Quest Journals
Journal of Research in Humanities and Social Science
Volume 9 ~ Issue 1 (2021)pp: 63-70
ISSN(Online):2321-9467
www.questjournals.org

Research Paper

Examining the Philosophy of Fundamental Human Rights and the Justification for Its Protection under International Law

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ABSTRACT
The study has examined the issue of human rights at global, regional and sub-regional levels; more especially the justification offered for its protection and enforcement under international law. Relevant concepts/theories on human rights and international law have been adopted which provided a strong foundation for the study. Some of the theories adopted are: the social contract theories of Thomas Hobbes, John Locke, Jean-Jacques Rousseau, St. Thomas Aquinas and the Utilitarian Theory of Jeremy Bentham; as well as post-cold war theories of Trans-national Social Movements by Ellen Dorsey and the Convergence Theory of Bailey Saleh. The method adopted for the collection of data was documentary method where secondary data was, obtained from published books/unpublished academic thesis, academic journals, and internet facilities. Content Analysis through deductive method was, adopted in explaining the data collected. After the examination of the philosophy of fundamental human rights and the justification offered for its protection and enforcement, conclusion was drawn that the position of human rights under international law has become sacrosanct because it compels erring countries to comply with it; without which rights of individuals and groups will be seriously violated by repressive regimes worldwide.

KEYWORDS: Law, Crime, Rights, Philosophy, Human, and Violation.

Received 15 Jan, 2021; Revised: 28 Jan, 2021; Accepted 31 Jan, 2021
Published with open access at www.questjournals.org

I. INTRODUCTION

The concept of human rights has remained highly contested and complex; in particular, when it comes to the debate of its universally right from antiquity to date (2017). In spite of efforts made by philosophers, governmental leaders and international organizations towards eliminating the menace of human right abuses worldwide, it still remain a matter of great global concern. More disturbing is the problem associated with the protection and enforcement of its philosophy/principles under international law.

The origin of a collective universal action on human rights protection could be, traced to the Atlantic Charter, which was a joint declaration issued on August 14, 1941 by Franklin D. Roosevelt – President of the United States of America (USA) and Winston Churchill – Prime Minister of the United Kingdom. The charter, apart from calling for the destruction of Nazi tyranny in Germany, and the establishment of permanent system of general security for all nations, it did guarantee the protection of civil and political rights; as well as social, economic and cultural rights of citizens of the world (Saleh, Gambo & Gana, 2012). This was followed by a United Nations Declaration of 1st January, 1942 signed by Britain, China, USA, Union of Soviet Socialist Republics (USSR) and twenty one other nation-states actors, recognized the obligation of members to preserve human rights and justice in their own countries as well as in other lands (Hudson, 1950).

The above declarations were followed by the adoption of the Universal Declaration of Human Rights on 10th December, 1948 by the United Nations General Assembly was a further improvement on its official position to ensure the promotion, protection and enforcement of these rights. These rights include; right to life, liberty and security of persons and all other inalienable rights of the human person (Saleh, 2008).

Although charters, declarations, conventions and treaties on human rights can be, made and signed; yet their enforcement across countries of the world has continued to be an uphill task because the UN and other international organizations do not have sovereign powers as is, the case with sovereign nation-states. The sovereign states can employ the services of their police force and other security agencies to enforce all their

laws. It is, on the basis, of this gap, that the paper sought and analyzed the justification for the protection and enforcement of human rights under international law (Phillip, 1992).

In spite of over seventy years of the western initiated human rights and its adoption as a universal phenomenon by the UN to be, protected by international law; its enforcement and protection has remained problematic because it is coming into constant clash with the norms, culture and religion of the vast majority of global citizens. All the western-oriented conceptualization and theoretical propositions of human rights including the capitalist/neo-liberal approach and the Marxist socialist approach have failed to provide ways of making human rights an all-inclusive concept with universal applicability. Even the two post cold war human rights theories of Trans-national Social Movement and Convergence could not provide solvent because they too are supportive of the western concept of human rights. It is therefore, the search for an ideally western-culture-free human rights, that will embrace diverse cultures of the international community that informs the motivation for this study.

II. CONCEPTUAL/THEORETICAL FRAMEWORKS

For a more coherent and logical analysis of the philosophy of fundamental human rights and the justification for its protection and enforcement under international law, relevant concepts and theories on human rights and international law have been reviewed/adopted for the study. Some of these concepts and theories are as treated in the succeeding paragraphs.

THE CONCEPT OF HUMAN RIGHT –

The concept of human right in the social sciences is highly polemical and complex in particular in line with the ideological, cultural and socio-economic background of scholars. This notwithstanding, the study has analyzed as many works as it can. Human rights are those rights that the international community recognizes as belonging to all individuals by the very fact of their humanity (Aguda, 1993 in Umozurike, 1997). These rights combine with traditional legal rights that were considered to be moral or political (Umozurike, 1997). For Obilade A. O, he sees human right as moral rights which human beings everywhere, at all times ought to have simply because of the fact that in contradistinction with other beings, is rational and moral (Obilade, 1999). The problem with Obilade's rational angle is that, it limits the application of human rights to those that are mentally alert and intelligent. The exclusion of the vulnerable groups, such as; mad people, physically challenged people and unintelligent people.

While, for Osita Eze, human right represents demands or claims, which individuals or groups make on a society; some of which have become *lex lata*. While, other demands and claims remains aspirations to be, attained in the future (Osita, 1984). In his contribution, Dowrick (1979) defines human right as those claims made by men for themselves or on behalf of other men supported by some theories that concentrate on the humanity of man, on man as a human being or a member of humankind. Dowrick's position is almost in line with that of Osita. Cranston, M. on his part defined human right as something of which no one may be, deprived of without a great affront to justice. There are certain deeds that should never be, done; certain freedoms that should never be, invaded; or some things that are sacred (Cranston: 1967). Cranston's view lend credence to the abhorrence of gay-marriage or relationships because it violates the sacred rights of most people who viewed it as an act of abomination and worst than the crime of adultery. Obaseki in his contribution to the concept of human rights; stated that it has been, variously described as the rights of man or his fundamental freedoms. That rights are claimed and asserted as those which should be or sometimes stated to be those which are legally recognized and protected to secure for each individual the fullest and freest development of personality and spiritual, moral and other independence. He went on to add that these rights are conceived as inherent in individuals as rational free willing creatures, not conferred by some positive law nor capable of being abridged or abrogated by positive law (Obaseki, 1992). Just as Cranston, Obaseki's hinging of human rights on spirituality and morality would provide a strong framework for the criminalization of gay-relationship (Sodomy) which should be an offence punishable by appropriate imprisonment and fines.

THE CONCEPT OF INTERNATIONAL LAW –

International Law has been, defined as the aggregates of rules governing relationships between states in the process of their conflict and cooperation, designed to safeguard their peaceful co-existence, expressing the will of the ruling classes and defended in the case of need by coercion applied by states individually or collectively (Kozhevnikov, 1961, p.7). Oppenheim (1905), referred to international law as the name given to the body of customary and conventional rules that are, considered legally binding by civilized states in their intercourse with each other. Stowel (1931) had a different view of international law where he sees it as embedding certain rules relating to human relations throughout the world, which are generally observed by mankind and enforced primarily through the agency of the government of the independent communities in which humanity is divided. For Jessup (1948), international law can be, generally defined as the law applicable

to relations between states. He further declared that, this position is increasingly being, opposed. International law has transcended the domain of state-actors to include non-state actors in international relations. It includes international institutions; as well as the international recognition of rights and duties of groups and individuals. International law has been, divided into public and private law. The former, deals with relations mostly among sovereign states. While the later, deals with relations of persons living under different legal systems. However, the nationality of persons has always been the problem when it comes to application and enforcement of private international law. It is on the, basis of this, that Dickson (1951), stated that there is a host of problems concerning the adjudication and regulation of matters of private right and duty. These arises uniquely from the continuing movement of persons or things from one nation to another and from the increasing ease with which relationships of agreement, family, property, enterprise or the like, may be consummated across national frontiers.

III. THEORETICAL FRAMEWORKS –

Three theoretical approaches that included capitalist and neo-liberal, Marxist-Socialist and post-cold war approaches have been, adopted as theoretical anchors on which this study is situated. They are as outlined and treated below:

The Capitalist and Neo-Liberal Approach –

Under the capitalist and neo-liberal approach, the social contract theories of John Locke (1632 - 1704) and Jean-Jacques Rousseau (1712 - 1778); as well as the theories of St Thomas Aquinas (1225 - 1274), Jeremy Bentham (1748 - 1832) and J. S. Mill (1806 - 1873); all provided sound footings for this study. Bentham and Aquinas were of the views that all laws made by the sovereign should be directed at safeguarding an individual's right to life, right to liberty and right to own property. Bentham further stressed that, to assure the upholding of these rights there must be the formation of a civil society to mitigate the inconveniences of state of nature. While, for Rousseau, he added that law should come from all equally and apply to all equally. Mill on his part added that government regulation should serve as safeguard against abuse of both individual and majority liberty. Edmund Burke (1729 - 1773), though of the Conservatist creed, advocated that good government should provide liberty and order to its citizen.

The Marxist-Socialist Approach –

Under the Marxist-Socialist approach popularly known as *Marxism-Leninism* school, scholars such as: Karl Marx (1818 - 1883), Fredrick Engels (1820 - 1895), and Vladimir Lenin (1870 - 1924), on their part came up with philosophical foundation of human rights that radically differs from those of the core capitalist scholars. The *Marxist-Leninism* school, which is, socialist-oriented believed in the absolute freedom of individuals from economic and social servitude. But the freedom of the most hardworking and most capable individual in the society is crudely denied because he is not allowed to acquire private property. Hence, the pursuit of human rights under the socialist perspective is lopsided and tilted in favor of the majority (some of whom have little or no utility to the state) at the expense of the minority (most of whom have great utility to the state). In spite of the effort of scholars of this persuasion at enforcing human rights in their countries, there seems to be contradictions in their approach where they simultaneously advocated for stern and strict centralization of authority by the state apparatus.

The Post Cold War Approach –

The post-cold war theories of Trans-National Social Movements (TSMs) of Dorsey (1993) and Convergence Theory of Saleh (2008); also emphasized the need for the strict observation of fundamental human rights of citizens by sovereign nation-states. Both the two theorists/scholars are of the views that the sovereignty of repressive regimes stand forfeited so long they fail to guarantee rights to their citizens. The justification for the use of coercion (force) sanctioned by the United Nations Security Council under international law to intervene and restore violated rights of people in countries has been, strongly advocated by the two scholars (Dorsey, 1993 and Saleh, 2008). This could be, regarded as the highest point of the celebration of fundamental rights in human history.

PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS AT GLOBAL LEVEL

The position of human rights at the international level has become so sacrosanct to the extent that both state-actors and non-state actors are increasingly employing all legal instrumentalities through political diplomacy to ensure the protection and enforcement of all rights that must be, enjoyed by the human person. This requirement has been, captured and factored into the nascent New Global Agenda (NGA) that nation-states worldwide are required/expected to comply with.

From the background of this study, the high point of the effort of the United Nations towards the enforcement of the philosophy and principles of fundamental human rights under international law; was

between 1979 and 1980. Though the United Nations Human Rights Commission was established in January, 1946; but the two Covenants (Covenants on Economic & Social Rights and Covenants on Civil & Political Rights) together with the Universal Declaration on Human Rights, made up the International Bill of Rights that was entered into force in 1976. The two covenants which have legal binding force as treaties for those that are party to them, constitute the most detailed and comprehensive universal codification of human rights under international law. However, between 1979 and 1980, a new procedure that looked into individual violations on an urgent basis, investigate the situation of human rights in particular countries and report their findings. The Commission, is also, saddled with the additional tasks and responsibilities of examining cases brought before them or make visits to specific countries (Phillip, 1992).

Other human rights violations which the committee of experts in the UN-Human Rights Commission; are saddled with include such diverse issues as: disappearances, racism, repressive regimes, freedom of expression, independence of judges and lawyers. Others are; trafficking in persons, violence against women, use of mercenaries, dumping of toxic wastes, educational rights, economic rights and the rights of both internally and externally displaced persons. The findings of these independent experts forms the basis for the United Nations' actions either in form of sanctions or other collective coercive means against the recalcitrant countries in accordance with international law.

The justification offered for the enforcement and protection of fundamental human rights at the international level under international law was heavily hinged on sad human rights abuses of World War I and World War II. Apart from these ugly events, the world was shocked once-more by the atrocities committed against innocent civilians including both women and children by Bosnian-Serbs in former Yugoslavia, the war of genocide between the Tutsi and the Hutus in Rwanda and Serbs again in Kosovo; all aimed at ethnic cleansing. Thus the deployment of NATO forces to the Balkans through the authorization of the United Nations Security Council in the 1990s was to ensure that the individual rights of people of that region are protected by stopping the carnage. The Doctrine of Humanitarian Intervention under international law to restore violated rights in some countries across the world has given birth to UNSC-justified wars against Nazi Germany (WWI & WWII), the UN-mandated coalition forces actions in Burma (Myanmar), Bosnia-Hesgovina (the Balkans), Afghanistan (2001), Iraq (2003) and Libya (2011). However, sometimes this Doctrine has its shortcomings if not followed by effective surveillance as observed in Iraq and Afghanistan when the USA-armed forces serving in these two countries, grossly violated the fundamental human rights of Iraqi prisoners of war as well as prisoners of war in Afghanistan. Scholars such as Borchard Eagleton and Saleh have backed the justification for the intrusion or even outright intervention into the sovereign rights of repressive nation-states to restore the violated rights of their citizens by the comity of nations (Borchard, 1915; Eagleton 1937 and Saleh, 2008).

The establishment of the International Court of Justice (ICJ) and the International Criminal Court (ICC) at The Hague as well as the International Police Organization (INTERPOL) are strong legal instruments for the enforcement of violated rights of citizens. The United Nations Security Council (UNSC) often rely on these instrument to ensure the promotion, protection and enforcement of the philosophy and principles of fundamental human rights under international law at the international level. The ICC has been empowered to arrest and prosecute leaders or persons indicted for war crimes or crimes against humanity. Though the ICC under its former Chief Prosecutor Louis Moreno Okampo has succeeded in arresting former Bosnian warlords, former Liberian warlord - cum leader-Charles Taylor, former Congolese warlords, some Rwandan key players in the war of genocide and the perpetrators of 2007 post-election violence in Kenya who are undergoing trials; there are still gray areas for international law in this regard. The blind eyes paid to Europe's last dictator – Alexander Lukashenko of Belarus and the massive denials of human rights in Communist China and Russia by the international community, are still major challenges before international law towards the protection and enforcement of the philosophy and principles of fundamental human rights. In addition, the inability of the ICC and member-countries to arrest and prosecute President Hassan Omar Al-Bashir of Sudan over gross human rights violations against the people of Darfur, still leaves much to be, desired on the effort towards guaranteeing individual rights. The unwillingness of countries that are signatories to ICC to arrest and handover Al-Bashir to the Court when he visited them; serve as a very huge drawback to international law towards the protection and enforcement of fundamental human rights at the international level (Cranston, 1967; Obilade, et-al, 1999).

PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN AFRICA

In as much as the protection and enforcement of the philosophy and principles of fundamental human rights under international law at the international level has achieved some levels of success, its attainment at the regional level such as in Africa, remains an uphill task. To start with, Africa does not have regional legal institutions like the ICJ and ICC to legally, enforce the protection of fundamental human rights throughout the continent. In addition, the colonial history of most African countries and their reluctance to surrender any portion of their hard-won sovereign rights, contributed to the slow or even lack of domestication (internationalization) of human rights in the continent.

The personal idiosyncrasies of post-colonial African leaders serve as another very serious impediment to the promotion, protection and enforcement of fundamental human rights throughout the African continent. As new sets of neo-colonial comprador bourgeois class, the leaders are so conscious about power and the political/economic affluence that goes with the exercise of such powers. It is on this basis of the urge by African leaders to, permanently hold the reins of power; that scholars such as Osita (1984), lamented that African countries are concerned with the material scope and degree of such internationalized rights. That, as long as they deal with matters such as apartheid, colonialism and refugees, they are more inclined to comply with the protection of fundamental human rights. Whereas, for human rights issues that touched on the activities of modern states, such as those that deals with matters of constitution, administration, justice and police; which concern fundamental functions of the state, there was and there still is the reluctance to accept international supervision and enforcement. The urge to hold on to the reins of power permanently by African leaders which is a negative legacy of colonialism that is most cherished by them, has not only created serious human rights violations, but it has been the main causes of most conflicts in the continent. This has further compounded the problems of human rights abuses across Africa (Emmanuel, 1988).

Consequent on the above, and in view of an emerging strong multilateral international system, the first African summit of Jurists was, held in Lagos, Nigeria in 1961. It was at this Summit that the Jurists passed and adopted a resolution on human rights, which laid down the basis for the future establishment of the regional system for the promotion and protection of human rights throughout the African continent. Such that when the Organization of African Unity (OAU) Charter was, adopted in 1963, it contains a number of provisions on human rights with little or no binding force. However, the first bold step by the OAU towards the promotion, protection and enforcement of fundamental human rights at the regional level was the adoption of OAU Convention on Refugees in 1969. Thereafter, the United Nations Monrovia Proposal for the setting up of an African Commission on Human Rights and the second Proposal containing a draft convention were adopted by the OAU Ministerial Council in Banjul, Gambia in January, 1981. These Proposals were, later approved in July of the same year by the Heads of States and Government at the Nairobi Summit. This made it the first African Charter of Human and Peoples' Rights (Osita, 1984).

The African Charter on Human Rights came into force on October 21, 1986 after about ten years delay as the result of reluctance by African leaders to append to it. The African Commission on Human Rights was, subsequently established in 1987 with eleven members chosen from among Africans of good virtues. In spite of all these legal authorizations by the OAU and the supposed binding effects on all member-states for the promotion, protection and enforcement of fundamental human rights in the African continent, yet human right abuses have been on the increase. The Collective Intervention Mechanism, which the UN often wields in its efforts towards enforcing human rights in countries with records of human rights violations is completely lacking in Africa. The OAU (AU) have massively failed on its own to address human rights in Africa. These abuses include those of Charles Taylor's rebel forces in Liberia, the Fode Sanko led RUF–amputation/maiming & killing rebels in Sierra-Leone, the over 20 years Al-Shabab brutal terrorist killings in Somalia and Omar Hassan Al-Bashir's dehumanizing treatment of its citizens in Darfur, the Tutsi-Hutu war of genocide in both Rwanda and Burundi etc.;. Even the AMISOM presence in Somalia, UNAMID in Darfur, the UN - Mission in Congo-DR, and UNAMIR in Rwanda are intervention measures solely initiated and prosecuted from without to restore violated rights of individuals and groups in these countries. All these collective intervention measures adopted by the AU and the UN in these African countries; were sanctioned by various United Nations Security Council Resolutions (UNSCRs) in accordance with the relevant sections and provisions of international law (Emmanuel, 1988; Saleh, 2008).

PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN NIGERIA

Even though the UN Charter on human rights, has been, made for so many decades, the domestication of this as a commission in Nigeria could not be, attained until 1995. In compliance with the UN Charter on human rights, Nigeria as a party to it, and having adopted as binding the legal instrument of the principles of fundamental human rights under international law, has entrenched this principles into its statute book (i.e. 1999 Constitution). Chapter IV, Section 33-43 of the 1999 Constitution clearly spelt out these fundamental rights as follows:

Right to Life – Here every person has the right to life of which he shall not be deprived of, except if he has been, found guilty of a Criminal offence by a law court.

Right to Dignity of Human Person – Every person is entitled to respect of his dignity as a person. He should be free from torture, slavery or servitude, or dehumanizing treatment.

Right to Personal Liberty – Every person shall be entitled to his personal liberty of which he shall not be deprived of.

Right to Fair Hearing – In the determination of his civil rights and obligations, a person shall be entitled to a fair hearing within a reasonable time by a law court or other tribunals established by law and constituted in such manner as to secure its independence and impartiality.

Right to Private and Family Life – The privacy of citizens, their homes, correspondences, telephone conversations and telegraphic communication is hereby, guaranteed and protected.

Right to Freedom of Thought, Conscience and Religion – Every person shall be entitled to freedom of thought, conscience and of religion (worship, propagation etc). He should not be deprived of any of these rights.

Right to Freedom of Expression and Press – Every person shall be entitled to freedom of expression (i.e. of opinions and information) without interference or hindrance.

Right to Peaceful Assembly and Association – Every person is entitled to assemble freely and associate with other persons and in particular he may form or belong to any political party, trade union or any other association for the protection of his interest.

Right to Freedom of Movement – Every citizen of Nigeria is entitled to move freely throughout the country and to reside in any part he chose to without any restriction.

Right to Freedom from Discrimination – A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or particular opinion shall not by any reason be discriminated against.

Right to Acquire and Own Immovable Property in Nigeria – Subject to the provision of the 1999 Constitution, every Nigerian shall have the right to acquire and own immovable property anywhere in Nigeria.

Special Justification of High Court and Legal Aid – Any person who alleged that any of the provisions of the chapter has been or is being or is likely to be contravened in any state in relation to him, may apply to a High Court in that state for redress.

In spite of the above well laid out constitutional provisions for the protection of human rights in Nigeria, the country has been and is still groaning under the heavy sledge of gross human rights violations. Such include killings and maiming of lives as the result of endless/senseless ethno-religious crises, political intolerance, brutal murder and assassinations, grinding poverty, torture, extra-judicial killings by state security operatives etc. All these have culminated in the spiral of general insecurity in the country. The shyness of the international community to apply the full weight of international law to enforce and restore violated rights of Nigerians remains a matter of concern. The execution of Kenule (Ken) Saro Wiwa and the Ogoni Eight by the repressive Abacha regimes in 1995; to the extra-judicial killing of Mohammed Yusuf – the "Boko Haram" leader in 2009; strongly points to selective collective interventions to enforce the principles of human rights across the world. Whereas, the UN through the UN-Security Council often takes proactive actions to restore violated rights in countries of the Balkans and Arab countries, the situation in Nigeria and other unfortunate third world countries are, often treated with levity (Oladele, 2016).

The so-called belated establishment of the National Human Rights Commission by Nigeria via Decree 22 of 27th September, 1995; was nothing but a lip-service to cover-up for the atrocities of the then supreme military dictator as well as to placate the world. The situation of human rights abuses in Nigeria before and after the establishment of the NHRC has remained unchanged.

IV. LIMITATIONS OF HUMAN RIGHTS ACROSS THE WORLD

Even when the doctrine of human rights has been upheld and justified under international law; the world is increasingly being faced with more serious problems associated with its enforcement more especially in religious and culture-based societies. The genesis of modern human rights is rooted in western culture that is coming into constant clash with the religion and culture of most traditional and closed societies. In trado-religious societies; homosexuality, stealing, adultery, murder, and other deviant behaviors are considered as crimes as well as sins because the norms and rules of these societies have criminalized the committal of such unwholesome behaviors. Most of these norms have been entrenched in the statute books / constitutions of most countries. However, the progenitors of modern human rights (the West), are increasingly justifying the committal of some of such heinous crimes - more especially **homosexuality** (**gay**) which they described as the freedom and fundamental rights of those profane criminals engaged in it. If adultery, stealing and murder are punishable offences because they go against the general societal norms, then homosexuality which is the worst pervasive and deviant behavior against the norms of three-quarter (¾) of the world's population must be regarded as a serious crime and sin by all societies. This is, backed by the works of Cranston (1967) and Obaseki (1992); which have earlier been treated under conceptual frameworks.

Whereas, if the West insist that homosexuality is not a crime but the practitioner's right; then adultery, terrorism, stealing, murder, drug abuse and other criminal offences should as well be excused as the absolute rights of those that engaged in those acts. It is an undeniable fact that the rise and growth of religious fundamentalism among both the adherents of Christian and Moslem religions were triggered by the growing pervasive and unwholesome practice of homosexuality (Sodomy) as propagated by western governments. A pointer to this is the BBC News that reported the passing into law by the French Parliament on January 27, 2013

of the "Gay Right Act" making France the twelfth country of the West that has officially approved of Gay Relationship and Marriage. This is so because highly religious and traditional societies consider homosexuality as a taboo, a sin and an abominable act. In so far as homosexuality (gay) and other unwholesome practices are being shielded by the West under the guise of human rights, it will continue to infringe on the rights of the greater majority of the citizens of the world. Whereas, the ideal practice of human rights should be such that an individual's right stops where another person's rights starts; to the extent that there is no room for the overlapping of rights. In addition, the collective rights of the greater majority in line with good behaviors must supersede the illegitimate rights of a very few social deviants within the society (BBC, 2013).

Unless and until when homosexuality (gay) and other unwholesome behaviors are criminalized by both the International Court of Justice (ICJ) and International Criminal Court (ICC) under international law; the continued promotion and enforcement of the principle of human rights worldwide will not only be counter-productive, but it will open more channels to the abuse of rights of many others. It is the position of this paper that after being, criminalized by both the ICJ and ICC, it should be, domesticated by all countries. This will simmer down religious fundamentalism in all its ramifications across the world.

V. CONCLUSION

From the analysis so far, conclusion can be, drawn that the protection and enforcement of fundamental human rights under international law has become sacrosanct. This is in-view of the re-occurrence and emerging dangerous variants of human rights abuses most especially under repressive regimes in undemocratic countries and areas forcefully controlled by Islamist-fundamentalist organizations such as Al-Qaeda, Taliban, Mujahedin, Al-shabab, Ansarudin, Akmi, Jama'atu Alisuna Lidawatu Wal-Jihad (Boko-Haram), ISIL, ISIS, Daesh, etc. The justification for collective intervention by members of the international community via the legal authorization of the United Nations Security Council in accordance with international law to restore violated rights in many countries, have yielded results at global, regional and sub-regional levels. Specifically, these collective interventions have succeeded in ending Adolf Herr Hitler's ethnic cleansing of Jews during the World War I and World War II, the stoppage of the carnage in the Balkans (more especially Bosnia-Hesgovina perpetrated by Slobodan Milosevic) in the 1990s, and the coalition actions that ended gross human rights abuses in Afghanistan in 2001 and Libya in 2011. Even though the study has identified and enumerated some lapses in the protection and enforcement of the philosophy and principles of fundamental human rights under international law, yet the position of international law in this regard cannot be, compromised under whatever guise; because it has served and is still serving as a legal instrument with binding effects on recalcitrant countries. The establishment of the ICC under the auspices of the ICJ, with the powers to arrest and prosecute leaders and persons indicted and charged for war crimes or crime against humanity, has so far succeeded in instilling fears in leaders with criminal tendencies to abuse people's rights. As such, without international law that serves as a pillar on which the United Nations rest, the whole world will find itself in a vicious circle of chaos and anarchy. Hence, the justification for the protection and enforcement of the philosophy and principles of fundamental human right is, guaranteed under international law.

VI. RECOMMENDATIONS

From the critical discourse analysis made so far and the conclusion drawn, the following alternatives towards the effective promotion, protection and enforcement of the philosophy and principles of fundamental human rights under international law are proffered:

- International Human Rights Commission offices should be, established in each Country by the United Nations Organization. The personnel of which should be highly independent of the host country.
- Readily accessible global digital information and communication technology should be, provided and maintained by the UN either in each country or at least in each sub-region. These independent communication outlets will help correct the imbalance and ills of misinformation often disseminated by recalcitrant regimes (countries) having track records of terrible human rights violations or even abuses. The UN should also take advantage of Trans-national Social Movements (TSMs) domiciled in each country to attain this goal.
- The International Court of Justice (ICJ) and the International Criminal Court (ICC) should also have regional or sub-regional offices in continents or sub-continents for an on-the-spot dispensation of justice on reported cases of human rights abuses; rather than taking every case to the ICJ/ICC Headquarters at The Hague, Netherlands. In case these regional or sub-regional centers cannot serve as Courts of Final Jurisdiction, they can at least serve as collation centers whose report will be, sent to the ICJ/ICC Headquarters for further recommendation to the United Nations.
- The status of all member countries of the United Nations should be, made equal in the Security Council. This will eliminate the current dangerous trend of arbitrary use of raw power by most privileged and advantaged countries. When adopted, serious international issues bordering on human rights abuses even by

those so-called powerful countries would have to be decided by one-third (1/3) votes of all the 193 member-countries of the United Nations.

- The ICJ and ICC should criminalized gay-marriage (same-sex) or gay-relationships because it grossly violates the rights of majority of citizens of the world (more especially those in trado-religious societies). When this is done, it will assuage religious extremists who viewed it as the worst crime and sin on earth (where it is referred to as Sodomy in Judaism and Christian religions).

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