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THE WEAPONISATION OF HUMAN RIGHTS: SELECTIVE ENFORCEMENT AND GLOBAL POLITICAL HEGEMONY

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Abstract

Human rights were conceived after 1945 as universal norms binding on every state alike. In practice, however, the invocation and enforcement of those norms follow the contours of geopolitical power more closely than the gravity of the violations they address. This paper examines how powerful states and the institutions they dominate deploy human rights as instruments of foreign policy, a phenomenon described here as the weaponisation of human rights. It identifies three channels of selective enforcement: armed intervention on humanitarian grounds, unilateral sanctions and conditionality, and the uneven functioning of multilateral bodies, namely the Security Council, the Human Rights Council and the International Criminal Court. It further argues that instrumentalisation is not a Western monopoly, since Russia and China also invoke rights language strategically. The paper then reviews India's position, considers the strongest counter-arguments, and recommends reforms aimed at restoring the credibility of human rights as a genuinely universal project.

Keywords: Human Rights, Selective Enforcement, Hegemony, Humanitarian Intervention, Unilateral Sanctions, International Criminal Court, Third World Approaches to International Law.

I. INTRODUCTION

The Universal Declaration of Human Rights, 1948, opens by recognising the inherent dignity and equal rights of all members of the human family, and the UN Charter commits the organisation to promoting respect for human rights "without distinction as to race, sex, language, or religion".¹ The Vienna Declaration of 1993 went further, declaring that human

¹Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III), preamble; Charter of the United Nations (1945), arts 1(3), 55, 56.

rights are universal, indivisible and interdependent, and that the international community must treat them “in a fair and equal manner”.² That promise of even-handedness is the standard against which the practice of states must be measured.

The practice falls short. The same violation may provoke bombing campaigns, sanctions and arrest warrants in one case and diplomatic silence, arms sales or procedural obstruction in another. This pattern has led scholars from the Global South to argue that human rights discourse, whatever its moral origins, often operates as an instrument through which dominant powers legitimise intervention and discipline adversaries.³ This paper uses “weaponisation” to mean the strategic deployment of human rights norms, institutions and rhetoric by powerful actors to advance geopolitical objectives, in circumstances where invocation correlates more strongly with strategic interest than with the severity of the violation. It is distinct from legitimate selectivity that arises from limits of capacity, jurisdiction or evidence.

The significance of the inquiry lies in the structure of the Charter order itself. That order rests on the sovereign equality of states and the prohibition on the use of force, yet it simultaneously proclaims that the dignity of the individual is a matter of international concern.⁴ The tension between these commitments has never been fully resolved, and it is in this space that powerful actors have found room to invoke human rights selectively. The paper therefore asks three questions. First, through which legal and institutional channels does selective enforcement operate? Second, is the phenomenon confined to a particular bloc of states, or is it a general feature of power in the international system? Third, what reforms would reduce selectivity without discarding the universal promise of human rights?

The paper adopts a doctrinal method supplemented by a critical perspective drawn from Third World Approaches to International Law (TWAIL).⁵ The scope is deliberately limited. The paper does not catalogue every instance of alleged double standards, nor does it assess the merits of any particular intervention or prosecution. Its concern is the structural pattern, and the examples are chosen to illustrate how that pattern operates across different instruments and different actors. Events are stated as they stood at the time of writing. Part II sets out the conceptual relationship between hegemony and the universality premise. Part III analyses the three channels of selective enforcement. Part IV shows that instrumentalisation extends beyond the West. Part V examines India’s position. Part VI considers counter-arguments, Part VII

²Vienna Declaration and Programme of Action (25 June 1993) UN Doc A/CONF.157/23, pt I, para 5.

³Upendra Baxi, *The Future of Human Rights* (OUP 2002).

⁴Charter of the United Nations (1945), arts 2(1), 2(4), 2(7), 55–56.

⁵B S Chimni, ‘Third World Approaches to International Law: A Manifesto’ (2006) 8 *International Community Law Review* 3.

offers recommendations, and Part VIII concludes.

II. HEGEMONY AND THE UNIVERSALITY PREMISE

In the Gramscian tradition adopted in international relations by Robert Cox, hegemony is not mere coercion. It is dominance sustained through consent, in which the ruling order presents its interests as universal and embeds them in norms and institutions.⁶ Applied to international law, this lens explains why powerful states can shape rules to their advantage while still claiming to act for the community. Nico Krisch has shown that unequal power has persistently shaped the content and application of international legal rules, whether through formal privileges such as the veto or through informal capacity to interpret and enforce.⁷

The critique has a historical dimension. Antony Anghie argues that international law's central doctrines, sovereignty in particular, were formed in the colonial encounter and were structured around a civilising mission that distinguished those who confer standards from those who must meet them.⁸ Makau Mutua identifies a modern echo in the human rights corpus, which casts the non-Western state as a "savage", the individual as a victim, and the West as saviour.⁹ Upendra Baxi similarly distinguishes between a rights discourse rooted in the claims of the suffering and a market-friendly paradigm that serves the interests of global capital and powerful states.¹⁰

Two further strands of scholarship bear on the argument. David Kennedy warns that the humanitarian vocabulary can conceal the politics of those who deploy it, so that questions of power, resources and consequences are displaced by the moral certainty of rescue.¹¹ Samuel Moyn locates the rise of human rights as a global political language in the 1970s, and treats its later association with the foreign policies of powerful states as a matter of historical contingency.¹² Taken together, these accounts suggest that the entanglement of rights and power is a historical development that can be examined, and that practices of enforcement can be reformed, without discarding the moral content of the norms.

⁶Robert W Cox, 'Gramsci, Hegemony and International Relations: An Essay in Method' (1983) 12 *Millennium: Journal of International Studies* 162.

⁷Nico Krisch, 'International Law in Times of Hegemony: Unequal Power and the Shaping of the International Legal Order' (2005) 16 *European Journal of International Law* 369.

⁸Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP 2005).

⁹Makau Mutua, 'Savages, Victims, and Saviors: The Metaphor of Human Rights' (2001) 42 *Harvard International Law Journal* 201.

¹⁰Baxi (n 3).

¹¹David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton University Press 2004).

¹²Samuel Moyn, *The Last Utopia: Human Rights in History* (Belknap Press 2010).

This paper does not adopt the stronger claim that human rights are merely Western impositions. Jack Donnelly's defence of their universality, grounded in overlapping moral consensus and in the actual participation of non-Western states in drafting and ratifying the core treaties, is a serious answer to that claim.¹³ The argument here is narrower and, it is submitted, more defensible: the problem lies less in the content of the norms than in the *enforcement* of them, which is conditioned by power.

III. CHANNELS OF SELECTIVE ENFORCEMENT

Selective enforcement does not operate through a single mechanism. It works through a layered set of instruments, ranging from the coercive, such as armed force and economic sanctions, to the institutional, such as agenda-setting and voting within multilateral bodies. Each instrument has a legitimate use, and each can be redirected to serve strategic ends when its deployment is controlled by a few. The analysis below therefore proceeds from the most coercive channel to the most formally neutral, and asks in each case whether the choice of target, the timing of action and the standard applied can be explained by the gravity of the violation or only by the political alignment of the states concerned.

1. Armed Intervention on Humanitarian Grounds

The use of force is the most consequential form of weaponisation. Gerry Simpson's study of "outlaw states" demonstrates how great powers have claimed the authority to classify states as rogue or illiberal and thereby to suspend the sovereign equality on which the Charter order rests.¹⁴ NATO's 1999 intervention in Kosovo, launched without Security Council authorisation, is the paradigm. An independent commission concluded that it was "illegal but legitimate", a formula that concedes the absence of legal basis while asserting moral warrant.¹⁵ Martti Koskenniemi cautioned that such a turn to ethics risks making the powerful the arbiters of what morality requires.¹⁶

The International Court of Justice has been unreceptive to this reasoning. In *Nicaragua v United States*, the Court held that the protection of human rights cannot justify armed action, since the use of force is not an appropriate method of monitoring or ensuring respect for

¹³Jack Donnelly, *Universal Human Rights in Theory and Practice* (3rd edn, Cornell University Press 2013).

¹⁴Gerry Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (CUP 2004).

¹⁵Independent International Commission on Kosovo, *The Kosovo Report* (OUP 2000) 4.

¹⁶Martti Koskenniemi, 'The Lady Doth Protest Too Much: Kosovo, and the Turn to Ethics in International Law' (2002) 65 *Modern Law Review* 159.

rights.¹⁷ The 2005 World Summit Outcome subsequently accepted the Responsibility to Protect, but confined collective action to the Security Council acting under Chapter VII in cases of genocide, war crimes, ethnic cleansing and crimes against humanity.¹⁸

The operation in Libya showed how even a Council-authorised mandate can be stretched. Resolution 1973 (2011) authorised “all necessary measures” to protect civilians,¹⁹ yet several states, including India, Brazil, China and Russia, later argued that the mandate had been used to pursue regime change. Brazil’s response was a proposal for “Responsibility while Protecting”, which sought monitoring and accountability for the manner in which protective mandates are executed.²⁰ The invasion of Iraq in 2003 illustrates the opposite danger: a humanitarian rationale that gained prominence only after the primary justification collapsed. The Chilcot Inquiry found that peaceful options had not been exhausted when the United Kingdom committed to military action.²¹

The Responsibility to Protect framework was meant to discipline intervention, but its own ambiguities create openings for selective application. The 2005 formulation leaves the question whether a situation crosses its threshold to the political judgment of the Security Council, and Alex Bellamy has noted that the principle’s operational force depends on the willingness of the permanent members to act.²² This produces an asymmetry. Where the permanent members share an interest in action, the norm is invoked with urgency; where they do not, the same facts are described as an internal matter. The Libyan campaign has since become the principal exhibit in this debate, with Alan Kuperman arguing that NATO’s operation went beyond civilian protection and altered the course of the civil war,²³ a view that others contest. The significance of the controversy for present purposes is its consequence: the willingness of several states to authorise protective mandates diminished thereafter, and civilians in later conflicts arguably bore the cost of the mistrust created by earlier overreach.

The selectivity is stark when set against inaction. The United Nations’ own inquiry into the 1994 Rwandan genocide acknowledged a collective failure of will in the face of mass killing

¹⁷*Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* (Merits) [1986] ICJ Rep 14, para 268.

¹⁸2005 World Summit Outcome, UNGA Res 60/1 (24 October 2005) paras 138–139.

¹⁹UNSC Res 1973 (17 March 2011) UN Doc S/RES/1973.

²⁰‘Responsibility while protecting: elements for the development and promotion of a concept’, Letter dated 9 November 2011 from Brazil to the Secretary-General, UN Doc A/66/551–S/2011/701.

²¹*The Report of the Iraq Inquiry* (HC 264, 2016).

²²Alex J Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Polity 2009).

²³Alan J Kuperman, ‘A Model Humanitarian Intervention? Reassessing NATO’s Libya Campaign’ (2013) 38 *International Security* 105.

when no strategic interest of the major powers was engaged.²⁴ Intervention thus appears to follow interest, and non-intervention follows its absence.

The conflict in Syria presents the mirror image of the Libyan experience. There, the same Council that had authorised protective action in 2011 proved unable to agree on meaningful measures, as the permanent members divided along the lines of their strategic alignments. The result was a prolonged humanitarian catastrophe in which each side invoked the vocabulary of human rights against the other while the machinery designed to protect civilians stood idle. The episode illustrates that selectivity operates in both directions: it produces action where interests converge and paralysis where they conflict, and in neither case is the outcome determined by the severity of the violations alone.

2. Unilateral Sanctions and Conditionality

The second channel is the use of unilateral coercive measures justified by reference to human rights. The Human Rights Council has itself recognised the adverse impact of such measures on the enjoyment of human rights and created a Special Rapporteur mandate to examine them.²⁵ Domestic statutes such as the Magnitsky legislation in the United States authorise asset freezes and visa bans against foreign individuals implicated in abuses, extending one state's judgment of rights violations into the jurisdiction of others.²⁶

The issue is not that such measures are unlawful per se, since targeted sanctions can be a proportionate response to grave abuses. The difficulty lies in the criteria of application. Where sanctions fall heavily on adversaries while comparable conduct by strategic partners attracts little response, the measure functions as an instrument of foreign policy rather than of rights protection. Ian Hurd's study of the sanctions regime against Libya shows how states used the language of international legitimacy to advance national strategic interests.²⁷ Sanctions regimes also carry a risk of shifting the burden onto the civilian population whose rights they purport to protect.

Conditionality in development assistance and trade preferences raises a comparable concern. Donors and trading partners frequently link aid, market access or financial support to the human

²⁴Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda, UN Doc S/1999/1257 (15 December 1999).

²⁵UNHRC Res 27/21 (26 September 2014) UN Doc A/HRC/RES/27/21.

²⁶Sergei Magnitsky Rule of Law Accountability Act of 2012, Pub L 112-208, title IV; Global Magnitsky Human Rights Accountability Act, Pub L 114-328, title XII, subtitle F.

²⁷Ian Hurd, 'The Strategic Use of Liberal Internationalism: Libya and the UN Sanctions, 1992–2003' (2005) 59 International Organization 495.

rights performance of recipient states. Such linkage can be a legitimate means of encouraging reform, but it becomes problematic when the conditions are applied unevenly, when they are enforced against dependent states and relaxed for those whose cooperation is valued on security or commercial grounds. In that event, the recipients of conditionality experience human rights as a language of discipline imposed from outside, and the legitimacy of the underlying norms suffers accordingly.

A related inconsistency appears in the law and practice of arms transfers. The Arms Trade Treaty requires states parties to refuse authorisation of transfers where they know the arms would be used in genocide, crimes against humanity or war crimes, and to assess the risk that exported arms could be used to commit or facilitate serious violations of international human rights law.²⁸ Yet reports on the conflict in Yemen noted that states supplying arms to parties to the conflict risked aiding and assisting violations,²⁹ and the political cost of such supply has often been modest compared with the cost of sanctions imposed on adversaries. The contrast illustrates the point made above: the same body of norms is invoked rigorously against some actors and loosely, if at all, against others.

3. *Multilateral Institutions*

- (a) **The Security Council.** The veto power structurally guarantees selectivity. A draft resolution condemning the Syrian government's violent repression of protesters in October 2011 was vetoed by Russia and China,³⁰ while the United States has repeatedly shielded its ally from Council action on Palestine. The General Assembly's 2022 decision to convene a debate whenever a veto is cast is a recognition of the problem rather than a cure for it.³¹
- (b) **The Human Rights Council.** The Secretary-General observed in 2005 that the Commission on Human Rights had lost credibility because states sought membership to shield themselves from scrutiny rather than to strengthen human rights.³² The Council that replaced it introduced Universal Periodic Review, under which every state

²⁸Arms Trade Treaty (adopted 2 April 2013, entered into force 24 December 2014) 3013 UNTS 269, arts 6–7.

²⁹Report of the Group of Eminent International and Regional Experts on Yemen, UN Doc A/HRC/39/43 (17 August 2018).

³⁰UNSC, Draft Resolution S/2011/612 (4 October 2011) (not adopted owing to the negative votes of two permanent members).

³¹UNGA Res 76/262 (26 April 2022), 'Standing mandate for a General Assembly debate when a veto is cast in the Security Council'.

³²Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All*, UN Doc A/59/2005 (21 March 2005) para 182.

is assessed, in order to counter selectivity.³³ Yet politicisation persists. In October 2022 the Council rejected, by 19 votes to 17 with 11 abstentions, a motion even to debate the High Commissioner's assessment of Xinjiang, which demonstrates that bloc politics and economic leverage continue to shape what the body will examine.³⁴

(c) The International Criminal Court. The Court's jurisdiction under the Rome Statute rests on territory, nationality, or Security Council referral under Article 13(b).³⁵ Since a number of permanent members are not parties, the Council referral route is available against non-allied states and unavailable against the powerful. The Court's early docket, concentrated on African situations, prompted critics to argue that international criminal justice reproduced the colonial hierarchy,³⁶ and the African Union's 2009 decision against cooperation with the Court's warrant for President al-Bashir expressed that grievance institutionally.³⁷ Powerful non-parties have meanwhile sought to insulate themselves: the American Service-Members' Protection Act, 2002, authorises measures to protect US personnel from the Court,³⁸ and US executive orders in 2020 and again in 2025 imposed sanctions on Court officials.³⁹ The reception of the Court's 2023 warrants concerning the situation in Ukraine and its 2024 warrants concerning the situation in Palestine, with some states embracing the former and resisting the latter, has been cited as evidence that support for the Court tracks political alignment.⁴⁰ The Court's defenders respond that the warrants rest on evidence and jurisdiction rather than politics, which is precisely why consistent state cooperation matters.

(d) Peer review. Universal Periodic Review was designed as the corrective to selectivity, and its universality is its principal strength. It nevertheless remains a peer process among states, and reviewing states may prefer tact to confrontation, particularly where they depend on the reviewed state for trade, security cooperation or votes in other

³³UNGA Res 60/251 (15 March 2006) paras 5(e), 12.

³⁴UNHRC, Draft decision A/HRC/51/L.1/Rev.1 (rejected 19 votes to 17, with 11 abstentions, 6 October 2022).

³⁵Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3, arts 12, 13(b).

³⁶Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (Pantheon 2009); Kamari Maxine Clarke, *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa* (CUP 2009).

³⁷African Union, Decision on the Meeting of African States Parties to the Rome Statute of the International Criminal Court, Assembly/AU/Dec.245(XIII) Rev.1 (July 2009).

³⁸American Service-Members' Protection Act 2002 (US), 22 USC §§ 7421–7432.

³⁹Executive Order 13928 (11 June 2020); Executive Order 14203 (6 February 2025).

⁴⁰ICC, 'Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova' (17 March 2023); ICC, 'Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant' (21 November 2024).

forums. The mechanism therefore reduces selectivity in coverage, since every state is examined, without eliminating it in substance, because the rigour of the examination still varies with political relationships. Strengthening the role of independent experts, treaty bodies and civil society submissions within the process would address this limitation.

IV. INSTRUMENTALISATION BEYOND THE WEST

A complete account must acknowledge that weaponisation is not confined to Western powers. In February 2022 Russia justified its invasion of Ukraine partly by alleging genocide in the Donbas. When Ukraine sought a ruling from the ICJ, the Court ordered Russia to suspend its military operations and observed that it was not in possession of evidence substantiating the allegation of genocide on which Russia relied.⁴¹ The episode shows the genocide label, the gravest term in human rights law, being deployed as a pretext for force.

China, for its part, advances a counter-narrative that prioritises development and non-interference over civil and political rights, and has built voting coalitions that shield it from scrutiny, as the Xinjiang vote shows. The Vienna Declaration does recognise a right to development, but also provides that its absence may not be invoked to justify abridging internationally recognised rights.⁴² The point is that hegemony is plural. What differs between actors is not the willingness to instrumentalise rights but the capacity to do so, and the historic concentration of that capacity in the Western bloc explains why the critique has focused on it. The reaction of the wider international community to the war in Ukraine adds a further dimension. The General Assembly's resolution of 2 March 2022 deploring the aggression was adopted by 141 votes to 5, with 35 abstentions, including India and China.⁴³ Many abstaining and non-aligned states, while not defending the invasion, declined to join Western sanctions regimes, and a recurring explanation was that the same states had been silent or inconsistent about comparable violations elsewhere. Whatever the merits of that position, it shows that the perception of double standards has practical consequences for the collective enforcement of norms. Selectivity does not merely wrong its victims; it erodes the coalition-building on which the response to genuine violations depends.

⁴¹*Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v Russian Federation)* (Provisional Measures) (Order of 16 March 2022).

⁴²Vienna Declaration (n 2) pt I, paras 5, 10.

⁴³UNGA Res ES-11/1 (2 March 2022) UN Doc A/RES/ES-11/1.

V. THE INDIAN POSITION

India occupies an instructive double position, as both critic of selective enforcement and a subject of external scrutiny. As a postcolonial state with a long tradition of non-alignment, it has been cautious about interventions framed in rights terms. It abstained on Resolution 1973, alongside Brazil, China, Germany and Russia.⁴⁴ It has also publicly rejected the recommendations of the US Commission on International Religious Freedom concerning India as biased and politically motivated.⁴⁵

India's constitutional text and jurisprudence supply the resources for a principled position. Article 51(c) of the Constitution directs the State to foster respect for international law and treaty obligations,⁴⁶ and the Supreme Court has held that municipal law should, wherever possible, be interpreted consistently with India's international obligations.⁴⁷ A state that takes these commitments seriously at home is better placed to criticise selectivity abroad, because its objection is to the unequal application of standards that it itself accepts, rather than to the standards.

Yet the claim of weaponisation cannot become a shield against legitimate scrutiny. The Indian Supreme Court, in *Vishaka v State of Rajasthan*, drew on international human rights norms in good faith to fill a legislative vacuum, accepting that such norms form part of the interpretive context of fundamental rights.⁴⁸ The same openness should inform India's engagement with international mechanisms. The National Human Rights Commission, created under the Protection of Human Rights Act, 1993, has had its accreditation status under the Paris Principles repeatedly deferred by the relevant UN-linked accreditation body,⁴⁹ a reminder that credibility is built through institutional independence, and not through rebuttal of external critics alone. India's most coherent posture is to demand universality in the application of norms while ensuring that its own compliance withstands objective review.

⁴⁴UNSC Verbatim Record, UN Doc S/PV.6498 (17 March 2011).

⁴⁵US Commission on International Religious Freedom, *Annual Report 2024* (May 2024).

⁴⁶Constitution of India 1950, art 51(c).

⁴⁷*Gramophone Company of India Ltd v Birendra Bahadur Pandey* (1984) 2 SCC 534.

⁴⁸*Vishaka v State of Rajasthan* (1997) 6 SCC 241.

⁴⁹Principles relating to the Status of National Institutions (Paris Principles), UNGA Res 48/134 (20 December 1993); Global Alliance of National Human Rights Institutions, Sub-Committee on Accreditation, Reports (2023 and 2024); Protection of Human Rights Act 1993 (India).

VI. COUNTER-ARGUMENTS

Three objections deserve consideration, followed by a caution. First, some argue that selectivity is inevitable because resources and jurisdiction are limited, and that an imperfect enforcement of a norm is better than none. Eric Posner's sceptical account of human rights law reflects, in part, a related view that the practical effect of treaty commitments is limited and that power politics will always dominate.⁵⁰ The reply is that tolerable selectivity differs from strategic selectivity: the former is explained by capacity and jurisdiction, the latter by interest. Only the latter delegitimises the norm.

Second, it may be argued that human rights are *erga omnes* obligations, in whose protection all states have a legal interest.⁵¹ The principle is sound, and it implies that no state needs hegemonic permission to act. The cases brought by The Gambia against Myanmar and by South Africa against Israel before the ICJ show that smaller states can invoke collective legal interests through judicial rather than coercive means.⁵² These proceedings are better understood as the remedy for selective enforcement than as examples of it.

Third, critics of the weaponisation thesis note that authoritarian governments readily invoke it to deflect scrutiny of genuine abuses. This is correct, and it is why the thesis must be confined to the critique of enforcement and must not be extended to the norms themselves.

A fourth point must be made in fairness to the argument's critics. The observation that rights are enforced selectively is sometimes advanced as a reason for excusing the conduct of the state under scrutiny, a line of reasoning that resembles the *tu quoque* fallacy. It is no answer to an allegation of torture or arbitrary detention that other states have committed similar acts and escaped censure. Selectivity is a defect in the enforcer, and it does not diminish the obligations of the violator. A defensible critique of weaponisation therefore demands more consistent scrutiny of everyone, and not less scrutiny of anyone.

VII. RECOMMENDATIONS

First, restraint in the use of the veto in cases of mass atrocity should be institutionalised. The ACT Group's Code of Conduct, which invites Council members to refrain from voting against

⁵⁰Eric A Posner, *The Twilight of Human Rights Law* (OUP 2014).

⁵¹*Barcelona Traction, Light and Power Company, Limited (Belgium v Spain)* (Second Phase) [1970] ICJ Rep 3, paras 33–34.

⁵²*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v Myanmar)* (Provisional Measures) [2020] ICJ Rep 3; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel)* (Provisional Measures) (Order of 26 January 2024).

credible draft resolutions on atrocity crimes, offers a workable template and should be endorsed by more states, including the permanent members.⁵³

Second, humanitarian intervention should be governed by criteria that bind interveners. The International Commission on Intervention and State Sovereignty proposed just cause, right intention, last resort, proportional means and reasonable prospects,⁵⁴ and Brazil's "Responsibility while Protecting" concept would add monitoring and accountability to the execution of mandates.⁵⁵

Third, universal and non-selective mechanisms such as the Universal Periodic Review and treaty-body monitoring should be strengthened and funded, while unilateral sanctions justified on human rights grounds should be subject to transparent criteria and humanitarian exemptions. Fourth, states should cooperate consistently with the International Criminal Court regardless of the political alignment of the accused, and the use of sanctions against the Court's officials should be discontinued.

Fifth, domestic institutions, including national human rights bodies, should be strengthened to the standard of the Paris Principles, because states with credible internal accountability are best placed to resist external instrumentalisation.

Sixth, regional and domestic accountability mechanisms should be reinforced as complements to global bodies. Regional systems such as the African Charter on Human and Peoples' Rights and its Court allow rights to be adjudicated by institutions closer to the communities concerned and less exposed to the rivalries of the permanent members.⁵⁶ Investment in such mechanisms, together with support for independent civil society documentation, would diffuse the capacity to enforce norms and thereby weaken the link between enforcement and hegemonic power.

VIII. CONCLUSION

The argument of this paper is that the contemporary human rights order suffers less from flawed norms than from unequal enforcement. Intervention, sanctions and institutional action have too often followed strategic interest, and this has eroded the moral authority on which the entire project depends. Weaponisation is a feature of power and not of any single bloc, but the

⁵³Accountability, Coherence and Transparency Group, *Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes*, UN Doc A/70/621–S/2015/978 (14 December 2015).

⁵⁴International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (International Development Research Centre 2001) xii.

⁵⁵Brazil (n 20).

⁵⁶African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217.

concentration of enforcement capacity has meant that its costs fall disproportionately on weaker states. The answer is neither to abandon human rights nor to treat every rights-based criticism as hegemonic pretext. It is to ensure that enforcement is governed by consistent, transparent and multilaterally accountable standards, so that the universality proclaimed in 1948 becomes a description of practice and not merely an aspiration.

Three lessons follow. First, the credibility of human rights depends on consistency, and no single act of intervention or condemnation, however well-intentioned, can substitute for a pattern of even-handed practice. Second, the remedy for selectivity lies in more law and more multilateral accountability and not in less: the cases before the ICJ, the reform proposals directed at the veto, and the strengthening of regional courts all move enforcement away from the discretion of the powerful. Third, states of the Global South, India among them, carry a dual responsibility, which is to insist on universality in the conduct of others and to submit their own conduct to the scrutiny they demand. If that responsibility is accepted, the critique of weaponisation can become a constructive force within the human rights project instead of an argument against it.

