

Review Article

THE ROLE OF THE UNITED NATIONS AS A DEFENDER OF HUMAN RIGHTS: A VIEW FROM ALBANIA

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Summary: 1. Introduction. – 2. Human Rights and the United Nations. – 3. Human Rights – The Foundations of the United Nations Organisation. – 4. Albania's Partnership with the United Nations and the European Union in Defence of Human Rights and Peace. – 5. Conclusions.

Keywords: *United Nations, human rights, security, peace, war*

ABSTRACT

Background: *Every millennium, decade, and century, as well as every passing day, humanity wakes up with a dream of a 'new world', a world without wars and bloodshed. Despite this thousand-year-old dream, wars and their devastating consequences hang menacingly over humanity's head like the sword of Damocles. For this reason, wars have been and will remain a key focus of researchers and philosophers. By studying the numerous causes and consequences*

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of war, the necessary measures to guarantee security and peace worldwide can be determined. Although human society strides towards prosperity, the likelihood of war has not diminished but continues to threaten, with unparalleled ferocity, the existence of human life, peace, and security. The numerous agreements and treaties, both bilateral and multilateral, between different states have only temporarily avoided the outbreak of conflicts and wars. Therefore, the concepts of peace, defence, and the prevention of war remain at the centre of research today. Research works in these fields are geared towards a universal idea: 'the protection of basic human rights'.

Methods: This paper's research methodology involves analysing data on the role of the UN as a defender of freedom and human rights. To achieve this, an extensive literature review was conducted. The review covers literature sources in both Albanian and foreign languages, written by well-known authors and provides a large amount of information and thoughts on the topic under consideration. The authors of some of the used works include Thomas Hobbes, Jean Jacques Rousseau, Immanuel Kant, John Locke, Brian Tamanaha, Alexis Tocqueville, and Servet Pëllumbi. The research was conducted step-by-step and argument-by-argument using the logic of reasoning and the analysis of ideas. The relevant research works relate to the UN's role as a provider and guarantor of human rights and freedom.

Results and conclusions: In the opinion of the UN, the concept of democracy is closely related to the concept of protecting peace, freedom, and human rights. This is also the reason why the UN cannot remain indifferent in the face of cases of violation of freedoms and human rights under the pretext of respecting 'state sovereignty'. The UN is today's most important and powerful organisation for protecting human freedoms and rights, world peace, and international security. Based on the above discussion, a democratic society is nothing but the result of new relations between the power and freedom of an individual. 'Human rights and freedoms' do not constitute a mere bureaucratic formula but a request of the people for the development of the society in which they live. They resemble a 'spiral' that has only ascended since various theorists first presented their ideas on 'human rights'. Infringement on human rights would simultaneously mark the infringement and the end of democracy itself.

1 INTRODUCTION

Following the First World War, many countries saw the need to dismantle their colonial systems. The Versailles Conference, also known as 'The Conference of Many World Affairs'¹ held in 1919 in Paris, supported the basic idea of US President Woodrow Wilson regarding the right of people to national self-determination. The purposes of the peace conference urged several controversies that led to the outbreak of the Second World War, like adding fuel to the fire. However, one of the most significant decisions made by England and the United States at this conference was the creation of the League of Nations and the adoption of its Charter to avoid another devastating world war. Thus, the initial goal of this organisation was to unite peace-loving countries and promote international peace and understanding. Its main goals, however, were to maintain peace and international security and develop international cooperation. The fact that the League of Nations took no action to maintain peace in the cases of Japanese aggression against China in 1932, Italian aggression against Abyssinia in 1935, and Italian aggression against Albania in 1939 demonstrated that it was plagued by contradictions and problems among the world's great powers, despite all of its goals and programs for peace and security. One of the factors that accelerated the outbreak

1 Ferit F Baça, *Institutions and International Organizations* (Edlora 2012) 58.

of the Second World War was the solidification of feelings of nationalism and militarism in the lives and societies of some of the most developed countries during the 1920s and 1930s, particularly in Germany, Italy, and Japan.

The end of the Second World War was tragic because approximately 62 million people died during its course, accounting for nearly 2.5% of the world's population. People were dissatisfied with the wars and did not see the end of the Second World War as an event that would eventually bury the militant aspirations of militaristic circles in every corner of the globe. As a result of this ongoing concern, the war-winning allies began to plan another international organisation to prevent future wars from breaking out. Established in 1945, the UN was and is the world's largest and most powerful international organisation.² The primary goal of its establishment is to preserve international peace and human rights.

The purpose of this paper is to analyse the role of the UN in human rights protection and its importance in conflict management and resolution. The paper aims to deepen the knowledge of freedom and justice, without which people's aspirations for a democratic society and state cannot be realised.

2 HUMAN RIGHTS AND THE UNITED NATIONS

The UN organisation was founded on the free political will of sovereign nations, with universal goals of common interest compiled by the experience of human society in international relations, particularly the bitter experiences of regional and world wars and conflicts. As stated in the Charter, its goals and objectives began to be implemented as a guardian of global peace and security. However, during the Cold War, the UN's human dimension primarily included freedom of life, work, gender equality, race, protection of children's rights, the fight against poverty, the abolition of humanitarian catastrophes and diseases, the abolition of hunger in poor countries, shelter, the prevention and punishment of wars, crimes against humanity, genocide, racism, ethnic and religious intolerance, and so on.

The human dimension of the UN has grown enormously since the fall of the Iron Curtain and the end of the Cold War. As a result, the UN has gained a much broader and more significant role in promoting democracy worldwide. Currently, the UN considers the concept of democracy to be inextricably linked to the preservation of peace and security, as well as economic, social, and humanitarian developments. When it comes to preserving human rights in accordance with the mission and principles of the UN Charter, the UN cannot be barred from intervening under the name of 'state sovereignty protection'.

According to Art. 2 (two) of the Charter, the Security Council, in accordance with the principles of Chapter VII, authorises its structures to intervene without limitation in cases of aggressive actions that violate or limit the internationally recognised rights of people and sovereign countries. Thus, when it comes to phenomena or actions that endanger international peace, two dimensions of the law serve as guides:

- The human dimension is for the protection of human, racial, and gender freedoms
- The right of people to self-determination

However, it has been observed that totalitarian regimes, governmental groups that control the work and the assets of their countries and people, and trafficking and terrorist structures are hidden and attempt to act beyond national sovereignty, citing the principle of non-intervention in internal affairs, based on the argument of national right and the principle

2 *ibid* 95.

that internal affairs are not subject to international law. ‘The idea that the human being has natural rights that no human or nation can adopt and that he cannot eliminate was compiled centuries ago by modern naturalism’s jurisprudence, whose father is John Locke.’³ According to Locke, the true state of man is not the civil state but the natural state, that is, the state of nature in which people are free and equal, whereas the civil state is an artificial creation with no purpose other than to allow for the greater development of freedom and natural equality.⁴

It is still significant that humanity has made progress on the path to good. Nonetheless, it is necessary to recall the evolution of the French Revolution, which was nothing more than a moral attitude of humanity, as Kant would constantly emphasise. The source of Kant’s enthusiasm, or, as he puts it, the symbol of humanity’s moral attitude, was the emergence on the historical stage of the ‘right that a nation has not to be hindered by other forces for issuing a civil constitution which was called good.’⁵ Kant defined a civil constitution as ‘a constitution by natural human rights, such that those who obey the law must also establish the laws.’⁶

3 HUMAN RIGHTS – THE FOUNDATIONS OF THE UNITED NATIONS ORGANISATION

Philosophical ideas are built on the foundations of previous philosophers’ views. Thus, in Rousseau’s ideas, we find shared perspectives and critical attitudes toward Hobbes and other previous philosophers. Various philosophers have proposed protection and survival structures related to nature and human protection techniques in response to the Hobbesian hypothesis that man is a wolf to man. These structures include various systems and rules aimed at limiting his aggressive nature, as well as other structures endorsing cooperative activities and actions and human solidarity as new human values.

The Hobbesian concept expressed in the term ‘natural state of man’ is especially notable at a time when it is found in Rousseau’s work as ‘natural right’. But, according to Hobbes, what is a natural right? Neither less nor more, he believes that: ‘the natural right of every man is the freedom to use it as he wishes, to preserve his nature, and to do everything based on his judgment and reason, considering it the most appropriate instrument for this purpose.’⁷ This definition is also the key to better understanding the concept of natural right, which states that ‘man is free to act according to his will’⁸ According to this description, the ‘free man’ of modern society will constantly be at the forefront of the war with the country with which he has also signed his social contract for the situation and conditions in which he and his family will build their lives. This code will now serve not only as a thermometer for measuring a society’s democracy but also as an indicator of the ups and downs or even of a democratic society’s ‘turning back’. According to this idea, if the state severely restricts human rights and freedoms, we are dealing with a monarchist or dictatorial state. Thus, fear will appear among the people in such states, and it serves to suppress the brave and those with personal ambitions in a despotic state.⁹

3 John Locke, *Second Treatise of Government* (IPLS & Dita2000 2005) 81.

4 *ibid* 61.

5 Immanuel Kant, *Towards Everlasting Peace* (Dritan 2004) 54.

6 *ibid* 54.

7 Thomas Hobbes, *Leviathan* (IPLS & Dita2000 2000) 48.

8 *ibid* 55.

9 Ferit Baça, ‘The Importance of Balance of Power in a Free and Democratic Society’ in N Callaos and others (eds), *IMCIC 2022: Proceedings of the 13th International Multi-Conference on Complexity, Informatics and Cybernetics, 8-11 March 2022, Virtual Conference* (International Institute of Informatics and Cybernetics 2022) vol 1, 81-5 <<https://doi.org/10.54808/IMCIC2022.01.81>> accessed 8 January 2023.

As Rousseau stated, 'Giving up freedom means giving up your humanity, your rights, and even your responsibilities; there is no compensation.'¹⁰ Rousseau inextricably linked his concepts of freedom and democracy with the establishment of a state governed by the rule of law, which is, above all, the result of the general will, where the general will is the will of the sovereign, the people. For him, the only legitimate essence of the obligation remains the agreement of all members of society, or, in other words, the free engagement of those who choose to respond voluntarily to the joint obligation. He was known as the spokesman for democracy and the rule of law. Rousseau supported direct legislative voting. And if the laws are the result of a general sovereign will, then every individual is the true author of these laws, and as a result, we can say that every man obeys himself. However, an ideal democracy will never exist.

In a country with widespread democracy, the individual acquires several privileges guaranteed by the democratic regime, such as the right to free speech, the right to vote, the determination of age to benefit from this right, the right to gender (in some countries, this right was granted only to men and later extended to women), the right to work, the right to eight hours of work, ordinary leave, and the right to raise salaries and other annual perks.¹¹

Based on the preceding evidence, we can conclude that the relativity of freedom is highly dependent on the historical development of society. This level provides a solid foundation from which they emerge not only in theory as concepts but also in practice, in everyday life, as applications of human rights and freedoms. 'The set of human rights and liberties is the foundation of a society and the essence of democracy in a developed society'.¹²

Natural rights shaped the conditions for the emergence of natural laws. Hobbes was a philosopher who studied natural laws and their transformation by natural rights. Natural law, he underlined,

'is a norm, a general rule based on reason, according to which man is forbidden to do that which destroys his life, deprives him of the means of preserving it, and neglects the one that serves to preserve life as well as possible'.¹³

As a result, Hobbes informs us that the need to find and establish rules is based on logic. When it comes to the distinction between them, he points out that natural rights have at their core the freedom to perform or not perform a deed, whereas the law states and marks as mandatory one of both. It is recognised that everyone has the right by nature to act according to their desire and will, but at the same time, a human being seeks to live in peace with others, which constitutes the basic law of nature for the pursuit of peace. As a result, human life can be summarised as life in search of peace and its preservation in all of its forms, beginning with the principle that peace is a common human good.

Just as it is difficult to determine the boundaries between the beginning and end of a colour spectrum when observing the spectrum of light, there are differences between Rousseau's and Hobbes' views, in addition to commonalities. According to Rousseau, 'natural human rights provide him with the necessary vital privileges as well as the opportunity to choose his sovereign that his free life provides'.¹⁴ One's freedom ends where the other's freedom is violated by being free in the actions he performs. Through this freedom, man expresses thoughts, judgments, votes, and the establishment of laws, but justice and usefulness are inextricably linked. Rousseau introduces us to the first agreements that, according to him, are born in the nucleus of society, which is the family, the earliest of all societies, and which

10 Jean-Jacques Rousseau, *Social Contract* (4th ed, Luarasi UP 2008) 92.

11 Alexis de Tocqueville, *Democracy in America* (Fondacioni Sopros & Kristalina 2002) 9.

12 Servet Pëllumbi, *The Globalistics: A Philosophical Reflection for an Era* (Dudaj 2009) 167.

13 Hobbes (n 8) 56.

14 Jean-Jacques Rousseau, *Origins of Inequality Between People* (Almera 2008) 105.

has been aptly described as a natural society. The first rule of the family is to look after each member until he can look after himself. For a man to become a master of himself, he must be aware of his actions, responsibilities, and rights and be able to distinguish between good and evil.

When it comes to human rights and natural laws, one of the most important is the rule of law. ‘The text of this regulation states that if a human rights contract is written, it must be applicable and inclusive. When we think of justice, we think of it as a constant desire to give everyone what is rightfully theirs. By always following the norms, we confirm that we have done right and with reason.’¹⁵ As a result, justice does not rise against reason but rather acts by it. Natural laws always take precedence over human conscience and desire. That is why they force us to limit our desires because not all of them can be fulfilled. Natural laws are eternal and unchangeable. In contrast to this phenomenon, phenomena of human origin, which include man’s qualities and virtues such as arrogance, ingratitude, injustice, pride, and favouring the privileged, can neither be lawful nor permanent. Above all, the concept of human rights, which is the essence of a society’s democracy, is revealed in Rousseau’s philosophical concepts.

In addition to Hobbes’ and Rousseau’s ideas on human rights, the ideas of many other philosophers of the time began to emerge, which were widely reflected not only in their books with philosophical content and subjects but also in many national and international organisations. These ideas influenced the creation of the Universal Declaration of Human Rights, which was approved by the United Nations General Assembly on 10 December 1948, as well as the constitutions of the most developed countries in Europe and the United States. The entire human universe would already recognise human rights and liberties as values. In his book entitled ‘Towards Everlasting Peace’, written in 1795, Kant expressed the importance of the creation of a federal organisation of European republican states that should be based on two fundamental principles:

- In every state, the civil constitution must be republican
- International law should be based upon the federalisation of free states

That said, he later expressed doubts and reservations when he underlined, ‘The creation of a powerful European federation, even if theoretically it was able to end the wars between its members, was practically impossible.’¹⁶ Kant’s ideas on freedom and human rights, notably as expressed in his essay ‘Towards Everlasting Peace’, are worth considering. He was a passionate defender of human rights. According to Kant, human rights and the concept of everlasting peace are interdependent and reciprocal. Kant’s definition also serves as a dividing line between a democratic and a totalitarian society.

According to a historical analysis of the evolution of freedoms and human rights, the achievement of a progressive goal marks a turning point in development while failing to achieve its results in regression. They are currently acting as a barrier to the development of democracy, not just as a concept but also as a real asset in human society. When compared to someone born half a century ago, people today have several advantages. Children, minors, the disabled, the blind, miners, sailors, and other social groups have different statuses. Women, who make up half of the world’s population, have even more rights codified in national and international laws and conventions.

15 Brian Z Tamanaha, *On the Rule of Law: History, Politics, Theory* (CUP 2004) 27.

16 Kant (n 7) 54.

4 ALBANIA'S PARTNERSHIP WITH THE UNITED NATIONS AND THE EUROPEAN UNION IN DEFENCE OF HUMAN RIGHTS AND PEACE

Every nation has faced crises in its history that have endangered its existence, including Albania. For example, the Albanian people have experienced deep socio-economic crises. A very severe one was that of 1997. The changes to the political system in 1990 brought about the establishment of political pluralism but also misunderstandings about freedom and the quick enrichment of individuals within a short time in a dishonest manner.

The displaced population, without income and means of production, benefited from a favourable law (Law No. 7501), which appropriated lands to the old owners. The ensuing circumstance led to incessant conflicts between the old and new owners. The savings and income of a large portion of the population were stolen by pyramid schemes, which were created by people with the desire and propensity for quick and dishonest enrichment. A severe socio-economic crisis quickly erupted due to the theft of the majority of the population's wealth. People who had been robbed in large numbers spontaneously took to the streets to protest against the government for having taken advantage of and supported the great national fraud.

This social-economic crisis in Albania marked the country's most serious and deepest crisis, which turned into complete anarchy. On the one hand, the so-called 'democratic' government was unable to govern, and on the other hand, the people could no longer tolerate the government. Production, economics, and social and cultural life were interrupted. The country resembled a sick man in his last days. In these difficult moments, the UN, in cooperation with the EU, carried out a rescue intervention. They organised decisive operations by sending armed forces to secure the country and supply the population with the most necessary food items.

Albania's serious social-economic crisis was accompanied by a tense Balkan situation and the role of eastern and Russian-oriented regions. Slobodan Milosevic launched an obvious genocide and cleansing campaign against non-Slavic populations in the legacy countries of the former Yugoslavia. These actions led to wars between nations. The EU did not remain indifferent to these tragic developments in the Balkans, which were considered a 'powder keg' but offered the so-called 'Association Stabilization Process'. This process brought the Balkan countries closer to the EU than they had ever been.

Following the fall of the Berlin Wall and the end of the Cold War, the UN gained a much broader and more important human dimension in the promotion of democracy around the world. As a result, democracy was closely linked to the preservation of peace and security, as well as socio-economic and humanitarian developments. From a principled and legal point of view, the UN cannot be limited and hampered by the concept of 'state sovereignty' when it comes to the protection of rights that ensure the fulfilment of the principles of the UN Charter.

The inclusion of Albania in the Partnership for Peace initiative marked a watershed moment in the country's democratic transformation. Albania is a country with high security and productivity and is a protector of peace in the world. An important field of study in this regard is understanding international laws and conventions that are relevant to peacekeeping forces, as well as collaboration with various governmental and non-governmental organisations. Several peacekeeping exercises have taken place in Albanian territory. The largest was the multinational exercise 'Eagle of Peace', which took place in Biza in July 1996.

Albania participates in all peacekeeping operations under the Partnership for Peace. Since 1997, an Albanian armed forces unit has been attached to the ALTHEA peacekeeping force

(SFOR) in Bosnia and Herzegovina in support of German peacekeeping troops. Another sub-department contributed to peacekeeping operations in Afghanistan alongside Turkish forces. When an internationally recognised country's independence is violated, the UN Charter grants the UN the authority to intervene to protect it. It sets things in motion and engages a specific military force in order to quickly resolve the conflict through peacekeeping operations. The Security Council has authority and control over the peacekeeping mission. Peacekeeping operations rely on the willingness of UN member states to support them financially and logistically. The UN has made it possible to avoid or end conflict situations by imposing economic sanctions on the aggressor state. Economic sanctions are imposed on a state if talks to resolve disputes fail, and the UN has established a special court to adjudicate war crimes. As a result, the UN is a significant international security organisation.

5 CONCLUSIONS

At the establishment of the UN, its founders embodied in the Founding Status people's desire for peace and security. The need for peace, freedom and human rights gave rise to the need to establish a network of centres of international organisations, feeding capillaries of the UN that provide services to ensure security, education, and peace. In this regard, the contributions of the thinkers and philosophers of our time in protecting peace and preventing war are well known. The UN is a structure with an economic, political, military, cultural, and technical-scientific character that works in accordance with the common will and is ideal for realising its goals and objectives through intensive cooperation between the states that make it up. Today, UN organisations constitute a useful and convenient communication forum for the representatives of states in the form of meetings for the discussion of problems that, for one reason or another, have not been resolved. The UN today serves as a necessary and indispensable arena for communication among all states, particularly between those that may be in a state of conflict with each other. It does so by offering mechanisms for intermediate discussions instead of murderous war and the roar of cannon shells. These mechanisms for discussions lead to the conclusion emphasised by Winston Churchill long ago that negotiations are better than war.¹⁷

Today, it is a well-known practice to create joint peacekeeping forces of the UN and international and regional organisations. In Albania's socio-political crisis of 1997, the UN, in cooperation with European partners, offered the Albanian state and people protection from the consequences of a savage civil war and the establishment of order and peace. Likewise, the UN has sent peacekeeping forces to protect the independent state of Kosovo, which continues to be threatened by the invasion intentions of the current Serbian government. This threat of invasion is a continuation of the instigated war started by the Milosevic regime, which organised the disappearance and violent displacement of nearly one million indigenous Albanians in Kosovo from their land. In conclusion, this study has highlighted the roles of the UN in defence of peace and guarantee of freedom and human rights.

17 Baohui Zhang, 'China and India: Better Jaw-Jaw Than War-War' (RSIS, 21 July 2020) 148 Commentary <<https://www.rsis.edu.sg/rsis-publication/rsis/china-and-india-better-jaw-jaw-than-war-war/#.Y8kgE3ZByUl>> accessed 8 January 2023; Shashi Tharoor and David Huebner, 'INTERVIEW: Of Novels and Nations: A Diverse Life in a Diverse World' (2002) 24 (3) Harvard International Review 78 <<http://www.jstor.org/stable/42762844>> accessed 8 January 2023.

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