

FROM NATURAL LAW TO UNIVERSAL DECLARATIONS: IMPLICATIONS FOR INTERNATIONAL HUMAN RIGHTS TREATIES AND THE RESPONSIBILITY TO PROTECT

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ABSTRACT

Throughout history, the idea of human rights has changed, giving rise to many generations of rights that have been influenced by distinctive historical settings. Although the initial emphasis was on preserving individual liberty, ideas of equality and solidarity were later adopted. The development of new categories for the protection of human rights, such as the right to privacy and the habeas corpus, was required by the progress of information and communication technologies in contemporary society. New generations of rights, addressing important concerns like digital citizenship, access to healthcare, and environmental protection, are expected to arise as social changes continue. The international dimension of human rights is also important in international relations. Especially since the final stages of the Cold War, the process of globalization and the post-Cold War era, human rights have become increasingly significant in the relationships among international actors. However, there are considerable challenges to achieving the global aim of respect for human rights and putting it into practice.

Keywords: *Human Rights, UN Universal Declaration of Human Rights, Responsibility to Protect, International Treaties, The European Court of Human Rights.*

1. INTRODUCTION

Human rights are the rights that everyone has by virtue of being a person. There have been a great deal of disputes about the source of human rights. The idea that “*human rights are natural simply in the sense that their source is human nature*” has been very popular for many years. But on the other hand, the concept of natural rights subjected to many criticisms since the 19th century.

A historical context has affected several generations of human rights as they have developed over time. Individual liberties were first protected with the utmost priority, but following generations incorporated the concepts of solidarity and equality. New categories of human rights protection, such as

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privacy and habeas corpus, have been created as a result of modern society's use of information and communication technology. New rights might cover environmental preservation, healthcare access, and digital citizenship. There are still many challenges in the way of the global objective of sustainable peace. (Symonides, 1998)

With successive generations of rights arising from the Enlightenment era and a genetic base with clearly defined ideological traits, human rights have developed over time. While the second generation placed more emphasis on social, economic, and cultural rights, the first generation cherished individual liberty. The liberal rule of law was replaced by the social rule of law, illustrating the significance of adding second-generation rights to first-generation freedoms. Individual freedom is protected by the first generation of human rights, which also call for the self-limitation of governmental authority and passive administrative policing. The second generation, sometimes known as the "*second generation*," requires active policy from public institutions to ensure their operation through judicial processes and public services (Brysk, 2020)

The distinction between two generations of rights is obvious, however it does not always signal conflict. The first generation of human rights are rights that safeguard individual freedom; they demand the self-limitation of public authorities and preclude intrusion in the private domain; and they need a passive and alert attitude in terms of administrative policing for protection. In the second generation, human rights are changed into rights of participation; they require active policy from public authorities to assure their functioning, and they are realized through legal procedures of provision of public services. (Ferguson, 2003, s. xviii-xix)

A movement in emphasis from conventional civil and political rights to more inclusive social, economic, and cultural rights is represented by the idea of the third generation of human rights. These rights emphasize the significance of social justice and solidarity while addressing collective well-being, equality, and the satisfaction of fundamental needs. Recognizing the third generation of human rights' importance in resolving structural injustices and fostering a more inclusive and fair society is a necessary step in evaluating them. (Alston, 1982) These rights cover a wide variety of topics, such as the right to development, rights in the environment, rights in culture, and rights of underrepresented groups. They recognise that social and economic variables outside of individual liberties are directly related to people's well-being and dignity. Human rights have evolved over time, giving rise to new generations of rights. (Freedman, 2013)

Human rights are historical concepts that only apply in specific circumstances. On a genetic foundation with obvious ideological qualities, they originate from modernity in the Enlightenment context that gave rise to the bourgeois upheavals of the 18th century. They vigorously advocate for individualism, and they acknowledge the relevance of individual liberty even in the formative years of human rights. (Macklem, 2014, pp. 10-14)

A developing idea that goes beyond the conventional conception of human rights is the fourth generation. It includes new rights that are created as a result of the difficulties and developments of the contemporary day, notably in the fields of technology, globalization, and societal transformations. These rights tackles concerns including digital rights, environmental rights, reproductive rights, and indigenous peoples' rights that have become more prominent recently. It focuses on contemporary issues including genetic engineering, access to new technology, privacy in the digital age, and the moral consequences of scientific progress. These rights are distinguished by the way they connect with technology, taking into account how biotechnology (Teitel, 2003) (Pelluchon, 2008) digital platforms and artificial intelligence affect people's autonomy (Robertson J. , 2014) dignity, and well-being. (Council of Europe, 2018) Modern information technologies enable worldwide communication, raising public awareness of the challenges to human survival. The war industry's expansion has led to a global tragedy, putting peace at the center of human demands. The interaction between man and the environment, both sustaining and threatening life, has the potential to resolve itself in open confrontation. (Hoffmann, 2010)

Progress in technology often overlooks the impact of energy resource exploitation on natural habitats and psychological stability. Ecology aims to improve energy resource use and enhance quality of life. The environment is crucial to human existence and development, and human rights literature emphasizes environmental law, law and ecology, and the right to a happy life. Nuclear energy poses a threat to these principles, both directly and indirectly, by endangering basic rights through nuclear warfare and environmental devastation. Information technology is now used as a symbol of culture, with terms like "*information society*" and "*digital society*" defining human cooperation. (Horowitz, Nieminen, & Schejter, 2022) This constant monitoring exposes citizens to "*permanent universal judgment*", extending beyond sensitive aspects of their lives. Modern technology advancements have both progress and dangers to rights and freedoms, leading to legal experts and courts recognizing the right to digital liberty and control over personal information. (Jasanoff, 2016) (Song & Ma, 2022)

Legal regulation of computer systems is crucial in today's society, where information technology has significant influence and can transform data into ordered masses. Privacy is violated by the widespread and uncontrolled use of technology, impacting daily life and human identity. The forth generation of rights includes safeguards against genetic engineering, dignified death, cultural heritage, nation-state development, gender reassignment, and free abortion. The ambiguity surrounding the rights of certain groups, such as women, children, the elderly, persons with disabilities, and consumers, adds to the ambiguity. It is more reasonable to consider these groups' rights as part of the second generation, which includes economic, social, and cultural rights. (Jasanoff, 2016)

Failing to recognize historical significance and denying the needs of people and groups in our time of fundamental legal protection would deny these new demands any chance of becoming human rights. The viability and qualification of these new rights have been questioned due to uncertainties. The

notion of human rights may be put in danger of losing its scientific and legal credibility if it were soon accepted.

The Enlightenment and the bourgeois upheavals of the 18th century gave rise to the development of human rights over time. These historical concepts support individualism and individual liberty, yet opposition to this framework developed in the 19th century as a result of societal upheavals. These rights were acknowledged both legally and politically when the liberal rule of law gives way to the social rule of law. These rights were included in the first generation of freedoms as the social rule of law developments. (Moyn, 2010)

The first generation of human rights are those that defend individual freedom, call for the self-limitation of governmental powers, forbid intervention into the private sphere, and call for a vigilant yet passive approach to administrative policing in order to ensure their protection. In the second generation, human rights are turned into rights to participation; these rights are realized via the legal processes of provision of public services, and they require an active policy from public authorities to assure their functioning.

In the concept of human rights, it is recognized that everyone, by virtue of being human, has rights, regardless of factors such as citizenship, religion, language, gender, or race. However, when examining the expanding and diverse list of human rights, it can be argued that certain rights may require the establishment of limits based on being human or being a citizen. In the development of human rights, in addition to the fundamental rights that are closely tied to the individual, over time, economic, social, and cultural rights, and later on, group rights have also sparked significant debates. (Tepe, 2010, p. 4) Human rights are stressed for their universality, inalienability, absoluteness, and irrevocability. Since all of these attributes are derived from being human, they form the core and basis of human rights. (O'Byrne, 2003, p. 26)

The human rights question today is usually related to international politics and law although philosophy seems to play a diminishing role in this area there has been a significant development in the literature concerning to philosophical roots of the phrase since the 2nd world War. The realization of individual without reference to the state does not go to back too far into part history. When we take a number of concepts such as natural rights, individual rights, social rights, community rights etc., the idea must be understood in the context of the evolutionary history of these concepts. (Rosenbaum, 1980) The phrase of human rights does not go back more than two centuries and has come into common use only after the 2nd World War. In order to comprehend the present meaning of human rights, it is required to first define natural law and natural rights. In doing so, it's critical to understand the foundations of the idea of human rights.

Studies about human rights issues continue to raise fundamental questions about how to define a universal concept of human rights that would transcend time, space, and the peculiarities of civilization

development, as well as how democracy, state sovereignty, and the respect for human rights at the international and regional levels relate to one another. Another issue that has to be addressed is how to maintain human rights and punish those who violate them, especially in countries with authoritarian or corrupt governments. The role of cultural relativism and the extent to which cultural practices should be taken into consideration in the context of human rights are other topics that are currently being discussed. (Kooijmans, 1990)

The legal aspect of human rights' codification in international normative legal instruments is essential. By addressing this issue, it is possible to identify the key moments in the evolution of the international legal recognition of human rights and gain a better understanding of the challenges that still need to be solved. (Kymlicka, 2018) Additionally, codification encourages consistency and coherence in the way that human rights are applied across different countries and regions. Additionally, it provides a framework for accountability and enforcement mechanisms to protect individuals from human rights violations.

Human rights are seen as a triumph of mankind and a measure of civilisation. (Kuçuradi, 1996) Human rights have evolved over time, with different generations prioritizing individual liberties and later incorporating values of solidarity and equality. With the rise of technology, new categories of human rights protection, such as privacy and habeas corpus, are likely to emerge. However, achieving lasting peace remains a challenge.

In this study, the concepts of natural law and natural rights (see: Çeçen, 2015) are accepted as the starting point of this history-based research. While examining the classical roots of the concept, the views of classical Greeks are emphasized in a sense that even the 19th century their approaches very influential. However before reaching the 19th century concept of human rights, they have been remarkable developments in human rights field: such as the contribution of Stoics and emergence of the concept of universal human rights.

The impact of the ideas put forward in the Middle Ages and in 16th century will be discussed in two separate sections. However, study will mainly focus on the developments 18.th century (namely it will deal with the American Declaration of Independence, the Virginia declaration of rights and the French Declaration of Rights of Man and Citizen) in the Human rights field. The 18th and 19th century ideas of philosophers will be examined in order to reach the contemporary 20th century discussions on human rights. The concept of human rights in the 20th century will be examined by giving special importance to the Universal Declaration of Human Rights (1948). The philosophy of the declaration will be discussed with special reference to the 18th and 19th century ideas of human rights. Later on, the focus will shift to how human rights were addressed by international organizations, particularly the United Nations, in the 20th century. In this context, the Universal Declaration of Human Rights will be examined, emphasizing its significance for other international human rights treaties. Furthermore, the

text will also discuss the impact of this declaration on interstate relations within the international system. In particular, in the last section, the topic of responsibility to protect, which has been one of the most important agenda items since the end of the Cold War, will be addressed in terms of its impact on international relations regarding human rights.

2. ROOTS OF THE CONCEPT

The realization of individual without reference to the state does not go to back too far into part history. When we consider concepts such as natural rights, individual rights, social rights, and communal rights, it becomes apparent that the idea of human rights needs to be understood in the context of the evolutionary history of these concepts. (Rosenbaum, 1980) The phrase of human rights does not go back more than two centuries and has come into common use only after the 2nd World War. So, in order to reach the present meaning of human rights we should at first deal with concepts of natural law and natural rights: this means that we'll go back to the roots of the idea of human rights.

Ancients Greeks treated the justice as a quality that existed in whole community, the polis, and to them the concept of justice draws its force from nature and is therefore worthy of being preserved in the community, the polis. The Ancient Greeks thrived in self-contained communities known as "*polis*." These classical Greeks perceived nature as an exemplary system built upon rational principles, wherein human behavior and the principles of natural justice were believed to be governed by natural law. They regarded justice as an inherent quality present within the entire community, the polis, considering it to derive its power from nature and thus deserving of preservation within the community. (Gözler, 2017, pp. 90-92) (Tanör, 1994, pp. 258-259) (Sartori, 1996, pp. 308-311)

The Romans expanded the realm of rights-related matters, and in governing an empire comprised of diverse cultures, they dismantled the insular boundaries of the polis and upheld the individual as an autonomous moral actor (Vincent, 1986, pp. 19-37). The Romans can be characterized as an inclusive community operating within the framework of the imperial system. (Tanör, 1994, p. 259) Romans can be expressed as an open community existing within the imperial system.

The Stoics held the belief that the world operated according to a natural order, encompassing a universal system of both physical and ethical rules. Their focus predominantly centered on articulating the moral principles inherent in nature, such as the "*obligation of all rational beings to treat each other as equals*." While the Stoics emphasized the importance of the individual in their moral philosophy, it did not come at the expense of the traditional notion of communal obligations. (Lapidge, 1988) According to the Stoics, all human beings are equal, and consequently, all nations are equal as well. They have all received a share of the same universal reason, and therefore, the same universal laws that align with this universal reason are applicable to all nations. The identity between universal reason and societal laws is evident, and there exists a single universal law that applies to everyone. (Şenel, 2006, pp. 748-750)

According to their perspective, individuals belonged to a universal community governed by the rules of natural law. Cicero, a prominent Roman philosopher of the time, further advocated for the application of the concept of equality to all of humankind, emphasizing that every individual had been endowed with the gift of right reason (Vincent, 1986, p. 21). To them individuals belonged to a universal community in which the rules of natural law existed. A prominent figure of the Roman period, Cicero, put forward that the concept of equality could be applied to all humankind as all have received the gift of right reason. (Stuurman, 2004)

However, it is worth noting that the Stoics, including Cicero and his successors, did not perceive natural law as superior to man-made laws. Instead, they proposed that laws should be created and developed in harmony with nature, aligning with its principles. (Henkin, 1978, p. 17)

In the Middle Ages, the concept of natural law underwent a reinterpretation within the framework of canon law, grounded in theological traditions. In this theological context, natural law was attributed the status of the highest law, preceding positive law in both its origin and significance. Natural law theory during the Middle Ages was rooted in the belief in a "*universal brotherhood of humanity*," which emphasized the individual as a distinct entity separate from their membership in the state. It was within this backdrop that the notion of individualism emerged as both a political theory and as a symbol of freedom and rights. The subsequent development of this idea of individualism in the Middle Ages played a significant role in shaping the concept of human rights. (Rosenbaum, 1980, pp. 1-43) (Tanör, 1994, p. 259) (Adams, 1997)

During this period, it is intriguing to come across the idea that political authority is vested in the people, granting them the right to depose rulers who neglect their rightful responsibilities. Conversely, Pennock (1981, pp. 1-29) highlights that the pre-modern notion of natural law, which encompassed teachings on individual obligations, experienced a notable advancement in the later part of the century during the Huguenot resistance against the French government. The Huguenot political theory revitalized the principles of natural law, placing emphasis on natural liberty as the fundamental cornerstone for establishing a political society. (Ağaoğulları, 2013b, p. 309)

In the 17th century, with the rise of rationalism, natural law gained acceptance as a means to safeguard the subjective interests and rights of individual rational beings. Notably, the influential Dutch jurist Grotius defined human rights as inherent and self-evident principles based on the understanding shared by all individual rational beings. According to Grotius, natural law is founded on the principle of respecting each other's rights. (Hommes, 1983, pp. 61-71) According to Grotius, natural law refers to the principles of *recta ratio* (right reason) that indicate whether an action is morally necessary or not, based on its conformity or non-conformity with intelligent and societal nature. (Köker, 2000, p. 85) Securing one's own existence is recognized as a natural principle of protection. According to Grotius, the right to personal property over objects signifies a form of absolute sovereignty, and private property

is a well-established legal concept shaped in accordance with the order of nature. Property ownership is a social arrangement accepted by the human will, reflecting a harmonious societal order. (Köker, 2000, pp. 90-91)

Within the context of the development of human rights, one of the key contributions came from the studies conducted by Locke in the 17th century. His ideas found realization in the American Revolution and were echoed in the American Declaration of Independence. Locke based his theory of natural rights on the foundation of natural law, asserting that individuals possess inherent rights to life, liberty, and property by virtue of their nature. (Snyder, 1986) He depicted the state of nature as a human condition existing prior to the establishment of political society. (Waldron, 1988, pp. 713-738) In this state, individuals have both rights and responsibilities, including the rights to life, liberty, and property. These rights are considered natural rights and form a standard that predates any form of government (Burns, 1970, pp. 16-23).

The concept of governments revolved around being institutions responsible for upholding and enforcing the rights of individuals within society. It was widely understood that all governments were bound by certain moral limitations. Any state that disregarded or violated natural rights was deemed to be illegitimate and subject to overthrow, similar to any malfunctioning device. The Huguenot theory of popular resistance against a tyrannical ruler, as developed by Locke, evolved into an individual right to resist. (Garrioch, 2014)

Locke's ideas underwent modification and expansion in Jefferson's formulation of the rights to life, liberty, and the pursuit of happiness in the American Declaration of Independence. The gradual nature of change and the deliberate pace at which it unfolded can be exemplified through the English experience. As Henkin (1978) argued, while the Magna Carta marked a limitation on monarchy and the beginning of constitutionalism in history, its focus on human rights was quite limited. It primarily granted certain concessions to nobles rather than encompassing broader human rights. However, starting with the Magna Carta, nobles began to secure rights for themselves, and over time, these rights gradually extended to others. (Mosca, 2019, pp. 127-133) For example, the 1628 Petition of Rights, 1647 Agreement of the People, and 1688 Bill of Rights played a significant role in defining the rights of Englishmen as a whole, extending beyond specific groups to encompass the rights of all men. (Mosca, 2019, pp. 141-142) Locke presumably introduced essential ideas about the contributions of the 17th century to the concept of human rights. (Henkin, 1978, p. 18)

During the 18th century, natural rights theories continued to thrive and served as the foundation for two significant national declarations: the American and French Revolutions and Declarations. These declarations secularized, rationalized, universalized, and democratized natural rights, carrying a radical undertone (Henkin, 1978, p. 19). The primary objective on both sides of the Atlantic was to safeguard citizens against arbitrary power and establish the principles of natural law. According to some

perspectives, human rights, along with the concept of natural rights, are associated with the Enlightenment era. Human rights find their intellectual foundation in the scholastic doctrine of natural rights. While Thomas Aquinas mentioned natural rights, it was William of Ockham who first introduced the concept of rights in its modern sense. (Morton, 1989, p. 3) (Ağaoğulları, 2013a, pp. 77-78) According to some viewpoints, human rights, in terms of their international recognition, emerged in the post-1945 period. However, when considering their historical roots, the concept can be traced back to ancient times. In this regard, the idea itself can be traced back to the classical period. (Perry, 1998, p. 5) In addition to that, codes expressing the concept of rights can also be found in the religions. There were also ideas and discussions about rights among philosophers in the ancient and classical periods. With the Enlightenment era, human rights were established on a secular universalist basis, which allowed for the shaping of the contemporary understanding of human rights. (O'Byrne, 2003, p. 28)

It is essential to briefly explore the philosophical ideas of Rousseau and Kant, which greatly influenced in this era. For Rousseau, the meaning of human rights was grounded in the collective will of society, externalized through the sovereign (Rosenbaum, 1980, p. 23). According to Rousseau, equality among individuals is inherent, and their submission to society is governed by the social contract, from which rights originate. He considered society to be a natural and moral association with a structure and function determined by reason and conscience. (Bağçe, 2013, pp. 178-182) In contrast, Kant's views diverged from Rousseau's. For instance, in the Kantian sense, self-determination prioritized individual freedoms in moral affairs. (Satici, 2013, pp. 198-199)

Kant believed that true individual freedom lay in fulfilling one's duty for its own sake and also for individual self-determination, (Durul, 2008, pp. 106-109) whereas Rousseau emphasized obedience to the general will. (Rostbøll, 2016) Rousseau's concept of the social contract directly influenced the revolutionary ideologies of the American Colonies. The North American Colonies claimed that their social contract with King George III was no longer valid In May 1776, a Continental Congress was convened, resulting in the mission to establish constitutions for each colony based on social contracts. Virginia declared its constitution on June 12, 1776 (The Constitution of Virginia, 1776), which prominently featured a bill of rights at its beginning. The first section of this bill of rights recognized natural rights such as the rights to life, liberty, property, and the pursuit of happiness and safety. (Price, Turgot, & Ricard, 1784) (Aybay, 2015, pp. 31-33)

The ideas expressed in these documents echo the rights discussed by Locke in his studies. Section II explicitly states the limited role of government in society, emphasizing that governments exist to uphold natural rights. Ultimately, all power is derived from and accumulated by the people. Magistrates serve as trustees and servants, always accountable to the people. Section III of the document is particularly influenced by Lockean views, as it grants the majority of the community an undeniable, unalienable, and inalienable right to reform, alter, or abolish governments that disregard or violate natural rights. (Price, Turgot, & Ricard, 1784)

Among the most significant documents, the American Declaration of Independence (Declaration of Independence, 1776) holds a special place. This document was authored by Thomas Jefferson, who drew profound inspiration from European philosophers particularly Locke. The political theory underlying the declaration is evident in its first two paragraphs. The opening paragraph justifies the separation of the American states from Great Britain, asserting that the rights of individuals are a divine gift stemming from creation. (Warren) (Ünal, 1997, p. 32)

These rights are considered natural because they originate from nature itself and are guided by human reason and judgment. In the second paragraph, the document continues with the political argument, stating that it is unnecessary to prove that all men are created equal, but they possess inherent and inalienable natural rights. These rights include life, liberty, and the pursuit of happiness. Furthermore, the document echoes Locke's ideas about the government's role in protecting these rights. It affirms the people's right to alter or abolish a government that becomes destructive to these ends, and to establish a new government founded on the principles of limited authority and organized in a manner that ensures the safety and happiness of the people. In other words, the people have relinquished some autonomy to the government for specific purposes while retaining their remaining rights and freedoms under the government's jurisdiction. Certain rights are considered inalienable, even if the people desired to subordinate them to the government, as they transcend such subordination. (Warren) (Ünal, 1997, pp. 32-33) (Aybay, 2015, pp. 31-33)

During the same century, another significant document was proclaimed on the opposite side of the Atlantic, bearing striking similarities in content to the colonial documents. However, this document is considered even more influential in disseminating its ideas across various parts of the world: The French Declaration of the Rights of Man and Citizen (Declaration of the Rights of Man, 1789). What sets this document apart is its use of plain and straightforward language, in contrast to the more literary style of the American declaration. This simplicity allows people to grasp the content more easily, contributing to the document's global popularity. It has been said that "*The French declaration outweighs libraries, and it is stronger than all the armies of Napoleon.*" The French, driven by a robust vision, were even more universalistic than their American counterparts, aiming to actively spread their message (Best, 1989, p. 101). (Ağaoğulları, 2010, pp. 217-227) (Tanilli, 1989) (Aybay, 2015, pp. 33-39)

The French Declaration of Man's Rights, a literary work, gave citizenship a higher priority than human rights based on citizenship. Seeing how devalued they were, the French legislators created a straightforward declaration that restated society's foundational rights and duties. (Ishay, 2004, p. 362) (Ağaoğulları, 2010, pp. 217-227)

No person or organization could assert authority without the nation, according to the ideology of the Constitution, which placed emphasis on the nation as the ultimate source of sovereignty. The French

Declaration highlighted the universally recognized inherent rights of people, but popular sovereignty was a key component. The National Convention served as the representative body, and Article 3 of the Declaration portrayed the country as the source of sovereignty. Contrary to the idea of natural rights, this sovereignty could not be limited in terms of personal liberties. The basic individual right to life was not included in the Declaration. (Hadden, 2000) (Ünal, 1997, pp. 33-34)

In the 19th century, the emphasis on individuality and natural rights received wide support, and natural rights were justified by the notion of the social compact. This rationalism placed a strong emphasis on the superiority of reason over faith and divine interference in political affairs. In the 18th century, it was widely believed that governments were tasked with protecting inalienable natural rights, giving individual rights primacy over collective ones. The social contract theory, which sprang from individualism, claimed that society is a group of knowledgeable, self-sufficient individuals who may find favourable conditions for flourishing and maintaining their moral ideals. (Henkin, 1978, pp. 1-23)

In the 19th century, the ideas of individualism and the metaphysical interpretation of natural human rights to critical examination. However Marx, Bentham, Mill, Hegel did not deny the fundamental concept of human rights, nor did they reject the notion of natural rights. They acknowledged the natural rights to life, liberty, and property in the British sense, or the rights to liberty, property, security, and resistance to oppression in the French sense, or the rights to life, liberty, and the pursuit of happiness in the American sense. Their contributions to the idea of human rights in the 19th century were crucial, as they influenced the underlying philosophy of the Universal Declaration of Human Rights in 1948. To understand the roots of the Universal Declaration of Human Rights, it is essential to examine the ideas of these 19th century philosophers in a logical manner, tracing their logical progression. (Sigmund, 1971, pp. 94-98)

In the 19th century, philosophers like Jeremy Bentham criticized the abstract nature of individual rights and the doctrine of absolute freedom, which led to the destruction of social order. Bentham dismissed the social contract theory based on natural rights as pure fiction and proposed measuring the greatest happiness of the greatest number as a tangible criterion. He saw the concept of natural rights as dangerous, as it implied anarchy and could potentially lead to individuals attacking or overthrowing authority. Bentham criticized the French revolutionaries' notion of natural rights and rejected the idea that individuals were born free and equal, highlighting that they neither remained so nor were they born equal. (Burns, 1970, pp. 16-24) (Erdoğan, 2011, pp. 53-56)

Hegel views had an impact on philosophers of the 20th century as they developed conceptions of individual and collective rights. Hegel argued that individuals' rights to life, liberty, and property can only be realized through living in society. He emphasized the importance of the state but did not disregard individual rights. He aimed to bridge the gap between individuals and the state, opposing absolute freedom for individuals, as it could destroy social order. Hegel believed that society is a

complex web of intermediate relations that bind communities together, not just a product of social contract. (Sarica, 2017, pp. 188-192)

Marx is known for their strong criticism of the doctrine of natural law. (Ünal, 1997, p. 31) Karl Marx's liberal conceptions of the 18th and 19th centuries differed significantly in their focus on liberty. It is possible to accept Marx's claim that each historical period carries within itself the characteristics that will constitute the societies of the subsequent periods in which they develop. He believed that individual liberation could only occur after mass liberation, and true freedom could only be achieved after a proletarian revolution. He aimed to reintegrate civil society with the political realm, drawing inspiration from the Greek polis. Marx described the bourgeois man as an egoistic individual manipulated by others and the community, participating in civil society but detached from political society. Marx maintained that societal restructuring might be used to improve individual wellbeing and ultimately expand the scope of rights available to the bourgeoisie. He saw political society as the system for securing property and upholding order, but civil society was the space for property exchange. He examined Locke's ideas and proposed that it was reasonable and progressive to emphasize individual property rights in the 18th century. (Mosca, 2019, pp. 224-237)

The 19th century witnessed a diverse array of ideas in the field of human rights. While there was no single dominant set of ideas, prominent figures of that era recognized the concept of natural rights as rights inherent to individuals by virtue of their humanity. However, they presented new arguments regarding the source from which human rights derive. These arguments would lay the foundation for 20th-century theorists who sought to establish a balance between civil, political, cultural, economic, and social rights, culminating in the Universal Declaration of Human Rights, a well-known document that solidified these principles.

During this period, significant challenges arose, hampering the progress of the concept of rights. The reign of Napoleon in Europe, accompanied by the rise of nationalism, posed obstacles to the recognition of individual rights. Following Napoleon's defeat, during the Congress of Vienna, European powers sought to reestablish the European concert. (İnalçık, 2000, pp. 113-116) Efforts were focused on the restoration of legitimacy, the principle of popular sovereignty, and the protection of individual rights.

Marx's views on individual rights were in line with Greek perspectives, which saw rights as attributes deriving from nature and cherished within the society. He understood that the particular economic and social situations into which people are born must change. He underlined that intrinsic values are not learned at birth and that changing social and economic conditions is necessary to realize these ideals. Marx pictured a socialist society where people are completely formed, unalienable, free, and conscious, participate in spontaneous collaboration, and develop their ideals, abilities, and potentialities within a social context. (Bekmen, 2010, p. 189).

Marx highlighted that the particular economic and social contexts into which people are born must change. He maintained that since innate values are not learned at birth, they must be attained and social and economic conditions changed in order to accomplish them and overcome isolation. He had a socialist society in mind, where people were encouraged to reach their full potential as fully formed, unalienable, free, and aware beings who spontaneously cooperate and develop their ideals, skills, and potentials within a social context. (Tay, 1979).

From the 1800s onwards, the conception of natural rights began to weaken, while the understanding of national rights started to strengthen. (Cranston, 1993, p. 252) Human rights generations go through a dialectical process that is marked by progression, setbacks, and reinterpretation. In this process, new rights are introduced alongside old ones, and existing rights are reinterpreted and readjusted in response to past demands and contemporary circumstances. A free and democratic society must be ready to develop new rights since a generational view of rights does not presume that any job is complete. However, human rights go beyond merely assuming what “ought to be”. They are split into two poles: an idealistic dimension that eventually seeks emancipation and a real, practical reality. Human rights would no longer be considered rights if they possessed this distinctive aspirational quality. If they are thought of as being distinct from experience and history, they lose their human quality.

3. 20th CENTURY AND DECLARATION OF HUMAN RIGHTS

Throughout the 20th century, the concept of human rights underwent significant philosophical developments, particularly in the realms of positive national law and positive international law. The Third World emphasizes the significance of solidarity rights while the Western countries emphasize civil and political rights and the Eastern countries advances the economic, social, and cultural rights agenda. (Donnelly, 1993 , p. 235) (Espiehl, 1979) the central focus of these discussions revolved around the conflicting nature of individual rights and communitarian rights. The century witnessed a pursuit of a harmonious relationship that balanced the emphasis on individual autonomy, liberty, and community welfare, including economic and social aspects. (Aybay, 2015, pp. 54-57)

One of the noteworthy contributions of the 20th century to the concept of human rights was the Universal Declaration of Human Rights in 1948. This declaration served as a standard that encapsulated the competing philosophical ideas within the field of human rights. It encompassed the classical civil and political rights of the 18th century alongside the newer social and economic rights, effectively combining both under a single philosophical framework (Morsink, 1984, pp. 309-334).

Human rights have acquired an international legal form with the United Nations Universal Declaration of Human Rights. However, it is essential to consider the significant influence of the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen in the establishment of such a form (Tepe, 2010, p. 7). The development of human rights into an international legal framework has been shaped not only by philosophical debates but also by historical

developments and national initiatives, including documents like Magna Carta (Magna Carta , 2017). Nevertheless, it is necessary to remember that there are significant differences between these documents and the United Nations Universal Declaration of Human Rights, particularly regarding the subjects of human rights. (Orend, 2002, s. 191-240)

From an ethical standpoint, the concept of human rights is rooted in the idea that humans, due to their distinct characteristics and certain qualities they possess, are beings with inherent value and dignity, setting them apart from other creatures. This belief has its origins in long-standing notions. (Tepe, 2010, p. 8)

Although the declaration was not legally binding, it held significant importance for nation-states and became a shared standard among them. It established a minimum standard in the field of human rights that states were expected to consider. The timing of the declaration in 1948 was not coincidental; it emerged as a result of historical and political events. The Second World War played a critical role in catalyzing the formulation of the declaration.

The rise of Hitler and the propagation of his fascist ideology, rooted in the notion of racial supremacy (Mosca, 2019, pp. 241-255), gave rise to significant challenges and complications. Hitler propagated the idea that inequality was inherent in nature and dismissed the notion of human equality as a false construct created by humans. These radical and harmful ideas had a profound impact on the Western democracies, prompting them to form a strong alliance to safeguard fundamental human rights. In essence, fascist ideology and Hitler's aims played a significant role in shaping the recent developments in international human rights law. (Mosca, 2019, pp. 315-323)

However, it is intriguing to note that Western countries, despite their differences, united against the axis powers due to their shared ideology. What is even more remarkable is the inclusion of the Soviet Union in this alliance. (Armaoğlu, 2003, pp. 296-299) The ideology of human rights played a crucial role in bringing together two opposing ideologies, liberalism and communism, in solidarity. There was a common understanding that the post-war order should be built upon the promotion of human rights. Even during the war, President Roosevelt recognized the ideological dichotomy between fascism and liberalism. He proclaimed the Four Freedoms (freedom of speech, freedom of worship, freedom from want, freedom from fear), which were under threat, and sought to convince the American public to join the war effort alongside the democratic world in defense of these fundamental freedoms. (Kapani, 2011, p. 21)

In the aftermath of the Second World War, the formation of the United Nations marked a significant step towards establishing a more equitable and inclusive global order. Central to the mission of the United Nations was the promotion and safeguarding of human rights on a global scale. While the United Nations Charter acknowledges the importance of human rights and freedoms in its preamble and articles, it refrains from presenting an exhaustive inventory or precise delineation of these rights.

(Kapani, 2011, p. 21) Nonetheless, the Charter's persistent emphasis on the protection of human rights underscores their profound significance and serves as a guiding principle for the organization's endeavors (Robertson & Merrills, 1989, pp.23-25). (Genç, 1995, pp. 13-14) (Aybay, 2015, pp. 43-46)

It is preamble declares that:

“We the peoples of the United nations determined... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.. have resolved to combine our efforts to accomplish these aims..”

1st article of the Charter also mentions the aim of protecting human rights. *“The Purposes of the United Nations are:...to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”*. Besides articles 55 and 56 put some explicit arguments about human rights. Article 55 states that *“the United nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race sex language or religion”*. Article 56 declares that *“all members pledge themselves to take joint and the separate action in cooperation with the organization for the achievement of purposes set forth in article 55”*.

The Universal Declaration of Human Rights embodies a conception of human rights that resonates with the idea of natural rights. Striking parallels can be observed between the language used in the 1948 declaration and the declarations of the 18th century. A notable example is the resemblance to the Virginia Declaration of 1776, which asserts the following: *“all men are by nature equally free and independent, and have certain inherent rights”* and that *“they are endowed by their creator with certain inalienable rights”* and asserts that all *“men are born and always continue free and equal in respect of their rights”*. (Morsink, 1984, pp. 310-311)

The Universal Declaration reflects the synthesis of 18th and 19th-century human rights concepts. Its preamble resembles 18th-century documents, while Article 1 takes a more secular and humanistic approach. The declaration establishes human rights as inherent to human nature, not dependent on social or political sources. It asserts that individuals possess moral rights grounded in their nature, akin to natural rights. Social, economic, and cultural rights in the declaration are regulated relative to fundamental rights and freedoms. (Ünal, 1997, pp. 114-115) The purpose of the declaration can be expressed as the establishment of ethical principles, delineating a set of general principles regarding how beings with reason and conscience, namely humans, should be treated. It can be explained as the determination of these principles in order to provide the necessary general conditions for individuals to enhance their human and ethical capacities. (Kucuradi, 2018, pp. 187-189)

4. EFFECTS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ON INTERNATIONAL RELATIONS

The international dimension of human rights is also important in international relations. Especially since the final stages of the Cold War, the process of globalization and the post-Cold War era, human rights have become increasingly significant in the relationships among international actors. During the Cold War, the two superpowers, the United States and the Soviet Union, used human rights as part of their ideological competition. Each side accused the other of human rights violations, and human rights became a tool for propaganda and diplomatic maneuvering. (Pasture, 2018)

With the end of the Cold War, there was a shift in the international system, and the promotion and protection of human rights gained greater attention. International organizations, such as the United Nations, started to play a more active role in monitoring and promoting human rights worldwide. The establishment of the International Criminal Court and the development of international legal frameworks further emphasized the importance of human rights in international relations.

Human rights issues have also become central in bilateral relations between countries. Governments are increasingly held accountable for their human rights records, and violations can have diplomatic and economic consequences. Non-governmental organizations and civil society have played a significant role in advocating for human rights and holding governments accountable for their actions.

The Universal Declaration of Human Rights has been acknowledged as a crucial turning point in the history of human rights and has been the inspiration for several international agreements and state constitutions. It has also sparked several movements and advocacy campaigns that attempt to advance and defend human rights around the globe. The argument is also put forth that “*human rights are universal. The primary source of human rights is the United Nations Universal Declaration of Human Rights. These rights are the entitlement of every individual in the world.*” (Freeman, 2008, p. IX)

The significance of the Declaration has been emphasized several times in key documents and final declarations of conferences and meetings across the world. Helsinki Final Act, declares that the participating states “*...expressing their common adherence to the principles which are set forth below and are in conformity with the Charter of the United Nations, as well as their common will to act, in the application of these principles, in conformity with the purposes and principles of the Charter of the United Nations*”. (OSCE, 1975)

For instance, by establishing oversight mechanisms to guarantee adherence to the Declaration's tenets throughout the Cold War, the Helsinki Final Act aided in the promotion of human rights in Eastern European nations. As a result, governments were under more pressure to uphold human rights, which ultimately helped bring down communist regimes in Europe. (Alpkaya, 1996)

After the WWII international community created and ratified the following documents: Convention on the Prevention and Punishment of the Crime of Genocide, (UN, 1948a) the Universal Declaration of Human Rights (UN, 1948b), International Convention on the Elimination of All Forms of Racial Discrimination (UN, 1965), Convention and Protocol Relating to the Status of Refugees, the International Covenant on Economic, Social, and Cultural Rights, (UN, 1966a) the International Covenant on Civil and Political Rights, (UN, 1966b) and the Optional Protocol to the International Covenant on Civil and Political Rights (UN, 1966c), Convention on the Elimination of All Forms of Discrimination against Women (UN, 1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN, 1984), Convention on the Rights of the Child (UN, 1989), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UN, 1990), Convention on the Rights of Persons with Disabilities (UN, 2006a), International Convention for the Protection of All Persons from Enforced Disappearance (UN, 2006b) The elimination of the death penalty and the affirmation of economic, social, and cultural rights as fundamental human rights are trends that are reflected in these protocols on a worldwide scale.

The application of these treaties, meanwhile, is still difficult in many areas of the world since not all nations have ratified them. International players try to utilize the issue of human rights compliance to further their own objectives, strengthen their position in certain regions, and other things. The aggressive behavior of certain governments has returned to the international stage, usually using isolationist strategies to protect national interests, which has a significant impact on the respect for human rights in such circumstances. .

On the other hand, some tendencies are extremely destructive since they do not stop at a balanced position that is most beneficial to the state or group of states when such actions in the implementation of national policy start to backfire. Although it's not the only option, the most harmful effect of these trends is likely to be a worsening of relations among countries. Human rights activists who contend that it undercuts the authority of the European Convention on Human Rights have criticized this action. Furthermore, some experts worry that this might create a dangerous precedent for other nations to follow suit, weakening the protection of human rights throughout Europe.

Fillon, a candidate for president of France who represented the nation's conservative right-wing forces, also included a declaration of leaving the ECtHR's jurisdiction in his campaign platform. (Barbière, 2016) The opinions of Hungary and Romania regarding the ECtHR have also changed. Strasbourg is seeing an increase in individual complaints about how prisoners and detainees are treated in both countries, which undermines human dignity. (Raimondi, 2017) Hungary's contentious new constitution, which has been roundly condemned for curtailing individuals' rights and liberties, is one significant example of this change of perspective toward the ECtHR. The ECtHR recently ruled that Romania had breached many human rights agreements in its treatment of Roma communities. Romanian officials have also come under fire for their treatment of Roma communities.

It should be noted that in the process that began after the enlargement in 2004, the institutions of the European Union have introduced the concept of inclusion to address and find solutions to the problems faced by Roma communities. In this regard, besides the European Union, international organizations such as the World Bank and the Open Society Institute have also taken initiatives on the issue through The Decade of Roma Inclusion 2005-2015 (“Roma Decade”) process. The EU institutions and member states have initiated efforts to assess the dimensions of the problem and take effective measures to address the issue, particularly regarding housing and settlement, which are considered as priority areas for Roma communities. (Çağlar, 2010)

Another example is Orbán, the prime minister of Hungary, who has argued for ECtHR reform as a crucial step for resolving the migration issue in the area. (Karnitschnig, 2015) Orbán claims that the court's rulings in instances involving migration have undermined national sovereignty and recommends that the court show more respect for the laws of the member states. However, opponents of Orbán's position contend that enacting such measures would jeopardize the court's independence and effectiveness in defending human rights.

Human rights legislation has transformed contemporary international law. With the inclusion of the Universal Declaration of Human Rights and subsequently becoming a universally accepted norm along with the UN Charter, states gave up their exclusive authority to decide certain aspects of their internal affairs. This surrender represents a substantial surrender of sovereignty to international law and the global community. In the past, any attempt to interfere in a state's internal affairs was viewed as hostile and illegitimate interference. (Davis, 2016)

States have realized the value of cooperating to advance peace and security, nevertheless, since the UN was founded and its Charter was adopted. As a result, there has been a change in how interference is perceived, with some activities now being justified as being for the benefit of the whole international community. Nowadays, however, negative responses to others' concerns about how closely a state's laws and legal processes adhere to human rights standards are seen as meddling in internal affairs, and such criticisms are perceived as "*barbarism*" and a *disregard for countries'* obligations under international law. (Hehir & Murray, 2017)

This trend is concerning because it undermines the universality of human rights and gives power to the government. The international community must continue to hold countries accountable for their obligations to uphold human rights and work to create a more just society. The global community now shares a common concern with regard to human rights. Because of international and regional treaties, it is now a subject of regulation. International law has changed from being a tool for regulating relationships between countries to one for regulating relationships between the state and the individual, the state and society, and a tool for limiting the misuse of state authority in terms of defending human rights. This transformation has been fuelled by the growing awareness of how important protecting

human rights is, as well as by how interconnected the globe is becoming. However, challenges still exist in ensuring that international law is correctly applied and that states uphold their obligations under it.

"*A Declaration of Human Responsibilities*" (InterAction Council, 1997) was declared in 1998 with the aim of establishing a universal standard for all peoples and nations. Its purpose was to promote societal progress and individual enlightenment within various societal structures. The declaration emphasized the importance of striking a balance between rights and responsibilities, encouraging active engagement and critical thinking rather than apathy towards rights and freedoms. It highlighted the need to cultivate a sense of responsibility to expand the boundaries of freedoms. The declaration also aimed to bridge historical conflicts among ideologies, beliefs, and political views. It asserted that achieving the ideal of equal and fundamental rights for all individuals requires a foundation built upon peace, freedom, justice, and moral principles that acknowledge both rights and responsibilities. It argued that laws and international agreements alone are insufficient for creating a better society on national and international levels, emphasizing the necessity of a comprehensive moral framework encompassing the entire world. The declaration recognized the universal validity of individuals' aspirations for progress and affirmed that these aspirations can be realized through the application of moral values and standards. While acknowledging the importance of recognizing duties alongside rights, it cautioned against excessive focus on obligations and the potential for authoritarian regimes to exploit such emphasis to suppress freedoms and promote immorality, as Aybay astutely pointed out. (Aybay, 2015, pp. 16-19)

Another example that can be given to illustrate this is the right to asylum. The right to asylum, which emerged as a right to protect the right to life, allows individuals who are in danger in their countries due to political, ethnic, or religious reasons to seek refuge in other countries. However, they are often either turned away at the border or forced to live in refugee camps under harsh conditions. States often justify their actions based on economic reasons, claiming that the number of refugees strains their financial resources, and seek assistance from organizations such as the United Nations or send refugees back to their countries or to third countries. Take, for example, the readmission agreement between Turkey and the European Union. (Reçber, 2018) The main issue here is the tension between the principle of state sovereignty and the universality of the right to asylum. While organizations like the United Nations or international civil society organizations advocate for the right to asylum within the framework of human rights, states within the international system, based on the principle of sovereign equality, often consider the issue within the scope of their sovereignty rights rather than as a matter of human rights. (Tepe, 2010, p. 11)

In this context, considering the 1967 Declaration on Territorial Asylum, (UN, 1967) accepting refugees is stated not as a legal obligation but as a moral obligation for states. This obligation is also limited by the condition that it does not impose an excessive burden on the state's resources. In other words, if a state argues that accepting refugees would strain its economy, according to the declaration, it cannot assert a moral obligation. (Tepe, 2010, p. 11) Indeed, in today's context, the exercise of the

right to asylum is contingent upon states using their sovereign will in that direction. The decision to grant asylum ultimately rests with the individual states, and they have the discretion to determine the conditions and procedures for granting asylum. Asylum seekers must rely on the willingness of states to recognize their need for protection and provide them with refuge. However, it is important to note that states' exercise of sovereignty in this regard should still be in accordance with international human rights standards and obligations.

Human rights are important in terms of recognition and protection. A social-political system built on the foundation of human rights can create an environment that allows individuals to fulfill themselves and develop in every aspect. Furthermore, human rights mean setting limits for the state and creating a space of freedom and justice for individuals. Additionally, the recognition and protection of human rights form the basis of global peace. (Erdoğan, 2011) Governments' political cultures, awareness that there are no superior or inferior cultures or civilizations on the planet, and capability for proper action all influence their ability to seize this opportunity.

5. HUMAN SECURITY, STATES AND INTERNATIONAL REGULATIONS

General focus of the traditional international law was on states. In contrast to only national legal identity, only nations possess the qualities necessary for international legal personality. Non-governmental organizations (NGOs) were the lone exception. As a result of the development of international norms in the field of human rights, people today have the legal authority to engage in international affairs, challenge national nations' positions, and hold them accountable. (Council of Europe, -)

A defense against this claim would be that granting people the status of having international legal personality could weaken national legal systems and cause a loss of state sovereignty. The International Criminal Court (ICC), for instance, enables citizens to file claims against state authorities for crimes including genocide, war crimes, and crimes against humanity. (ICC, 2023) As a result, there have been conflicts between some nations and the ICC because some countries believe that other nations are undermining their sovereignty. The national state adapts these interpretations for self-interest or international surveillance, resulting in a qualitative shift in how international law rules are interpreted. A fundamentally new situation is created when private people are treated as full subjects of international law. (Melandri & M., 2009)

Human rights-related international law standards are rights-based norms. They compel states to refrain from certain actions while simultaneously making an active effort to pursue a particular goal – the respect for human rights and their prompt restoration in the case of violation. This mindset is a system-forming aspect of international law in this area of regulation. It draws a distinction between human rights law and conventional international law, which largely regulates interactions rather than directing its members' efforts toward achieving predetermined, unambiguous goals. This characteristic

necessitates the modification and development of international law in the manner prescribed by these objectives.

As an example, the International Criminal Court was founded with the intention of holding people accountable for human rights breaches including genocide, war crimes, and crimes against humanity. In this approach, the court acts as a tool for achieving the specific goal of upholding and restoring human rights. Additionally, the United Nations Universal Declaration of Human Rights lists certain rights that its signatories are obligated to defend and advance, such the right to freedom of expression and religion, and calls for nations to take involvement and action to enforce compliance.

The European Convention on Human Rights (ECHR), the International Bill of Human Rights¹, and its primary set of supplemental protocols all entered into and were given a special status under international law in the latter half of the previous century. Since their creation, the norms used in these instruments have essentially not changed. Exceptionally serious and deliberate abuses of human rights have been made illegal via specialist human rights accords, which have heavily restricted promises to some vulnerable communities.

However, creating regulations to safeguard human rights was not the main objective. In addition, the majority of the ECHR's principles were merely copied when the European Union's Charter of Fundamental Rights (The European Union, 2000) was created. However, the way that human rights laws are applied has evolved along with the development of contemporary society. While the acts of United Nations treaty bodies have significantly impacted global trends, judicial practice and judicial lawmaking have been vital in encouraging such developments in Europe. State parties have granted the European Court of Human Rights the authority to interpret, supplement, and refine the ECHR's provisions in its rulings.

In contemporary international relations, there is a great need to choose whether and how to engage in a conflict without undermining state sovereignty, the inviolability of which is enshrined in the UN Charter. Reputable foreign and local scholars have studied the current tension between assessing the scope of internal threats, such as massive violations of human rights, and the international community's respons: “*We the Peoples: The Role of the United Nations in the Twenty-first Century*”, by UN Secretary-General Kofi Annan. It states that “*we need to ensure more effective integration of conflict prevention strategies, post-conflict peacebuilding, humanitarian assistance, and development aid*”. (Annan, 2000) This relates to the need for fresh ideas in international law, among them the “*responsibility to protect*.” The notion of responsibility to protect acknowledges the need for the

¹ The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were created to legally protect the rights outlined in the Universal Declaration of Human Rights. Drafting a binding instrument for these rights began immediately after the Declaration's adoption in 1948. Initially, there was a plan for a single covenant, but it was later decided to have two separate covenants with similar provisions. Together with the Universal Declaration, they are known as the International Bill of Human Rights. (UN, 2012, pp. 6-7)

international community to step in when a state is incapable or unwilling to shield its inhabitants from mass crimes. It also underlines how crucial it is to deal with the underlying causes of conflict and advance sustainable development in order to stop further conflicts.

In December 2001, the Commission published a report and supporting materials titled "*The Responsibility to Protect*". (RtoP). This document outlines six justifications for the lawful use of force, among other things: (ICISS, 2001)

1. The Threat's Seriousness (if the threat of harm to a state or person is sufficiently obvious and significant to warrant the use of military action, particularly in regard to genocide and other mass murders and violations of international humanitarian law).
2. Clearly defined goals (intervention should try to help the people rather than alter the status quo).
3. As a last option (the use of force should only be taken into consideration after all diplomatic efforts to settle the disagreement peacefully have failed).
4. Possibilities that appear plausible (military action can only be justified if there are realistic odds of successfully stopping mass crimes against civilians).
5. Reasonable action taken (the measures used should be reasonable to the grounds for involvement and commensurate with the expected consequences).
6. Good faith (the main goal of any action should be to lessen suffering among civilians)

It is important to note that many aspects of the RtoP idea were developed by states long before the "*The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, 2001*". (International Commission on Intervention and State Sovereignty, 2001) For instance, Article 1 of the 1949 Geneva Conventions states that, whether it pertains to a domestic or international war, one must "*respect and ensure respect*" for international humanitarian law. The 2005 World Summit's Outcome Paper showed that the Responsibility to Protect principle was receiving more attention on a global scale. Heads of state and government concurred, as stated in paragraph 138, that

" Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. " (ICISS, 2005)

A special mention should be made of the Secretary-General of the United Nations included topics connected to the Responsibility to Protect. There are several of these reports, including " *High-Level*

Panel on Threats, Challenges and Change on A More Secure World: Our Shared Responsibility”, (UN, 2004) *“In Larger Freedom: Towards Development, Security, and Human Rights for All”* (UN, 2005) *“Implementing the Responsibility to Protect”* (UN, 2009) *“The Role of Regional and Subregional Arrangements In Implementing the Responsibility to Protect”*, (UN, 2011) *“Early Warning, Assessment, and the Responsibility to Protect”* (UN, 2010) *“The Role of Regional and Subregional Arrangements in the Implementation of the Responsibility to Protect”*, (UN, 2011) *“Timely and Decisive Response*, (UN, 2012) *“International Assistance and the Responsibility To Protect”*, (UN, 2014) *“The Responsibility to Protect: State Responsibility and Prevention”* (UN, 2013) *“A Vital and Enduring Commitment: Implementing the Responsibility to Protect”*, (UN, 2015) *“Mobilising collective action: the next decade of the responsibility to protect”*, (UN, 2016) *“Implementing the Responsibility to Protect: Accountability for Prevention”*, (UN, 2017) *“Responsibility to protect: from early warning to early action”*, (UN, 2018) *“Responsibility to protect: lessons learned for prevention”*, (UN, 2019) *“Prioritizing prevention and strengthening response: women and the responsibility to protect”*, (UN, 2020) *“Advancing atrocity prevention: work of the Office on Genocide Prevention and the Responsibility to Protect”* (UN, 2021)

One example of the Responsibility to Protect in action is the 2011 intervention by the international community in Libya. The United Nations authorized military intervention to save people from the government's deadly assault on protesters, which ultimately led to the collapse of the dictatorship and democratic elections. (Bellamy, 2011)

RtoP is based on the principle that sovereign states bear the responsibility of safeguarding their populations from harm. It emphasizes the moral obligation to prevent mass atrocities and highlights the international community's duty to intervene when states fail in their protective duties. RtoP consists of three core elements: the duty to prevent, the duty to respond, and the duty to rebuild. The interconnection between RtoP and international security is inherent. RtoP's focus on addressing and preventing mass atrocities contributes to the maintenance of international peace and security. It acknowledges that safeguarding populations from severe human rights violations is crucial for upholding stability and preventing conflicts. By effectively implementing RtoP, the destabilizing consequences of atrocities can be mitigated, thus enhancing global security. (Malito, 2019)

Furthermore, the RtoP reinforces the promotion and protection of human rights. It aligns with established international legal frameworks such as the Universal Declaration of Human Rights and various human rights treaties. RtoP recognizes the intrinsic link between human rights and security, acknowledging that the violation of human rights often precedes mass atrocities. Upholding human rights and implementing RtoP mutually reinforce each other.

However, the application of RtoP faces challenges and criticisms. One major concern is the potential for powerful states to misuse or abuse the principle as a justification for intervention driven by political motives. Striking the right balance between intervention and respecting state sovereignty

remains a complex task. (Cronogue, 2012) (Moses, 2012) Additionally, debates persist around the criteria for intervention, the role of regional organizations, and the effectiveness of preventive measures. The RtoP stems from the belief that states have an obligation to shield their populations from harm. Its implications for international security are intertwined with its emphasis on human rights. (Quinton-Brown, 2013)

While challenges and criticisms exist, RtoP remains a powerful framework for advancing human rights and global peace. Addressing concerns and enhancing international cooperation are crucial for realizing the full potential of RtoP.

CONCLUSION

Human rights continue to be important to the worldwide legal community. International law professionals developed the RtoP, which has unquestionable societal significance. It serves as a sort of "Code of Humanitarian Interventions," defining acceptable grounds for using force, intervention standards, and recommendations for providing relief.

Human rights represent a set of unique values that are strongly anchored in a particular historical age and inspired by the philosophy of the international legal community. They constitute an essential component of the cultural fabric of today's global society. Resolution of the human rights problem and the need to protect them from both internal and foreign threats highlight the need of giving legal issues top priority among the many other issues facing mankind on a global scale.

Essentially among the several areas of international law, human rights law has risen to the top. It has evolved into a fundamental component of maintaining public order, if not its core. It has assumed the character of a general legal concept, analogous to constitutional frameworks or something very much like them, that modern laws and legal procedures must abide by.

It is clear from the current political environment of the world that international law, as it is naturally expressed in human rights, confronts several developmental obstacles. One such difficulty has to do with the current political and legal crises. The issue of applying "double standards" when interpreting legal norms and principles pertaining to the protection of human rights has also become extremely relevant.

In conclusion, it is impossible to overestimate the importance and relevance of human rights in today's global society. Human rights are a collection of ideals that have developed over time and have been shaped by the international legal community. They are also profoundly ingrained in our cultural fabric. In the face of internal and foreign threats, protecting human rights continues to be a serious concern that necessitates giving legal issues top priority in the midst of other global problems. Human rights law has taken on a central role in modern legislation and legal procedures, dominating many different areas of international law. However, given the current state of the world's politics, human rights

legislation must overcome several developmental obstacles, from political and legal crises to using different criteria for interpreting norms and principles. All things considered, it is crucial to keep fighting for and defending human rights.

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