

Human Rights: Origin and Prominence

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Rights are those conditions of social life without which no man can seek in general to be himself at his best."

-Harold J. Laski

As we approach the end of the second decade of the Twenty First century, Rights and more specifically Human Rights have become the buzz word world around. Every nook and corner of the world and in deepest of the pockets of the remotest of locations cries for institution of rights can be heard of. Hence, it becomes very important to learn about the meaning and origins of such an idea which has gained so much of prominence in human lives. As a matter of simple explanation, Rights may be considered a demand for such an environment, if granted, in which a human being can be at one's potential best. Rights, ever since the inception of their idea have gained different forms and shapes. Sometimes as natural rights, birth rights, fundamental rights, basic rights, civil rights, rights of the women, rights of a child, rights of the aged persons etc. However, since the mid of the Twentieth Century the Human Rights came to prominence. These rights are believed to be inherent to every person living on this planet Earth irrespective of any other identity. 'Human Rights' has presently become a common term used to express all the different types of rights associated with the human survival, liberty and dignity.

As, by the virtue of Human Beings simply being born as one is entitled to enjoy these rights, it is expected that these are certain minimal rights which every civilized state should grant to its people. How Human Rights as an idea came to the world? When did people in large numbers started accepting these as an instrument of creating a utopia? Further, around the beginning of the last quarter of the Twentieth Century, Human Rights started gaining ground because they were able to avoid failure which the other post World Wars and Cold War values and doctrines could not avoid. The other ideologies of the time, especially internationalism, capitalism and communism failed to come up to the expectations of the people, world around. As the Cold War division could not sustain grounds for all the times to come, the idea of Human Rights gained currency to fill the void created by alternative bankrupt political utopias. It is this idea that has been talked of in this paper. The paper tries to put the idea across that Human Rights were not brought to prominence as had been promised in the United Nations Declaration of Human Rights or because after the End of World War Second and the creation of the United Nations there was a real change of hearts of the world leaders. Contrarily, it was the flow of circumstances that led to the Human Rights gaining significance by the mid-1970s. This is to argue that when all the other doctrines which were pointing to different alternatives failed by and started losing their relevance and with all other ideologies and tools of real politics exhausted, it was the time

for Human Rights to gain center stage, with not much will but circumstances behind it.

Nevertheless, this is not to suggest that rights are a recent phenomenon. All the earliest of the civilizations and their legal systems have always been talking of Natural Rights. The whole idea of American and French Revolution revolves around the idea of Natural Rights, naturally embedded in a human being to whom it is preferred to be called as Rights of Man. So, where do the rights or to be more particular Human Rights origin. Since the times immemorial, the idea of State has been always talked of with respect to individuals and a lot many different theories have been floated with regard to relationship between the two. State vs. Individual dichotomy had been the subject matter of discussions for the most of the philosophical literature which emerged during the Ancient and Medieval times. With passage of time the artificial institution of State became so natural to people that in present times it has become difficult to make out who exists for whom. If it comes to sacrifice, who is expected to sacrifice for whom? The Traditional Liberal Theorists, Modern Liberal Theorists and Communist Philosophers all have given their own ideas on the subject matter. To some, the State comes into existence for the sake of good life and continues for the same as it is a utility good, while for others, of course it is a welfare institution but, much more than to be simply ascribed as a mere good. And still for others the State has been an institution of exploitation and still continues to be the same.

Amongst all this, rights have been demanded by people in all societies and in all eras of their existence. Undoubtedly, rights and particularly Human Rights have become essential to the existence of humankind. Though the concept and understanding of rights may have been different, yet the concept of rights in one way or the other can be found rooted in almost all the ancient cultures and societies of the world. However, since the times of Renaissance and Reformation the momentum has increased many folds. Definitely, new rights arise from the womb of the old.¹ The concept of the Natural Rights can be traced back even up to the Ancient Greek Period around Fifth Century B.C. when it was believed that there was a power exercised by God on everyone equally in this world based on law. As per the belief this Natural Law which is under the supervision of God stands above social obligations and prohibitions imposed by the human made laws.²

¹ Upendra Baxi, "Inhuman Wrongs and Human Rights: Unconventional Essays," New Delhi: Har Anand Publications, 1994., p.1.

² Frade Castberg, "Natural Law and Human Rights-an –idea-Historical Survey", International Protection of Human Rights (Proceedings of the 7th Noble Symposium, Oslo, September 25-27, 1967), Asbjorn Eide and August Schou (eds.), Inter Science Publishers, New York, 1968, p. 13.

In Roman Law a distinction could be found between *Jus Civile* i.e. civil law and *Jus Gentium* i.e. common law. The latter is the Natural Law which cannot be interfered with and not changed by an authority on this planet. This law is an outcome of the reason higher to human appreciation and capacity to reason, hence cannot be questioned.³ The ancient Indian literature also highlights the universal values like *Dharma* (the righteous path), *Artha* (wealth), *Kama* (desires), *Moksha* (salvation), which try to establish a harmony between the inner and outer i.e. spiritual and the material life.⁴ Even during the Medieval Ages the concept of Natural Law continued to be accepted as the most dominating and sacred over others. Nevertheless, the Middle Age is also considered to be the dark, sterile period in the history of Human Rights.

It was the Christianity which either positively or negatively was exerting its influence on the political and cultural aspects of human life. Christianity, according to many scholars, at that time became a prominent agent of unity and community. The concepts that "All men are equal to God" or "Everyone should be obedient towards the legal Government" etc. were propounded by founded by Christianity in order to bring equality.⁵ The Christian theologians also associated it with the law of the God being superior to any other Human made law. One of the significant strands of the origin of the idea of rights, by many scholars is traced back to the times when Christianity as a belief system started taking roots. For most of the believers, Christianity is not treated simply as an accidental idea but is considered as 'One True Belief' which emerged and succeeded because it is true and valid. The believers believe that there were lots of people, both good and evil, before Jesus but it was He who brought in many new changes and talked of the importance of human lives. The Jews before him were doing a lot of things as far as their own capacities and far sights were concerned but once Jesus appears on the scene all the previous doings are over shadowed and left behind. The experts on the subject matter believe that religion succeeded because it promoted a bigger cause of humanity in the world of suffering and pain. People like St. Thomas Aquinas advocated that all human law is subject to that higher law of the God, hence people had a right to revolt against the dictates of the rulers if those ran contrary to the God made Natural Law. Natural Laws gained a lot of significance during the Middle ages as the principle of Habeas Corpus was enshrined in the thirty-ninth clause of Magna Carta in 1215 A.D. and it was followed by inclusion of other rights in the Petition of Rights 1628, Bill of Rights 1689 etc.

The promoters of the Social Contract theories also gave a new impetus to the idea of rights and human dignity. Hugo Grotius believed that the protection of the people of the State was the responsibility of the sovereign, the purpose for which the State came into being and he was made the sovereign. Similarly, according to Thomas Hobbes, Leviathan i.e. the sovereign was duty bound to protect the lives of those people

who entered the contract and submitted their lives and authority to him. John Locke, an advocate of Democracy and Civil Government links the promotion and protection of the rights of the people to the change of government. Any government or sovereign who does not respect the rights of the people or does not value their lives does not have a right to continue in office, hence be replaced. Similarly, J.J. Rousseau gave the highest of the importance to General Will of the people which could not be undermined or ignored as that talked of the rights of the people and their better living.⁶ Milton, also appealed for the rule of law rather than arbitrariness as he advocated the natural freedom and rights associated with it.

Two major revolutions occurred during the 18th century in the United States of America (1776) and in France (1789). The Virginia Declaration of Rights of 1776 sets up a number of fundamental rights and freedoms. The later United States Declaration of Independence included concepts of natural rights and famously states "that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among these are life, liberty and the pursuit of happiness." Similarly, the French Declaration of the Rights of Man and Citizen defines a set of individual and collective rights of the people. These are, in the document, held to be universal - not only to French citizens but to all men without exception. Talking of the universality of the rights, the erstwhile President of the United States of America, John F. Kennedy has very meticulously articulated the essence of Human Rights when he says that, "The rights of every man are diminished when the rights of one man are threatened."⁷ Of course, the rights do not symbolise the liberties or status provided to any individual only but to the whole class. Hence the violation of it to any one speaks volumes regarding the status of others as well. Therefore, violation or disrespect of the rights of an individual is not only limited to that person only but the idea and implication spreads much beyond.

The Western Liberal Philosophers in their writings promoted the idea of Human Rights to be as something very basic and essential in nature to be recognized universally. Moreover, the spirit and the purpose of State in no way were contradictory towards the curtailing or infringement of these rights. Nevertheless, the spirit of such rights had been in vogue for a long time, the first documented use of the term 'Human Rights' can be traced to Charter of the United Nations, adopted at San Francisco on June 25, 1945.⁸ Giving an altogether a different perspective to the issue. Lynn Hunt, a well-known author, in her book 'Inventing Human Rights' argues that looking at the old history and tracing the origin of Human Rights there is quite misleading. Human Rights primarily originate from the French Revolution only.⁹ She argues that Rights originate as natural rights only, as had been talked of by Thomas Hobbes leading to the conclusion that in later times rights were possible in a State only and not outside it. Taking the argument further, she says that once the State fails to

³ Cicero (104-43 B.C.), one of the greatest of Roman Jurists declared that the Natural Law emanating from the dictates of God is eternal, immutable and applicable to all human Beings.

⁴ S.N. Dhyani, "Fundamentals of Jurisprudence: The Indian Approach" Allahabad: Central Law Agency, 1992, p. 93. 2nd ed.

⁵ Md. Kamruzzaman, Shashi Kanto Das, "The Evaluation of Human Rights: An Overview in Historical Perspective," *American Journal of Service Science and Management*. Vol. 3, No. 2, 2016, pp. 5-12.

⁶ Wayper, C.L., *Political Thought*, New Delhi: AITBS Publishers, 2010, pp. 42-75.

⁷ www.goodreads.com (Accessed on October 3, 2017).

⁸ The United Nations Charter is a multilateral treaty creating legal obligations for all the members of the United Nations. Un.org. Archived from the Original on May 2005. Retrieved on January 02, 2017.

⁹ Hunt Lynn, *Inventing Human Rights: A History*, New York: Norton and Company Press, 2007, p56.

perform, people as a natural right had the permission to replace this incompetent state with a new one resulting in revolution. And this is what happened in the United States of America and France. Rights from the very beginning have been involving appeal to nature but not to international Law. Rights in their political outcome were responsible for creating political sovereignty. This was always bounded and involved exclusion.

Before there was a human rights movement there was a Rights of Man movement in 18, 19 and 20 century. But its chief form was liberal nationalism, a state coinciding with people from their national people hood. The Rights of Man that once made sense as the presupposition of the rights of the citizen are now progressively separated from and are used outside the context of citizenship for the sake of representation and protection of life i.e. more and more driven to the margins of the nation state. Rights were once the first prerogative of citizens but now under present system these have become the last chance of the Humans to whom it can be extended.¹⁰ Today when Human Rights are discussed, primarily it is the third world which is talked of where as in earlier these people were never considered as the rights were the privilege of the developed world only.

United Nations has always kept 'Safeguarding of Human Rights' as one of its basic objectives. Going by that, it is the people around the world who should have been the main focus and concern of the United Nations rather than the contracting parties. It was in this spirit only that the United Nations General Assembly in its 183rd session adopted the Universal Declaration of Human Rights.¹¹ This led the Human Rights and other related freedoms to be regarded as the minimum and common standard of achievement for the people wherever in the world. Nonetheless, a deeper critical analysis of the United Nations and its stand on the progress of Human Rights movement reveals that the history of values and idealism which the modern people back and believe in is that of a very deep competition. Though Human Rights are regarded as to be international in their nature yet, International Law has always been more interested in administering the relations between the States rather than advocating rights. Conventionally also, the International Law has been recognizing the State as to be its unit rather than an individual.¹² Hence, the relations between a State and its population become a domestic concern rather than an international one. Not only this, the Covenant of League of Nations also gave importance and recognized states as to be its concern rather than the different peoples of the world.

Therefore, an individual possessed no rights against one's own state at international level. The state of the individual is only mechanism and identity of a person as far as the outside world is concerned. At the same time if the government of the State becomes hostile to someone or an ideology, in that case the condition of the individual or the people believing in those ideas becomes very pathetic, as such people are left with no alternate but to give up to the whims of the state. Therefore,

Human Rights till the last quarter of the previous century were never talked of as there were other important things from the social and political points of views. Human Rights were not understood as a mark of struggle as these are done today but were more of struggle between different interests. Human Rights become a big concern for most of the effective States in only mid-1970s. Human Rights did not gain prominence because they were promised so around fifty years ago but since the other things were collapsing, hence they become important as a last ray of hope. The other ideas floated so far were fast losing their sheen and attraction as they had failed to perform and make the changes they had promised to bring in.

Nevertheless, this does not mean that the United Nations have not made any contribution in towards the progress of Human Rights. Undoubtedly, the advent of the United Nations Organization brought to the fore the importance of an individual and groups through the campaign and promotion of Human Rights. Human Rights have been variously defined by different scholars, academicians, political leaders, bureaucrats etc. Some of the important definitions are as mentioned below.

Tiber Macham defines Human Rights as universal and irrevocable elements in a scheme of justice. Accordingly, justice is the primary moral virtue within human society and all rights are fundamental to justice.¹³ Considering Human Rights as to be moral claims Feinberg defines these as moral rights held equally by all human beings, unconditionally and unalterably.¹⁴ D.D. Raphael has a very simplistic concept of Human Rights when he says that "Human Rights constitute those very rights which one has precisely because of being a human being."¹⁵ D.D. Basu an authority on the constitutions considers "Human Rights as those minimal rights which every individual must have against the State or other public authority by virtue of his being a member of the human family, irrespective of any other consideration."¹⁶ Apart from the definitions provided by scholars, the Universal Declaration of Human Rights, 1948, refers Human Rights as inalienable rights of all members of the human family. The above definitions bring forth the idea that these Human Rights are essential just because they are human beings deserve to be treated as Human Beings without any other consideration.

Twentieth century witnessed a lot of significance being attached to the idea of Human Rights. The rights were no longer seen as mere drawing room statement, "All men are born free and equal in dignity", on the conditions of living of people throughout the world but were tried to be put into practical shape through the mechanism of an organisation over and above the existing institutions of States. The end of the First World War and the gains of the industrial revolution, two centuries ago, marked the beginning of the era where people started demanding better social and economic living in addition to political rights like that of self-determination. The new democratic regimes in the various parts of the world in their

¹⁰ Oman Natalie, Hannah Arendt's 'Right to Have Rights': A Philosophical Context for Human Security, *Journal of Human Rights*, Volume 9 Issue 3, July 2010

¹¹ United Nations General Assembly, Palais de Chaillot, Paris, Resolution No. 217, December 10, 1948.

¹² L. Oppenheim, "International Law", Longmans, London, 1955, edn.8 vol.1 pp16-22.

¹³ Tiber Macham, *Prima Facie v Natural (Human) Rights* 1976, *Journal of Value Inquiry* No.2 119-131.

¹⁴ Joel Feinberg, "Social Philosophy", 1973, Prentice Hall, N.J p. 85

¹⁵ D.D Raphael, "Political Theory and Rights of Man" 1967, Mc. Millan, London, p.54

¹⁶ D.D Basu, "Human Rights in Constitutional Law", 1994, Prentice Hall, Delhi, p. 5.

new constitutions started recognising that these rights had now become essential to their peoples. The success of Bolshevik Revolution and the advent of labour unions and other trade unions gave more impetus to the movement.

Though the term "Human Rights" was never used in the covenant of League of Nations yet there were indirect reflections on the concept. The drafters of the covenant were pre-occupied with the maintenance of international peace and security, the pacific settlement of disputes, the establishments of a mandates system for former German and Ottoman territories and the protection of Minorities in central Europe. The issue of Human Rights was never addressed to at any of the platforms of the League. Although many of its members were aware of and recognized the rights of the people being done away with yet the League in its official capacity never took note of the systematic suppression of Human Liberty in communist Russia, Fascist Italy and Nazi Germany.¹⁷

As the League of Nations failed to maintain peace and there was an outbreak of another world war the issue of the Human Rights caught momentum at the international platform. The United Nations Declaration asserted that as the Allied Powers win the Second World War they shall put in all-out effort towards the protection of the life, liberty, independence and religious freedom in their own countries and other lands. This was reiterated by the Big Three (United States, Soviet Union and the Great Britain) later in the Conference held on March 3, 1943. The Philadelphia Declaration of the International Labour Organization in its 26th Session laid down "All human beings, irrespective of trade, creed, or sex, have the right to pursue both their material wellbeing and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity." As the Second World War appeared to be drawing to a close, world leaders started planning for banishing war and resorting sustainable peace. 1940s are a moment of break-through, Atlantic Charter started it between Winston Churchill and F.D. Roosevelt. The United Nations Charter envisaged promotion of Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion as one of the means for that end. It is here that the Human Rights gain significance but not the term itself which comes into shape later on. This from Atlantic Charter to 1948 may be considered as a line phase for the origin of Human Rights.

The thing becomes important and draft lists are drawn regarding the rights to later on become Bill of International Rights. The war was being fought against Nazism and not Holocaust that was something positive in approach. F.D. Roosevelt even declares that there was going to be a second bill of rights as well which would cover social and economic rights. Although rights were being defined as to be important still it were going to be the states only which were going to be the forum of rights. Hence, Leaders are pushed to have an international organization which will be looking into it i.e. United Nations. Even international lawyers are not quite clear that it was regarding the international law or international protection. The whole thing is revolved around the Atlantic Charter i.e.

Anglo American in spirit. It is not talking of Social Solidarity but regarding the idea of Self-determination. A collective principle introduced by Lenin and Wilson. There is a fast enthusiasm i.e. Empire shall be out. However, Churchill is not seeing it that way. He sees it to be the ousting of Hitler's Empire not his own i.e. British. Churchill convinces FDR this way.

Self-determination and Human Rights may be seen in as inversely proportionate relationship. Human Rights are being seen as a consolation prize but they are not able to get self-determination, primarily, because major powers do not see Human Rights to be a threat to the existence of empires. Till UDHR Self Determination is not an idea of Human rights. Looking at the world enthusiasm during those days in the countries outside the North Atlantic is that it was great regarding the Atlantic Charter but none regarding Human Rights. However, by the time of Dumbarton Oaks Conference when some drafts are leaked to the press it was clear that the United Nations was going to be an organization with teeth where it was going to be protected by the war time centers of power. Nevertheless, like self-determination Human Rights also do not find mention in the Dumbarton drafts. This becomes a great scandal. Human Rights return next year in San Francisco in the preamble of the UN Charter. There are also some articles on Human Rights in the UN Charter which according to Economic and Social Council are problematic, which lead to the creation of Human Rights Commission. After this the add ons on to the Human Rights keep on emerging which is nothing more than the ornamentalization and beautification of it, this was the great power settlement.

In 1940s Human Rights are still born. As the decolonization started taking place the United Nations General Assembly was the organ which got affected most because of swelling number of members. Now there was a rising number of States who had fought war on the side of the victorious countries in the name of self-determination but were realizing that the wave of Human Rights was trying to overpower and shadow it. On the other hand there were states that began to be associated with USSR and raise their voice on the issue of the idea of Self Determination along with that of the Human Rights. A deeper look into the issue reveals that the idea of Human Rights involves the idea of collective self-determination. There was a big number of academicians and international lawyers spread world over who after Dumbarton Oak Conference lost interest in the idea of Human Rights as they realized that it was simply an eye wash to undermine the spirit of self-determination.¹⁸

Later the Tehran Conference on Human Rights held from April 22-May 13, 1968 was an endeavour to review the progress made on the subject matter after a score of years having been passed since the adoption of the Universal Declaration of Human Rights in 1948. In the meanwhile the number of the members of the UNO had doubled and it had practically become a world organization. Moreover, apart from the members of the UN Security Council, the dominance of the European countries in the organization had declined as many new countries came into existence after gaining independence from the colonial yoke. The, major part of the debates now

¹⁷James Frederick Green, "The United Nations and Human Rights," Washington DC: The Brookings Institutions, 1956. p.9.

¹⁸ The leaked drafts of Dumbarton had discouraged the international lawyers to a great extent as they had come to know that those were not at all the concern of world leaders but if at all were being promoted it was just to put the idea of self-determination at the back burner

focused on the colonial and anti-colonial and anti-racist sentiments. The proceedings of the conference also witnessed a struggle between the two opposing poles of the Cold War which was at its peak. However, still the participants in the conference were of the unanimous opinion that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of Human Rights and fundamental freedoms.

The conference came out with the following proclamation:

- Members of the international community fulfil their solemn obligations to promote and encourage respect for Human Rights and fundamental freedoms for all without distinctions of any kind such as race, colour, sex, language, religion, political or other opinions.
- The Universal Declaration of Human Rights stated a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members
- of the human family and constitutes an obligation for the members of the international community.
- The primary aim of the United Nations in the sphere of Human Rights is the achievement by each individual of the maximum freedom and dignity. For the realization of this objective, the laws of every country should grant each individual, irrespective of race, language, religion or political belief, freedom of expression, of information, of conscience and of religion, as well as the right to participate in the political, economic, cultural and social life of his country.
- States should reaffirm their determination effectively to enforce the principles enshrined in the Charter of the United Nations and in other international instruments that concern Human Rights and fundamental freedoms.
- Human Rights and fundamental freedoms are indivisible, and therefore, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. The achievement of lasting progress in the implementation of Human Rights is dependent upon sound and effective national and international policies of economic and social development.¹⁹

Interestingly, as far as the issue of Human Rights is concerned it is very intrinsic to the state and its citizens. However, it is being regulated by international charters and conventions which always seem to be coming from a foreign establishment and being enforced on the state for its own people. This sets up a triangular relationship between international obligations, the state and its people. This though makes the human rights binding on the State Government but somehow widens the differences between the people and their own State i.e. the government. It is here where the Non-State Actors can act as a bridge between their people and governments so that the Human Rights are not only granted but also equally respected. Apart from the declaration on Human Rights in 1948, a number of other international initiatives followed towards the Human Rights actually seeing the light of the day throughout the world.

¹⁹ United Nations Human Rights: Office of the High Commissioner. ohchr.org/EN/pages

Nevertheless, it is the decade of 1970s which holds a very important position in the history of the development of Human Rights, the way we know these today. One of the most important reasons for this was decline of 'anti-colonialism' as a world historical force in United Nations which now was witnessing a movement towards the creation of New International Economic Order. More over an emergence of demand for rights around the world and in newly emerged states attracted the concerned people who started losing interest in the euphoria of decolonization.²⁰ Moreover, the rights now gained a new meaning different from the earlier one which based on the revolutionary nationalism. Rights till then had always been defined by the search for revolution and the nation state. An idea caught up in the West that they had failed to provide rights in the frame work of the nation states. Though states might have got self-determination still states may be blots on the planet of earth as long as the society did not come up to the level of individual self-determination rather than state self-determination.

Human Rights in this era become further significant because they seemed to be a plausible utopia, while the others were dying. During the early period of Cold War, Human Rights were simply of a marginal significance but by 1970s these were seen as the only viable solution to many problems. By the decade of 1960s the terms of the Cold War had become unconvincing and the ways to cooling off hostilities were being searched for ultimately leading to Détente. In the world where both communism and capitalism were in rivalry, Human Rights seemed to be the only hope out. The idea of Human Rights caught impetus with the Amnesty International winning its first Nobel Prize in 1977. However, till early 1970s the Amnesty had always been under the influence of western powers whereas now it had started growing and spreading its wings. In 1970s Human Rights become a grass root social movement. Another is that politicians also start affiliating themselves to it. Jimmy Carter suggests that there was requirement of peaceful solutions to the problems and Human Rights were the pillar of those.

Therefore, going by the above discussion it becomes clear that the Human Rights become much more important and gain currency in 1970s rather than 1940s when those were being conceived of. The acts of real politick did not allow Human Rights to grow during all these decades despite a very good lip service by its so called champions. The idea of Human Rights like any other requires a social movement for it to get going which it was able to muster in the decade of 1970s. Now the time was ripe when the Human Rights as a demand could be reclaimed from the movement of anti-colonialism. However, the nature of Human Rights was still limited to domestic laws and not a global concern. States were still the instrumental institutions which were to look into the grant and securing of Human Rights of its populations. The chain of events and tiring away of the Cold War also became an immediate reason for the Human Rights to come up during those periods. However, in the beginning of the Twenty First Century the things have turned to such an extent that when International law is talked of it is necessarily to be perceived through the lens of Human

²⁰ Thomas Martin & Andrew Thompson Empire and Globalisation: from 'High Imperialism' to Decolonisation, *The International History Review*, Volume 36, Issue 1, 2014, pp156.

Rights. Hence Human Rights today are no longer simply euphoria but have come to occupy a very significant position in the world affairs. Today it shall not at all be an exaggeration to think of Human Rights as does Professor Samuel Moyn when he says,

“At dawn of the century, International Law has been reconceived no longer as the law of nation states; it’s the law of human rights.”