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Sovereignty vs Human Rights: Legal Conflicts on Global Stage

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Abstract

The following research analyzes the conflict between the sovereignty of a state and the human rights of citizens. These two terms often clash within international law and politics because they severely affect nations all over the world. The article examines the effectiveness of human rights, and extent to which it is implemented in the legal and political frameworks of nations. It also discusses the major differences in policies between developing countries and underdeveloped countries and concludes that certain nations prioritize sovereignty over human rights and vice versa. The research uses a qualitative case study approach to analyze the imbalance between sovereignty and human rights in some regions. The article uses the case studies of Palestinians, Kashmiris, and Uyghur Muslims in China to highlight the ongoing conflicts in these regions to analyze the relationship between the states' right to self-governance and human rights. It aims to understand the conflict on a deeper global level by comparing these cases. It also discusses the legal frameworks related to the cases. It identifies the role of international organizations and recommendations for the international community in resolving conflicts that arise due to a clash between state sovereignty and human rights. The comparative analysis of the case studies reveals that the implementation and enforcement of human rights are affected by the political, economic, or geographical interests of nations and possibly organizations that are meant to protect human rights. The study recommends changes in international frameworks to ensure the protection of human rights as well as balance them with the state sovereignty of the conflicted nations.

Keywords: Conflicts, human rights, international law, sovereignty, conflict, United Nations

Introduction

The interplay between sovereignty and human rights is a crucial one in international law and politics. It has been widely discussed and observed

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throughout history, and its effects on international law and policy can be observed easily. The concept of sovereignty itself is constantly changing, and many scholars and researchers have defined it in various words. This term came around during the time of the Treaty of Westphalia which stated that each nation has absolute sovereignty over its territory (Biersteker, 2013). In the simplest form, it is defined as 'Supreme authority in a state' (Law, 2018). It is the actual and de facto control of a state to rule and govern itself (Gandhi, 2013). Different criteria arise when one tries to identify a country or government as sovereign or not. On the other hand, according to the United Nations, Human rights are the defined, universal, inalienable set of rights, that are inherent to all human beings regardless of their age, gender, occupation, or any other discriminatory aspect (Nickel & Etinson, 2010). The basic generally accepted human rights were adopted by the UN General Assembly in the 'Declaration of Human Rights on 10th December 1948. It is widely accepted as a standard to achieve human rights by the nations. The following study aims to analyze and understand the legal and ethical conflicts between state sovereignty and human rights, through the examination of three major geopolitical conflicts, and explore how international legal frameworks address these issues. It further aims to discuss some major concepts that align with the issue of sovereignty and human rights.

Effectiveness and Implementation of Human Rights

Amnesty International, Human Rights Watch, and the UN Human Rights Council, monitor human rights abuses globally. These organizations, through their efforts, spread public awareness for the protection of human rights. They publish frequent reports on human rights abuses and address such conflicts globally. These actions often pressurize governments to focus on protecting the human rights of their citizens; by maintaining special care in this matter. However, it is still difficult to implement human rights in some nations due to their resistive policies towards external interference. Some governments deny the rules and regulations made by such organizations. They use their right to state sovereignty and policies of noninterference, preventing any external nation or organization from intervening in their national matters. This concept of state sovereignty and noninterference can be used by governments to justify human rights abuses present in their region (Kahn, 2004). A prominent example of this concept is China, and the way it uses state policies to justify and/or reject criticism

of human rights abuses in Tibet and Xinjiang. Another problem that arises while international organizations work to eradicate human rights violations is selective intervention. Human rights organizations are mostly accused of selective enforcement. The organizations are likely to pressurize only those countries that benefit them politically or strategically. This raises a huge question mark on the acts and legitimacy of the organizations. For instance, The NATO intervention in Kosovo was criticized as being selective because, during the same period, no actions were taken against human rights abuses in other nations such as the genocide in Gaza (Herman & Peterson, 2010). Effective implementation of human rights can be done by developing binding resolutions, monitoring organizations and governments, and other such strategies.

The Main Conflict

The sovereignty of the state or the freedom of the country to rule itself, and human rights or the freedom of the individual, are both important and legally protected under international law. There is often a conflict between these two entities when human rights are violated by the state, and covered up under the ruse of state sovereignty. Furthermore, when there are external interventions in the matters of state that compromise the sovereignty of the state, the conflict gets intensified. In the latter scenario, the states argue that they are forced to comply with the adoption of human rights due to external pressure (Ruggie, 2007). Whereas on the other side of this argument, the advocates of human rights assert the point that sovereignty cannot be used to violate fundamental human rights. In some cases, human rights abuse by nations is likely to undermine the state's sovereignty due to international and humanitarian interference against it. So, it may be assumed that violations directly or indirectly influence the country's sovereignty (Maryam, 2022).

Developed vs Developing Countries: The Difference in Policies

It is observed that developing countries or underdeveloped countries tend to prioritize sovereignty over human rights. The reasons for this may include their prolonged history of colonization, and external interference from other countries, their struggle for economic growth and development, sidelining the importance of human rights. For example, Brazil and India have strictly adopted nonintervention policies to protect their sovereignty. Vietnam and Ethiopia focus more on economic success, and fail to secure

political and civil rights. Some countries like China and Russia are considered developing in some context; they also prioritize sovereignty to strengthen their nations. Developed countries that are included in the European Union, and the U.S. prioritize human rights. This is often reflected through their foreign policies, constitutions, and interventions. For example, The EU has imposed sanctions on lots of countries due to the abuse of human rights in those regions (European Union, 2021). Existing researchers previously have concluded that developed countries are more likely to be inclined towards the protection of human rights (Men, 2011), whereas developing countries are more likely to protect their sovereignty (Michalski & Pan, 2017).

Humanitarian Imperialism

The conflict of sovereignty vs. human rights also brings about a term called humanitarian imperialism. Some countries use the excuse of human rights abuse to intervene in the matters of other states with some underlying motives or political goals. Humanitarian imperialism involves justifying interventions through the language of human rights, democracy, and humanitarian assistance (Menon, 2016). This can mask the true intentions, making the actions appear altruistic and morally justified. For example,

(1) The NATO Intervention in Kosovo in 1999 was justified because the aim was to stop the ethnic cleansing of the Albanians in that region by the Serbian forces (Newman & Visoka, 2024). However, it is argued by critics that the intervention had some ulterior motive due to intervener's interest in the Balkans region.

(2) The Iraq War in 2003 was initially justified by the U.S. and its allies on the grounds of eliminating weapons of mass destruction, and as a means to liberate the Iraqi people from Saddam Hussein's oppressive regime (Texas National Security Review, 2023). The failure to find such weapons, and the subsequent long-term instability raised questions about the true motives behind the invasion.

There are many such examples where powerful countries have exerted pressure and/or intervened in the internal matters of other, weaker nations on humanitarian grounds. The actual reason for the interventions cannot be speculated, however, this has made many weak developing countries cautious, and they have adopted nonintervention policies for this reason. While interventions may genuinely aim to alleviate human suffering, they

often have ulterior motives such as geopolitical strategy, economic gain, or the desire to reshape the political landscape of the target country, in favor of the intervening power. Weaker nations use sovereignty as a defense against the imperial motives of the powerful nation (Larking, 2004). The concept raises fundamental questions about the balance between state sovereignty and the international community's responsibility to protect human rights. Understanding this concept is crucial for evaluating the ethical and practical implications of humanitarian interventions in the contemporary global landscape.

Research Questions

1. How do different regions justify human rights violations through the use of their right to sovereignty?

2. What role do international organizations such as the UN play in the protection of human rights?

3. Is the international organizations' response to human rights violations influenced by geopolitical importance of the regions?

Methodology

This section includes the methodology, research design, and details of the case studies that were used to examine the conflict of sovereignty vs human rights. It uses three cases: Gazans, Kashmiris, and Uyghur Muslims. This study adopts a qualitative case study approach to understand the complex relationship between sovereignty and human rights within the selected conflict regions. It aims to understand the use of sovereignty as defense while violating human rights.

Research Design

The research design for this study is a comparative analysis of each region and case, including its background, conflict, similarities, and differences. The study will further draw comparisons across all three cases by using a comparative framework. It analyzes the case studies on the basis of historical background of the regions, the rise of conflict, the human rights violations such as restrictions, abuse, and suppression of certain groups, the defense and claims of sovereignty made by the state governments, and the response of international organization to the conflict.

It uses an analytical approach to identify patterns within the case studies, while identifying the key themes such as human rights violations, sovereignty as defense, and international intervention challenges. The research end with s comprehensive conclusion drawn for all cases holistically.

Case Selection

The case studies of Gaza, Kashmir, and Uighur have significant international attention, having different geopolitical contexts and legal frameworks, but these three regions still exhibit a clear tension between sovereignty and human rights.

Data Collection

Data was collected through multiple sources to ensure reliability. These sources include:

(1) International legal documents and treaties relevant to sovereignty and human rights such as the UN charter, and the Geneva convention.

(2) Official statements and policies made by India, China and Israel to analyze how they defend the human rights violation in their regions.

(3) United Nations resolutions and reports from human rights organizations such as Amnesty International and human rights watch, provided details about the conflict, human rights violations and attempts that were made to resolve the conflicts.

(4) Academic articles and books that provided theoretical and empirical insights about the terms of human rights, sovereignty and legal intervention.

Case Studies

This section presents three case studies illustrating the tension between sovereignty and human rights: The Israel-Palestine conflict, the Kashmir issue, and the Uyghur Muslims conflict in China. Each case study aims to identify the context by describing the specific human rights issues, and providing an analysis within the framework of sovereignty versus human rights.

Case Study 1: Israel-Palestine Conflict

The Israel-Palestine conflict is a long-standing one that started during the late 19th to early 20th century. It involves claims to the same territory by two groups that reside there. Palestine was a part of the Ottoman Empire in the 1900s and people of all religions lived there peacefully including the Jews. However, with the rise of the Zionist movement started by Theodore Herzl, which demanded an independent Jewish state particularly on the land of Palestine, the conflict gained traction and resistance had started. In this context, sovereignty is a core issue between both the Israelis and Palestinians. They both claim historical, political and religious rights to the same territory; Israel asserts its right of sovereignty over the state by controlling the areas of Jerusalem and other contested areas. Whereas Palestine demands its right to sovereignty and control over its independent state consisting of the West Bank, Gaza Strip, and East Jerusalem. Due to the ongoing war and sovereignty issue in Palestine, there are reported human rights abuses such as movement restrictions, poor living conditions in Gaza, military operations by Israeli forces, and settlement expansion (Human Rights Watch, 2024). Many organizations such as the Human Rights Watch and the UN publish reports on the human rights violations in Gaza. The UN General Assembly introduced the UN Committee on the Exercise of the Inalienable Rights of Palestinian People (CEIRPP) to realize and foresee the Palestinians' right to national independence, sovereignty and self-determination (United Nations, 2012), however, no fair solution was decided for the people of Palestine and it remains an occupied territory, still fighting over land and sovereignty on the expense of human rights. The self-determination demand of Palestinians undermines the existing state's authority (sovereignty), which further results in the ongoing damage to the basic human rights of the people in the war zone. There is a lack of clear jurisdiction authority in the Israel-Palestine region (Haryani & Setiyono, 2024). The conflict presents a classic dilemma where national security and sovereignty are often in tension with individual and collective human rights. Israeli policies aimed at securing sovereignty and preventing terrorism, frequently lead to accusations of human rights abuses. Conversely, Palestinian resistance is framed as a struggle for rights and freedom, but raises significant security concerns for Israel. Israel's assertion of sovereignty often clashes with the human rights of Palestinians, leading to international legal and diplomatic tensions.

Legal Frameworks Related to the Israel-Palestine Region

Since 1967, Israel has been considered an occupying power according to international law, and as an occupying power, it is required to follow the international human laws, such as the Geneva convention (United Nations, 1949), that protect the civilians of the occupied territories. The general rules assert that the state does not have sovereign rights over the region, the occupying power should not add permanent change in the policies, and it should always take into account the interest and needs of the military and the locals (International Committee of the Red Cross [ICRC], 2024). Many UN resolutions, such as the resolution 242 of security council, have demanded the withdrawal of Israeli forces in occupied territories, and resolution 2672 and 2949 of general assembly have acknowledged the right of Palestinians to self-determination. The CEIRPP also monitors the implementation of such resolutions, but there has been a lack of enforcement due to the ineffectiveness of international Institutions (United Nations, 2007). However, Israel has, at many times, broken international humanitarian laws by applying domestic laws in the Palestinian region that restrict movement and impose blockades on the Palestinian civilians. This leads to a conflict between the international laws that are supposed to be implemented, and the domestic restrictive laws that are being implemented by Israel.

Case study 2: Kashmir Issue

The root of the Kashmir issue dates back to 1947 during the partition of India. The princely states including Jammu and Kashmir were given the right to join either of the two states. Kashmir consisted 77% of Muslims, so it was more likely to join Pakistan, but many minorities in the region favored India. The prince of that state at that time, Raja Hari Singh was pressurized to sign the accession to India. The nature of this accession was rather coerced, and it went against the wishes of the Kashmiris. However, India saw this as its right to control the state of Kashmir. Since then, the Kashmir issue has gained momentum, and brought about human rights violations never seen before by the Indian troops or military, towards the public of that region (Majid & Hussin, 2020). There has been a massive conflict between the people of Kashmir who want to protect their rights, and the Indian authorities who wish to have absolute sovereignty over the region of Kashmir. The Kashmiris wanted the right to decide the future of their state. The UN Security Council established the UN Commission for India

and Pakistan (UNCIP) in 1948 to oversee the conflict and act as a mediator between Pakistan and India (Wani & Suwirta, 2014). However, after many resolutions passed with the decision to conduct a plebiscite in Kashmir, their efforts were still not fruitful. The right of self-determination of Kashmiris challenges the forced state sovereignty of the Indian government-occupied Kashmir. So, here as well, one may observe the issue of self-determination vs. state sovereignty that results in the violations of human rights. Ultimately, in this case, the demand for sovereignty of India has clashes with the basic rights of the people of Kashmir.

Legal Frameworks Related to the Kashmir Dispute

The status of Jammu and Kashmir is divided between India and Pakistan. Both of the countries claim power and sovereignty over the region, leading to the creation and implementation of complex laws by both these regions. The right to self-determination of Kashmir has been noticed and addressed by the U.N security council, especially in resolution 47 (United Nations Security Council, 1948) that required to conduct a plebiscite in the region, however, that plebiscite was never conducted due to the complications created by Pakistan and India. In India, Kashmir was regarded as an autonomous state according to article 370 of their constitution. According to this article, the region of Jammu and Kashmir was free from occupation, and could exercise their right of a separate constitution, flag and state. However, this article was also revoked in 2019 by the Indian government. This revocation led to military interventions, restrictions on freedom of speech and movement of the Kashmiri citizens by the Indian government. Whereas in Pakistan, Kashmir is regarded as a disputed region, that has a Muslim majority of locals that deserve to be a part of Pakistan. Pakistan supports Kashmir's right to self-determination.

Case Study 3: Uyghur Muslims in China

Muslims in China are less than two percent of the total population. The Uyghur Muslims have a Turkic ethnic background, and live in the Xinjiang region. They make up less than half of the population living in Xinjiang. Due to their separate and unique identity, they do not blend well with the typical dominant culture of China. These Muslims resisted the pressure of the Chinese government that forced them to convert to the widely adopted Han culture in China. The Muslim's refusal to submit their national, religious, and cultural identity to China's policies of nationalism has started

a series of conflicts and clashes between the Muslims and the authorities in China. For more than half of a century now, Uyghur Muslims have wanted autonomy and independence from the nationalist motives of China, yet the authorities have continuously rejected these efforts and instead countered the Uyghur Muslims with torture and human rights abuses (Bovingdon, 2010). Since 2017, onwards, many reports have surfaced asserting how the Chinese government abuses the human rights of the Uyghur Muslims and minorities (Amnesty International, 2021). They use terms like 're-education camps' to potentially capture and hold captive the Muslim minorities. Reports also contain allegations of forced labor, religious suppression, and extensive breach of privacy (Islam & McPhail 2011). There is no doubt that these are considered a violation of basic human rights, however, China has stated the necessity of these measures for the security and national protection of the country, due to the separatist groups in the Muslim minorities. This shows the adverse role of the external non-intervention since china's policies in Xinjiang are technically the state's internal matter, allowing the Chinese government to violate the human rights of Uyghur Muslims under the ruse of maintaining national security and the territorial sanctity. The minorities consider these policies as oppressive and discriminatory towards them. The United Nations has called out for unrestricted access to the region so that the situation can be analyzed clearly.

This case study clearly shows a legal and ethical conflict between sovereignty and human rights in China. China is trying to defend its violations of human rights by justifying its policies towards Xinjiang as part of its sovereign right, while directing going against the international law that thrives to protect human rights in the world. This conflict also identifies the limitations and policies of international law organizations and communities towards powerful states, such as China, where they prioritize sovereignty over their obligations to human rights as imposed by international law.

Legal Frameworks Related to Uyghur Conflict

China has signed many international treaties such as the International Covenant on Civil and Political Rights (ICCPR), and ratified many treaties such as the UN Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (CAT) in 1988, that oblige China to stop the torture of minorities in its territories. However, the Chinese government violates these treaties and continuous to torture and restrict the

freedom of speech, movement and religious rites of these groups. The U.N human rights office has urged China to release the detained locals, however, China along with its allies, responded to the U.N chief to respect China's internal affairs, while denying all reports of human rights abuse in the region. China states that its actions and laws are implemented to counter terrorism and extremism in the country. They implemented the "anti-terrorism law system" that is vague and subjective. This system is used by the government as a disguise to violate human rights in the region (United Nations, 2022).

Comparative Analysis of Case Studies

The global stage is rife with conflicts where the principles of sovereignty clash with the imperatives of human rights. This analysis delves into the three prominent case studies—Palestinians, Kashmiris, and the Uyghur Muslims— mentioned above to explore how these conflicts unfold, and are managed internationally. Although the three cases have different backgrounds and contexts, the root cause of the conflict is the issue of sovereignty. Palestine fights for the establishment of a self-determinant sovereign state; Kashmir is fought over due to the Indian and Pakistani governments' fight over territory, and their right to rule the state, whereas the case of Uyghur Muslims in China deals with the internal sovereignty of the country and its policies towards Xinjiang (Clarke, 2010). However, in all these cases, the oppressive states have serious allegations against them including reports of human rights abuses, such as detention, violence, and suppression of movement to name a few. This raises concerns about the erosion of international human rights norms and the precedent it sets for other states (Helfer, 2002). The cases are also ongoing in nature and international intervention has been nearly impossible in the regions. It has been difficult to prevent human rights abuses in these cases due to political alliances and treaties between nations. A similarity is that not many nations have come forth to participate as mediators in any of these cases because they want to avoid conflicts with nations that are benefitting them. For example, Israel is backed by the U.S. which facilitates the ongoing war between Israel and Palestine, the Kashmir region is affected by the geopolitical relations between India and Pakistan, and the situation of the Uyghur Muslims depends on the countries that have economic relations with China. These examples reveal that human rights violations are harder to prevent due to certain alliances and pacts between countries. So,

international legal frameworks must be created that balance the state sovereignty and human rights, and they must be made imperative for all the countries to follow regardless of their relations or alliances. The effective solution for the conflicts in the above-mentioned case studies could be to respect the decision of the citizens and using appropriate measures to establish peace between nations (Assefa, 2020).

The Role of International Institutions

The mentioned international institutions, such as the United Nations, Amnesty international and Human rights watch, play a critical role in reporting and advocating for human rights abuses throughout the world. But these organizations are criticized to be influenced by political motives or regional alliances. The following section focuses on the role of these organizations, their way of addressing human rights, their challenges, and criticism related to them.

The United Nations Human Rights Council (UNHRC)

The UNHRC is a forum that is a part of United Nations system that promotes and protects human rights all around the world by discussing and resolving human rights issues every year (United Nation Human Rights Council, n.d.). It has the power to condemn states that abuse human rights, make resolutions and investigate conflicts. However, the council's resolutions are still non-binding so it is ultimately up to the states to follow them. The UNHRC has also been criticized for its selective enforcement and biases. It is said that UNHRC focuses more on certain and regions, and rarely condemns other serious issues. The institution that is based on the foundation of human rights, is considered biased, and ignorant in some cases. For example, UNHRC has never condemned China for its human rights violations in Xinjang, that have been going on for many years, but it seriously condemns the human rights abuse of Israel in Palestine (Schaefer, 2023). Although the issue in both regions i.e., China and Israel are the same, but the greater focus on Israel, and lack of condemnation for China proves the biasness and selective enforcement of this institution.

The United Nations Security Council (UNSC)

The UNSC is the body of United Nation that is responsible for international peace and security. It has a total of 15 member states out of which, 5 are considered the permanent members referred to as the P-5. Their primary objective is to determine if there is a threat to peace in any region

throughout the world, and provide solutions accordingly. It has the ability to impose sanctions and military interventions in states where human rights are extremely violated. However, this institution is widely criticized because it is influenced by political alliances and other motives. The structure of the institution favors the P-5 members (China, Russia, U.K, U.S.A, France) because they hold the veto power. This power allows them to cancel or reject resolutions that they are opposed to. This gives the right of all decision making to these powerful P-5 members, and they have the authority to vindicate themselves or their allies from any actions or interventions against them (Kalantar, 2019). For example, since 1945, the U.S has vetoed 34 out of 36 resolutions that were against Israel. This is because Israel is an ally of the U.S, so it uses the veto power for its own interest, to protect its relationship with Israel (Asrar & Hussein, 2023).

Amnesty International and Human Rights Watch

Amnesty international and human rights watch are part of some prominent NGOs that work for the protection, awareness and advocacy of human rights. They particularly focus on issues in unrestricted regions that are often unnoticed by the international community. They document and report such abuses to bring awareness about conflicts, and pressurize institutions and governments to take actions against violations. However, these organizations also face criticism for selective reporting, such as overlooking certain conflicts and over reporting others. These organizations are often supported by certain powerful countries. To keep their support intact, these organizations may become ignorant to some issues that damage their relationship with other countries. They tend to favor the interests of the countries that they depend on. This selective reporting questions the credibility of such organizations and their motives.

Recommendations for the International Community and Organizations

The detailed analysis of prominent organizations and their roles shows that the lack of enforcement of human rights is due to the limited authority of these organizations, and lack of cooperation of oppressive states. Without proper mandates from the UNSC, it is almost impossible to intervene in the matters of a region due to its sovereign rights. This right to sovereignty limits the international community's efforts to reduce human rights violations. The principles of sovereignty and non-intervention are part of

the UN charter, allowing different nations to protect themselves from external interference, which they have used this to their advantage, as evidenced by the analysis. This needs to be modified so that states do not use it to their advantage to avoid accountability. The international community's response is also influenced by geopolitical interests. Powerful nations influence organizations and institutions, and control them according to their will. Structural reforms are needed in such organizations to ensure that they do their work regardless of the influence of other nations, and political interests of the states related to the institutions/organizations. The following reforms must be made

1. The veto power given to the permanent members of the UNSC should be revised or modified, so that the national or political interests of countries do not influence the decision making of the whole organization. This can be done by increasing the number of permanent members of the UNSC, so that everyone holds equal power. Furthermore, it can be helpful to revise the rules to make every decision democratically so that the majority of the people can decide the passing of each resolution.

2. Strict binding resolutions must be created by such organizations that must be made imerative for all states to follow, to ensure the sanctity of the global human rights. The UN charter could be amended to make the UNHRC resolutions binding, and states should be held accountable for non-compliance with the resolutions.

3. Regional members, that strive for the protection of human rights in their own states, should be introduced and given more power in the UN. They will help to ensure the enforcement of human rights, and provide a more in depth and local response to the communities when they try to find a solution to conflicts.

4. Independent bodies should be developed that monitor and report abuses in regions without depending on any state, or without any limitations or biases. These bodies should include neutral parties and organization members. This way credible information can reach the world.

5. Organizations other than the U.N such as different NGOs must be included in the decision making process to limit the biases and self-interest of the parties involved in the U.N bodies.

By analyzing the international bodies, their efforts, effectiveness and challenges, we can better implement human rights, without compromising on sovereignty and right to non-intervention of nations.

Conclusion

The research discusses and outlines the ongoing, frequently observed conflict between state sovereignty and human rights internationally. It specifically focuses on the regions of Gaza, Kashmir, and Uyghur to understand the respective conflicts. It discusses the role of the U.N and other organizations that work for the protection of human rights. Recommendations are provided that discuss the way that institutions can make the existing organizations better and unbiased towards human rights abuses and international conflicts. The case studies reveal that no matter what the background or context of these regions are, the identified pattern was the imbalance between sovereignty and human rights in these regions. It is a key issue that was discussed in detail. The current system of international frameworks that is responsible for the protection of human rights, lacks enforcement and effectiveness which results in powerful states avoiding accountability and justifying human rights violations. This imbalance between sovereignty and human rights leads to a system in the world where nations in the wrong would never be held accountable. The credibility of international institutions is also questioned. Organizations are considered biased because of their selective reporting, and enforcement. There is a lack of trust on the U.N bodies due to the unenforceable resolutions, and unjustified authorities because of the veto power they possess. The research proposes actionable reforms that must be adopted to make the institutions non biased and effective in implementation of human rights. International organizations and nations should respond to human rights violations while still maintaining the state's right of sovereignty to keep a balance between these two components. This step is necessary to keep up the international peace and order.

Implications

This study on the global conflict of sovereignty and human rights has the following implications:

(1) The international organizations, frameworks, and legal regulations are made to protect human rights as well as to ensure state sovereignty. However, these frameworks are hard to implement due to issues

including noncooperation from powerful authorized states, legal or political constraint. For example, in the aforementioned case studies, the UN resolutions were hard to enforce in the regions due to geopolitical constraints.

(2) The research reveals that without proper enforcement mechanisms, the international law and frameworks remain symbolic, and they are hard to act upon. These enforcement gaps must be identified and resolved by increasing the capacity of international organizations such as the UN Human Rights Council. Such organizations should strengthen their process of documenting abuses, and provide resolutions for ongoing conflicts, which in turn would influence governments to protect and enforce human rights.

(3) The international community's response to the conflict of human rights is impacted by the economic and political alliances, and dynamics of relations between countries. So powerful countries, that have better relations with other countries, are likely to avoid liability towards human rights abuses, violations, or conflicts. This can be observed in the case of Israel-Palestine, where the U.S backs Israel in international platforms to avoid accountability.

(4) The study, after comparing cases, reveals that the intervention of the international community is rather selective and/or biased. Most of the international bodies and countries are not committed to the enforcement of human rights. Such selective intervention creates a way for dominant and influential states to be exempt from punishment.

(5) Mediation should be carried out between India and Pakistan to resolve the Kashmir issue, so that violations of human rights are stopped, allowing Kashmir to exercises its right to self-determination. They should also make sure that the U.N resolutions for this region are followed.

(6) The Xinjiang region of China must be investigated to reveal the human rights abuses, and action must be taken against it regardless of the nonintervention policies, and right to sovereignty defenses used by the Chinese government.

(7) As a result of nonintervention policies and the right of sovereignty, international bodies are not able to interfere in state matters to advocate for human rights violations. So, despite proof and evidence of violations

and abuses in Palestine, Xinjiang, and Kashmir, human rights laws are hard to enforce.

(8) Often priority is given to state sovereignty over human rights, as in the case of Kashmir, Indian government's revocation of article 370, and in the case of China, development of anti-terrorism law system regardless of human rights violations reports and backlash faced by them. This raises a need to determine a definition for sovereignty that does not justify human rights abuses so that it can never be used as defense.

(9) The ongoing tension and imbalance between sovereignty and human rights poses a dangerous threat to the world. If the human rights abuses are not addressed or resolved in conflict regions, then it may set a precedent of using sovereignty as defense, in which powerful nations or allies may never be held accountable for their wrong actions.

(10) If a proper balance is maintained between respecting sovereignty and the protection of human rights, then no state will be able to use sovereignty as a defense against human rights violations. International legal frameworks must contain this balance to ensure peace, law, and order.

Conflict of Interest

The author of the manuscript has no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

Data Availability Statement

Data availability is not applicable as no new data was created.

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