyses that should be taken into consideration. It is extremely feasible for the winner to go to war for just causes, fight the war justly, and then entirely fail in the postwar period to live up to the just expectations of the defeated. A state may win a war but still make a moral mess of the aftermath, therefore focusing only on the possibility of successful military operations as the main factor for the jus ad bellum reasonable chance of success doctrine is intrinsically flawed.

The advantages of including jus post bellum obligations in a state's calculation of its reasonable chance of success are twofold: a state may be able to reduce certain military operations, improving its capacity to fulfill its postwar obligations; second, a state would engage in early

postwar scenario planning rather than waiting until the war is over, which is far too late to deal with such a situation. Third, we must consider our obligations to the inhabitants of a country with whom we are at war. It is necessary to reconsider the traditional idea of noncombatant immunity in light of both human rights issues and postwar realities [9], [10].

For instance, despite the rules of war guaranteeing the greatest protection for civilians, more people have perished in contemporary battle than troops. This has been the case throughout history, including World War II, the Vietnam War, the Persian Gulf War, the Second Iraq War, and the present Afghan struggle. Tens of millions of people have died in conflict throughout the last century. Even in the twenty-first century, conservative estimates imply that civilian casualties in conflict remain at least five times more than those of troops killed, despite the fact that military technology advancements have accelerated over the last thirty years with the creation and employment of precision strike weapons.

The majority of these high fatality rates result from the aftereffects of war, many of which are caused by the purposeful targeting of institutions that serve both civilian and military purposes. In a conflict, people will undoubtedly die. However, much more may be done both during and after combat to safeguard fundamental human rights for people against the miseries of war. I make the case for holding combatants ex post liable by ordering them to restore damaged dual purpose facilities that are crucial for protecting the fundamental human rights of the civilian people. I also contend that a neutral committee ought to assess ex post a belligerent's targeting choices.

Fourth, the Responsibility to Protect theory encourages intervention into a state that has disregarded a group of its people' rights to reasonable physical security. However, individuals have a fundamental human right to not just physical protection but also to sustenance and basic freedoms, regardless of their religion, nationality, ethnicity, or racial group. The premise is that obligations accompany rights, and that although they must be delegated to specific persons, they may be done so in a certain sequence. As an example, if X fails, then the responsibility shifts to Y, and so on. States have a primary responsibility to uphold the human rights of those who live inside their boundaries, and secondary obligations to uphold those of those who live outside of them. Other states are obligated as backup obligors to safeguard and assist individuals when there is a systematic and pervasive evident failure to protect them from grave damages.

Even if a state loses its moral right to intervene when it violates the human rights to physical security, sustenance, or fundamental freedoms of its population, only physical security infractions result in the possibility of military intervention. My opinion is that a state must protect fundamental human rights in order to have a right to nonintervention, but it does not follow that any specific intervention is ethically obligatory or allowed simply because it lacks such a right. Since the state does not have a right to nonintervention, it stands to reason that an intervention would not be in violation of that right. Other states may be allowed to interfere, but only via less drastic means, where governments violate fundamental rights to liberty and/or sustenance but not fundamental rights to physical security.

It is not necessary for military action to be needed if a state loses its moral right to remain neutral because it has committed crimes of genocide. Instead, military action is essential and hence only allowed if a number of other necessary criteria are met. The accomplishment of all essential conditions is the sole condition that is adequate. Fifth, even when there is no immediate danger to the United States, drone attacks are often carried out in non-consenting countries. The conventional jus ad bellum norms are violated in this situation, according to just

war theory. As things stand, trying to determine a state's moral justification for using force other than war using jus ad bellum standards is not only fruitless but also falls short of offering a sound foundation.

A set of moral standards for a state's use of armed drones must be established since their usage is a relatively new phenomena that will only continue to grow. We need to see drone strikes as an act of force short of war rather than as a war deed in order to address this weakness. I wish to argue that the Responsibility to Protect standards may be used to ethically defend drone attacks. In other words, when it comes to jus ad vim, the R2P standards need to be the guiding principles. A jus ad vim explanation that incorporates the R2P standards offers a much-needed framework for when governments may ethically employ force. The Fourth Geneva Convention also need updating and revision. It is possible to argue that the Fourth Geneva Convention is currently insufficient if force is to be governed by right intention directed toward peace and justice because it does not reflect current human rights practices and standards, which are crucial if our goal is to create the conditions for a just and lasting peace.

The standards of just war that flow from good purpose should be achieved, just as human rights should be realized not just as moral rights but also as legal rights. In order to direct parties more directly toward justice and since justice is harder to obtain or maintain without legal embodiment, just war standards should be realized both as moral and legal norms. The UN is also the ideal entity to play a role in institutionally expressing and adjudicating the relevant treaty, in addition to facilitating this process. First, the UN is the international organization especially tasked with encouraging state collaboration on matters of peace and security. Second, as it currently does in cases of serious human rights breaches, the UN should keep track of and report compliance failures.

CONCLUSION

In conclusion, there is a complicated and gravely worrisome link between conflict and human rights. While the goals of international humanitarian law and human rights law are to lessen the suffering brought on by armed conflicts and to safeguard people's rights and dignity, the reality often falls short of these goals. Human rights are routinely grossly violated during war, notably via the killing and relocation of civilians, torture, and atrocities. The international community, governments, and armed organizations must be resolute in their commitment to efforts to safeguard human rights during times of conflict. This involves ensuring that those accountable for breaches are held accountable, offering aid and protection to impacted communities, and working to end conflicts and establish peace.

REFERENCES:

[1] C. E. Brolan *et al.*, “The right to health of non-nationals and displaced persons in the sustainable development goals era: challenges for equity in universal health care,” *International journal for equity in health*. 2017.

[2] John R. Pfeiffer, “*Wired for War: The Robotics Revolution and Conflict in the Twenty-first Century* (review),” *Utop. Stud.*, 2010.

[3] F. Chiron, S. M. Shirley, and S. Kark, “Behind the Iron Curtain: Socio-economic and political factors shaped exotic bird introductions into Europe,” *Biol. Conserv.*, 2010.

[4] M. E. Korstanje, “Review of ‘Human Rights: An Interdisciplinary Approach,’” *Essays Philos.*, 2014.

[5] P. Malanczuk, "Akehurst´s Modern Introduction to International Law," *Verfassung R. und Übersee*, 1998.

[6] M. G. Carta, M. F. Moro, and J. Bass, "War traumas in the Mediterranean area," *Int. J. Soc. Psychiatry*, 2015.

[7] S. Ahmed, "The 'emotionalization of the "war on terror"': Counter-terrorism, fear, risk, insecurity and helplessness," *Criminol. Crim. Justice*, 2015.

[8] M. de C. Hernandez, "Book Review: Evidence for Hope: Making Human Rights Work in the 21st Century," *Context. Int.*, 2018.

[9] S. L. B. Jensen, "Christian human rights," *Glob. Intellect. Hist.*, 2017.

[10] J. Crites, "Multicultural Odysseys: Navigating the New International Politics of Diversity," *J. Moral Philos.*, 2011.

CHAPTER 2

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AND WOMEN RIGHTS

Sourabh Batar, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- battarsourabh@gmail.com

ABSTRACT:

Two fundamental cornerstones of international human rights legislation are the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the protection of women's rights. The 1965-adopted ICERD binds the signature governments to end racial discrimination in all of its manifestations and to advance racial and ethnic equality. It discusses the underlying factors that contribute to racial discrimination, such as prejudice and intolerance, and it lays forth steps to stop it. Contrarily, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which is a cornerstone of international law, has garnered major attention for women's rights. Aiming to prevent discrimination against women in all areas of life and advance gender equality, CEDAW was enacted in 1979. In order to empower women everywhere, it emphasizes the duties of states parties in domains including education, employment, and political engagement.

KEYWORDS:

Ethnicity, Prejudice, Nationality, Non-Discrimination, Ratification.

INTRODUCTION

Article 1 of the UN Charter calls for the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion in order to advance international cooperation by resolving global issues of an economic, social, cultural, or humanitarian nature. To achieve this, the UN has started a constant process of defining human rights in order to transform them from morals and ideals into enforceable international law. These guidelines have been gradually developed over many decades with the help of United states entities, several states, non-governmental organizations, and private citizens. The first step toward the gradual formulation of international human rights was the 1948 ratification of the Universal Declaration of Human Rights. The great aspirations preserved in the Declaration's tenets have proven ageless and lasting in the 50 years that have passed since then. More than 100 human rights documents that collectively make up international human rights standards were motivated by these concepts [1], [2].

DISCUSSION

International Covenant on Human Rights

The General Assembly sent a draft Declaration of Fundamental Human Rights and Freedoms to the Commission on Human Rights, through the Economic and Social Council, in 1946, in order to start the process of creating a worldwide bill of human rights. In 1947, the Commission gave its offices permission to prepare a draft bill of human rights, which was eventually taken up by a formal Drafting Committee made up of eight Commission members. The Drafting Committee made the decision to create two documents: a proclamation outlining broad human rights norms and principles, and a convention outlining particular rights and their restrictions.

In light of this, the Committee sent the Commission draft articles for an international declaration and convention on human rights. In late 1947, the Commission agreed to rename the collection of papers the "International Bill of Human Rights." The declaration draft was updated in 1948, and it was sent to the General Assembly by way of the Economic and Social Council. "Human Rights Day" is observed annually on December 10 in commemoration of the day the Universal Declaration of Human Rights was established. After then, the Commission on Human Rights proceeded to develop a draft human rights covenant. In a resolution adopted in 1950 by the General Assembly, it was stated that "the enjoyment of civil and political freedoms and of economic, social, and cultural rights are interconnected and interdependent."

Following a protracted discussion, the General Assembly proposed that the Commission create two human rights agreements, one defining civil and political rights and the other including economic, social, and cultural rights. The General Assembly resolved to make the draft covenants as widely known as possible before completing them so that governments could examine them properly and the public could voice its opinions without restraint. The International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights, which effectively translated the principles of the Universal Declaration into treaty law, were completed in 1966. The two Covenants together are known as the "International Bill of Human Rights" and are used in combination with the Universal Declaration of Human Rights [3], [4].

A copy of the Universal Declaration of Human Rights

A Preamble and 30 articles make up the Universal Declaration of Human Rights, which outlines the basic liberties and human rights to which everyone, regardless of gender, is entitled. The cornerstone of freedom, justice, and peace in the world is recognized by the Universal Declaration as being each person's inherent dignity. It acknowledges fundamental rights, which are the inalienable rights of every person, including, among others, the right to life, liberty, and security of person; the right to an adequate standard of living; the right to apply for and be granted asylum from persecution in other countries; the right to freedom of expression; the right to education; the right to freedom of thought; the right to conscience and religion; and the right to be free from torture and other cruel or inhumane treatment. Every man, woman, and kid in the globe, as well as all social classes, are entitled to these inalienable rights. The Universal Declaration of Human Rights is now universally acknowledged as being a component of accepted world law [5], [6].

The Universal Declaration of Human Rights' 50th anniversary was in 1998.

In 1998, the world celebrated the Universal Declaration of Human Rights' 50th anniversary, underscoring the shared commitment to these essential and unalienable human rights. The Universal Declaration was one of the United Nations' first significant accomplishments, and even after 50 years, it continues to have a significant impact on people's lives all around the globe. One of the most well-known and often quoted human rights declarations in the world, the Universal Declaration of Human Rights has been translated since 1948 into more than 250 languages. The chance to consider the accomplishments of the previous fifty years and plot a route for the next century was presented by the celebration of the 50th anniversary. The 50th anniversary celebrated all human rights for everyone while highlighting their universalism, indivisibility, and interdependence. It reaffirmed the notion that all forms of human rights civil, cultural, economic, political, and social should be respected as a whole [7], [8].

The International Covenant on Economic, Social, and Cultural Rights

The General Assembly approved the ICESCR in 1966, and it went into effect in January 1976, after 20 years of drafting discussions. In many ways, social, economic, and cultural rights have received less international attention than civil and political rights, which has led to the false assumption that these rights' violations do not require the same level of legal scrutiny and corrective action. This viewpoint disregarded the fundamental ideas of human rights, namely that they are interconnected and indivisible, and that a violation of one right may very probably result in a violation of another. The international community, international law, and public awareness of economic, social, and cultural rights are all in agreement. Based on the belief that individuals may concurrently enjoy rights, freedoms, and social justice, these rights are intended to guarantee that people are protected.

The Covenant contains some of the most important international legal provisions establishing economic, social, and cultural rights, including, among other things, rights relating to work in fair and favorable conditions, social protection, an adequate standard of living, including clothing, food, and housing, the highest standards of physical and mental health that are reasonably attainable, education, and enjoyment of the advantages of cultural freedom and scientific advancement. Importantly, article 2 specifies the legal responsibilities that States signatories to the Covenant have. States are expected to take proactive measures to implement these rights to the fullest extent of their capabilities in order to ensure the gradual realization of the rights recognized in the Covenant, including via the enactment of domestic legislation. The Economic and Social Council had the duty of ensuring that the Covenant was being followed by States parties, and it transferred this duty to the Committee on Economic, Social, and Cultural Rights, a group of impartial specialists assembled specifically for this purpose. 142 States were Covenant parties as of March 2000 [9], [10].

Global Covenant on Civil and Political Rights

The customary duties of the State to uphold the rule of law and dispense justice are addressed in the International Covenant on Civil and Political Rights. The connection between the person and the State is covered by several of the Covenant's clauses. States are required to make sure that while carrying out these duties, all human rights including those of the accused as well as the victim are upheld. The Covenant defines several civil and political rights, among them the right to self-determination, the right to life, liberty, and security, the freedom of movement, including the right to leave the country and the freedom of conscience and religion, the right to peaceful assembly and association, the right to be free from torture and other cruel or degrading treatment or punishment, the freedom from slavery and forced labor, and the freedom from arbitrary detention or arrest.

Additionally, there are various protections for those who belong to linguistic, religious, or ethnic minorities. According to Article 2, all States parties agree to uphold the rights stipulated in the Covenant without regard to any type of distinction, including race, color, sex, language, religion, political opinion, national or social origin, property, birth, or other status, and to take the necessary measures to ensure those rights. Two Optional Protocols are part of the Covenant. The first sets down the process for handling messages from those alleging they have been the victims of infringement of any of the rights outlined in the Covenant.

The death penalty would be abolished in the second. Contrary to the Universal Declaration of Human Rights and the Covenant on Economic, Social, and Cultural Rights, the Covenant on Civil and Political Rights gives a state permission to derogate from, or in other words, limit,

the enjoyment of certain rights during times of a declared public emergency that endangers the survival of a country. Such restrictions are only allowed to the degree that is absolutely necessary under the circumstances and must be disclosed to the UN. Some rights, however, such as the right to life and the prohibitions against torture and slavery, may never be waived. To oversee how the Covenant's provisions are being carried out by States parties, the Covenant calls for the creation of a Human Rights Committee. The International Convention on the Elimination of All Forms of Racial Discrimination, to which 144 States were party as of March 2000, 95 States were parties to the Optional Protocol, and 39 States were parties to the Second Optional Protocol.

The United Nations has focused a lot of emphasis on the problem of racial discrimination since it was one of the issues that led to the organization's founding. After being approved by the General Assembly in 1965 and coming into effect in 1969, the International Convention on the Elimination of All Forms of Racial Discrimination. "Racial discrimination" is described in Article 1 of the Convention as "any distinction, exclusion, restriction, or preference based on race, colour, descent, national or ethnic origin with the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights in any field of public life, including political, economic, social, or cultural life." It is noteworthy that this definition covers a far broader variety of grounds for discrimination than the one that is most frequently associated with "race." The phrase "purpose or effect" is used in the definition, which is noteworthy.

Because of this, the term includes not just discrimination that is done on purpose but also behaviors, regulations, and customs that seem neutral on the surface but have a discriminatory effect. The Convention's parties commit to eradicating racial discrimination in the exercise of their civil, political, economic, social, and cultural rights as well as to provide appropriate redress for any instances of racial discrimination via national tribunals and state institutions. States parties agree not to sponsor, defend, or support racial discrimination by individuals or organizations. They also agree to review local, state, and federal policies and amend or repeal laws and regulations that create or perpetuate racial discrimination. States parties also agree to prohibit and end racial discrimination. To make sure States parties uphold their duties, the Convention created the Committee on the Elimination of Racial Discrimination. The Convention has 155 States as parties as of March 2000.

In accordance with the Convention on the Elimination of All Forms of Discrimination Against Women

In 1979, the General Assembly approved and the Convention on the Elimination of All Forms of Discrimination Against Women came into effect. A separate treaty was deemed required to counteract the ongoing, obvious discrimination against women in every country in the world, despite the presence of international treaties affirming women's rights within the context of all human rights. Along with addressing the important concerns, the Convention also lists a number of particular instances when discrimination against women has been overt, particularly in relation to engagement in public life, marriage, family life, and sexual exploitation. By using a twofold strategy, the Convention aims to improve the position of women. It demands that States parties provide freedoms and rights to women on the same basis as they do to males, removing the need for women to play the customary constrictive roles. It demands that States parties change social and cultural norms that uphold gender roles in the family, workplace, and educational institutions, largely via education.

It is predicated on the idea that in order to ensure that all people have access to their human rights, States must actively work to elevate women's status. It exhorts States parties to utilize effective strategies, such as preferential treatment, to improve the position of women and their capacity to participate in decision-making in all areas of national life, including the political, social, cultural, and civic spheres. State parties to the Convention agree, among other things, to incorporate the equality of men and women into national law, to adopt legislative and other measures, including sanctions where appropriate, to prohibit discrimination against women, to ensure that national tribunals and other public institutions effectively protect women against discrimination, and to abstain from any discriminatory acts or practices against women in the public. The Committee on the Elimination of Discrimination Against Women is established under Article 17 of the Convention and is charged with monitoring how its provisions are put into practice. The Committee's responsibilities will increase after the 1999 Optional Protocol becomes effective. The Convention has 165 States as parties as of March 2000.

CONCLUSION

Finally, it should be noted that the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the global acceptance of women's rights mark important turning points in the continuous fight for justice and equality. The adoption of ICERD in 1965 demonstrates the world's commitment to eliminate racial discrimination in all of its manifestations. It requests that governments implement all-encompassing steps to end prejudice, develop understanding between racial and ethnic groups, and provide equal opportunity for everyone via its provisions. Similar to this, the expansion of women's rights, as guaranteed by several international agreements like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), is an important step toward achieving gender equality on a global scale. The adoption of affirmative action programs to support disadvantaged populations and confront systematic discrimination have been made possible by these conventions, which have set the path for legal and regulatory improvements in many nations.

REFERENCES:

[1] J. Crites, “Multicultural Odysseys: Navigating the New International Politics of Diversity,” *J. Moral Philos.*, 2011.

[2] S. L. B. Jensen, “Christian human rights,” *Glob. Intellect. Hist.*, 2017.

[3] M. de C. Hernandez, “Book Review: Evidence for Hope: Making Human Rights Work in the 21st Century,” *Context. Int.*, 2018.

[4] S. Ahmed, “The ‘emotionalization of the “war on terror”’: Counter-terrorism, fear, risk, insecurity and helplessness,” *Criminol. Crim. Justice*, 2015.

[5] M. G. Carta, M. F. Moro, and J. Bass, “War traumas in the Mediterranean area,” *Int. J. Soc. Psychiatry*, 2015.

[6] P. Malanczuk, “Akehurst´s Modern Introduction to International Law,” *Verfassung R. und Übersee*, 1998.

[7] M. E. Korstanje, “Review of ‘Human Rights: An Interdisciplinary Approach,’” *Essays Philos.*, 2014.

[8] F. Chiron, S. M. Shirley, and S. Kark, "Behind the Iron Curtain: Socio-economic and political factors shaped exotic bird introductions into Europe," *Biol. Conserv.*, 2010.

[9] John R. Pfeiffer, "*Wired for War: The Robotics Revolution and Conflict in the Twenty-first Century* (review)," *Utop. Stud.*, 2010.

[10] C. E. Brolan *et al.*, "The right to health of non-nationals and displaced persons in the sustainable development goals era: challenges for equity in universal health care," *International journal for equity in health*. 2017.

CHAPTER 3

CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND RIGHTS OF CHILD

Bhirgu Raj Maurya, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- brmourya.mourya321@gmail.com

ABSTRACT:

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD) are important landmarks in the worldwide fight for justice, equality, and human rights. A summary of these two international treaties is given in this abstract, emphasizing their importance and the advancements they have brought about in terms of racial discrimination and women's rights. The ICERD, which was ratified by the UN in 1965, calls on all members to combat all kinds of racial prejudice and advance racial equality. It emphasizes the value of legislative action, governmental responsibility, and public education efforts in eradicating racial prejudice. The conference was essential in influencing domestic policy, raising awareness, and promoting race discourse. It has given people and organizations the ability to confront racial prejudice via international channels, resulting in a more inclusive and just society.

KEYWORDS:

Discrimination, Equality, Human Rights, Racial Discrimination, Ethnicity.

INTRODUCTION

Over the years, the UN has created internationally accepted rules against torture that were eventually enshrined in agreements and conventions on a global scale. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was finally codified to prohibit the use of torture on December 10, 1984, by the General Assembly. The Convention became operative on June 26, 1987. As stated in Article 1, "torture" is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for any purpose, including but not limited to obtaining from him or a third party information or a confession, punishing him for an act he or a third party has committed or is suspected of having committed, intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain [1], [2].

The Convention's main goals are to stop acts of torture and other violations of its prohibitions as well as to make sure victims of such violations have access to efficient remedies. For example, the prohibition of acts of torture and the creation of rules and regulations to encourage respect for human rights among its public officials for both the alleged victim and the accused are only a few of the preventative measures against torture that States parties are required to adopt under the Convention. Despite these precautions, there may still be instances when people are tortured or allege to have been tortured. Governments that are dedicated to ending torture must also be dedicated to giving alleged victims of torture an appropriate redress. This is seen in the way governments respond to reports of torture. When there are good reasons to suspect that an act of torture may have been committed, the Convention mandates that accusations of torture be quickly and impartially examined. Physical marks on the body are often the most reliable proof, although they might disappear or vanish over the course of a few

days. For those who have been subjected to torture, the establishment of an effective mechanism for the administration of justice is crucial. The Committee against Torture was created as a monitoring body for the Convention's implementation. 118 States were party to the Convention as of March 2000 [3], [4].

DISCUSSION

The Child's Rights Convention

Both the League of Nations and the United Nations had previously published statements on the rights of children, and a number of human rights and humanitarian treaties included particular provisions pertaining to children. Many people around the world have recently called on the United Nations to codify children's rights in a comprehensive and binding treaty in response to reports of the serious ills that children face, such as infant mortality, inadequate healthcare, and few opportunities for basic education, as well as alarming accounts of child exploitation, prostitution, labor, and victims of armed conflict. The Convention was unanimously adopted by the General Assembly on September 2, 1990, and it went into effect on that day. In order to implement children's rights, the Convention embodies four general principles: non-discrimination, which ensures equality of opportunity; the best interests of the child must come first when a State's authorities make decisions that affect children; the right to life, survival, and development, which includes physical, mental, emotional, cognitive, social, and cultural development; and children should be free to express their opinions [5], [6].

States parties concur that among other provisions of the Convention, children's rights include free and compulsory primary education, protection from sexual abuse, physical and mental abuse, and exploitation, the right of the disabled child to special treatment and education, protection of children impacted by armed conflict, child prostitution, and child pornography. The Committee on the Rights of the Child was formed to oversee how the Convention is being implemented by States parties under article 43 of the Convention. The Convention has received ratifications from 191 States as of March 2000, the highest number of any international agreement.

International convention for the protection of all migrant workers' rights, including those of their families

People have crossed boundaries throughout history for a number of reasons, such as war, persecution, or destitution. Regardless of their reasons, millions of individuals are outsiders living as migrant laborers in the countries which they call home. Due to their incapacity to assimilate into society and the potential for mistrust or hostility as immigrants, they often rank among the most disadvantaged populations in the host State. Uninformed and unprepared to handle life and work in a foreign nation, migrant laborers make up a sizable portion of the workforce. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted out of concern for the rights and welfare of migrant workers. The General Assembly accepted the Convention on December 18 of that year, and it won't go into effect until 20 States have ratified it or joined it. Only 12 States have ratified the Convention as of March 2000 [7], [8].

According to the Convention, those who fall within the definition of migratory workers are allowed to exercise their human rights at all stages of the migration process, including preparation for migration, transit, stay, and return to their State of origin or place of habitual residence. Migrant workers are entitled to working conditions that are on par with those offered to citizens of the host country, including the right to social security and health insurance as well

as the ability to unionize. State parties are required to develop migration policies, communicate with businesses, and aid migratory workers and their families. In a similar vein, the Convention mandates that migratory workers and their families must adhere to host State law. The Convention makes a distinction between authorized and unauthorized migrant labor. It does not demand that illegal employees get equal treatment; instead, it seeks to abolish migrant workers' irregular employment and unauthorized or clandestine travels.

The Right to Development Declaration

The General Assembly approved the Declaration on the Right to Development in 1986, recognizing that it is an extensive economic, social, cultural, and political process that aspires to constantly improve the wellbeing of the whole population as well as that of each person. Everyone has the right to take part in, contribute to, and benefit from economic, social, cultural, and political growth, according to the Declaration on the Right to growth, which asserts that this right is an intrinsic human right. Permanent control over natural resources, self-determination, involvement by the general public, equality of opportunity, and the promotion of suitable circumstances for the enjoyment of other civil, cultural, economic, political, and social rights are all elements of this right. The right to self-determination, sovereignty over natural resources, and public involvement are three human rights principles that are especially pertinent to the full enjoyment of the right to development [9], [10].

Self-determination

One of the cornerstones of international law is the right to self-determination. It may be found in the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social, and Cultural Rights, in addition to the United Nations Charter. It is generally acknowledged that the right to self-determination has two aspects, the internal and the external. The Human Rights Committee refers to it in General Comment 12 as being "of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights." The Human Rights Committee defines the external aspect as "implies that all peoples have the right to determine freely their political status and their place in the international community based on the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination, and exploitation." In order to completely set its own policies in all areas of governance, but especially in the field of development policy, a State must be free from the aforementioned constraints. The Human Rights Committee's definition of the internal aspect of the right to self-determination "the rights of all peoples to pursue freely their economic, social, and cultural development without outside interference" is the best example of how this right can be exercised internally. The Committee also makes the connection between this internal aspect and the obligation of governments to "represent the entire population without distinction as to race, color, descent, or national or ethnic origin."

Ownership Of Natural Resources

The Declaration on the Right to Development's Article 1 makes it clear that, in order to fully realize the right to self-determination, which has been demonstrated to be a necessary component of development, peoples must exercise their "inalienable right to full sovereignty over all their natural wealth and resources."

Widely used participation

The development of human rights norms has relied heavily on the idea of public involvement. It aims to uphold the worth, dignity, and freedom of the human individual and is a fundamental component of societal development. Both International Covenants make mention of public engagement, and the Declaration on the Right to Development gives it a significant place. The General Assembly emphasizes "the importance of the adoption of measures to ensure the effective participation, as appropriate, of all elements of society in the preparation and implementation of national economic and social development policies as well as the mobilization of public opinion and the dissemination of relevant information in support of the principles and objectives of social progress and development" in A/37/55, underscoring its significance [11], [12].

Beneficiaries

The human being is both the subject and the recipient of the right, as is the case with all human rights. It is possible to assert both an individual and a social right to growth. It's important to note that this right applies to both the international community and individual States. During consultations in Geneva in the early 1990s, which reaffirmed that the freedom of individuals, groups, and peoples to make their own decisions, to select their own representative organizations, and to exercise democracy free from outside interference, international attention centered more intently on the right to development. In order to realize the right to growth, the idea of participation was crucial. The consultation also took into account the fact that there is no one development model that can be applied to all cultures and peoples and that development policies that are exclusively focused on economic growth and financial concerns have mostly failed to achieve social justice.

Since development is a subjective issue, development plans should be chosen and tailored to the specific circumstances and requirements of the peoples involved. The United Nations established systems to ensure that all of its actions and programs are compliant with the Declaration on the Right to Development, taking the lead in its implementation. The 1993 Vienna Declaration and Programme of Action, which gave the Declaration on the Right to Development fresh life, emphasized the connection between human rights and development at the World Conference on Human Rights. The Vienna Declaration reaffirmed the interdependence and mutual support of democracy, progress, respect for human rights, and basic freedoms. It was recognised that in order to fully realize one's human rights, one must experience sustained economic and social advancement, and vice versa. In other words, neither full realization of one's human rights nor respect for those rights is possible without the other.

Important human rights

Conferences The declarations and proclamations made at human rights conferences across the globe have a considerable impact on global human rights norms. Instruments established at such conferences are created with the assistance of non-governmental and international organizations, represent consensus among states, and are accepted by state consensus. The human rights conferences held in Vienna and Teheran had a tremendous impact on raising the bar for these principles. Both led to the adoption of the Vienna Declaration and Programme of Action and the Proclamation of Teheran, respectively, and both featured an unprecedented number of participants from States, organizations, and non-governmental organizations.

1968's Teheran Human Rights Conference

The first international conference on human rights to assess the advancements achieved in the 20 years following the passage of the UDHR took place in Teheran, Iran, from April 22 to May 13, 1968. Significantly, the Conference called on members of the international community to "fulfill their solemn obligations to promote and encourage respect" for the rights and basic freedoms contained in the UDHR. The Conference adopted the Proclamation of Teheran which, inter alia, encouraged respect for human rights and fundamental freedoms for all with out distinctions of any kind; reaffirmed that the UDHR is a common stan dard of achievement for all people and that it constitutes an obligation for the members of the international community; invited States to conform to new standards and obligations set up in international instruments; condemned apartheid and racial discrimination; invited States to take measures to imple ment the Declaration on the Granting of Independence to Colonial Coun tries; invited the international community to co-operate in eradicating massive denials of human rights; invited States to make an effort to bridge the gap between the economically developed and developing countries; recognized the indivisibility of civil, political, economic, social and cultural rights; invited States to increase efforts to eradicate illiteracy, to eliminate discrimination against women, and to protect and guarantee children's rights. The Proclamation of Teheran opened the door for the development of other international human rights agreements by restating the tenets of the International Bill of Human Rights.

1993 Vienna International Conference on Human Rights

For two weeks beginning on June 14, 1993, members of the world community met in Vienna in record numbers to debate human rights. The World Conference addressed strategies to further improve respect for human rights as well as the evolution of human rights norms and frameworks. The Vienna Declaration and Programme of Action were unanimously agreed by members of 171 States with the help of almost 7,000 delegates, including academics, treaty bodies, national institutions, and representatives of over 800 non-governmental organizations. The Vienna Declaration and Programme of Action may be seen as a powerful unifying strategy for advancing human rights work throughout the globe given the Conference's overwhelming support and unanimity.

The 1993 World Conference on Human Rights requested that the Secretary-General of the United Nations "...invite on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights all States, all organs and agencies of the United Nations system related to human rights, to report to him on the progress made in the implementation of the present Declaration and to submit a report" in its final document, the Vienna Declaration and Programme of Action. The Secretary-General was also invited to hear from regional organizations, national human rights groups, and non-governmental organizations on the VDPA's implementation five years later. The assessment process, which had started earlier in the year in the Economic and Social Council and Commission on Human Rights, was completed by the General Assembly in 1998. In the five years since the World Conference, a number of positive developments have been noted, including advancements in human rights on national and international agendas; changes to national legislation that are focused on protecting human rights; improvement of national human rights capacities, including the establishment or strengthening of national human rights institutions; and additional strengthening of The VDPA's relevance as a road map for national and international human rights initiatives, as well as its crucial function as a piece of international policy in the area of human rights, were highlighted by the General Assembly.

CONCLUSION

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a crucial international tool in the struggle against racial discrimination, to sum up. ICERD, which was ratified by the UN in 1965, has made a substantial contribution to the cause of equality and the eradication of racism all over the world. Through its strong framework, it requires member states to take decisive action to end racial discrimination in all of its overt and covert manifestations. The convention highlights the values of non-discrimination, equality before the law, and the right of racial discrimination victims to seek out appropriate remedies. ICERD promotes accountability by urging state parties to report on their initiatives and achievements in eradicating racial prejudice. Nevertheless, difficulties still exist, and its goals have yet to be fully realized. As long as this scourge exists, the values of justice, equality, and human dignity that form the foundation of ICERD will continue to be undermined, governments and civil society must work together to end racial discrimination.

REFERENCES:

[1] T. McBean, "Violations of International Child Rights Laws: Immigration Detention in the United States of America," *SSRN Electron. J.*, 2016.

[2] Anonymous, "Who has signed what...," *Forced Migr. Rev.*, 2012.

[3] G. Ulfstein, "Individual complaints," in *UN Human Rights Treaty Bodies Law and Legitimacy*, 2012.

[4] J. L. S. Banús, "Persons, institutions and special sensitive groups treatment in the European Social Charter (arts. 7, 8, 16, 17 y 19) and its regulation in the Spanish Law," *Rev. del Minist. Empl. y Segur. Soc.*, 2018.

[5] J. W. Huguet and S. Punpuing, "International Migration in Thailand," *Int. Organ.*, 2005.

[6] G. Noll, "Why Human Rights Fail to Protect Undocumented Migrants," *SSRN Electron. J.*, 2012.

[7] P. Wickramasekara, "Regulation of the Recruitment Process and Reduction of Migration Costs: Comparative Analysis of South Asia," *SSRN Electron. J.*, 2018.

[8] The United Nations Children's Fund, "Child Protection from Violence, Exploitation and Abuse," *United Nations Child. Fund*, 2010.

[9] E. Brems, "Ethiopia before the United Nations Treaty Monitoring Bodies," *Afrika Focus*, 2007.

[10] M. N. Hidayati, "Upaya Pemberantasan dan Pencegahan Perdagangan Orang Melalui Hukum Internasional dan Hukum Positif Indonesia," *J. Al-Azhar Indones. Seri Pranata Sos.*, 2012.

[11] G. Noll, "Why human rights fail to protect undocumented migrants," *Eur. J. Migr. Law*, 2010.

[12] L. Husni and A. Suryani, "Legal protection for woman domestic workers based on the international convention," *J. Leg. Ethical Regul. Issues*, 2018.

CHAPTER 4

THE ECONOMIC, SOCIAL AND SECURITY COUNCIL

Yogesh Chandra Gupta, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- COGNITOR.YOGESH@GMAIL.COM

ABSTRACT:

The Economic, Social, and Security Council, or ESSC for short, is a crucial organization in the governing system that has a diverse function in determining the future of countries. This summary tries to provide a succinct outline of the role and responsibilities of the ESSC in relation to both domestic and global governance. The ESSC is a crucial pillar of government tasked with solving complicated problems that go beyond conventional party lines. Its main goal is to promote social welfare, security, and economic growth on a national and worldwide scale. It serves as a venue where experts, decision-makers, and stakeholders come together to discuss policies, strategies, and initiatives that have an impact on a country's economic prosperity, social cohesion, and security as well as the security of the larger international community. The ESSC serves as an advisory council in the area of economic governance, formulating and recommending policies to boost economic growth, lessen inequality, and advance sustainable development. It carries out research, produces economic projections, and provides knowledge to direct monetary and fiscal policy. The ESSC also has a significant impact on trade talks, business alliances, and international economic cooperation, which helps a country integrate into the global economy.

KEYWORDS:

Charter-Based Organ, Economic Council, Security Council, Social Council.

INTRODUCTION

The connection between the Office of the High Commissioner for Human Rights and those other entities in charge of human rights is described in this section. The architecture and responsibilities of these institutions may be known to many UN employees, but it is important to consider the UN system as a whole.

A charter-based organ is what?

Six major institutions were to be established in accordance with the United Nations Charter and given the responsibility of carrying out the organization's overall mission. These organizations are often referred to as Charter-based organs since the Charter was the source of their creation. The six main organs and several significant bodies that develop from these organs are described below. The Charter gave each organ specific human rights duties to carry out. These responsibilities have undoubtedly changed throughout time.

General Assembly

The United Nations' principal institution for deliberation, oversight, and evaluation is the General Assembly. Each delegate from a Member State has one vote in the body. Decisions are often made by simple majority. A two-thirds majority is necessary to decide on significant issues including fiscal issues, membership expansion, and maintaining the state of peace.

a. powers and activities

The General Assembly's authority and duties are outlined in the United Nations Charter. The development and codification of international law, the realization of human rights and fundamental freedoms for all, as well as international cooperation in the economic, social, cultural, educational, and health fields are some of the main responsibilities of the General Assembly with regard to human rights. The General Assembly created a number of committees, the General Assembly organized international conferences, and the Secretariat of the United Nations all carry out this task. The "Third Committee" of the General Assembly receives the majority of human rights-related matters. With Article 10's permission to "discuss any questions or any matters within the scope of the present Charter" and to "make recommendations" to Member States on certain topics, the General Assembly has practically unrestricted authority to look into human rights-related issues. Resolutions are the decisions made by the UNGA that represent the preferences of the majority of Member States. Resolutions passed by the General Assembly primarily hinder UN operations [1], [2].

b. Sessions

Every year, on the third Tuesday of September, the General Assembly convenes in regular session in New York, where it lasts until mid-December. On the request of the Security Council or the majority of the UN's members, it may also convene in extraordinary or emergency sessions.

DISCUSSION

ESOC, the Economic and Social Council

In order to coordinate the economic and social activities of the United Nations and the specialized agencies, the Economic and Social Council was formed under the United Nations Charter as the main institution. The General Assembly chooses 54 members of the Council for three-year terms. Simple majority rules apply to voting, and each member has one vote.

a. powers and activities

The following are some of the primary duties and responsibilities of the Economic and Social Council:

1. to act as the primary platform for discussing global or interdisciplinary international economic and social problems and for formulating recommendations for action directed at member states and the whole UN system;
2. to encourage everyone's respect for and adherence of their basic liberties;
3. to create or launch research, reports, and recommendations on global issues connected to economics, culture, education, and health;
4. to coordinate the work of specialized agencies and provide recommendations; v to organize international conferences and develop treaties for submission to the General Assembly on issues within its purview;
5. via talks with and recommendations to the General Assembly and UN members, coordinate, rationalize, and, to some degree, program the operations of the UN, its autonomous organs, and the specialized agencies in all of these areas.

b. Non-Governmental Organization Consultation

Consultations with non-governmental groups on issues within the Council's jurisdiction are another duty of the Economic and Social Council. The Council is aware that these groups need to be given the chance to voice their opinions and that they often offer unique experiences or

technical expertise that is beneficial to the Council and its work. NGOs with consultative status are permitted to send observers to open sessions and make written submissions that are pertinent to the Council's activities [3], [4].

c. Sessions

The Economic and Social Council typically has one organizational session in New York and one substantive session that lasts five to six weeks, alternating between New York and Geneva. Ministers and other key officials gather for a high-level special meeting during the substantive session to address crucial economic and social concerns. The Council's subsidiary organizations, commissions and committees, which convene often and report back to the Council, carry out the year-round activity of the Council.

d. The Economic and Social Council commissions

The Council made a number of significant institutional decisions relating to human rights between 1946 and 1948. It created the Commission on Human Rights and the Commission on the Status of Women in 1946 in accordance with Article 68 of the Charter.

Powers and activities

In relation to international declarations or conventions, the protection of minorities, the abolition of discrimination based on race, sex, language, or religion, and any other issue pertaining to human rights, the Commission submits proposals, recommendations, and reports to the Economic and Social Council. The Commission takes into account issues pertaining to the infringement of basic freedoms and human rights in different nations and territories, as well as other human rights circumstances. If the Commission determines that a situation is sufficiently severe, it may decide to permit an inquiry by an impartial expert or it may designate experts to determine, in collaboration with the relevant Government, what support is required to help restore enjoyment of human rights.

The Commission helps the Council coordinate human rights-related initiatives within the framework of the United Nations. In the 1990s, the Commission's focus shifted more and more to the necessity for States to receive technical help and advisory services in order to remove barriers to the exercise of their human rights. The promotion of economic, social, and cultural rights, particularly the right to development and the right to a living standard that is appropriate, has also received increased attention. The defense of the rights of socially marginalized groups, such as indigenous people and minorities, is also receiving more focus. This includes the elimination of violence against women and the achievement of equal rights for women, as well as the protection of children's rights and women's rights. Ad hoc working groups of experts and the Sub-Commission on the Promotion and Protection of Human Rights may be called by the Commission [5], [6].

Commission on women's issues

The main UN technical organization for formulating important policy recommendations for the progress of women is the Commission on the Status of Women. The Economic and Social Council chose 45 government specialists to serve on the Commission for a four-year term. Members, who are appointed by governments, are chosen according to the following criteria for geographic representation: eight from Western European and Other States, nine from Latin American and Caribbean States, eleven from Asian States, four from Eastern European States, and thirteen from African States.

Security Council

One of the main bodies of the UN is the Security Council, which was formed by the UN Charter. It is made up of 10 non-permanent members chosen by the UN General Assembly to serve terms of two years and five permanent members. Each member has one vote, and permanent members have the authority to prevent any resolution from being adopted. Decisions must get the support of all five permanent members and a margin of nine votes.

Tribunal Criminal International for the Former Yugoslavia

The Security Council initially adopted a number of resolutions requesting that all parties involved in the conflict comply with the obligations under international law, more specifically under the Geneva Conventions, in response to a situation marked by widespread violations of international humanitarian and human rights law in the former Yugoslavia, including the existence of concentration camps and the continued practice of "ethnic cleansing". The notion of an individual's criminal liability for grave violations of the Geneva Conventions or other violations of international humanitarian law was reaffirmed by the Security Council. Due to a lack of adherence to its earlier resolutions, the Security Council ultimately decided that an international court would be established to try those accountable for grave breaches of international humanitarian law that occurred on the territory of the former Yugoslavia since 1991. The Security Council also asked the Secretary-General to prepare a report on this issue. The Security Council, acting in accordance with Chapter VII of the United Nations Charter, adopted the report of the Secretary-General incorporating the Statute of the International Tribunal in its resolution 827 of May 25, 1993, creating an international tribunal for the former Yugoslavia in The Hague. According to the legislation, the Tribunal has the power to bring charges for four groups of crimes: serious violations of the 1949 Geneva Conventions, contraventions of the rules or customs of war, genocide, and crimes against humanity [7], [8].

Rwandan International Criminal Tribunal

The International Criminal Tribunal for Rwanda was established by Security Council resolution 955 on November 8, 1994, 18 months after the International Tribunal for the Former Yugoslavia had been established by Security Council resolution 827 of May 25, 1994, due to the scope and severity of gross human rights violations and ethnic cleansing in Rwanda during 1994. "To establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States," reads the Security Council resolution. The Tribunal's jurisdiction includes crimes committed by Rwandans on the territory of Rwanda and on the territory of neighboring States, as well as crimes committed in Rwanda by non-Rwandan citizens for crimes committed in Rwanda between 1 January and 31 December 1994. The Tribunal has the authority to prosecute genocide, crimes against humanity, violations of common Article 3 of the Geneva Conventions, and Additional Protocol II. The Tribunal is headquartered in Tanzania's Arusha.

International court of justice

Since the International Court of Justice in The Hague only deals with disputes between States, not people, it is thought that an international criminal court is the missing piece in the global legal system. Acts of genocide and serious human rights crimes often go unpunished since there is no international criminal court to deal with individual accountability as an enforcement tool. There have been several cases of crimes against humanity and war crimes in the last 50

years for which no one has been held guilty. The "Rome Statute of the International Criminal Court" was finally accepted by the UN in 1998 after protracted and contentious talks. The Court will be formed as a permanent institution with the authority to exercise its jurisdiction against individuals for the most severe crimes of international significance upon the entrance into effect of the Statute. The purpose of the Court is to supplement national criminal jurisdictions.

Intergovernmental Court of Justice

The United Nations Charter created the International Court of Justice as the organization's judicial body. It is made up of 15 impartial judges who are chosen by the Security Council on the General Assembly's proposal. Only States may be brought before the Court under the terms of article 36 of the Statute of the Court attached to the Charter. In legal proceedings before the Court, individuals, entities with legal personality, and foreign or non-governmental organizations are not permitted to participate as parties. The Court's decision-making is not expressly provided for in international human rights accords. However, the Court has sometimes made judgments in an adjudicatory or advisory capacity on issues involving the existence or defense of human rights. The Court's considerations on these matters are of great relevance since its rulings have greatly influenced the development of international human rights law. The judgements made by the Permanent Court of International Justice, the ICJ's predecessor, are compatible with this in terms of its judicial practice.

Organization

The Secretariat is made up of a number of significant organizational units, each of which is led by a representative who reports to the Secretary-General. The Executive Office of the Secretary-General is one of these, along with the Office for the Coordination of Humanitarian Affairs, the Department for General Assembly Affairs and Conference Services, the Department of Peacekeeping Operations, the Department of Economic and Social Affairs, the Department of Political Affairs, the Department for Disarmament and Arms Regulation, the Office of Legal Affairs, and the Department of Management. The activity of the Organization is divided into four main areas as a result of the Secretary-General's reform package, which was published in document A/51/950: peace and security, development cooperation, international economic and social affairs, and humanitarian affairs. In all four areas, human rights is listed as a cross-cutting concern. An Executive Committee oversees common, cross-cutting, and overlap ping policy problems and coordinates each area [9], [10].

A cabinet-style Senior Management Group, made up of the heads of departments and chaired by the Secretary-General, has been formed to consolidate the work of the Executive Committees and handle issues that impact the Organization as a whole. It has weekly meetings with teleconference participation from members in Geneva, Vienna, Nairobi, and Rome. In order for the Group to evaluate each item on its agenda within wider and longer-term frames of reference, a Strategic Planning Unit has also been formed. The general promotion and defense of human rights are the responsibility of the Office of the High Commissioner for Human Rights, which is a division of the Secretariat. The High Commissioner, who was given primary responsibility for UN human rights initiatives by General Assembly resolution 48/141 of 20 December 1993, works under the direction and authority of the Secretary-General and within the parameters of the General Assembly's, the Economic and Social Council's, and the Commission on Human Rights' overall competence, authority, and decisions. The High Commissioner is a member of all four Executive Committees and is appointed by the Secretary-General with the General Assembly's consent.

CONCLUSION

Finally, it should be noted that the Economic, Social, and Security Council is a crucial pillar of global governance. It is essential for promoting international collaboration, development, and peace because of its varied role in tackling economic, social, and security concerns. Through its interactions with several stakeholders, including as governments, civil society, and the commercial sector, ECOSOC plays a crucial part in supporting sustainable development. Its work spans a wide range of topics, from the elimination of poverty and access to healthcare to environmental sustainability and monetary stability. Its dedication to promoting the 2030 Agenda for Sustainable Development is shown through the annual High-Level Political Forum on Sustainable Development. Additionally, ECOSOC provides a forum for discussion and cooperation on global economic and financial issues. It makes it easier to have conversations on trade, global economic policy, and finance for development. The Committee of Experts on International Cooperation in Tax Matters, one of its subsidiary organizations, makes a substantial contribution to global efforts to solve fiscal issues.

REFERENCES:

[1] P. Justino, R. Mitchell, and C. Müller, "Women and Peace Building: Local Perspectives on Opportunities and Barriers," *Dev. Change*, 2018.

[2] R. Parsons and K. Moffat, "Integrating impact and relational dimensions of social licence and social impact assessment," *Impact Assess. Proj. Apprais.*, 2014.

[3] W. van Ginneken, "Social security and the global socio-economic floor: Towards a human rights-based approach," *Glob. Soc. Policy*, 2009.

[4] J. Spencer, "The perils of engagement a space for anthropology in the age of security?," *Curr. Anthropol.*, 2010.

[5] M. A. V. Ruiz, "International Law and Economic Sanctions Imposed By the United Nations' Security Council. Legal Implications in the Ground of Economic, Social and Cultural Rights," *Int. Law Rev. Colomb. Derecho Int.*, 2012.

[6] C. M. Hernández-Nicolás, J. F. Martín-Ugedo, and A. Mínguez-Vera, "Women Mayors and Management of Spanish Councils: An Empirical Analysis," *Fem. Econ.*, 2018.

[7] O. Brown, A. Hammill, and R. McLeman, "Climate change as the 'new' security threat: Implications for Africa," *Int. Aff.*, 2007.

[8] M. L. Pava and J. Krausz, "The association between corporate social-responsibility and financial performance: The paradox of social cost," *J. Bus. Ethics*, 1996.

[9] J. Moskvina, "Social enterprises as a tool of social and economic policy, Lithuanian case," *Entrep. Sustain. Issues*, 2013.

[10] United Nations Human Rights Council, "Report of the Special Rapporteur on the right to food," *a/Hrc/34/48*, 2017.

CHAPTER 5

CONVENTIONAL MECHANISMS AND HUMAN RIGHTS COMMITTEE

Pradip Kumar Kashyap, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- pradiprgnul@gmail.com

ABSTRACT:

In the framework of international human rights legislation, this abstract offers a succinct explanation of the interactions between traditional methods and the Human Rights Committee (HRC). Conventional mechanisms relate to the different international human rights treaties and conventions, and the HRC is a significant treaty body tasked with ensuring that they are being followed. The importance of the HRC in ensuring that nations comply with their commitments to uphold human rights as set out in these agreements is examined in the study. It explores the HRC's duties, including examining state reports, making general observations, and responding to particular complaints. It also talks about how the HRC interacts with the larger UN system and other treaty organizations. This article also underscores the difficulties encountered by traditional methods and the HRC, such as the backlog of state reports and resource constraints. In order to improve their human rights records, governments must actively participate in the reporting process and treaty bodies must coordinate effectively.

KEYWORDS:

Compliance, Convention, Human Rights, Implementation, Monitoring.

INTRODUCTION

The main international human rights accords are monitored via conventional means. Although they are chosen by representatives of States parties, the various committees constituted are made up of impartial specialists operating in their private capacities rather than as representatives of their governments. With the exception of the Committee Against Torture, Committee on the Rights of the Child, Committee against the Elimination of All Forms of Discrimination Against Women, which has 23 members, all of the committees have a total of 18 members. Members are chosen in accordance with the idea of equal geographic representation, guaranteeing a diverse viewpoint and knowledge of the main legal systems. Examining reports provided by States Parties and taking into account complaints of abuses of human rights are the principal duties of the treaty organizations.

a. State reporting: Each State party to an international treaty is obligated to produce a report detailing the accomplishments and difficulties in the application of the treaty's provisions.
b. Individual complaints: At the moment, three international treaties the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture and Other Cruel or Inhuman Treatment or Punishment allow individuals to file complaints about alleged rights violations.
c. State-to-State complaints: The same three treaties along with the Convention on the Elimination of All Forms of Discrimination Against Women allow States parties to file complaints about alleged violations of a different State party's human rights. There has never been a need for this operation [1], [2].

DISCUSSION

Treaty bodies serve as the most reliable source of interpretation of the human rights treaties that they oversee by virtue of their duties. Their "views" on complaints and the "concluding observations" or "concluding comments" they adopt on State reports provide inter pretations of certain treaty articles. The creation and approval of "general comments" or "general recommendations" is another way that treaty organizations communicate their knowledge of and experience with many elements of treaty implementation. As another important resource for treaty interpretation, there is now a sizable collection of general remarks and suggestions.

Reporting requirements All treaties demand that States Parties provide reports on the status of the rights outlined in the treaty. The standard practice is as follows:

a. Periodic reports must be submitted to the Committee by each State party;
b. The treaty body evaluates the reports in light of data obtained from a range of sources, including non-governmental organizations, UN agencies, and experts. NGOs and United Nations organizations are particularly invited to provide material by several treaty bodies;
c. The treaty body makes concluding observations/comments after taking the data into account, which comprise suggestions for the State party to take to improve the execution of the relevant treaty. The treaty body examines the following report submitted and keeps track of the State party's response to the closing remarks/observations. Treaty-body proposals included in the closing comments/observations have often served as the foundation for fresh technical cooperation initiatives.

In order to gain a deeper understanding of an issue, such as human rights education, the rights of the elderly, the right to health, and the right to housing, the Committee typically dedicates one day of its regular sessions to a general discussion on a specific right or specific article of the Covenant. The conversation, which includes participants from NGOs and international organizations, is often advertised beforehand. The Committee's yearly report contains the pertinent decision. NGOs and any other interested parties are encouraged to submit written comments [3], [4].

Committee on Human Rights (HRC)

In accordance with article 28 of the International Covenant on Civil and Political Rights, the Human Rights Committee was founded. It is made up of 18 members who serve in their individual capacities and are chosen for a period of four years by States parties to the Covenant. Its duties include receiving individual communications about suspected Covenant breaches by States parties to the Optional Protocol to the Covenant and monitoring the Covenant by looking at reports filed by States parties. A quasi-judicial analysis of communications results in the development of "views" that resemble the rulings of international courts and tribunals. A Special Rapporteur who also undertakes field trips oversees the Committee's decision's implementation.

According to the Covenant, States parties are required to submit first reports to the Committee within a year of the State in question becoming a party to the Covenant, and then at the Committee's request moving forward. Periodic reports are filed every five years in addition to initial reports. A pre-session working group of four Committee members was constituted by the Committee on a regular basis to help with the formulation of problems to be taken into consideration in connection with States reports. Over the course of two or three open sessions,

reports are considered. The State representative has the chance to react to any written or verbal queries posed by Committee members once the report is presented to the group. NGOs are allowed to submit materials to the Committee. After deliberation, the Committee adopts its "comments" to the State party in a private meeting, providing ideas and recommendations. At the conclusion of each Committee session, comments are published as public papers and form a part of the General Assembly's yearly report [5], [6].

A person who believes that their rights as outlined in the Covenant have been infringed may submit a communication under the terms of the Optional Protocol to the Covenant. The Committee evaluates communications in light of the written data that has been provided to it by the person and the State party in question, and it then expresses its "views" in that context. The Committee may take into consideration a message from someone speaking on behalf of the claimed victim if it seems that they are unable to submit it themselves. A third person with no obvious connection to the putative victim who is unconnected may not submit correspondence. A follow-up method is used to keep track of how the Committee's "views" are being put into practice.

The CERD, or Committee for the Elimination of Racial Discrimination,

Under the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination was created. It is made up of 18 specialists who represent themselves and are chosen for a four-year term by the States parties to the Convention. The Committee reviews reports provided by States parties, which are due every two years, to keep track of how the Convention is being put into practice. It also looks into specific communications from States parties who have consented to the Convention's optional complaints mechanism about breaches of the Convention. This is done in accordance with article 14 of the Convention. The Committee may also review circumstances in accordance with its protocol for immediate action and prevention [7], [8].

A member who has been assigned the role of Country Rapporteur pays close attention to each State report. He or she conducts a thorough examination of the report for the Committee's consideration and moderates the conversation with the State party members. The Committee has also created an urgent response and preventive framework that allows for the investigation of particularly troubling circumstances. If a report is more than five years late, the Committee may assess the country's position even if there isn't a report in order to avoid further lengthy delays.

In 1982, the process for dealing with submissions from parties asserting they have experienced breaches of the Convention became operational. If the State in question is a party to the Convention and has declared in accordance with article 14 that it accepts the competence of CERD to receive such complaints, then such communications may only be taken into consideration. When a State Party accepts the Committee's competence, such communications are brought to that State Party's notice in confidence without disclosing the author's name.

Organization against torture and other torturous, inhumane, and degrading acts or punishments

The Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment created the Committee against Torture. It is made up of 10 specialists who serve in their individual capacities and are chosen for a four-year term by States parties to the Convention. The Committee's main duties include receiving individual communications about violations of the Convention by States parties that have accepted the optional procedure under

article 22 of the Convention, reviewing reports submitted by States parties regarding the implementation of the Convention, and conducting investigations into claims of systematic use of torture in States that have accepted the article 20 procedure.

Each State Party is required under the Convention to report to the Committee on the steps it has taken to carry out its obligations under the Convention. Within a year after the Convention's entrance into force for the State in question, the first report must be filed. Reports on following developments must be filed every four years after then. The Committee appoints a country rapporteur to provide a thorough examination of the report for the Committee's consideration. The Committee has the authority to ask for further reports and data.

The Committee is authorized to conduct a private investigation if it receives credible evidence that it believes to be based on well-founded suspicions that "torture is being systematically practiced" in a State. The Committee may select one or more of its members to "make a confidential inquiry and to report to the Committee urgently" if it determines that the evidence acquired "warrants" further investigation. The Committee then extends an invitation to the concerned State Party to join the investigation. As a result, the Committee may ask the State party to assign a representative to meet with the Committee's members and provide the required data. With the State's approval, a visit to the claimed location may also be part of the investigation. After reviewing the investigation's findings, the Committee sends them together with its observations and recommendations to the State party, requesting it to specify the course of action it plans to take in response. Finally, the Committee may choose to publish a summary of the proceedings individually or in its annual report after consulting with the State Party [9], [10].

People who allege they have been tortured by a State that has acknowledged the Committee's jurisdiction may submit a message either personally or, in certain circumstances, via representation. The Committee's duties include gathering pertinent data, evaluating the legitimacy and merits of complaints, and expressing its "views". A family or representative may send the communication on behalf of the claimed victim if that person is unable to do so themselves.

The Committee to End Discrimination Against Women

In line with the International Convention on the Elimination of All Forms of Discrimination Against Women, the Committee on the Elimination of Discrimination Against Women was founded. The 23 specialists that make up the Committee are selected and elected by the States parties to the Convention for a period of four years in their individual capacities. The Committee's primary responsibility is to oversee the Convention's implementation based on reports from States parties. The new Optional Protocol establishes two procedures: a procedure for individual communications, which will permit communications to be submitted by or on behalf of individuals or groups of individuals claiming to be victims of a violation of any of the rights outlined in the Convention; and a procedure for the Committee to investigate serious or persistent violations of those rights by a State party. A State that accepts the Protocol may "opt-out" of the inquiry mechanism, but no reservations are permitted.

After ratifying or joining the Convention, a state party has one year to make its first report. Subsequent reports must be filed at least every four years or more often as required by the Committee. The Committee created a pre-sessional working group with the task of reviewing periodic reports in order to appropriately assess States parties' reports. Five members of the Committee make up the pre-sessional working groups, which create lists of concerns and

inquiries to be sent in advance to the reporting State. This facilitates the preparation of responses for presentation during the session and helps the second and subsequent reports be considered more quickly. Two permanent working groups that the Committee has established meet during the regular session to discuss ways to enhance the Committee's operations and to carry out article 21 of the Convention, which grants the Committee the authority to make suggestions and recommendations regarding the implementation of the Convention.

The acceptance of the closing remarks, which are meant to direct the State Party in the drafting of its next report, takes place after the Committee has considered the reports in public. Following an oral introduction by state representatives, members are given the chance to ask questions on certain Convention topics. In an attempt to comprehend the full scope of the discrimination issue, they center their attention on the actual status of women in society. As a result, the Committee will ask several sources for particular information on the status of women. The Committee then goes on to develop and approve its "Comments" in a series of private meetings after discussing the report in open session. Once accepted, the Comments become part of the public domain. They are promptly sent to the State party and included into the General Assembly's yearly report. The Commission on the Status of Women is also given a copy of the report.

The CRC is the Committee on the Rights of the Child.

In accordance with the Convention on the Rights of the Child, the Committee on the Rights of the Child was founded. It is made up of 10 independent individuals that were chosen for a four-year tenure. The Committee's primary duty is to examine State reports to determine how well the Convention on the Rights of the Child is being implemented. It works closely with UNICEF, specialized agencies, and other appropriate entities (including NGOs).

States parties are expected to make reports to the Committee on measures taken to give effect to the rights in the Convention and on the advancement of the enjoyment of children's rights within two years of becoming party to the Convention and then every five years after that. At the conclusion of each session, the pre-sessional working groups, which are made up of all Committee members, convene in a private meeting to discuss reports slated for the next session. Its job is to find the parts of the reports that need to be clarified or that cause worry, then compile a list of problems to send to the States parties. States provide written responses that will be taken into account together with the report.

The Committee dedicates one or more of its regular session meetings to a broad debate on a single article of the Convention or on focused problems, such as the position of the girl child, child labor, and media representation of children. Participants from international organizations and non-governmental organizations (NGOs) take part in Committee discussions, which are often advertised in the report of the session before the one in which the discussion occurs. NGOs and any other interested parties are encouraged to submit written comments. The Convention does not provide a process for dealing with specific complaints from minors or anyone acting on their behalf. However, the Committee has the right to ask for "more information relevant to the implementation of the Convention." If there are signs of major issues, governments may be asked for this extra information.

CONCLUSION

In summary, the protection and advancement of human rights on a worldwide scale depend greatly on traditional processes and the Human Rights Committee. These institutions, which are made up of international treaties, conventions, and committees, have greatly aided in the

creation of a strong foundation for defending basic human rights internationally. The International Covenant on Civil and Political Rights is being implemented under the watchful eye of the Human Rights Committee, in particular. It provides suggestions for improvement and holds nations responsible for preserving the rights entrenched in the Covenant via its monitoring and reporting activities. Although the Human Rights Committee and traditional institutions have made tremendous progress in improving human rights, problems still exist. There is a chance that some states won't completely uphold their duties, and occasionally there aren't enough enforcement tools available. Nevertheless, the commitment to upholding human rights is unwavering, and these systems continue to develop and adapt to deal with current problems.

REFERENCES:

[1] Y. Marzieh, "Synthesis of Chalcone-Based Six and Seven Membered Heterocyclic Compounds and Their Biological Activities Againt H1N1 Virus," *Ecol. Econ.*, 2016.

[2] C. L. . R. A. N. R. KOSSOVSKY, "Intangibles and The New Reality: Risk, Reputation and Value Creation," *Islam. Econ. Stud.*, 2013.

[3] G. Redden, "Publish and Flourish, or Perish: RAE, ERA, RQF, and Other Acronyms for Infinite Human Resourcefulness," *M/C J.*, 2008.

[4] T. Swanson, "Consensus-as-a-service: a brief report on the emergence of permissioned, distributed ledger systems. Work," *World Agric.*, 2015.

[5] R. Geiß, "Toward the Substantive Convergence of International Human Rights Law and the Laws of Armed Conflict: The Case of Hassan v. the United Kingdom," in *Seeking Accountability for the Unlawful Use of Force*, 2018.

[6] F. Polletta, "Strategy and democracy in the new left," in *New Left Revisited*, 2003.

[7] V. Katrandjiev, "Reflections on Multistakeholder Diplomacy," *Multistakeholder Dipl. Challenges Oppor.*, 2006.

[8] N. Rubio-Rodríguez, S. Beltrán, and M. T. Sanz, "Review of the current production of omega-3 concentrates," in *Fish Oil: Production, Consumption and Health Benefits*, 2012.

[9] C. Villan Duran, "Luzes e sombras do novo Conselho de Direitos Humanos das Nações Unidas," *Sur. Rev. Int. Direitos Humanos*, 2006.

[10] G. Osanjo and J. Afwayi, "The regulation of the transborder transfer of human biological materials for clinical trials: A case study of Kenya," *Basic Clin. Pharmacol. Toxicol.*, 2014.

CHAPTER 6

RIGHT INTENTION AND A JUST LASTING PEACE

Dal Chandra, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- degautambahjoi@yahoo.co.in

ABSTRACT:

The fundamental idea of "right intention" is what underpins the quest of a fair and long-lasting peace. The term "right intention" describes the morally upright and ethically responsible motivations underlying acts made to end disputes and create peace. A sincere dedication to lofty objectives is necessary to achieve this illusive condition of peace in the complicated world of international relations and diplomacy. The significant relationship between having the correct intentions and achieving a fair and enduring peace is explored in this abstract. It explores the key elements of good intention and how they support the peaceful, long-term settlement of disputes. It also clarifies historical instances and current issues that highlight the importance of this idea.

KEYWORDS:

Conflict Resolution, Diplomacy, International Relations, Negotiation, Peacebuilding.

INTRODUCTION

The norm of right intention, which "aims to overcome the possibility that a state may have a just cause, but still act from a wrong intention," has historically been a component of the ad bellum phase of just war theory. Wrong intentions aim or intend acts or effects (for example, punishing the state one is at war with, using that state's resources, causing more destruction than is necessary, or pursuing a war for longer than is necessary) that are not justified by and do not further the condition of right intention is necessary because without it, "the connection between one's action and the reason that justifies it remains contingent, and this allows for the possibility that just cause could be only a pretext or excuse for bellicosity.

"Having the right reason for starting a war is not sufficient because the actual motivation behind the resort to war must also be morally appropriate. Joseph Boyle asserts, "This does not imply that one cannot participate in war in expectation of advantages that go beyond one's justifiable war objectives. Moreover, "further goals that instantiate that good and that can be seen as possibilities if one's war aims are realized are thus justified if the war aims are" A state can have a just cause and yet (its leaders and/or citizens) still hope for, perhaps might even be moved by a desire for, many other results (improving political and economic ties and/or securing of other national interests). As long as the outcomes and the methods used to accomplish them do not deviate from the standard of good intention, achieving these other forms of objectives does not appear to provide a significant challenge. The other benefits are allowed if they may conceivably result from defending a worthy cause with the correct purpose [1], [2].

Although right intention has frequently been tied to just cause as a way to ensure that the fighting is only conducted long enough to vindicate the rights that were initially violated, this cannot be all that "right intention" entails. In a sense, "that intention was for actions and benefits that became real prospects once the normal international relationships were restored by the successful achievement of the war aims." Having a fair cause and fighting with the purpose to

uphold that cause are not sufficient to qualify as fighting with the proper intention. Right intention, in my opinion, is a prerequisite distinct from just cause and has its own substance. A state must not only have a just cause and limit its war-making to what is necessary to defend that cause, but it must also work to defend that cause in a way that will most likely lead to a "just and lasting peace," which is the ultimate goal for which acts of war must be intended. In this work, I attempt to explain when governments may use force legitimately and that these states must have justification for doing so [3], [4].

Since just cause serves as the foundation for right intention, I would want to go into more detail about just cause before trying to describe it. That is, if there isn't a legitimate purpose to begin with, good intentions won't always follow. A fundamental tenet of justice and the morality of war (jus ad bellum), fair cause is well-known and traditional. It is a fundamental notion that at least goes back to St. Augustine, a theologian and philosopher who lived in the fourth century. A political society has the moral right or justification to employ force if there is a fair reason. A political community or state I use the word "state" to refer to the government of a nation has a legitimate justification to employ force when one of its own rights has been wrongfully or unjustly infringed. In his work Summa Theologica, St. Thomas Aquinas, a theologian and philosopher from the thirteenth century, makes the claim that "namely that those who are attacked, should be attacked because they deserve it on account of some fault [5], [6].

DISCUSSION

"Aquinas's argument is that a state is right in retaliating against an injustice by the aggression it has experienced. Michael Walzer claims that "we know the crime because of our knowledge of the peace it interrupts not the mere absence of fighting, but peace-with-rights, a condition of liberty and security that can exist only in the absence of aggression itself." Acts of aggression "involve the infliction of serious and direct physical force," which violates not only a person's right to life but also a person's right to security. Aggression-instigated acts or conflicts imperil, if not fully violate, the people' fundamental human right to physical security (as well as, perhaps, their right to sustenance and their fundamental rights). Aggression is immoral because it "forces men and women to risk their lives for the sake of their rights," which men and women shouldn't have to fight for because, at their core, men and women are entitled to these rights.

Aggression, however, forces these men and women to make the decision between their rights and (some of) their lives. Men and women who were unfairly placed into this situation of facing an act of assault must thus react. States have both legal and moral rights to use actual, intentional, and widespread acts of self-defense (physical resistance/force) or collective self-defense (come to the defense of an ally or coalition partner who is being attacked) when the victor is under attack. Since punitive wars (or wars of punishment) are no longer considered just, St. Augustine's statement still holds true: "A just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished stopped, for refusing to make amends for the wrongs inflicted by its subjects, or restore what it has seized unjustly." And it is acceptable to use force to put an end to such hostile behaviors. In spite of the fact that "war should be understood as an actual, intentional, and widespread armed conflict between political communities," there may be aggressive behaviors that are intentional but not widespread [7], [8].

As a result of other jus ad bellum considerations (proportionality, reasonable chance of success, last resort, etc.), it may be determined that using full-scale military force is not the best course of action. Instead, using limited force or jus ad vim (justified force short of war), such as using special forces units, drone strikes, security force assistance, or a combination of the above, may

be a reasonable and justifiable course of action in a given situation A state (no matter how big or small it is) must not only have a legitimate reason and restrict its war-making activities to what is required to uphold the just cause in order for it to be permissible to go to war. This implies that a war should only be fought as a means of individual or collective defense once the rights that were infringed by the aggressor have been safeguarded and are no longer in danger. Therefore, the legitimate goal of a just war "is the vindication of those rights whose violation grounded the resort to war in the first place." This does not imply that State A must win a battle after successfully defending itself from an offensive operation by aggressor State B. To some extent, it is determined by the size, breadth, and goal of the aggressor state.

That might be sufficient in some circumstances, but in others, extensive offensive operations into State B might be necessary to ensure State A's political sovereignty, the right to exercise its right to self-determination, the preservation of its territorial integrity, and the protection of its citizens' human rights. The continuance of the conflict is prohibited by the concept of rights vindication, albeit, when the relevant rights have already been upheld. Men and women would continue to suffer the negative effects of war, even though the state that justifiably waged war in self-defense is no longer justified in doing so because the victim state's rights are no longer violated, threatened, or in danger of being threatened. To go beyond that limit would itself constitute aggression: men and women die for no just cause. Throughout this work, I make an effort to explain and clarify the jus ad bellum principle of Right Intention. I am aware, too, that a thorough examination of what having the correct purpose implies may not always be applicable in a particular situation [9].

All fair battles should be fought with the best of intentions, although some may be more committed than others. This does not imply that there is no right intention or that its absence is justified in any way. There is a comparable difference, for instance, between actions like the 2003 U.S. invasion in Iraq and the 1944 uprising against the Nazi occupation army in Warsaw, Poland, despite the fact that every state has the moral obligation to defend its just cause in a way that will likely result in a just and lasting peace. My attention will be on the first instance and those that are comparable to it, but not on the second instance of trying to fend off an illegitimate occupying force. Without caring about creating a reasonable and durable peace per se, Poland was understandably only concerned with driving the Nazis out of their nation in order to restore its borders, its state's authority to rule, and the fundamental human rights of its inhabitants.

The idea that Poland, whose existence was gravely threatened by Nazi cruelty, oppression, and extermination, should have been concerned with creating the circumstances for a fair and enduring peace while it teetered on extinction appears absurd. Despite this, the Polish home army and its partisan groups nevertheless had a moral obligation to confront only genuine enemies, accord those who surrendered respect, and minimize collateral harm. This would have been compatible with Poland defending its legitimate cause in a way that was likely to result in a fair and enduring peace. Poland did not engage in acts of aggression; instead, it justifiably defended itself. By taking such action, Poland created the framework for a potential fair peace once the Nazi dictatorship was overthrown. The objective of creating a fair and durable peace could not be feasible given the size of such an aggressor, thus I am aware that other specific nations (in a given circumstance) might just try to stop the aggressor state's offensive strike force as it rolls over its border.

Even though the victim state has stopped the attack and expelled the aggressor forces from its territory, it only seeks to secure or uphold its own rights, which have been violated. As a result, it only seeks to end hostilities, not a just peace. The victim state or a coalition of nations is/are

too weak or is/are now unable to overthrow the rule of the outlaw state despite the fact that the conflict is concluded. Even though there are many different sorts of situations, I don't want to cover them all. In contrast to the example of Poland in 1944, where the primary concern was the legitimate survival of the country, my focus throughout this book is on first world powers or other states that are not on the verge of destruction or capitulation but instead have the resources (political, military, informational, and economic) to realize and actualize what right intention entails.

A state must not only have a just cause and restrict its war-making to what is necessary to uphold the just cause, but it must also work to uphold the just cause in a way that will most likely lead to a just and lasting peace, which is the ultimate goal that acts of war should aim to achieve. Peace and justice are the two components that must be addressed in order to provide the prerequisites for a fair and long-lasting peace. The intended goals of waging war are therefore: (1) those that result from the requirement that a state aim to achieve peace (by fighting with restraint, protecting civilians from the harms of war, and educating its military); and (2) those that result from the requirement that a state aim to achieve justice (by fighting only until the rights that were violated have been vindicated, respecting human rights, leaving the enemy in a position to secure human rights, all of these). I believe that before going any further, it is important to understand some historical background in order to better understand the idea of proper purpose, which has been a part of the just war tradition since at least the fourth century.

Even though it has been a guiding concept in just war for millennia, proper purpose has somewhat lost favor. In light of this, my goal is to give the idea of proper intention the attention it deserves. Because of his teachings, which may be seen in his sermons, books, pastoral letters, and especially his book De Civitate Dei (The City of God), St. Augustine (AD 354–430) is sometimes credited to as the founder of the just war tradition. Augustine did not write only about battle; rather, he wrote about war while addressing other important social concepts, like as politics, government, Christianity, peace, etc. Through his works, Augustine tried to establish rules that would only permit justifications for going to war. He also said that using force should only be done when absolutely necessary and that the negative effects of war should be kept to a minimum. The idea of proper purpose is given priority in Augustine's writings as a cornerstone of fair war that applies to all facets of conflict.

While Augustine's viewpoint and effect on proper intention have persisted through time, they have been condensed to focus on only one aspect of war as a rule that can only be compatible with a state's justification for going to war. But St. Augustine's idea of the correct aim is far more complicated than that. Given this, it is necessary to fully articulate proper purpose as a foundational concept of the just war tradition. We need to look to the past—the writings of St. Augustine—in order to rediscover the significance of the Right Intention principle/axiom, which should guide our current and future advances about war. In this sense, we need to "go back to the future." Particularly considering that internal activities are not given much consideration in modern society, perhaps as a result of international law. However, purpose, specifically proper intention, is a crucial component of war and demands additional investigation.

In fact, it is the sole element that unifies all three stages of conflict. Catholic bishop and philosopher St. Augustine of Hippo (present-day Annaba, Algeria) had a profound impact on Christian, political, and military thinking towards war. Having lived through the time of Alaric's fall of Rome in 410 AD and saw the advance of the Vandal forces over North Africa, he personally witnessed and felt the ravages of war as a citizen living in North Africa. Both

civilians and soldiers suffer greatly as a result of war. The civilian population, however, is far more defenseless. Additionally, citizens have no influence on where a war will be waged, how operations will be carried out, or where bombing runs will occur. War brings death, as both warriors and civilians die in it. War also results in a decline in the infrastructure-provided life-supporting services that a state offers to its civilian people. under addition to having to live under dangerous circumstances, citizens must contend with an opposing military force.

Augustine held the view that war will always be a part of the human condition and will be "inevitable as long as men and their societies are moved by avarice, greed, and lust for power, the permanent drives of sinful men." He wrote that "Augustine's own experiences and the age of plundering and slaughter in which he lived left him with a deep hatred of war and a great scorn for those who thought that conquest and military victories were glorious and noble accomplishments." St. Augustine believed it was vital to write about war because expecting that there would ever be a moment when hostilities end in this world is self-delusion and foolish. He understood that although battle may bring about peace, security was never assured, and acts of avarice and aggressiveness would never end. Although war is a vital feature of human civilization, Augustine's purpose was to attempt to reduce its occurrence and its destructiveness. "For in the great mutability of human affairs such great security is never given to any people, that it should not dread invasions hostile to this life," he wrote. He accomplished this by stating that everyone who lived on earth, Christians and non-Christians alike, had the same basic aspirations.

The worldly city and the city of God were two cities that Augustine discussed in his theological writings and held to be inseparably connected. The benefits of seeking peace will "aid them to endure wither greater ease, and to keep down the number of those burdens of the corruptible body which weigh upon the soul," according to Augustine. Furthermore, Augustine did not believe that peaceful disposition pertained to only Christians because he believed that all people should strive to be accepted into the city of God upon their death in order to achieve eternal salvation. The natural order of things dictates that everyone should seek peace in the earthly city (where they now reside). St. Augustine states: “The earthly city, which does not live by faith, seeks an earthly peace, and the ends it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men’s wills to attain the things which are helpful to this life. Helpful to life on earth is peace: “The things which this city desires cannot justly be said to be wrong, for it in itself, in its own kind, better than all other human good, for it desires earthly peace for the sake of enjoying earthly goods, and it makes just war in order to attain this peace.” The attainment of peace sets the condition for harmony: “The peace of the body and soul is the well-ordered and harmonious life and health of the living creature.” Although peace is desired, sometimes war must be fought, but, “It is therefore with the desire for peace that wars are waged.” Augustine proclaims that “he, then, who prefers what is right to what is wrong, and what is well-ordered to what is perverted, sees that the peace of unjust men is not worthy to be called peace in comparison with the peace of the just.”

Surely, we can have peace that is not just (coercion, subjugation, etc.), but what we should seek is a peace that is just. In addition, a just peace is "the fulfillment which is realized most fully in the active neighborliness of willing cooperation in purposes which are both good in themselves and harmonious with the good purposes, and enterprises of others." This fulfillment is crucial to the realization of a just peace. "The peace of all things is the tranquility of order, and order is the distribution which allots things equal and unequal, each to its own place." And this is achieved by adhering to the precept or principle of proper purpose. St. Augustine believed that a righteous war could only be waged with the proper intentions. The

main restraint on war is the notion of good purpose. A state must only engage in combat when it is absolutely necessary to do so in order to reduce the amount of casualties, damage, and death while pursuing a real and enduring peace.

Right purpose must influence and direct both a state's fighting as well as the rebuilding and reconciliation after the conflict ends. It must not merely be the rationale for the use of force. Ad bellum, in bello, and post bellum (of, during, and after periods of conflict) are all unified by right aim. A fair war is one that is waged with the proper goal to achieve a just and durable peace as well as to uphold a good cause and do it in a just way. In On the Presence of God: Letter 187, written to the Roman general Boniface in AD 418, St. Augustine expresses his viewpoint on these issues as follows: "If peace is such a delightful aspect of man's temporal happiness, how much sweeter is the divine peace that belongs to the eternal happiness of angels. Augustine suggests that a just army fights similarly to a loving father who must correct his kid for transgression. Therefore, let it be because of the need rather than your own pleasure that you kill the enemy fighting against you. There is no malice or resentment between the father and son; rather, he only corrects his kid when it is absolutely essential. The father and son resume their happy relationship built on a reasonable peace after the occurrence. Augustine instructs General Boniface using this analogy: "Even in the act of waging war be careful to maintain a peaceful disposition so that by defeating your foes you can bring them the benefits of peace."

CONCLUSION

In conclusion, the goal of a more harmonious and equitable world is inextricably tied to the notions of good intention and the pursuit of a fair and sustainable peace. Our activities and policies are guided by right purpose, which is based on ethical and moral principles, in order to produce positive and advantageous results. It serves as a reminder that the larger good, empathy, and justice need to be our primary motivators. The result of these noble aspirations, on the other hand, is a fair and durable peace. It denotes a situation in which disputes are settled without resorting to force or violence but rather by discussion, conversation, and diplomacy. It ensures that all parties may live peacefully and prosperously by embodying the values of fairness, equality, and respect for human rights.

REFERENCES:

[1] J. Heath, “What War Has Wrought in Afghan Women’s Lives,” *SSRN Electron. J.*, 2014.

[2] L. Axworthy, “Canada and Human Security: The Need for Leadership,” *Int. J.*, 1997.

[3] R. Garbutt, “Aquarius and Beyond: Thinking through the Counterculture,” *M/C J.*, 2014.

[4] C. Breen, “Reimagining the Responsibility of the Security Council To Maintain International Peace and Security: the Contributions of ‘Jus Post Bellum,’” *J. Peace Conflictr Srudies*, 2011.

[5] A. L. Karaosmanoğlu, “Turkey’s Security and the Middle East,” *Foreign Aff.*, 1983.

[6] J. Moosleitner, “Collective security and human rights: How the United Nations’ institutional design corrupted complementary purposes,” *Glob. Soc.*, 2009.

[7] M. M. HOGAN, “Just War: A Catholic Perspective,” *Am. J. Econ. Sociol.*, 2012.

[8] M. M. Hogan, “Just War: A Catholic Perspective: Cui Non Videtur Causa Justa? The American Journal of Economics and Sociology Catholic Perspective: Just War,” *Am. J. Econ. Sociol.*, 2012.

[9] M. M. Hogan, “Just War: A Catholic Perspective: Cui Non Videtur Causa Justa?,” *Am. J. Econ. Sociol.*, 2012.

CHAPTER 7

INTEGRATING HUMAN RIGHTS, EDUCATION AND CAMPAIGNS

Amit Verma, Associate Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- amitverma2@gmail.com

ABSTRACT:

The idea of "Right Intention" is a cornerstone of the quest for a fair and durable peace. The importance of having the proper aim in the context of peacebuilding initiatives is examined in this article. The term "right intention" refers to the moral and ethical principles that should serve as the basis for all endeavors, especially those aimed at promoting peace. It involves a sincere commitment to resolving problems using fair, equitable, and non-violent measures in the framework of attaining a just and long-lasting peace. Instead, then being driven by self-interest or the desire for power, peace efforts must be motivated by justice, reconciliation, and the welfare of all parties concerned. When handling problems between states or within areas, appropriate purpose becomes crucial in the field of international relations. The failure of peace accords due to a lack of a sincere commitment to justice and the welfare of impacted communities is a common occurrence throughout history. The persistence of complaints, distrust, and a cycle of violence might result from a lack of appropriate aim.

KEYWORDS:

Peacemaking, Reconciliation, Righteousness, Social Harmony, Sustainable Peace.

INTRODUCTION

One of the most difficult tasks at hand is promoting and defending human rights in order to avoid human rights breaches. Evidence of egregious human rights breaches now serves as a sobering reminder of the work yet to be done. In order to create innovative plans to stop all types of human rights breaches, whether intentional and unintentional, the combined efforts of the greatest and most representative number of individuals must be used. The United Nations has used a number of methods throughout time to safeguard and advance human rights. Since it is largely the duty of States to safeguard individuals inside their borders, several strategies—such as technical cooperation initiatives—have been developed to improve States' capacity to do so. Other approaches, including things like education and the creation of publications, have been developed to foster a knowledge of human rights. In general, the key tactics may be summarized as follows:

1. Including consideration of human rights in development, peacekeeping, humanitarian aid, and early warning systems
2. Activities for technical collaboration
3. Monitoring of human rights vs human rights education and advocacy
4. Assisting civic society
5. Information publication.

DISCUSSION

Including human rights considerations in all of the UN's activity

There have been ongoing efforts to promote and safeguard human rights by incorporating them into all of the United Nations' operations and programs since the Secretary-General announced the Programme of Reform in July 1997 [see Introduction]. This approach to human rights is all-encompassing. It acknowledges that the work of all United Nations agencies and bodies, including those involved in housing, food, education, health, trade, development, security, labor, women, children, indigenous people, refugees, migration, the environment, science, and humanitarian aid, is inextricably linked to the protection of human rights. The following are the goals of the process of integrating human rights:

a. boost coordination and cooperation for human rights programs throughout the whole UN organization;
b. make ensuring human rights concerns are integrated into underutilized areas of UN operations;
c. Ensure that respect for human rights is included into UN operations and programs on a regular basis rather than as a separate element.

Therefore, the Secretary-General said that the subject of human rights touches on all four major areas of the work program of the Secretariat (peace and security; economic and social affairs; development cooperation; and humanitarian affairs). Human rights mainstreaming primarily takes the following forms: (a) adopting a "human rights-based approach" to activities carried out in accordance with the respective mandates of United Nations system components; (b) developing programs or projects addressing particular human rights issues; (c) reorienting existing programs as a means of focusing adequate attention on human rights concerns; and (d) including human rights components in field operations of United Nations system components. The integration of human rights throughout the whole UN system is spearheaded by the Office of the High Commissioner for Human Rights [1], [2].

Early detection and prevention

Human rights violations are often the primary reason for humanitarian crises, large-scale migrations, or refugee movements. Therefore, it is crucial to prevent parties to conflict from violating human rights from the first symptoms of conflict in order to diffuse circumstances that might result in humanitarian catastrophes. To identify impending conflicts, the United Nations has already created early warning systems. Humanitarian and human rights catastrophes may be avoided, and complete solutions can be found by incorporating human rights into this system and addressing the core causes of possible conflict. Working groups of the Commission on Human Rights and its Sub-Commission, treaty-based bodies, special rapporteurs and special representatives, as well as United Nations human rights field offices (experts, including special rapporteurs, special representatives, treaty-body experts, and United Nations human rights field offices) all contribute significantly to the early warning mechanisms for impending human rights violations.

The Office of the Coordinator for Humanitarian Affairs (OCHA), the Executive Committee on Peace and Security and Humanitarian Affairs, the Department of Political Affairs (DPA), the Department of Peace-keeping Operations (DPKO), and other conflict assessments are better informed when information is shared with other UN branches. Measures to prevent crises are taken into consideration based on the findings of the scenario analysis. Plans for prevention that are better suited to the requirements of impending catastrophes benefit from a human rights

analysis. By incorporating human rights issues before crises develop, the integration of human rights into preventative action and early warning systems is intended to improve the accuracy of the early warning capabilities of the United Nations in the humanitarian arena. By doing this, the groundwork is laid for productive collaboration before, during, and after crises [3], [4].

Humanitarian efforts and human rights

The introduction covered the connection between human rights law and humanitarian law. There is growing agreement that humanitarian efforts in times of crisis must take human rights into account. Humanitarian operations are set up in war or complicated emergency circumstances when the provision of humanitarian aid has historically been prioritized above other demands. It is increasingly recognized that needs-based operations should also include a human rights-based strategy that addresses both short-term security demands and long-term needs. Identification of human rights abuses and measures to defend such rights are crucial in times of war and complicated emergencies, especially when States may be unable or unwilling to do so.

Humanitarian efforts include human rights problems in a variety of ways. By bringing together pertinent UN ministries, the Executive Committee on Humanitarian Affairs ensures a coordinated and comprehensive response to humanitarian challenges. The involvement of the Office of the High Commissioner for Human Rights in the Committee's work guarantees that a human rights perspective is included into the work and the creation of policies in this area. A human rights perspective is being included when developing strategies for significant humanitarian efforts, and human rights monitoring in humanitarian operations is encouraged. Actions are being taken to ensure that humanitarian field staff are trained in methods of basic human rights intervention, standards, and procedures [5], [6].

Human rights and maintaining peace

One of the key duties of the United Nations Organization is the preservation of global peace and security. Human rights are becoming more important for effective conflict prevention and resolution. Large-scale human rights abuses are a hallmark of armed civil wars, and these abuses are often caused by systemic injustices and the ensuing disparities in who has access to resources and power. It is clear that human rights problems must be addressed as part of peacekeeping operations. The inclusion of human rights concerns in all peacekeeping operations at the planning and preparation stage of needs assessments is a need for ensuring a complete approach to United Nations initiatives for peace and security. Several peacekeeping missions have included human rights mandates in their tasks as of late, and it is expected that DPA, DPKO, and OHCHR will cooperate more in the years to come.

Human rights education for peacekeeping forces, including the military, civilian police, and civilian affairs officials, has mostly been the form that cooperation has taken. By creating a human rights presence after the peacekeepers' mission is complete, OHCHR has sometimes been asked to secure the continuance of peacekeeping operations. The introduction of combined DPKO/OHCHR human rights components in peacekeeping operations has become possible as a result of recent advancements. The OHCHR provides practical human rights advice to the peacekeeping operation under the direction of the Representative/Special Representative of the Secretary-General in command of the operation [7], [8].

Human Rights Are Included into Development

The General Assembly stated in 1957 that it believed that a balanced and integrated economic and social development program would help to promote and maintain peace and security, social progress, higher living standards, and the observance and respect for fundamental freedoms and human rights. This strategy, which holds that genuine and sustainable development necessitates the protection and promotion of human rights, was given more prominence by the Teheran World Conference on Human Rights and later acknowledged as a paramount concern by the second World Conference on Human Rights held in Vienna in June 1993. Development is a right; it is not limited to addressing fundamental human needs.

Effective development activity advances beyond the discretionary domain of charity into the necessary realm of law with recognizable rights, duties, claim-holders, and duty-holders using a rights-based approach. When development is seen as a right, it implies that someone has both a responsibility or legal obligation and a claim, or legal entitlement. The responsibility that is placed on governments both individually by States toward their own citizens and collectively by the international community of States can take the form of a positive duty (to supply something) or a negative obligation (to do nothing). A further benefit of adopting the rights framework is that it paves the way for the application of a growing body of knowledge, analysis, and jurisprudence on the requirements of adequate housing, health, food, childhood development, the rule of law, and essentially all other components of sustainable human development that has been developed in recent years by treaty bodies and other human rights specialists [9], [10].

The obligation to uphold individuals' inalienable human rights empowers the populace to demand justice as a right and provides the community with a solid moral foundation on which to demand international assistance and a global economic order that upholds human rights. Adopting a rights-based perspective helps United Nations bodies to develop their policies and programs in conformity with widely accepted criteria and norms for human rights. The Secretary-General's Programme of Reform included the establishment of the United Nations Development Assistance Framework (UNDAF). The United Nations Development Groups (UNDG) and, if practicable, the whole United Nations system use the UNDAF as their shared resource and program structure.

The program's goal is to increase collaboration in response to national development priorities, ensure coherence and mutual reinforcement among individual assistance programs, and maximize the collective and individual development impact of participating entities and assistance programs. The UNDG Executive Committee's Ad Hoc Working Group is tasked with creating a unified strategy for increasing the human rights component of development initiatives. The Administrator of the United Nations Development Programme and OHCHR have signed a memorandum of understanding to increase the efficiency and effectiveness of the activities carried out within their respective mandates through cooperation and coordination in order to facilitate the process of integrating human rights into development. In addition to examining the potential for joint initiatives aimed at implementing the human right to development, OHCHR will facilitate close cooperation between UNDP and the United Nations human rights organs, bodies, and procedures. A special focus will be placed on defining indicators in the area of economic and social rights and developing other pertinent methods and tools for their implementation.

Advocacy and Education for Human Rights

Education in Human Rights

The main goal of human rights education is to raise people's understanding of the need of protecting both their own and other people's rights. Understanding human rights is a powerful way to achieve empowerment. In order to convert the language of human rights into knowledge, skills, and behavior, learners and educators must collaborate. The core of global citizenship and global responsibility is the concept that each person has a duty to ensure that those rights are realized at the local, national, and international levels. According to the relevant sections of international agreements, human rights education is defined as efforts in training, informational dissemination, and attitude-molding that are intended to create a global culture of respect for human rights. This includes promoting understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, racial, national, ethnic, religious, and linguistic groups; enabling all people to participate fully in a free society; strengthening respect for human rights and fundamental freedoms; and advancing the activities of the United Nations for the promotion of these goals.

Fights for human rights education

In order to raise awareness of certain human rights concerns, the United Nations has created and promoted human rights awareness campaigns. With the assistance of United Nations agencies, States, other international, regional, and local organizations, and civil society, these campaigns also included the creation of publications, research, and programs. The initiatives are meant to draw attention to certain human rights concerns. It is commonly accepted that knowledge and education are essential for upholding human rights and preventing their infringement.

The Human Rights Education Decade (1995–2004)

According to the 1993 Vienna Declaration and Programme of Action, promoting and achieving stable and harmonious relationships among communities as well as cultivating tolerance, understanding, and peace depend on human rights education, training, and public awareness. The Conference suggested that States work to abolish illiteracy and focus education on fostering respect for basic freedoms and human rights as well as the complete development of the human personality. It demanded that human rights, humanitarian law, democracy, and the rule of law be taught as topics in the curriculum of all educational institutions, whether official and informal. The United Nations General Assembly (UNGA) declared the 10-year period starting on January 1, 1995, the United Nations Decade for Human Rights Education in response to a request made by the World Conference, and welcomed the Plan of Action for the Decade as outlined in the Secretary-General's report. The execution of the Plan was to be coordinated by the High Commissioner for Human Rights.

Human Rights Surveillance

The active gathering, verification, and prompt use of information to solve issues with human rights falls under the wide definition of monitoring. In order to monitor human rights, it is necessary to gather information about incidents, watch events (such as elections, trials, and demonstrations), visit locations like detention facilities and refugee camps, have conversations with government officials to learn more and pursue remedies, and conduct other urgent follow-up. The phrase covers fieldwork such as fact-finding missions and other work in the field, as well as assessment initiatives by the United Nations. Monitoring also has the disadvantage of

often taking place over a long period of time. Investigating and then condemning human rights breaches are the main priorities of UN monitoring in order to combat impunity. However, to compare human rights monitoring to a kind of police operation would be fallacious and oversimplified.

The most reliable way to evaluate a country's status, stop its breaches of human rights, and afterwards provide the groundwork for institution-building must be human rights monitoring. A continuing needs assessment and analysis mission may be compared to a steady human rights presence. However, as with the so-called fact-finding missions, human rights monitoring may also be carried out on an irregular basis. Because they lack a long-term view of good governance and see any effort at collaboration as excessive involvement in their internal affairs, certain Governments, especially totalitarian regimes, are hesitant to have an international human rights monitoring presence in their country. In certain situations, monitoring may be carried out remotely, often via the offices of a special rapporteur, although this requires more work acquiring information and vetting the validity of the sources that are accessible.

CONCLUSION

In conclusion, the idea of "Right Intention" is essential to the effort to achieve a fair and durable peace. It embodies the concept that attempts to bring about peace must be motivated by sincere, admirable, and moral goals. It is doubtful that a peace established with ulterior reasons or covert goals would last. Instead, we create the conditions for a lasting peace by putting justice, fairness, and the welfare of all parties concerned first.

A fair and sustainable peace is more than the absence of conflict; it is a condition that allows people and communities to flourish in a setting of safety, respect, and observance of their basic rights. This can only be accomplished with a dedication to negotiation, diplomacy, and rapprochement. It demands the acceptance of past wrongs and a readiness to make amends for them. It requires a commitment to respecting the fundamentals of human rights and international law.

REFERENCES:

[1] International Crisis Group, “Tajikistan: A Roadmap for Development,” 2003.

[2] B. E. Rivin, “Convention on the rights of the child: Promoting Human rights in Islamic day schools in Indonesia,” *Med. Law*, 2011.

[3] Earth Erowid and Fire Erowid, “Towards a Culture of Responsible Psychoactive Drug Use,” *Cato Unbound*, 2008.

[4] J. A. Laub, “Assessing the servant organization; Development of the Organizational Leadership Assessment (OLA) model. Dissertation Abstracts International,” *Procedia - Soc. Behav. Sci.*, 1999.

[5] A. Colman, “Integrating human rights and the visual arts: a peace education summer project for Israeli and Palestinian students,” *Int. J. Educ. Through Art*, 2006.

[6] G. Awada, H. Diab, and K. Faour, “A call for curriculum reform to combat refugees crisis: the case of Lebanon,” *Curric. J.*, 2018.

[7] R. R. Santa Maria and M. Knowles, “Representations of gender in the ‘Get a Mac’ Ad campaign,” *Ubiquitous Learn.*, 2011.

[8] J. Palthe, “Integrating Human Rights in Business Education: Embracing the Social Dimension of Sustainability,” *J. Educ. Bus.*, 2013.

[9] W. A.S., R. T.K., and D. V., “Experiences integrating delivery of maternal and child health services with childhood immunization programs: Systematic review update,” *J. Infect. Dis.*, 2012.

[10] V. V. Nadkarni and R. Sinha, “Transforming Social Work Education in India: Integrating Human Rights,” *J. Hum. Rights Soc. Work*, 2016.

CHAPTER 8

UNITED NATIONS HUMAN RIGHTS PUBLICATIONS AND WORKING WITH CIVIL SOCIETY

Sourabh Batar, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- battarsourabh@gmail.com

ABSTRACT:

In the worldwide fight for human rights, the United Nations Human Rights Publications are a comprehensive and priceless resource. These books act as a knowledge bank, compiling a variety of information including reports, recommendations, instructional materials, and international treaties and conventions. They are essential in providing governments, civil society groups, academics, and people all over the globe with knowledge about human rights concepts, legislation, and practices. The relevance of UN publications on human rights is examined in this abstract, with a focus on their contribution to raising public awareness, educating readers, and advocating for the preservation and advancement of human rights on a worldwide scale.

KEYWORDS:

Collaboration, Empowerment, Human Rights Defenders, International Cooperation, Non-Governmental Organizations.

INTRODUCTION

The promotion and defense of human rights across the globe is greatly advanced by the publications of the United Nations on the subject. These books include a broad variety of texts written by several UN entities and agencies devoted to human rights as well as reports, recommendations, and instructional materials. For scholars, politicians, civil society groups, and the general public, they are invaluable resources. These books address a wide range of subjects related to human rights, including civil and political rights, economic, social, and cultural rights, gender equality, and rights of indigenous peoples, among many others. A thorough understanding of the expanding international human rights framework, including conventions, treaties, and declarations, is provided through UN Human Rights publications. They often include in-depth analysis of the human rights conditions in particular nations, highlighting abuses, advancements, and difficulties. Furthermore, best practices, case studies, and suggestions for governments to improve their human rights records are regularly highlighted in these materials [1], [2].

An essential component of the United Nations' strategy for advancing and defending human rights is collaboration with civil society. Civil society organizations (CSOs) are essential for promoting human rights, keeping an eye out for transgressions, and assisting underprivileged groups. The UN is aware of the distinctive viewpoints, experience, and links to grassroots organizations that CSOs bring to the table. As a result, it is believed that encouraging cooperation and involvement with civil society is crucial for promoting the human rights agenda. UN institutions often collaborate in different ways with civil society groups. When creating and reviewing policies, reports, and recommendations, they consult with CSOs. CSOs are welcome to take part in conferences, working groups, and activities sponsored by the UN that address human rights problems. Additionally, the UN offers financial and technical support

to assist civil society groups in developing their capacity so they may more successfully advocate for human rights [3], [4].

DISCUSSION

The actualization of human rights requires the active participation of individuals as well as nonprofit organizations and other components of civil society. The Universal Declaration stated that "every individual and every organ of society" had a responsibility to uphold these rights. In fact, the history of the defense of human rights is a reflection of the group efforts of people and organizations. The progress of human rights depends on the involvement and contribution of all facets of civil society. NGOs and ECOSOC The Economic and Social Council and non-governmental organizations may consult with one another under Article 71 of the United Nations Charter. Under this Article, more than a thousand international non-governmental organizations have been granted consultative status, which entitles them to observe public meetings of the Council, the Commission on Human Rights, and the Sub-Commission on the Promotion and Protection of Human Rights and, in accordance with the guidelines established by the Council, to present written and oral statements. NGOs participate in these entities' open working group meetings as observers. In their remarks at these meetings, non-governmental organizations emphasize the human rights issues that require the United Nations to take action. They also recommend studies that should be conducted and instruments that should be drafted, and they help with the actual drafting of declarations and treaties [5], [6].

Under the "1503" method, non-governmental groups may also submit allegations claiming infringement of human rights for the Sub-Commission, treaty bodies, and the Commission to examine in private. When appropriate and in accordance with decisions made by the General Assembly, the Economic and Social Council, the Commission on Human Rights, and its Sub-Commission on the Promotion and Protection of Human Rights (previously known as the Sub-Commission on Prevention of Discrimination and Protection of Minorities), non-governmental organizations are also asked for their opinions on a wide range of topics. The official reports reflect the opinions and data they provide. Through education and public awareness campaigns, non-governmental organizations also play a significant part in advancing respect for human rights and educating the general public about United Nations actions in the area of human rights [7], [8].

Aboriginal Peoples

Three main goals were established for the promotion of the human rights of indigenous peoples at the World Conference on Human Rights (June 1993) and the International Decade for the World's Indigenous People (1995–2004), which was declared by the General Assembly a year later. Adopting a declaration on indigenous peoples' rights is the first step. Establishing a permanent forum for indigenous peoples is the second step in creating an institutional mechanism for indigenous peoples' participation in UN activities. The third step is to strengthen international cooperation for the resolution of issues facing indigenous people in areas like human rights, the environment, development, education, and health. Current activities within the International Decade are as follows:

1. A working group of the Commission on Human Rights is debating the draft declaration on the rights of indigenous peoples. Representatives from various governments and indigenous groups number in the hundreds.
2. A different working group of the Commission on Human Rights is now debating the proposed permanent forum for indigenous peoples inside the UN.

3. The High Commissioner for Human Rights oversees the International Decade of the World's Indigenous People. "Indigenous people: partnership in action" is the topic. Creating programs to enhance the living circumstances of indigenous peoples across the globe is a problem for governments, the United Nations organization, and non-governmental entities. The majority of UN organizations have established focal areas or sections that carry out initiatives that assist indigenous peoples.
4. The OHCHR is concentrating on enhancing the human rights capacity of indigenous organizations, increasing the involvement of indigenous peoples in UN activities, and enhancing the information flow to indigenous communities.
5. The indigenous fellowship program provides indigenous delegates with a six-month training in human rights within OHCHR.
6. The indigenous media network serves as a conduit between UN initiatives and indigenous people via a series of seminars and exchanges, according to OHCHR.
7. With up to 1,000 participants, the Working Group on Indigenous Populations continues to be the major worldwide gathering place for all indigenous peoples.

Minorities

As ethnic, racial, and religious conflicts increased and threatened the political, social, and economic structures of States as well as their territorial integrity, there has been a rise in interest among members of the international community in problems affecting minorities. The focus of the UN strategy is the need of advancing and defending minorities' rights as well as fostering peaceful interactions between minorities and the majority population. Aside from the anti-discrimination clauses included in international human rights documents, unique rights are developed for minorities and policies are implemented to better protect those who identify as minorities from prejudice and to advance their identity.

1. The particular rights of minorities are covered in a separate text called the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
2. The Working Group on Minorities was established in 1995 with the goal of promoting the rights outlined in the Declaration. More specifically, it was created to review how well the Declaration has been promoted and put into practice, to look at potential solutions to issues involving minorities, and to suggest additional steps for the rights of minorities to be protected and promoted. The working group, which welcomes participants from governments, non-governmental organizations, minority groups, and the academic community, is becoming into a venue for discussion of minority concerns.
3. Specific challenges relevant to the preservation of minorities have been brought to the attention of the world community via a series of seminars on specialized topics. Seminars on intercultural and multicultural education as well as the media's role in defending minorities have been organized.
4. Information on minority-related activities has been exchanged as a result of interagency collaboration on minority protection. Specific activities and programs that may be developed and conducted together in order to pool financial, material, and human resources have been the focus of this information.

Support For Torture Victims

With the guidance of a Board of Trustees, OHCHR manages a Voluntary Fund for Victims of Torture on behalf of the Secretary-General of the United Nations. Resolution 36/151 of the General Assembly on December 16, 1981, created the Fund. It accepts voluntary contributions

from governments, non-governmental organizations, and private citizens for distribution through established channels of aid to non-governmental organizations that provide medical, psychological, legal, social, financial, humanitarian, or other assistance to torture victims and their families. If there is enough money, suitable training and seminars for medical and other professionals with a focus on helping torture victims may also be paid for. Grant requests must be received by December 31 in order for the Fund secretariat to review them. The Board of Trustees reviews admissible applications during its annual meeting in May. On behalf of the Secretary-General, the Board adopts proposals for the High Commissioner for Human Rights to consider. The awards are paid throughout the months of July and August. By December 31st, recipients must submit complete narrative and financial reports on how they used their money. No new awards may be considered until adequate reports on the use of prior grants are obtained [9], [10].

Support for those who have experienced modern-day slavery

With the guidance of a Board of Trustees, OHCHR also manages the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery on behalf of the Secretary-General. In accordance with General Assembly Resolution 46/122 on December 17, 1991, the fund was created. The two goals are to 1) provide financial assistance (travel grants) to representatives of non-governmental organizations from various regions working on contemporary forms of slavery so they can participate in the discussions of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on the Promotion and Protection of Human Rights, and 2) provide humanitarian aid through recognized channels such as NGOs. The only beneficiaries of the Fund's assistance shall be representatives of non-governmental organizations dealing with issues of modern-day slavery who meet the following criteria: (a) who are so considered by the Board of Trustees; (b) who, in the Board's opinion, would not be able to attend the Working Group meetings without the assistance provided by the Fund; and (c) who would be able to continue their work without the assistance provided by the Fund.

The commercial sector

Business enterprises are now receiving more attention as significant players in the human rights sphere as a result of the acceleration of the private sector development rate, the changing nature of the government's role, and economic globalization. The dignity and rights of people and communities may be dramatically impacted by corporate actions in a variety of ways. The corporate community is becoming more and more interested in developing standards, promoting best practices, and adopting codes of conduct. Governments continue to be in charge of protecting human rights, so expecting business to take on that duty is counterproductive. Instead, urge them to support human rights within their own areas of expertise.

Companies accountable for violating human rights must likewise be held accountable. The relationship between the UN and business community has been strengthening in a number of crucial areas, and the Secretary-General has urged the business community to adopt, support, and put into practice a set of core values in the areas of human rights, labor standards, and environmental practices through both individual businesses and collective business associations. The relevant UN agencies have been tasked by the Secretary-General to be prepared to help the private sector incorporate such values and principles into mission statements and everyday business operations. Examining the many strategies to address business concerns for human rights is a crucial duty for each agency.

United Nations publications on human rights

Publications on human rights are crucial for advancing such rights strategically. Publications are intended to: increase readers' knowledge of human rights and fundamental freedoms; increase readers' knowledge of the methods currently being used on a global scale to promote and protect human rights and fundamental freedoms; promote discussion of human rights issues being discussed by various United Nations organs and bodies; and serve as a permanent human rights resource for readers. The OHCHR's publications on human rights are listed below. Publications are accessible for free at the site below and include Human Rights Fact Sheets, Basic Information Kits for the 50th Anniversary of the Universal Declaration of Human Rights, and other ad hoc publications.

Their replication in languages other than the ones recognized by the UN is welcomed, provided that no modifications are made to the content and that the OHCHR is informed and acknowledged as the source of the information. You may order publications from the United Nations Bookshops indicated below, which have locations in Geneva and New York, including the Professional Training Series, the Study Series, and a few reference and ad hoc books. Publications sold by the United Nations are copyrighted. It is significant to note that the United Nations bookstore sells a wide variety of other UN publications. See appendix VI of each United Nations body's website or get in touch with the UN booksellers for a list of further works on human rights.

Human Rights Fact Sheets from OHCHR

The Human Rights Fact Sheets cover a few human rights issues that are either of special interest or are being actively discussed. The purpose of human rights fact sheets is to help a growing audience better understand fundamental human rights, the UN's agenda for promoting and safeguarding those rights, and the international mechanisms at their disposal to help those rights be realized. The Fact Sheets are made available anywhere at no cost. Their reproduction in languages other than those recognized by the UN is welcomed, provided that no modifications are made to the text and that the OHCHR is informed and given credit as the original author by the reproducing organization.

CONCLUSION

Last but not least, the United Nations Human Rights Publications and the joint initiatives with Civil Society groups serve as crucial pillars in the struggle to uphold human rights, justice, and equality on a worldwide scale. The United Nations offers a plethora of information, recommendations, and tools via these publications that enable countries, governments, and people to comprehend, uphold, and promote human rights. The alliance between the UN and civil society is proof of the open-mindedness of the human rights movement. Organizations in the civil society are essential for keeping an eye out for violations of human rights, helping victims, and holding governments responsible for their deeds. This collaboration strengthens the notion that defending human rights is a shared duty and a group effort.

REFERENCES:

[1] S. Deshingkar, Priya and Akter, “Migration and Human Development in India,” *Hum. Dev. Res. Pap. Ser.*, 2009.

[2] J. A. Laub, “Assessing the servant organization; Development of the Organizational Leadership Assessment (OLA) model. Dissertation Abstracts International,” *Procedia - Soc. Behav. Sci.*, 1999.

[3] A. Reynolds, B. Reilly, and A. Ellis, "The World of Electoral Systems," in *Electoral System Design: The New International IDEA Handbook*, 2005.

[4] A. R. Reynolds, *Electoral System Design: The New International IDEA Handbook*. 2005.

[5] S. Razavi, "Care and Social Reproduction: Some reflections on Concepts Policies ans Politics from a Development Perspective," in *The Oxford handbook of transnational feminist movements*, 2018.

[6] P. and A. S. Deshingkar, "Migration and Human Development in India," *Hum. Dev. Res. Pap. Ser.* , 2009.

[7] UN OHCHR, *Các câu hỏi thường gặp về Nguyên tắc hướng dẫn về kinh doanh và quyền con ngườ*i. 2015.

[8] A. Joaqu *et al.*, "UC - Santa UC Santa Barbara Barbara," *Dep. Econ. Carlet. Univ. Ottawa, Ontario*, 2011.

[9] A. Reynolds,Andrew Reilly,Ben Ellis, *Electoral System Design: The New International IDEA Handbook*. 2005.

[10] A. Reynolds, Andrew Reilly, *Electoral System Design: The New International IDEA Handbook*. 2005.

CHAPTER 9

REASONABLE CHANCE OF SUCCESS: ANALYZING POSTWAR REQUIREMENTS

Bhirgu Raj Maurya, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- brmourya.mourya321@gmail.com

ABSTRACT:

Rebuilding and making the transition to peace after conflicts and wars is a difficult and diverse task. Understanding the essential elements that lead to postwar success is crucial for achieving lasting peace, stability, and growth. In this research, the idea of a "reasonable chance of success" is investigated as a crucial standard for evaluating postwar needs. It explores this idea's many facets, looking at factors that affect post-conflict states' chances of success on the political, social, economic, and security fronts. The research provides a comprehensive view on the processes at work in postwar situations by drawing on a broad variety of case studies and empirical data, encompassing conflicts from diverse areas and historical periods. It emphasizes how crucial good governance, the application of the law, and inclusive political processes are to determining how post-conflict countries develop. The research also looks at how international actors, peacekeeping operations, and humanitarian interventions might help and raise the likelihood that postwar transitions would be successful.

KEYWORDS:

Conflict Resolution, Reconstruction, Root Causes, Transitional Justice, International Collaboration.

INTRODUCTION

Rebuilding and stabilizing a country after a conflict or war is a difficult task that calls for meticulous preparation and evaluation. Making sure that subsequent criteria have a decent likelihood of success is an important consideration in this process. Various political, social, economic, and security-related issues must be addressed in order to advance stability and avert a resurgence of war. The creation of a functioning government that has the support and legitimacy of the people is one of the key postwar prerequisites. This often entails conducting political talks, creating a new constitution, and holding elections. These procedures must be inclusive and take into account the many interests and identities present in the nation if there is to be long-term peace and stability. In the postwar era, exclusion or marginalization may develop anger and reduce prospects of achievement [1], [2].

Another crucial aspect of postwar needs is economic rehabilitation. Economic instability is often brought on by conflict, which destroys infrastructure, disrupts markets, and uproots communities. Investment in infrastructure, job creation, and the restoration of fundamental services like healthcare and education are all necessary for the economy to be rebuilt. In this sense, international collaboration and aid are often essential since they may provide crucial resources and know-how. For the postwar era to have a decent chance of success, security must be guaranteed. This entails creating efficient security forces and law enforcement organizations in addition to demobilizing and disarming former fighters. Additionally, it is crucial for fostering trust between the government and its population to take actions that advance the rule of law, safeguard human rights, and redress concerns resulting from the conflict.

Additionally, it is critical to address the social aspects of postwar rehabilitation. This includes initiatives to treat the emotional and psychological scars caused by the war, truth-and-reconciliation commissions, and reconciliation activities. In order to maintain social cohesiveness and long-term stability, it is crucial to address the conflicts' underlying issues, such as grievances and inequality. It is crucial to remember that difficulties are unavoidable in postwar conditions, even when there is a decent probability of success. The memory of the war, outside pressures, and complex political processes may all be major hindrances. Additionally, waiting times for results may be quite long, and patience is often needed [3], [4].

DISCUSSION

A war's termination does not automatically indicate that all deaths and suffering have ended. The lingering impacts of conflict, known but unforeseen outcomes, and poorly managed postwar occupation all often cause damage to people during the postwar era. States must not only understand that all parties have postwar duties, but they must also understand how exacting these commitments are even before hostilities start. This is in line with the notion of good purpose. Jus post bellum requirements must also be taken into account alongside and linked with jus ad bellum and jus in bello considerations, not in isolation. A state may win a war but still make a moral mess of the aftermath, therefore focusing only on the possibility of successful military operations as the main factor for the jus ad bellum reasonable chance of success doctrine is intrinsically flawed. The advantages of including jus post bellum obligations in a state's calculation of its reasonable chance of success are twofold: a state could restrict or curtail certain military operations, giving it the ability to fulfill its postwar obligations more successfully and effectively, and the state would engage in postwar scenario planning beforehand rather than waiting until the war is over, which is way too late to deal with the massive post bellum unrest.

Prewar, war, and aftermath are the three different stages of a conflict. Over the last two centuries, the postwar period has lost some of its significance. Post-war issues have just lately gained attention, and there is still much to be done. Numerous academics, including Larry May, Brian Orend, and others, have contributed significantly to this field. However, unlike the prewar and war eras, the jus post bellum functions and obligations do not yet have any established systematic set of rules guiding them. The UN Charter provides that governments have a moral and legal obligation to self-defense. Additionally, international rules apply to armed combat. There aren't yet any established or commonly accepted post-battle conventions, however. According to Michael Walzer, there are three acceptable reasons for going to war: to fend against aggression, restore the pre-violence peaceful status quo, and to logically stop further aggression. Walzer does not, however, elaborate on any particular paradigm defining how nations may legitimately pursue a restoration of the peaceful status quo [5], [6].

It is conceivable to begin a war with justifications, fight it with justifications, and then engage in ethically dubious postwar behavior. In light of this, the topic of this chapter is what a state should be expected to do ethically once significant conventional military operations have concluded. It may be terrible to put off thinking about and expressing postwar views until the conflict is over. Long after the combat has stopped, the aftereffects of war still cause damage to populations. According to Larry May, "If the object of war is a just and lasting peace, then all Just War considerations should be aimed at this goal, and the branch of the Just War tradition that specifically governs the end of war, jus post bellum, should be given more attention, if not pride of place."

Therefore, before a battle starts, we need to decide what is expected of the winner in terms of the defeated. Without a strategy for post-conflict occupation and rebuilding, a state that goes to war ends up inflicting great misery and loss of life on its adversaries, not to mention the sacrifice of its own lives and resources. Rebuilding, repairing, and reconstructing, in the opinion of May, Orend, and Gary Bass, is ethically necessary. I also agree that it is crucial to rebuild damaged political institutions as well as important infrastructure. The just war literature, however, tends to imply that postwar issues only become apparent after the conflict is done or as it is ending, which leaves out some important information. That is to say, since the combat is finished, we should start to rebuild [7], [8].

For instance, I'm not clear whether Bass's restraining conquest tenet or Orend's rights vindication tenet function as intended. According to Orend, "[t]he principle of rights vindication forbids the continuation of the war after the relevant rights has, in fact, been vindicated." This looks logical but lacks any genuine profundity or an explanation of what is truly required. Bass makes a similar argument for how combatants should limit their conquest: "They should use the minimum violence necessary to achieve just ends," and "once a state has surrendered, its sovereignty must be respected again." Bass, despite the fact that it appears obvious, only suggests that governments engage in limited conflict rather than complete war to make his argument. By include the idea of proportionality, I think May does a terrific job of conveying a crucial aspect of jus post bellum.

According to May, "this involves the conditions necessary for achieving a just peace: they cannot impose more harm upon a population than the harm that is alleviated by these postwar plans." May argues that any damage caused during the battle should be made up for after the conflict. May did not, however, advocate for scheduling postwar commitments at the same time as military operations. Even though post bellum issues have been covered extensively, each stage has been covered independently. I wish to argue that, rather than preparing and addressing postwar issues separately and only after major combat operations have concluded, all three stages of conflict must be integrated and assessed as a whole.

By arguing that a state should not only be aware of its postwar obligations but also should take those obligations into account when determining whether it has "a reasonable chance of success," this chapter seeks to address some of that oversight and highlight the important and difficult problems that will emerge in the postwar phase. The state is compelled to be aware of such demands before it finds itself in the postwar phase without a clear plan of action by include postwar issues in its reasonable likelihood of success assessment. And by being aware of its responsibilities for the postwar period even before hostilities start, the state is better equipped to take on those hard duties and make decisions that make fulfilling those duties easier.

As a calculation of a state's chances of militarily winning the conflict, the majority of authors who study just war use the jus ad bellum principle of reasonable chance of success; however, this calculation of success is overly simplistic and undermines the important analysis that should be taken into account. It should be argued that the jus ad bellum principle of a reasonable possibility of victory involves more than just calculating the chances of winning the conflict militarily. It is feasible for a liberal democracy to go to war for good causes, fight the war justly, and fully fail to create a moral mess of the postwar period by failing to meet its obligations to the victorious. As part of the reasonable probability of success tenet of jus ad bellum, a state must examine the standards of jus post bellum in order to correct this [9], [10].

This means that a state should be aware of its ex post obligations, which should be taken into account when calculating its ex ante possibility of success. After all, responsibility does not

cease simply because significant military operations are completed. A two-tier strategy should also be used as part of a plan to successfully meet postwar responsibilities. I offer a liberal democracy as an example because I believe that such a peaceful democracy is fair, will behave in accordance with what is just and reasonable, and has gone to war in reaction to an illegal regime's aggression. There are two areas of responsibility for postwar reconstruction: the just victor should be in charge of giving security to the populace of the defeated nation, and the international community should be in charge of reforming the political and social structures of the outlaw regime.

The greatest strategy to minimize damage to civilians while simultaneously successfully reshaping the institutions of the defeated state is via this two-tiered approach. The greatest method to build, repair, or regenerate peace with justice is to fulfill both levels of obligation at once. Before going into any detail on the two-tier model, I want to be clear that I am not advocating that a state waits to defend itself from an aggressor state's assaults until it can determine its chances of success. Postwar planning must be included in the concurrent planning in this sort of case. Of course, deploying defensive and offensive actions to thwart these assaults is ethically and legally acceptable. But even if a state is defending itself from such assaults, it should be aware that it still has postwar obligations, which may include overthrowing the criminal regime, reestablishing the rule of law, rebuilding infrastructure, and engaging in negotiations and diplomatic conflict resolution. Even when it is necessary, a regime transition may not always be feasible.

I attempted to expound on this before by using Poland's experience in World War II as an illustration. Poland sought to drive the Nazis out of its borders, recover its sovereignty, and protect the human rights of its people. Poland was battling for its own life; thus it shouldn't have been concerned about postwar obligations. However, there have been other instances, such as the 1991 Desert Storm invasion of Kuwait and Iraq, when a coalition of nations with more military might than the aggressor state, Iraq, chose not to make a regime change one of its postwar objectives. The coalition troops sought to vindicate and defend the rights of people who had been wrongfully victimized by the Iraqi government. Iraqi troops were driven from Kuwait by coalition forces, restoring Kuwait's territorial integrity, political independence, and security of human rights.

Coalition troops determined that a complete invasion of Baghdad was not appropriate since Kuwait's rights could be upheld without doing so because they thought that Iraq's hostile attitude could be restrained without a regime change. That is to say, Kuwait's subsequent self-defense would not have been ethically justified by the extra loss of hundreds or perhaps thousands of coalition forces and the deaths of tens of thousands of Iraqi citizens and military. In addition, the goals of the attack, which had been ethically justified as protecting Kuwait from aggression, were not commensurate with the loss of military hardware and the expense of the resources required to invade Iraq and depose Saddam Hussein in 1991. However, when a just state chooses to attack another without warning, that it should have started preparing for postwar obligations even before hostilities started, as opposed to doing so at the conclusion of the conflict.

Naturally, the intricacy of the conflict itself must be taken into account when determining the scope of postwar obligations. There really isn't any significant postwar obligation required of the responding nation if it wins, because the outlaw regime's civilian infrastructure was, presumably, unaffected if the strategic objective is to only defeat the aggressor state's offensive strike force as it rolls across the border. In other words, only military equipment was attacked, neutralized, or destroyed. Postwar concerns are still significant but far less pressing in such a

situation. They may just be limited to the establishment of demilitarized zones, no-fly zones, restrictions on weapon stockpiles, etc., which can be carried out and coordinated by a combination of the just victor and the international community. These enterprises are small in scale and need very little in terms of resources.

However, pursuing a regime change or an unconditional surrender involves an enormous amount of money. It should not be surprising that the victor in such a situation has a morally demanding role since operations that call for an unconditional surrender or a regime change are highly demanding, particularly during the postwar period. Instead of launching into the military phase of the operation without a strategy for the postwar phase's follow-on operations, a state should take efforts to organize such an attempt when its objective is to overthrow an unlawful regime. Due to the inherent difficulty of attempting to plan both wartime and post-war activities at once, planners may choose to solely concentrate on one phase at a time. In light of this, planning is reduced to concentrating solely on how to get the opponent to submit, which is often accomplished by implementing a destructive strategy without giving much attention to anything else.

By assaulting the adversary state's physical infrastructure, military operations like regime change or unconditional surrender aim to weaken that state's capacity to wage war. As long as it adheres to the principles of military necessity and proportionality, "any act of force that contributes in a significant way to winning the war is likely to be called permissible."6 Because this kind of action still targets military assets, attacking the enemy's infrastructure is seen as acceptable. But since they serve two roles, these targets are categorized as dual-purpose targets. They have uses for both the civilian population and the military of a state.

In order to drastically reduce a state's capacity to wage war, weaken its center of gravity, and undermine its willingness to fight, targets such as electrical grids, power plants, bridges, trains, and large highway interchanges are considered lawful targets. Armed forces are not required to use a dual-purpose target bombing strategy, but they choose to do so for two reasons: first, it causes war to spread throughout the entire state, crippling its ability to function, and second, this kind of campaign will prompt a state to request peace much more quickly than just targeting military targets. Such a tactic implies that civilian casualties will occur. In spite of the fact that they are not purposely targeted, they die as a result of military operations. "Noncombatants, whatever their political affiliation, have the right not to have war waged on them."

CONCLUSION

When assessing postwar needs, a realistic possibility of success is a crucial component. Societies are often left in ruins after a battle, with innumerable lives disturbed and institutions in chaos. These communities must be rebuilt using a planned and practical strategy that takes into consideration the particular difficulties and complexity of each circumstance. Even if success is never guaranteed, aiming for a decent possibility of success is both a moral duty and a need in daily life. First and foremost, a realistic prospect of success requires a thorough comprehension of the dynamics at work as well as the conflict's underlying causes. Any efforts at postwar rehabilitation and rebuilding are likely to fail without a good understanding of the underlying causes. This comprehension needs to go beyond the conflict's direct causes and dive into the more significant structural, economic, and social elements that influenced it. Additionally, in postwar situations, cooperation and help from other countries are often essential. Dealing with the fallout from war is a difficult and resource-intensive task. The prospects of success may be greatly increased by the international community's financial

assistance, knowledge, and peacekeeping troops. However, the values of sovereignty and respect for the right of affected states to self-determination must always govern such support.

REFERENCES:

[1] P. Kowalik and S. Laakkonen, "Legal requirements and wastewater discharges to polish water bodies, 1945-2003," *Ambio*, 2007.

[2] J. T. Rose and P. S. Rose, "The burden of federal reserve system membership. A review of the evidence," *J. Bank. Financ.*, 1979.

[3] N. J. Spykman and F. P. Sempa, *AMERICA'S STRATEGY IN WORLD POLITICS: THE UNITED STATES AND THE BALANCE OF POWER*. 2017.

[4] D. W. Jorgenson and B. M. Fraumeni, "Investment in Education and U.S. Economic Growth," *Scand. J. Econ.*, 1992.

[5] S. V. Ciriacy-Wantrup, "Resource conservation and economic stability," *Q. J. Econ.*, 1946.

[6] G. Terborgh, "POSTWAR SURPLUSES AND SHORTAGES OF PLANT AND EQUIPMENT," *Am. Econ. Rev.*, 1942.

[7] W. Hsiao-Lin, "Structure and Dielectric Properties of Perovskite Barium Titanate (BaTiO3)," 2002.

[8] S. A. Kossoudji and L. J. Dresser, "The end of a riveting experience: occupational shifts at Ford after World War II," *Am. Econ. Rev.*, 1992.

[9] H. S. Perry, "THE WARTIME MERCHANT FLEET AND POSTWAR SHIPPING REQUIREMENTS," *Am. Econ. Rev.*, 1946.

[10] T. Batio, "Structure and Dielectric Properties of Perovskite," *Structure*, 2002.

CHAPTER 10

POST BELLUM OBLIGATIONS OF NONCOMBATANT IMMUNITY

Yogesh Chandra Gupta, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- COGNITOR.YOGESH@GMAIL.COM

ABSTRACT:

The issue of how to go from a state of war to a long-lasting peace after armed wars is of utmost significance. This essay examines the idea of "Post Bellum" and how it relates to noncombatant immunity duties after armed conflict. A key tenet of international humanitarian law, noncombatant immunity shields civilians and other noncombatants from injury during armed conflicts. But even when conflicts end, it still has significance and application. This essay explores how noncombatant immunity has changed in the post-war era. It goes into detail on who is responsible for protecting and rehabilitating civilians and vulnerable people in post-conflict societies, including state actors, international organizations, and non-state actors. It also looks at the difficulties and complexity that come up when seeking to strike a balance between the principles of noncombatant immunity and the needs of justice, peacemaking, and society rebuilding in war-torn areas.

KEYWORDS:

Noncombatants, Peacebuilding, Post-war, Reconciliation, Rehabilitation.

INTRODUCTION

Prewar, war, and aftermath are the three different stages of a conflict. The postwar era has gotten the least attention within the just war tradition. However, there has been an increase in postwar conversation during the last ten years. But as of yet, no agreed-upon set of moral guidelines for how formerly at war parties should behave has been established. Any reasonable explanation of the rules of justice after war will be informed by the legitimate goals of war, which include fending against unjust aggression, realistically averting further aggression, and building a fair and enduring peace. However, we must first examine the standard of proper purpose before focusing entirely on the postbellum era and considering norms that are only pertinent to the postwar phase. The aforementioned legal wartime objectives include not only declaring war with the proper motives, but also fighting with the proper motives, as well as mending bridges with the proper motives. All three stages of a conflict follow the standard of proper purpose. In order to have good intention, a state must not only have a just cause and restrict its war-making to what is required to uphold that cause, but also work to uphold that cause in a way that will likely result in a fair and permanent peace [1], [2].

That is, there are limitations that come with pursuing a fair and enduring peace, which calls for a commitment to civilian immunity, to the notion that civilian immunity has some post bellum consequences for dual purpose targeting. Therefore, before we go too far with post bellum thinking to clearly post bellum rules, which are relevant to just the postwar era, we should examine the post bellum implications of the ad bellum and in bello obligations. I will make the case that a just state that has been unjustly attacked and is defending itself in good faith must rebuild any infrastructure lost as a result of attacking facilities that serve both purposes if the harm affects fundamental human rights. This requirement has not been fully stated, thus a complete articulation is required. Even if the liberal democracy made a reasonable effort to uphold the necessity and proportionality targeting criteria, ex ante, it still has a duty to the

inhabitants of the unjust aggressor state after winning a war justly waged against it. Given the practical reality of contemporary warfare, the effects on civilians in a war zone last much beyond the conclusion of hostilities, even when a righteous war is waged. The Korean conflict serves as a template for how a conflict might finish with neither side occupying the other [3], [4].

Other conflicts finish with one side winning but not occupying the other; the first Gulf War is a prime example of this. Numerous others do not entail occupation or government change. In each of these archetypal examples, I think it is possible to argue that while the aggressor state's rights had been partially upheld, an occupation and regime change were not carried out due to other complicating factors. In the earlier paradigm example, UN soldiers retaliated against South Korean soldiers who had been attacked by North Korean forces. An armistice was negotiated between the two countries in 1953 after the Korean War had been raging for two years and reached a standstill. Additionally, in the latter paradigm example, when Iraqi troops were trying to retreat into Iraq, coalition forces drove them out of Kuwait and obliterated their capacity to launch military offensives. It's vital to talk about the cases from 1950 in Korea and 1991 in Iraq. My emphasis for this chapter is different, however. The unjust aggressor state has given up in the hypothetical situation I'll be talking about, and the righteous winner has an occupying army. The occupying force will be employed to uphold the law, aid in stabilizing the most fundamental needs, assist in enacting a regime transition, and/or restore decaying institutions. I am aware that there are numerous battles and wars when there is no occupying army. However, in its two most recent wars, in Iraq and Afghanistan, the US deployed an occupying force. Despite the fact that Iraq's primary combat operations ended after just six weeks, the postwar period, which included a U.S. occupying force, continued for more than eight years [5], [6].

DISCUSSION

The avalanche of debate around the postwar phase and its resurrection in just war theory were sparked by the flaws in how the United States first planned and carried out its postwar plan. In Michael Walzer's Just and Unjust Wars, which does not even mention the postwar phase other than to note that there are three legitimate wartime ends: resisting aggression, restoring the peaceful status quo, and reasonably preventing future aggression, it is clear that contemporary just war theory prior to the 2003 Iraq War focused primarily on the ad bellum and in bello phase. Since conflicts like those in Iraq and Afghanistan are happening, it is important to talk about these situations even though an occupation force won't be present in every conflict. By doing so, states will hopefully better understand their post-bellum obligations and be able to plan and carry them out in a way that satisfies their moral obligations [7], [8].

Fighting with good purpose includes the jus in bello notion of noncombatant immunity, which imposes severe jus post bellum responsibilities. Even while certain rebuilding duties emerge as a consequence of jus in bello civilian immunity principles, belligerents are nonetheless required to perform them ex post. Fighting with the correct motivation would need a more thorough account of safeguarding human rights, which contributes to the argument that a winner should rebuild any damaged infrastructure. Although the noncombatant immunity concept already respects the fundamental human rights of civilians, I am not advocating for any new rules but rather for a new need. Any acceptable explanation of what the need of the concept of noncombatant immunity is satisfies the need to protect civilians from damages that violate human rights. More particularly, even if the ex ante targeting was justified and reasonable, etc., belligerents must bring damaged dual use facilities up to a standard that would protect human rights. In addition to making compliance with the current standard considerably

more probable than it would otherwise be, adhering to this criteria demonstrates a commitment to a fair society of peoples focused on human rights and peaceful, respectful international relations, among other things. The consideration of noncombatant immunity and its post-bellum ramifications is divided into seven sections.

The difference between combatants and noncombatants and the relationship between noncombatant immunity and human rights are covered in length in the first two sections. The final part explains how it is harmful to the civilian population to demolish dual purpose facilities and how this requires special consideration. The fourth portion demonstrates that although people may sometimes perish when solely military objectives are destroyed, they do not suffer any lasting damage, requiring no special care. The two sections that follow make the case for routine ex post independent review of all decisions to target dual use facilities along with follow-up to ensure that facilities have been restored. Belligerents have a duty to ensure that the human rights of their enemy's civilian populations are not compromised after hostilities have ended because of damage it inflicted on dual use facilities. The last paragraph makes a distinction between a belligerent's core duties for noncombatant immunity and other governments' supplemental obligations related human rights.

Combatants and Noncombatants: A Difference in Perspective

Combatants and noncombatants are two separate kinds of people during conflict, according to both international law and the just war theory. Soldiers have the power to kill and are exposed to attack from hostile warriors. Soldiers are a collective and stand for the political force they are fighting for. Soldiers fighting for their state aim to force the will of their nation onto the opponent, as stated by Michael Walzer, "War itself isn't a relation between persons but between political entities and their human instruments." Soldiers are legitimate targets, and an enemy soldier is morally and legally allowed to kill them whether they are actively firing at the enemy, resting on their cots, or operating vehicles. Although combatants are allowed to be killed, refusing quarter to those who wish to surrender, injuring soldiers who have surrendered, and causing unnecessary suffering are strictly forbidden. "The claim is that if a soldier is morally justified in killing a person in war, that is usually because the other person has behaved in a way that has made him liable to be killed," says one author.

Although combatants have power rights to kill enemy combatants, this authorization to kill is not extended to the point that it allows the intentional killing of civilians. Soldiers are given power rights that allow them "to act in a way that makes them morally liable to defensive violence." Instead, because they neither pose a direct or immediate threat to others nor have they been recognized as an official organ of the state, civilians do not occupy a recognized combatant role within the war convention.9 Because they are "non-combatants and do not themselves pose a direct threat to others, they are never legitimate targets of force."

Noncombatant immunity is a requirement of fair war and a principle that all belligerents must abide by. Whether a state engages in military conflict in a justified or unjustified manner, it does not forfeit the noncombatant immunity of its inhabitants. According to Article 27 of the Fourth Geneva Convention, "Protected persons [noncombatants/civilians] are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious conviction and practices, and their manner and customs; they shall at all times be treated with humanity, and shall in particular be protected against all acts of violence or threats thereof and against insults and public curiosity." In order to uphold the requirements of the noncombatant immunity principle, belligerents would need to take extra precautions to preserve civilians'

houses of worship, museums, hospitals, schools, structures that house charitable organizations, and monuments from damage.

Although it is not generally accepted, the idea that everyone has the right to a social minimum is largely accepted. There is broad consensus about the fundamental human rights to bodily safety, sustenance, and certain fundamental liberty. Positive and negative rights characteristics are combined to form human rights, which inevitably depend on one another. There are many profound intellectual, moral, and theological grounds for human rights. For instance, a naturalistic description of humanity "as such" approach, the autonomy, basic requirements, and liberty method of James Griffin, the unwavering regard and dignity of individuals approach of Immanuel Kant, etc. I want to avoid making any conclusions about these specific groundings. The Rawlsian viewpoint does not seek to provide a solid foundation for human rights. Instead, they are a component of global and worldwide public reason and as such, they have the backing of a broad agreement among well-ordered peoples, whether liberal democratic or not.

That is, fundamental human rights are so fundamental to a person's existence that they are widely acknowledged as essential, regardless of the religion, philosophy, or doctrine that person follows. This is true whether the justification for this is based on unalienable privileges, rights bestowed by God, notions of dignity and worth, or a concrete political creation. Human rights are legitimate claims for social guarantees against common dangers to particular commodities, hence the lack of the social guarantee constitutes a breach of or failure to protect the relevant human right. In order to properly protect people against common hazards that might otherwise interfere with the requirements for any effort at an acceptable living, these rights must be upheld. One's ability to exercise fundamental human rights would be seriously compromised in the absence of a social guarantee against common risks.

When nations are at war, these legitimate demands for social assurances against common dangers to specific commodities remain the same. That is, the right of civilians to this social minimum is unaffected by the conditions of war. The fundamental human rights criteria is used to understand the concept of civil immunity. It is a given that noncombatants should be protected from the effects of conflict. However, not all repercussions of conflict are created equal; those that endanger or violate fundamental human rights are particularly troubling because they undermine the social safeguards that protect civilians from common hazards. While civilians need to be protected from various repercussions of conflict, the most crucial effects are those that endanger their fundamental human rights. All citizens must be allowed to act freely and choose their own actions in an environment free from fear, uncertainty, conflict, despair, and hunger. However, it is impossible to lead a regular life in a war-torn country when access to food, clean drinking water, medical care, and physical protection are all luxury items. People are dominated or controlled by outside forces in these harmful situations, which violate their fundamental human rights. It is apparent that a war endangers the fundamental human rights of the citizens who live in the country where the conflict is taking place. Until physical infrastructure and social services are restored to a threshold level that ensures fundamental human rights and makes it possible for people to live instead of just surviving, those who are exposed to the destruction of war cannot effectively formulate, express, or adhere to any logical strategy for survival [9], [10].

Civilians need to be protected from costs that compromise their basic human rights, which means that they must be left with not only access to potable water, food, shelter, medical care, sewage and trash removal, etc., but also with a state that can effectively secure those rights for them. Noncombatant immunity entitles civilians to protection of more than just their basic human rights. Nothing else can logically happen without the protection of fundamental human

rights first. Core human rights must be protected first in order to shield citizens from common risks and damages before any other rights may be guaranteed. However, traditional military tactics that emphasize destroying dual purpose infrastructure in order to weaken the adversary state and its army have an impact on noncombatants' fundamental human rights. My major worry is that if civilians are intended to be protected from the negative impacts of war, they need to be protected as much as possible from those effects. When facilities with multiple uses are targeted, nevertheless, this does not take place.

Despite the rules of war guaranteeing the highest level of protection for civilians, more civilians than troops have perished in contemporary conflicts. This has been the case throughout history, including World War II, the Vietnam War, the Persian Gulf War, the second Iraq War, and the ongoing Afghan struggle. Tens of millions of people have died in conflict throughout the last century. Conservative estimates indicate that civilian casualties in conflict are at least five times higher than those of troops even in the twenty-first century. The majority of these high fatality rates result from lingering effects, many of which are caused by the purposeful targeting of dual-purpose facilities by armed forces. As a result of otherwise legal behavior in conflict, civilians die. In other words, many people perish as a result of behavior that subtly violates civilian immunity.

Military necessity and lawful actions of war result in the deaths of civilians. Even if they are not intended for civilians, legitimate acts of war nonetheless result in their death. An purposeful assault on an enemy combatant is permitted because it does not violate the rights of that soldier, who is likely to die as a result of the attack. "A legitimate act of war is one that doesn't violate the rights of the people against whom it is directed." However, unjustified acts of war result in the deaths of people. I'm speaking specifically about dual-purpose targets. The international law of armed conflict states that "combatants, and those objects which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization, in circumstances ruling at the time, offers a definite military advantage, are permissible objects to attack."

For instance, a bridge might be considered to be a dual-purpose legitimate military objective that belligerents are legally permitted to destroy because of its crucial role in resupplying enemy forces or because, by virtue of its design, it allows for the movement of traffic from one place to another. In addition, protected structures include hospitals, temples, and museums. Targeting protected structures is prohibited by law. It is still not acceptable to strike a hospital where troops are being treated or triaged because those soldiers are disabled. They have lost their position as a fighter and are no longer at risk of being murdered since they are disabled. Despite the fact that a building's protected status may be lost if a belligerent utilizes it for military operations, it is still preferable to avoid attacking such a structure due to the propaganda and media exploitation that would result from doing so. As the name implies, dual purpose targets fulfill two distinct functions. For example, generating facilities not only provide power for homes but also for army barracks and command and control centers [11], [12].

Theoretically, crippling a belligerent nation's infrastructure should force it to submit to pressure more quickly since its infrastructure, resupply capability, and communication network have all been compromised. In contemporary conflict, this is not often the case, despite the fact that it would seem logical to advocate that animosity be directed towards the source of the injury. Modern warfare occurs in and around cities, and populous places provide crucial characteristics and infrastructure that support a state's capacity to wage war. Since they support military operations, these sites are legal targets. However, it appears that bombing dual use facilities is seen as an opportunity or as an easier route to one's goal rather than directing "one's hostility

or aggression at its proper object, but at a peripheral target which may be more vulnerable, and through which the proper object can be attacked indirectly"18. Although a belligerent is certainly not obligated to destroy facilities that serve both military and civilian purposes, it chooses to do so for the anticipated military benefit. Along with the normal significant benefit that may be obtained from destroying dual purpose facilities, belligerents run the danger of adopting a position that is overly lenient when it comes to attacking these facilities.

CONCLUSION

It becomes clear that just war theory and international humanitarian law nevertheless have a considerable importance after hostilities have ended in the context of post bellum responsibilities and noncombatant immunity. Maintaining noncombatant immunity, which protects civilians and other noncombatants' lives and wellbeing, is still both morally right and required by law. As battles come to a conclusion, attention should switch from the battlefield to the process of reconstruction and reconciliation. It is vital to keep in mind throughout this transition that the same values that governed behavior during the conflict should also govern the post bellum era. Given that people are often the most defenseless and impacted by the effects of conflict, their safety must always come first.

REFERENCES:

[1] A. Chayes, “Chapter VII1/2: Is jus post bellum possible?,” *Eur. J. Int. Law*, 2013.

[2] J. Gallen, “Odious debt and jus post bellum,” *Journal of World Investment and Trade*. 2015.

[3] D. Oldroyd, T. Tyson, and R. Fleischman, “Contracting, property rights and liberty,” *Accounting, Audit. Account. J.*, 2018.

[4] I. Plakokefalos, “Reparation for Environmental Damage in Jus Post Bellum: The Problem of Shared Responsibility,” *SSRN Electron. J.*, 2018.

[5] J. K. Rozpedowski, “Just Peace at War’s End: The jus post bellum Principles as National and Human Security Imperatives-Lessons of Iraq and Kosovo,” *Glob. Jurist*, 2015.

[6] D. Oldroyd, T. Tyson, and R. Fleischman, “Contracting, property rights and liberty: Accountability under the Freedmen’s Bureau’s labour-contract system,” *Accounting, Audit. Account. J.*, 2018.

[7] A. Koeman, “A realistic and effective constraint on the resort to force? pre-commitment to jus in bello and jus post bellum as part of the criterion of right intention,” *J. Mil. Ethics*, 2007.

[8] D. McCready, “Ending the War Right: Jus Post Bellum and the Just War Tradition,” *J. Mil. Ethics*, 2009.

[9] M. Vanhullebusch, “Governing asymmetries on the battlefield: Towards a relational normativity,” *Chinese J. Int. Polit.*, 2016.

[10] E. De Brabandere, “The Responsibility for Post-Conflict Reforms: A Critical Assessment of Jus Post Bellum as a Legal Concept,” *Vanderbilt J. Transnatl. Law*, 2010.

[11] A. Chayes and J. E. Nolan, “What comes next,” *Daedalus*, 2017.

[12] G. Verdirame, “What to make of jus post bellum: A response to antonia chayes,” *Eur. J. Int. Law*, 2013.

CHAPTER 11

RESPONSIBILITY TO PROTECT: NEGATIVE AND POSITIVE CORRESPONDING DUTIES

Pradip Kumar Kashyap, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- pradiprgnul@gmail.com

ABSTRACT:

The idea of the Responsibility to Protect (R2P) has received a lot of attention in discussions of international relations and human rights. According to this argument, nations have a duty to defend their citizens against mass atrocities including genocide, war crimes, ethnic cleansing, and crimes against humanity. The international community may intervene to stop such crimes when governments are unable or unwilling to fulfill their role. However, R2P has associated obligations that are both negative and positive. Negative comparable obligations include the responsibility to abstain from doing any activities that might aggravate or fuel mass crimes. States must refrain from taking any acts that may encourage or facilitate such crimes. This includes refusing to aid those who commit mass crimes militarily, financially, or logistically. The concept of not interfering in the internal affairs of sovereign nations is emphasized by negative matching responsibilities, with the knowledge that occasionally meddling from the outside might make things worse.

KEYWORDS:

Humanitarian assistance, Peacekeeping, Reconciliation, Reconstruction, Refugee protection

INTRODUCTION

The Hutu tribe brutally murdered over 800,000 Tutsis in Rwanda during the spring of 1994, while the rest of the world did nothing except watch as the nightmare played out. Every state was morally responsible for the failure of the United Nations to halt the Hutu rampage or even try to do so, in addition to the Hutus being morally responsible for their atrocious actions. President Clinton issued an apology for the Western world's silence in the face of such heinous atrocities four years after the genocide in Rwanda. Then, a year later, when an ethnic cleansing campaign raced over Kosovo and the UN Security Council members disagreed on whether to act, NATO made the decision to put a stop to the ethnic cleansing of Albanians by Serbia. However, the NATO bombing campaign resulted in a scarcity of medical supplies, power, and drinkable water, which led to hundreds of civilian fatalities. Both times, the UN did nothing. Even if NATO intervened in Kosovo, more damage was done than necessary. The sole form of NATO participation in Kosovo was an air campaign [1], [2].

Ground troops weren't used. In order to hinder Slobodan Milosevic's capacity to conduct war on the civilian population, the attack concentrated on dual-use targets. This tactic succeeded in forcing Milosevic's troops to submit, but it also resulted in foreseen but unexpected consequences and lasting repercussions that killed thousands of people. In an effort to address the international community's lack of response to the tragedies of genocide and crimes against humanity, Secretary-General Kofi Annan pleaded with world leaders "to try to find, once and for all, a new consensus on how to approach the issue of humanitarian intervention and to forge unity around the basic questions of principle and process involved"1 during the 2000 United Nations General Assembly.

The International Commission for Intervention and State Sovereignty was established in 2000 to address the ethical, political, operational, and legal concerns related to the use of foreign armed force to defend people. Determining whether employing force to halt force is essential involves a number of factors. But I'll concentrate on the moral implications of armed involvement. I'll demonstrate how a state might lose the moral authority to adopt a noninterventionist strategy, and that when that happens, military intervention may be essential if further criteria are satisfied. In order to create the circumstances for a fair and long-lasting peace, the just war tradition must be in harmony with the standard of right purpose. In order to safeguard the innocent, "Right Intention" is essential. Therefore, it follows that using force is a legal act of war that must be done in order to defend and assist individuals who are unable to prevent great damage from being done to them [3], [4].

DISCUSSION

Human rights are the foundation of international justice, and their realization is the basis for justice. Human rights are designed to guide a state's governance, both toward its own people and occupants as well as toward the citizens of neighboring states. Establishing a sustainable peace is dependent on upholding fundamental human rights, adhering to the idea of civilian immunity, and acknowledging the international obligations to protect. Unjust conflict, tyranny, and genocide result from unjust governmental structures. In an eleven-section examination, I want to argue for the Responsibility to Protect and explore its terms and substance. While exposing some of the concerns that the theory raises, Section 1 charts the development of the emerging norm of the Responsibility to Protect. In sections 2 and 3, I shall demonstrate that when the prerequisites of sovereignty are violated, neither a right to recognition nor a right to nonintervention exist, but that this fact does not always imply a responsibility or a right to interfere. In my opinion, there are a number of essential requirements that, when combined and met, are sufficient to support military involvement [5], [6].

A military intervention must have a reasonable chance of success, be used only as a last resort, be welcomed by those who are being harmed by the precipitating violations, be all things considered proportionate, be undertaken voluntarily by states, not infringe upon the rights of the soldiers it involves, and the target state must have had amicable relations with the international community. This chapter focuses on the rights and obligations in Sections 4 through 8. Section 4 discusses the primacy of protecting physical security rights. I shall argue in sections 5 and 6 that upholding fundamental rights necessitates carrying out both negative and positive tasks and that the UN is the best way for the international community to do this. Later, I propose that the need to intervene is not only a military one. I then go on to a discussion of soldiers' rights. I'll go over several facets of the duty to intervene in this chapter by examining the availability of resources that nations voluntarily supply as it relates to whether the international community is required to act. I continue by explaining that individual governments may take action if the international community fails to do so when it is necessary. I suggest at the conclusion of the chapter that the UN also has a responsibility to advance in order to better fulfill this task both efficiently and effectively.

The phrase "humanitarian intervention" was substituted with the phrase "the responsibility to protect" in the 2001 publication of the ICISS. The panel altered the phrase because it thought it was obsolete and useless to argue for or against a state's authority to interfere in another. The phrase as it is now has been challenged by humanitarian organizations since it militarizes the word. Although it should not be called humanitarian action because it denigrates the true meaning of the word, which should denote actual relief and assistance rather than assistance through the killing of those who are trying to kill others, military action, or the intentional

killing of others, should be seen for what it is: intervention or military intervention. Therefore, the ICISS replaced humanitarian intervention with the responsibility to protect because "1) state sovereignty implies that primary responsibility for the protection of citizens rests with the state itself, and (2) where a state is unable or unwilling to avert grievous issues, the principle of non-intervention yields to the international responsibility to protect."

The use of military force must be necessary to prevent serious and irreparable harm from occurring to people. Examples include large-scale human casualties, whether anticipated or actual, with or without genocidal intent, caused by deliberate state action, negligence, inaction, or a failed state; or large-scale ethnic cleansing, whether actual or suspected, whether committed through murder, forced expulsion, terrorism, or rape. The ICISS also indicated that the UNSC should consider the possibility of using other ways to address the gravity of the situation if the UN fails to fulfill its R2P duties. Even while the ICISS claims that the UNSC is the only body that can legitimate military action for human protection, it acknowledges that other nations could step in if the UN doesn't, which would seriously damage the UN's reputation.

The UN General Assembly unanimously approved paragraph 139 of the 2005 World Summit regarding the responsibility to protect (R2P), which states that the UN will be ready to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, on a case-by-case basis, and in cooperation with relevant regional organizations as appropriate, should there be any threat to the innocent. These requirements, which were included in the 2001 ICISS, were, however, relaxed in the 2005 World Summit. Member states unanimously agreed to terms that were less stringent than what the 2001 "The Responsibility to Protect" suggested, despite the fact that the ICISS's proposal was addressed during the 2005 WS. The 2001 ICISS paper makes the argument that the UNSC must act. However, it seemed that the UNSC only had the authority to interfere by the 2005 World Summit.

The use of force is now justified in cases of "actual" genocide, war crimes, ethnic cleansings, and crimes against humanity instead of large-scale loss of life, "actual or apprehended," with genocidal intent or not.7 Additionally, responding to a crisis does not seem as important as it did in 2001 when the ICISS stated that the principle of nonintervention yields to the international responsibility to protect. Instead, the agreement from the 2005 WS was that the UN would be ready to take action as needed. In addition, the World Summit made no mention of the potential for unilateral action by the world community in the event that the UNSC remains inactive. This gives the impression that the UN intends to establish itself as the sole organization that has the authority to determine when action is necessary. In an effort to turn the conclusions of the 2005 World Summit into an operational R2P policy, UN Secretary-General Ban Ki-moon presented the General Assembly with a document titled "Implementing the Responsibility to Protect" in 2009. Three pillars make up the operational framework: pillar one, the state's protection obligations; pillar two, international assistance and capacity building; and pillar three, ensuring a prompt and decisive response that may include both peaceful and coercive measures [7], [8].

The Right to Nonintervention and Sovereignty Are Constrained

Thomas Hobbes and John Locke created their own complex interpretation of the state sovereignty notion soon after the 1648 Treaty of Westphalia, which forbade foreign interference in internal matters and established state sovereignty. Hobbes contends that in order to force a person's compliance and performance since a man is always vying for honor and

dignity, he must be humbled and compelled. The only way to defend citizens from harm by others and invasion by foreigners is to establish a common power, according to Hobbes, who also asserts that "coercive power is used to compel men equally to the performance of their covenants, by terror of some punishment, greater than the benefit they expect by the breach of their covenant." The sovereign commands his subjects but is above the law, and the only way to establish such a common power is for the members of a state "to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will."

As a result, "nothing the sovereign representative can do to a subject, on whatever pretense so ever, can properly be called injustice, or injury," because the sovereign has the final say in what is best, all of the subjects will obey those laws that "concern the common peace and safety, and therein submit their wills, everyone to his will, and their judgments, to his judgment." The international realm is, in Hobbes' view, a state of nature, and no one actually has solid rights in a state of nature. As a result, a sovereign who rules and controls a region of land has the right to govern as he sees proper. Since there is no universal sovereign, a strong sovereign not only has unrestricted independence at home but also abroad. States are capable of being harmed, violently assaulted, etc. without infringing on their right to nonintervention. Justice is not upheld. The international realm, where money, power, and logical interests rule instead of justice, is based on the survival of the strongest. Power, impotence, or a modus vivendi are the ways that states may come to an agreement [9], [10].

The way Locke described sovereignty is quite different. According to Locke, a state's citizens are not its subjects. For the sake of the common benefit and safety, mankind willingly form a body politic. A ruler's authority is derived from the people's agreement. According to Locke, "The governments of the world, that were begun in peace, had their beginning laid on that foundation, and were made by the consent of the people," and not by absolute unchecked power and coercion of the people. Men agree to join and unite into a community "for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it." In addition to having some fundamental constitutional rights, citizens also have the freedom to assess, critique, disagree with, and even leave their political system. The sovereign's rule "in the utmost bounds of it, is limited to the public good of society; it is a power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the subjects."

If a sovereign uses its power to do these things to its citizens, then that sovereign failing to uphold the standards of conduct that it was charged with will not only cause alarm and concern domestically but als also internationally "Actions of men and of rulers must be in conformity with the laws of nature, and the fundamental law of nature is the preservation of mankind." A despot, for example, who has abandoned the path of peace and used force to achieve his unfair ends, "renders himself liable to be destroyed by the injured person, and the rest of mankind, that will join with him in the execution of justice, against any other wild beast, or noxious brute, with whom mankind can huddle

Rights Related to Physical Security Take Priority

According to Henry Shue, the existence of any rights at all is dependent upon the rights to security, sustenance, and fundamental liberties. If someone is to have any rights at all, they must have the fundamental freedoms of security and sustenance that are required for the existence of all rights. The premise is that unless you have access to your fundamental rights, you cannot enjoy any other rights as a matter of right. "Basic rights, then, are everyone's

minimum reasonable demands upon the rest of humanity; they are the rational basis for justified demands the denial of which no self-respecting person can reasonably be expected to accept."38 Shue claims that while genocide may arouse our empathy in a particularly dramatic way, the human rights violation is no more "basic" than if subsistence or basic liberty rights were also violated. In a way, Shue considers any infringement of a person's right to physical security, sustenance, or liberty to be equally "basic."

As a result, if societies are dedicated to upholding any rights, they must also uphold the most fundamental ones, which are security, subsistence, and liberty. A person's reasonable protection against bodily threats and injury, assault, rape, torture, slavery, murder, etc. is known as their right to physical security. A person's reasonable right to an appropriate supply of food, drink, clothes, and shelter is known as a subsistence right. A reasonable assurance of an acceptable amount of human agency and autonomy is provided by basic liberty rights, which include the right to be free from being enslaved, chained, imprisoned, quarantined, etc. R2P theory, as it exists, does not, however, endorse this.

But since all of these rights are equally fundamental, the R2P theory need to be expanded to include all breaches of fundamental rights. As much as mass murdering, etc., it seems that widespread systematic violations of the rights to basic freedom and sustenance pose a danger to agency. When people have agency, they can defend themselves against injustice and define for themselves what they wish to live and die for, according to Michael Ignatieff, who defines agency as "individual empowerment." Without a reasonable guarantee of protecting subsistence, basic liberty, and physical security rights, there cannot be any possibility of any type of agency by a populace. But realistically, we should restrict military action to safeguarding people against pervasive and ongoing abuses of their physical security rights.

Resources are limited, thus it is beyond the capacity of the international community to broaden the list of situations that call for R2P military action to include breaches of the right to sustenance and fundamental liberties. Instead, the international community may utilize more limited kinds of intervention as part of the R2P platform to hold regimes responsible for their flagrant violations of fundamental human rights and necessities that do not immediately harm people in an irreversible way as genocide does. A military intervention must be directed against immediately existing systemic physical security rights violations of the most severe kind, such as genocide, ethnic cleansing, war crimes, and crimes against humanity, in order for it to be morally necessary and pragmatically justifiable.

Military R2P intervention should only be used in serious situations when a fundamental right has been violated together with agency, and the damage is both immediate and irreversible. The psychological impact of being tortured, raped, or having loved ones slain, maimed, or subjected to torture cannot be undone, just as the physical act of murder cannot be undone. Not all hurt is the same. R2P military intervention should be saved for the most severe damages since some are more damaging than others. The protection of physical security rights should pragmatistically take priority above all other fundamental rights because of the fundamental character of the right, the irreparable, immediate, and significant damage inflicted, and the willful deprivation of agency.

CONCLUSION

The Responsibility to Protect (R2P) framework clearly reflects a considerable improvement in how the international community prevents and responds to mass crimes when one considers the negative and positive associated obligations it contains. The negative obligations, which

are centered on non-interference and damage avoidance, emphasize the moral need of avoiding harm inside a state's boundaries while also highlighting the significance of sovereignty. The positive obligations, on the other hand, emphasize the common duty of the international community to help and safeguard vulnerable communities. The R2P concept acknowledges that sovereignty is not unassailable and that nations have a moral obligation to defend their citizens against crimes on a large scale. The international community must step in when governments violate this obligation, but as a very last option. A complex concept of sovereignty in the contemporary world, where the rights and well-being of people are increasingly valued above all else, may be seen in the balance between negative and positive commensurate obligations.

REFERENCES:

[1] R. Johnson, "Jus Post Bellum and Counterinsurgency," *J. Mil. Ethics*, 2008.

[2] J. Pattison, "Is there a duty to intervene? Intervention and the responsibility to protect," *Philos. Compass*, 2013.

[3] M. Evans, "Balancing peace, justice and sovereignty in jus post bellum: The case of 'just occupation,'" *Millenn. J. Int. Stud.*, 2008.

[4] J. Pattison, "Whose Responsibility to Protect? The Duties of Humanitarian Intervention," *J. Mil. Ethics*, 2008.

[5] G. Verdirame, "What to make of jus post bellum: A response to antonia chayes," *Eur. J. Int. Law*, 2013.

[6] P. Cunliffe, "Dangerous duties: Power, paternalism and the 'responsibility to protect,'" *Rev. Int. Stud.*, 2010.

[7] A. Chayes and J. E. Nolan, "What comes next," *Daedalus*, 2017.

[8] F. Wettstein, "The Duty to Protect: Corporate Complicity, Political Responsibility, and Human Rights Advocacy," *J. Bus. Ethics*, 2010.

[9] E. De Brabandere, "The Responsibility for Post-Conflict Reforms: A Critical Assessment of Jus Post Bellum as a Legal Concept," *Vanderbilt J. Transnatl. Law*, 2010.

[10] M. Gibney, "Universal Duties: The Responsibility to Protect, the Duty to Prevent (Genocide) and Extraterritorial Human Rights Obligations," *Glob. Responsib. to Prot.*, 2011.

CHAPTER 12

JUSTIFIED DRONE STRIKES: RESPONSIBILITY TO PROTECT NORMS

Bhirgu Raj Maurya, Assistant Professor
College of Law, Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India,
Email Id- brmourya.mourya321@gmail.com

ABSTRACT:

In the context of the Responsibility to Protect (R2P) principles, this essay examines the ethical and legal foundation for authorized drone attacks. Concern about the use of unmanned aerial vehicles (drones) in targeted attacks has spread around the world, creating issues with their legality and rationale. This study contends that under specific conditions, drone strikes can be morally and legally justified as a means of preventing or stopping mass atrocities, such as genocide, crimes against humanity, and war crimes. It does this by conducting a thorough analysis of international law, ethical considerations, and the developing concept of R2P. The fundamental ideas of R2P are examined, as well as how they might be used when governments are unable or unwilling to adequately protect their citizens from severe damage. It analyzes the requirements that drone strikes must meet in order to be compliant with R2P standards, such as the necessity, proportionality, and reasonable chances of success principles. In addition, it explores the difficulties and restrictions associated with employing drones for humanitarian action, touching on themes of sovereignty, accountability, and transparency.

KEYWORDS:

Accountability, Civilian Protection, Conflict Prevention, Drone Warfare, Humanitarian Intervention.

INTRODUCTION

The US has carried out drone attacks with specific targets in Afghanistan, Pakistan, Iraq, Syria, Yemen, Somalia, and maybe additional countries. Because "at this moment, the greatest threats come from the Middle East and North Africa, where radical groups exploit grievances for their own gain," the United States conducts armed drone strikes in these regions in order to disrupt, dismantle, and defeat terrorist organizations. In some of these attacks, states have given their expressed or tacit consent to the United States to carry out these armed drone strikes. Some nations, however, object to American kinetic drone attacks taking place on their soil. In these situations, it would seem plausible on the surface to assert that these actions are unlawful because they undermine the political sovereignty and territorial integrity of a state that is not giving its assent. It also appears illogical to imply that the United governments has the authority to carry out these activities against another state when it is not at war with these governments [1], [2].

A state's moral obligation while engaging in armed combat is outlined by traditional just war doctrines. According to current just war philosophy, when a state's political sovereignty, territorial integrity, or the human rights of its citizens are threatened, that state may use force, including war, to enforce individual or collective self-defense. A state has the intrinsic right to defend its own government, territory, and citizens, as well as those of an ally. A state's fundamental right to self-defense is extended in this way by the United States, which has claimed that drone strikes may be employed to thwart immediate threats overseas. However, just war theory holds that doing so would be a breach of the fundamental jus ad bellum norms.

Drone attacks in countries which the US is neither at war with nor morally justified in being at war pose another, more worrisome, dilemma since they do not genuinely pose a danger that is imminent to the US.

This posture does not seem to be consistent with appropriate purpose and seems to go against the conventional understanding of self-defense. As was previously mentioned, St. Augustine of Hippo said that war should only be fought when it is absolutely necessary and that its negative effects should be minimized to the greatest extent feasible. Augustine's assertion that "we fight so we can live in peace" is the standard of good purpose and should influence, direct, and educate not just the post-conflict rebuilding and reconciliation process, but also how a state fights. Fighting with the proper purpose necessitates several changes to just war theory, including how to utilize armed drones in a way that is ethically acceptable. Drones must be a part of a far more comprehensive plan that integrates all facets of national power in order to function properly [3], [4].

DISCUSSION

Drone usage does not always provide the conditions for a fair and durable peace. Instead, drones are a tool that may be utilized as a component of a far more comprehensive plan that can be put in place to bring about a fair and enduring peace. The foundation for building a durable peace is the idea of "right intention," which is essential to safeguarding the defenseless. If certain requirements are satisfied with respect to the protection of fundamental human rights, the use of drones as a legitimate act outside of conflict may be allowed. I'd like to address these issues and present what might be a tenable framework from which the United States can make a moral case for using armed drone strikes in those states that object in order to address the problematic current U.S. policy regarding the use of such weapons. It would be compatible with the proper goal to follow this approach. Current U.S. policy on the issue of an imminent threat is too permissive and does not constitute self-defense. A more plausible account of justified drone strikes would be one in which such strikes were predicated on the Responsibility to Protect norms. If the use of armed drones were thus predicated on R2P norms, there would be other conditions. Short-term objectives might have detrimental effects. Current U.S. policy has second- and third-order implications that, if they are not addressed, will necessitate the imposition of restrictions that may make the armed drone program of the United States vulnerable to significant long-term issues that may weaken the program as a whole [5], [6].

Immediate Risk

Although Congress authorized the use of military force against those responsible for the September 11, 2001 attacks, giving the president the right to use any amount of force necessary and appropriate against those he determined had planned, authorized, committed, or assisted in those attacks, this does not imply that every use of military force that the United States employs is morally justified. A policy governing the targeting of American nationals who are thought to be senior members of al-Qaeda or affiliated groups/forces has recently been put into place by the United States. If the target is not a U.S. citizen, the requirements are less stringent and may sometimes be used to support signature strikes. This policy lays forth the strictest standards to justify targeting U.S. people. The current U.S. policy on remotely piloted aircraft is so supple that it effectively approves of every drone attack.

The target is legitimate, in the eyes of the United States, if it constitutes an immediate danger, cannot be captured, and the assault is carried out in conformity with international law/law of armed conflict. Attorney General Eric Holder specifically endorsed the constitutionality of

targeted killings of Americans, saying, "They could be justified if government officials determine the target poses an imminent threat of violent attack." However, the underlying concern is the United States' use of drone strikes. CIA director John Brennan was the first administration official to publicly acknowledge drone strikes in a 2013 speech, calling them "consistent with the inherent right of self-defense."

The threat posed by al-Qa'ida and its affiliated forces, according to a Justice Department "White Paper," "demands a broader concept of imminence," which means that "an 'imminent' threat of violent attack against the United States does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future." According to the just war theory, an act of aggression constitutes a legitimate reason. Some argue that preemption is ethically acceptable in cases of immediate danger and that waiting or doing nothing but fighting considerably increases the risk to the citizens of a state. However, because of the wide range of interpretations it allows, the United States' policy on urgent threats is both flimsy and adaptable, and I think it does not truly specify what constitutes an impending danger [7], [8].

Obligation To Protect

A set of ethical standards for their usage will need to be established as the employment of armed drones, a relatively new phenomena, continues to develop. Since drone strikes are not only here to stay but will only become more common in the twenty-first century, we should think of them as preventative measures rather than acts of war before going into further detail about what justifies the use of force. It is plausible to imply that governments have the right to use force in some circumstances, but it is unclear how and when such circumstances may be acceptable. Currently, a state may only employ force if there is an "actual" immediate danger, the state gives its assent, or the UN Security Council approves it.

Can drone attacks, however, be ethically acceptable in circumstances other than these? I would suggest that in circumstances when the moral justification for such actions is based on the Responsibility to Protect standards, drone attacks may in fact be ethically justifiable as acts other than war. A jus ad vim account that incorporates the R2P standards offers a framework within which nations might ethically employ force other than war. When a state violates fundamental human rights, it may be justified to use force other than during a war. I'll start by talking about R2P and explaining how a state loses its moral immunity to intervention when it doesn't meet certain requirements. This does not sufficient to support using force without resorting to war. It simply shows that the state no longer has a moral claim to be exempt from outside interference. I will quickly explain why this is the case since my argument depends on an R2P account of when force short of war is appropriate, and I will then provide a list of all prerequisites for conducting lawful drone attacks into another state.

The Responsibility to Protect (R2P) doctrine states that "1) state sovereignty implies that primary responsibility for the protection of citizens rests with the state itself, and 2) where a state is unable or unwilling to avert grievous issues, the principle of non-intervention yields to the international responsibility to protect." According to the R2P doctrine, there must be serious and irreparable harm to human beings in order to justify the use of military force. The concept of actions that constitute crimes against humanity might be claimed to include terrorist activity. Crimes against humanity "are namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial, or religious grounds in execution of or in connection with any

crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

A state is recognized as legitimate if it adequately protects core human rights and complies with certain moral standards, which include "a reasonable approximation of minimal standards of justice, again understood as the protection of basic human rights," in order to be considered "a member in good standing of the system of states, with all of the rights, powers, liberties, and immunities that go along with that status." Insofar as it includes a right to nonintervention, sovereignty assumes legitimacy, and legitimacy assumes the successful achievement of fundamental human rights including physical safety, sustenance, and basic freedom. The achievement and protection of fundamental human rights establishes the minimum bar for decency in a state, implying a dual responsibility: "externally—to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state." A state that adequately safeguards and upholds the human rights of its own citizens as well as those of citizens in other states may be considered a member in good standing in the international community [9], [10].

When governments fail to adequately protect these fundamental rights for their people, the international community should and does take notice. This is relevant not only to the state's involvement in crimes against humanity, such as genocide and ethnic cleansing, but also to the state's failure to put an end to terrorist organizations that not only purposefully deprive civilians of their fundamental human rights but also plot and scheme to deprive civilians in other countries of their rights. States that blatantly violate fundamental human rights, whether through acts of injustice, allowing terrorism to operate within their borders, or failing to uphold their duty to protect their own populations, lose their moral right to intervene because any state that violates the rights of its citizens also "poses a fundamental threat to peace and stability within the international order." Our global framework is a system of states, thus it is as if that people has become "stateless."

If moral standards dictate how states are recognized or ranked, then the system is weakened when such standards are not met. Any state's collapse exposes its own populace while also raising serious concerns since it paves the way for more acts of aggression into other regions that might endanger, for example, American people and other U.S. interests. A state must satisfy a number of requirements, including those that include a number of human rights, in order to be eligible for recognition and the right to nonintervention. It will lose its claim to recognition and its right to nonintervention if it doesn't fulfill any one of these requirements. However, other nations cannot just assert that the state they are interfering with has no right to nonintervention in order to justify the use of force. Although it is a prerequisite for using force, it is not sufficient.

Other Required Conditions

Only if a number of essential requirements are met can military action short of war, such as drone attacks, be justified. I don't contend that any one requirement alone makes strikes legal; rather, I contend that the satisfaction of all required criteria is the sole condition that is adequate. There are other requirements that must be met, such as the appropriate aim, a realistic possibility of success, a proportional reaction, and voluntary engagement by nations that have the capacity to do so, in addition to a state's failure or lack of intent to protect fundamental physical security rights. The main restraint on war is a commitment to good intention since right intention seeks a fair and durable peace. Without a certain level of fundamental justice being established, a permanent peace cannot be achieved. With respect to the use of force, this

shouldn't be any different. The obligation to engage in political dialogue and seek out diplomatic means of resolving the problem should not be undermined by the use of signature and personality drone attacks. A reasonable deadline must be included as part of the right aim so that the guilty state has time to correct the breaches that led to the coercive measures or drone strikes before they are carried out.

CONCLUSION

In conclusion, the problem of authorized drone attacks based on the Responsibility to Protect (R2P) standards is complicated and controversial and necessitates striking a fine balance between the necessity to stop mass crimes and the need to maintain international law and ideals. Despite the fact that R2P is an essential framework for averting and dealing with humanitarian catastrophes, its use requires careful consideration of the moral, legal, and practical ramifications of military action. The secret resides in a comprehensive and open decision-making process that includes extensive analyses of the circumstances, convincing proof of impending damage, and the use of peaceful alternatives has been exhausted. To minimize civilian suffering and maintain the fundamental principles of international humanitarian law, each drone attack authorized under R2P standards must follow the rules of necessity, proportionality, and discrimination.

REFERENCES:

[1] V. P. Nanda, “From Paralysis in Rwanda To Bold Moves in Libya: Emergence of the ‘Responsibility To Protect’ Norm Under International Law - Is the International Community Ready for It?,” *Houst. J. Int. Law*, 2012.

[2] J. Sarkin, “Is the Responsibility to Protect an Accepted Norm of International Law in the post-Libya Era?,” *Groningen J. Int. Law*, 2018.

[3] A. J. Bellamy, “Libya and the Responsibility to Protect: The Exception and the Norm,” *Ethics Int. Aff.*, 2011.

[4] P. Williams, “The ‘Responsibility to Protect’, Norm Localisation, and African International Society,” *Glob. Responsib. to Prot.*, 2010.

[5] E. Staunton, “France and the responsibility to protect: A tale of two norms,” *Int. Relations*, 2018.

[6] N. Zähringer, “Norm evolution within and across the African Union and the United Nations: The responsibility to protect (R2P) as a contested norm,” *South African J. Int. Aff.*, 2013.

[7] G. Melling, “Beyond rhetoric? Evaluating the Responsibility to Protect as a norm of humanitarian intervention,” *J. Use Force Int. Law*, 2018.

[8] J. M. Welsh, “Norm contestation and the responsibility to protect,” *Glob. Responsib. to Prot.*, 2013.

[9] N. Shawki, “Responsibility to Protect: The Evolution of an International Norm,” *Glob. Responsib. to Prot.*, 2011.

[10] W. W. Widmaier and L. Glanville, “The benefits of norm ambiguity: constructing the responsibility to protect across Rwanda, Iraq and Libya,” *Contemp. Polit.*, 2015.