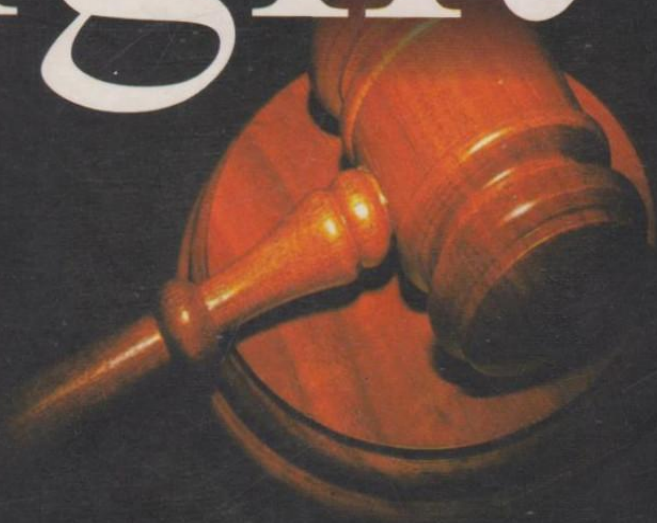


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Sanctions: Its Effectiveness in the Protection and Enforcement of International Human Rights

By
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Abstract

In the contemporary society, human rights are non derogable, as they ascribe naturally to all humans. However, certain activities individuals and governments at times lead to the infringement or total disregard of these rights, same which may warrant the imposition of sanctions on the erring states and persons. This paper critically analyzes the effectiveness of sanctions, particularly as it concerns the protection and enforcement of human rights. It is advocated herein that apart from sanctions, other avenues of protecting human rights can be explored like strengthening of regional human rights mechanism, extensive public enlightenment programmes etc. can be utilized by the international community to protect and enforce human rights.

Introduction

Sanctions are coercive measures adopted usually by several nations, acting together against a nation that is violating international law¹. It can also be defined as a penalty, specified or in the form of moral pressure that acts to ensure compliance or conformity. On the other hand, human rights are the basic rights and freedoms to which all humans are considered entitled and include the right to life, liberty, freedom of thought and expression, and equal treatment before the law, amongst other rights. These rights represent entitlements of the individual or groups *vis-a-vis* the government, as well as responsibilities of the individual and the

government authorities.² Such rights are ascribed "naturally," which means that they are not earned and cannot be denied on the basis of race, creed, ethnicity or gender.³

The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. It is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.⁴

² M. Maiese, *Human Rights Protection* available at http://www.beyondintractability.org/essay/human_rights_protect/ accessed on 12/2/2013.

³D. Little, "Universality of Human Rights," available at: <http://www.usip.org/research/rehr/universality.html> accessed on 12/2/2013.

⁴ T. Collingsworth, "The Current Reality of Rights Without Remedies, The Key Human Rights Challenge: Developing Enforcement Mechanisms" *Harvard Human Rights Journal* available at file:///C:/Users/User/Documents/enfrmt_harvard_journal.htm accessed on 12/2/2013.

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¹ Available at <http://www.thefreedictionary.com/sanction> accessed on 12/2/2013.

The United Nations Charter declares the "promotion and protection" of human rights as one of goals of the United Nations Organisation.⁵ Following it, the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant of Economic, Social and Cultural Rights were developed.⁶

At the national level, national constitutions and other pieces of legislation have increasingly continued to contain human rights provisions. When African states became independent, for instance, almost all of them adopted constitutions that guaranteed human rights. Despite differences in the actual rights content in the various national constitutions, some basic core human rights are common in most constitutions.⁷

Protection and Enforcement of Human Rights

Modern international conceptions of human rights can be traced to the aftermath of World War II and the foundation of the United Nations Organisation. Article 1(3) of the United Nations Charter set out one of the purposes of the UN is to: "[t]o achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character,

and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" The rights espoused in the UN Charter is codified in the International Bill of Human Rights, composing the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.⁸ There are also other legal instruments that contain human rights globally, regionally and internationally.

Responsibility to protect human rights resides first and foremost with the States themselves. However, in many cases States, public authorities and government officials institute policies that violate basic human rights. Such abuses of power by political leaders and state authorities have devastating effects, including genocide, war crimes and crimes against humanity. The questions that therefore arise include thus: What can be done to safeguard human rights when those in power are responsible for human rights violations? Can outside forces intervene in order to protect human rights?⁹

Sanctions as a Mode of Enforcement of Human Rights

Essentially, the strategy of any effective sanctions program is to induce a dysfunction in the trade and financial payments system of a target state with the goal of furthering a specific policy

⁵ UN Charter, 2nd Paragraph of its Preamble and Articles 13(1) (b), 55, 56, 62(2) and 68.

⁶ The three instruments form what is known as the international bill of rights; Jack Donnelly, "International Human Rights", available at <http://www.un.org/Overview/rights.html> accessed 2/2/2013

⁷ N. Udombana, "Toward the African Court on Human and Peoples' Rights: Better Late Than Never", 3 *Yale Hum. Rts. & Dev.L.J.*. (2000) Pp. 45, 48.

⁸ Available at <http://www.un.org/Overview/rights>, also culled from <http://en.wikipedia.org> accessed 2/2/2013.

⁹ *Maiese, op cit.*

objective critical to the national interest¹⁰. The interplay between human rights and economic sanctions is fraught with tension.¹¹ This presents the question whether policy makers should adjust sanctions programs to ameliorate such possible effects. Working positively or negatively, sanctions provide inducements or threats to the offenders to encourage compliance.¹² Sanctions are imposed on either a multilateral or unilateral basis; and it has been stated that multilateral sanctions are considered more legitimate and more effective by the international community.¹³ In the United Nations Economic and Social Council report evaluating the consequences of sanctions on human rights violations, analyst Marc Bossuyt¹⁴ identifies five types of sanctions: economic,¹⁵ travel,¹⁶ military,¹⁷ diplomatic,¹⁸ and cultural.¹⁹

Over the years, sanctions have been used severally in the protection and enforcement of international human rights. Examples of this are the sanctions that were imposed on South Africa, during its days of apartheid between the 1980s and the 1990s.²⁰

During the days of apartheid of South Africa, several sanctions were placed by the International community, including countries²¹ against the South African Apartheid government, due to the extreme racial discrimination and wanton human rights abuses of the black South Africans, some which often resulted in numerous deaths and destruction of properties. Apart from the countries that cut off existing ties and placed embargoes on South Africa, there were also boycotts of businesses with interests in South Africa all over the world as churches, universities, and states became fervently involved in the anti-apartheid campaign. Such grassroots pressure led to the withdrawal of many businesses from

¹⁰ M. P. Malloy "The Utilization Of Sanctions In The Protection And Enforcement Of Human Rights Economic Sanctions And Human Rights: A Delicate Balance" available at <http://www.wcl.american.edu/hrbrief/v311/malloy31.htm> accessed on 5/2/2013

¹¹ *Ibid*

¹² Katherine Gallagher, "Sanctions' Effects on Human Rights Violations" available at <http://web.wm.edu/so/monitor/issues/08-1/1-gallagher.htm>, accessed on 12th August 2014. See also K. A. Rodman, "Public and private Sanctions Against South Africa" *Political Science Quarterly* 109, No. 2 (Summer 1994): 316.

¹³ *Ibid*.

¹⁴ Bossuyt, "The adverse consequences of economic sanctions on the enjoyment of human rights" U.N. Document E/CN.4/Sub.2/2000/33, *United Nations Economic and Social Council*, 21 June 2000. P. 6

¹⁵ limiting exports to a country, limiting the imports from that country, and imposing financial sanctions

¹⁶ Travel sanctions limit the travel capabilities of particular individuals as well as their mode of transportation, reducing air travel significantly.

¹⁷ These sanctions specifically target the non-compliant government by imposing "arms embargoes or...terminating military assistance or training."

¹⁸ Diplomatic sanctions focus specifically on "rulers of a sanctioned State: diplomats and political leaders may have their visas revoked and may be forbidden to participate in international bodies and organizations."¹⁸

¹⁹ "Similar to diplomatic sanctions, cultural sanctions aim to disgrace a nation. The mildest manner of sanctioning, cultural sanctions involves banning athletes...folk dancers, musicians, and other artists [as well as] restrictions...on educational and tourist travel" Further reading can be in G. C. Hufbauer, J. J. Schott, and K. A. Elliot, *Economic Sanctions Reconsidered: History and Current Policy* (Washington D.C.: Institute for International Economics, 1985), 28.

²⁰ *Ibid*.

²¹ Including Nigeria and the United States of America etc.

South Africa, since "consumer boycotts, shareholder resolutions, and adverse publicity of these [citizen] groups 'altered the interest calculations of companies.'"²² In sum, the sanctions regime damaged the economic, social, and political capabilities of South Africa in general and of the Pretoria government in particular. Combine this economic devastation with the embarrassment of the white ruling class that resulted from international ostracism and one can conclude that sanctions appear to have played a major role in the dismantling of apartheid and the evolution of South African democracy.²³ Though the sanctions-precipitated demise of apartheid was far from painless and the economic disaster of the 1980s and 1990s harmed not only South African whites, but blacks and coloureds as well, it can be agreed that while sanctions admittedly contributed to black and Coloured South African suffering by inducing more violence and imprisonment, they ultimately decreased the number of human rights violations in South Africa by ending apartheid.²⁴

Furthermore recently too, the European Union, the United States and

other notable countries²⁵ have placed sanctions on Russia for backing Ukraine's separatists, and these sanctions have been tightened due to Russia's backing of the Ukrainian separatists, who also are accused of shooting down a Malaysia Airlines passenger plane on 17 July, 2014²⁶ (amongst other actions). These sanctions came after the United States had also placed its own sanctions on Russia. These sanctions directly target Russia's state finances, energy and arms sectors, as these sectors are managed by the powerful elite around President Vladimir Putin. Russian state banks are now excluded from raising long term loans in the EU, exports of dual – use equipment for military use in Russia are banned, future EU- Russia arms deals are banned, EU will not export a wide range of oil industry from Russia²⁷, dozens of senior Russia officials and separatists leaders are now subject to Western asset freezes and travel bans, especially those in the inner circle of President Putin's administration and business associates, *etcetera*²⁸ This thus bring one to an analysis of alternative means of protecting and enforcing human rights. It can thus be seen that these sanctions are geared towards the sanctions are geared towards ensuring that Russia desists from destabilizing Ukraine and infringing on its political independence and territorial integrity, as the continuous uprising has led to much deaths and other

²² D. C. Hendrickson "The Democratist Crusade: Intervention, Economic Sanctions, and Engagement," *World Policy Journal*, 11, no. 4 (Winter 1994): 18. See also K. A. Rodman, "Public and Private sanctions Against South Africa" *Political Science Quarterly* 109, No. 2 (Summer 1994) 316.

²³ Hendrickson, *ibid*, Rodman, *ibid*.

²⁴ B. W. Nelan, "Sanctions: What Spells Success?" *Time*, 135, No. 6 (5 February 1990): 31. Mangosuthu Gatsha Buthe, black leader of the South African Zulu Liberation Movement, opposed sanctions, asserting that they would limit Blacks' ability to find the jobs which "give them economic and political muscle." He believed comprehensive sanctions were a terribly indiscriminate and blunt instrument which hurt the oppressed as well as the oppressor, *Ibid*.

²⁵ European Union.

²⁶ Killing all the over 250, including families and children, passengers on board

²⁷ Though gas remains unaffected.

²⁸ See the article "How far do EU-US sanctions on Russia go?" of 12 August 2014, BBC News available on <http://m.bbc.co.uk/news/world-europe-28400218> accessed on 13/8/ 2014.

infringement on the rights of the Ukrainian people. Already, the sanctions have started taking its toll on Russia as the economy of Russia is taking a downturn due to weaker direct investment and soaring capital flight etc. Capital worth \$75 billion has left Russia so far this year, a much higher rate than last year. The banks and the energy companies find it harder to access US and EU capital markets etc. Russia is indeed tethering on the brink of economic recession. Russia has itself also announced immediate embargo on wide range of food and goods imported from the US, EU, Norway, Canada and Australia, in response to these sanctions²⁹. It is however pertinent to state that there is no way that these sanctions will not affect the human rights of the Russian people, but it is also opined herein that the need for these sanctions to be imposed cannot be overemphasized, as it will spell doom if Russia continues with its present activities in Ukraine unabated.

Nigeria has had its own share of sanctions too. Sanctions were imposed on several military administrations, especially the one led by the Late General Sanni Abacha in the 1990s. Several countries, including the United States of America, had also placed sanctions on Nigeria, and even the Common Wealth Organisation suspended Nigeria from it for a period. Indeed, it was in June 1993, when Nigeria's military, led by General Ibrahim Babangida, annulled election results, thereby blocking the inauguration of the country's first civilian president in a decade. International observers had declared that the election of president Moshood Abiola was "free and fair" and

the U.S. Congress had passed a resolution recognizing its legitimacy. In prodemocracy protests that ensued several hundred demonstrators were killed. The military coup and repression angered the U.S. (along with the rest of the world), which viewed Nigeria as both a reliable political ally and an economic powerhouse in Africa. The crisis confirmed widespread suspicion that Nigeria's military elite was unwilling to relinquish power to a democratically elected civilian government. The Clinton administration quickly condemned the Nigerian military's action and proposed limited diplomatic and economic sanctions. By the time the current ruler, General Sani Abacha, seized power in November 1993, Washington had canceled the visas of important military personnel, restricted arms sales, halted all U.S. economic and military aid, and cut off Nigeria's access to trade credits and guarantees. Despite these sanctions and diplomatic efforts by the U.S. and international community designed to persuade the Abacha regime to return to the democratic process, political and human rights have steadily deteriorated. General Abacha has ruled by military decrees and effectively neutralized all political opposition. Ousted President-elect Abiola, thousands of labor leaders, prodemocracy and human rights activists, and other opponents were jailed, and hundreds of others have been killed. News media are constantly harassed and several have been banned or had copies of their publications seized. Journalists have been

²⁹ *Ibid.*

imprisoned, driven underground, or forced into exile.³⁰

In November 1995 the Abacha regime horrified the world by executing Ken Saro-Wiwa, an internationally renowned writer and environmentalist and eight of his colleagues. These activists from the south-eastern state of Ogoniland were protesting the military dictatorship and its complicity with the Dutch and British-owned Shell Oil Company's environmentally destructive drilling practices in a 400-square-mile area of the Niger Delta in their home province. Four U.S. companies—Mobil, Chevron, Ashland, and Texaco—also have drilling operations in Nigeria, mainly off-shore. Washington responded by threatening to freeze Nigerian assets in the U.S. and impose additional economic sanctions, including against oil, which accounts for 90% of Nigeria's foreign exchange earnings.³¹ Nigeria is currently a democratic country.

Currently in Nigeria, the United Nations Security Council has approved sanctions against the terrorist group called Boko Haram, that has been ravaging Nigeria for many years now, causing inestimable loss to human lives and property, and serious security instability in the country. These sanctions include travel bans, assets freeze, etcetera, on the members and sponsors of Boko Haram.

³⁰ World: Africa: Nigeria available at <http://www-rohan.sdsu.edu/faculty/rwinslow/africa/nigeria.html> accessed on 12/7/ 2014.

³¹ C. M. Fadopé, "Nigeria", available at <http://fpif.org/nigeria/available> at In June 1993 Nigeria's military, led by General Ibrahim Babangida, annulled election results, thereby blocking the inauguration of the country's first civilian president in a decade.

These are efforts to ensure that the human rights are protected, as these sanctions are actually punitive. However, one still awaits the time when these sanctions will have the desired effects on Boko Haram, whose unwarranted attacks on the Nigerian people, seems to be on the increase.³² The above analysed cases are not exhaustive, thus the writer encourages further research.

Generally, whether imposed for such broad policy reasons or in response to specific human rights concerns, sanctions usually, and perhaps inevitably, involve an immediate human cost within the target state. This is more so as there is no way of ensuring that the sanctions that are imposed on a particular State only affects the target actors, without affecting the citizenry. Indeed, the human cost of sanctions, including even those mobilized for legitimate reasons, has become a cause for concern. One is therefore tempted to ask, "What then is the reality of economic sanctions in relation to human rights?". Some persons feel that the effects on human rights interests are merely incidental and tolerable costs of an economic sanctions program³³. It is opined herein that though sanctions are inevitable to coerce state actions, human rights and its protection is also of paramount importance.

There is therefore the problem of determining how legitimate sanctions programs affect human rights concerns. A more poignant situation arises, however, when the foreign policy objective that triggers the use of sanctions is itself a human rights objective, as, for example, in

³² *Ibid.*

³³ *Ibid.*

the case of South Africa where the sanctions that were imposed on South Africa were geared towards ending apartheid. Throughout the period of broad-scale sanctions against South Africa, beginning in 1985, continuous concern was expressed over the disproportionate impact of sanctions upon the oppressed black South African population. Was it appropriate, for example, to impose sanctions against South Africa that resulted in exacerbated near-term economic privation of blacks in the interests of the long-term objective of moving South Africa beyond its policy of apartheid? Despite the difficulty of this question, the firm, though anguished, answer of many in the black South African community was that this hardship was part of the price that had to be paid to achieve the end to apartheid and vindication of human rights in South Africa.³⁴ These are questions that indeed elucidate diverse answers, some of which is not the focus of this paper.

Another problem also arises, even after the imposition of the sanctions on the state, due to the unintended consequences that also flow. This is more so as in the case that the population of the sanctioned state is likely to be harmed, unless explicit and effective safeguards are put in place. It must however be emphasized that while the United Nations Security Council has the power to impose sanctions on a state where the state has conducted itself in such a way that the international peace and security is threatened, the Council still has some problems to grapple with even after the imposition of such sanctions, and these problems include the actual

enforcement of these sanctions. It is the truth that the enforcement of these sanctions is left to individual states and at times, the states are not cooperative enough to so enforce these sanctions, even when it has to do with the protection of human rights.³⁵ A call is therefore made for a strong mechanism to be established, wherein the United Nations and other relevant bodies will monitor and enforce these sanctions in order to attain the objectives therein.

Furthermore, endless scholarly disputes testify to the different opinions as to the extra legality of the imposition of sanctions. The Libyan Arab Jamahiriya challenged the legality of sanctions imposed on it by the Security Council before the International Court of Justice but did not obtain a decision from the Court that would have challenged them.³⁶ Indeed, in the first forty years of its existence, the Security Council imposed

³⁴ *Ibid*

³⁵ *Ibid*. Some observers urge the virtual abandonment of economic sanctions in favour of more narrowly focused penalties to achieve the same results. Such penalties, targeted at specific offences or errant individuals, might prove more effective and less costly than full economic sanctions. Not only would their negative impact affect a smaller domestic constituency, but they are also more likely to win support internationally. For example, if the behaviour triggering sanctions is the pursuit of weapons of mass destruction, then sanctions prohibiting the export of materials that could be used to manufacture such weapons might be appropriate. If a regime quells its political opposition, a fitting response could be to suspend state visits, while maintaining diplomatic contact. Greater use of such specific types of sanctions enjoys increasing support among the lobby groups of corporate America. The impact on trade is smaller, while the corrective approach can (it is argued) prove more effective than broad economic sanctions in eliminating aberrant behaviour in the regional and international political system.

³⁶ *Ibid*.

mandatory sanctions twice (against Rhodesia and South Africa) in both cases for human rights violations.³⁷ It was therefore in the 1990s that there was a noticeable proliferation of sanctions against states in order to restore or preserve international peace and security while assistance to victimized populations had to be added in order to alleviate the effects of sanctions.³⁸ One may argue both ways though, either that states are becoming more daring, or the United Nations is becoming more active in the exercise of its duties.

Several persons have also argued that sanctions and human rights are inherently at odds, and that it is myopic in the extreme to imagine that sanctions necessarily promote improvements in human rights in the targeted countries. They strongly argue that sanctions are more likely to lead to a deterioration in the life experience of the vast majority of sanctioned peoples. With particular reference to economic sanctions, they argue that they run contrary to the spirit of human rights because they explicitly and implicitly expose the ordinary people of the sanctioned country to considerable suffering.³⁹ It is opined herein that, if more of positive good will emerge from the imposition of these sanctions at the long run, the citizenry may have to manage the temporary negative effects of these sanctions, while at the same time adequate palliative measures should be taken to

ensure that the suffering of the citizenry is minimal. It can also further be argued, that the people of the affected state, being worst hit, often do not welcome the sanctions because indeed they are the ones who will take the brunt. Thus, the profound long term effects of sanctions is likely to increase the feeling of the affected population; as it will consider itself the object of foreign or international punitiveness rather than the subject of individual and collective rights.⁴⁰ It can however be argued, as is the case herein, that there is too much emphasis on the negative effect of sanctions on human rights as it is however true that the imposition of sanctions make the targeted government accountable to other governments who are accountable to their electorates. These sanctions have indeed resulted in the erring countries retracing their step as and operating within the confines of international law.⁴¹ Furthermore, sanctions imposed in the past, such as those imposed during World War II, the trade and financial sanctions against China, the Iran hostage sanctions, and the ongoing Iraqi sanctions, have been very effective means of achieving well-defined foreign policy objectives.⁴²

Thus, while it has been argued that sanctions have created a lot of human rights problems than it has solved because in trying to punish a state for its wrong doing, formally imposed sanctions victimize the population because of the impossibility to distinguish between the State and its population and this results in

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ This has been canvassed by *Terence Duffy*, "Sanctions and Human Rights: Humanitarian Dilemmas" available at <http://www.worlddialogue.org/content.php?id=102> accessed on 4/2/2013.

⁴⁰ *Ibid.*

⁴¹ Today South Africa is enjoying democracy with its economy getting stronger by the day.

⁴² Malloy, *Ibid*

double victimization⁴³, it is opined herein that the world cannot do without the imposition of sanctions, in order to force states to act in specific positive ways, even when these sanctions may impede on human rights of the people. Thus need for the cushioning of these effects of sanctions on the people to a very large extent.

To circumvent the adverse effects of these sanctions on the entire populace of the state that is sanctioned, it has been recommended that sanctions should be targeted at the erring government officials and their families and such actions could include the freezing of their personal or organizational assets, restrictions on travelling *etcetera*. Also efforts should be geared towards bringing these individuals to the necessary courts to face the necessary penalties.⁴⁴ The writer agrees with these recommendations.

From the above discussion, it can be seen that the utilization of sanctions in the protection and enforcement of human rights can have its negative effects on the populace and the further impoverishment of these persons whose rights have been infringed or violated, and thus it leaves much to be desired in the utilization of sanctions as a means of protecting and enforcing human rights. One however does not lose sight of the fact that a complete abrogation of the use of sanctions can have overreaching effects, because it is a veritable means of ensuring that states conform to expected international laws and practices, without leaving the citizens

to the whims and caprices of the states. Indeed, the effectiveness of a sanctions program depends upon the type of policy objective the sanction is instrumentally intended to serve, whether the policy intends to influence the behaviour of a target state or group, to defend or protect some important domestic interest, to communicate or otherwise express the sanctioning state's displeasure with the actions or threatened actions of the target, or, as has usually been the case, some combination of these objectives. The effectiveness of a particular sanctions program should be measured against the conformity of the outcome of the program with the underlying policy objective.⁴⁵

In addition, to further assist in the positive operationality of states and the protection of human rights, it is advocated herein that some other measures should be further strengthened.⁴⁶ This includes the strengthening of regional human rights mechanisms.⁴⁷ Currently there are several

⁴⁵ T. O. Bayard, *et al*, *Stakes and Risks in Economic Sanctions*, 6 THE WORLD ECON. 73, 74-75 (1983). Also Malloy, *op cit* p. 82.

⁴⁶ T. Collingsworth *ibid*

⁴⁷The likelihood of similarity in cultural, political, and economic peculiarities among states that are in a region makes it easier to reach agreement on the text of a common convention. States tend to show more inclination to conform to regional initiatives than international ones and thus this adds to the advantage of better enforceability to decisions of regional mechanisms over their international counterparts.

It is also true that regional organizations are located closer than other international human rights organizations and thus, they offer a more accessible forum in which individuals can pursue their cases. The political, cultural, and economic similarity further enables regional systems to offer better enforcement potential than their international contemporaries. States tend to show stronger political will to conform to decisions of regional bodies.

⁴³ *Ibid*.

⁴⁴ Kofi Annan, "United Nation, the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development In Africa" Report of the Secretary General, UN Doc. S/1998/318 of April, 1998, para 25.

regional systems for the protection and enforcement of human rights. These systems include, but are not limited to the following, the African Human Rights system, the Inter-American system, and the European system, the Asian system, the Arab system amongst others. These regional bodies utilize the inter-state complaint mechanism wherein complaints made by one state against another is brought before an international body or tribunal alleging a violation of other state's obligations. Interestingly too, these regional bodies also allow individuals, Non-Governmental bodies etc. to institute actions before them for the protection and enforcement of human rights after the exhaustion of local remedies if need be.

The Non-Governmental Organisations also do great works in the enforcement and protection of human rights and thus they will continue to be instrumental to this, even if sanctions have been imposed on the states. In the past, these roles of these NGOs include anti-slavery campaigns by the Anti-Slavery Society of 1838, the NGO Coalition for the International Criminal Court; Drafting of legislations such as the African Charter on Human and Peoples Rights and the Statute of the International Criminal Court; the fact-finding and information gathering, evaluation and dissemination which challenge and expose the violations of human rights such as the 1997 allegations of Hutu slaughter in Zaire where even the UN missions were not permitted to investigate; witnessing,

Regional sanctions can be more effective than other international sanctions.

Denunciation or mobilization of shame by issuing press releases and mounting press campaign, publishing reports, rallies and demonstrations to expose human rights violators, as witnessed in Egypt protection of persons under repressive rules by mopping up international solidarity and humanitarian relief as variously done by the Red Cross International, Amnesty International and other NGOs; Expertise and Policy Analysis of various Governments and the United Nations; and Keeping the Political system open to other elements of civil society, Freedom of association and access to the United Nations.⁴⁸ They thus need to be given the necessary assistance by states where they operate.

Conclusion

Many conflicts are sparked by a failure to protect human rights, and the trauma that results from severe human rights violations often leads to new human rights violations. As conflict intensifies, hatred accumulates and makes restoration of peace more difficult. In order to stop this cycle of violence, states must institute policies aimed at human rights protection.⁴⁹ Many believe that the protection of human rights is essential to the sustainable achievement of the three agreed global priorities of peace, development and democracy.⁵⁰ Respect

⁴⁸ See generally, L. Wiseberg, "The Role of Non-Governmental Organizations in the Protection and Enforcement of Human Rights" in J. Symondes (ed.), *Human Rights: International Protection, Enforcement* (Paris: UNESCO Publishing, 2003) p. 303.

⁴⁹ *Maiese, ibid.*

⁵⁰ A. Cassese, *Human Rights in a Changing World*. (Philadelphia: Temple University Press, 1990), 3

for human rights has therefore become an integral part of international law and foreign policy. The specific goal of expanding such rights is to "increase safeguards for the dignity of the person."⁵¹

Despite what resembles a widespread consensus on the importance of human rights and the expansion of international treaties on such matters, the protection of human rights still often leaves much to be desired.

Although international organizations have been created or utilized to embody these values, there is little to enforce the commitments states have made to human rights. Military intervention is a rare occurrence, thus the need for sanctions. Though sanctions may not always bring the expected results, it can be admitted that the use of sanctions in the protection of international human rights is not a mirage, as sanctions have been used effectively to achieve conformity. Indeed, on a more positive note, there are continuing efforts to adjust the sanctions machinery so that that it penalizes political leaders and erring state functionaries, while sparing their populations.⁵²

Indeed, the United Nations is increasingly combining efforts to prevent or end conflicts with measures aimed at reducing human rights abuses in situations of internal violence. Special emphasis is placed on ensuring the protection of minorities, strengthening democratic institutions, realizing the right to development and securing universal respect for human rights.⁵³

Nevertheless, it is opined herein that a well-consulted sanctions program should not inflict gratuitous collateral damage. Effective sanctions are usually broad-based, and almost necessarily have extensive adverse effects on the population of the target state. However, sanctions should be cautiously utilized in the protection and enforcement of human rights.

⁵¹ "Human Rights Today: A United Nations Priority," The United Nations, 2000. [available at: <http://www.un.org/rights/HRToday/>] accessed on 1/8/2014.

⁵² Duffy, *ibid.*

⁵³ United Nations, "Human Rights Today: A United Nations Priority." <http://www.un.org/rights/HRToday/> accessed on 12/8/2014.