QUESTIONS OF SOVEREIGNTY AND INTERNATIONAL INSTITUTIONAL EFFECTIVENESS ON A GLOBAL SCALE: THE UNITED NATIONS AND THE INTERNATIONAL COURTS

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HONORS THESIS

Submitted to Texas State University
in partial fulfillment
of the requirements for
graduation in the Honors College
May 2021

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ABSTRACT

The United Nations and the International Court of Justice have been called into question regarding their true effectiveness in alleviating human rights violations and denouncing obvious atrocities around the world. It is evident that such peace-keeping efforts by these bodies are impossible to achieve in a world guarded by sovereignty and different sets of laws and norms. It is imperative to address that peacekeeping missions, United Nations resolutions, and International Court of Justice/International Criminal Court cases are oftentimes flawed, overeager, and conflict with too many political actors and entities. It is important to note the complex intersection between ensuring human rights are granted to the worldwide community but also, respecting the boundaries of countries and their right to rule as they see fit. In no way is genocide, blatant disrespect of humanity, or any violation of human dignity, excused and condemned by countries worldwide. However, involving United Nations peacekeepers or the International Court of Justice is inappropriate and a direct violation of the principles of sovereignty and country borders. Additionally, dissimilar types of leadership and governance exist worldwide, so finding a solution to a country's problems while appropriately acknowledging their leadership is such a task that no worldwide body of delegates should be partaking in or attempting to accomplish. Alternatively, verbal discourse and international diplomacy is a better means by which to voice global concerns. This is in contrast to that of outlandish, infeasible United Nations resolutions, Security Council measures for the prevention and removal of threats to the peace..”[1] Clearly a broad

[1] "Chapter I: Purposes and Principles (Articles 1-2)." United Nations. Accessed April 16, 2021. https://www.un.org/en/about-us/un-charter/chapter-1.

statepeacekeeping deployments, and useless International Court of Justice cases which are a mockery of country sovereignty and invasive to other countries' policy and law.

INTRODUCTION

The United Nations Charter describes the United Nations purpose as, "to maintain international peace and security, and to that end: to take effective collectivement that at face value sounds like an excellent proposal as a means to achieving world peace, but upon further examination, is an utterly useless body that has failed in its peacekeeping attempts and is nothing more than a room full of supercilious diplomats with fancy placards. The United Nations was created after World War II in 1945 as a way in which to encourage the continuation of world peace and a solution by which to protect humanity on an international scale.[2] The United Nations charter goes on to stress the point of state sovereignty yet also awards unique powers to the Security Council that seem to conflict with this ideal. Sovereignty is defined as, "carr[ying] [the] implication of autonomy; to have sovereign power is to be beyond the power of others to interfere."[3] Each country or state has their own set of laws, rules, and norms that regularly are an asset to other countries, or are completely opposite than what they themselves practice within their own borders. The United Nations Security Council is made up of, "super-states [who] are leaders of military alliances and controllers of competing international production and

[2] Agbo Uchechukwu Johnson, Nsemba Edward Lenshie, and Ndukwe Onyinyechi Kelechi. 2021. "Erratic Behaviour of the United Nations and Global Governance in Africa: The State as a Smokescreen for World Security." *Brazilian Journal of African Studies* 5 (10). p13-14. doi:10.22456/2448-3923.102421

[3] "Sovereignty." Legal Information Institute. Accessed April 19, 2021. https://www.law.cornell.edu/wex/sovereignty.

trade systems" and includes France, China, United States, United Kingdom, and Russia[4]. These countries, powerhouses following World War II, have the ability to," determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security[5]." Additionally, the International Criminal Court, which punishes people, and the International Court of Justice that punishes countries, are both bodies that attempt to penalize those who commit crimes against humanity on a global scale. Hence, these bodies are yet again, a silkscreen for violations of sovereignty, especially due to the fact that the clarification of threat of use of force, and nonintervention ideals in the Rome Statute of the ICC did not apply to such powerful actors such as Russia, India, China and the United States[6]. Consequently, international law as a whole is a muddled field of law as it attempts to hold countries, and sometimes people, responsible for crimes that are on many occasions considered to be affairs capable of being resolved on the homefront. Likewise, a laundry list of security council involvement in other countries as well as failed attempts at international law

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[4] Agbo Uchechukwu Johnson, Nsemba Edward Lenshie, and Ndukwe Onyinyechi Kelechi. 2021. "Erratic Behaviour of the United Nations and Global Governance in Africa: The State as a Smokescreen for World Security." *Brazilian Journal of African Studies* 5 (10), p15. doi:10.22456/2448-3923.102421

[5] "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51)." United Nations. Accessed April 19, 2021. https://www.un.org/en/about-us/un-charter/chapter-7.

[6] Doyle, Michael W. 2015. *The Question of Intervention : John Stuart Mill and the Responsibility to Protect*. Castle Lectures in Ethics, Politics, and Economics. Yale University Press, 33-34. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=cat00022a&AN=txi.b5379489&site=eds-live&scope=site.

convictions have been part and parcel to such attempts at 'peacekeeping' missions[7]. Furthermore, the inability for the United Nations to garner any effectiveness in its mission exposes the reality that sovereignty remains a supreme concept to any international body or court system.

NONINTERVENTION

Nonintervention has been the norm for international relations and politics as in most cases. The affairs of a state are the affairs of their own. John Stuart Mill was a political theorist who believed strongly in, "international humanitarian protection...with concerns for self-determination and national security.[8]" However, it seems that Mill's democratic views would lead to an overarching applicability of democratic convictions such as equal protection of the laws to all persons which is significantly contested in countries where such ideologies are not the norm and significant prejudices and injustices exist. According to Mill, the most direct reason to uphold nonintervention was that it can be dangerous to national security. Furthermore, "Mill distinguished between law (commands of the sovereign) and positive morality (opinions widely held)," with international law as an example of positive morality[9]. International Law was built on the

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[7] Bittar, Jamal. 2011. *The United Nations Is Utterly Ineffective*. Greenhaven Press, 1-3. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=edsgov&AN=edsgcl.EJ3010666207&site=eds-live&scope=site.

[8] Doyle, Michael W. 2015. *The Question of Intervention : John Stuart Mill and the Responsibility to Protect*. Castle Lectures in Ethics, Politics, and Economics. Yale University Press, 19. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=cat00022a&AN=txi.b5379489&site=eds-live&scope=site.

[9] Doyle, Michael W. 2015. *The Question of Intervention : John Stuart Mill and the Responsibility to Protect*. Castle Lectures in Ethics, Politics, and Economics. Yale University Press, 21. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=cat00022a&AN=txi.b5379489&site=eds-live&scope=site.

sovereign equality of states and was developed slowly and rather painfully over time. It is critical to point out that international interventions from outside actors frequently begin in a positive manner, eventually, and unfortunately, transform into a quite messy situation due to a lack of knowledge surrounding the original state or states involved. Moreover, such interventions have repeatedly become excuses for "self-serving imperialist 'rescues'" and historically, armies and peacekeeping forces have stayed past their welcome especially in African and Middle Eastern countries where intervention has been more common over the years. Also, a paradox exists within the proposal of intervention for the purpose of freedom and democratic ideals in other countries as it generally leads to war, civil unrest, or further hatred toward the 'interveners'. Mill wholeheartedly agrees with the above paradox and reiterates such in his works as well. A significant political piece entitled *Perpetual Peace* by Immanuel Kant, discusses the importance of respecting nonintervention as it allows for the territorial and political independence characteristic of sovereign nations and the handling of their internal affairs[10]. Thus, it is crucial each nation is aware that, "human rights are understood to be 'universal, indivisible and interdependent and interrelated', but with hundreds, if not thousands, of differing cultures, ethnic groups, languages, religious and philosophical beliefs, minority groups, and general differences among many people in the world, this claim creates both practical and philosophical problems."[11] Mill further goes on to argue that the introduction of liberal government onto that of a foreign, less liberal society results in a treacherous

[10] Kant, Immanuel 1970. "Perpetual Peace," in *Kant's Political Writings*, ed.Hans Reiss,trans.H.B. Nisbet Cambridge University Press 93-170.
[11] Donnelly, Michael P. 2020. "Democracy and Sovereignty vs International Human Rights: Reconciling the Irreconcilable?" *International Journal of Human Rights* 24 (10): 1429-1430. doi:10.1080/13642987.2018.1454904.

situation where there would be few domestic supporters and a large number of domestic enemies.[12] As a result, the domestic people would come to hate the 'liberal' government and the entire 'peace' mission would become useless due to the realization that the new government is once again equivocally oppressive.[13] In conclusion, in the words of significant political theorists as that of Mill and Kant, intervention on an international scale even as a form of democracy promotion is nothing more than unwanted interference[14].

POWER DYNAMICS OF THE UNITED NATIONS

One-hundred ninety-three countries make up the United Nations which is an organization that, on paper, is committed to world peace and guaranteeing that its member states adhere to its charter. Unfortunately, the United Nations to many observers has become an incompetent and futile organization that is made up of diplomats who create extensive and fantastical resolutions to world problems. Therefore, these outlandish resolutions, because they are merely suggestions, are usually passed through the General Assembly without any further adherence. Understanding the politics of such conversations, and the hierarchy that exists within the United Nations, particularly with the countries in the Security Council: France, United Kingdom, Russia, United States, and China. The power the council has on a global scale is a paramount concern. Thus, African nations specifically exist at, "the bottom of the heap without any empirical

[12] Doyle, Michael W. 2015. *The Question of Intervention : John Stuart Mill and the Responsibility to Protect*. Castle Lectures in Ethics, Politics, and Economics. Yale University Press, 30. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=cat00022a&AN=txi.b5379489&site=eds-live&scope=site.

[13] Ibid.

[14] Kant, Immanuel 1970. "Perpetual Peace," in *Kant's Political Writings*, ed.Hans Reiss,trans.H.B. Nisbet Cambridge University Press, 93-170.

qualities of statehood necessary to sustain sovereignty internationally," with an apparent emphasis on globalization and international collectivity that aids one another in success[15]. These states are unofficially considered to be quasi-states which, "are recognized by other states within the international framework as sovereign and autonomous entities, but are unable to meet the demands of substantive statehood, which includes the capacity to exercise effective control within, and able to protect territorial boundaries against external attacks."[16] This applicability to sovereignty lies within the moral weight of world opinion and how the decisions recommended do affect the image of the countries involved in an issue and those recommending probable solutions as well.[17] Besides, according to Article 43, paragraph I of the UN Charter, "all members of the UN to contribute to the maintenance of international peace and security, undertake to make available to available to the Security Council, on its call and by a special agreement, armed forces, assistance, and facilities, including the rights of passage, necessary for maintaining international peace and security.[18]" This further undermines the sovereignty of quasi-states especially those who have a weak government, are prone to internal

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[15] Agbo Uchechukwu Johnson, Nsemba Edward Lenshie, and Ndukwe Onyinyechi Kelechi. 2021. "Erratic Behaviour of the United Nations and Global Governance in Africa: The State as a Smokescreen for World Security." *Brazilian Journal of African Studies* 5 (10), 16. doi:10.22456/2448-3923.102421

[16] Agbo Uchechukwu Johnson, Nsemba Edward Lenshie, and Ndukwe Onyinyechi Kelechi. 2021. "Erratic Behaviour of the United Nations and Global Governance in Africa: The State as a Smokescreen for World Security." *Brazilian Journal of African Studies* 5 (10), 19. doi:10.22456/2448-3923.102421

[17] Agbo Uchechukwu Johnson, Nsemba Edward Lenshie, and Ndukwe Onyinyechi Kelechi. 2021. "Erratic Behaviour of the United Nations and Global Governance in Africa: The State as a Smokescreen for World Security." *Brazilian Journal of African Studies* 5 (10), 22. doi:10.22456/2448-3923.102421

[18] "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51)." United Nations. Accessed April 22, 2021. https://www.un.org/en/about-us/un-charter/chapter-7.

conflict, and are resource wealthy and for this reason, economically advantageous to super states like those within the Security Council. Ergo, it is necessary to examine the failed attempts of the United Nations to ensure peace in other states, most of which being quasi-states. In the years between 1963 and 1968, Mau-Mau freedom rebels were considered and officially labeled an extremist group that were intended to be squelched on the British Kenyan territory but instead, supported British colonial settler troops rather than opposing the Mau-Mau group that massacred hundreds of people in Kenya[19]. Further, the United Nations unsuccesful endeavor to put armed peacekeepers on the ground in Rwanda between 1994 and 2000 to stop the assassination of the first democratically elected president Juvenal Habayarimana was an complete failure. This, in essence, culminated in the Rwandan genocide which brutally massacred the Tutsi people. Regrettably, and worthy of consideration, in the case of Cote d'Ivoire, an illegal joint military attack occurred with the French colonial army[20]. This "UN-led French army used force against a sovereign state and forcibly seized and imprisoned a member and his relatives" which is not only a violation of sovereignty but also a dangerous precedent that demonstrates the lack of respect for the internal affairs of a country or the actual needs of the country dealing with these issues[21]. The erratic behavior of the United Nations in

[19] Agbo Uchechukwu Johnson, Nsemba Edward Lenshie, and Ndukwe Onyinyechi Kelechi. 2021. "Erratic Behaviour of the United Nations and Global Governance in Africa: The State as a Smokescreen for World Security." *Brazilian Journal of African Studies* 5 (10), 22. doi:10.22456/2448-3923.102421

[20] Agbo Uchechukwu Johnson, Nsemba Edward Lenshie, and Ndukwe Onyinyechi Kelechi. 2021. "Erratic Behaviour of the United Nations and Global Governance in Africa: The State as a Smokescreen for World Security." *Brazilian Journal of African Studies* 5 (10), 24. doi:10.22456/2448-3923.102421

[21] Ibid

countries worldwide, specifically those considered quasi-states, is the precise reasoning behind the effectiveness of the United Nations.

LIBYA ARMS EMBARGO: A CASE STUDY

In 2011, the Security Council imposed an arms embargo or weaponry sanctions on Libya which has proven to be ineffective with the continuation of obvious civilian sufferings and abuses.[22] In addition, there have been indirect and direct supply of weapons from member states which is understandable as time and again, these, "bureaucrats engage [in] fraud, and are found running smuggling rackets or child prostitution rings, we still maintain that the U.N. embodies a lofty ideal."[23] When such obvious disregard for these embargos occurs, it is nearly impossible to ensure their success, disruption, and detection.[24] To make matters worse, smuggling of crude oil also exists in their areas and, "the smuggling networks from Zuwarah and Abu Kammash coastal towns in western Libya 'remains intact and their readiness to conduct illicit exports is undiminished.[25]" Hence, putting such embargoes in place on behalf of the

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[22] *States News Service*. 2021. "Libya Arms Embargo 'Totally Ineffective': Un Expert Panel." 1-2 https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=edsgbc&AN=edsgcl.655325390&site=eds-live&scope=site.

[23] Bittar, Jamal. 2011. *The United Nations Is Utterly Ineffective*. Greenhaven Press. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=edsgov&AN=edsgcl.EJ3010666207&site=eds-live&scope=site.

[24] *States News Service*. 2021. "Libya Arms Embargo 'Totally Ineffective': UN Expert Panel." 1-2 https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=edsgbc&AN=edsgcl.655325390&site=eds-live&scope=site.

[25] *States News Service*. 2021. "Libya Arms Embargo 'Totally Ineffective': Un Expert Panel." 1-2 https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=edsgbc&AN=edsgcl.655325390&site=eds-live&scope=site.

United Nations to a sovereign entity is first and foremost, a concept only capable of states described above as quasi-states or those weak enough to permit such decisions to be made on their behalf. A country such as that of the United States, a powerhouse on the world scale, a so-called super-state, is extremely hard to threaten with any type of armed force or peacekeeping interference. Nevertheless, it is indisputable that countries such as that of Kenya, an African state that does not dominate the world stage, is most directly affected by the threats of sovereignty brought forth by the United Nations and their resolutions, embargos, and Security Council peacekeeping missions. Not surprisingly, on a broader scale, ensuring the democratically-based human rights set out in the United Nations Charter upon an extremely diverse world is not only difficult but bound to be clouded by grievances, fraud, and inadequacy[26].

THE INTERNATIONAL COURT SYSTEM

International law is certainly a murky field of law with the massive responsibility of making equitable rules for almost 200 nations that have various cultures, norms, and political systems, a seemingly impossible feat. Two overarching law bodies exist today, one being that of the International Criminal Court, abbreviated as the ICC and the International Court of Justice, abbreviated as the ICJ which is the international court considered to be the judicial organ of the United Nations. The idea of 'global governance' has permeated society, predominantly after such horrors as World War I and World War II where atrocious war crimes were committed. As a result, the mission of the ICC is to, "hold perpetrators of the most egregious atrocities accountable for their crimes, provide

[26] Donnelly, Michael P. 2020. "Democracy and Sovereignty vs International Human Rights: Reconciling the Irreconcilable?" *International Journal of Human Rights* 24 (10): 1429-1430. doi:10.1080/13642987.2018.1454904.

justice to their victims, and deter future abuses.[27]" Undoubtedly it is in a fantasy land, or utopian world where such international bodies like the ICC are able to exist peacefully and work effectively. The ICC was created with the Rome Statute in July of 2002, but was considered illegitimate by President George W. Bush, and, in the words of former national security advisor, John Bolton, "was created as a free-wheeling global organization claiming jurisdiction over individuals without their consent"[28] Frighteningly, this international governing body claims a vast, "automatic jurisdiction" that permits the ICC to punish any person, in any country around the globe, for crimes of genocide, war crimes, crimes against humanity, and crimes of aggression even if a treaty or agreement has not been agreed upon or finalized.[29] In reality, this means that any individual, anywhere in the world can be tried in this court if its prosecution deems it necessary as long as the country is part of the Rome Statute. Appropriately, the United States signed the ASPA or American Service-Members Protection Act which protects our own military and those of our allies from the ICC prosecution.[30] The International Criminal Court and Rome Statute was therefore seen as a threat to our nation's law making abilities, military affairs overseas especially in Afghanistan following 9/11, and the conduct of those both on the ground and at home. It would seem that a body such as the ICC would be hotly contested by countries worldwide, but where global governance appears less of a threat, a body like that of the ICC is viewed similarly. Those who argue on behalf of the ICC bring up the complementary principle and the idea of this being a, "court of last

[27] Bolton, John. "The International Criminal Court: Ineffective, Unaccountable, Outright Dangerous." Speech, We Will Not Cooperate With The ICC, The Federalist Society, Washington DC. Vital Speeches International, 1.
[28] Ibid.
[29] Ibid.
[30] Ibid.

resort…[where] if nations have taken the appropriate steps to prosecute perpetrators of crimes, the ICC will take no further action."[31] The complementary principle basically states that countries are to handle their own issues and persons of concern first and foremost, and if with no success, the ICC will elevate the matter to an international scale. Consequently, a God-complex emerges where counsel (lawyers from around the world), barred by their own private International Criminal Court Bar Association, are held to making decisions applicable to vastly diverse countries around the world[32]. The International Court of Justice is a country-based judicial organ of the United Nations, rather than individual focused that, "was established by the Charter of the United Nations (UN) to maintain peace and security.[33] In article 34, section 1 of the Statute of the Court, it is made clear that only states are allowed to be presented to the court and not individual actors like those prosecuted in the ICC[34]. Unlike the International Criminal Court, the jurisdiction of the court applies to all United Nations member states, they must have the, "consent of the states….. [whereas], if states have not given their consent, the Court will not exercise its jurisdiction[35]. Therefore, the question of sovereignty and the concern of jurisdiction becomes less of a question, however, the ineffectiveness of the body as a whole due to usual decline of jurisdiction for the state or states involved is more relevant. A specific incidence of such is the United States and Nicaraguan conflict where, "In

[31] Ibid.
[32] "Legal Professionals and the ICC." Get Involved. Accessed April 22, 2021. https://www.icc-cpi.int/get-involved/Pages/legal-professionals.aspx.
[33] Mustafa Karakaya. 2013. "The Jurisdiction of the International Court of Justice: How Effective Is It?" *Law & Justice Review* 4 (2): 144. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=lgs&AN=118509766&site=eds-live&scope=site.
[34] Ibid, 145.
[35] Ibid, 146.

1981, 'Contras,' opponents of the Nicaraguan Government (Sandinista), started a guerilla insurgency movement…..operated from bases in neighbouring states, and funded and assisted by the United States. Moreover, several Nicaraguan harbours were mined by CIA personnel. Nicaragua asserted that the United States support for the Contras constituted an unlawful use of force against it, as well as unlawful intervention in its internal affairs[36]." Moreover, the United States utilized their right to decline court proceedings within the International Court of Justice and in fact, made an alteration to this clause completely, "exclud[ing] cases involving disputes with any Central American state" like that of Nicaragua[37]. During Ronald Reagan's presidency, the United States Ambassador to the UN, Jeanne Kirkpatrick described the International Court of Justice as a "semilegal, semi-juridical, semi-political body, which nations sometimes accept and sometimes don't.[38]" Hence, it seems that the international court systems like that of the International Criminal Court as well as the International Court of Justice are regarded by many countries including the United States as either worthless or have a blatant disregard for state sovereignty.

INTERNATIONAL LAW: IS IT POSSIBLE?

According to the United Nations, "International law [is] define[d] as the legal responsibilities of States in their conduct with each other, and their treatment of

[36] James Crawford, 'Jurisdiction and Applicable Law', Leiden Journal of International Law, 2012, 25(2), p. 472.
[37] Mustafa Karakaya. 2013. "The Jurisdiction of the International Court of Justice: How Effective Is It?" *Law & Justice Review* 4 (2): 150. https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=lgs&AN=118509766&site=eds-live&scope=site.
[38] Ibid.

individuals within State boundaries[39].” Based on the above definition, it could be easily inferred that any foreign policy would be regarded as a form of International Law. Nonetheless, the creation of a treaty versus the enforcement of an International Court case carries substantially more impact. It is evident to most that the International Courts are far from effective when compared to the internal court systems of respective countries. The phrase International Law is a huge umbrella term for all sorts of international policy and actions, and may include trade deals, migration, matters of war, pervasive governing bodies like the United Nations, and basically any legal circumstance that is beyond the scope of the internal affairs of a state. In theory it sounds relatively simple, each and every state would be most unproblematic if they just followed the UN charter exactly as written, encouraged world peace, avoided international turmoil, handled immigration with ease, and provided basic human rights and necessities to all of its people. Nevertheless, no such country exists, and even in the ‘first world’ countries, these issues are combatted on a daily basis. In a world composed of diverse thought and political regimes, the feasibility of international law and adherence to global influential documents and regulations, like those outlined in the UN charter, unequivocally dwindles as countries routinely do what is most beneficial for the success of the state before the success of the world as a whole. There are two different types of international law, stated as follows, “*us gentium* is not a statute or legal code, but more of an accepted body of laws that governs the relations between countries. *Jus inter gentes*, on the other hand, refers to the body of treaties and/or agreements that are mutually acceptable to both

[39] "Uphold International Law." United Nations. Accessed May 03, 2021. https://www.un.org/en/our-work/uphold-international-law.

countries[40].” Due to the fact that we are not engaged in a world war, and have considerably dearmed nuclear weapon holders, our *us gentium* suggests that this legal body is stronger than it was even 10 years ago. As an aid in understanding the positive impact of *us gentium* and this type of international law interwoven with international relations, the help of Harvard educated Stephen Pinker, a Candian psychologist, is advantageous, as he shows data and relevant theories for reasoning behind the improvement of the global society in the wake of the modern 21st century. In his Ted Talk entitled, *The Surprising Decline in Violence,* the fractal phenomenon is utilized as a methodology in which to explain the decrease in violence among people since the hunter-gatherer times[41]. According to recent data surrounding the remaining hunter-gatherers, this way of life was significantly more violent than our more modern, current times even with the threat of nuclear weaponry and other technological advancements at the forefront of our global stage[42]. Furthermore, Pinker goes on to state that since 1945, or the time of World War II, interstate riots, ethnic wars, and military coups have significantly declined[43]. This information is noteworthy because International Law was never considered until the aftermath of World War and the establishment of organizations like that of the United Nations. The ability to even have diplomatic entities as such is an achievement for world peace on its own. However, the overreach of

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[40] Team, By: Content. "International Law - Definition, Examples, Cases, Processes." Legal Dictionary. January 01, 2017. Accessed May 03, 2021. https://legaldictionary.net/international-law/.
[41] Pinker, Steven. "The Surprising Decline in Violence." TED. Accessed May 03, 2021. https://www.ted.com/talks/steven_pinker_the_surprising_decline_in_violence?language=en#t-475562.
[42] Ibid.
[43] Ibid.

sovereignty through country borders oftentimes threatens peace more than merely allowing countries the ability to iron out their own problems internally.

CONCLUSION

In sum, the disregard of sovereignty and the ineffectiveness of world bodies such as that of the United Nations, International Court of Justice, and International Criminal Court stems from the muddled field of international law that is not only extremely hard to enforce but also extraordinarily complicated to separate from what can be classified as everyday matters of foreign policy. Each country around the globe is significantly distinct from one another, whether it be their internal political framework, their legal system, the role of religion in their governance, and other principal factors that vary country by country. In a world filled with diversity on so many levels, applying a singular document like that of the Charter of the United Nations, or resolutions enacted by diplomatic bodies onto the states to which they apply, is extremely perplexing and thus, serves continually as a silkscreen to progress. However, as shown by Professor Pinker in his Ted Talk, the world has improved immensely from the beginning of human existence, most especially in regard to our relations on a global scale that focus on peace and humanitarian efforts. The United Nations itself rests all of its power in the hands of five countries: China, Russia, UK, France, and the United States, that following World War II, were the international powerhouses. Even so, power has shifted since the 1940's and other countries should arguably, also have a voice and permanent role on the security council as well. The United Nations has had countless failed peacekeeping missions and arms embargoes that have ultimately led to further, internal turmoil and have lended themselves to imperialist efforts. The concept of nonintervention is one that has been

embraced throughout history as an avenue in which to promote peace and avoid such atrocities like that of international war. With that being said, International Court systems such as that of the International Criminal Court and the International Court of Justice habitually threaten sovereignty and the inner workings of countries. In the ICC, jurisdiction is applied to anyone who is a part of the Rome Statute and consequently can prosecute any individual for a 'crime against humanity' which can encompass anything they deem fit for trial. On the other hand, the ICJ is based upon the consent of member states to go to trial which further causes states like the United States of America to decline the request, particularly if the repercussions could negatively affect them. Furthermore, the ramifications of overarching global institutions like that of the UN, ICJ, and ICC impede the sovereignty of countries worldwide and simultaneously, continue to operate with total inadequacy, miserably failing to achieve any sort of punishment or resolution for crimes against humanity and international conflicts.

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