

**UNITED NATIONS SECURITY COUNCIL, HUMAN RIGHTS AND STATE
IMPUNITY: REDEFINING THE CONCEPT OF HUMAN RIGHT IN THE 21ST
CENTURY**

Dr. Igonoh Joshua A.

Associate Professor and Dean, Law College, Salem University, Lokoja, Kogi State

ABSTRACT

We live in an integrated world in which we all have a stake in each other's wellbeing. By the preamble of the UN, it was born out of the endeavors of men and women from different nations of the world with the primary ideal to check State impunity, to give expression to aspirations of the entire human race, no matter their color, religion, sex or country of origin; rather than leave individuals to the whims of their respective governments. Its mandate was to engender global cooperation in the promotion of human rights and humanitarian goals, conceived by the global community, in a manner that could move International Community from unilateral State action, towards basic recognition of mutual obligation and common vision for collective good of humanity. However, the political trajectory characterizing the workings of the United Nations in this Century seems to point the world farther away from these founding values of the Organization. By doctrinal approach, this paper found a link between national interest of members of the Security Council and their cronies and what looks like an effort at redefining the import of human rights in this Century. The paper thus recommends an urgent need to restructure the United Nations, amongst other things, to re-apprise the use of veto power and principle of unanimity in the workings of the Security Council, as a measure to reposition the Organization towards promoting peace, stability, dignity and equality for all.

Key Words: UN Security Council, Human Rights, State Impunity and Redefinition of Human Rights.

1. INTRODUCTION

The trends of various world organizations have been reactionary rather than precautionary. Thus, as the League of Nations was born as a reaction to the ugly consequences of the First World War, so was the United Nations a product of World War II. Amongst other philosophies informing the birth of United Nations were those endorsed in the preamble of the Charter which included:

We the Peoples of the United Nations Determined

To save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind and 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 condition under which justice and respect for the obligations arising from treatise and other sources of International Law can be maintained, and to promote social progress and better standards of life in larger freedom,

And For These Ends

To practice tolerance and live together in peace with one another as good neighbors and to unite our strength to maintain international peace and security, and to ensure by the acceptance of principles and institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Have Resolved to Combine Our Efforts to Accomplish These Aims

Accordingly, our respective governments, through representatives assembled in the City of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Article 1 of the Charter also provides:

1. To maintain international peace and security; and to that end; to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

On the heels of the birth of United Nations was the nagging question of how this world body must react to man's inhumanity to man in the prosecution of the Second World War by various world powers. This played into the longstanding philosophical principle of human rights as a nature-endowed, imprescriptible and indivisible right.¹ The atrocities of Nazi Germany and the beastly horror of the regime during the war directed attention to the nexus between outrageous behavior of a government towards its own citizens and aggression against other nations of the world.² It brought to the fore the need for effective protection of human rights as an essential condition for

O.N Ogbu; *Human Rights Law and Practice in Nigeria: An Introduction* (CIDJAP Press, 1999)³⁶¹

L. Openhiem, *International Law: A Treaties* (Longman Group, 1970)⁷³⁷; Ogbu, *op.cit* at 35)²

international peace and progress, stressing that as long as human rights are respected, democracy is secured and danger of dictatorship and war is remote.³ It was in pursuit of this that the UN Charter imposed obligations on member States to universally guarantee and encourage the protection of human rights, in fulfillment of the ideal for which the Allied Powers went to war⁴ That was why the UN Charter took a stride in reaffirming faith in fundamental human rights, in the dignity and worth of the human person; in the equality of rights of men and women and equality of nations, large or small, as part of the measure for promoting human rights for all, without distinction as to race, sex, language or religion.⁵

In further pursuit of human rights universalization, the Charter also mandated the UN General Assembly to “initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms”.⁶ The essence of this was to ensure universal “respect for human rights and for fundamental freedom for all, without distinction as to race, sex, language or Religion”.⁷ After weathering through ideological oppositions, the United Nations Declaration of Human Rights (UNHCR) was eventually born. The Declaration was said to act:

[A]s a common standard of achievement for all peoples and all Nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education, to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their Universal and effective recognition and observance, both among the peoples of member States themselves and among the peoples of territories under their jurisdiction.⁸

The declaration was not a binding legal instrument but as general principles of law or standard by which State acts and policies could be measured. It did not purport to be a binding instrument but a “path-finding instrument” by which to measure the degree of respect for, and compliance with international human rights standard; as the bastion of human rights security and defense in a world that was already bedeviled by all kinds of abuses.⁹ That was why Elias referred to it as “the most important document to have emerged from the UN organization as the foundation of its existence... the nucleus of an organism which is in the process of rapid growth to great dimensions by its own inner dynamism”.¹⁰ He called it “the seed of the idea of human rights, as one of the cornerstones upon which the post-1945 World War should be built”. For Ogbu, the Declaration was “an authoritative definition of human rights, setting out the principles and norms of securing

See preamble to the Charter; Ogbu, *op.cit at 36*³

Article 1(3) of the United Nations Charter (hereinafter referred to as, UN charter)⁴

*Ibid*⁵

Art.13(b) and 55(c), UN Charter⁶

Article 1(3) UN Charter, *op.cit*⁷

Proclamation of the Charter; Gasiokwu*op.cit.*, at135 -138⁸

M.O.U. Gasiokwu, *Human Rights, History, Ideology and Law* (Fab Education Books, 2003) 136⁹

T Elias, *New Horizons in International Law* (Sigthoff & Noodhoff International Publishers, 1979)85¹⁰

respect for the right of man everywhere in the world”.¹¹ This declaration no doubt ushered in a new era of human rights with multilateral approval, resulting in internationalized form of legitimacy as it created what was then described as a universal standard, external to individual States by which State laws, policies and values could be evaluated.¹²

Quite unfortunately however, achievement of the philosophy of the founding fathers of the United Nations on human rights has remained elusive several decades after. Looking at issues that threaten human rights in contemporary world, this paper examines the worrisome contribution of the Security Council, an organ of the United Nations to the failure of the Organization on several fronts, including tenets of human rights. In any case, for clarity, let us undertake a brief historical background of the United Nations itself, and the place of the Security Council in her workings.

2. HISTORICAL EVOLUTION OF THE UNITED NATIONS AND THE SECURITY COUNCIL

It is remarkable to note that what we have as International law today took its bearing from the idea of Hugo Grotious who, living in the period of war in the 17th Century derived inspiration from the Roman ideas of *jus gentium* and *jus naturale* that expressed the urgency for universal peace through a form of International law, midwifing a single system of natural law, from the body of customs of States for so long¹³. Arising from this idea came various Hague Peace Conferences of 1899 and 1907, followed by several functional cooperation of Nations in the 19th Century to revise, clarify and codify the whole body of International laws affecting the conduct of war, establishment of Court of International Arbitration, International Bureau and other International unions, whose decision making was based on principle of majoritarianism, with equality of voting rights to all members¹⁴.

Although the gains of these conferences were punctuated by the first world war and its after-effect but it was obvious that they informed President Woodrow Wilson’s 14 point idea of how to ensure world peace by creating a concerted effort against repeat of any other disastrous war, which idea culminated in 1919, in the birth of League of Nations, with a permanent headquarters in Geneva¹⁵. Amongst other things, the League frowned at war, making any defiant member subject to diplomatic, financial and even military sanctions¹⁶.

Following initiation of the term “United Nations” by President Roosevelt¹⁷ in Washington on January 1, 1942 by a declaration signed by twenty six Nations in attendance, came the Casablanca Conference in January 1943; the “Moscow Declaration”; the Teheran Conference of 1943 attended by Church Hill, Stalin and Roosevelt and then, the Dumbarton Oaks Conference where the principles of the United Nations were formulated and approved by China, United Kingdom, the

I. Brownlie, and G. Goodwin-Gill, *Basic Documents on Human Rights*, 5thedn. (Oxford University Press, 2006) 12

23

R. Basu, *The United Nations: Structure and Functions of an International Organization*. (Starling Publishers Private Limited, 2013)19.

Ibid, at 19.¹⁴

Ibid.¹⁵

E. Laud; *A History of the United Nations*, Vol 1 (Macmillan, 1982)135.¹⁶
Then President of the United States of America.¹⁷

Soviet Union and the United States of America between the ninth of August and October, 1944.¹⁸ While the powers in attendance at Dumbarton Oaks Conference were agreed that the terms of this Union were a symbol of their intention in maintaining a common stand against war and continuing cooperation in peacetime, but they differed in several key areas that were to sow the seed of suspicion amongst nations in the later years¹⁹.

Moreover, while the League generally operated by resolution process referred to as “mandate” but it is imperative to note that the ghost of the pre-first world war International conferences still hunted it in the sense that all decision making required unanimity, giving each State, veto power with effect that they could not be compelled to comply with the wishes of the majority.²⁰ The issue of veto power here is of particular interest because it informs one of the basis on which this paper calls for a revisit to the tenets of the United Nations Security Council. Indeed, In the discussions leading to the birth of the United Nations, it was agreed that the views of the five powers had to be unanimous for the Council to act except in procedural matters where majority of seven to eleven members was required, made up of the powerful five and those Nations that declared war on the Axis powers before March 1, 1945 which they invited to the founding conference of the United Nations.²¹

At the Potsdam conference in July, 1945 the sponsoring powers finally ratified United Nations Charter for adoption at the San Francisco Conference later that year but not without reservations of the smaller states to the clause of unanimity or veto power of members of the Security Council. In response, these sponsoring powers insisted that they would not be part of the entire arrangement without such privilege.²² Thus, from the San Francisco conference, it was clear that the major powers, driven only by the zeal to create the Union alone, had sown a seed in breach of time tested rules of administration that, like the League of Nations, threaten the principles and purposes of the United Nations itself till date.

By the rule of administration of justice recognized by all countries of the world, “a man shall not be a judge in his own cause”. Although at the Yalta conference, the main powers accepted Soviet union proposal that parties to a conflict would have no vote in the Security Council on issues relating to peaceful settlement of disputes but that resolution bore no consequence to everyday life of the vulnerable States who were going to be the major victims of most decisions of the Security Council.²³

By the way this veto power has been employed by some members of the Security Council in the last decade, it is obvious that the values of the United Nations have been so desecrated that this otherwise revered union has now been described as “club house of world powers” the “Bully House of the third world” and “a Horror House of the Fatherless Nations”.²⁴ Indeed, events in the

R.B. Russel; *A History of the United Nations Charter* (Brookings Institution, 1958)62.¹⁸
C.M Eichelbarger; *Organizing for Peace: A Personal History of the Founding of the United Nations* (Harper & Row, 1978).

R. Basu,; *op.cit* at 23.²⁰

Ibid, at23.²¹

Ibid.²²

Ibid.²³

R. Manya, ‘Here are all the Times Donald Trump Bashed the United Nations before Speaking There’²⁴
<<http://time.com/4946276/donald-trump-united-natioms-general-assembly/>>... accessed on 18-12-2019.

last decade justify these description by the way Russia and Assad's killer-army jointly massacred Syrians to reassert Bashar Al Assad in office to protect Russian access to mainstream Syrian economy; the impunity with which Iran killed several protesting Iranians in November, 2019; ordeal of the Rohingya Muslims in the hands of Myanmar government; ordeal of Muslim minorities in India and China; the ceding of Crimea by Russia in 2014; State sponsored assassination of North Korean dissident brother and assassination of General Soleimani of Iran by the United States in January 2019, all of which the Security Council could not pass any resolution of worth to reassure International Community that the Council does not wield its authority only when the issues concern the vulnerable Nations.

While Britain took exception to causes affecting her Colonial territories, the Soviet Union amongst other grounds, objected to the Anglo-US notion that a party to an international conflict should not participate in the voting on such issue in the Security Council.²⁵ With such natural distrust, it is not surprising that whatever was built on such unresolved reservations now put the entire arrangement under threat. Regarding the Soviet Union's reservations, a subsequent conference held in Yalta in February, 1945 reached some self-destruct resolutions with damaging effect to the future of the United Nations. It was resolved that France, China, the Soviet Union and the United Kingdom as "Sponsoring powers" be given permanent seats on the Security Council as main powers with vital votes, except in procedural matters.²⁶

To be able to appreciate how demobilized and incapacitated the United Nations has been rendered by inaction of the Security Council, it is instructive to take a kaleidoscopic view of the functions of the Security Council, at this point of our discussion.

3. FUNCTIONS AND WORKINGS OF THE SECURITY COUNCIL

Certain problems of the Security Council are inherent in the United Nations Charter providing for an organogram of functionaries that create a fertile ground for mutual distrust, dating back to the era of the founding States of the Organization which successive members have inherited. By the said organogram, the structures of the United Nations consist of the General Assembly; the Security Council; the Economic and Social Council; the Trusteeship System; the International Court of Justice; and the Secretariat.²⁷ Without insisting on perfection in any allusion, these constituents may be compared to State functionaries constituted by the General Assembly as the parliament acting as the main deliberative organ of the United Nations; the Security Council as a mock-Executive Council without Ministerial representation while the rest organs may be described as other state agencies. As earlier mentioned, this allusion is merely to draw attention to powers of the Security Council as distinct from the General Assembly so that the workings of the former may be forayed to show how far it contradicts its primary purposes under the Charter. Therefore, to avoid verbosity, further explanation on the workings of other functionaries of the Organization in this paper will be down-played. But for the purpose of clarity, let it be stated from the onset that the General Assembly is not a parliament in the real sense, there being no government and further still, the Agencies are not Ministries directly accountable to the General Assembly

Basu, *op.cit* at 22.²⁵

Ibid, at 22-23.²⁶

The UN Charter.²⁷

because, they have their own Assemblies, deciding their policies, with minimal influence on them, by the General Assembly.²⁸

For the avoidance of doubt, functions of the Security Council as endorsed under Article 25 of the Charter include:

- a. Maintenance of international peace and security.
- b. Investigation and recommendation on methods for resolving disputes that could cause international fracas.
- c. The determination of acts of aggression and situations threatening peace, including how to tackle the situation through sanctions and possibly, how to take military action that could arrest the situation.
- d. Recommendation of admission into the Union, including initiation of such members into membership of various Conventions of the Union, including Statute of International Court of Justice.
- e. To exercise the trusteeship functions of the United Nations and the recommendation to the General Assembly of the Secretary General and Judges of International Court of Justice.

From this run down, it is obvious that from the onset, the Council was endowed with such powers beyond those of the League of Nations with an obligation on all members of the Union to accept and carry out its resolutions in accordance with provisions of the Charter. Indeed, even when the Council is obligated to submit annual reports to the General Assembly on measures taken by the Council towards its primary purpose of maintenance of peace and order of the world, but the General Assembly is not authorized to comment upon activities of the Council in a manner that suggests an oversight, thus creating an impression that the security council, made up of diplomats and bureaucrats is not subordinate to the General Assembly consisting of politicians from member states.²⁹ This is so except that the *Uniting for Peace Resolution* 1950 toned down Powers of the Council as endorsed by the Charter by which the General Assembly now exercises wild powers of intervention in situations where the Council is unable to carry out its primary responsibility, due to lack of unanimity in the face of threat to peace or aggression.³⁰

Article 27 of the Charter creates such irreconcilable provisions that the Council that is supposed to be made up of career diplomats and bureaucrats is skewed with procedural powers that draw politics into almost every of its decision. The said Article gives one vote to each member of the Council by an affirmative vote of seven members on procedural matters. But beyond this is the principle of unanimity by the five permanent members whose veto power could demobilize all resolutions of the Council. Basu seemed to catch the essence of the deliberating effect of this provision when she said:

The Security Council should therefore be seen, above all, as a bargaining mechanism, permanently available, for negotiating

Basu, *op.cit* at 68.²⁸

*Ibid.*²⁹

Ibid, at 69.³⁰

*agreed courses of actions over crisis situations among individual powers and groups of nations, or at least, promoting negotiations elsewhere. Every decision will therefore be a compromise.*³¹

Emphasizing the peculiarity of its politicization, the learned author said:

The council is not, like cabinets within the National States, a unified and single-minded decision-making body comprising ministers who are already close colleagues and committed to a common policy. It is rather like an *ad hoc* committee formed among mutually distrustful parties in which every decision has to be negotiated among the adherents of different points of view. *Where interests are not too divergent*, it may be possible to achieve a consensus on some matters.... *Over other issues where there is a direct conflict affecting permanent members.... this may be impossible*, though even here, negotiation may sometimes be promoted.³²

As a learned author opined, the veto power amounted to a recognition of the realities of power politics of the Big Five as a measure to keep them within the Union because, even if the veto power had not existed in practice, the Organization could not have been used, wholly against the will of any one of the major powers without the risk of stultifying the primary purpose of the Organization.³³ When the philosophy of veto power is understood from this perspective, expectations of the international community of the United Nations would be curtailed to that of a political club that exists at the convenience of the big five powers that down-play all other values of the Member States to the whims of individual interests of the five task masters of the United Nations. This scenario emphasizes Ehrlich's notion of law as a distinction between the living law and the formal law, seeing the living law as a reflection of the conduct of the society at a particular time as distinct from law endorsed on Statute books.³⁴ Thus, it is obvious that whatever human rights law represent in all the UN conventions, they mean nothing where they put national interest of members of the Security Council at risk.

4. HUMAN RIGHTS AND NATIONAL INTEREST OF THE BIG FIVE

By conventional definition, human rights as a concept has philosophical root in the natural law School, warranting its description by Crankston as the "twentieth century name for what has been traditionally known as natural rights, or in a more exhilarating phrase, rights of man".³⁵ Drawing its inspiration from nature, the theory of natural law holds that there is some

Ibid, at 75.³¹

Ibid.³²

Ibid.³³

E. Ehrlich, 'Principles of the Sociology of Law' <chicagobound.uchicago.edu/.../pdf> accessed on 08-08-2019.³⁴

³⁵ N. Crankston, 'What are Human Rights?' <www.1.umh.edu/humanrts/.../what-are-human-rights> accessed on 10-06-2016; Ogbu O.N, *op.cit.* 3; B.O. Nwabueze, *Constitutionalism in the Emergent States* (C. Hurst and Co.Ltd; 1973)

connection between law and the value of freedom and equality in the sense that an oppressive and arbitrary rule over human beings is incompatible with human nature, as intended by the creator.³⁶ It was on this principle that the 17th and 18th century philosophers like Hobbes, Rousseau, Montesque and Locke developed their concept of inalienability and inprescriptibility of human rights on the notion that human rights attach to all humans, everywhere, at all times, by virtue of their being human.³⁷ Here it appears that the term “inprescriptibility” is only understood to mean rights that are not created or conferred in the strict sense of the word, but only legislatively endorsed.

The word “right” itself has been defined as that to which a person has a just and valid claim, whether it be land, a thing, or the privilege of doing something or saying something.³⁸ Rights that are guaranteed by positive law (*lex lata*) are referred to as legal rights while those that are yet to receive such legal endorsement may only exist more in moral capacity.³⁹ This is why Oputa defined the word “right” to mean, the capacity residing in one man or group to control the actions of others with the assent and assistance of the State.⁴⁰ For Akande, the word “right” means “a just claim”, adding that when someone is described as having a right, he is acknowledged to be entitled to something to which he has a just claim under the law.⁴¹

Closely linked to the word “right” is the word “human” which Yerima simply defines as “pertaining to, characteristic of, or having the nature of mankind”⁴². From this, it is clear how

41; Roscoe, P., ‘Philosophical Foundation of Human Rights’ (UNESCO, 1986); V. Karel, *International Dimensions of Human Rights* (Pendone, 1981)

³⁶ Ogbu *op.cit.*

³⁷ T. Hobbes,, ‘History of the Inalienability Rights Argument’ <www.abolish-human-rentals.org/hobbes> accessed on 10-06-2016; Rousseau, J., ‘The Inalienable Rights of the Individual and the Sovereign Will’ <quadrant4.org/rousseau.html> accessed on 10-06-2016; Montesquieu W.C, ‘Inalienable Rights’ <www.ellerman.org/inalienable-rights/> accessed on 10-06-2016; Locke, J., ‘Theory of Inalienable Rights’ <communityweber.edu/.../theory-of-inalieble-rights> accessed on 10-06-2016

³⁸ Hobbes, *op.cit.*

³⁹ *Ibid at 2*

⁴⁰ C. Oputa, *Human Rights in the Political and Legal Culture of Nigeria* (Nigerian Law Publications Ltd; 1988) 38-39

⁴¹ J. Akande, ‘Securing Individual Rights’ being part of the proceedings of the Conference on Constitution and Federalism held at Unilag, Nigeria; 23-25 April, 1996.

⁴² T. Yerima, ‘Appraising the Significance of the Liberal and Utilitarian Conceptions of Human Rights in the 1999 Constitution of Nigeria’ *Ikeja Bar Review*, [2007] vol. 2, Part 1; A.S. Hornby, *Oxford Advanced Learners Dictionary* (Oxford University Press, 1998) 581.

human rights came to be variously defined as “the right one holds by virtue solely of being a human person... right naturally inhering in the human being”⁴³; “those claims made by men, for themselves or on behalf of other men, supported by some theory, which concentrates on the humanity of man as a human being, a member of mankind”⁴⁴; “rights and freedom which every person is entitled to enjoy possibly deriving from natural law”⁴⁵; “rights one has simply because one is a human being”⁴⁶; “rights which all persons everywhere and at all times equally have by virtue of being moral and rational creatures”⁴⁷.

Ogbu summed up human rights as rights that are:

Inherent in any human being simply because of his humanity-the birthright of all mankind. The expression “human rights” in its widest connotation embraces those civil, political, economic, social, cultural, group, solidarity and developmental rights which are considered indispensable to a meaningful human existence⁴⁸.

But what plays out at the United Nations level is that the big five powers with vetoing mandate create themselves into such power blocs that redefine what actually constitutes human rights when their national interests and those of their cronies are involved. The effect of this is that the surrogate nations take refuge in the big five nations so that even where they trample upon human rights of their citizens, the Security Council looks away as if nothing happens. But when national interests of these powers are not involved, they pretend to seek enforcement of the so-

⁴³ L. Rutherford, and S. Bone, (eds) *Osborne Concise Law Dictionary*, 8th edn (Sweet and Maxwell, 1993) 29

⁴⁴ J. Donnelly, ‘Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights’. *American Political Science Review*. [1982] vol.76. 305

⁴⁵ *Ibid*

B. Nwabueze, *Constitutionalism in the Emergent States*, *op.cit* at 3 and Ogbu, *op.cit*46

⁴⁷ Nwabueze, *op.cit*

⁴⁸ Ogbu, *op. cit.*

called human-rights. This is the scenario that has played out in Syria,⁴⁹ Turkey,⁵⁰ Iraq,⁵¹ Iran,⁵² Yemen,⁵³ Libya⁵⁴ and recently, in Saudi Arabia⁵⁵ and Myanmar.⁵⁶

In the bid to protect their national interest, the five Nations on the permanent seat of the Security Council have trampled underfoot and desecrated whatever human rights represent in the contemporary world. Let us look at each of the powers either as principal actors or accessories in this regard as follows:

- a. For about eight years, now, there has been Civil war that tore Syria into fragments, creating the largest volume of treachery, amounting to crime against humanity. Civilians, innocent civilians, including women and children have been killed by the national army of Bashar Al-Assad with full backing of Russia. The war has not only created the largest Internally Displaced people but created Refugees to Europe, America and all over Middle East. Having boxed the rebels to Idlib province as the last stronghold, Russia has defied international outcry to halt bombardment of the province to save the vulnerable population starved up in the province. Women and children have been maimed and killed by Russian bombardment; the weak and the feeble have been exterminated in their numbers without a voice because efforts to condemn impunity of Al-Assad and his Russian ally have been severally rebuffed by the Russian Veto power in the chambers of the Security Council.⁵⁷ As it turned out, only the scourge of Covid-19 that engulfed the world in the last quarter of 2019 into the second quarter of 2020 has been the only reprieve of the Syrian people thus far.
- b. When Iraq, under Saddam Hussein attacked and annexed Kuwait, in 1999, the unanimity of the Security Council was not farfetched in condemning that act of aggression as a breach of international law and human rights of Kuwaitis⁵⁸ but when Russia attacked and annexed Crimea in 2014, killing several citizens of Ukraine and sponsoring civil war in that country, the veto power of Russia readily absolved this world power from any blame.⁵⁸

H. Sinan; *Russia and Iran: Economic Influence in Syria* (Chatham House, 2019) Sourced at Contract at Chatham ⁴⁹ House.org. <www.chathamhouse.org> accessed on 12-01-2020.

United Nations Meeting Coverage; ‘Concerns raised on Rights Violation in Syria, Myanmar, Crimea’, ⁵⁰ <<https://www.un.org/press/en/2018/sc13344.doc.htm>> accessed on 18-11-2019.

United Nations Security Council and the Iraq War. <<https://en.m.wikipedia.org/wiki/unite>> accessed on ⁵¹ 11/1/2020.

C. Coughlin; ‘Lesson from Death of Soleimani’ <www.telegraph.co.uk> accessed on 11-01-2020.⁵²

S. Boholiss; ‘Nowhere is safe to hide on war-torn Yemen, says UN-appointed Rights Experts’ <news.un.org> ⁵³ accessed on 14-01-2020.

A. Ramy; ‘Libya’s War: Who is Supporting Who?’ <www.aljazeera.com> accessed on 14-01-2020.⁵⁴

Jon S; ‘Trump Discusses UN Request for FBI To Investigate Jamal Khashoggi’s Murder’ ⁵⁵

<www.theguardian.com> accessed on 11-01-2020.

S. Tisdal, ‘World’s Awkward Silence over Rohingya Genocide Warnings’ <www.theguardianwarnings> also at ⁵⁶

<www.theguardian.com> accessed on 11-01-2020.

H. Sinan,; *op.cit.*⁵⁷

V. Kurt; ‘Where’s NATO’s Strong Response to Russia’s Invasion of Crimea’ <<https://foreignpolicy.com>> ⁵⁸ accessed on 14-06-2020.

- c. When the Saudi State sponsored killer- squad killed, dismembered and dematerialized the body of Khashoggi, a Saudi dissident, the world's condemnation of that nation didn't make any difference because as Trump, the President of the United States put it, American business interest could not be sacrificed on the altar of any outright confrontation with the Saudi Prince and his government.⁵⁸ Even when the United Nations fact-finding team, chaired by Irene indicted the Saudi Prince for his complexity in such heinous breach of human rights, yet the Security Council could not make an emphatic condemnation of the act.⁵⁹
- d. In 2017, when Myanmar persecuted the Rohingya Muslims out of their only known homeland in a manner that suggested ethnic cleansing, the Council adopted a docile posture because of Myanmar's proxy relationship with Russia and China through India. Apart from setting houses of the Rohingyas ablaze, the act created close to one million refugees that have remained in some uninhabitable Island in Bangladesh till date; and yet, without the international community flexing muscle because of National interest of members of the Security Council.⁶⁰
- e. In the Libyan civil war, the Big Five have shown more clearly that where their national interests are involved, not even their endorsement of any Council resolution would make the difference. In the last four months of the year 2019, the Libyan war took an altogether different turn when General Haliffa attacked the Security Council- backed national government with the backing of France, Russia and Britain, three permanent members of the Security Council in conjunction with several other European Union Nations.⁶¹ In the war, Haliffa has been reported to deliberately target civilian residences and yet the Council has been grounded by acts of its own members, in pursuit of their national interest.⁶² Looking at statistics of those killed in the Liberian and Congolese wars for which their war lords have been tried and convicted for breach of all forms of human rights, including rape and crime against humanity, it is obvious that the number of death in those countries is infinitesimally incomparable to the death in the Syrian and Yemeni wars for which no finger will be lifted because members of Security Council are involved.⁶³
- f. When, in a State sponsored terrorism, the North Korean leader's death-squad traced his dissident brother, Kim Jong-Nam to Kuala Lumpur, Malaysia and murdered him, the voice

BBC; 'Jamal Khashoggi: All you need to know about Saudi Journalist Death' <www.bbc.com> accessed on 12-01-2020.⁵⁹

A. France-Press; 'Myanmar still using same tactics of oppression: UN Envoy' <<https://news.abc-cbn.com/overseas/07/21/17/myanmar-still-using-same-tactics-of-persecution-un-envoy>> accessed on 09-01-2020;⁶⁰

France-Press, *op.cit*; M. Aama; 'A Brief History of the Word 'Rohingya' at the Heart of a Humanitarian Crisis' <<https://qz.com>> accessed on 14-04-2019.

R. Allahoum; 'Libya's War: who is supporting who'? <www.aljazeera.com> accessed on 09-01-2020.⁶¹
*Ibid.*⁶²

Omar-Sanadiki; "560, 000 Killed in Syria's War According to updated Death Toll" as at Dec.10, 2018 ⁶³
<www.haaretz.com> accessed on 03-01-2020. Compare with the Liberian estimated figure of between 20-30,000 or more death in World Peace Foundation on 'Mass Antrocity Endings' sizes.tufts.edu posted on 07-08-2015 accessed on 07-01-2020.

of international community was inaudible because the Russia- China bloc on the Security Council would block any such resolution.⁶⁴

- g. See the high-handedness of Iran against her protesting citizens in December 2019 in which several Iranians were killed with a solo voice of condemnation from US alone, because of her strained relationship with Iran⁶⁵.
- h. Or is it about Turkey's impunity in pursuing Kurds into the Syrian territory for indiscriminate killing of innocent citizens in the name of creating free zone for the Syrian Refugees in Turkey; and all that, by the tacit under-cover nod of Russia as long as it afforded Russia opportunity to win the Syrian war, after all.⁶⁶ And for America, it did not matter how Turkey trampled upon Kurdish human rights as long as her tenure in the oil-rich North East-Syria was secured.⁶⁷

Indeed, as a matter of practice, the UNSC habitually looks away when events leading to break dawn of law and order are brewing in a particular country, and when it happens, the Council begins to seek scape goat for the occurrence by talking of breach of human rights. But when there is any attack on countries that surrogate themselves to the "big five", they threaten fire and brimstone. That was the trend observable in the events leading to the crisis in Central African Republic; in Guinea and more recently, through Nigerian government's open doors to the Fulani stocks from all over Africa whose flocking has always resulted in civil war and ethnic cleansing in several African countries.⁶⁸ But to the industrialized countries, and the big five in particular, such development calls for celebration because it does not only open economies of such countries to them but it affords them opportunity to boost their countries' massive arm-sales. But the other side of the ball game is that this attitude of the Security Council tends aggrieved parties toward violent reaction as in the American assassination of Qasem Soleimani, the Iranian General in January 2020.⁶⁹ While world powers were not in doubt that this invincible Iranian General had been engaged in State sponsored maiming and killing of several Americans and other Nationals but they condemned a resort to assassination, instead of dialogue. This, they said as if they forgot how Russia and China used their veto powers to insulate Iran against any form of blame in all its dastardly recalcitrance, in the past

Y. Leslie; and Eileen E; 'Kim Jong Un's half Brother was killed by Nerve poison, Malaysian Court Told' ⁶⁴

<Global News and the Asocial Press at globalnews.ca> accessed on 09-01-2020
New York Times, 'With Brutal Crackdown, Iran is Convulsed by Worst Unrest in 40 years' ⁶⁵

<<https://www.nytimes.com/middleeast>> accessed on 14-06-2020.

Umat-Uras; 'Turkey, Russia reach deal for YPG move out of Syria Boarder Area' <www.aljazeera.com> ⁶⁶
accessed on 5/1/2020.

S. Lara; J. Seligman; 'US Plan to Guard Syrian oil Field Sows Confusion' <foreignpolicy.com> accessed on 02-
01-2020.

International Crisis Group; 'Central African Republic: The Roots of Violence' <www.crisisgroup.org> accessed ⁶⁸
on 04-001-2020 and S. Siphew; 'Nigeria Eases Visa Rules for African Passport Holders' posted on 12-12-2019 <

www.aljazeera.com> accessed on 07-01-2020.

Aljazeera; 'What is behind the Qassan Soleimani's Assasination?' <www.aljazeera.com> accessed on 09-01-⁶⁹
2020.

The list of attitudinal redefinition of human rights may be endless but one inevitable reality is that if the world's acquiescence of such show of inequality of nations tramples underfoot the philosophy of universality and indestructibility of human rights, then we should all take responsibility for a Third World War in no distant future. As participants of a debate hosted by representatives of a fifteen member body of the United Nations emphasized recently, "the Security Council as the gate-keeper and upholder of International Law for the United Nations 193 member States..... must quickly rectify failures in discharging its mandated duties of prohibiting the use of force and maintaining global peace and security" or risk catastrophic consequence.⁷⁰ But such debates only make caricature of the real facts on ground that show members of the Council as master-minding wars, violence and breach of global peace directly or indirectly, through proxy wars, in pursuit of their respective national interest.

For instance, it is no longer a secret that Russia's inhumane impunity in the Syrian war is informed by her interest to access the Syrian economy with particular interest to obtain reconstruction contracts for her major conglomerates.⁷¹ In addition to lines of credit and supply of vital strategic products, Russia and Iran are pursuing a larger role in the Syrian war as opportunity-based approach to the Syrian market. That is why even in the face of the fiercest of war in the last eight years, these two countries have established their respective countries' Business Council to boost relationship with Syria towards their quest to access oil and gas, electricity, agriculture, tourism and real estate, even if at the cost of the blood of innocent Syrians.⁷² This is because, contracting Russian private companies comes at a lower political cost to Russia than allowing Iran and any other country to further expand in key sectors of the Syrian economy.⁷³ With such dynamics, it is obvious that whatever the United Nations stands for must play secondary role to Russia that has done everything possible to frustrate any useful resolution against Assad's government, in the last eight years.

With the Syrian conflict raging on after eight years, annexation of Crimea and wide spread violence against the vulnerable minorities all over the world without any remarkable intervention by the International Community, it is obvious that the credibility of the United Nations is being called to question, at all levels. For this cause, there is a reason for a paradigm-shift by which the Organization and the Security Council in particular should be proactive in arresting impunity that flows from State protectionism rather than the risk of becoming stymied in debates that yield no visible result. This is the only way the council can re-enact relevance for itself in the quagmire that is not only making a mockery of whatever human rights import but is taking the world hostage by events, similar to those that midwife the first and second world wars.

United Nations Meeting Coverage; 'Security Must Redify Failure to prohibit use of Force, Maintain International Peace, Speakers Stress Day-Long Debate' <<https://www.un.org/press/en/2018/sc13344.doc.htm>> accessed on 09-01-2020.

H. Sinan; 'Russia and Iran: Economic Influence in Syria' in Chatham House (ed) The Royal Institute of International Affairs <chathamhouse.org> <www.chathamhouse.org> accessed on 02-01-2020.

*Ibid*⁷²

Ibid.⁷³

5. LAST WORD ON THE UN

Looking at the circumstances that necessitated the birth of the UN and seeing the aggravated tendency towards more sophisticated arms-race in the 21st century, it is obvious that at no time has the need for a world agency that could exercise some form of oversight over world security been inevitably necessitated than now. Beyond this is the quest of Islamic world to spread Islamic fundamentalism across all Continents of the world, in a manner that suggest a spiritual driving force that puts their sponsors under compulsion to Islamize the whole world now, or never.⁷⁴ And in the face of such necessity is a new awakening on the side of the industrialized world to boost their economies by mass-producing and selling sophisticated arms to every demon that crosses their path, as long as such transaction would improve economy of their nations; without caring to know the heinous and dastardly destruction to which such arms would be adapted, afterall.⁷⁵

In his speech to the seventieth session of the United Nations General Assembly in September 2015, Obama, the then President of the United States of America had insisted that the lasting universality of the United Nations principles of freedom, prosperity and equality for all, in an integrated world in which we all have a stake in each other's success, remains the only international order that can ensure unparalleled advances in human liberty and prosperity, which he said accounted for why the bigger countries are restrained from imposing their will on smaller ones, so that the world could advance democracy, development and individual liberty on every Continent.⁷⁶ But events in the last decade have cast so much aspersion upon such assertion that it is now difficult to fathom the values upon which the United Nations is run by the developed world today.

In a world where religious worship is thinning out by all forms of State policies in the name of fighting terrorism; in a world where isolationism is fast becoming the order of the day even when such measures could trample upon minority rights, and in a world where genuine political opposition is perceived as enemy of the State which must be destroyed, it is difficult to decipher how confidence of the International Community would remain in an organization that was meant to act as a bastion for ensuring that the era of might being perceived as right that culminated in the first and second world wars never returned is now fast re-appearing with tacit endorsement of the big five nations on Security Council. No wonder, President Donald Trump said the United Nations is "not a friend of democracy... doing nothing to end the big conflicts in the world", describing it

A.C.S. Peacock; Islamization: Comparative Perspectives from History (Jstor Edinburg University Press, 2017)⁷⁴ <www.jstor.org>

Shemstor, 'Global arms sales captured in 4 charts' World Economic Forum. <www.weforum.org> posted in ⁷⁵ 2017, accessed on 09-01-2020.

President Barrack Obama's Full Speech at 70th UN General Assembly Conference <m.youtube.com> accessed on ⁷⁶ 07-01-2020; F. Loey; 'UN ideals point the way to solving the world's crises, US President tells annual Assembly debate' <<https://news.un.org/en/story/2015/09/510102-un-ideals-point-way-solving-worlds-crisis-us-president-tells-annual-assembly>>. accessed on 10-01-2020.

as “a club for people to get together, talk and have a good time” and causing problems rather than solving them⁷⁷.

The United Nations was created as antidote to State high-handedness and all forms of abuse of human rights and injustice associated with the principles of absolute sovereignty. Its mandate to engender global cooperation on human rights and humanitarian goals was conceived by the global community at a time when greater disaster than the grim reality of the Second World War stared the world in the face. It was therefore meant to move the world from unilateral State action towards basic recognition of mutual obligation and common vision, as a common effort to promote peace, stability, dignity and equality for all races of the world, regardless of who or where they are.⁷⁸ But these values do not seem to be the basic pursuit of the organization today, thus justifying President Donald Trump’s description of the body as “wasteful and counter-productive”.⁷⁹ As the Queen of England said in her speech to the General Assembly in 1957, the future of this organization will be determined, not only by the degree to which members strictly observe the provisions of the Charter and cooperate in its practical activities, but also by the strength of its peoples’ devotion to the pursuit of these great ideals.⁸⁰ Until the United Nations is reformed to re-orientate it towards these original ideals, the devolution of the world to another catastrophic end is inevitably a matter of time. For now, it is obvious that attitude of the “big nations” along with their allies does not only belie the principle of equality of nations as endorsed in the preamble of United Nations Charter but redefine import of human rights by the bloc to which each nation belongs. This way, the future of human rights and even the United Nations is nothing but bleak.

6. CONCLUSION AND RECOMMENDATION

Using serial and massive breach of human rights by various countries of the world with tacit complicity of members of the Security Council as case-study, this paper bemoaned the future of human rights and the United Nations itself in a situation where each member of the Security Council engage in acts that suggest that human right is all about the block of Security Council a particular surrogate nation belongs. Warning against implication of *realpolitik* even where the issue of human rights is involved, the paper observed that whether it is in form of Russian forces ceding Crimea or China making aggressive claims in its Coastal Waters and Japan’s increasingly assertive but strategic response in that behalf; and whether it is about Myanmar’s oppressive measures against the Rohingya Muslims or Iran by alliances with Syria and Hezbollah to dominate the Middle East, it is all old fashioned power play in International relations that has never done the world any good.

F. Claudia; ‘The United Nations Needs Reform, Not Criticism of its Purpose’⁷⁷
<<http://fortune.com/2017/09/25/donald-trump-united-nations-speech/>> accessed on 10-01-2020.

*Ibid.*⁷⁸
R. Manya; ‘Here are All the Times Donald Trump Bashad the UN Before Speaking There’⁷⁹
<<http://time.com/4946276/donald-trump-united-nations-general-assembly/>> accessed on 18-12-2019.

A Speech by the Queen to the UN General Assembly, 1957 published on 21-10-1957.⁸⁰
<<https://www.royal.uk/queens-speech-un-general-assembly>> accessed on 28-06-2019.

Examining causes of this trepidatious scenario that is about to bring the world to the brink of another world war, this paper found a link with national interest of members of the Security Council and their cronies, stressing that the future of the United Nations will be determined, not only by the degree of observance of the provisions of the Charter and cooperation in its practical activities but by the collective devotion of all stakeholders to the pursuit of the great ideals of the Organization. To this end, the paper recommends an urgent need to restructure the United Nations, amongst other things, to re-apprise the use of veto power and principle of unanimity in the workings of the Security Council, as a measure to reposition the Organization towards promoting peace, stability, dignity and equality for all.

REFERENCE

Aama M; 'A Brief History of the Word "Rohingya" at the Heart of a Humanitarian Crisis' <<https://qz.com>> accessed on 14-04-2019.

Akande J., 'Securing Individual Rights' being part of the proceedings of the Conference on Constitution and Federalism held at Unilag, Nigeria; 23-25 April, 1996.

Aljazeera; 'What is behind the Qassem Soleimani's Assasination?' <www.aljazeera.com> accessed on 09-01-2020.

Allahoum R; 'Libya's War: who is supporting who?' ,<www.aljazeera.com> accessed on 09-01-2020.

Basu R; The United Nations: Structure and Functions of an International Organization. (New Dellri: Starling Publishers Private Limited, 2013)19

BBC; 'Jamal Khashoggi: All you need to know about Saudi Journalist Death' <www.bbc.com> accessed on 12-01-2020.

Boholiss S; 'Nowhere is safe to hide on war-turn Yemen, say UN-appointed Rights Experts' <news.un.org> accessed on 14-01-2020.

Brownlie I., and Goodwin-Gill, G., Basic Documents on Human Rights, 5thedn. (Oxford University Press, 2006)

Claudia F; 'The United Nations Needs Reform, Not Criticism of its Purpose' <<http://fortune.com/2017/09/25/donald-trump-united-nations-speech/>> accessed on 10-01-2020.

Coughlin C; 'Lesson from Death of Soleimani' <www.telegraph.co.uk> accessed on 11-01-2020.

Cranskton N., 'What are Human Rights?' <www1.umn.edu/humanrts/.../what-are-human-rights>accessed on 10-06-2016.

Donnelly J., 'Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights'. American Political Science Review. [1982] vol.76. 305

Ehrlich, E; 'Principles of the Sociology of Law' <chicagobound.uchicago.edu/.../pdf> accessed on 08-08-2019.

Eichelbarger C.M; Organizing for Peace: A Personal History of the Founding of the United Nations (Harper & Row, 1978).

Elias T, New Horizons in International Law (Sigthoff & Noodhoff International Publishers, 1979)85.

France-Press, A; 'Myanmar still using same tactics of oppression: UN Envoy' <<https://news.abs-cbn.com/overseas/07/21/17/myanmar-still-using-same-tactics-of-persecution-un-envoy>> Accessed on 09-01-2020.

Gasiokwu M.O.U., Human Rights, History, Ideology and Law (Fab Education Books, 2003) 136

Hobbes T., 'History of the Inalienability Rights Argument'<www.abolish-human-rentals.org/hobbes>accessed on 10-06-2016.

Hornby A.S., Oxford Advanced Learners Dictionary (Oxford University Press, 1998).

International Crisis Group; 'Central African Republic: The Roots of Violence' <www.crisisgroup.org> accessed on 04-001-2020.

Jon S; 'Trump Discusses UN Request for FBI to Investigate Jamal Khashoggi's Murder' <www.theguardian.com> accessed on 11-01-2020.

Kurt V; 'Where's NATO's Strong Response to Russia's Invasion of Crimea' <foreignpolicy.com> accessed on 14-06-2020.

Lara S; Seligman, J; 'US Plan to Guard Syrian oil Field Sows Confusion' <foreignpolicy.com> accessed on 02-01-2020.

Laud E; A History of the United Nations, Vol 1 (London: Macmillan, 1982)135

Leslie Y; and Eileen E; 'Kim Jong Un's half brother was killed by nerve poison, Malaysian Court Hold' <Global News and the Associated Press at globalnews.ca> accessed on 09-01-2020.

Locke J., 'Theory of Inalienable Rights' <communityweber.edu/.../theory-of-inalieble-rights> accessed on 10-06-2016

Loey F; 'UN ideals point the way to solving the world's crises, US President tells annual Assembly debate' <<https://news.un.org/en/story/2015/09/510102-un-ideals-point-way-solving-worlds-crisis-us-president-tells-annual-assembly>> accessed on 10-01-2020.

Manya R; 'Here are All the Times Donald Trump Bashed the UN Before Speaking There' <<http://time.com/4946276/donald-trump-united-nations-general-assembly/>> accessed on 18-12-2019.

Montesquieu W.C., 'Inalienable Rights' <www.ellerman.org/inalienable-rights/> accessed on 10-06-2016;

New York Times, 'With Brutal Crackdown, Iran is Convulsed by Worst Unrest in 40 years' <<https://www.nytimes.com/middleeast>> accessed on 14-06-2020.

Nwabueze B., Constitutionalism in the Emergent States.

Omar-Sanadiki; '560,00 Killed in Syria's War According to updated Death Toll' as at Dec.10, 2018 <www.haaretz.com> accessed on 03-01-2020.

Oppenheim L, International Law: A Treaties (Longman Group, 1970).

Oputa, C., Human Rights in the Political and Legal Culture of Nigeria (Nigerian Law Publications Ltd; 1988)

Peacock A.C.S; Islamization: Comparative Perspectives from History (Jstor Edinburg University Press, 2017)1 <www.jstor.org>. accessed on 02-01-2020.

President Barrack Obama's full speech at 70th UN General Assembly Conference Sourced at [m.youtube.com](https://www.youtube.com) accessed on 07-01-2020.

Roscoe P, 'Philosophical Foundation of Human Rights' (UNESCO, 1986);

Rousseau J., 'The Inalienable Rights of the Individual and the Sovereign Will' <quadrant4.org/rousseau.html> accessed on 10-06-2016;

Russel R.B; A History of the United Nations Charter (Brookings Institution, 1958).

Rutherford L, and Bone,S., (eds) Osborne Concise Law Dictionary, 8th edn (Sweet and Maxwell, 1993)

Ramy A; 'Libya's War: Who is Supporting Who?' <www.aljazeera.com> accessed on 14-01-2020.

Shemstor, 'Global arms sales captured in 4 chart World Economic Forum'. <www.weforum.org> posted in 2017, accessed on 09-01-2020.

Sinan H; 'Russia and Iran: Economic Influence in Syria' in Chatham House (ed) The Royal Institute of International Affairs <www.chathamhouse.org> accessed on 02-01-2020.

Siphew S; 'Nigeria Eases Visa Rules for African Passport Holders' <www.aljazeera.com> accessed on 07-01-2020.

Speech by the Queen to the UN General Assembly, 1957 published on 21-10-1957, accessed on <<https://www.royal.uk/queens-speech-un-general-assembly.>>

Tisdal S; 'World's Awkward Silence over Rohingya Genocide Warnings' <www.theguardianwarnings.com> also at <www.theguardian.com> accessed on 11-01-2020.

United Nations Security Council and the Iraq War. <[https://en.m.wikipedia.org/wiki/unite](https://en.m.wikipedia.org/wiki/United_Nations_Security_Council_and_the_Iraq_War)> accessed on 11/1/2020.

United Nations Meeting Coverage; 'Concerns raised on Rights Violation in Syria, Myanmar, Crime' <<https://www.un.org/press/en/2018/sc13344.doc.htm>> accessed on 18-11-2019.

United Nations Meeting Coverage; 'Security Council Must Redify Failure to prohibit use of Force, Maintain International Peace, Speakers Stress Day-Long Debate' <<https://www.un.org/press/en/2018/sc13344.doc.htm>> accessed on 09-01-2020.

Umat-Uras; 'Turkey, Russia reach deal for YPG move out of Syria Boarder Area' <www.aljazeera.com> accessed on 5/1/2020.