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## The politics of human rights: International norms and national sovereignty

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### Abstract

The tension between international human rights norms and national sovereignty remains one of the most contentious issues in contemporary global politics. While international law emphasizes the universality of human rights, the principle of sovereignty allows states to maintain autonomy over their internal affairs. This paper explores the theoretical foundations, key facts, case studies, and contemporary issues in the politics of human rights, focusing on the complex interplay between international norms and national sovereignty. Through an analysis of existing literature, recent events, and geopolitical conflicts, the study aims to provide a comprehensive understanding of how these factors influence global human rights practices. The findings suggest that while international human rights norms have made significant strides, selective enforcement and national interests continue to undermine their universality.

**Keywords:** International human rights norms, national sovereignty, global politics, international law

### Introductions

Human rights are considered universal moral and legal standards aimed at protecting individuals from abuse and injustice. The post-World War II international order, built on agreements such as the Universal Declaration of Human Rights (UDHR), sought to create a global framework for protecting these rights. However, the principle of national sovereignty, which grants states the right to govern without external interference, often conflicts with the enforcement of these international norms. The central tension arises when human rights norms demand intervention in cases of abuse within sovereign states, such as genocide, torture, and suppression of political freedoms.

This paper addresses the following main questions:

- How do international human rights norms interact with the principle of national sovereignty?
- What are the contemporary challenges to the universality of human rights?
- How do geopolitical interests influence the selective enforcement of human rights norms?

### Main Objective

The main objective of this paper is to explore the complex relationship between international human rights norms and national sovereignty.

### Human Rights vs. Sovereignty (Theoretical Framework)

The interplay between human rights and state sovereignty represents one of the most enduring tensions in international politics. At the core of this debate is the question of how international norms governing the protection of human rights can coexist with the principles of sovereignty, which grant states the authority to manage their internal affairs free from external interference. This conflict is rooted in the evolution of international law, the rise of global institutions dedicated to human rights, and the shifting geopolitical landscape. To understand this complex relationship, it is crucial to examine the theoretical foundations that underpin both human rights and sovereignty, primarily through the lenses of realism, liberalism, and constructivism.

Realism, as one of the dominant schools of thought in international relations, prioritizes the state as the central actor in global affairs.

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Realists argue that the international system operates in an anarchic environment, where no overarching authority exists to govern or enforce laws between states. Within this framework, sovereignty is viewed as the most critical principle, ensuring that each state has the absolute right to govern its people, control its borders, and protect its national interests without interference from external actors. From the realist perspective, human rights are often subordinated to the survival and security of the state. Realists emphasize that states will always prioritize their national interests, often at the expense of human rights norms, when those norms conflict with state security or political stability. Realists argue that human rights, while important, cannot override the fundamental necessity of maintaining state sovereignty. In their view, the notion of human rights is subject to manipulation by powerful states, which may use human rights discourse as a tool to intervene in the affairs of weaker states. For example, during NATO's intervention in Libya in 2011, what began as a mission to protect civilians under the principle of Responsibility to Protect (R2P) soon evolved into a regime-change operation aimed at ousting Muammar Gaddafi. This mission shift fueled criticisms from realist scholars, who viewed the intervention as an example of how human rights can be used as a pretext for pursuing geopolitical objectives. Realists contend that such actions undermine the legitimacy of human rights norms and demonstrate the potential for abuse when sovereignty is not fully respected. Liberalism offers a contrasting perspective to realism, positing that human rights are universal and must be upheld regardless of state sovereignty. Liberals argue that human rights transcend national borders and should be protected by the international community. They believe that the protection of individual dignity and rights is a moral imperative, and that states have a responsibility to uphold these standards within their own borders. Furthermore, when states fail to protect the human rights of their citizens or, worse, actively engage in human rights violations, the international community has a duty to intervene to stop atrocities such as genocide, ethnic cleansing, and crimes against humanity. Liberalism emphasizes the role of international institutions, such as the United Nations (UN), the International Criminal Court (ICC), and various regional human rights courts, in upholding global human rights norms. These institutions provide platforms for cooperation and enforcement, helping states to collectively address violations and hold perpetrators accountable. The liberal framework is built on the idea that international cooperation is necessary to achieve peace and justice, with human rights serving as a cornerstone of this collective effort. Liberals advocate for multilateralism, where states work together to create a more just and equitable global order, where human rights are respected and protected. One of the most important contributions of liberal thought to the human rights discourse is the concept of the Responsibility to Protect (R2P), which emerged in the early 2000s. R2P asserts that the international community has a moral and legal obligation to intervene when states fail to protect their populations from genocide, war crimes, and other atrocities. This principle challenges the traditional notion of absolute sovereignty, suggesting that sovereignty is conditional upon a state's ability to protect the basic rights of its people. If a state violates this responsibility, R2P justifies international intervention, even if it contravenes the wishes of the state's

government. While liberalism advocates for human rights over sovereignty, this position has not gone unchallenged. Critics argue that R2P has been applied inconsistently, often serving the interests of powerful nations. In the case of Libya, critics argue that NATO's intervention went beyond protecting civilians and instead became a means of pursuing regime change, raising questions about the motives behind humanitarian interventions. Furthermore, the uneven application of R2P has led to criticisms of selective enforcement, where interventions occur only in politically convenient or strategically important situations, leaving other crises, such as those in Yemen and Myanmar, largely unaddressed. Constructivism offers another perspective, focusing on the social construction of human rights and the ways in which these norms have evolved over time. Unlike realism and liberalism, which view human rights either as subordinate to state interests or as universal principles, constructivism emphasizes that human rights are a product of social, cultural, and political processes. Constructivist scholars argue that human rights norms have been shaped by the collective actions and beliefs of states, international organizations, and non-state actors, such as non-governmental organizations (NGOs) and civil society. From the constructivist perspective, human rights norms are not static or universally agreed upon, but are instead shaped by the context in which they are developed. This helps explain why human rights are enforced unevenly across different regions and why some states are more resistant to international human rights standards than others. Constructivists argue that the evolution of human rights norms is heavily influenced by global power dynamics and the interactions between states and international actors. For instance, the global movement to abolish apartheid in South Africa was not driven by legal principles alone but was the result of sustained pressure from transnational civil society networks, advocacy groups, and international coalitions that framed apartheid as a violation of human rights. Constructivists also emphasize the role of norm diffusion, where human rights standards are gradually internalized by states through socialization, diplomacy, and pressure from the international community. This process is not linear or uniform, and it often faces resistance from states that prioritize sovereignty or have divergent cultural or political values. For example, many authoritarian regimes, such as China and Russia, resist international human rights norms by invoking the principle of sovereignty. These states argue that their internal policies, including crackdowns on dissent and restrictions on civil liberties, are necessary for maintaining order and stability, and they reject international criticism as interference in their domestic affairs. Findings from previous studies on the politics of human rights and sovereignty highlight the complexity of this relationship. One significant finding is that the enforcement of human rights norms is often selective, influenced by the geopolitical interests of powerful states. In many cases, countries invoke human rights to justify interventions or sanctions against adversaries while ignoring violations committed by allies. The United States, for example, has been vocal in condemning human rights abuses in countries like China and Russia but has been less forthcoming in addressing human rights violations by allies such as Saudi Arabia. This selective enforcement undermines the legitimacy of international human rights institutions and weakens global confidence in the universality of these

norms. Additionally, studies have shown that the rise of populism and nationalism has further complicated the relationship between human rights and sovereignty. Populist leaders often frame human rights as a threat to national identity and security, rejecting international norms in favor of more insular, sovereignty-focused policies. The global refugee crisis, for instance, has prompted several populist governments to adopt restrictive immigration policies, arguing that international obligations to protect refugees infringe on their sovereignty. This tension between upholding human rights and protecting national sovereignty has become a defining feature of contemporary global politics. The theoretical framework of human rights versus sovereignty reveals a multifaceted and often contentious debate. While liberalism champions the universality of human rights and the need for international cooperation, realism emphasizes the primacy of the state and the necessity of protecting sovereignty. Constructivism, on the other hand, highlights the evolving nature of human rights norms and their dependence on social, political, and cultural contexts. Together, these perspectives underscore the ongoing struggle to balance the protection of individual rights with the preservation of state sovereignty in an increasingly interconnected world.

### **Evolution of International Human Rights Norms**

The evolution of international human rights norms is a complex and transformative process that has developed over centuries, with significant acceleration in the post-World War II era. Human rights, as we understand them today, represent a series of legal, political, and moral commitments designed to protect individuals from abuses of power, whether by the state or other entities. These norms, which were once viewed as internal matters under the exclusive jurisdiction of sovereign states, have become a global concern, governed by international laws, treaties, and institutions. The shift from a purely state-centric approach to one that recognizes the universal and inalienable rights of individuals marks one of the most significant developments in international law.

In earlier periods of history, human rights were primarily considered as privileges granted by rulers or states, often codified within specific legal frameworks, such as the Magna Carta in 1215 or the Bill of Rights in 1689 in England. These documents represented early attempts to limit the powers of sovereigns and recognize certain fundamental rights of individuals. However, these early concepts of rights were limited in scope, often reserved for specific groups within society, and did not apply universally. The idea of "natural rights," articulated by philosophers such as John Locke during the Enlightenment, laid the intellectual groundwork for the later development of international human rights norms. Locke's assertion that individuals inherently possess rights to life, liberty, and property, which governments are obligated to protect, was a key precursor to modern human rights thinking.

The horrors of the two World Wars, particularly the atrocities of World War II, were a crucial catalyst in the formal internationalization of human rights norms. The genocidal acts committed during the Holocaust, alongside widespread war crimes and crimes against humanity, exposed the limitations of state sovereignty when it came to the protection of individuals. The international community, recognizing the need for a global framework to prevent such

atrocities, began to develop a legal infrastructure to promote and protect human rights. This led to the formation of the United Nations (UN) in 1945, which quickly became the primary body for articulating and promoting human rights at the international level.

One of the most significant milestones in the evolution of human rights norms was the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR, drafted by representatives from diverse legal and cultural backgrounds, was the first international document to outline a comprehensive set of rights applicable to all individuals, regardless of nationality, race, gender, or religion. While the UDHR is not legally binding, it has served as the foundation for subsequent international human rights treaties and has become a cornerstone of international human rights law. The declaration enshrines a wide range of rights, including civil, political, economic, social, and cultural rights, and has influenced the development of national constitutions and legal systems around the world.

The UDHR's adoption was followed by the creation of legally binding international treaties that further codified human rights norms. These include the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which were adopted in 1966 and came into force in 1976. Together with the UDHR, these covenants form what is known as the International Bill of Human Rights, providing a legal framework for the protection of a broad array of human rights. The ICCPR focuses on rights such as freedom of speech, the right to a fair trial, and protection from torture and arbitrary detention, while the ICESCR emphasizes the right to work, education, and an adequate standard of living, among other socio-economic rights.

The establishment of human rights as an international concern represented a major departure from the traditional doctrine of absolute state sovereignty, where internal matters, including the treatment of citizens, were beyond the purview of international law. This shift was further solidified by the creation of international institutions and mechanisms tasked with monitoring and enforcing human rights standards. The United Nations Human Rights Council (UNHRC), established in 2006, and its predecessor, the UN Commission on Human Rights, have played central roles in reviewing human rights records and addressing violations globally. Moreover, the establishment of the International Criminal Court (ICC) in 2002 provided a permanent tribunal to prosecute individuals for war crimes, genocide, and crimes against humanity, marking a significant advance in the enforcement of human rights law.

Despite these advances, the application and enforcement of international human rights norms have been uneven and often influenced by geopolitical considerations. While there have been successes, such as the prosecution of war criminals from conflicts in the former Yugoslavia and Rwanda, international human rights mechanisms have struggled to address ongoing violations in powerful states or in situations where geopolitical interests impede action. For instance, human rights abuses committed by major powers like China and Russia have often gone unpunished due to their influence within the United Nations and their ability to veto resolutions in the UN Security Council.

Another important aspect of the evolution of international human rights norms is the expansion of rights to cover



specific vulnerable groups. The post-World War II era saw the development of various international treaties and conventions aimed at protecting the rights of marginalized populations. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, and the Convention on the Rights of the Child (CRC), adopted in 1989, are two examples of international legal instruments designed to protect specific groups from discrimination and abuse. These conventions have been instrumental in promoting gender equality, children's rights, and the rights of disabled persons, among others.

Additionally, the international human rights framework has expanded to address issues such as racial discrimination, torture, and the rights of indigenous peoples. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention against Torture (CAT) are key examples of how the international community has sought to address systemic issues of abuse. Similarly, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, represents a major step toward recognizing and protecting the rights of indigenous communities worldwide.

In recent decades, human rights norms have also been shaped by the growing influence of non-state actors, including non-governmental organizations (NGOs), civil society groups, and multinational corporations. NGOs such as Amnesty International, Human Rights Watch, and Doctors without Borders have played crucial roles in documenting human rights abuses, advocating for victims, and pressuring governments and international bodies to take action. The rise of the internet and social media has further empowered these actors by providing platforms for raising awareness and mobilizing global support for human rights causes.

However, the findings of various studies indicate that despite these advancements, significant challenges remain. One key challenge is the selective enforcement of human rights norms, often influenced by geopolitical and economic interests. Powerful states and their allies are frequently shielded from international accountability, while weaker states are more likely to face sanctions or interventions. This selective application of human rights law has led to accusations of hypocrisy and undermines the credibility of international human rights institutions.

Moreover, the rise of populism and nationalism in recent years has created new obstacles for the global human rights agenda. Leaders in countries such as the United States, Brazil, Hungary, and India have increasingly framed human rights as external impositions that threaten national sovereignty and security. This has led to a retreat from multilateralism and the weakening of international human rights mechanisms. The global refugee crisis and the COVID-19 pandemic have further exposed the fragility of the international human rights system, as many states have prioritized border security, economic recovery, and public health over the protection of individual rights.

### **Contemporary Challenges to Human Rights Norms**

Contemporary challenges to human rights norms are shaped by a wide array of global political, economic, and social forces that complicate the enforcement and universality of these principles. While the development of international human rights standards has made significant progress since

the mid-20th century, the current global landscape presents numerous obstacles to their consistent application and enforcement. These challenges range from geopolitical rivalries, selective enforcement, the rise of populism and nationalism, the global refugee crisis, the COVID-19 pandemic, and the erosion of multilateralism. The findings of recent studies reveal that these challenges often undermine the universality of human rights, creating situations where the protection of individual rights is subordinated to national interests, political expediency, or economic gain.

One of the most pressing challenges to human rights norms today is selective enforcement, where powerful states and their allies often evade accountability for human rights violations, while weaker states are subjected to sanctions or interventions. This selective application of international human rights law is evident in cases where geopolitical and economic interests dominate decision-making in international institutions like the United Nations. For instance, while human rights violations in countries like Syria, North Korea, and Myanmar have attracted global attention and led to sanctions or interventions, similar violations in major powers such as China, Russia, or Saudi Arabia have often been met with muted responses or diplomatic impasses. China's treatment of the Uyghur Muslim minority in Xinjiang, widely condemned as cultural genocide by human rights organizations, has faced limited action at the international level due to China's geopolitical influence and economic power. Similarly, Russia's annexation of Crimea and ongoing conflict in Ukraine, both of which have resulted in severe human rights abuses, are difficult to address fully through international mechanisms due to Russia's position as a permanent member of the UN Security Council, capable of vetoing resolutions against itself. This selective enforcement undermines the credibility of international human rights institutions and raises concerns about their legitimacy, leading to a growing sense of skepticism among both states and civil society regarding the universality of human rights norms. The rise of populism and nationalism poses another significant challenge to the global human rights regime. In recent years, many countries have experienced a surge in nationalist rhetoric, often accompanied by a rejection of international human rights frameworks. Populist leaders in countries such as the United States, Brazil, Hungary, India, and the Philippines have increasingly framed human rights as external impositions that infringe upon national sovereignty and security. These leaders argue that human rights norms, particularly those related to immigration, minority rights, and civil liberties, conflict with the interests of the nation-state and its citizens. This backlash against global human rights standards has led to the weakening of institutions like the United Nations Human Rights Council (UNHRC) and other multilateral forums designed to promote and protect human rights. For example, the U.S. withdrawal from the UNHRC under the Trump administration in 2018 reflected broader trends of retreat from international human rights commitments, with populist leaders prioritizing domestic agendas over global obligations. This rise in populism also coincides with increasing restrictions on civil society organizations and NGOs that advocate for human rights, as governments seek to curtail the influence of foreign or independent actors that are seen as threats to their authority.

The global refugee crisis represents another contemporary challenge to human rights norms, particularly the right to seek asylum and the protection of refugees under international law. Conflicts in Syria, Afghanistan, South Sudan, and other regions have displaced millions of people, leading to a humanitarian crisis that has tested the limits of international human rights frameworks. While the 1951 Refugee Convention and its 1967 Protocol guarantee the right to asylum and prohibit the return of refugees to countries where they may face persecution, many states have responded to the influx of refugees by closing borders, erecting barriers, and implementing restrictive immigration policies. In Europe, the refugee crisis has exacerbated nationalist sentiments, with far-right political parties gaining popularity by advocating for tighter border controls and rejecting the EU's efforts to distribute refugees among member states. This response challenges the international commitment to protecting the rights of refugees and asylum seekers, as states prioritize national security and cultural cohesion over their obligations under international human rights law. The findings of studies on the refugee crisis highlight the tension between humanitarian principles and the political realities faced by states, as governments struggle to balance the protection of refugees with domestic political pressures.

The COVID-19 pandemic has introduced new challenges to human rights norms, particularly in the areas of public health, civil liberties, and economic rights. In response to the pandemic, many governments implemented emergency measures that restricted individual freedoms, including lockdowns, curfews, and limitations on freedom of movement and assembly. While some restrictions were necessary to contain the spread of the virus, the pandemic also exposed how easily states can curtail human rights during crises. In countries such as Hungary, the Philippines, and Egypt, leaders used the pandemic as a pretext to expand executive powers, suppress dissent, and limit the role of opposition parties and independent media. These actions have raised concerns about the long-term erosion of civil liberties in the name of public health. The pandemic also exacerbated existing inequalities, particularly in terms of access to healthcare and economic support. Vulnerable populations, including refugees, migrants, and low-income workers, faced disproportionate impacts, with many lacking access to adequate healthcare, social services, or financial assistance. Studies examining the impact of COVID-19 on human rights reveal that while the pandemic necessitated certain restrictions, it also underscored the fragility of human rights protections, particularly in times of crisis, and the need for stronger safeguards to prevent the abuse of emergency powers.

Another critical challenge to the enforcement of human rights norms is the erosion of multilateralism, which has been a defining feature of international relations in recent decades. Multilateralism, embodied in institutions like the United Nations, the European Union, and various international treaties, has historically provided a framework for cooperation on global issues, including human rights. However, the rise of unilateralism and the increasing reluctance of states to engage in multilateral efforts have weakened these institutions' ability to address human rights violations effectively. The U.S.'s withdrawal from international agreements, such as the Paris Climate Accord and the Iran nuclear deal, during the Trump administration,

as well as its withdrawal from the UNHRC, signaled a broader trend of disengagement from global governance. Similarly, the UK's departure from the European Union, known as Brexit, reflected a growing sentiment of skepticism toward multilateral institutions and their role in shaping national policies. This shift away from multilateralism has diminished the collective ability of states to address transnational issues, including human rights violations, as states increasingly prioritize national interests over global cooperation.

The findings of studies examining these contemporary challenges to human rights norms suggest that the current global environment is marked by a retreat from the principles of universality and collective responsibility that have traditionally underpinned international human rights law. Selective enforcement, driven by geopolitical and economic interests, has undermined the credibility of international institutions, while the rise of populism and nationalism has fueled resistance to global human rights frameworks. The refugee crisis and the COVID-19 pandemic have further highlighted the limitations of the current system in addressing both urgent humanitarian needs and long-term structural inequalities. As states continue to grapple with these challenges, there is a growing need for reforms that can strengthen the enforcement of human rights norms and ensure that international institutions are equipped to address the complex and evolving landscape of global politics.

In conclusion, contemporary challenges to human rights norms are multifaceted and deeply interconnected with the broader political, economic, and social dynamics of the international system. The selective enforcement of human rights, the rise of populism and nationalism, the global refugee crisis, and the impact of the COVID-19 pandemic all contribute to the erosion of human rights protections and the weakening of international institutions designed to promote and enforce these norms. Addressing these challenges will require a renewed commitment to multilateralism, stronger mechanisms for accountability, and a greater emphasis on the protection of vulnerable populations in the face of global crises. The future of human rights will depend on the ability of the international community to navigate these challenges while reaffirming the universal values that underpin the global human rights framework.

### Conclusion

The politics of human rights is fraught with tensions between the ideals of universality and the reality of state sovereignty. While international human rights norms have become increasingly institutionalized, their application remains highly uneven. Geopolitical rivalries, selective enforcement, and the rise of nationalism have complicated the ability of international institutions to hold states accountable for human rights violations. Moving forward, the international community must find a balance between upholding human rights standards and respecting the legitimate concerns of sovereign states. This requires strengthening international institutions, fostering multilateral cooperation, and addressing the structural inequalities that undermine the universal application of human rights.

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